

ACTION PLAN

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

Corrections Department

In the second quarter of FY23, the Corrections Department (NMCD) continued to see declines in its incarcerated population but saw little change in its key performance metrics compared with the prior quarter. Overall recidivism remained steady, and over one-in-three correctional officer positions remained vacant.

Population trends and admissions data suggest the 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. Over the first half of FY23, the population averaged 5,565, down 2.4 percent compared with FY22’s average, and the population fell further in the first two months of 2023, with prisons holding an average of just 5,499 inmates in February.

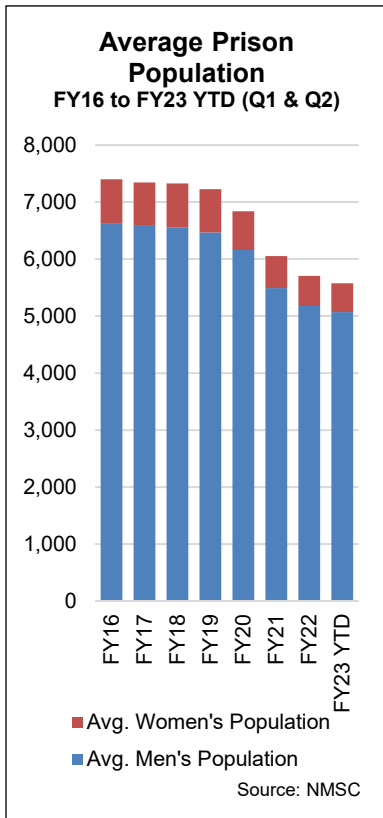
Inmate Management and Control

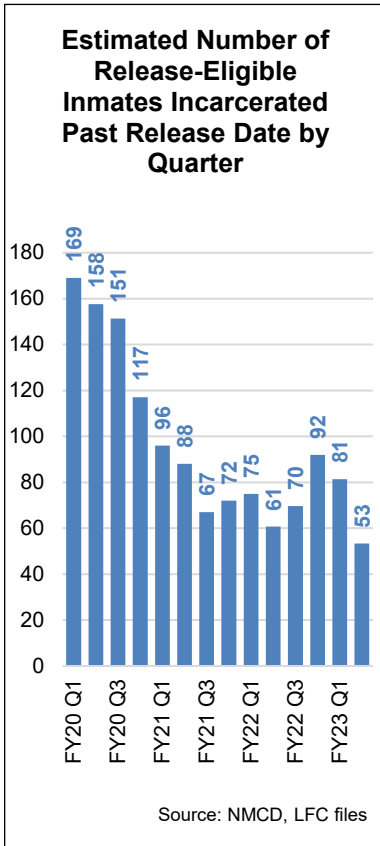
NMCD created a new Reentry Program starting in FY23, which consolidates the budgets of the Recidivism Reduction and Education bureaus, previously part of the Inmate Management and Control (IMAC) Program, as well as transitional services and community corrections contracts, previously part of the Community Offender Management (COM) Program. As a result, measures related to recidivism, education, and other programming previously reported under IMAC were transitioned to Reentry.

Staffing. Public and private correctional officer vacancies remain high, at 34 percent and 38 percent, respectively, for the second quarter of FY23. The Penitentiary of New Mexico drives public correctional officer vacancies, with an average of about 127 correctional officer positions unfilled during the second quarter of FY23. Around half of the custody positions were vacant at Guadalupe County Correctional Facility in Santa Rosa and Northeast New Mexico Correctional Facility in Clayton.

Although the department has been able to leverage reduced inmate population to allow safe operation of facilities despite high vacancies, vacancies at some facilities are particularly concerning. Western New Mexico Correctional Facility-North (WNMCF-N) in Grants, the only facility that can house medium- and maximum-security women, saw vacancies rise from 25 percent to 42 percent over the course of FY22, and an average of about 46 percent of correctional officer positions at that facility were vacant in the second quarter of FY23. This does not align with reduced populations; for example, on December 1, 2022, 92 percent of WNMCF-N’s beds were occupied, while just 54 percent of its correctional officer positions were filled.

In-House Parole. NMCD’s reporting on release-eligible inmates imprisoned past their release dates (those serving “in-house parole”) continues to violate guidance from the Department of Finance and Administration and LFC (see Data Quality Concerns on page 4). After increasing significantly in the second half of FY22, the average number of in-house parolees has decreased in FY23, and an average of approximately 67 individuals were serving in-house parole in the first half of the year.





	FY21 Actual	FY22 Actual	FY23 Target	FY23 Q1	FY23 Q2	FY23 Q3	Rating
Budget: \$286,715.2 FTE: 1,857							
Prison Violence							
Inmate-on-inmate assaults resulting in injury requiring off-site medical treatment	6	4	10	2	1		G
Inmate-on-staff assaults resulting in injury requiring off-site medical treatment	3	4	3	1	0		G
In-House Parole							
Release-eligible female inmates still incarcerated past their scheduled release date ¹	0.6%	1.3%	3%	1.5%	0.7%		Y
Release-eligible male inmates still incarcerated past their scheduled release date ¹	1.4%	1.4%	3%	1.1%	1.2%		Y
Staffing							
Vacancy rate of correctional officers in public facilities	27%	29%	20%	34%	34%		R
Vacancy rate of correctional officers in private facilities	25%	32%	20%	36%	38%		R
Health							
Standard healthcare requirements met by medical contract vendor	90%	95%	98%	100%	100%		G
Random monthly drug tests administered to at least 10 percent of the inmate population that are positive for drug use*	2%	3.2%	N/A	1%	1.4%		Y
Program Rating	Y	R		Y			Y

*Measure is classified as explanatory and does not have a target.
1. Measure's yellow rating reflects outstanding reporting issues; see Data Quality Concerns on page 4.

