

Rebuilding & Reforming Criminal Justice

Second Judicial District Attorney
Raul Torrez

Challenges

*New
Strategy*

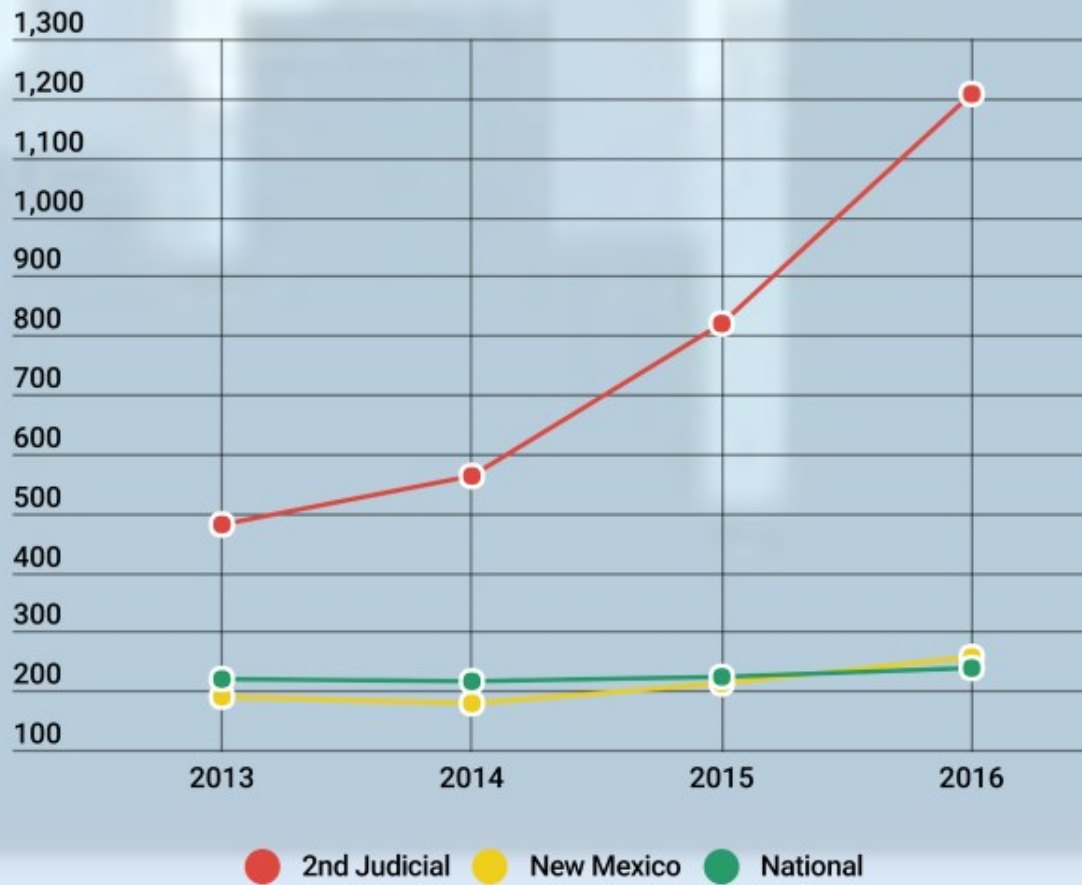
*Critical
