



# Bernalillo County Metropolitan Detention Center

April 2020 Monthly Report  
Report Date: May 18, 2020

Prepared for Bernalillo County by the Institute for Social Research  
by: E. Ferguson and H. De La Cerda with S. Laird and A. O'Connell

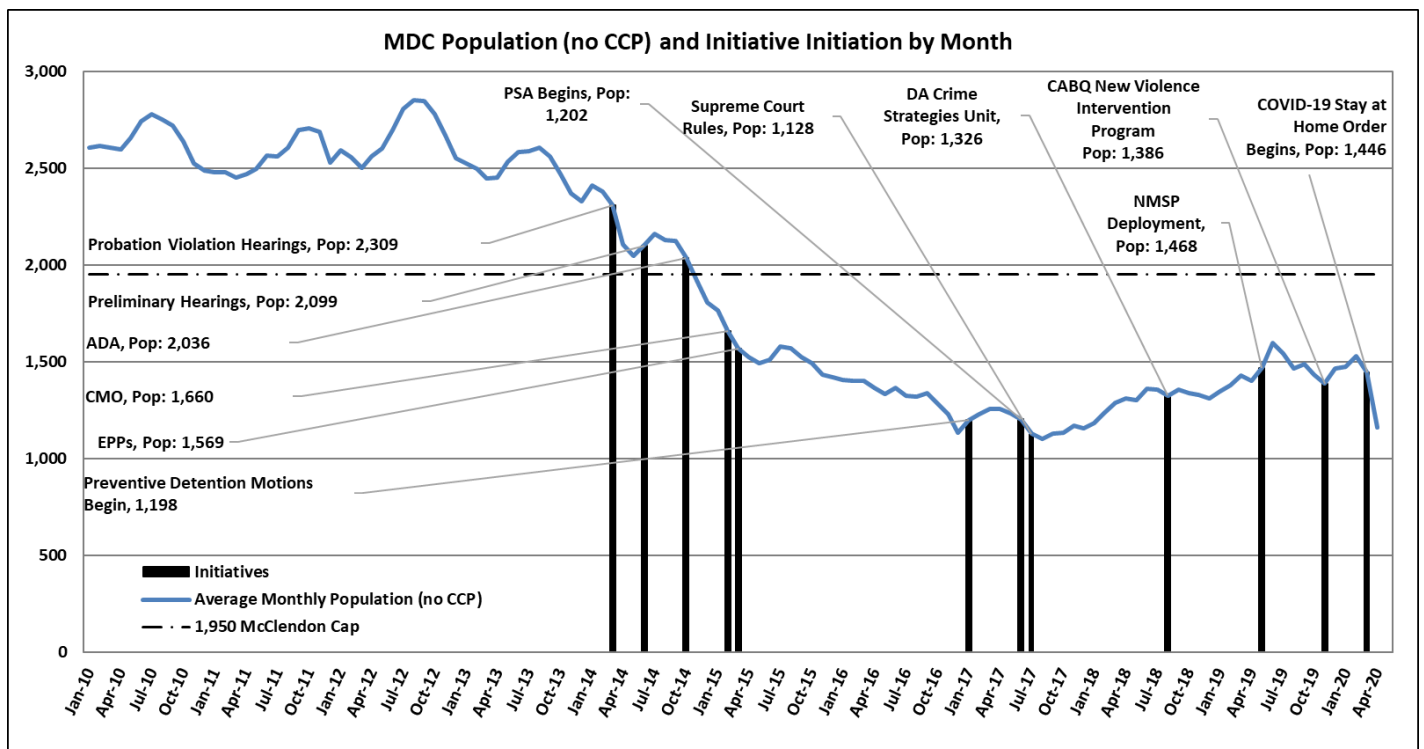
Quick Population Figures	Apr-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20
On-Site Average Male Population	1,151	1,131	1,189	1,194	1,242	1,181	962
On-Site Average Female Population	242	248	270	273	282	259	195
On-Site Average Infirmary	8	8	7	7	7	7	6
On-Site Average Daily Population (ADP)	1,401	1,387	1,466	1,474	1,531	1,447	1,163
Average Community Custody Program	87	71	67	59	69	68	70
<b>Average Total Jail Population (w/CCP)</b>	<b>1,488</b>	<b>1,458</b>	<b>1,533</b>	<b>1,533</b>	<b>1,600</b>	<b>1,515</b>	<b>1,233</b>
Monthly Bookings	2,011	1,755	1,872	2,039	2,094	1,634	1,121
Monthly Releases	2,028	1,684	1,849	2,018	2,026	1,885	1,314
Average Length of Stay (in Days)	20.5	23.6	21.1	24.8	22.4	24.8	33.7
Total Consecutive Days 1,950 or Less							1,997

\* Monthly averages slightly higher due to rounding.

