



NEW MEXICO ADMINISTRATIVE
OFFICE OF THE COURTS

PRETRIAL JUSTICE DIVISION

2021 ANNUAL REPORT

LEADING PRETRIAL JUSTICE

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Welcome to the NM AOC Pretrial Justice
2021 Annual Report

New Mexico Pretrial Justice Initiative Page

Our Mission Vision and Guiding Principles:

MISSION:

Foster and enhance pretrial justice throughout New Mexico

VISION:

New Mexico to continue to be a national leader in Pretrial Justice

Pretrial Justice Guiding Principles

*"In our society, liberty is the norm and detention prior to trial or without trial is the carefully limited exception."
U.S. v. Salerno*

- Presumption of innocence.
- Use of least restrictive conditions to reasonably ensure court appearance and public safety.
- Preventative Detention only when no conditions can be applied to reasonably protect public safety.

NM Pretrial Justice Implementation Goals:



Risk-Based and Evidence Based Decision Making



Maximize Public Safety



Maximize Pretrial Release



Maximize Court Appearance

"Admission to bail always involves a risk that the accused will take flight. That is a calculated risk which the law takes as the price of our system of justice." Stack v. Boyle 342 U.S. 1 (1951) at p. 8.

GOALS: SITE IMPLEMENTATION:

- Efficient Program Administration
- Develop a customer Centre Culture

"Pretrial decision determine mostly everything". Foote 1956



Bail is not pretrial punishment and is not to be set solely on the basis of an accusation of a serious crime.

*Charles W. Daniel,
New Mexico Supreme
Court Justice*

Message from Arthur W. Pepin

Message from Director, NM Administrative Office of the Courts



I am excited to congratulate the AOC Pretrial Services Program on its first annual report. The Pretrial Services Program continued to break new ground this past year implementing best practices to elevate pretrial justice throughout the state. The Program's dedicated staff invested a great amount of hard work in collaboration with justice partners, including detention centers, prosecutors, defense attorneys, counties, and of course the courts. As a result, judges had pretrial Public Safety Assessment (PSA) reports and courts had pretrial services in the following counties this year; Sandoval, San Juan, Dona Ana, Grant, Hidalgo, and Luna, while the Second Judicial District court continues to do this work in Albuquerque.

The Program also revived an important part of a complete pretrial system by working with detention centers to establish Early Delegated Release (EDR) programs. This difficult work requires trust and cooperation among the courts and all partners in the criminal justice system to release eligible, non-violent defendants before they are booked into a detention center. Continued work to build on the beginnings made this year will result in EDR programs where pretrial services are implemented.

One highlight of the Program's work this year was the release of the PSA validation study conducted by the Institute for Social Research at the University of New Mexico. After analyzing more than 10,000 closed cases in which the PSA had been completed in Bernalillo County, the ISR concluded that the PSA is predictive for pretrial risk and that it is race- and gender-neutral. The PSA can be relied upon regarding the risk of re-arrest and the likelihood of appearing for all court hearings during the pretrial period. Although work will continue to refine the PSA matrices used in district courts, the validation study provides New Mexicans with tangible proof that the PSA is reliable and fair.

Regarding the PSA, New Mexico continues to be unique in operating a 24-hour unit in Albuquerque to prepare PSA reports for courts across the state. This centralized approach is efficient and gets PSA reports to judges within hours of a reported arrest so that judges can consult the report when making difficult release decisions.

Any consideration of the Program's successes in the past year must acknowledge the outstanding work done to create and implement full-time oversight of electronic monitoring devices in Bernalillo County. The Program created a unit that now reviews all reported "ankle monitor" violations overnight and all day on weekends and holidays, with prompt action where appropriate to obtain an arrest warrant and provide the arrest warrant to law enforcement agencies in real time. Data on the program will be provided to the Legislature with a request to continue funding for this initiative.

The AOC Pretrial Services Program is a national leader in implementing pretrial best practices. I trust that any reader of this report will find that New Mexico is well served by the Program's dedication to public safety and to giving judges critical information as they make important pretrial decisions.

Arthur W. Pepin



The New Mexico Administrative Office of the Courts is a model for other states. Its leadership and collaboration with justice system stakeholders in New Mexico is building a foundation for sustainable pretrial improvement. The legal, evidence-based pretrial practices and policies that NMAOC is helping local jurisdictions adopt will lead to more fair, just, and effective pretrial systems statewide.

Tanya Anderson,

Senior Manager, Center for Effective Public Policy and Advancing Pretrial Policy and Research

Message from Kelly Bradford

Message from the AOC Pretrial Statewide Program Manager



Over the last 10 years, New Mexico has been in a transformation phase of pretrial justice reform. With the leadership of retired Chief Justice Daniels, New Mexico Supreme Court approve pretrial release rules in 2017, the envy of many states. However, at the time pretrial programs and courts across the state did not have the tools or programs to fully implement these rules. In late 2018, AOC Chief Executive Office, Artie Pepin, set in motion the vision of implementing pretrial practices and programs by creating the NM AOC Pretrial Justice Division beginning with my position. Coming into my position, I quickly realized the team of 1 needed to grow. Cecilia Perry and Robert "RJ" McBee were brought on board growing our team of 1, to a team of 3, setting the stage for the work to come.

In our first year we were a small but mighty team. As I look back over the last several years, I am extremely proud of the NM AOC Pretrial Justice Division team. This small team had the passion and drive to learn, and began implementing legal and evidence-based practices. Despite our growing expertise, it was quickly recognized we needed someone with a good understanding of data and outcomes. In 2020, under the new leadership of Mateo Page, AOC Courts Services Director and Paula Couselo, AOC Deputy Court Services Director, Gilbert Jaramillo was added to the team as the Pretrial Data Analyst. We now have the right expertise to take implementation to the next level.

The work of implementing and developing new programs is hard on a good day, but implementing legal and evidence based pretrial practices is doubly challenging. This type of implementation not only requires technical changes but more importantly adaptive changes amongst all justice partners. Pretrial implementation requires collaboration, discussion and common consensus of change. Change is hard. This is the magic of pretrial implementation, moving justice partners to understand, learn and shift practices. This takes time, but watching this transformation has been a highlight of my career as well as watching our NM AOC Pretrial team grow, find their passion and become pretrial experts in their rights.

So what have we accomplished? A lot! Since mid-2019, programs and practices have launched in 6 counties, in 4 judicial districts with collaboration from stakeholders from all sides of the pretrial justice system. The cornerstone for statewide implementation, the AOC Background Investigation/ PSA Unit was made operational, first in the country. Since 2019, we have grown from a team of 1 to over 30 employees positioned throughout the state. Pretrial Justice Standards for sites were developed along with new pretrial processes, expanded supervision, data collection protocols and increased staffing and supervision. Early Delegated Release is operational in Sandoval County San Juan County implementing EDR in early 2022. Lastly, in October 2021, the AOC Pretrial Justice Division operationalized in less than 6 weeks, the first afterhours Electronic Monitoring and Supervision Program with Joseph Filnerio as the Program Manager.

Our work is not done.... As we plan for the future the NM AOC Pretrial Division is building on our successes with plans to launch 9 more counties by July, 2022. A special focus will be on the expansion of pretrial performance and outcomes, expanding partnerships to future sites, training/education and a commitment to developing a statewide pretrial program that holds excellence, innovation, integrity to the highest level in all we do. I am very proud of our successes, team and excited for the road forward!

Kelly Bradford



The push for pretrial justice in America's courts reaffirms the idea that bail decisions can be fair and effective in reasonably assuring court appearance and public safety. New Mexico is a leader in these efforts with its focus on nonfinancial bail options, secured bail within a defendant's ability to pay, and due process protected legal pretrial detention. There is an example for other states to follow.

