

A Synthesis of New Mexico Legislative Finance Committee Documents Related to Private Prisons

By Nathan Craig, Ph.D. on behalf of

Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert



October 2020

Suggested citation: Craig, N. 2020 *A Synthesis of New Mexico Legislative Finance Committee Documents Related to Private Prisons*. AVID in the Chihuahuan Desert. <https://avid.chihuahuan.org/2020/10/11/review-of-nm-legislative-finance-committee-documents-regarding-private-prisons/>.

Summary

- New Mexico leads the nation in its use of private prisons, and this shift was pioneered by Governor Gary Johnson between 1995-2003.
- Private prison companies have a history of charging New Mexico with higher than normal inmate per diem rates, were charged over **\$1.6 million in fines, and an estimated \$18 million in fines were overlooked by the Johnson administration.**
- Public prisons house higher custody individuals which are more expensive, and private prisons only house individuals below custody level III which are less expensive.
- Evaluating incarceration costs at comparable custody levels, private prisons cost on average \$7,994 more per person than public ones. **Transitioning New Mexico's 3258 state private prison beds to lower cost public facilities could save \$26 million a year.**
- Overclassification, placing an inmate in a higher than necessary custody level, costs New Mexico millions per in excess custody costs. Doing so also limits an inmate's access to programs designed to reduce recidivism.
- New Mexico has a history of detaining release eligible inmates. In 2019, there were 156 inmates eligible for release. **At current average state incarceration rates imprisoning these 156 release eligible individuals costs the state \$19,344 per day.**
- **Release eligible inmates who remain in custody are overwhelmingly in private prisons.** Both GEO group and CoreCivic have been fined repeatedly for detaining release eligible inmates.
- Parole revocation constitutes the main source of recidivism with more than half for technical violations. **This cost the state in excess of \$40 million with little indication that these incarcerations increase public safety. The majority of these offenders are likely below custody level III and are likely to be housed in a private prison.**
- Private prisons have lower officer to inmate ratios and are associated with more dangerous conditions: higher numbers of assaults and presence of illicit weapons.
- Private Prison companies pay corrections officers less than public prisons. **Private prisons in New Mexico struggle to maintain a full staff, and have been repeatedly fined in excess of \$1 million for failing to maintain staffing levels.** GEO Group closed a facility due to inability to maintain minimum staffing levels. NMDOC took over the facility within 90 days and paid corrections officers a higher wage.
- **To reduce costs, the Legislative Finance Committee recommended moving medium security inmates out of private prisons and into public facilities.**
- New Mexico's prison population is declining and with it the need for prison beds.
- **Whereas incarceration costs in excess of \$100 per day, alternatives to incarceration cost on average \$4 per day and are appropriate for the 25% of the prison population which is made up of nonviolent drug offenders.**

Introduction

This document synthesizes relevant Legislative Finance Committee (LFC) documents regarding private prisons. Review of relevant LFC reports identifies eleven areas of significant financial consequence regarding private prisons. These are listed below and key points from each are provided in the preceding summary. The body of the document explores in detail each of these eleven themes identified by LFC.

- New Mexico relies heavily on private prisons
- Private prisons are expensive
- Issues surrounding public/private prison inmate custody level patterns
- Inmate classification
- Individuals held beyond release date or eligible for parole
- Reducing recidivism
- Building structure and guard to inmate ratios
- Staffing issues
- Growing cost of maintaining existing public prisons
- Declining prison population
- Alternatives to incarceration

New Mexico Relies Heavily on Private Prisons

On February 2, 1980 the Penitentiary of New Mexico (PNM) saw one of the nation's bloodiest prison riots. In the wake of the event, significant waste and abuse by public prison staff at PNM surfaced.¹ After this event, and the associated *Druan* consent decree New Mexico underwent a massive reconfiguration of the state's prison system.

