

Metropolitan Detention Center

Preliminary Bond and Hold Information: In Custody, February 18, 2016

OVERVIEW

Draft Date: March 1, 2016

In order to estimate the number of individuals in custody on bonds and estimate the amount that would need to be paid to obtain release, data was pulled from the Bernalillo County Metropolitan Detention Center Information (MDC) information system (EJS) for individuals in custody on February 18, 2016. Active cases were identified and the most recent cash surety or cash only bond listed for each individual's court cases were briefly reviewed¹.

Individuals who were not in the physical custody of the MDC, including those who were AWOL, on CCP, in Federal Custody, or on furlough were removed from the custody list. Based on these criteria, there were 1,360 people in in the physical custody of the MDC on the census date.

Sentencing², hold, and bond information was reviewed to determine what was holding an individual in custody at the MDC. Sentencing information and holds were considered first as, regardless of any conditions of release, until a sentence was complete or a hold removed, an individual wouldn't be released from custody regardless of the payment of any bonds owed.

Inmates serving a sentence on at least one case comprised 21% (288) of the population. Of the remaining inmates, an additional 40% (545) had a hold on at least one case.

For inmates who were not serving a sentence and were not in on a hold, the conditions of release were reviewed and categorized³. A small group of inmates (just under 2% or 22) owed no bonds and were awaiting a third party custody release, almost exclusively (21 out of 22) to Pretrial Services (PTS). Another 33 (just over 2%) could either be released to a third party or pay a bond.

- On February 18, 2016 there were 1,360 people housed in MDC.
- The majority of inmates had at least one case for which they were on hold (40%) or serving a sentence (21%).
- Just over a third (35%) of inmates had pending bonds that, if paid in full, would allow them to be released from MDC.

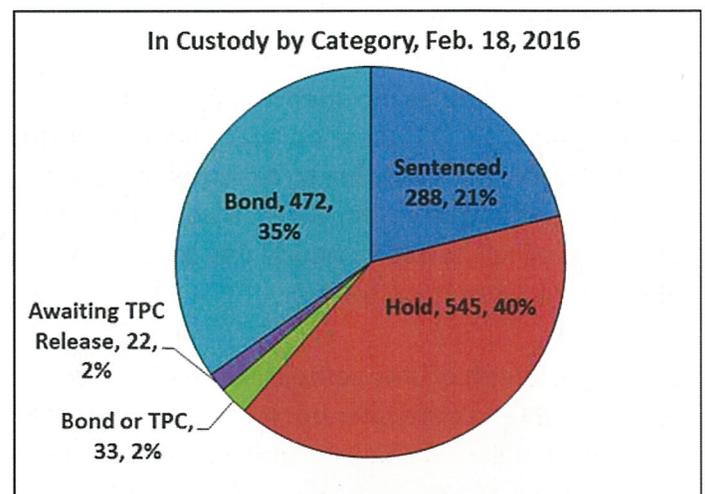


Figure 1

Holds. Additional information was collected on individuals with at least one hold to attempt to determine why the conditions included a hold. This required a review of both EJS and court data for individual cases.

In general, individuals who were booked on a probation violation remained on a hold for the violation until the case was resolved. For individuals in custody on February 18, 2016 who were booked on various types of warrants—Failure to Comply (FTC), Failure to Appear (FTA), and Violations of Conditions or Pretrial

17% of total MDC population

Hold by General Type, In Custody February 18, 2016

	Frequency	Percent
Probation Violation	233	43%
FTC Warrant or Violation of Conditions	47	9%
FTA Warrant	46	8%
Alcohol Treatment Program (ATP)	37	7%
Here for Court (from DOC)	33	6%
Federal or U.S. Marshal	26	5%
Parole	21	4%
Here for Court or Hearing or Sentencing	20	4%
PTS Warrant or Remand	19	3%
Pending Acceptance into NMMR, NMWR or Other Program	17	3%
Mental Health (Competency, Evaluation, etc.)	15	3%
OOS Fugitive or IAD	14	3%
Capital Offense/Case Charges or GJI	8	1%
OOB or Other Facility	7	1%
Escape Risk	1	<1%
Unknown	1	<1%
Total	545	100%

Table 1

Services—the hold was continued as part of the order quashing the warrant itself.