Spurgeon Kennedy,
National Association of Pretrial
Service Agencies - President Elect

2021 VIRTUAL NAPSA CONFERENCE

The 2021 Charles Daniels Judicial Leadership Award

In 2019, the NAPSA Board of Directors created the Judicial Leadership Award to memorialize the career of New Mexico Supreme Court Justice Charles W. Daniels. Justice Daniels was a significant advocate for pretrial reform in New Mexico and authored the Court's opinion in *State v. Brown* that found that setting a defendant's bail solely on the charged offense violated the Constitution. Subsequently, as Chief Justice, Daniels and the Court recommended a constitutional amendment that based pretrial release and detention on a defendant's risk to public safety and court appearance and that a defendant cannot be held in jail solely because they cannot afford a bail bond. The Legislature and state approved the constitutional amendment in 2016. This award is presented to a judicial officer that exemplifies leadership to reform pretrial systems and agencies through legal and evidence-based practices.



Artie Pepin accepted the

NAPSA Judicial Leadership Award

during the 2019 NAPSA
Conference from
Spurgeon Kennedy-
NAPSA President- Elect.



In 2019, The National Association of Pretrial Services Agencies selected retired Justice Charles Daniels for a special recognition award, saying he was “a driving force behind changes to promote pretrial justice and public safety through evidence-based practices in New Mexico's courts.”

NAPSA Executive Director Jim Sawyer said in the release that the award recognizes Daniels “for his exemplary leadership, integrity and commitment to the principles of pretrial justice.”

AOC Pretrial Justice Division

Leading the Way...



Mateo Page

AOC Court Services Director



Paula Couselo

AOC Court Services Deputy Director



Kelly Bradford

AOC Pretrial Statewide Pretrial Program Manager



Cecilia Perry

AOC Pretrial Program Manager



Robert "RJ" McBee

*AOC Pretrial Supervisor -
Background Investigations/PSA Unit*



Gilbert Jaramillo

AOC Pretrial Data Analyst



Joseph Filerio

AOC Pretrial Supervisor- EM and Supervision Unit

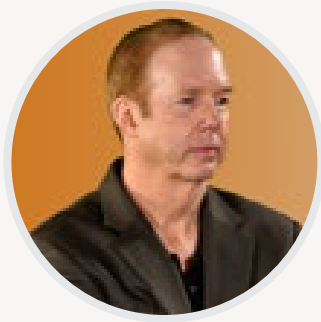
The law tells us what we can do, evidence tells us what works...

Pretrial Justice Legal Framework

The world of pretrial is a very distinct period in the criminal justice process of a case. The pretrial phase is the time period between when an individual is charged with a crime to the disposition of the case whether through a finding of guilt or dismissal. Bail, sometimes confused to mean only money bond, is the process of pretrial release and identifying conditions that can reasonably assure return to court and no new arrests.

During this stage all individuals, whether charged with a traffic citation or a more serious crime, retain rights that are near and dear to American society.... Liberty. The right to liberty is a legal fundamental principle of the U.S. Constitution.

The Story of Pretrial Justice in New Mexico



Tim Schnacke
*Center for Legal and
Evidence-Based Practices*

“In 2014, New Mexico was thrust into the vortex of criminal pretrial change by a single yet monumental state supreme court opinion critically addressing bail and the status quo of using money to decide pretrial release and detention. Since then, New Mexico has done a near miraculous job in making the sorts of changes required by that opinion, and it has done so in large part through the tremendous work of the people in the Administrative Office of the Courts and its Pretrial Initiative, which serves as a model to all American states.”

New Mexico’s Pretrial Justice Reform

In 2014, the New Mexico Supreme Court ruled that setting a defendant’s bail bond solely on the nature of the charged offense violates the Constitution and the rules of criminal procedure in *NM v. Brown*. This New Mexico Supreme Court opinion spurred a constitutional amendment that allowed, by motion of the government and by “clear and convincing evidence”, judges could detain defendants who posed a public safety risk. In addition, the opinion brought together criminal justice partners from all aspects of the system to develop and recommend pretrial release rules based on legal foundations of pretrial release. In 2017 the NM Supreme Court adopted pretrial release rules, emphasising release, using least restrictive conditions and moving release practices away from the use of financial conditions except in limited circumstances.



In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.

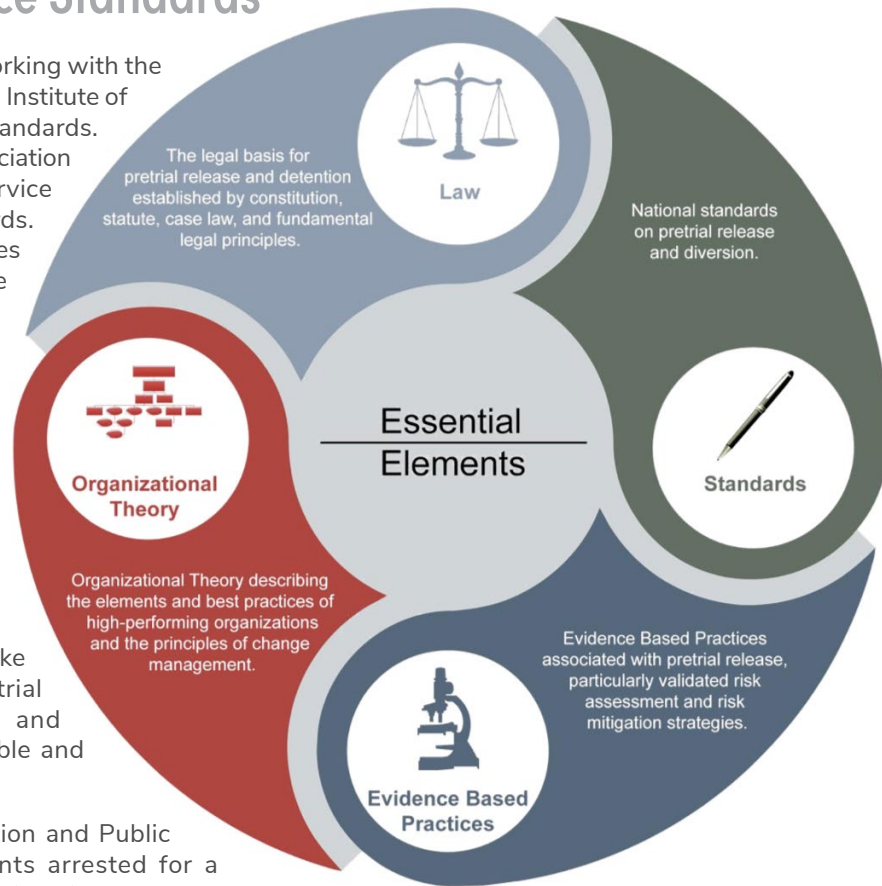
U.S. v. Salerno (1987)

The Supreme Court warned that without a right to pretrial release, “the presumption of innocence would lose its meaning.

Stack v. Boyle, 342 U.S. 1, 4 (1951)

Using National Pretrial Justice Standards

The NM AOC Pretrial Justice Division has been working with the technical assistance and support from the National Institute of Corrections (NIC) to implement pretrial national standards. These standards come from the American Bar Association (ABA) and the National Association of Pretrial Service Agencies (NAPSA) known as the NAPSA Standards. The model used to implement these standards comes from the NIC: Essential Elements of a Pretrial Justice System which incorporates the NAPSA Standards as well as evidence based practices for pretrial release decision making, Pretrial Programs and supervision.