In the 1990's, in the context of the post-PNM riot, as prison populations were increasing and the private prison industry was growing,² particularly in rural areas under the pretext of being effective economic development tools, New Mexico began to invest heavily in the use of private prisons. The move to private prisons was stimulated by Governor Gary Johnson (1995-2003) who asserted that private prisons could "offer the same services and goods as the public prison services at two-thirds the cost,"³ proposed to completely privatize the state's prison system, and campaigned on prisoners serving "every stinking minute" of their sentences.⁴ By the time Johnson left office in 2003, 42% of New Mexico's prison population was incarcerated in a private facility.⁵

By 2007, the Legislative Finance Committee noted that New Mexico had the highest private prison use in the country.⁶ In 2012, LFC again reported that New Mexico had the highest

¹ Morris, *The Devil's Butcher Shop*.

² Shapiro, "Banking on Bondage: Private Prisons and Mass Incarceration."

³ Haussamen and NMPolitics.net, "Johnson."

⁴ Greene, "Prison Privatization: Recent Developments in the United States," 5.

⁵ Mason, "Too Good to Be True: Private Prisons in America," 3.

⁶ Fleischmann et al., "Corrections Department Review of Facility Planning Efforts and Oversight of Private Prisons and Health Programs."

percentage of private prison use in the country.⁷ In 2014, LFC yet again reported that New Mexico led the nation in its use of private prisons with 51% of state prisoners in public prisons while 49% are in private prisons whereas nationally about 8% of state inmates are housed in private prisons.⁸ In 2016, having dipped slightly to 43.1% New Mexico continued to top the nation in its use of private prisons with a use level that was more than three times the average percentage of the states that used private prisons (13%, n=27) and six times the national average (7%, n=50).⁹ By 2017, New Mexico again incarcerated to 50% of its inmate population in private prisons and continued to top the nation at four times the national average of states that relied on private prisons (12.24%, n=28) and seven times the national average (6.9%, n=50).¹⁰

Private Prisons are Expensive

Between 2001-2007 state spending on private prison contracts increased 57%, “largely due to contract price increases,” and in 2007 LFC found that private prison companies were charging New Mexico higher rates than other states.¹¹ At the time LFC suggested contract changes that would have resulted in savings of more than \$5 million and about \$60 million over ten years by requiring contract amendments and recovery of monies for unperformed services.

LFC’s 2008 follow up report stated that “private prisons cost more than they should due to poorly constructed contracts and lack of competitive procurement,”¹² and noted that NMDOC had “not restructured private prison agreements that would lower costs and assure savings from privatization.” LFC’s 2008 report indicated that LCCF and GCCF, both GEO Group managed facilities, were reviewing contract amendments but these amendments did not address cost control.

In 2012, LFC determined that NMCD did not implement cost-savings regarding contract modifications with private prisons that included staffing levels. In March of 2012 the contract between NMCD and Lea County for LCCF reduced staffing requirements by 32 FTE leading to \$2 million in annual savings, but per-diem rates to GEO Group were not reduced.¹³ Additionally,

⁷ LFC, “Reducing Recidivism, Cutting Costs, and Improving Public Safety in the Incarceration and Supervision of Adult Offenders (Corrections Department),” 4.

⁸ LFC, “General Services Department, Corrections Department - Review of Capital Outlay Planning, Spending and Outcomes,” 6.

⁹ Gotsch and Basti, “Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons.”

¹⁰ The Sentencing Project, “Private Prisons in the United States.”

¹¹ Fleischmann et al., “Corrections Department Review of Facility Planning Efforts and Oversight of Private Prisons and Health Programs.”

¹² LFC, “A-1 NMCD Follow-up Review Executive Summary Report 09-05,” 1.

¹³ LFC, “Reducing Recidivism, Cutting Costs, and Improving Public Safety in the Incarceration and Supervision of Adult Offenders (Corrections Department),” 3.

NMCD suspended staffing levels penalties and required GEO to increase correctional officer salaries.¹⁴

In 2012, private prison contractors GEO Group and Corrections Corporation of America (CCA), which is now CoreCivic, incurred \$1.6 million in penalties for understaffing, contract violations, and holding inmates beyond their release date. Most of the infractions were at the GEO Group run LCCF in Hobbs but also included the NENMDF in Clayton. At the New Mexico Women's Correctional Facility in Grants, CCA was fined for retaining inmates after their release date. Lawmakers estimated that Gov. Bill Richardson's administration, which on the promise of cost savings welcomed private prisons into the state, overlooked as much as \$18 million in fines that could have been collected from private prison contractors in the state.

