Justice Reinvestment in New Mexico

Policy Framework

Overview

Unlike many states across the country, New Mexico has seen steady growth in its prison population in recent years, rising 11 percent between 2008 and 2018. Without action to curb this trend, the prison population is projected to increase an additional 9 percent by fiscal year (FY) 2024, at an estimated additional cost of $61.3 million.[1] The state also had the highest property crime rate and the second-highest violent crime rate in the country in 2017.[2] Recognizing the need to act, leaders in New Mexico convened a forum on public safety in the summer of 2018 to bring attention to these critical issues and build momentum for addressing them.

Later that year, state leaders requested support from the U.S. Department of Justice's Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts (Pew) to explore a Justice Reinvestment approach to address these challenges. As public-private partners in the federal Justice Reinvestment Initiative (JRI), BJA and Pew approved New Mexico state leaders' request and asked The Council of State Governments (CSG) Justice Center to provide intensive technical assistance. With guidance and oversight from New Mexico's Justice Reinvestment Working Group, CSG Justice Center staff conducted extensive data analysis and developed policy options to support state crime-prevention efforts, curb the growth of New Mexico's prison population, reinvest in strategies for effective supervision, and provide increased support for victims of crime.

These policies were reflected in House Bill (HB) 564 and HB 342. Governor Michelle Lujan Grisham signed HB 342 into law in April 2019, which increases support for victims of crime, but vetoed HB 564, citing the need for additional stakeholder engagement while noting that the bill "is predicated on sound policy considerations."[3] Had it been enacted, HB 564 would have strengthened probation and parole supervision and provided new strategies for handling technical violations of supervision, allowing the state to avert growth in the projected prison population by 609 people and avoid $61.3 million in associated costs between FY2020 and FY2024.[4]

NEW MEXICO JUSTICE REINVESTMENT WORKING GROUP COMPOSITION

The bipartisan working group, which included members from the following entities, met twice in December 2018 and January 2019 to review analyses and discuss policy options.

- ACLU-NM
- Easter Seals El Mirador
- Indian Affairs Department
- Law Offices of the Public Defender
- New Mexico Association of Commerce and Industry
- New Mexico Children, Youth & Families Department
- New Mexico Corrections Department
- New Mexico Counties
- New Mexico Courts
- New Mexico Department of Health
- New Mexico Department of Human Services
- New Mexico Department of Public Safety
- New Mexico District Attorneys' Association
- New Mexico Legislature
- New Mexico Municipal League
- New Mexico Sentencing Commission
- Office of the Attorney General
- Santa Fe County Sheriff's Office
- Santa Fe Recovery Center

CSG Justice Center
THE COUNCIL OF STATE GOVERNMENTS

DATA COLLECTION

Extensive data was provided to the CSG Justice Center by the Administrative Office of the District Attorneys (AODA), and data files from the New Mexico Corrections Department (NMCD) and the Administrative Office of the Courts (AOC) were provided via the New Mexico Sentencing Commission (NMSC). In total, data files containing more than 6 million individual data records spanning 10 years were provided, including information on prison admissions and releases, probation supervision starts, length of time served in prison, prosecutor decision-making, and court case filing and sentencing. Additional information was provided through more than 100 in-person meetings and conference calls with judges, prosecuting attorneys, public defenders, law enforcement officials, probation and parole officers, behavioral health service providers, victims and their advocates, county officials, and others.

Despite the large number of data records provided, preliminary analysis and review with data staff in the state revealed limitations regarding how the data could be used. For example, NMCD data did not contain enough information to accurately identify people revoked from probation to prison or to calculate the number of people on supervision on a given day. Data files provided by the AODA included sentencing information, but the information was combined for all charges in each case, prohibiting detailed analysis.