Reform*

*A Call To
Action*

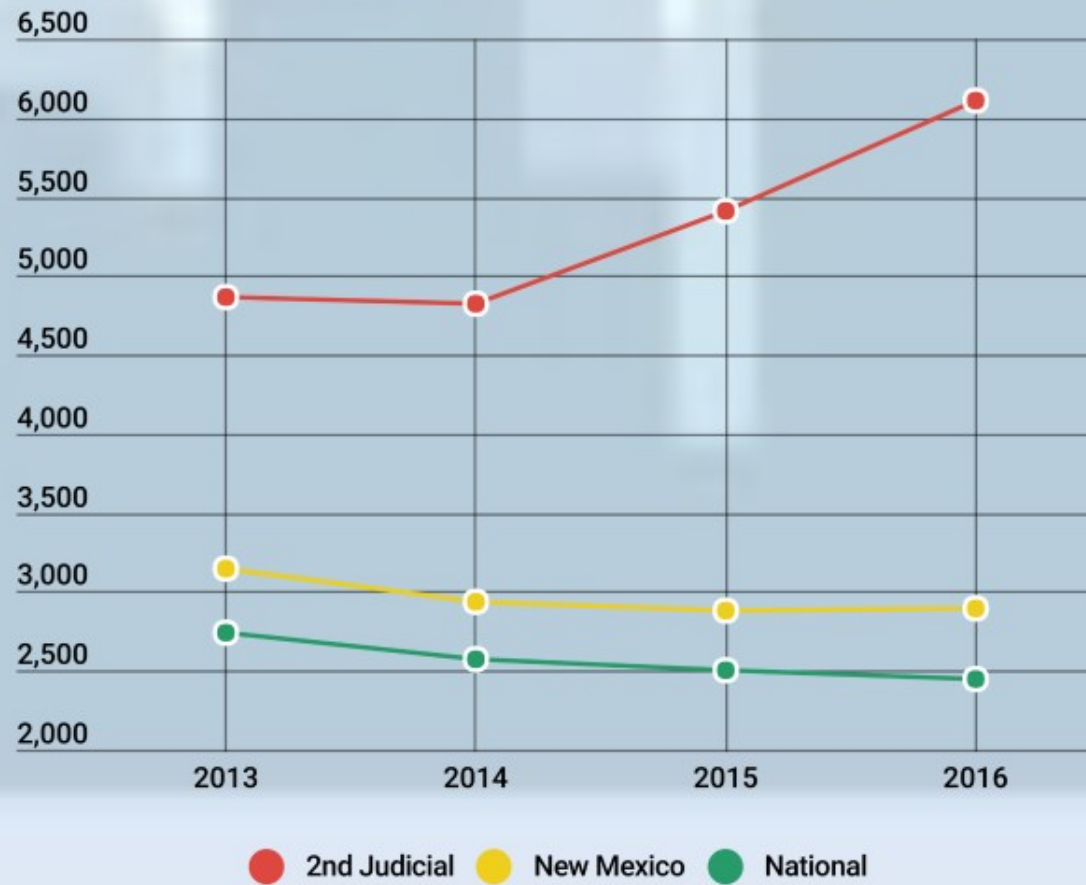




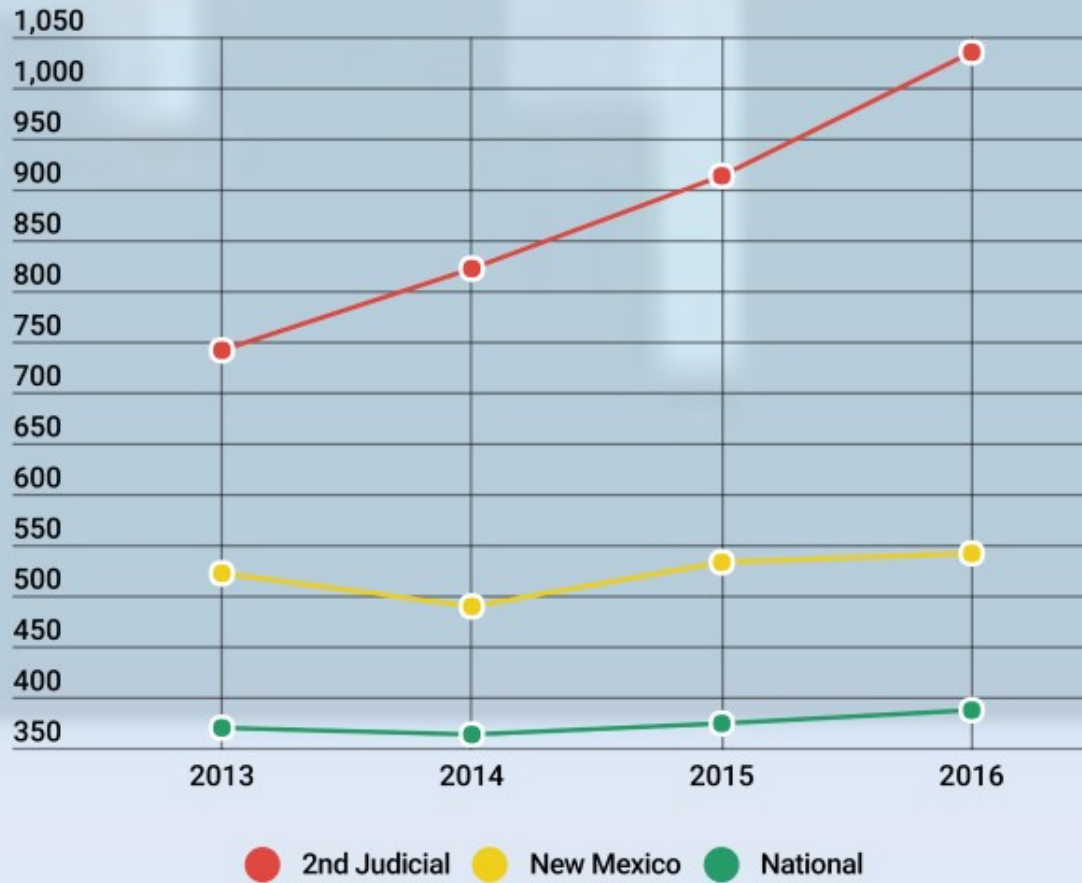
Auto Theft Rate Per 100,000 (2013 - 2016)