Public/Private Prison Inmate Custody Level Patterns

Public prisons house higher classification inmates than private prisons. Higher security inmates are more costly to incarcerate. Thus, higher public prison costs "are driven by a higher security population."¹⁵ In 2019, LFC noted that "private prisons in New Mexico generally do not take inmates classified higher than Level III"¹⁶ and "[c]urrently, all female inmates are housed at NMCD-operated facilities rather than private prisons."¹⁷

LFC found that in FY13, average public prison cost was \$112 per inmate per day while private prisons cost an average of \$80 per inmate per day, and that public prisons that incarcerated high security inmates cost on average \$120 per inmate per day.¹⁸

In 2014, LFC reported that "[c]hanging missions of public prisons and expansion of private prison use for medium security inmates have driven up operational costs."¹⁹ Many private prisons do not cover specialty medical care. For example, "[i]nmates at the private prison in Otero County in need of specialty medical care, such as eye examinations, are transported to the Southern New Mexico Correctional Facility (SNMCF) because the contract with Otero County does not cover specialty treatment."²⁰ The public facility then incurs the cost of that specialty care.

¹⁴ LFC, "Reducing Recidivism, Cutting Costs, and Improving Public Safety in the Incarceration and Supervision of Adult Offenders (Corrections Department)."

¹⁵ LFC, "General Services Department, Corrections Department - Review of Capital Outlay Planning, Spending and Outcomes," 9.

¹⁶ LFC, "Corrections Department Capital Outlay: Public Prison Maintenance Costs Continue to Rise as Facilities Age," 7.

¹⁷ LFC, 7.

¹⁸ LFC, "General Services Department, Corrections Department - Review of Capital Outlay Planning, Spending and Outcomes," 1.

¹⁹ LFC, 2.

²⁰ LFC, 9.

LFC’s 2019 report on inmate classification reports average cost per inmate (CPI) values for public and private institutions.²¹ For public facilities this is broken down by custody level, but for private facilities it is not. However, custody level by facility is reported in of the same report,²² and is here compiled into Table 1. The mean CPI for all public prisons is \$48,093 (SD=24,083), this is higher than the mean CPI for all private prisons which is \$35,725 (SD=24,083) (Table 2). However, this difference is because incarcerating higher custody inmates is more costly and private prisons do not incarcerate high custody inmates. Thus, comparing straight averages involves comparing things of different inherent costs. When public prisons that incarcerate custody level II and III inmates are compared to public prisons that house custody level II and III inmates, the average CPI for public prisons is \$27,731 (SD=5,161) and the average CPI for private prisons remains \$35,725 (SD = 24083). **Comparing public and private prisons at the same custody level indicates that private prisons on average cost \$7,994 more per person. Incarcerating New Mexico’s 3258 state private prison beds in public facilities that have lower CPI would save \$26 million.**

Type	Facility	Level	Est Total CPI
Public	SNMCF	II	\$21,720
Public	SNMCF	III,IV	\$65,695
Public	CNMCF	I	\$38,191
Public	CNMCF	II	\$25,258
Public	CNMCF	IV	\$93,477
Public	PNM	II	\$26,522
Public	PNM	V	\$71,771
Public	PNM	VI	\$72,419
Public	RCC	II	\$29,765
Public	WNMCF	III,IV	\$48,818
Public	CSS	II	\$35,392
Private	GCCF	III, Restricted	\$32,222
Private	LCCF	II, III, Restricted	\$30,802
Private	NENMCF	III	\$47,931
Private	NWNMCF	II, III	\$29,990
Private	OCPF	III, Restricted	\$37,682

Table 1CPI for public and private prisons

Public All Levels Mean	\$48,093
Public All Levels SD	\$24,083
Public II, III Mean	\$27,731
Public II, III SD	\$5,161
Private Mean	\$35,725
Private SD	\$24,083

Table 2 Comparison of average CPI's for public and private prisons

²¹ LFC, “Policy Spotlight- Inmate Classification,” 30, Appendix E, Tables 2 and 3.

