

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Jennings DATE TYPED 2/22/05 HB _____
 SHORT TITLE Public & Private Prison Recidivism Study SJM 57
 ANALYST Peery

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
		Minimal (\$75.0 to \$100.0)			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From

New Mexico Corrections Department (NMCD)

No Response

New Mexico Sentencing Commission (NMSC)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 57 requests that the New Mexico Corrections Department study program requirements and recidivism rates, and make outcome comparisons between public and private prisons. Corrections Department is to report the results of the study, including any legislative recommendations, to the interim Corrections Oversight, Courts and Justice Committee by November 1, 2005.

FISCAL IMPLICATIONS

NMCD states a meaningful study, if one could be done, would require contracting with an outside contractor to conceptualize and implement the study. NMCD states funds would be required for the development of a database in which to manage the data and generate statistical reports of the study.

ADMINISTRATIVE IMPLICATIONS

NMCD reports the study will require the Department to dedicate numerous staff to manage the

study, collect data, and interpret it to make genuine correlations.

CONFLICT, DUPLICATION, COMPANIONSHIP OR RELATIONSHIP

House Joint Memorial 85 is very similar.

TECHNICAL ISSUES

NMCD reports the privately operated prisons are not required to participate in this study under the terms of their contracts with the Department.

OTHER SUBSTANTIVE ISSUES

NMCD states there are numerous hurdles to overcome in order to engage in a study that will produce any meaningful results. NMCD reports the two primary problems with this comparison include: 1) the populations served by the publics and privates differ sharply in terms of crucial behavioral characteristics, the most important of which is their history of violence both in the community and the prison system; and 2) since inmates frequently transfer between the publics and privates, neither group can be considered purely a public or a private population, since both have been housed and programmed in both environments. NMCD states a target population that has remained in either a private or public prison for a sufficient length of time for meaningful participation in a recidivism reductions program will probably be a small population not representative of the total inmate population.

NMCD reports the only population that public and private prisons share in common are Level III inmates, which constitute medium security. NMCD states the public prisons serve a much more heterogeneous population, which includes inmates with minimum, medium and maximum security levels. NMCD reports the public prisons serve the most violent inmates, and therefore those less likely to be rehabilitated, regardless of the programming offered. NMCD states the private facilities house the inmates that are the most amenable to treatment and most likely to not re-offend following release. NMCD states a valid comparison would require equivalent populations. NMCD reports the structure of the existing prison model is such that the private prisons generally serve the inmates that are the least violent and have the mildest levels of medical and mental illness. NMCD reports the public prisons disproportionately serve those that are the most violent and mentally ill. NMCD states a comparison would not be scientifically valid.

NMCD reports the Legislative Finance Committee already has established performance criteria that the Department must report on an annual basis as part of performance-based budgeting that includes recidivism. NMCD also reports they have engaged in a long-term study with Dr. James Austin of Georgetown University to study New Mexico's recidivism problems.

NMCD reports the Senate Joint Memorial makes the assumption that the programs offered by private prisons are different from those offered by public prisons. In fact, the programs offered by private prisons are mandated by contract with NMCD and are the same as those offered in public prisons. NMCD states differences in the rate of recidivism would not be the result of different programs being offered.

RLP/yr:lg