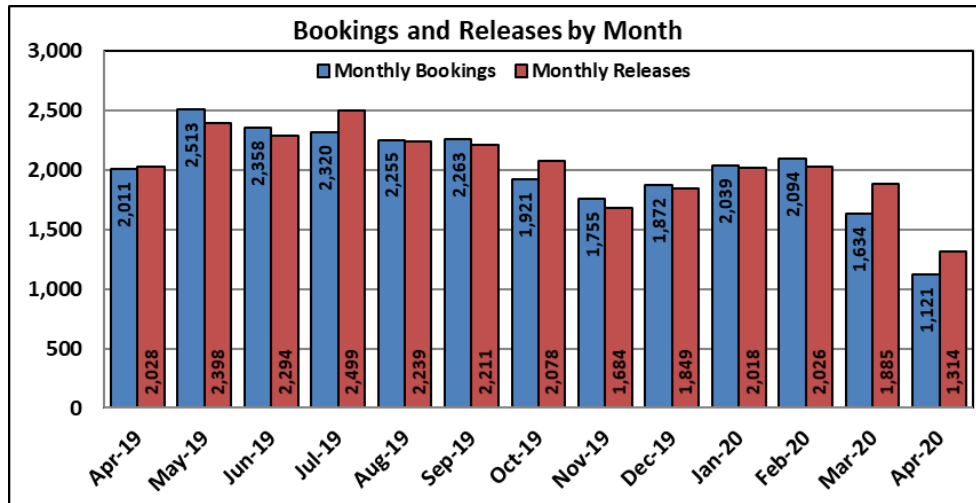
### Report Highlights

- The COVID-19 Stay at Home Order began in March 2020.
- At the beginning of March 2020, the MDC on-site population was 1,525. On April 30, 2020 the MDC on-site population was 1,095, a decrease of 28.2%.
- In April 2020, bookings at the MDC decreased by 22.0% from March 2020 and the LOS increased 35.9% from March 2020.

In response to COVID-19 in New Mexico, changes have occurred across the criminal justice system, including changes in how inmates are screened and housed, how hearings are scheduled and held, and what cases are indicted. There have been decreases in bookings and releases at the MDC and the population has decreased 28.2% over the last two months.

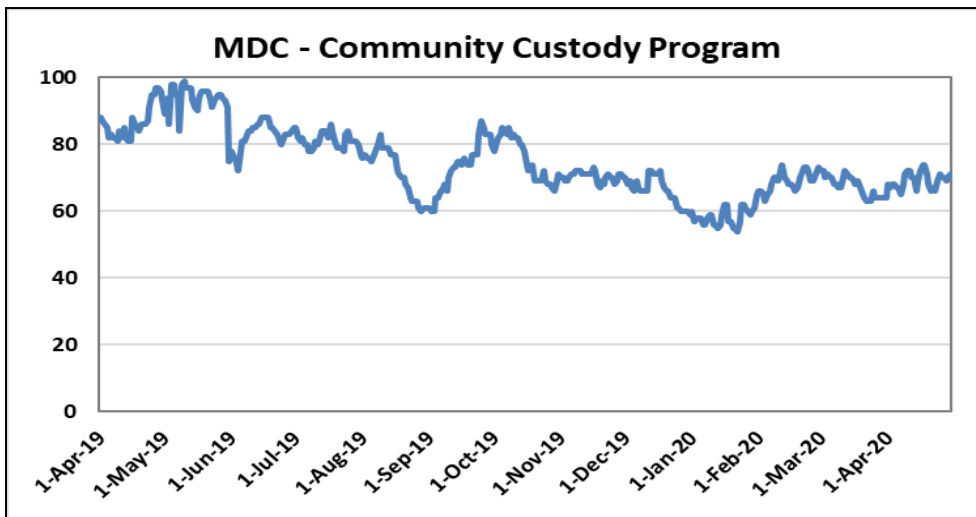


### Bookings and Releases



- Bookings decreased from February to March 2020 by 22.0% (430 bookings). The pandemic has affected bookings into the MDC from March to April 2020, with bookings decreasing by 31.4% (513 bookings).
- Releases decreased from February to March 2020 by 7.0% (141 releases). In addition to bookings decreasing, from March to April 2020 releases decreased by 30.3% (571 releases).
- Bookings and releases tend to vary at a similar rate, with bookings and releases within 8.2% of one another. In March 2020 there were 15.4% more releases than bookings and in April 2020 there were 17.2% more releases than bookings.