Probation violation holds made up the largest portion of the 545 holds, accounting for 43% or 233 inmates. Holds for those booked with FTC warrants or violations of conditions of release comprised another 9% (47) of the holds with FTA warrants account for another 8% (46). Noncompliance with PTS can result in the issues of a remand or warrant and these holds accounted 3% (19) of the holds for those in custody on February 18, 2016.

Another 7% (37) were for individuals who were either on hold until the complete of ATP or who had completed ATP and were awaiting a hearing for new conditions.

Inmates on hold for other agencies or facilities fell into several categories: Federal or U.S. Marshal holds (5% or 26), here for court from the Department of Corrections⁵ (6% or 33), out of state fugitives or those under an interstate detainer (IAD) (3% or 14), and inmates with holds for Out of County (OOB) cases or other facilities (1% or 7).

Other hold categories included parolees (4% or 21) and individuals in custody awaiting a hearing (4% or 20). A small group 3% (17) were on hold pending acceptance into NMMR, NMWR, or another program. Another 3% (15) were in holding due to a mental evaluation, commitment, or other competency issue. Individuals on hold due to the charges for which they were in custody were 1% (7) of the inmates on hold. One individual was determined to be in custody due to being an escape risk and for one individual there was no indication of why they were in custody.

Creating a length of stay comparison for the different hold categories is as it can only be based on the length of stay (LOS) at a particular point in time rather than how long the inmate spends in custody. For instance, inmates on a Here for Court (from the Department of Corrections) have had a LOS of nearly 10 days for those booked and released since November 23, 2015. However, the median LOS was 3 days, meaning half of the inmates had been in custody for three days or less and half were in custody for three or more. The median value can avoid skewing compared to the average, but in either instance the LOS is not necessarily generalizable to the MDC population. Furthermore, other factors such as multiple hold types and cases with new charges can complicate the amount of time an inmate spends in custody.

Table 2⁷ shows how great the variation in the median LOS is when calculated for those in custody on February 18, 2016 by hold type. The longest median length of stay was 136 days for individuals with holds

related to mental health hearings and occurrences. Those in on a Federal or U.S. Marshal hold had a median LOS of 93 days and those awaiting acceptance into a program had a median LOS of 77 days.

Those with a hold from another County or facility had a median LOS of 9 days and parolees 13 days.

While not generalizable to the

MDC population, it may be useful to consider review individuals in certain categories with an extended LOS.

Median Length of Stay in Days as of Feb. 18, 2016 by Hold Type

	Median Length of Stay as of Feb. 18, 2016	Frequency
Mental Health (Competency, Evaluation, etc.)	136	15
Federal or U.S. Marshal	93	26
Pending Acceptance into NMMR, NMWR or Other Program	77	17
Capital Offense/Case Charges or GJI	57	8
PTS Warrant or Remand	41	19
Alcohol Treatment Program (ATP)	40	37
Here for Court or Hearing or Sentencing	23	20
FTA Warrant	16	46
OOS Fugitive or IAD	15	14
FTC Warrant or Violation of Conditions	15	47
Probation Violation	14	233
Parole	13	21
OOC or Other Facility	9	7
Here for Court (from DOC)	3	33

Table 2

Bonds. Excluding those who had the option to bond out or release to a third party, there were 472 inmates who could be released from custody if all bonds were paid. Bond types and amounts were reviewed to estimate the amount of funds, or “financial requirement” that would be needed to pay the bond(s). Although cash surety bonds can vary in the percentage that may be required to post bond, we assumed that this amount would be approximately 10% of the bond amount listed. For cash surety bonds, the amount was estimated at this 10% for totaling the amount of financial expenditures that could be expected to be paid to be for an individual to be released from the facility. So, for a \$2,000 cash surety bond, it was estimated that it would require approximately \$200 to post the bond. Bonds set at 10% to the courts were adjusted similarly and cash only bonds were calculated at the full bond amount. Additionally, if a bond had been increased at any point after it was already posted, it was the outstanding bond amount that was used to estimate further financial requirements. For instance, if an individual had a \$5,000 cash only bond set and had paid a \$2,000 cash only bond previously on that case, only the outstanding amount was included. The estimated financial requirements were categorized by amount.