HOUSE JOINT MEMORIAL 16 TASK FORCE AND HB 267

In 2018, prior to launching Justice Reinvestment, New Mexico's legislature passed House Joint Memorial (HJM) 16, which formed the Criminal Justice and Public Safety Task Force.[5] The HJM 16 Task Force was charged with identifying the state's top criminal justice concerns and developing recommendations to address them. While the work of the task force was distinct from Justice Reinvestment, the task force chairs worked closely with the Justice Reinvestment working group to ensure that the recommendations and strategies developed by each group were complementary. The task force met several times between March and October of 2018, and during that time sought guidance from many local and national criminal justice experts, including CSG Justice Center staff. Policy recommendations from the task force are reflected in HB 267, which requires more consistent data collection beginning at arrest, establishes a crime-reduction grant process, and institutes the use of data analytics to inform the state's focus on preventing crime and measuring the impact of multiple interventions in response to crime. The governor signed HB 267 into law in April 2019. Although the bill established a comprehensive crime-reduction plan, funding for the recommendations was substantially reduced from the requested $30 million to $2.7 million during the legislative process.

KEY CHALLENGES

During the Justice Reinvestment process, CSG Justice Center staff and the New Mexico Justice Reinvestment Working Group identified the following key challenges in the state's criminal justice system:

1. **Rising crime rates.** Between 2007 and 2017, New Mexico went from having the seventh-highest violent crime rate to the second-highest violent crime rate in the country, and the 15th-highest property crime rate to the highest property crime rate in the nation. While New Mexico's violent and property crime rates did increase during this period, the state's rise in rank was largely due to decreasing crime rates in the majority of the country. New Mexico was one of 19 states with an increasing violent crime rate between 2007 and 2017 and one of only four states with an increasing property crime rate during the same period.[6]

2. **Ineffective and under-resourced supervision leading to costly results.** As reported by the Legislative Finance Committee, the NMCD Probation & Parole Division supervises more than 17,000 people each year,[7] but state statutes, funding, and agency practices are not providing supervision officers with the tools that research shows effectively reduce recidivism or costly revocations to prison and jail. Those tools include appropriate guidance for consistently using incentives and sanctions to respond to behavior of people on parole and probation, validation of the existing risk and need assessment, adherence to risk-based supervision levels and conditions, manageable caseload sizes, comprehensive case planning, streamlined access to treatment providers and programming for people on their caseloads, and training in cognitive behavioral interventions.

3. **Growing prison population.** Between 2008 and 2018, New Mexico's prison population increased 11 percent and is projected to continue to grow an additional 9 percent by FY2024,[8] at an estimated additional cost of $61.3 million.[9] Revocations from supervision make up approximately 41 percent of prison admissions.[10] Strengthening supervision and reducing revocations to prison can decrease future spending on incarceration, generating savings that the state can use to expand investments in preventing crime and strengthening communities.

4. **Gaps in victim support.** While claims for crime victim compensation have increased, a gap remains between the number of reported crimes and the number of crime victims who receive compensation.

Summary of Policy Options and Impacts

With guidance from the working group, and in conjunction with the crime-reduction strategies developed with CSG Justice Center assistance under HB 267, the CSG Justice Center developed the policy options listed below, which were designed to achieve the following goals:
- Reduce recidivism by strengthening supervision practices.
- Avert prison population growth by safely reducing the number of probation and parole revocations to prison and the associated length of stay.
- Support victims of crime and mitigate the social and fiscal costs of crime.

SUMMARY OF POLICY OPTIONS

1. Transform probation and parole supervision into an effective system for reducing recidivism (HB 564).
2. Require NMCD to create an administrative framework to respond to people on probation and parole with incentives for success and measured sanctions for technical violations (HB 564).
3. Expand the eligibility requirements for victim compensation to better support survivors of violent crime (HB 342).

PROJECTED IMPACT

HB 342, which supported victims of crime, became law on April 3, 2019, but did not have projected impacts on the prison population or corrections spending. HB 564, which the governor vetoed, focused on strengthening supervision and reducing revocations to prison and would have decreased future spending on incarceration, generating savings that the state could use to reinvest in crime prevention and public safety improvements. The complete Justice Reinvestment policy package—had it been enacted—was estimated to avert the prison population growth that is currently forecasted from FY2020 to FY2024. (See Figure 1.) Achieving the full impact was dependent on reducing the number of revocations and length of stay for people who commit parole and probation violations.