The NM AOC Pretrial Justice Division Role and Function

The role of a pretrial program is to help courts make informed decisions, promote and maximise pretrial release, public safety and court appearance, and ensure release conditions are realistic, enforceable and measurable.

In New Mexico, the AOC Background Investigation and Public Safety Assessment Unit assesses all defendants arrested for a new charge using the Public Safety Assessment (PSA) and completes a Background Investigation Report (BIR). The PSA and BIR are provided to judges prior to the initial release hearing. The PSA measures a defendant's likelihood of future court appearance and no new arrests during the pretrial stage of a case. Judges use this information, as well as other information to determine release and conditions to best support pretrial success. Pretrial supervision can be a condition of release. This supervision is provided on the local level by Pretrial Programs using evidence-based pretrial supervision practices designed to promote pretrial success. As of the end of 2021, the AOC NM Pretrial Justice Division has 4 sites in 6 counties (San Juan County, Sandoval County, 3rd Judicial District and the 6th Judicial District) that have launched the use of the BI/PSA Unit and either expanded and enhanced their pretrial programs or launched for the first time.

Role of Pretrial Programs



Risk Assessment	<ul style="list-style-type: none"> • Background investigation - Criminal History Check • Validated Risk Assessment • Recommendations
Risk Management	<ul style="list-style-type: none"> • Supervision • Monitoring • Support
Service Integration	<ul style="list-style-type: none"> • Needs Assessment • Substance Abuse • Mental Health
Performance Measurement	<ul style="list-style-type: none"> • Metrics • Satisfaction • Feedback

AOC Pretrial Initiative Implementation

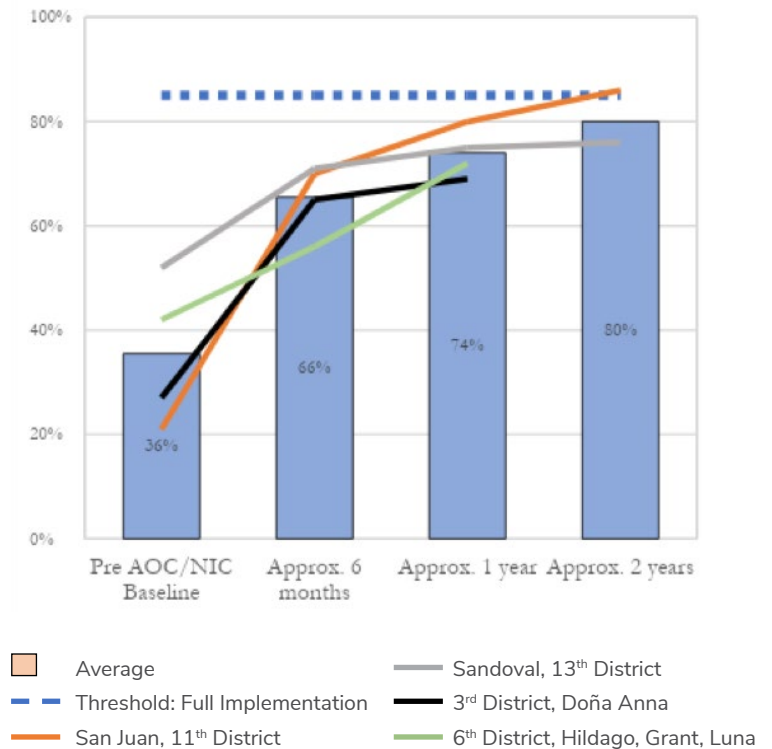
The NM AOC Pretrial Justice Division is in its third year of technical assistance from the NIC. Through this partnership, the NM AOC Pretrial Initiative has successfully applied implementation science to develop, implement, launch and work toward site sustainability.

NM AOC Pretrial Justice Division and NIC Collaboration



“These three years of collaboration and learning between AOC and the National Institute of Corrections (NIC) have been critical to advancing the field of pretrial justice in the US. New Mexico is the first state to consciously use the principles of “implementation science” to take a systematic approach to the statewide scaling up of legal and evidence-based pretrial justice programs. AOC’s focus on using the essential elements fidelity measure (fig. 1) to guide implementation gives counties focus and direction. This saves time, increases the likelihood of success, and enables counties to measure progress on maximizing release, court appearance, and public safety. NIC’s goal for this final year of collaboration is to help ensure NM has the ongoing implementation capacity it will need to successfully implement and sustain pretrial justice programs in all 33 of its counties.”

Figure 1: Percent of Pretrial Essential Elements Over Two Years



National Institute of Corrections Technical Assistance Team



Holly Busby,
Chief of Community Services
Division National Institute of
Corrections



Tom O'Connor,
Ph.D., CEO., Transforming
Corrections



Samatha Collins,
M.A., LPC, MAC
Transforming Corrections

Background Investigations and PSA Unit

Background Investigations and Public Safety Assessment Unit

The AOC Background Investigations and Public Safety Assessment Unit (BI/PSA Unit) is the first in the nation to centralize all background investigation services and complete the PSA. The BI/PSA Unit under the leadership of RJ McBee is staffed by Lead Workers: Matt Chavez, Vincent Gallegos, Renee Garcia and Salvador Suarez-Martinez; Background Investigators: Brianna Chavez and Edgar Sanchez; Intake Officers: Tara Bond, Alichia Chavez, Pauline Galloway, Sarah Olascoaga, Marino Valdez and Crystal Lopez.

“The BI/PSA Unit is the cornerstone of the NM Pretrial Initiative. Without the ability to centralize these functions, local courts would not have access to the PSA and background investigations”.

Kelly Bradford, AOC Statewide Pretrial Program Manager

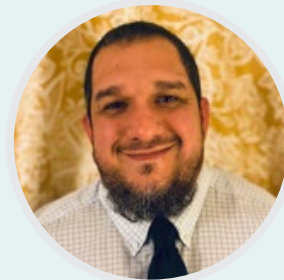
“The BI/PSA Unit truly is the underlying foundation for the “day to day” functionality of Pretrial Services. The communication and action that takes place between the BI/PSA Unit, our Detention Center, and our Magistrate Court, is critical in order for Pretrial Services in the Third Judicial District to accomplish overall program goals and tasks. Any requests and/or inquiries made between myself or my staff through the BI/PSA Unit are always responded to immediately and addressed timely”.

Samantha Woodward, 3rd Judicial District Pretrial Services Program Manager



The BI/PSA Unit launched in September of 2019 with just one employee and has grown since then to a staff of thirteen.

- The BI/PSA Unit operates 22 hours per day and 7 days per week which allows their work to be completed during the hours that courts are closed.
- The BI/PSA Unit generates Background Investigation Reports that include the defendant's criminal history with dispositions and failure to appear history as well as the Public Safety Assessment which is a predictive tool for Judges to use for release and pretrial supervision monitoring level decisions.
- The BI/PSA Unit currently provides its services to 11 Magistrate Courts and 6 District Courts from the 3rd, 6th, 11th and 13th Judicial Districts.
- The BI/PSA Unit staff coordinates with the local detention centers of the courts it provides services to and receives criminal complaints and booking sheets on newly arrested defendants for screening for BIR's and PSA's.
- For the first three quarters of 2021, the BI/PSA Unit staff screened 11,168 defendants and completed 5,250 BIR's and PSA's.



I couldn't be more proud of the work my staff does. They truly are a special unit of the hardest working and selfless individuals who have come together to produce amazing work.