²² LFC, 3, Table 2.

Inmate Classification

In 1980, in the context of the PNM NMCD signed a consent decree settling a lawsuit brought by Dwight Duran, this required improved conditions and established a formal classification system.²³ Between 2014-2016, 60% of new inmates were scored as minimum security but only 29% were housed there with most being held in medium security.

In 2015, NMCD moved the female inmate population from a single private prison in Grants, that was run by GEO group, to two public facilities. In making this move, “NMCD discovered the private operator at the former women’s prison, which employed its own classification staff, had been housing inmates together regardless of their classification and was not regularly reclassifying the women or adequately maintaining their records.”²⁴ Inmates of different levels were mixed, there was failure to score, misclassifications, and no oversight by the classification bureau. CoreCivic continues to operate the facility in grants as a minimum and medium security prison. Because proper scoring had not taken place, it was not clear where the women should be sent.

On August 31, 1999 at the Guadalupe County Correctional Center in Santa Rosa, a private prison managed by GEO Group, a guard was stabbed, and a riot ensued. Other stabbings occurred in the days prior. Independent investigation indicated the stabbing was caused by under-classification which placed high-risk individuals and gang members in a medium-security setting.²⁵ It was also determined that the classification system was largely driven by bed space rather than security risk. A 2000 report to the Legislature found that NM’s system deviated from industry best practices. The current classification system used by NMDOC evolved in response to this incident.

In 2020, LFC suggested underclassification did not appear to be the pressing safety issue it was in 1999. However, LFC observed that overclassification, the placement of inmates in a higher security than the scoring tool indicates, is common.²⁶ Also, LFC found a lack of validation for classification the scoring tool making it impossible to say if individuals are appropriately classified or overclassified. “LFC analysis finds the deviations from the scoring tool cost the state up to \$28 million a year.”²⁷

Custody level overrides generally operate in the direction of increasing the custody level and thus the cost of incarcerating an individual. Over classification is costly due to the increased costs for maintaining higher custody levels. LFC found that “a substantial number of inmates are classified at higher security levels than indicated by their custody score.”²⁸ This leads to additional costs. Over classification also reduces access to programs to reduce recidivism, and

²³ LFC, 3.

²⁴ LFC, 8.

²⁵ LFC, 1.

²⁶ LFC, 1.

²⁷ LFC, 1.

²⁸ LFC, 21.

high rates of recidivism are costly. Between FY10-FY18 the rate of recidivism increased 11%, it reached 50% in FY18, and rose again to 54% in FY19. Each percentage point costs the state an additional \$1.5 in incarceration costs.²⁹ Expanding access to minimum-security settings could help reduce recidivism and associated incarceration costs.³⁰

Individuals Held Beyond Release Date or Eligible for Parole

LFC's 2012 study on cutting prison costs found that "a higher percentage of inmates are spending additional time in prison beyond their release date" and as of 2014 the 295 release eligible inmates (REI) cost the state \$29,000 per day.³¹ LFC observed that while NMCD reduced release eligible inmates (REI) by 50% from prior years, there is an "utter lack of substantive reentry preparation."³² Lowering REI numbers results in savings of millions of dollars per year. By October 2019, LFC found the number of REI's dropped to 156, and noted that 40% were in public prison facilities while 60% were in private prisons.³³ For FY18, NMDOC's incarceration average cost per day was \$124,³⁴ and based on this average cost, the incarceration of 156 inmates eligible for release costs the state \$19,344 per day or \$13,5408 per week.

"Private prisons have held disproportionately large numbers of release eligible inmates in recent years."³⁵ Both GEO Group and CoreCivic were repeatedly fined for holding inmates beyond their release date.³⁶ From October 2017-2018, despite incarcerating 51% of the total prison population, private prisons held twice as many REIs as public prisons. On October 5, 2017 at NWNMCF run by CoreCivic, there were 39 REI's which comprised more than 5% of the facilities total population and was more than twice the number of REI's at any public prison in the state. By October, 2018 the number of REI's at NWNMCF dropped to 26, but retained the highest number of REI's of any facility in the state.³⁷

In 2018, LFC noted that securities and exchange commission filings "make it clear that facility occupancy is a primary concern among private prison corporations."³⁸ That same LFC report went on to note that GEO's annual shareholder report predicts the company's financial position and business strategy is based on "our ability to maintain or increase occupancy rates at our

²⁹ LFC, 19.