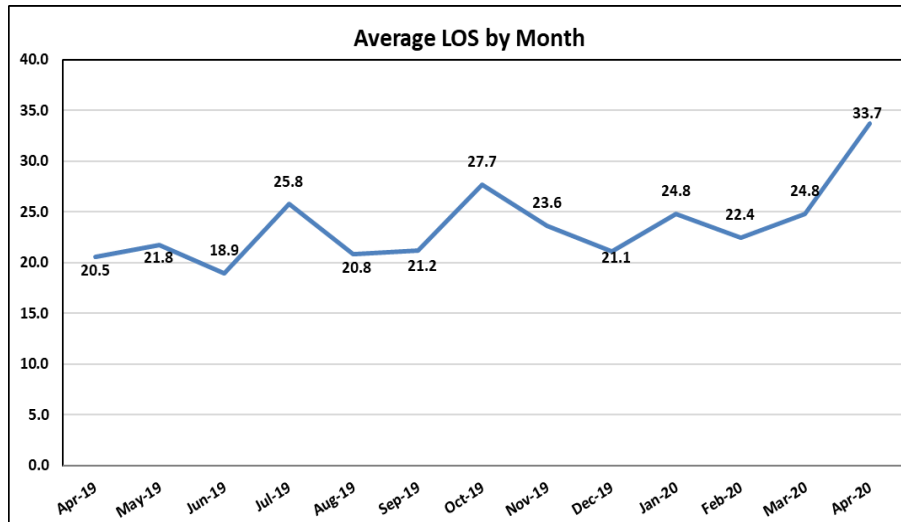
### Community Custody Program



- In April 2020, bookings and releases decreased. However, the number of inmates on CCP remained consistent with previous months. In March 2020, there were 68 inmates on CCP and in April 2020, there were 70.
- At the end of April 2019, CCP accounted for 6.1% of the total MDC population. The portion of the population on CCP at the end of April 2020 was also 6.1%.

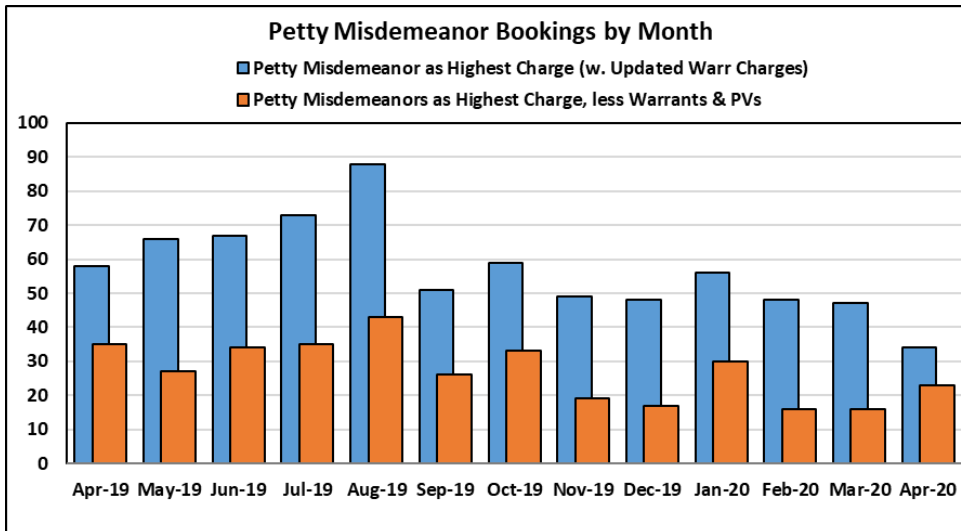
- In order to facilitate the release of additional inmates during the COVID-19 pandemic, 36 inmates were provided conditions of release to CCP. Of the 36 inmates, 11 were released to CCP during April. An additional 4 inmates were released from MDC custody and the remaining 21 were still in custody on April 30, 2020. Those remaining in custody were not released on CCP for a variety of reasons, including a lack of housing upon release or refusal to participate in the program.

## Length of Stay



- MDC’s average length of stay (LOS) has increased 35.9% (8.9 days) from March 2020 to April 2020, from 24.8 days to 33.7 days. The LOS was affected by the pandemic, as the number of bookings decreased, LOS increased.
- In April 2019, the LOS was 20.5 days, and 33.7 days in April 2020, an increase of 64.4% (13.2 days).
- The LOS in April 2020 is the highest LOS at the MDC in the last 13 months.