RJ McBee,

AOC Supervisor BI/PSA Unit

Early Delegated Release

“In our society, liberty is the norm and detention prior to trial or without trial is the carefully limited exception” U.S. v Salerno 1987

Early Delegated Release

Early Delegated Release (EDR) is one of the essential elements of a high functioning pretrial system model. It is the process of identifying defendants charged with non-violent charges, assessed as low risk by the Public Safety Assessment and predicted to be highly successful when released from custody during the pretrial phase of their criminal case.



The introduction of the EDR process has been pretty smooth and a success in my opinion. All of the prep work helped get the EDR process off the ground and operationalized. The communication between the BI/PSA Unit staff and my staff has been instrumental to the success of our joint effort. RJ and his team with the BI/PSA Unit have been a great team to work with over the past 2 years. I look forward to the continued collaboration between the AOC and the Sandoval County Detention Center.

Gilbert Armendariz,
Warden

The Road to EDR

In March of 2021, the AOC Pretrial Justice Division finalized its model for EDR qualification and the process for releasing defendants. The qualifying criteria centers around 3 aspects: defendant's new charges, criminal history and the PSA assessment score.

The development and implementation of EDR required collaboration with the local detention center for the process to be included and approval from local Judges for the BI/PSA Unit staff to be recognized as authorized designees. The finalized model was supported and approved by AOC Director, Artie Pepin and the NM Supreme Court Justices.

How EDR Works...

When a defendant qualifies for EDR, the BI/PSA Unit staff generate the defendant's first court appearance and issue standard conditions of release. The defendant is also given the opportunity to enroll in text reminders for their court hearings. To communicate with the defendant, the Sandoval County Detention Center has allowed the placing of tablets inside their booking area. These tablets are controlled by the BI/PSA Unit staff who communicate with the defendants through virtual meetings, have the defendants electronically sign their paperwork and answer any questions the defendants have prior to their release from custody.

The EDR process will be launched in San Juan County in early 2022 and going forward it will be part of the larger New Mexico Pretrial Initiative Implementation process.

“Fast response time, smooth tablet interviews and clear directions for staff”.

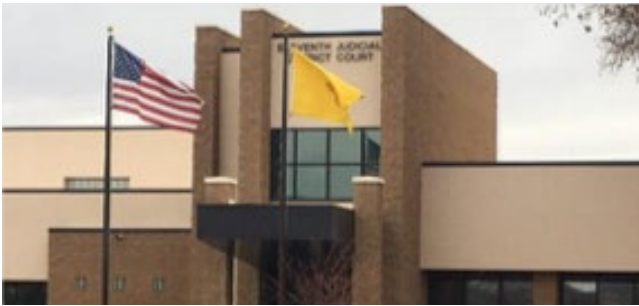
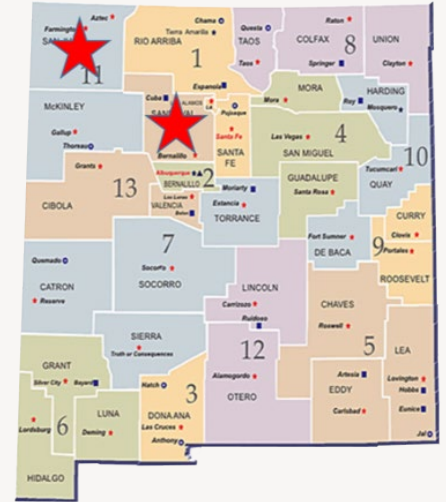
Lieutenant Melody Farrelly, Sandoval County Detention Center

AOC Original Sites

NM AOC Pretrial Justice Division Original Sites

In August 2019, the New Mexico AOC Pretrial Justice Division began working with San Juan County and Sandoval County to implement legal and evidence based pretrial practices. With the support of the NIC and local criminal justice partners, the work to develop and launch these practices began. Each site developed Pretrial Implementation Teams, multi-collaborative teams, represented by members from all aspects of the pretrial justice system.

Each Pretrial Implementation Team, NM AOC Pretrial and NIC met often to pull back the layers of their pretrial justice systems, redevelop processes, create a PSA Release Recommendation Matrix, enhance and revamp pretrial supervision and, most importantly, gain common understanding and consensus of pretrial justice and how they wanted their system to operate and perform.



11th Judicial District Court - Aztec, NM



13th Judicial District Court - Bernalillo, NM



San Juan County Magistrate Court - Farmington, NM



Cuba Magistrate Court - Cuba, NM



San Juan County Magistrate Court - Aztec, NM



Bernalillo Magistrate Court - Bernalillo, NM

San Juan County

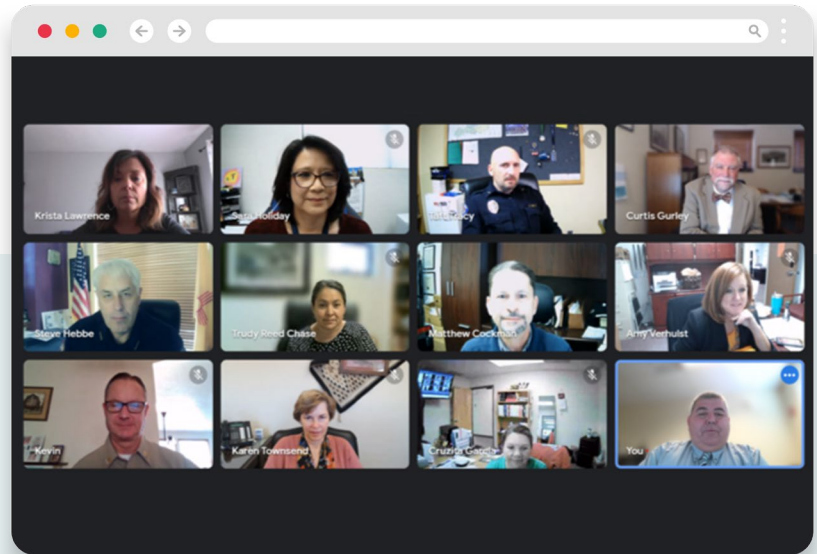
Aztec Magistrate, Farmington Magistrate and 11th Judicial District Court Launched in February, 2020

11th Judicial District, (San Juan County) Pretrial Services Community Stakeholders

Krista Lawrence, Division Director, Problem Solving Courts; **Sara Holiday**, Victim Advocate, Farmington PD; **Taft Tracy**, Deputy Chief, Farmington PD; Honorable **Curtis R. Gurley**, Chief District Court Judge; **Steve Hebbe**, Chief, Farmington PD; Honorable **Trudy Reed-Chase**, Aztec Mag. Court Judge, Presiding; **Matthew Cockman**, 11th Judicial District Public Defender's Office; **Amy Verhulst**, Court Manager, San Juan County Mag. Courts; Captain **Kevin Burns**, San Juan County SO; Honorable **Karen Townsend**, District Court Judge; **Cruzita Garcia**, Court Manager, San Juan County Mag. Courts; **Robert Romero**, PTS Program Manager

Not Pictured: **Brian Decker**, Chief Deputy DA, 11th Judicial District Attorney's Office; **Daniel Webb**, Administrator, San Juan County Adult Detention Center; **Brenna Cook**, Deputy Administrator, San Juan County Adult Detention Center; **Sarah Field**, Managing Attorney, 11th Judicial District Public Defender's Office; **Jodie Schwebel**, Deputy Court Executive Officer, 11th Judicial District; **Mariah Mumm**, Attorney Senior, 11th Judicial District; Honorable **Daylene Marsh**, District Court Judge; Honorable **Mark Hawkinson**, Farmington Mag. Court Judge, Presiding; Honorable **Gary McDaniel**, Aztec Mag. Court Judge; Honorable **Stacey Biel**, Aztec Mag. Court Judge; Honorable **Rena Scott**, Farmington Mag. Court Judge; Honorable **Patrick Cordell**, Farmington Mag. Court Judge.

