

Although the Corrections Department (NMCD) improved its performance in some key areas in FY21, persistent and unresolved errors in current and prior year reporting has made it difficult to accurately understand the department’s reported overall recidivism rate and recidivism rate due to technical parole violations for FY21 and cannot be compared against prior years. Other available metrics, however, indicate that recidivism increased in FY21. The department is currently conducting a full case-by-case review to identify and correct errors.

Although the department continues to submit improvement action plans for measures that fall below targets, these plans are generally nonspecific and do not include actionable steps towards improvement, provide timelines for implementation, or identify which units or personnel are responsible for carrying them out.

Inmate Population and Facility Usage. On average in FY21, New Mexico’s inmate population averaged 6,051 (5,489 men and 561 women), a reduction of 11.5 percent compared with the FY21 average and 18.2 percent lower than the population high in FY16. The inmate population has continued to fall thus far in FY22, and in August the state’s prisons held an average of 5,794 inmates (5,266 men and 528 women), a 0.6 percent decrease compared with July and a 7.2 percent decrease compared with August 2020.

The Sentencing Commission (NMSC) released its prison population projection for FY22 through FY31, which anticipates small increases in prison populations over the coming years despite recent downward trends, based partially on older historical upward trends and on the commission’s expectation that prison admissions will increase once court activity resumes after significant reductions during the Covid-19 pandemic. The commission projects an average prison population of 5,916 in FY22 and 5,964 in FY23, both lower than FY21’s average of 6,051. For July 2021, the projection anticipated an average of 5,902 inmates would be incarcerated, 1.3 percent higher than the actual average incarcerated population of 5,828.

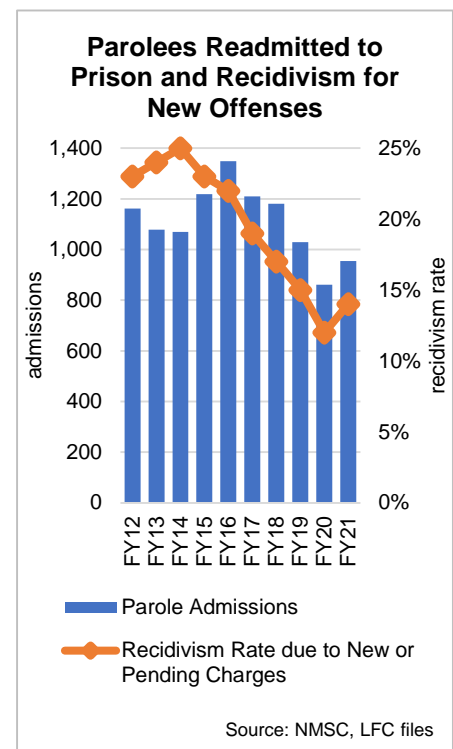
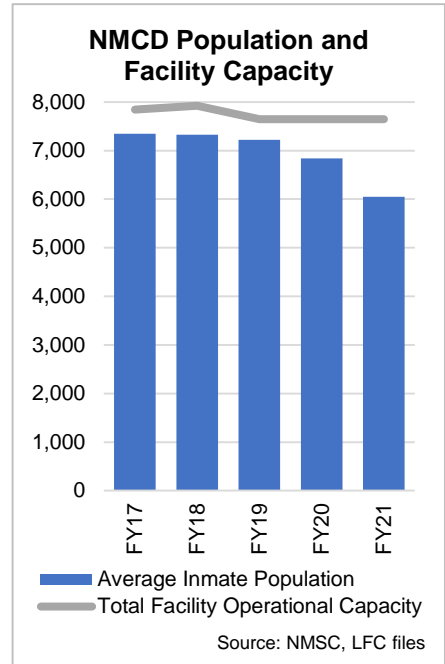
Despite significant population reductions providing an opportunity for the agency to consolidate its prison population, NMCD’s plans to transition existing private prisons to public operation indicates it does not intend to do so. At the end of June, NMCD announced plans to transition Guadalupe County Correctional Facility (GCCF) in Santa Rosa from private to public operation by November. NMCD will lease the facility from Geo, but the costs of that lease have not yet been determined. In July, NMCD announced it would also be taking over operations at the privately run Northwest New Mexico Correctional Center in Grants and leasing the facility from CoreCivic, a transition the department also anticipates will happen by November of this year.

