

Over the course of FY22, the Corrections Department (NMCD) continued to see the inmate population fall, while reporting improvements in several areas, including overall offender recidivism. Correctional officer vacancies remain high, impacting the distribution of inmates among prison facilities. Errors in the agency’s prior reporting and continued issues reporting results in accordance with LFC and DFA direction create difficulties in analyzing some areas of NMCD’s performance.

Population trends and admissions data suggest inmate population may be stabilizing after falling almost every month for over three years. The total prison population averaged 5,703 in FY22, down 5.7 percent from FY21 and 22.9 percent lower than the population high in FY16. Although the average number of people incarcerated in New Mexico’s prisons fell between FY21 and FY22, changes in population trends are usually offset from changes in admission trends due to sentence length. Admissions to prison in FY22 increased for the first time since FY15, rising 2 percent compared with FY21. A total of 2,409 people were admitted to prison over the course of the year, including 2,076 men and 333 women. This increase was driven by new convictions, which rose 11 percent compared with FY21 and made up 60 percent of total admissions compared with 55 percent in FY21.

### Inmate Management and Control

**Recidivism.** The overall three-year recidivism rate of offenders released from NMCD’s custody decreased 7 percentage points between FY21 and FY22, with the fourth quarter marking the sixth consecutive quarter of improvement in this crucial area. Recidivism due to new offenses remained relatively stable between FY21 and FY22, while recidivism due to technical parole violations fell 6 percentage points over the same period. Reduced recidivism aligns with the reduction in prison admissions due to parole revocations, which fell 13 percent in FY22 compared with FY21, and went from comprising 41 percent of total admissions in FY21 to 35 percent in FY22.

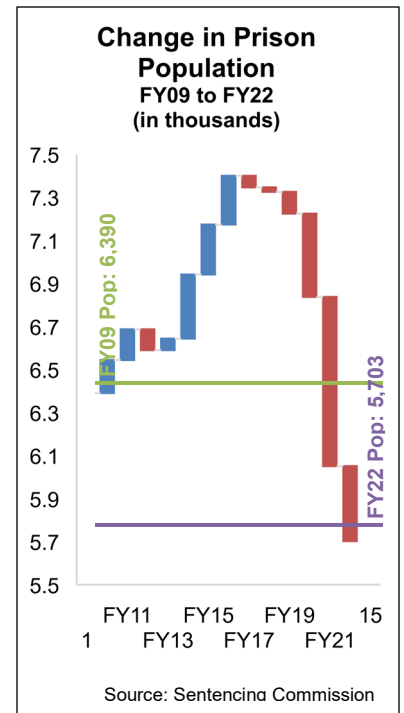
Improved recidivism rates may reflect improved reentry programming, but other factors upstream in the criminal justice system, such as arrests, could also impact recidivism. Despite meeting the target for overall recidivism, the measure’s rating remains yellow due to a lack of historical data with which to compare current results (see Data Quality Concerns on page 2).

**Staffing.** Public and private correctional officer vacancies remain high, at 29 percent and 32 percent, respectively, for FY22. The Penitentiary of New Mexico (PNM) drives public correctional officer vacancies, with an average of about 100 correctional officer positions unfilled during the course of FY22. As of June 1, 111 correctional officer positions at PNM were vacant.

Guadalupe County Correctional Facility (GCCF) in Santa Rosa and Northeast New Mexico Correctional Facility (NENMCF) in Clayton continue to operate at

### ACTION PLAN

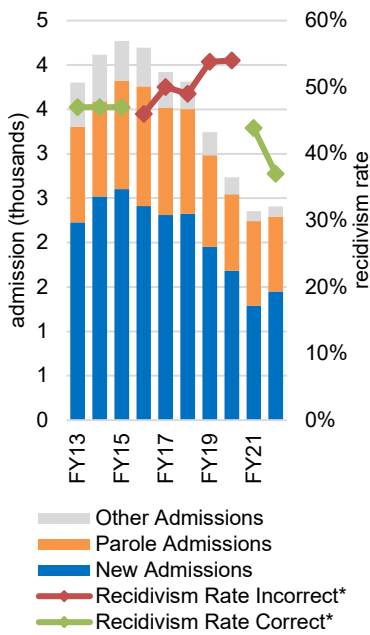
Submitted by agency?	Yes
Timeline assigned?	No
Responsibility assigned?	No



### Population Projection

The Sentencing Commission’s July 2022 prison population projection anticipates total prison populations will average 5,513 over the course of FY23, a 3.3 percent drop from FY22’s average population of 5,703. This reduction is projected due to falling male inmate populations, which the commission estimates will fall 4 percent between FY22 and FY23; female populations are projected fall an average of 1.1 percent between FY22 and FY23, but the commission anticipates female prison populations will rise during the course of FY23.