## Petty Misdemeanor Bookings



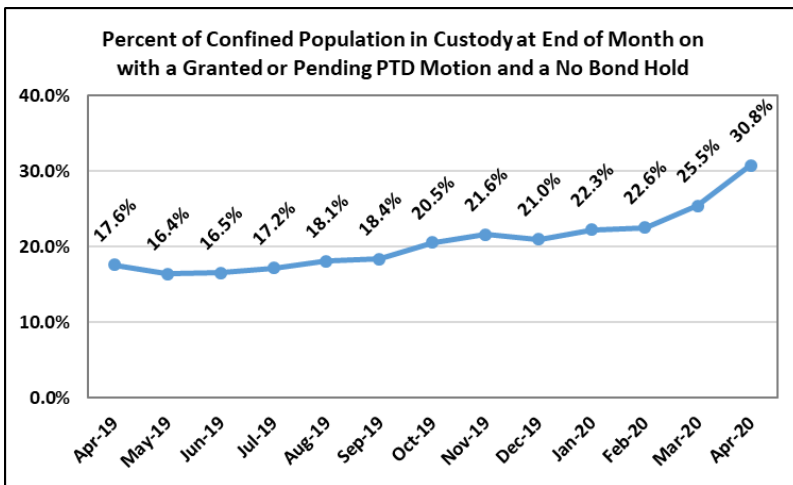
Bookings at the MDC were reviewed to determine the highest charge on the booking. Recent improvements to data processing<sup>1</sup> have improved data quality to provide more accurate counts of bookings without a warrant or probation violation. Bookings are sorted by their highest charge and petty misdemeanors are analyzed separately, as described herein.

- In April 2020, there were 34 bookings with a petty misdemeanor as the highest charge (with and without warrants and probation violations). In April 2019, there were 58, 41.4% fewer than April 2020.
- In April 2020, there were 23 petty misdemeanor bookings as the highest charge with no warrants or probation violations. In April 2019, there were 35, 34.3% more than April 2020.
- The number of petty misdemeanor bookings (with and without warrants and PVs) decreased, from 47 in March 2020, to 34 in April. The number of petty misdemeanor bookings with no warrants or PVs increased, from 16 in March 2020, to 23 in April 2020.
- Petty misdemeanor bookings can include charges such as larceny, shoplifting, traffic violations, criminal trespass, public intoxication, battery, or assault.

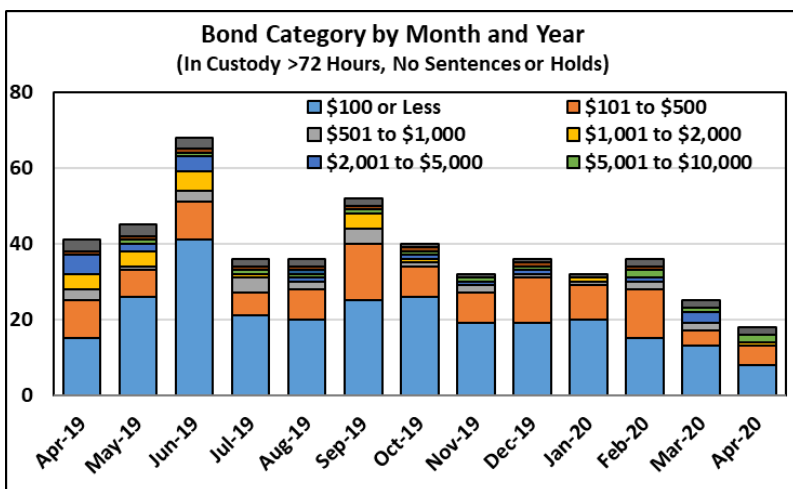
### In Custody Bond Amounts

- There were 18 individuals in custody 3 days or more who could be released from custody if all bonds were paid. This accounted for 1.6% of the confined population.
- This excludes any inmate on a hold or who were serving a sentence that would otherwise keep them in custody. This excludes those who had the option to bond out or release to a third party.
- For those in custody more than 3 days, those with \$100 or less in unpaid bonds represented approximately 44.4% (8) of the 18 inmates who could be released if all bonds were paid and less than 1% of the confined population.
- For those in custody greater than 3 days, inmates with bonds requiring payment of between \$101 and \$500 accounted for 27.8% (5) of those in on a bond and less than 1% of the confined population.
- Overall, 14 inmates out of 18 were in custody longer than 3 days with total bonds requiring payment of \$1,000 or less.