As one of our AOC Pretrial Implementation Pilot Sites, San Juan County implemented the use of the Public Safety Assessment (PSA) in February 2020 for the Farmington Magistrate Court, Aztec Magistrate Court, and the District Court. Along with Sandoval County, they were one of the 1st Counties to incorporate the PSA for both felony and misdemeanor cases.



The constitutionality of liberty over detention, as the norm, is difficult to argue with. Pretrial implementation in San Juan County works towards acceptance and effectiveness as we work through the natural growing pains of any project. This is a substantial shift in procedure with the reduction of incarceration to increased monitoring for lower risk individuals in our system. It will take more time for pretrial implementation to be fully implanted and accepted in every silo of our system. We are on track for full acceptance with good decision making and communication by all partners. A tremendous byproduct of this implementation team has been the overall networking, problem solving and teamwork that is able to occur with any issue presented to this team. Thank you.

Capt. Burns, SJCSO

Meet the Pretrial Program

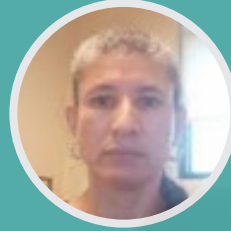
“Collaboratively developing a just pretrial system.”



Division Director,
Problem Solving Courts,
Krista Lawrence



PTS Program Manager,
Robert Romero



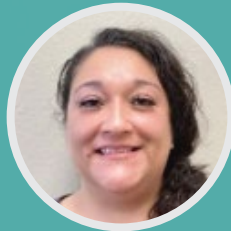
PTSO Leadworker,
Zulema Hernandez



PTSO Leadworker,
Mallorie Godoy



PTS Program/Project Specialist,
Bree Parrish



PTSO,
Susan Gurule



PTSO,
Shana Burkhardt-Wells



PTSO,
Reba Francisco



It really depends on the Officer. I believe that you are genuine with your job and that you cared about me as a person and that made it easier for me to want to do good. PTS made me stay focused on the bigger goal instead of being in jail and not seeing the light at the end of the tunnel.

BM-PTS defendant

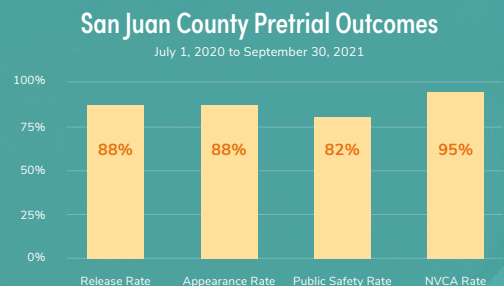
Highlights:

- Pretrial staffing has increased since 2019 from a total of 5 staff to 8.
- The Pretrial Program has migrated all case management and documentation into Odyssey Supervision Module- electronic database.
- Since implementation, the program can provide operational and outcome data.
- San Juan County has implemented over 80% of the essential elements.
- The Stakeholder Implementation Team has transitioned into a Pretrial Oversight Committee and continues to meet monthly.

San Juan County pretrial outcomes show success

July 1, 2020 to September 30, 2021 San Juan County had 824 PSAs and BIRs completed by the AOC BI/PSA Unit and closed during this time period.

- Release Rate: 88%
- Public Safety Rate: 82%
- Court Appearance Rate: 88%
- No New Violent Charges Rate: 95%



Sandoval County

Bernalillo and Cuba Magistrate Courts and 13th Judicial District Court Launched in April, 2020



Sandoval County along with San Juan County, was one of the 1st Counties in New Mexico to incorporate the Public Safety Assessment (PSA) for both felony and misdemeanor cases. They implemented the use of the PSA in April 2020 for the Cuba Magistrate Court, Bernalillo Magistrate Court, and District Court.

Sandoval County Stakeholder Implementation Team:

Honorable **George Eichwald**, Chief District Court Judge
Honorable **Christopher Perez**, District Court Judge
Honorable **Delilah Montano-Baca**, Magistrate Court Judge
Honorable **Ann Maxwell-Chavez**, Magistrate Court Judge
Karl Reifsteck, Court Executive Officer
Albert Kwan, Pretrial Supervisor
Cecilia Rojas, Court Manager-Bernalillo
Steve Archibeque, Public Defender
Jessica Martinez, Assistant District Attorney
Andoni Garrote, Assistant District Attorney
Chasity Conte, Victim Advocate
Daniel Valdez, Victim Advocate
Joe Gonzales, Sandoval County Deputy Sheriff
Lt. Carabajal, Lt. Rio Rancho Police
Yesenia Scudder, Sandoval County Detention Center Court Liaison



The success of our pretrial program is a credit to our dedicated stakeholder team who continue to communicate and work together to implement evidence based pretrial best practices in Sandoval County.

Christopher Perez,
District Court Judge

Highlights:

- Sandoval County stakeholders have transitioned to an oversight committee and continue to work toward sustainability.
- Stakeholders have identified areas of improvement using the system analysis and following best practices.
- Since the beginning of implementation, Sandoval County is nearing 80% completion of overall implementation of the essential elements.

Meet the Pretrial Program

“Our Pre-Trial Services Program provides evidence-based assessment, supervision, and reporting of justice involved community members.”



Sandoval County Pretrial Program

(Left to right: Julianna Wiggins, Albert Kwan and Kayla Breceda)

Sandoval County pretrial outcomes show success

July 1, 2020 to September 30, 2021 Sandoval County had 505 PSAs and BIRs completed by the AOC BI/PSA Unit in which the defendant was released and case closed during this time period.

- Release Rate: 97%
- Public Safety Rate: 82%
- Court Appearance Rate: 90%
- No New Violent Charges Rate: 96%

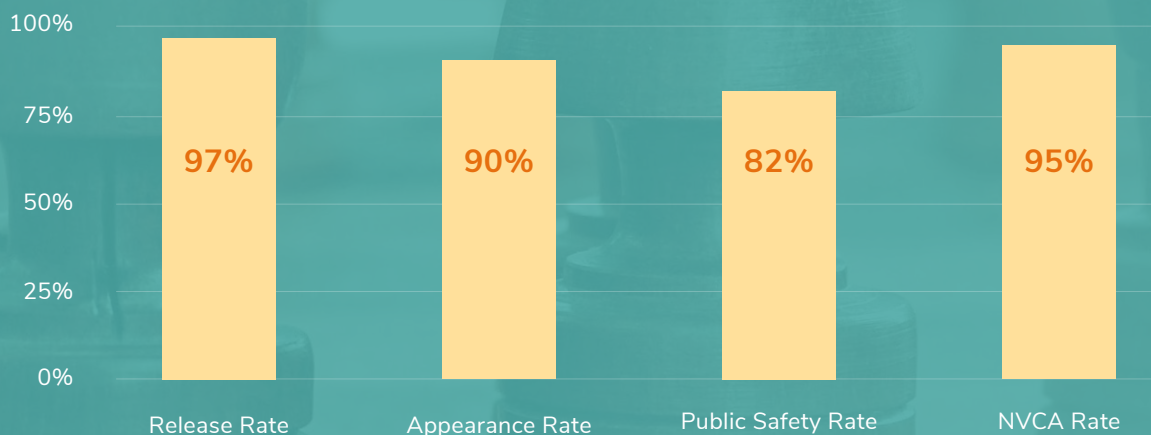
“

I am impressed by the ability of many stakeholders, law enforcement, district attorney, defense attorneys, detention center, to come together and work on important issues impacting the everyday lives of people in our community.