**Prison Admissions and Recidivism Rates**



\*NMCD has reported overall recidivism was calculated incorrectly between FY16 and FY20, but has not provided corrected numbers (see Data Quality Concerns, below).

Source: NMCD, Sentencing Commission, LFC files

half capacity due to vacancies among custody staff. Last spring, high vacancies among correctional officers at GCCF prompted NMCD to reduce the inmate population at that facility to less than half its capacity, and as vacancy rates among correctional officers at NENMCF began to increase significantly this fall, the agency similarly reduced the population housed at that facility to under half capacity. While GCCF has seen improvements in vacancies over the past six months, with rates falling from 58 percent in December to 53 percent in June, NENMCF has seen a significant increase in vacancies over the course of the year, rising from 33 percent in July to 49 percent in June. As of August 31, GCCF housed 240 inmates (40 percent of its 600-bed capacity) and NENMCF housed 277 inmates (44 percent of its 628-bed capacity).

Central New Mexico Correctional Facility (CNMCF) in Los Lunas and Southern New Mexico Correctional Facility (SNMCF) in Las Cruces had the lowest vacancies this year, averaging 22 percent over the course of FY22. CNMCF’s low vacancy rate is a result of the transfer of 93 vacant positions to GCCF and WNMCF-S when NMCD took over operations of those facilities in November, and CNMCF employed 28 fewer officers in June than at the beginning of FY22. Due to its location, SNMCF has generally not struggled with vacancies to the same degree as other facilities, although it is worth noting it lost a net 27 officers over the course of the year.

**In-House Parole.** NMCD’s reporting on release-eligible inmates imprisoned past their release dates (those serving “in-house parole”) continues to not comply with guidance from DFA and LFC (see Data Quality Concerns, below). The number of in-house parolees decreased by an estimated 8 percent between FY21 and FY22, but the second half of FY22 saw significant increases, with an average of approximately 92 in-house parolees in the fourth quarter. These levels have since decreased, from 96 on July 15 to 76 on August 31.

**Health.** Drug use among inmates rose significantly in FY22 compared with FY21, with the positivity rate of randomly-administered drug tests averaging 3.2

**Data Quality Concerns**

A number of issues in NMCD’s quarterly reporting lead to concerns regarding overall data quality in the reports that have been outstanding for several months. Specific issues are outlined below.

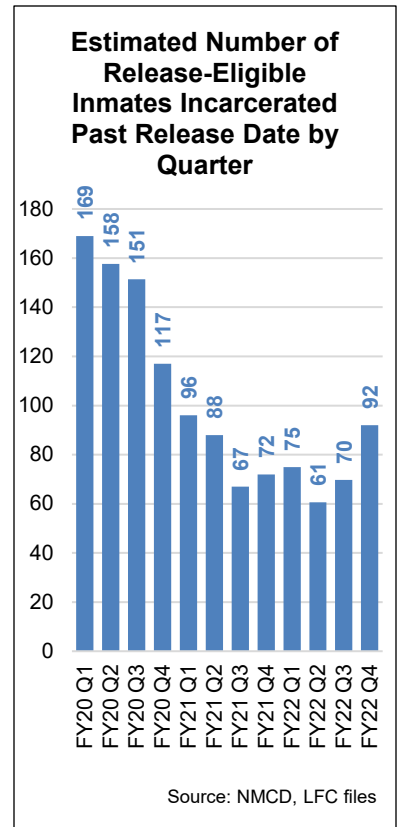
Measure(s)	Issue(s)
Prisoners reincarcerated within 36 months	In the first quarter of FY21, NMCD reported its overall three-year recidivism rate had been reported incorrectly since 2016 due to a database error that erroneously counted all intakes to the parole system as prison admissions for purposes of calculating reincarceration rates. The agency has corrected this issue, but because it has not provided corrected historical data on this measure, it is unclear if FY21’s recidivism results represent an increase or decrease from previous years. NMCD reports it is working on recalculating annual results for its three-year recidivism rate measure but has not yet provided results.
Release-eligible male and female inmates still incarcerated past their scheduled release date	NMCD reported this measure had previously been miscalculated and changed the calculation for FY21 but did not provide corrected historical reports. LFC and DFA analysts believe NMCD’s altered calculation is incorrect (the original calculation is correct), but NMCD has not revised its reports for FY21 or FY22 despite explicit guidance to do so.
Prisoners reincarcerated within 36 months due to technical parole violations	In August 2021, NMCD reported several prior years’ performance reports had excluded absconders when calculating recidivism rates for technical parole violations, although the measure is defined to include absconders. The department included absconders in its FY21 reports but had not informed LFC of this change. As a result, it is not possible to compare FY21’s 30 percent recidivism rate for technical violations to prior years’ performance, and it is not clear if this an increase or decrease.