In Custody Bond Figures	Any LOS	LOS >72 Hours
\$100 or Less	13	8
\$101 to \$500	5	5
\$501 to \$1,000	0	0
\$1,001 to \$2,000	1	1
\$2,001 to \$5,000	2	0
\$5,001 to \$10,000	2	2
\$10,001 to \$15,000	0	0
\$15,001 to \$50,000	0	0
Over \$50,000	2	2
<b>Total</b>	25	18
Preventive Detention (Granted or Pending)	339	329
On-Site Population (End of Month)	1,101	

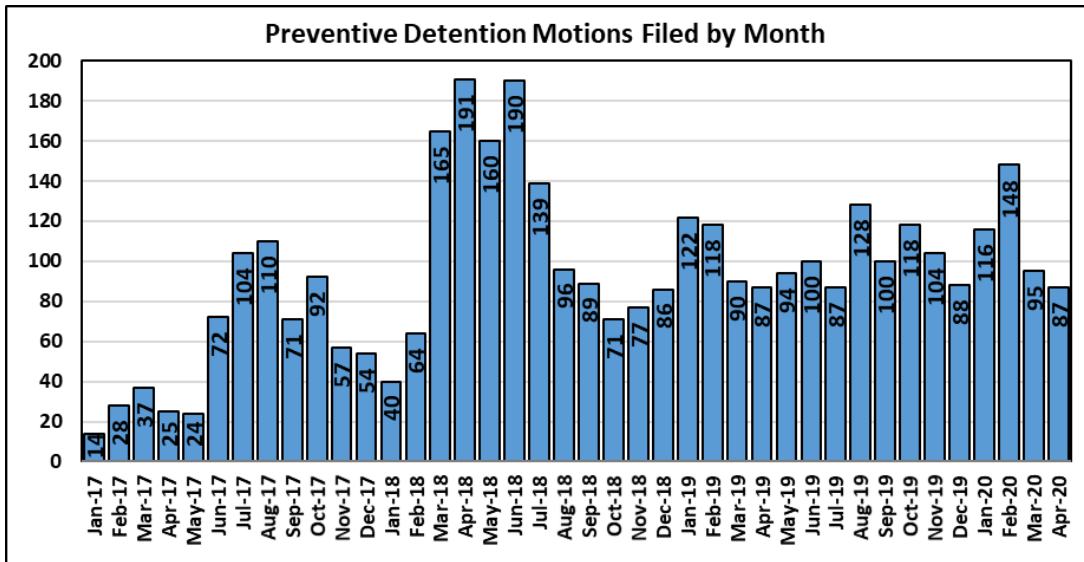


- On April 30, 2020, there were approximately 339 inmates in custody on a no bond hold that had a preventive detention motion either granted or still pending.<sup>2</sup>
- On March 31, 2020, 25.5% of the confined population were in custody with either a granted or pending preventive detention motion. On April 30, 2020, the percent of those individuals increased to 30.8% (a 20.8% increase).
- On April 30, 2019, 17.6% of the confined population had a preventive detention motion granted or pending. On April 30, 2020, it was 30.8%, a 75% increase.

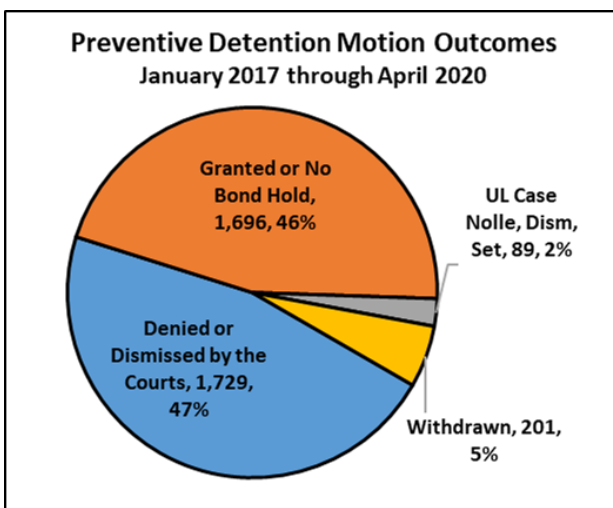


Over time, the number of individuals in custody who could be released if all bonds were paid has decreased. The decrease in the higher categories, in particular, may have decreased in part due to the implementation of preventive detention. Lower bond amounts in particular, have been addressed by special hearings set by the courts in order to help ensure that financial conditions are not the sole reason low-risk inmates are detained at