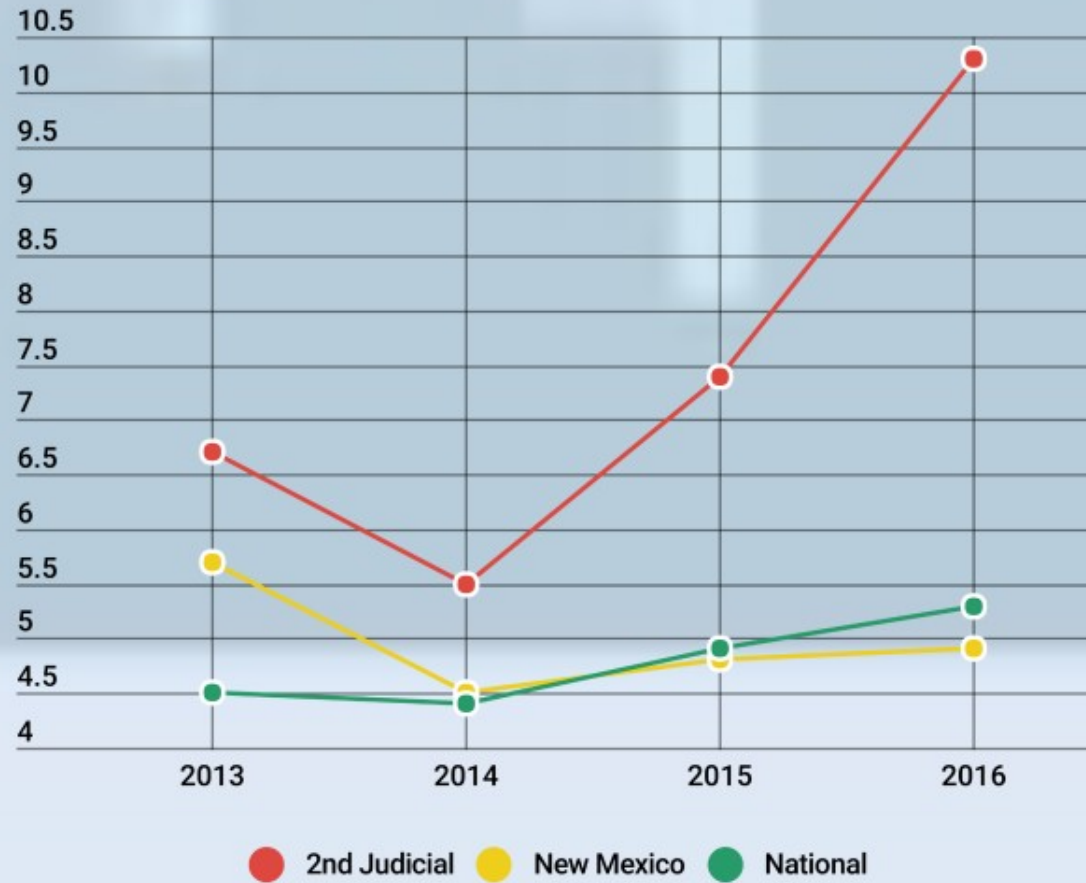
Property Crime Rate Per 100,000 (2013 - 2016)