percent. This reverses three years of reduced drug use, with test positivity rates falling from 3.9 percent in FY18 to 2 percent in FY21. However, the positivity rate did see a significant drop in the fourth quarter of FY22, with just 1.7 percent of inmates testing positive, a rate more in line with FY21.

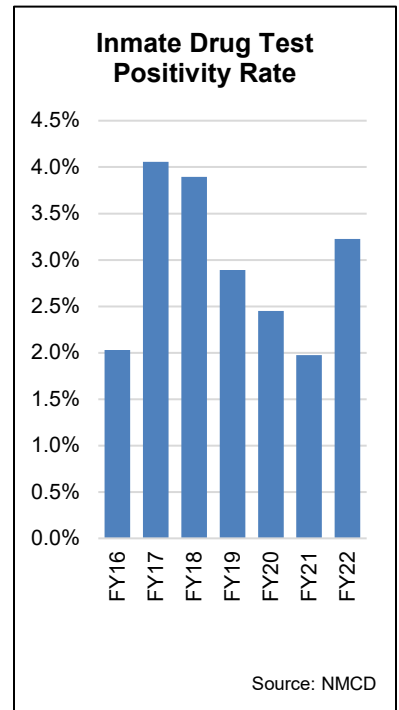
In FY22, NMCD treated 649 inmates for hepatitis C with a treatment success rate of at least 80 percent, bringing the total number of inmates treated since the agency began its concentrated effort to eliminate the disease from prisons to 929, about 30 percent of the total infected population housed in New Mexico’s prisons. The department has expended \$15.3 million of the total \$22 million appropriated for this purpose, as well as \$5.2 million from its operating budget. During the 2022 legislative session, the special appropriation was extended through FY23. Based on current treatment rates, it may be necessary to extend the appropriation for an additional one to two years to fully complete the project.

As of September 1, there were no active Covid-19 cases reported in New Mexico’s prisons. Overall, the agency reported a total of 4,104 positive cases, 4,030 recoveries, and 29 deaths over the course of the pandemic. However, as these numbers have not changed in the past three months, it is not clear if inmates have continued to be tested for Covid-19. The largest number of positive cases were at Lea County Correctional Facility, the facility with the largest prison population, while 12 of the 29 deaths were at CNMCF, which houses inmates in need of serious and long-term medical care.

**Budget:** \$297,755.7    **FTE:** 1,941



	FY20 Actual	FY21 Actual	FY22 Target	FY22 Actual	Rating
<b>Recidivism</b>					
Prisoners reincarcerated within 36 months <sup>1</sup>	54%	44%	42%	37%	Y
Prisoners reincarcerated within 36 months due to new charges or pending charges	12%	14%	15%	14%	G
Sex offenders reincarcerated on a new sex offense conviction within 36 months of release on the previous sex offense conviction	2%	6%	3%	1%	G
Residential drug abuse program graduates reincarcerated within 36 months of release*	21%	22%	N/A	22%	
<b>Prison Violence</b>					
Inmate-on-inmate assaults resulting in injury requiring off-site medical treatment	31	6	15	4	G
Inmate-on-staff assaults resulting in injury requiring off-site medical treatment.	7	3	0	4	R
<b>In-House Parole</b>					
Release-eligible female inmates still incarcerated past their scheduled release date <sup>2</sup>	7.7%	0.6%	6%	1.3%	R
Release-eligible male inmates still incarcerated past their scheduled release date <sup>1</sup>	6.4%	1.4%	6%	1.4%	Y
<b>Staffing</b>					
Vacancy rate of correctional officers in public facilities	31%	27%	20%	29%	R
Vacancy rate of correctional officers in private facilities	46%	25%	20%	32%	R
<b>Education</b>					
Eligible inmates enrolled in educational, cognitive, vocational and college programs	62%	41%	68%	45%	R
Participating inmates who have completed adult basic education* <sup>3</sup>	77%	9.7%	N/A	7.7%	
Percent of eligible inmates who earn a high school equivalency credential <sup>3</sup>	77%	9.7%	80%	7.7%	R