## Preventive Detention Motions

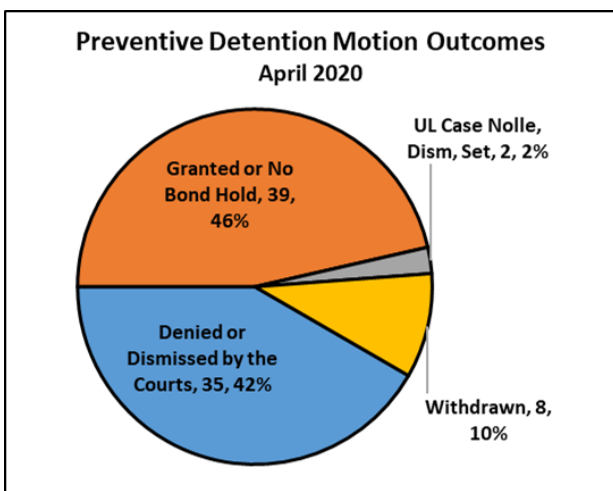


From January 2017 through April 2020, there were approximately 3,739 motions for preventive detention filed for 3,145 individuals<sup>3</sup>. Some individuals have been in custody at the MDC on more than one booking and had more than one unique motion filed.



This includes motions filed in both Metro and District Court. During the review of these motions, the hearing outcomes were categorized based on the motion outcome, as shown in the figures below.

The first figure displays the number of preventive detention motions filed by month from January 2017 to present. During 2019 the number of motions ranged from 87 to 128. In 2020 the number of motions filed by month has ranged from 87 to 148 with an average of 112 per month. There were 87 motions filed in April of 2020, shown in the figure below.

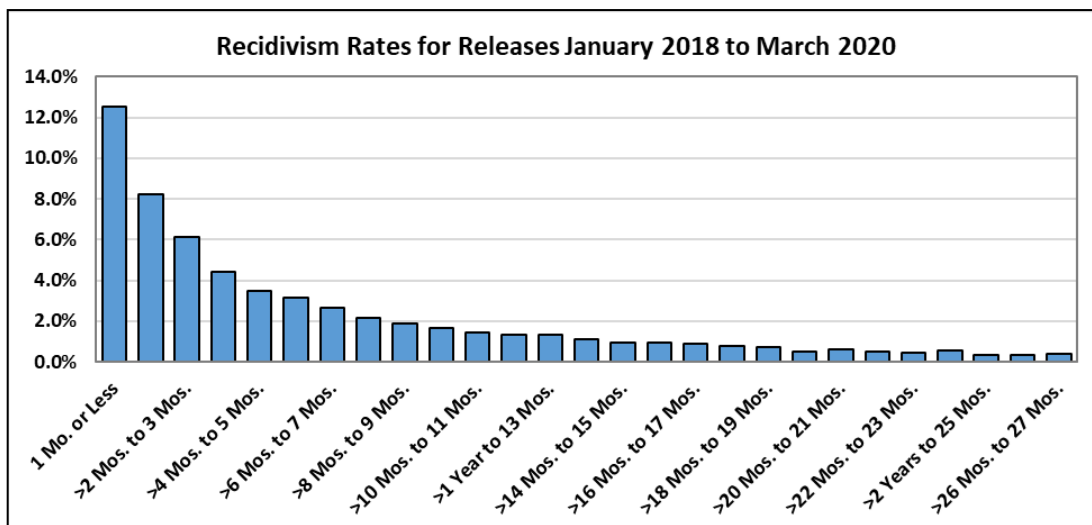


The preventive detention motions were filed for a variety of charge types, including shoplifting, burglary, auto theft, assault, and murder. On April 30, 2020, there were approximately 24 cases that had a motion still pending. These cases were removed from the monthly outcomes.