³⁰ LFC, 19.

³¹ LFC, "Reducing Recidivism, Cutting Costs, and Improving Public Safety in the Incarceration and Supervision of Adult Offenders (Corrections Department)," 3.

³² LFC, "Corrections Department - Status of Programs to Reduce Recidivism and Oversight of Medical Services," 9.

³³ LFC, "Corrections Department Capital Outlay: Public Prison Maintenance Costs Continue to Rise as Facilities Age," 10.

³⁴ LFC, 3.

³⁵ LFC, "Corrections Department - Status of Programs to Reduce Recidivism and Oversight of Medical Services," 9.

³⁶ Deborah Baker, "N.M. Private Prisons Fined \$1.6M."

³⁷ LFC, "Corrections Department - Status of Programs to Reduce Recidivism and Oversight of Medical Services," 9.

³⁸ LFC, 9.

facilities;” LFC states bluntly this is a factor that “should be taken into account when making policy decisions around contract management.”³⁹

The Duran agreement also requires NMCD to parole geriatric, incapacitated, and terminal ill individuals eligible for geriatric and medical parole.⁴⁰ In 2018, LFC recommended that legislators “should consider amending the geriatric and medical parole statute to require NMCD to evaluate inmates eligible for medical and geriatric parole and submit the list to the Parole Board for consideration.”⁴¹

Reducing Recidivism

As of 2012, New Mexico inmates rate of recidivism was around 50%, and decrease the rate of growth in prison population LFC suggested considering “legislation that requires the most funding for community-based corrections programs be used to fund evidence-based programs.”⁴² New Mexico’s recidivism rate rose to 50 percent in FY18 reflecting an 11% since FY10, and LFT noted that the increase in percentage point of recidivism costs the state \$1.5 million per year for incarceration alone.⁴³

Parole revocation drives the majority of the recidivism rate, 60% of prison readmissions in FY16 were due to technical revocations, and technical revocations cost the state nearly \$40 million in FY17.⁴⁴ Technical revocations are overwhelmingly for substance abuse issues with 75% of the violations being substance abuse or absconding and 15% for new criminal charges where were all for controlled substance possession.⁴⁵ Half of the drug violations involved methamphetamines which is by far the highest drug detected in urinalysis tests.

In 2018, LFC again reported that revocation of parole due to a technical violation related to drug use constitutes half of the recidivism rate, fully 1/3 of all persons admitted to NMCD are due to a failed drug test or missed appointment, and these incarcerations due to parole revocation on technical grounds costs the state \$40 million per year with little indication that these incarcerations increase public safety.⁴⁶

Building Structure and Guard to Inmate Ratios

As a result of the Duran consent decree, public prisons were structured around small pods so that guards monitored fewer individuals. Private prisons have larger housing units where a

³⁹ LFC, 9.

⁴⁰ LFC, “Corrections Department Capital Outlay: Public Prison Maintenance Costs Continue to Rise as Facilities Age,” 9.

⁴¹ LFC, “Corrections Department - Status of Programs to Reduce Recidivism and Oversight of Medical Services,” 26.

⁴² LFC, “Reducing Recidivism, Cutting Costs, and Improving Public Safety in the Incarceration and Supervision of Adult Offenders (Corrections Department),” 1.

⁴³ LFC, “Corrections Department - Status of Programs to Reduce Recidivism and Oversight of Medical Services,” 1.

⁴⁴ LFC, 14.

⁴⁵ LFC, 14.

⁴⁶ LFC, 1.

single officer monitors many more inmates (Table 3).⁴⁷ NOTE: understaffing and replacing guards with cameras has resulted in several assaults and murders (See Craig and Brown Vega’s 2018 review of MTC).⁴⁸

Facility	Type	Inmate to Officer Ratio
SNMCF	Public	21.3
WNMCF	Public	25.6
GCCF	Private	63.1
LCCF	Private	66.7

Table 3 Prison inmate to officer ratio comparing public and private prisons.