FIGURE 1. PROJECTED IMPACT OF PROPOSED POLICY OPTIONS ON NMCD PRISON POPULATION FORECASTS[11]
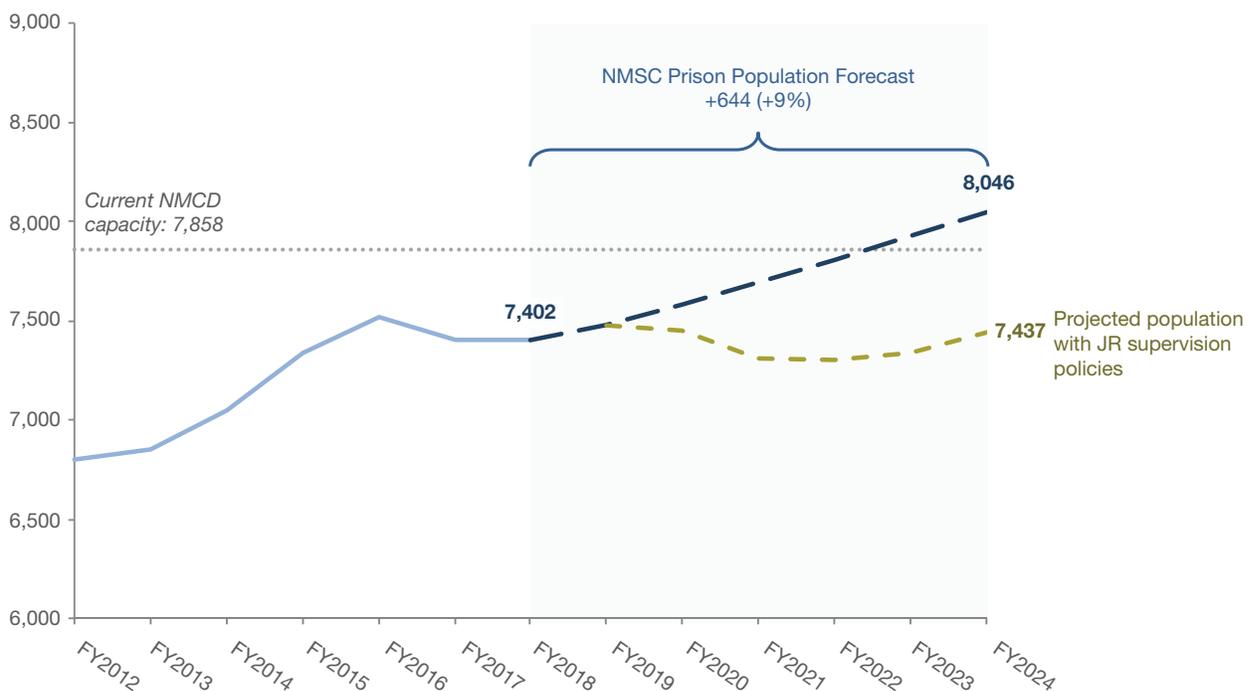
REINVESTMENTS

The complete policy option framework was estimated to avert $61.3 million in costs and reduce the projected growth in the prison population by 609 people between FY2020 and FY2024.[12] State policymakers could have reinvested a portion of these avoided costs in strategies to increase public safety. Investments of $200,000 in training for probation and parole officers in evidence-based practices and increased funding of $550,000 for crime victim compensation were recommended for FY2020 but were not adopted by the legislature. Averted costs and proposed levels of reinvestment were based on projected impacts to the prison population as calculated by the CSG Justice Center in comparison to the NMSC's prison population forecast. (See Figure 2.)

FIGURE 2. SUMMARY OF PROPOSED JUSTICE REINVESTMENT POLICY FRAMEWORK AVERTED COSTS AND REINVESTMENTS*

		FY2020	FY2021	FY2022	FY2023	FY2024	5-YEAR TOTAL
Total Averted Prison Costs[13] *($88 average private prison cost per day)*		**$2.1M**	**$8.3M**	**$14.3M**	**$17.5M**	**$19.2M**	**$61.3M**
Reinvestments	Training all supervision officers	$200,000	$80,000	-	-	-	**$280,000**
	Training for two officers in each probation region in cognitive behavioral programming	-	$20,000	$20,000	-	-	**$40,000**
	Crime victim compensation benefits	$550,000	$550,000	$550,000	$550,000	$550,000	**$2.75M**
Projected Net Savings		**$1.3M**	**$7.5M**	**$13.8M**	**$16.9M**	**$18.6M**	**$58.1M**

* The numbers in this chart reflect averted costs and proposed reinvestments based on the full policy option framework, which was not enacted by the state. Numbers may not add up to totals due to rounding.