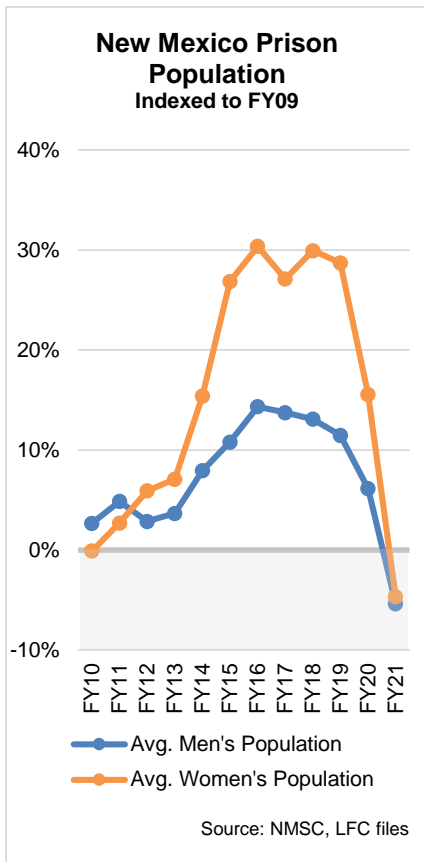
Inmate Management & Control

Prison Conditions. Prisons were notably less violent in FY21, with only six inmate-on-inmate assaults and three inmate-on-staff assaults severe enough to require outside medical treatment, compared with 31 and seven assaults, respectively, in FY20. Staffing levels at both public and private prisons, while still

ACTION PLAN

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



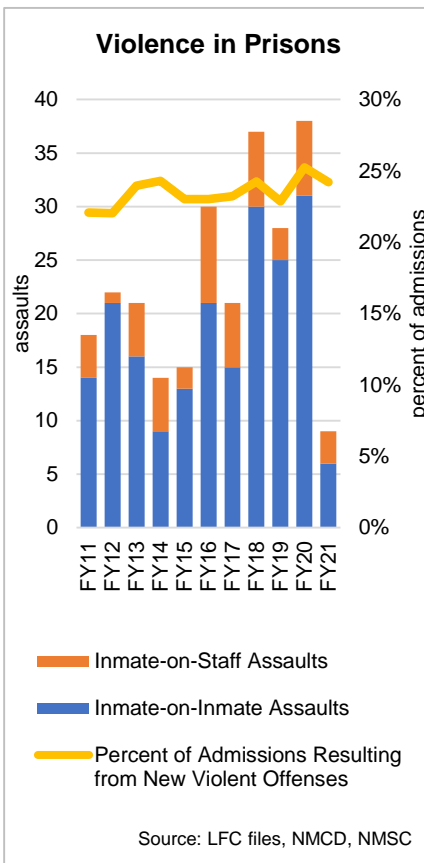


high, improved in FY21, with the vacancy rate among correctional officers falling from 31 percent in FY20 to 27 percent in FY21 at public facilities and from 46 percent to 25 percent at private facilities.

In August, NMCD reported 84 percent of facility staff and 90 percent of inmates had been vaccinated against Covid-19, a significant improvement in inmate vaccinations, which were 51 percent in May. Currently, there are nine active Covid-19 cases in state prisons. The department's medical vendor also significantly improved its outcomes over the course of FY21, meeting 100 percent of standard healthcare requirements in the third and fourth quarters of the year; although this measure fell below the target for FY21, its green rating reflects this improvement.

Recidivism. 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' recidivism levels. NMCD reports it is working on recalculating annual results for its three-year recidivism rate measure and but has not yet been able to provide results.

Additionally, in August, NMCD reported that 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.



Although it is not possible to analyze the agency's performance regarding overall recidivism and technical violation recidivism rates, the recidivism rate due to new or pending charges (which the department has not reported any issues with) and data from NMSC regarding parolees readmitted to prison for new offenses and technical violations indicate recidivism likely increased in FY21. The percent of prisoners reincarcerated within 36 months of release due to new or pending charges, which decreased every year between FY15 and FY20, increased 2 percentage points in FY21. Similarly, prison admissions of parolees fell every year between FY16 and FY20, but even as overall admissions dropped 14 percent between FY20 and FY21, the number of people who had their parole revoked increased 11 percent.