LFC asserts that over time, the state’s public prison design has proven costly and ineffective. LFC suggests following a “more efficient” prison design that is inspired by private prisons which allows a single guard to oversee a larger number of inmates.⁴⁹ This 2014 recommendation was made before 2016 when DOJ OIG found that private prisons more dangerous. Looking at comparable public and private prisons, private facilities had a 28% higher rate of inmate-on-inmate assaults, twice as many inmate-on-staff assaults, and twice as many illicit weapons.⁵⁰

In 2019, LFC noted that under the Duran decree, NMCD must provide 50 sq ft per inmate in a dorm or multi occupant room, not including common areas. To comply with this, by March 2021, NMCD must transfer 314 inmates from two private facilities and two public facilities.⁵¹

Staffing Issues

In 2012, the SPO vacancy rate was 26.6% and the CO vacancy rate was 21.8%.⁵² High vacancy rates mean higher costs in terms of overtime and also bring safety concerns for overworked officers. On average, private prison employees earn \$5,000 less than public prison employees and private prison employees receive 58 fewer hours of training.⁵³ This results in higher employee turnover and decreases the security of prison.

In 2019, the GEO managed NENMDF in Clayton was transitioned to the state. Low staffing issues played a role in a 2017 prison uprising that occurred at the facility and was kept quiet for months.⁵⁴ A GEO Group spokesman said that staffing shortage was their reason for terminating

⁴⁷ LFC, “General Services Department, Corrections Department - Review of Capital Outlay Planning, Spending and Outcomes,” 1.

⁴⁸ “Craig_Brown Vega_2018_“Why Doesn’t Anyone Investigate This Place.Pdf,” 63–74.

⁴⁹ LFC, “General Services Department, Corrections Department - Review of Capital Outlay Planning, Spending and Outcomes,” 11.

⁵⁰ DOJ OIG, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons.”

⁵¹ LFC, “Corrections Department Capital Outlay: Public Prison Maintenance Costs Continue to Rise as Facilities Age,” 8.

⁵² LFC, “Reducing Recidivism, Cutting Costs, and Improving Public Safety in the Incarceration and Supervision of Adult Offenders (Corrections Department),” 3.

⁵³ Mason, “Too Good to Be True: Private Prisons in America.”

⁵⁴ McKee, “Clayton Prison Operations to Move Under State Control.”

the contract. GEO CEO George Zoley claimed it built the facility a decade ago “to serve as an economic development initiative” but that state of New Mexico sent dangerous individuals to the facility and did not pay its share of the costs.⁵⁵ NMDOC reports that it offers a better salary than GEO.

Replace and Build New Public Prisons Rather than Continuing to Maintain Aging Public Prisons.

Between 1982-1991, the decade following the PNM riot, capital outlay was 14.4% of NMCD’s budget while from 2002-2010 only 1.3% went to capital projects. This decrease in capital project spending “is likely due to the shift toward private prisons beginning in the 1990’s” and funded through NMCD operating budget rather than capital outlay.⁵⁶ During the last decade New Mexico spent less than half the national average on capital projects as a percent of corrections capital spending.

There is a significant infrastructure maintenance backlog that in 2005 was over \$181 million and by 2014 projected to be \$236 million in addition to an estimated \$40.8 million to address security issues.⁵⁷ In 2014, public prisons had \$227 million in capital outlay, and maintaining existing medium security prisons is not likely to be cost beneficial.⁵⁸ The prisons are old, repair and maintenance costs are high. In 2014, LFC recommended that the state could save money by building new more efficiently designed prisons rather than continuing to invest in repair of aging facilities that are inefficiently designed.⁵⁹ The FY15 LFC budget recommendation determined that NMCD’s facilities were aging and in need of repair.⁶⁰

In 2019, capital outlay costs were approaching \$300 million.⁶¹ LFC recommended building a new facility rather than attempting to maintain aging ones. One of LFC ‘s key recommendations was for NMCD to “[c]onsider expanding medium security housing capacity in public prisons to transfer inmates back from private facilities.”⁶²

New Mexico’s Prison Population is Declining

Recent forecasts suggested at 20% increase in female inmate population, New Mexico’s inmate population reached an all-time high in FY16 and has been declining since. “New Mexico’s prison

⁵⁵ Zoley, “State Failed to Pay Its Share for Clayton Prison.”