Policy Option Details

The following section describes the details of the policy options that were considered by New Mexico's Justice Reinvestment Working Group and were later reflected in HB 564, which was vetoed, and HB 342, which was signed into law. Relevant background information is also provided.

POLICY 1:

Transform probation and parole supervision into an effective system for reducing recidivism.

Background

- **A significant portion of people in New Mexico's criminal justice system are on probation or parole.** Over 4,000 people are sentenced to serve a period of time on felony probation each year, including those with a fully suspended sentence as well as those with a partially suspended sentence to jail or prison.[14] In recent years, people on probation accounted for over one-third of New Mexico's total population under correctional control,[15] and more than 17,000 people were supervised on probation or parole (or both) annually from FY2012 to FY2018.[16]
- **Probation's purpose is not defined in law.** Even though probation is frequently used as a sentencing option, New Mexico law does not define what it should accomplish.
- **The NMCD utilizes a risk assessment tool, but it has not been validated on the New Mexico corrections population.** NMCD uses the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), and assessments show that approximately two-thirds of people starting probation or parole are at a minimum to medium risk of reoffending.[17] The tool has not been validated on New Mexico's corrections population, nor has it been validated by race or gender, a deficit recognized by NMCD.

- **The use of risk assessment is not embraced by parole and judicial officials in New Mexico.** Probation and parole officers report that judicial and parole decision-makers frequently override risk and needs assessment results, causing many people with low risk scores to be placed on high-risk supervision caseloads. Research shows that failing to adhere to the risk principle can actually increase recidivism for low-risk people.[18] People who are at a low risk of recidivating are better suited for minimal intervention because they have protective factors, such as employment, education, and other prosocial attachments to the community, that are disrupted by intensive services and supervision, and they may learn more criminal behaviors when placed with people who are at a higher risk level.
- **Supervision intensity is not determined by risk level.** Eligibility criteria for medium, high, and specialty caseloads is not clear, and, as a result, people on probation are placed in each caseload type regardless of risk and need. Conditions of supervision are also inconsistent across the various caseload types. In some instances, stepping down from a high-intensity caseload to a medium-intensity caseload results in increased conditions of supervision. Such an arbitrary system often results in a mismatch between what a person on probation actually needs and what they receive.[19]

- **Probation and parole officers do not receive the training they need to reduce recidivism.** Although the NMCD Probation & Parole Division requires annual training for officers on a variety of topics, the trainings typically emphasize use of force and are conducted alongside corrections officers. Probation and parole officers have limited opportunities, if any, to learn evidence-based practices to reduce recidivism among people under probation or parole supervision.

Policy Details (HB 564)

HB 564 passed out of the Senate with a 26-6 vote and out of the House with a 51-16 vote, but the bill was ultimately vetoed by the governor in response to concerns raised by the attorney general and the District Attorneys' Association about reducing supervised probation terms and modification to sanctioning for technical violations of supervision, among other issues.

- **Establish the purposes of probation sentencing in statute.** HB 564 would have established that the purpose of probation is to enforce victim restitution, hold people accountable for their criminal conduct, promote reintegration into law-abiding society, and reduce the person's risk of reoffending.
- **Require the NMCD, parole board, and judiciary to follow best practices.** NMCD is poised to transform its supervision practices and would benefit from a legislative mandate to abide by the principles of effective intervention, such as focusing resources on people with the highest risk

of reoffending and targeting criminogenic needs. HB 564 would have required judges and parole board members to learn more about those practices and principles and to consult risk and needs assessment results when setting supervision conditions. The bill would also have required presentencing reports to include the results of these assessments, so they would be available to judges.
- **Require the NMCD to validate its risk assessment tool.** In keeping with the mandate to follow best practices, HB 564 would have required the NMCD to validate the COMPAS tool to ensure that it is predicting risk accurately.
- **Equip probation and parole officers with appropriate training.** Enhanced training in evidence-based practices is important for the transformation of probation and parole supervision. Officers need training in relevant topics, such as effective case planning, motivational interviewing, and reinforcement of cognitive behavioral techniques. CSG Justice Center staff recommended that the legislature appropriate $200,000 in FY2020 to fund enhanced training for all supervision officers in principles of effective intervention and $80,000 the following year for sustainability, but, independent of the veto of HB 564, this recommendation was not adopted (see Figure 2).