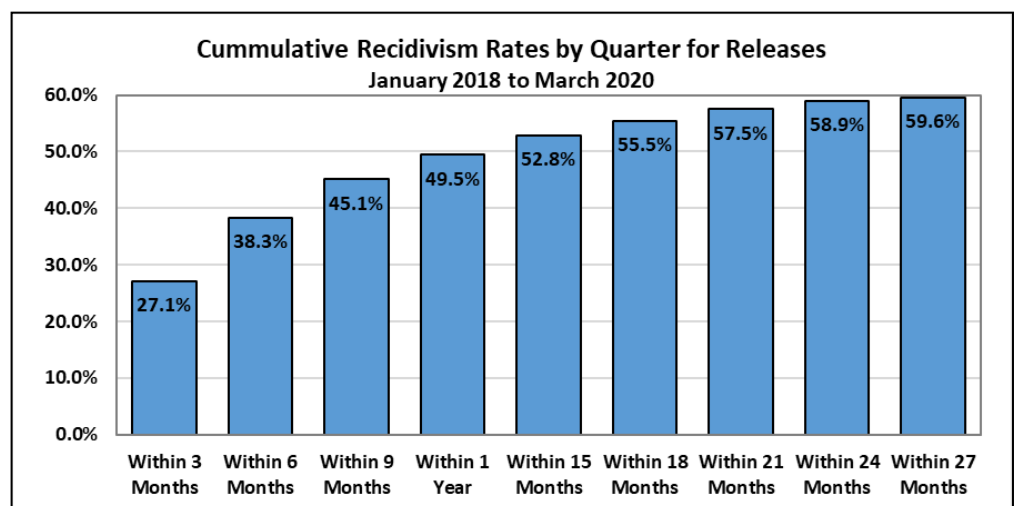
- From January 2017 through April 2020, Approximately 1% more motions were denied or dismissed by the courts than were granted (1729 compared to 1,696).
- During this same time frame, in 201 cases (5%) the motion was withdrawn, and in 89 (2%) the case was nolle'd, dismissed, or sentenced.
- In April 2020, more motions were granted than were denied (46% or 39 compared to 42% or 35). There were 8 motions that were withdrawn (10%) and 2 motions where the underlying case was nolle'd, dismissed, or sentenced.

## Monthly Recidivism

- According to the Bureau of Justice Statistics<sup>3</sup>, a recidivism measure requires three items: a starting event, such as a release from a facility; a measure of failure, such as a booking; and a follow-up time period extending from the starting event.
- Compared to prisons, jails have a much higher rate of turnover. Recidivism rates will vary depending on the length of the time period for the starting event and the follow-up time period.
- A preliminary recidivism rate was calculated for the MDC using the following:
  - Unique monthly releases for each month beginning in January 2018 and ending March 2020. The releases end the month prior to reporting to allow the same follow-up time period for each month.
  - Bookings in subsequent months within approximate 1 month intervals (365/12).
  - The measure of failure is any new booking into the MDC.
- Within the first month following release from the MDC, an average of 12.5% of inmates are booked again. An additional 8.2% were booked between 1 and 2 months from release, and 6.1% were booked between 2 and 3 months from release. After 8 months, the percent of inmates being rebooked into the MDC decreases by 2% or less per month.

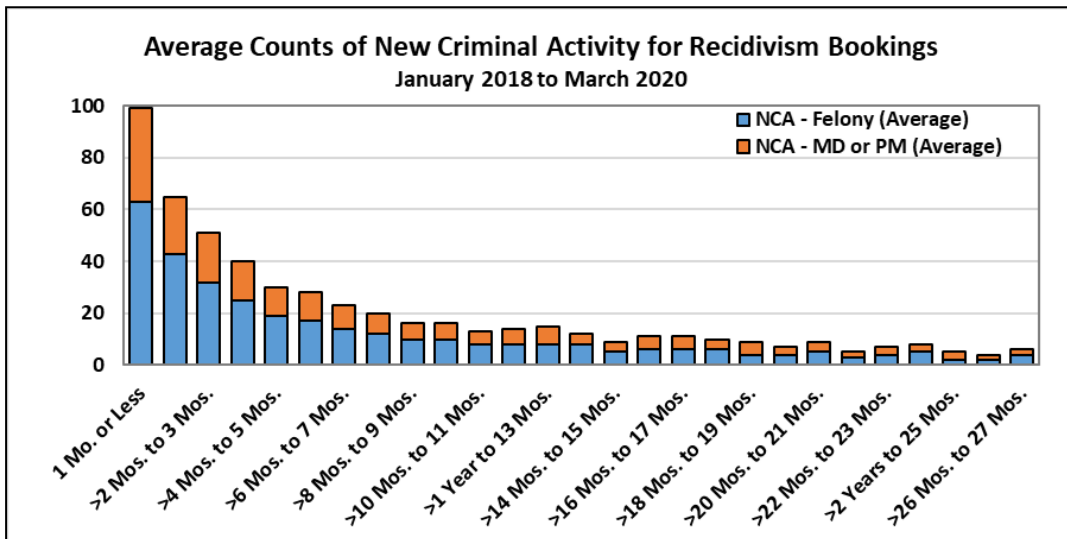


- During the first 3 months following release from the MDC, approximately 27.1% of inmates return to custody. Within 6 months, the rate increases to 38.3%. The recidivism rate increases over time, with 59.6% of inmates returning to custody for any booking within 21 months following release from the MDC.