By category, those with \$100 or less in unpaid bonds represented 11% (53) of the 472 inmates with a bond owed while those individuals with bonds between \$101 and \$500 accounted for 23% (110). An additional 15% (69) had amounts between \$501 and \$1,000 and another 9% (42) had bonds between 1,001 and \$2,000. Overall, approximately 274 inmates out of 472 were in custody with bonds totaling \$2,000 or less. The remaining 198 owed \$2,000 or more in unpaid bonds, with 13% (62) with bonds totaling between \$2,001 and \$5,000. Another 7% (33) had a financial obligation between \$5,001 and \$10,000 and 3%

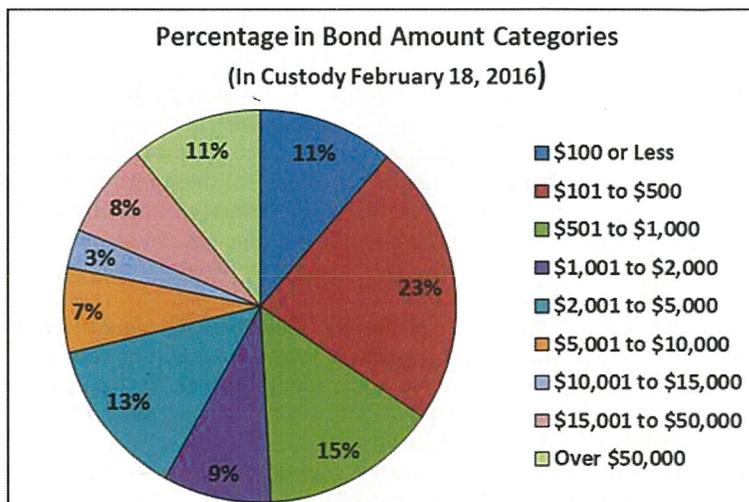


Figure 2

(15) between \$10,001 and \$15,000. An additional 8% (37) had bonds between \$15,001 and \$50,000. The remaining 11% (51) had a financial obligation \$50,000 or more.

Custody Status. Approximately 1 week after the initial sample, the custody status was reviewed for inmates who had been identified as in custody with a bond(s) owed as their only conditions of release had their release conditions reviewed.