Additional Provision to HB 564

Although not considered by the Justice Reinvestment Working Group, legislators added a provision in HB 564 that would have allowed for the reduction of the term of supervised probation for good behavior. Time spent on supervised probation without violations would have earned a step-down to unsupervised probation to replace the original term of supervision after the initial year of supervision was served. Research shows that the likelihood of failing on supervision is greatest within the first two years a person is on probation, which underscores the importance of focusing supervision and program resources on people at the beginning of their supervision terms.[20]

POLICY 2:

Require NMCD to create an administrative framework to respond to people on probation and parole with incentives for success and measured sanctions for technical violations.

Background

- **More than 40 percent of prison admissions in New Mexico are due to probation and parole revocations.** An estimated 12 percent of prison admissions in New Mexico are due to probation revocations, and parole revocations account for nearly 30 percent of prison admissions.[21]

- **Of the people released from prison to probation or parole supervision, nearly half return to prison within one year in New Mexico.** Almost 1,300 people, or 45 percent, of all people released from prison in 2016 to parole or probation supervision (or both) returned to prison within one year.[22] A 2018 sample of parole revocation files revealed that only 15 percent of revocations were attributed to a new offense.[23]

- **The average length of stay for parole revocations is 14 months.** Of the people in prison for parole revocations who were released in 2017, nearly 700 were sentenced to two or more years in prison upon revocation. Another 200 were sentenced to one year or less, yielding an average length of stay of 14 months.[24]

- **NMCD does not use a statewide structured system to respond to all people who commit technical violations.** The NMCD uses a progressive sanction model (referred to as "STEPS") for some technical violations of probation. However, participation in the STEPS program is voluntary and requires people on probation to sign a waiver to consent to sanctions at sentencing. The STEPS program is also developed differently across each judicial district, and not all jurisdictions use the program. As a result, violations are handled inconsistently across the state, both within STEPS and when it is not being used. There is no structured system to provide incentives for good behavior to people on probation or parole.

Policy Details (HB 564)

HB 564 passed out of the Senate with a 26-6 vote and out of the House with a 51-16 vote, but the bill was ultimately vetoed by the governor in response to concerns raised by the attorney general and the District Attorneys' Association about reducing supervised probation terms and modification to sanctioning for technical violations of supervision, among other issues.[25]

- **Require the NMCD to develop a consistent incentives and sanctions system.** To tackle the costly growth of the prison population and still hold people accountable while under supervision, the NMCD must respond to technical violations of probation and parole conditions with less costly and more effective sanctions. HB 564 would have required the NMCD to build upon the STEPS program to establish a consistent incentive and sanctions model across the entire state and educate judges and the parole board on the use of the program. Research has shown that positive reinforcements and incentives can help improve engagement and reduce recidivism as much as or more than a sanction-only approach and can limit the need for costly punitive sanctions.[26] Providing policy guidance to supervision officers on sanctions and incentives would have ensured objective, consistent responses to the behavior of people on probation and parole as well as predictability and transparency for the people being supervised.[27]

- **Provide information and training about the incentives and sanctions system.** Under HB 564, training would have been provided to judges, the parole board, district attorneys, and other stakeholders on the incentives and sanctions system to encourage support for the improvement of supervision practices. Stakeholder understanding of best practices in community supervision and the philosophy behind departmental changes is essential to implementation success.

- **Allow judges to hold hearings for technical violations.** HB 564 would have given judges the option of continuing to hold hearings for technical violations but encouraged them to permit probation and parole officers to administer limited sanctions in accordance with the sanctions and incentives matrix. This flexibility was built into HB 564 in response to stakeholder concerns that it would be a violation of separation of powers for anyone other than judges to impose sanctions for any supervision violations.