⁵⁶ LFC, “General Services Department, Corrections Department - Review of Capital Outlay Planning, Spending and Outcomes,” 5.

⁵⁷ LFC, 7.

⁵⁸ LFC, 2.

⁵⁹ LFC, 1.

⁶⁰ LFC, 5.

⁶¹ LFC, “Corrections Department Capital Outlay: Public Prison Maintenance Costs Continue to Rise as Facilities Age,” 1.

⁶² LFC, “General Services Department, Corrections Department - Review of Capital Outlay Planning, Spending and Outcomes,” 4.

population is trending downward after years of growth,”⁶³ it is at its lowest level in five years. Between FY18-FY19 prison admission dropped 15.1% which was the largest decrease in two decades, between FY19 and FY20 the average population counts declined 5%.⁶⁴ The leading changes in prison admissions was for males was drugs (23%) and for females was parole (22%).⁶⁵

While the inmate population is declining, NM’s prisons are ageing beyond their lifespan making them costly to maintain, a 2019 LFC progress report estimated a deferred maintenance cost of public prisons approaching \$300 million in 2021.⁶⁶

Alternatives to Incarceration

Incarceration costs can be reduced by employing alternatives to incarceration programs. For FY18, the average cost per inmate per day was \$111 or \$40,515 per year and the average cost of supervised individual was 4\$ or \$1460. In 2018, LFC found that for each individual that can be safely transitioned from incarceration to supervision, the state stands to save \$39,055. One quarter of New Mexico’s prison population are nonviolent drug offenders. Implementing alternatives to detention for this population of nonviolent offenders would greatly ease the overall number of inmates, thus reducing incarceration costs, and making the transition away from costly private prisons easier, without placing the public at risk.

⁶³ LFC, “Corrections Department Capital Outlay: Public Prison Maintenance Costs Continue to Rise as Facilities Age,” 6.

⁶⁴ LFC, “Policy Spotlight- Inmate Classification,” 1, 17.

⁶⁵ LFC, “Corrections Department Capital Outlay: Public Prison Maintenance Costs Continue to Rise as Facilities Age,” 8.

⁶⁶ LFC, “Corrections Department Capital Outlay: Public Prison Maintenance Costs Continue to Rise as Facilities Age.”

References

- "Craig_Brown Vega_2018_ "Why Doesn't Anyone Investigate This Place.Pdf," n.d.
- Deborah Baker. "N.M. Private Prisons Fined \$1.6M." Albuquerque Journal, March 17, 2012. <https://www.abqjournal.com/94558/nm-private-prisons-fined-16m.html>.
- DOJ OIG. "Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons." Evaluation and Inspections Division. Washington, D.C.: Department of Justice (DOJ) Office of Inspector General (OIG), August 2016. <https://oig.justice.gov/reports/2016/e1606.pdf>.
- Fleischmann, Susan, Bobby Griego, Consuelo Mondragon, Sylvia Padilla, J. Scott Roybal, Charles Sallee, Aurora B. Sánchez, and Brian Schuss. "Corrections Department Review of Facility Planning Efforts and Oversight of Private Prisons and Health Programs." Report to the Legislative Finance Committee. Albuquerque: New Mexico Corrections Department, 2007. <https://www.prisonlegalnews.org/news/publications/review-facility-planning-efforts-and-oversight-private-prisons-and-health-programs-nm-doc-2007/>.
- Gotsch, Kara, and Vinay Basti. "Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons." Washington D. C.: The Sentencing Project (TSP), August 2, 2018. <https://www.sentencingproject.org/wp-content/uploads/2018/07/Capitalizing-on-Mass-Incarceration.pdf>.
- Greene, Judith. "Prison Privatization: Recent Developments in the United States." Presented at the International Conference on Penal Abolition, Toronto, May 12, 2000. http://www.iprt.ie/files/greene_icopa.pdf.
- Haussamen, Heath, and NMPolitics.net. "Johnson: Kick Special Interests Out of Government by Voting for Me." NMPolitics.net, October 17, 2016. <https://nmpolitics.net/index/2016/10/johnson-kick-special-interests-out-of-government-by-voting-for-me/>.
- LFC. "A-1 NMCD Follow-up Review Executive Summary Report 09-05." #09-05. Report to the Legislative Finance Committee. Albuquerque, NM: New Mexico Legislative Finance Committee (LFC), December 10, 2008. https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/A-1%20NMCD%20Follow-up%20Review%20Executive%20Summary%20Report%2009-05.pdf.
- . "Corrections Department - Status of Programs to Reduce Recidivism and Oversight of Medical Services." Albuquerque, NM: New Mexico Legislative Finance Committee (LFC), October 23, 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.
- . "Corrections Department Capital Outlay: Public Prison Maintenance Costs Continue to Rise as Facilities Age." Progress Report. Albuquerque, NM: Program Evaluation Unit, New Mexico Legislative Finance Committee, October 29, 2019.