Hepatitis C Treatment Program

In the second quarter of FY23, NMCD treated 170 additional inmates for hepatitis C, bringing the total number of inmates treated since the agency began its concentrated effort to eliminate the disease from prisons to 1,307, about 39 percent of the total identified infected population housed in New Mexico's prisons, with a treatment success rate of 84 percent. The department has expended \$20.7 million of the total \$22 million appropriated for this purpose, as well as \$5.2 million from its operating budget.

Reentry

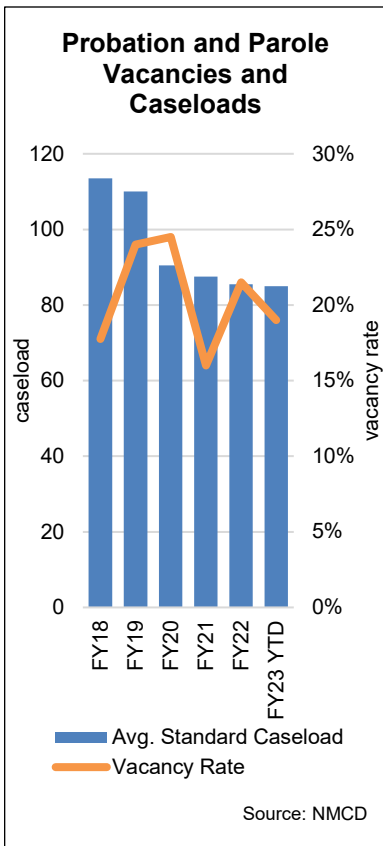
NMCD's new Reentry Program includes metrics related to recidivism, education, and programming, previously reported as part of IMAC and COM.

Recidivism. Every year, NMCD releases around 3,000 offenders into communities statewide. Reducing the rate at which these offenders commit new crimes is a crucial component to improving public safety and, as such, serves as the most important metric of NMCD's performance. However, many offenders are reincarcerated for technical parole violations or drug use, increasing costs to the state but not effectively improving public safety.

After six consecutive quarters of improvement in the overall three-year recidivism rate of offenders released from NMCD's custody, the first two quarters of FY23 remained steady with the fourth quarter of FY22, with the agency reporting a 35 percent recidivism rate. Recidivism due to new offenses increased compared with the prior quarter (from 14.3 percent to 16.8 percent), while recidivism due to technical parole violations fell from 20 percent to 18 percent, quarter-over-quarter.

Education and Programming. Inmate participation in educational, cognitive, vocational, and college programs fell well below the target in FY22 and remains below target in the second quarter of FY23, although the second quarter did see increased

participation compared with the first quarter. The number of inmates who earned a high school equivalency certificate fell 31 percent in FY22 compared with FY21, and the first quarter of FY23 saw just 15 inmates obtain such a certificate, fewer than in any quarter in FY22; however, in the second quarter, only six inmates obtained such a certificate.



Budget: \$23,544.9	FTE: 130	FY21 Actual	FY22 Actual	FY23 Target	FY23 Q1	FY23 Q2	FY23 Q3	Rating
Recidivism								
Prisoners reincarcerated within 36 months ¹		44%	37%	40%	35%	35%		Y
Prisoners reincarcerated within 36 months due to new charges or pending charges		14%	14%	17%	14%	17%		Y
Prisoners reincarcerated within 36 months due to technical parole violations ¹		30%	24%	20%	20%	18%		G
Sex offenders reincarcerated on a new sex offense conviction within 36 months of release on the previous sex offense conviction		6%	1%	5%	6%	8%		Y
Education								
Eligible inmates enrolled in educational, cognitive, vocational, and college programs		41%	45%	60%	35%	40%		R
Percent of eligible inmates who earn a high school equivalency credential		9.7%	7.7%	80%	2.4%	1%		R
Number of inmates who earn a high school equivalency credential		118	82	165	15	6		R
Other Programming								
Residential drug abuse program graduates reincarcerated within 36 months of release*		22%	22%	N/A	20%	19%		G
Graduates from the women's recovery center who are reincarcerated within 36 months		27%	18%	20%	8%	14%		G
Graduates from the men's recovery center who are reincarcerated within 36 months		28%	18%	23%	15%	17%		G
Program Rating		R	Y		Y			Y

*Measure is classified as explanatory and does not have a target. 1. Measure has outstanding reporting issues; see Data Quality Concerns on page 4.

Community Offender Management

Measures related to community corrections programming through the men's and women's recovery academies and recidivism due to technical parole violations moved to the Reentry Program for FY23.

Vacancy rates among probation and parole officers averaged 18 percent this quarter, an improvement over 20 percent in the first quarter of FY23, and the average standard caseload per officer remained steady with the first quarter of FY23, at 85. NMCD reports 23 percent of absconders were apprehended in the second quarter of FY23, on par with FY22 but below the 30 percent apprehended in FY21.

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Q1	FY23 Q2	FY23 Q3	Rating
Budget: \$34,772.0 FTE: 378							
Average standard caseload per probation and parole officer	88	86	90	85	85		G
Contacts per month made with high-risk offenders in the community	94%	97%	97%	96%	97%		G
Vacancy rate of probation and parole officers	16%	22%	15%	20%	18%		Y
Percent of absconders apprehended	30%	24%	30%	24%	23%		Y
Program Rating	G	Y		Y			Y

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	Issue
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, FY22, or FY23 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.