POLICY 3:

Expand the eligibility requirements of victim compensation to better support survivors of violent crime.

Background

- **Only a small fraction of people who report being a victim of a violent crime apply for compensation, and many of the claims are denied.** In 2017, there were 16,359 reported violent crimes in New Mexico,[28] but only 3,073 applications for compensation were submitted to New Mexico's Crime Victim Compensation (CVC) program. An analysis of individual claims for reimbursement submitted to the CVC program showed that only 73 percent of claims were approved.[29] The most common reasons for denial included failure to report to police, ineligible crime, and incomplete information.[30]

- **Current law limits eligibility for victim compensation to victims who report the crime to law enforcement and cooperate with the investigation.** To be eligible for CVC, an injured crime victim or survivor must report the crime to law enforcement within 30 days and apply for compensation within two years of injury. Additionally, current law requires victims to cooperate with any requests from law enforcement if an investigation or prosecution of the criminal case has been opened in order to be eligible for compensation, which is problematic in cases where victims do not wish to participate in the process. For example, a review by the CVRC of 2017 sexual assault nurse examiner records showed that 23 percent of sexual assault evidence kits (SAE kits) collected were not accompanied by a law enforcement report at the time that the sexual assault examinations were conducted.[31] CVRC believes these victims may have chosen not to report the assault to law enforcement because the sexual assault was perpetrated by someone they knew well and they feared retaliation should they cooperate with an investigation. This belief is consistent with data from national victim surveys showing that 20 percent of victims who chose not to report sexual violence did so because they feared retaliation from their perpetrator. Per current law, these victims would have been excluded from eligibility for CVC assistance at the outset because of their reluctance to report to the police.[32]

- **New Mexico lags behind other states in its financial commitment to the CVC program.** Despite having the highest violent crime rate in the country in 2016, New Mexico had the fourth-lowest compensation expenditure rate per 100,000 residents in the region.[33]

Policy Details

HB 342 passed unanimously in the Senate and House and was signed into law in April 2019.

- **Ensure that victims of violent crime are aware of CVC.** Modify the statutory list of victim's rights to ensure that district attorneys notify victims and survivors about the existence of the CVC. The policy was abbreviated in the legislative evolution of HB 342 to remove separate mandates for prosecutors, law enforcement, and the CVRC to use standardized forms for notification.

- **Permit the CVRC to find that a victim acted reasonably under the circumstances.** In some cases, victims are reluctant to report crimes to law enforcement, and requiring victims to cooperate with a criminal investigation and prosecution can be a barrier to otherwise legitimate claims for compensation. Victims of crime may have safety concerns for themselves or family members due to fear of retaliation from their perpetrator if they participate in an active investigation. Rather than a statutory bar that requires law enforcement cooperation in all situations, under HB 342 the CVRC will be given the discretion to examine the circumstances on a case-by-case basis and determine when good-cause exceptions to this requirement may be made.

- **Expand eligibility for compensation to include victims who confide in a licensed medical or mental health care provider (including a tribal care provider).** Although this policy was signed into law, it was not funded by the legislature; an estimated $550,000 is needed to cover expanded eligibility. The federal government uses a formula to determine each state's CVC award and uses a state's total expenditures from two years prior as a part of their formula calculation, so further investment by New Mexico is strongly suggested.

Looking Ahead

HB 564 passed out of the Senate and House with substantiable support. While the legislation was being considered by Governor Lujan Grisham, Attorney General Hector Balderas and the state's district attorneys issued a public letter requesting that she veto the bill. While the governor ultimately did veto the bill, she made a public statement noting the late timing of the veto request and commenting that the bill "is predicated on sound policy considerations." The governor's veto message also established her intention to convene stakeholders during the interim before the 2020 session to strengthen the bill, reach consensus, and pass similar legislation.

HB 342 became law on April 3, 2019. While increased funding for victim compensation was not adopted alongside HB 342, the CVRC expressed confidence that expanded eligibility would result in increased claims and that a compelling case for additional funding could be made in future legislative sessions.