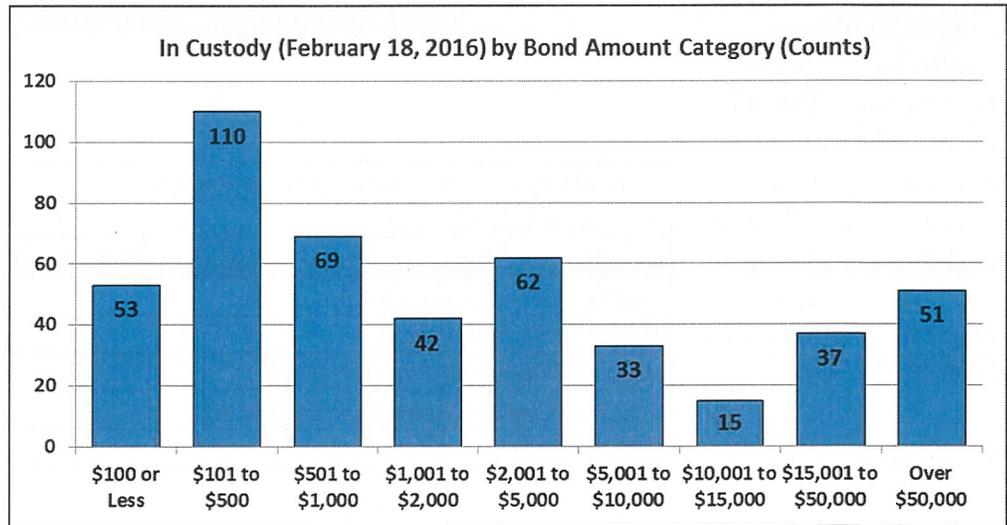


Figure 3

Within one week, 19.5% (92 inmates) had been released from custody. While other release types are possible, the majority of releases (75 of the 92) occurred for individuals with a financial obligation of \$1,000 or less. Provided additional time and resources, it would be useful to see if these individuals bonded out or were released due factors such as a change of conditions, a transfer to another facility, or the dismissal of charges.

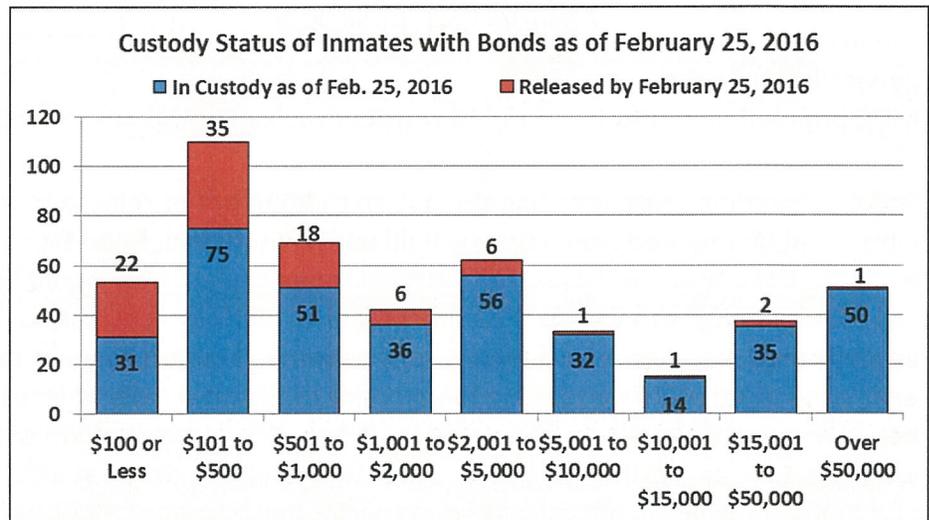


Figure 4

NOTES

1. Unsecured bonds were not included in this review as a financial payment was not necessary to obtain an individual's release from MDC.
2. Sentencing information in EJS is not always complete, as it takes time for the courts to process the paperwork and additional time for the jail to input this data. This information was updated when possible, but there is likely still sentencing information that has not been updated.
3. Some inmates had mixed types of conditions. For those with a bond and TPC release, this was considered a bond as the bond payment was a required part of the conditions. There were several inmates with some cases with bond and TPC as well as bond or TPC. In these instances, the bond on cases indicated as bond or TPC were not considered in the financial obligations as the TPC release was mandatory. Individuals who were bond or TPC for all their cases are considered separately from those with mandatory bonds as the financial conditions are not required to obtain release from the MDC.
4. In one instance, there were multiple bond amounts and types available. The lowest amount was used in any calculations.
5. In November 2015, DOC changed its practice in transporting inmates throughout the state, resulting in a termination of an MOU with Bernalillo County. Inmates that would not normally be booked into MDC for hearings are currently being housed at the facility rather than being returned to the custody of DOC. Moving forward, MDC will temporarily house individuals who have been sentenced to DOC but also have cases pending in Bernalillo County.
6. The mean length of stay for those in custody who were Here for Court (from DOC) was 6 days.
7. Hold categories with only one inmate are excluded from the median length of stay table.