Budget: \$299,283.7 **FTE:** 2,044

	FY19 Actual	FY20 Actual	FY21 Target	FY21 Actual	Rating
Recidivism					
Percent of prisoners reincarcerated within 36 months ¹	54%	54%	45%	44%	Y
Percent of prisoners reincarcerated within 36 months due to new charges or pending charges	15%	12%	17%	14%	G
Percent of sex offenders reincarcerated on a new sex offense conviction within 36 months of release on the previous sex offense conviction	1%	2%	15%	6%	G
Percent of residential drug abuse program graduates reincarcerated within 36 months of release*	28%	21%	N/A	22%	
Prison Violence					
Number of inmate-on-inmate assaults resulting in injury requiring off-site medical treatment	25	31	15	6	G

Number of inmate-on-staff assaults resulting in injury requiring off-site medical treatment.	3	7	0	3	Y
In-House Parole					
Percent of release-eligible female inmates still incarcerated past their scheduled release date ²	9.4%	7.7%	6%	0.6%	Y
Percent of release-eligible male inmates still incarcerated past their scheduled release date ²	9.3%	6.4%	6%	1.4%	Y
Staffing					
Vacancy rate of correctional officers in public facilities	25%	31%	20%	27%	R
Vacancy rate of correctional officers in private facilities	NEW	46%	20%	25%	R
Education					
Percent of eligible inmates enrolled in educational, cognitive, vocational and college programs	76%	62%	68%	41%	R
Percent of participating inmates who have completed adult basic education ^{*3}	78%	77%	N/A	5%	
Percent of eligible inmates who earn a high school equivalency credential ³	78%	77%	80%	5%	Y
Number of inmates who earn a high school equivalency credential	139	134	150	118	Y
Health					
Percent of standard healthcare requirements met by medical contract vendor	92%	87%	100%	90%	G
Percent of random monthly drug tests administered to at least ten percent of the inmate population that test positive for drug use*	2.9%	2.5%	N/A	2%	
Program Rating	Y	R			Y

Inmate Education and Programming

Although inmate participation in educational, cognitive, vocational, and college programs fell well below target in FY21 as a result of the Covid-19 pandemic, it improved steadily over the course of the year, rising from 35 percent in the first quarter to 47 percent in the fourth. Similarly, while the number of inmates who earned a high school equivalency (HSE) certificate fell in FY21 due to only 10 inmates earning an HSE in the third quarter, in the fourth quarter 31 inmates earned an HSE.

*Measures are classified as explanatory and do not have targets.

1. 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' recidivism levels. NMCD reports it is working on recalculating annual results for its three-year recidivism rate measure and but has not yet been able to provide results. The measure's yellow rating reflects these reporting issues and proxy metrics that suggest recidivism may be increasing.
2. NMCD reported this measure had previously been miscalculated, changed the calculation for FY21, but did not provide corrected historic reports. LFC and DFA analysts believe NMCD's altered calculation is incorrect (the original calculation is correct) but NMCD has not yet revised its reports for FY21. NMCD has demonstrated that these recalculated measures represent significant improvements over prior years' results calculated in the same manner, meaning it is likely that the original calculation would also reflect improvement this quarter; for this reason, these measures are rated yellow.
3. NMCD reported this measure had previously been miscalculated, changed the calculation for FY21, but did not provide corrected historic reports. Previously, these measures were both calculated as the pass rate of the high school equivalency test; now, they are both reported as the percent of inmates enrolled in adult basic education who pass the high school equivalency test and therefore earn the credential.

Community Offender Management

The Probation and Parole Division significantly reduced vacancy rates among probation and parole officers in FY21, dropping from a 25 percent vacancy rate in FY20 to just 16 percent in FY21. The average standard caseload for officers also improved this year and remained well below target. The percent of contacts per month made with high-risk offenders in the community remains high but fell below target; NMCD notes that new officers and vacancies impact this measure. The recidivism rates of the men's and women's recovery centers fluctuated significantly over the course of the year and failed to achieve targets.

Budget: \$40,010.2 **FTE:** 380

	FY19 Actual	FY20 Actual	FY21 Target	FY21 Actual	Rating
Percent of prisoners reincarcerated within 36 months due to technical parole violations	15%	13%	14%	30%	R
Percent of graduates from the women's recovery center who are reincarcerated within 36 months	19%	25%	19%	27%	R

Percent of graduates from the men's recovery center who are reincarcerated within 36 months	27%	23%	23%	28%	R
Average standard caseload per probation and parole officer	110	91	103	88	G
Percent of contacts per month made with high-risk offenders in the community	98%	96%	97%	94%	Y
Vacancy rate of probation and parole officers	24%	25%	20%	16%	G
Program Rating	Y	Y			Y

1. In August, NMCD reported that 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. The measure's red rating reflects these reporting issues and proxy metrics that suggest recidivism may be increasing.