Notes

1. New Mexico Sentencing Commission (NMSC), *New Mexico Prison Population Forecast: FY2019–FY2028* (Albuquerque, NM: NMSC, 2018), https://nmsc.unm.edu/reports/2018/new-mexico-prison-population-forecast-fy2019---fy2028.pdf. Projected increase is based on long-term forecast.
2. Federal Bureau of Investigation (FBI), *Crime in the United States, 2017* (Washington, DC: United States Department of Justice, 2018), https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017.
3. Governor Michelle Lujan Grisham, House Executive Message No. 28, The Office of The Governor, April 4, 2019.
4. NMSC, *New Mexico Prison Population Forecast: FY2019–FY2028*; CSG Justice Center analysis of prison admissions data files from the NMSC (January 2019); correspondence with the NMSC (February 2019); Legislative Finance Committee (LFC), *Report of the Legislative Finance Committee to the Fifty-Fourth Legislature, January 2019 For Fiscal Year 2020 - First Session, Volume 3* (Santa Fe, NM: Legislative Finance Committee, 2019), https://www.nmlegis.gov/Entity/LFC/Documents/Session_Publications/Budget_Recommendations/2020RecommendVolIII.pdf; CSG Justice Center modeling for JR scenario forecasts.
5. HJM16 Criminal Justice and Public Safety Task Force, *Report and Recommendations to the Legislature* (New Mexico: HJM16 Criminal Justice and Public Safety Task Force, 2018).
6. FBI, *Crime in the United States, 2007* (Washington, DC: United States Department of Justice, 2008), https://ucr.fbi.gov/crime-in-the-u.s/2007; FBI, *Crime in the United States, 2017*. States with an increase in their violent crime rate between 2007 and 2017 are Alabama, Alaska, Arizona, Arkansas, Colorado, Indiana, Maine, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wisconsin. States with an increase in their property crime rate between 2007 and 2017 are Alaska, New Mexico, North Dakota, and South Dakota.
7. LFC, *Program Evaluation: Corrections Department – Status of Programs to Reduce Recidivism and Oversight of Medical Services* (Santa Fe, NM: Legislative Finance Committee, 2018), https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/Corrections%20Department%20-%20Status%20of%20Programs%20to%20Reduce%20Recidivism%20and%20Oversight%20of%20Medical%20Services.pdf; correspondence with LFC staff (November 2018).
8. NMSC, *New Mexico Prison Population Forecast: FY2019–FY2028*.
9. CSG Justice Center estimate based on the prison population forecast, 2018 state facility capacity, and the average cost per day for private prison facilities; NMSC, *New Mexico Prison Population Forecast: FY2019–FY2028*; LFC, *Report of the Legislative Finance Committee to the Fifty-Fourth Legislature, January 2019 For Fiscal Year 2020 - First Session, Volume 3*.
10. CSG Justice Center analysis of prison admissions data files from the NMSC (January 2019); correspondence with the NMSC (February 2019).
11. NMSC, *New Mexico Prison Population Forecast: FY2019–FY2028*; CSG Justice Center analysis of prison admissions data files from the NMSC (January 2019); correspondence with the NMSC (February 2019); CSG Justice Center modeling for JR scenario forecasts. The CSG Justice Center based the impact analysis on FY2013–FY2017 NMCD prison population and admission data provided by the NMSC as well as their long-term prison population forecasts for FY2019–FY2024. The baseline population projection assumed a 1.5-percent annual rate of growth in prison admissions for parole revocations, based on the observed rate of growth for those admissions in prior years, and a 1-percent annual rate of growth in prison admissions for probation revocations, based on the observed rate of growth for total prison admissions in prior years. Because information on the reason for revocation (i.e., new offense or technical violation) was not available, CSG Justice Center projection models assumed that 50 percent of probation and parole revocation admissions were for technical violations. Averted costs were generated by calculating the annual cost of housing these projected populations in private prisons. The annual cost of private prison beds was based on the FY2018 total average cost per day for privately operated facilities as reported by the Legislative Finance Committee. By averting the projected prison population growth, NMCD would avoid the costs of housing these people in private prisons.
12. LFC, *Report of the Legislative Finance Committee to the Fifty-Fourth Legislature, January 2019 For Fiscal Year 2020 - First Session, Volume 3*; NMSC, *New Mexico Prison Population Forecast: FY2019–FY2028*; CSG Justice Center analysis of prison admissions data files from the NMSC (January 2019); correspondence with the NMSC (February 2019); CSG Justice Center modeling for JR scenario forecasts.
13. Ibid.
14. CSG Justice Center analysis of Administrative Office of the District Attorneys case and sentencing data (February 2019). Number of people is based on the felony case with the most serious probation sentence per fiscal year for each person in the data file, and partially suspended sentences were categorized as more serious than sentences to probation only (i.e., fully suspended sentences). Sentences to probation exclude probation revocations, deferred sentences, and conditional discharges. Sentence records analyzed were limited to cases received between FY2009 and FY2017 and included sentence information for all charges in a case.
15. Prison Policy Initiative, *Correctional Control 2018: Incarceration and supervision by state* (Northampton, MA: Prison Policy Initiative, 2018), https://www.prisonpolicy.org/reports/correctionalcontrol2018.html. Correctional control volume for 2018 was based on reported activity between 2014 and 2018. Probation numbers are as of December 31, 2016.
16. LFC, *Program Evaluation: Corrections Department – Status of Programs to Reduce Recidivism and Oversight of Medical Services*; email correspondence with LFC staff (November 27, 2018).
17. New Mexico Statistical Analysis Center, *Absconding and Other Supervision Violations: A Study of Probationers, Parolees,*