*Karl Reifsteck,
13th Judicial District Chief
Executive Officer*

Sandoval County Pretrial Outcomes

July 1, 2020 to September 30, 2021



3rd Judicial District

In 2020, the NM AOC Pretrial Justice Division and NIC began working with the 3rd Judicial District (Doña Ana County). Using the same formula from the initial implementation work in Sandoval and San Juan Counties, local stakeholder implementation teams were formed and the work began. The 3rd Judicial District launched in June, 2021.

Doña Ana County

Doña Ana Magistrate, Anthony Magistrate and 3rd Judicial District Court

3rd Judicial Stakeholder Implementation Team:

- Chief Judge **Manuel Arrieta** - District Court
- Judge **Rebecca Duffin** - Presiding Magistrate Judge
- Judge **Joel Cano** - Magistrate Judge
- **David Borunda** - 3rd Judicial District CEO
- **Gerald Byers** - District Attorney
- **Kristofer Knutson** - Law Office of the Public Defender Defender
- **Bryan Baker** - Director- Doña Ana Detention Center
- **Samantha Woodward** - 3rd Judicial District Pretrial Program Manager
- **Jaime Michael** - Doña Ana County Behavioral Health
- Sheriff **Kim Stewart**



“As a court administrator I have seen several pilot initiatives, some successful and some that came up short. I am excited that this initiative to pilot this much needed pretrial program was well thought out. A good idea is only as good as the planning and preparation to not only roll out a successful program but one that starts with a solid foundation of understanding and knowledge and ends with a common goal that will sustain for years to come.

What I am most proud of is the teamwork. Our District received not only guidance from AOC and NIC but from the 11th Judicial District and the 13th Judicial District whose pilot programs came before us. They provided us great advice on what worked and what didn't, giving us a solid blueprint. I am proud of our pretrial committee and their dedication and commitment over the course of over a year which required several meetings and training and oftentimes very difficult

conversations. The end result is a strong foundation that still has room to grow and evolve into hopefully a mentorship program.

It is refreshing to see a program that is needed in the community allowing for an alternative to incarceration; this shows the evolution of the judiciary system.”

CEO David Borunda

Meet the Pretrial Program

The 3rd Judicial District Court Pretrial Program

To uphold pretrial justice while maximizing release, court appearance, and public safety through risk-based decision-making.



Chief Judge Manuel Arrieta, Luis Hidalgo, David Borunda, Lane Sherman, Rachel Stevens, Samantha Woodward, Belinda Alvarez

Highlights:

- First Pretrial Program in the 3rd Judicial District.
- Provides supervision to both Magistrate and District Courts.
- The Stakeholder Committee has transitioned to an Oversight Committee to continue evaluating pretrial practices using data.
- Developed Pretrial Program Guidelines and standardized new processes between courts.
- Judges and attorneys receive recommendations and information to assist in pretrial release decisions and defendant success.
- Adaptive and successful collaboration between the two Courts and Stakeholders
- New program staff come from a variety of professional backgrounds resulting in a well-rounded team and program success.
- 1,049 PSA's were completed for the 3rd District from implementation to September 30, 2021.
- From implementation to September 30, 2021 the Pretrial Program completed 216 intakes.
- As of November 10, 2021, the Pretrial Program was providing monitoring and/or court hearing notifications to 169 defendants.



I was very impressed with the way in which the implementation process for PTS in the Third Judicial District was accomplished with a great deal of preparation, planning and detail. Everything from building community relationships to establishing legal and evidence-based practices was considered. I have no doubt that the implementation of PTS in the Third will result in measurable outcomes that will ultimately benefit the community, the participants and the criminal legal process.

Chief Judge Arrieta

6th Judicial District

6th Judicial District

Launched in June, 2021

Luna, Grant and Hidalgo Counties

Deming, Silver City, Bayard, Lordsburg, Magistrate Courts and the 6th Judicial District Court in Deming, Lordsburg, and Silver City.

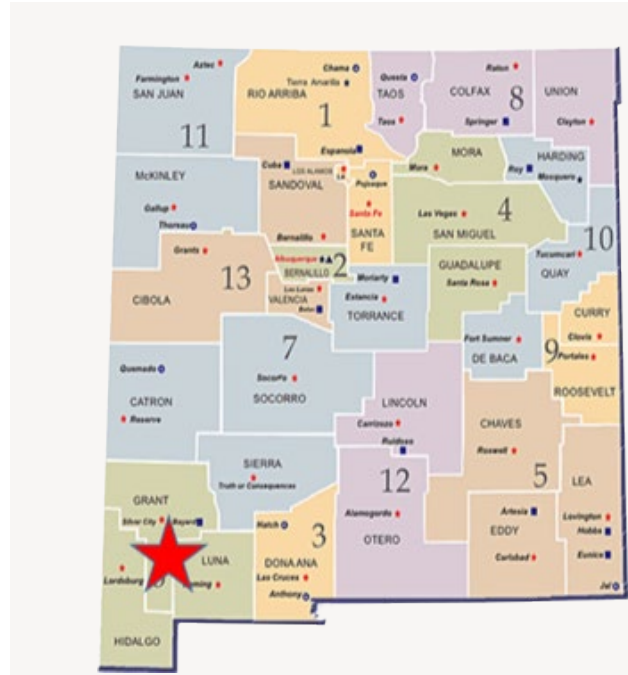
The 6th Judicial District launched the use of Legal and Evidence Based Practices in June of 2021. The 6th Judicial District consists of 3 counties: Grant, Luna and Hidalgo. The implementation was a first for the AOC Pretrial Justice Division to implement the PSA Release Recommendation Matrix, Standardized Pretrial Supervision Guidelines and processes across multiple counties in the same district.

The 6th JD developed a collaborative implementation committee with criminal justice partners from all 3 counties to develop supervision practices that are standardized across all 3 counties.



6th Judicial District Stakeholder Implementation Team

- Chief District Court Judge **Jennifer Delaney**
- District Court Judge **Jarod Hofacket**
- Grant County Magistrate Judge **Maurine Laney**
- Grant County Magistrate Judge **Hector Grijalva**
- District Court Judge **Jim Foy**
- District Court Judge **Tom Stewart**
- **Angelic Munoz** 6th Judicial District CEO
- **Corina Castillo** - 6th Judicial District Pretrial Program Manager
- 6th District Attorney - **Michael Renteria**
- Deming Police Department
- **Pablo Montoya** - Luna County Detention Center
- Grant County Detention Center Representative
- **Tisha Green** - Hidalgo County Detention Center
- 6th Judicial District Pretrial Program Staff



Seeing and being a part of the implementation process here in the 6th Judicial District has allowed for collaboration with different stakeholders in our district. The ability to work together and address issues unique to our district has resulted in great outcomes operationally. I look forward to continued work within the district in regards to our Pretrial Program and also Pretrial justice reform.

Corina Castillo, Program Manager

Meet the Pretrial Program

The 6th Judicial District Pretrial Program

To promote pretrial justice and enhance community safety, and court appearance.



Corina Castillo



Stephanie Pulliam



Ruben Chavira



Justina Corral



I appreciate Pretrial tenacity in making sure persons charged with crimes make court hearings. I have seen a lessening in bench warrants anecdotally because of the Pretrial project.

