

NEW MEXICO SENTENCING COMMISSION

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Study Highlights

- Out of 517 individuals in the study 258 (49.9%) were booked on a probation violation for committing a new charge (misdemeanor or felony).
- The second most frequent reason for violation was failing to report (26.8%).
- Bernalillo County had the most offenders violated due to a new charge 182 (54%) with Dona Ana 33 (38%), San Juan 14 (45%).
- Cibola, Curry, San Miguel, and Eddy counties had an insufficient number of offenders to report.
- Probation and Parole Division works with offenders on violations before issuing an arrest warrant. The median number of violations before an arrest warrant was issued was 2.
- Cibola and San Juan counties had a median value of 1 prior violation before the offender was booked for a probation violation.
- Bernalillo and Dona Ana counties had a median value of two violations before the issuance of an arrest warrant while Eddy and San Miguel had a median value of 3 violations.
- Curry county had a median value of 4 violations before the issuance of an arrest warrant for a probation violation.

Reasons for Probation Violation Arrests and Bookings in a Sample of New Mexico's County Detention Facilities

Introduction

The goals of this study were to explore the reasons for adult probation violation bookings and to find the number of times an offender had violations that were recorded but did not result in arrest.

In 2012, the New Mexico Sentencing Commission (NMSC) published a report entitled "Length of Stay in Detention Facilities: A Profile of Seven New Mexico Counties" (August 2012). This analysis is meant to supplement that report by providing additional information concerning arrestees in jail for a probation violation.

Probation can be supervised by different agencies. The New Mexico Corrections Department (NMCD) Probation Parole Division (PPD) supervises offenders who are sentenced to probation by district court. Typically these offenders are convicted of felonies. However, in jurisdictions that do not have magistrate court probation it can include individuals who are convicted of misdemeanors. Bernalillo County Metropolitan Court and some magistrate courts also supervise probationers. In metropolitan court, judges sentence the offender to probation and court-employed probation officers supervise them. In magistrate court, county employed

compliance officers supervise offenders sentenced to probation.

Just over 14% of arrestees in jails on 6/30/10 were there as a result of a probation violation for a probation term supervised by NMCD. This report focuses only on arrestees who were booked on NMCD probation violations.

Given the large portion of arrestees charged with NMCD probation violations, counties need to understand the drivers of jail overcrowding and the composition of their jail populations.

Methods

NMSC staff was granted access to PPD's Custody Management Information System (CMIS). The sample consisted of 517 offenders that tallied over 1,200 individual violation reasons. The first reason was not always what we considered the most serious. In order to get the most serious reason for a violation, we had to develop a rank according to seriousness. With advisement from PPD staff we were able to have the violations ranked by seriousness. Having a new charge, either misdemeanor or felony, was the most serious violation condition. Failing to report was the next most serious violation condition. Finally, other conditions consisted of failure to report an arrest, failure to complete a

Table 1. Overall Frequency by County Ranked by Seriousness of Violation

	Bernalillo	Cibola	Curry	Dona Ana	Eddy	San Juan	San Miguel	
New Charge	182	5	11	33	2	14	11	258
Report	92	3	8	23	2	8	3	139
Other Conditions	64	7	7	30	3	9	0	120
Total	338	15	26	86	7	31	14	517

program, dirty urine analysis, alcohol violation or failure to pay fines. Individuals were then categorized by their most serious violation.

Results

Table 1 illustrates that out of the 517 individuals in the study 258 (49.9%) of them were violated for a new charge, either misdemeanor or felony, 139 (26.8%) were violated for failing to report, and 120 (23.2%) were violated for some other condition.

Bernalillo County had the most offenders violated due to a new charge 182 (54%) with Dona Ana 33 (38%), San Juan 14 (45%). Cibola, Curry, San Miguel, and Eddy counties had an insufficient number of offenders to report a valid percent.

Table 2 is a further breakout of the other conditions category. The most common reason in this category was a dirty urinalysis (44), followed by failure to complete a program (35).

PPD works with offenders on violations before issuing an arrest warrant. The median number of violations before an arrest warrant was issued was 2.

The number varied by county. Cibola and San Juan counties had a median value of 1. Bernalillo and Dona Ana counties had a median value of two violations. Eddy and San Miguel had a median value of 3 violations. The highest was in Curry county, which had a median value of 4 violations before probation violation arrest.

Conclusion

In all counties included in this sample, the most common reason for probation violation arrest was a new charge. We can conclude from this analysis that in most cases, PPD has worked with offenders on prior violations before issuing an arrest warrant for a probation violation. There were variations in the reason for probation violation arrest and the number of prior violations.

The New Mexico Sentencing Commission

The New Mexico Sentencing Commission (NMSC) serves as a criminal and juvenile justice policy resource to the three branches of state government and interested citizens. Its mission is to provide impartial information, analysis, recommendations, and assistance from a coordinated cross-agency perspective with an emphasis on maintaining public safety and making the best use of our criminal and juvenile justice resources. The Commission is made up of members of the criminal justice system, including members of the Executive and Judicial branches, representatives of lawmakers, law enforcement officials, criminal defense attorneys, and citizens.

This and other NMSC reports can be found at: <http://nmsc.unm.edu/reports/index.html>

Table 2. Breakout of Other Conditions	
Reason	Count
Did not Report Arrest	8
Failed to Complete Program	35
Dirty UA	44
Alcohol	16
Violated other Condition	11
Failure to Pay	6
Total	120