and Dual Supervision in New Mexico (Santa Fe, NM: New Mexico Statistical Analysis Center, 2017), http://isr.unm.edu/reports/2017/absconding-and-other-supervision-violations--a-study-of-probationers,-parolees,-and-dual-supervision-in-new-mexico.pdf. Risk level rates are based on analysis of people starting probation, parole, or dual supervision during calendar years 2011 and 2012, followed for three years.

18. Edward J. Latessa, Ph.D. "What Works and What Doesn't in Reducing Recidivism: Apply the Principles of Effective Intervention to Offender Reentry (PowerPoint presentation, date unknown); D.A. Andrews and James Bonta, The Psychology of Criminal Conduct, 5th Ed. (New York, NY: Routledge, 2010).

19. CSG Justice Center focus group of probation and parole officers, November 2018.

20. Matthew R. Durose, Alexia D. Cooper, and Howard N. Snyder, Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010 (Washington, DC: Bureau of Justice Statistics, 2014), http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986; Mariel Alper, Matthew R. Durose, and Joshua Markman, 2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014) (Washington, DC: Bureau of Justice Statistics, 2018), https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf.

21. CSG Justice Center analysis of prison admissions data provided by NMSC (January 2019); CSG Justice Center correspondence with NMSC on February 11, 2019. Data files provided to CSG Justice Center did not allow for the identification of admissions to prison for probation revocations. Admissions for probation revocations for FY2012 through FY2015 were estimated by NMSC based on probation violation data. Admissions for probation revocations for FY2016 and FY2017 were estimated by applying the average percent of total admissions for FY2012 through FY2015 to the total admissions in each year.

22. CSG Justice Center analysis of prison admissions and release data provided by NMSC (January 2019). Number of people is based on releases from prison for all admission types, including revocations, and multiple releases for the same person in one year are counted separately. Releases to supervision are releases to probation, parole, or dual supervision. Reincarceration is based on admission to prison for any reason within one year of the release date and may have occurred after the period of supervision ended.

23. LFC, Program Evaluation: Corrections Department – Status of Programs to Reduce Recidivism and Oversight of Medical Services.

24. CSG Justice Center analysis of prison release data provided by NMSC (January 2019). Number of people is based on admissions to prison for parole revocations with a release date during FY2017. Multiple releases for the same person during the year are counted separately. Admissions for parole revocations may include probation revocations; prison data files did not identify admissions for probation revocations. Prison data files did

not contain information on the reason for parole revocations. Less than 1 percent of release records were missing admission type and were excluded from this analysis. Sentence length information was included in prison data files, and less than 1 percent of release records were missing sentence length.

25. Governor Michelle Lujan Grisham, House Executive Message No. 28, The Office of The Governor, April 4, 2019.

26. Eric J. Wodahl et al., "Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections," Criminal Justice and Behavior 38, no. 4 (2011): 386-405.

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