Education and Programming

Budget: \$297,755.7 FTE: 1,941

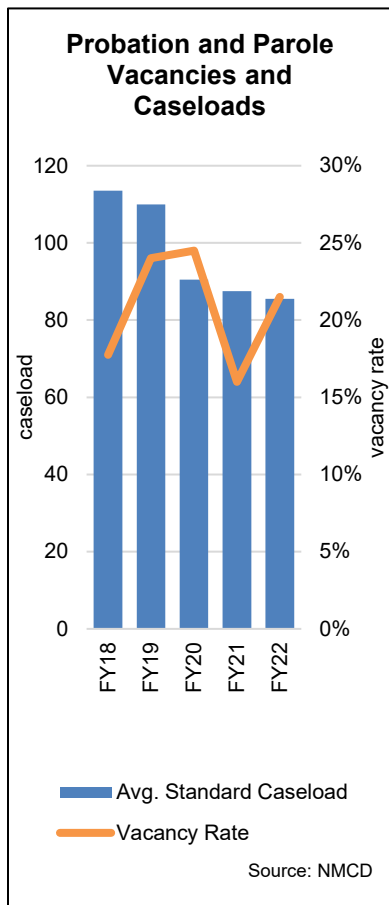
Inmate participation in educational, cognitive, vocational, and college programs fell well below the target in FY22. The number of inmates who earned a high school equivalency certificate dropped 31 percent compared with FY21, which may reflect a lagging effect of reduced instructional time during the pandemic.

	FY20 Actual	FY21 Actual	FY22 Target	FY22 Actual	Rating
Number of inmates who earn a high school equivalency credential	134	118	150	82	R
<b>Health</b>					
Standard healthcare requirements met by medical contract vendor	87%	90%	100%	95%	Y
Random monthly drug tests administered to at least 10 percent of the inmate population that tests positive for drug use*	2.5%	2%	N/A	3.2%	
<b>Program Rating</b>	<b>R</b>	<b>R</b>			<b>R</b>

\*Measure is classified as explanatory and does not have a target.

1. Measure's yellow ranking reflects outstanding reporting issues; see Data Quality Concern on page 2.
2. Measure's red rating reflects performance compared with FY21 and outstanding reporting issues; see Data Quality Concerns on page 2.
3. NMCD reported this measure had previously been miscalculated and changed the calculation for FY21 but did not provide corrected historical reports. Previously, both measures were calculated as the pass rate of the high school equivalency (HSE) test; now, both are reported as the percent of inmates enrolled in adult basic education who pass the HSE test and therefore earn the credential.

Community Offender Management



**Staffing.** Vacancy rates among probation and parole officers averaged 22 percent over the course of FY22, with the fourth quarter representing the sixth quarter in a row in which NMCD has reported an increase in vacancies for these positions. Although vacancies have risen 6 percentage points compared with FY21, they have not yet reached the 25 percent average vacancy rate in FY20. Still, these data suggest the dramatic improvement in vacancies in FY21 (over which vacancy rates averaged 16 percent) may be reversing. The agency attributes rising vacancies to retirements and attrition to other law enforcement agencies that offer significantly higher salaries, such as the Albuquerque Police Department and federal law enforcement agencies.

**Recovery Academies.** In FY22, recidivism at both the men's and women's recovery academies showed significant improvement over FY21, with the men's recidivism rate falling 10 percentage points and the women's falling 9 percentage points, and both measures achieved their targets. However, a sharp increase at the women's academy in the fourth quarter is notable and concerning, with recidivism almost doubling between the third and fourth quarters, from 15 percent to 29 percent. This comes after four consecutive quarters of improvement, which NMCD credited to the initiation of new, evidence-based programs, including trauma-informed programming specifically intended for women.

Budget: \$41,576.0 FTE: 378

	FY20 Actual	FY21 Actual	FY22 Target	FY22 Actual	Rating
Prisoners reincarcerated within 36 months due to technical parole violations <sup>1</sup>	13%	30%	15%	24%	R
Graduates from the women's recovery center who are reincarcerated within 36 months	25%	27%	20%	18%	G
Graduates from the men's recovery center who are reincarcerated within 36 months	23%	28%	20%	18%	G
Average standard caseload per probation and parole officer	91	88	100	86	G
Contacts per month made with high-risk offenders in the community	96%	94%	97%	97%	G
Vacancy rate of probation and parole officers	25%	16%	20%	22%	R
<b>Program Rating</b>	<b>R</b>	<b>R</b>			<b>Y</b>

1. Measure has outstanding reporting issues; see Data Quality Concerns on page 2.