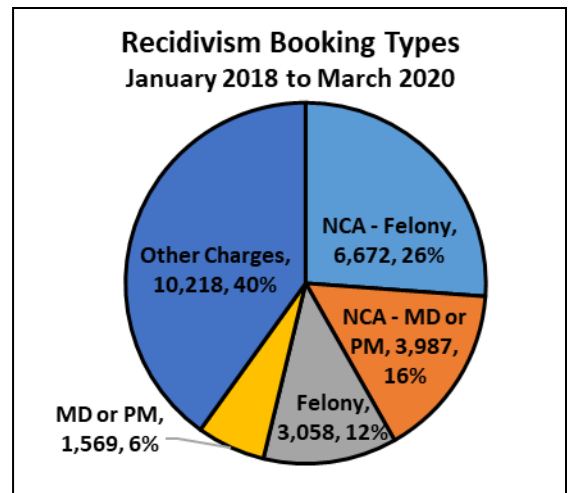




- Jail data was reviewed to assign a charge category to the recidivism bookings. While the jail and court data do not always match due to a variety of factors (such as the unavailability of codes for specific statutes, etc.) jail data is a good indicator of charge levels.
- The categories of charges are intended to identify if an inmate is being booked on new criminal activity (NCA), returning to custody for a charge after an initial booking on that charge (for example, on a felony indictment), or coming into custody on something else (such as a warrant or probation violation).
  - There are five categories created for recidivism bookings: NCA—Felony, NCA—MD or PM, Felony, MD or PM, and Other Charges. If it is the first time an individual is booked on the charge, it is considered NCA. Any subsequent bookings are not NCA.
- As the number of recidivism bookings decreases over time, the number of NCA—Felony and NCA—MD or PM declines. On average, within 1 month of release, 63 inmates were booked on a new felony and 36 inmates were booked on a new misdemeanor or petty misdemeanor. Between 1 and 2 months, 43 inmates were booked on a new felony and 22 on a new misdemeanor or petty misdemeanor. Between 7 to 8 months of releases, this decreases to 12 felony and 7 misdemeanor bookings and continues decreasing to 10 or less.



- Within the first 27 months of release from the MDC, there were 25,504 bookings for inmates released from custody. Of these bookings:
  - Just over 1 in 4 was for a new felony (26.2% or 6,672).
  - New misdemeanors and petty misdemeanors accounted for 15.6% (3,987) bookings.
  - Felony re-bookings accounted for 12.0% (3,058) bookings and misdemeanor or petty misdemeanor bookings accounted for 6.2% (1,569) of bookings.
  - The largest category was for other charge types (40.1% or 10,218) which consist primarily of probation violations and warrants.



---

## Notes

1. Recently data was processed for the jail bookings that included data located in a separate table in EJS, the jail management system used at the MDC. This helps to identify cases with warrants and probation violations that may not have been identified correctly with the more limited information previously available.
2. An inmate was considered in custody on a preventive detention motion if the motion had been granted or was pending on the last day of the month, the inmate had a hold on at least one case, and the inmate was not serving a sentence on any other case. Bond amounts reflect the financial requirement that would be needed to be released from MDC. Although cash surety bonds can vary in the percentage that may be required to post bond, if no percent is assigned, it is assumed that this amount would be approximately 10% of the bond amount. In instances where requirements must be met before the inmate can be released, such as the completion of ATP, the individual is considered on hold until that obligation is met. Bonds on multiple cases were combined to determine the total bond amount holding the individual.
3. Bureau of Justice Statistics described recidivism in their *Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14)* summary published May 2019. [https://www.bjs.gov/content/pub/pdf/rsorsp9yfu0514\\_sum.pdf](https://www.bjs.gov/content/pub/pdf/rsorsp9yfu0514_sum.pdf).

The UNM - Institute for Social Research (ISR) is a leading provider of program evaluations and policy research in New Mexico. ISR staff members and faculty affiliates also have expertise in the fields of criminal justice, education, economics, substance abuse treatment programs, poverty and homelessness, domestic violence, employee workloads and staffing levels.

For more information on the ISR, please visit <http://isr.unm.edu/> or call (505) 277-4257.