- https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Progress_Reports/Progress%20Report%20-%20Corrections%20Department%20Capital%20Outlay.pdf.
- . “General Services Department, Corrections Department - Review of Capital Outlay Planning, Spending and Outcomes.” Albuquerque, NM: New Mexico Legislative Finance Committee (LFC), June 12, 2014.
- https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/General%20Services%20Department,%20Corrections%20Department%20-%20Review%20of%20Capital%20Outlay%20Planning,%20Spending%20and%20Outcomes.pdf.
- . “Policy Spotlight- Inmate Classification.” Program Evaluation. Albuquerque, NM: Program Evaluation Unit, New Mexico Legislative Finance Committee, July 16, 2020.
- https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/Policy%20Spotlight%20-%20Inmate%20Classification.pdf.
- . “Reducing Recidivism, Cutting Costs, and Improving Public Safety in the Incarceration and Supervision of Adult Offenders (Corrections Department).” Progress Report. Albuquerque, NM: Program Evaluation Unit, New Mexico Legislative Finance Committee, June 2012.
- [https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Progress_Reports/Reducing%20Recidivism,%20Cutting%20Costs,%20and%20Improving%20Public%20Safety%20in%20the%20Incarceration%20and%20Supervision%20of%20Adult%20Offenders%20\(Corrections%20Department\).pdf](https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Progress_Reports/Reducing%20Recidivism,%20Cutting%20Costs,%20and%20Improving%20Public%20Safety%20in%20the%20Incarceration%20and%20Supervision%20of%20Adult%20Offenders%20(Corrections%20Department).pdf).
- Mason, Cody. “Too Good to Be True: Private Prisons in America.” Washington, D.C.: The Sentencing Project (TSP), 2012. <http://sentencingproject.org/wp-content/uploads/2016/01/Too-Good-to-be-True-Private-Prisons-in-America.pdf>.
- McKee, Chris. “Clayton Prison Operations to Move Under State Control.” News. KRQE News 13 Albuquerque - Santa Fe, June 27, 2019. <https://www.krqe.com/news/new-mexico/new-mexico-moves-to-take-over-clayton-prison-operations/>.
- Morris, Roger. *The Devil's Butcher Shop: The New Mexico Prison Uprising*. Albuquerque, N.M.: University of New Mexico Press, 1988.
- <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=22691>.
- Shapiro, David. “Banking on Bondage: Private Prisons and Mass Incarceration.” New York: American Civil Liberties Union (ACLU), November 2, 2011.
- https://www.aclu.org/files/assets/bankingonbondage_20111102.pdf.
- The Sentencing Project. “Private Prisons in the United States.” The Sentencing Project, October 24, 2019. <https://www.sentencingproject.org/publications/private-prisons-united-states/>.
- Zoley, George C. “State Failed to Pay Its Share for Clayton Prison.” Albuquerque Journal, December 1, 2019. <https://www.abqjournal.com/1396721/state-failed-to-pay-its-share-for-clayton-prison.html>.