*6th Judicial District Judge
Jim Foy*

Highlights:

- Multi-county implementation approach: all 3 counties using the same PSA Release Recommendation Matrix developed locally by stakeholders..
- Existing Pretrial Services Program developed new standardized policies and practices and implemented them in all 3 counties.
- Pretrial Program provides supervision to both Magistrate and District Courts
- The Pretrial Services Program migrated from excel sheets to manage caseloads to the OMS system.
- The Pretrial Program developed unified and standardized pretrial supervision guidelines.
- 428 PSA's were completed for the 6th District from implementation to September 30, 2021.
- During a three month period (July, August, September 2021) the Pretrial Program completed 172 intakes.
- As of October 22, 2021, the Pretrial Program was providing active monitoring and/or court hearing notifications to 204 defendants.

Electronic Monitoring and Supervision Unit

“Providing Support to Promote Pretrial Success throughout New Mexico.”



Joseph W. Filerio

The Electronic Monitoring and Supervision (EMS) Unit launched in October, 2021 under the leadership of Cecilia Perry, Pretrial Program Manager, and Joseph W. Filerio, EMS Supervisor. As part of the larger picture of statewide expansion of pretrial practices, the EMS Unit transitioned after-hours Electronic Monitoring from the County Community Custody Program (CCP).

The EMS Unit currently supports the 2nd Judicial District Court and Metropolitan Court by providing after-hours monitoring of defendants, with felony level charges that have been ordered to Electronic Monitoring (EM). The EMS Unit provides after hours monitoring by investigating and responding to alerts, assisting the local pretrial programs in ensuring defendant compliance with conditions ordered by the court and public safety. The Unit has the capability to submit a request for an afterhours bench warrant when it is determined, based on Unit policies, that an individual has willfully violated their conditions of release or contact has been lost.



The officers that are assigned to the Unit are: Oscar Garcia, Sherman Carter, Wacey Begay and Alicia Vigil (pictured above from left to right). Not pictured: Charmayne Willie

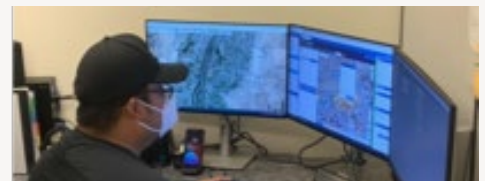
Highlights:

- Unit launched on October 16, 2021.
- The EMS Unit staffing includes one supervisor, and five EMS Officers operating after court hours 7 days a week.
- The Unit has investigated 1609 alerts from October 16, 2021 to November 7, 2021.
- Four bench warrants have been requested and issued, of the 1609 investigation alerts, as of November 8, 2021. Three of the four defendants have been arrested.



The AOC Statewide Pretrial Division was tasked with standing up an after hours electronic monitoring unit and did so from scratch within 6 weeks, to include hiring and training a full staff from nothing. The level of product and attention to detail the new unit provides the Second Judicial District Court is outstanding and enriches the services that we are able to provide the community and our stakeholders with regards to public safety.

*Marshall Dixon,
SJDC Pretrial Program Manager*



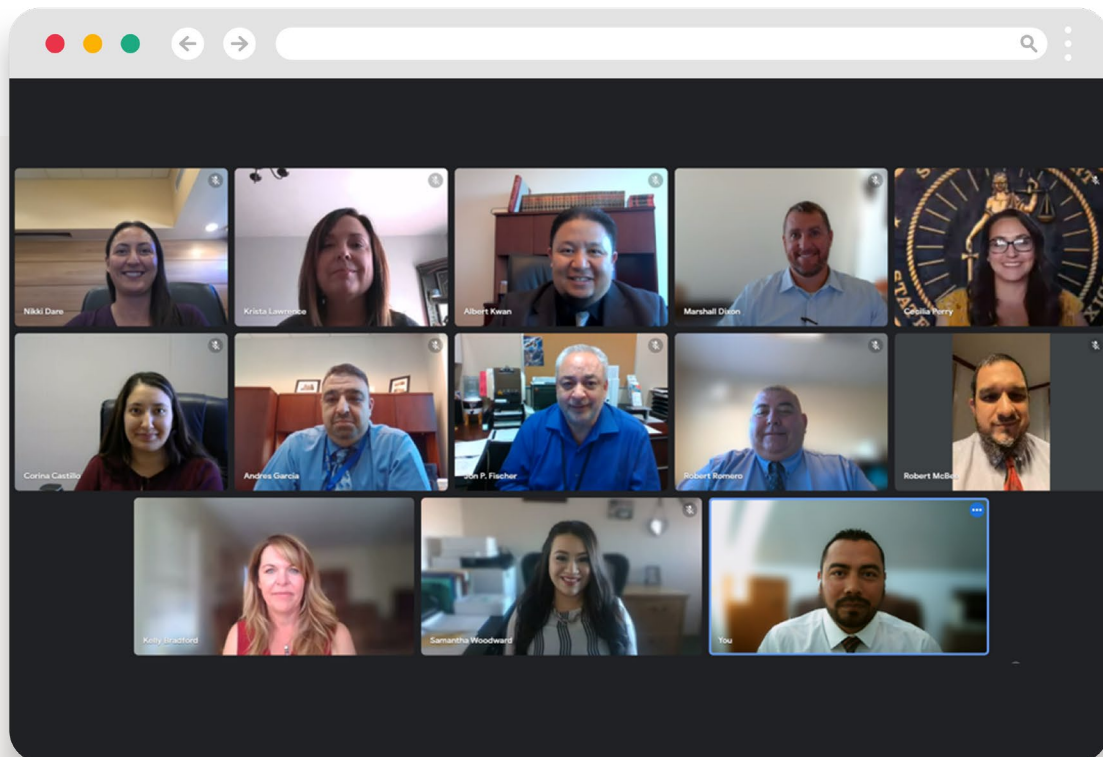
(Officer Begay actively monitors GPS points using the BI TotalAccess system as well as the Odyssey Case Management system.)

In addition to monitoring and responding to GPS alerts, the EMS Unit provides support to current AOC sites by assisting with capturing performance outcomes and measures. Plans are underway to expand the assistance the EMS Unit gives to AOC sites, to include assisting with supervision of Defendants.

New Mexico Pretrial Executives Network NM PEN

“Enhance and improve implementation of statewide pretrial legal and evidence-based practices.”

The NM Pretrial Executives Network was formed in 2020 as a forum to bring together managers and programs who have implemented pretrial legal and evidence based practices or are actively working toward implementation. The NM PEN provides local pretrial program managers the opportunity to meet monthly and discuss various topics that range from supervision, program development, processes and shared experiences. The NM PEN also assists the NM AOC Pretrial Justice team in understanding challenges and successes on the local level which assists with future sites.



Nikki Dare: Mckinley County, **Krista Lawrence:** 11th Judicial District, **Albert Kwan:** 13th Judicial District, **Marshall Dixon:** 2nd Judicial District Court, **Cecilia Perry:** NM AOC, **Corina Castillo:** 6th Judicial District, **Andres Garica:** Bernalillo County Metropolitan Court, **Jon Fischer:** 1st Judicial District, **Robert Romero:** 11th Judicial District, **RJ McBee:** AOC NM, **Kelly Bradford:** AOC NM, **Samantha Woodward:** 3rd Judicial District Court, **Gilbert Jaramillo:** AOC NM

“The New Mexico Pretrial Services Network is an essential resource/group to the administrative area of a functioning Pretrial Services Program. We have monthly meetings in which various topics are discussed presented by Program Managers throughout the state and/or the AOC Pretrial Services team. These meetings allow for dialogue and question/answer on various Agenda item topics or other. They also allow for statewide networking to develop working relationships with the team across the state which is important to me as a professional.

I look forward to Network meetings and interaction! I am grateful for the assistance and the availability of these members that are provided to me.”

Samantha Woodward-Pretrial Program Manager, 3rd Judicial District

Data Tells the Story

Over the last year the NM AOC Pretrial Justice Division has made huge strides in data collection and measuring the work.

Bernalillo County Public Safety Assessment Validation Study

In June, 2021 the University of New Mexico Institute of Social Research published a validation study of the Public Safety Assessment. Researchers used a data sample consisting of 10,289 felony cases that were assessed by the PSA and closed between July, 2017 and March, 2020.

The study highlights the outcomes of not only implementing the PSA and Legal and Evidence Based Practices (LEBP) in Bernalillo County in 2017, but also **validated the predictability of the PSA**. The study also found the PSA does **not drive bias in the pretrial justice system**.

Pretrial Outcomes:

- Release Rate: **69.1%**
- Appearance Rate: **77.1%**
- Public Safety Rate: **81%**
- No New Violent Criminal Activity Rate: **95.3%**

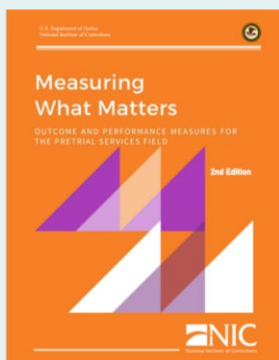


Developing Data Infrastructure and Capacity

The AOC Pretrial Justice Division has been working tirelessly to roll out LEBP throughout the state of New Mexico. And while New Mexico has been a leader in pretrial justice there have been some missing pieces. What's missing, you ask? The ability to easily provide outcomes, performance measures, and feedback using data.

The division has utilized staff and extensive resources to manually capture important data points. In August 2021 the AOC Pretrial Justice Division moved in a new direction in order to meet these data needs. In partnership with AOC Judicial Information Division (JID) the project has been working to migrate pretrial data to the NM DataXchange platform. Once development is complete the NM DataXchange will allow for real time performance measures and outcomes, the ability to integrate data from multiple sources, including jails and law enforcement agencies, and the ability to measure the pretrial justice system in New Mexico as a whole, from arrest to case disposition.

The Pretrial DataXchange project is developing performance measures and outcomes around the standards and methodology identified in the National Institute of Corrections Publication **"Measuring What Matters, Outcome and Performance Measures for the Pretrial Services Field, 2nd Edition"**. Discussions with current AOC Pretrial sites are ongoing and in 2021 San Juan County completed integration of jail data on the platform with the Sandoval County Detention Center scheduled to complete integration by the end of year. These efforts continue to move the NM Pretrial Justice system forward as a national leader and high functioning system.



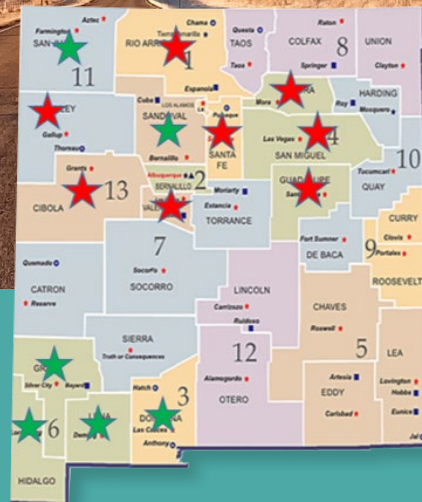
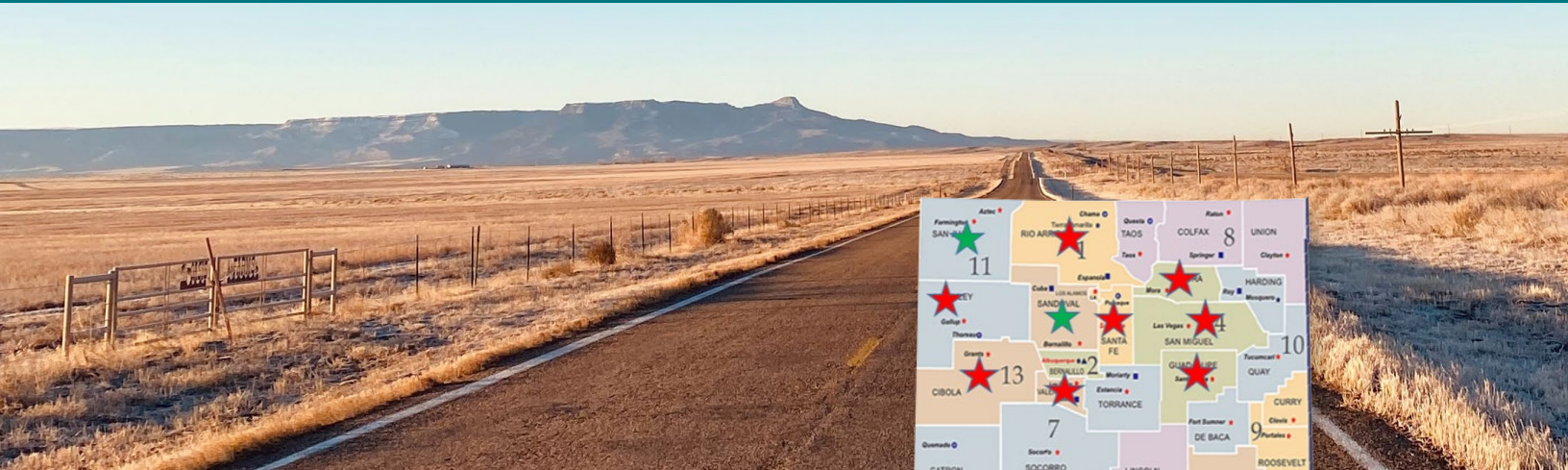
"Adding the data infrastructure to everything that has been implemented will strengthen and improve public safety and court appearance across the state. We will have the ability to measure how the system is working and improve in areas that are not working as well as they should"

Gilbert Jaramillo, AOC Pretrial Data Analyst

*"When you start pulling back the layers of your system, your data is going to tell your story—how your system is working, what's clicking, what's working really well."
"When you find out where you want to go, your data is going to help you figure out how to get there."*

Kelly Bradford, AOC Statewide Pretrial Program Manager

What's Next for the AOC Pretrial Justice Division - On the Horizon



New Pretrial Justice Implementation Status

- ★ Implemented
- ★ FY22 and FY23 Sites



Pretrial justice in New Mexico has come such a long way in a very short time. The expansion of pretrial services, particularly in rural jurisdictions is much needed across this country. New Mexico, through innovation and collaboration, is certainly leading the way and continues to be a model for other states. I applaud their efforts in ensuring pretrial justice for both rural and urban jurisdictions equally.

Tara Boh Blair

*National Criminal Justice Consultant
Retired AOC Kentucky Pretrial Director*

On the Horizon...

The AOC Pretrial Justice Division continues to work toward their mission of fostering and enhancing pretrial justice throughout the state. In addition to the implementations and continued collaboration with the current sites, the AOC Pretrial team in partnership with the NIC is working toward the successful implementation of the NIC Essential Elements in FY22 to McKinley County, Valencia County, and Cibola County. Each county has their own unique and diverse characteristics and has begun to establish their stakeholder committees and meeting regularity.

The AOC Pretrial Justice Division has also identified two additional jurisdictions to launch in early FY23. The 1st Judicial District has begun implementing best practices within their current program and is working closely with the AOC Pretrial team to bring their local justice partners together to begin collaboratively identifying areas to enhance within their program. The 4th Judicial District is also working toward establishing their stakeholder committee to work toward the implementation of legal and evidence-based practices, part of which will launch the first Pretrial Services Program in their district.