Violent Crime Rate Per 100,000 (2013 - 2016)

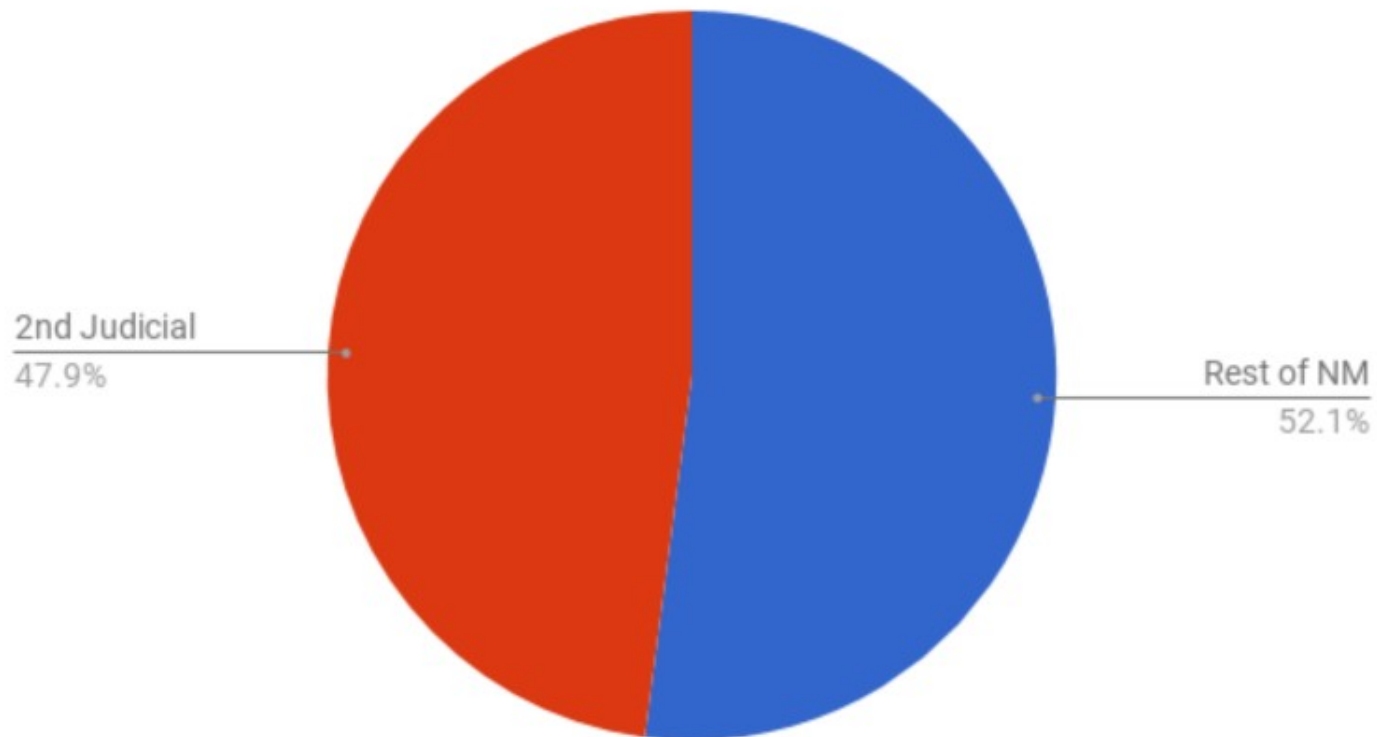


Murder Rate Per 100,000 (2013 - 2016)



Percentage of Violent Crime

Share of Violent Crime - NM - 2016



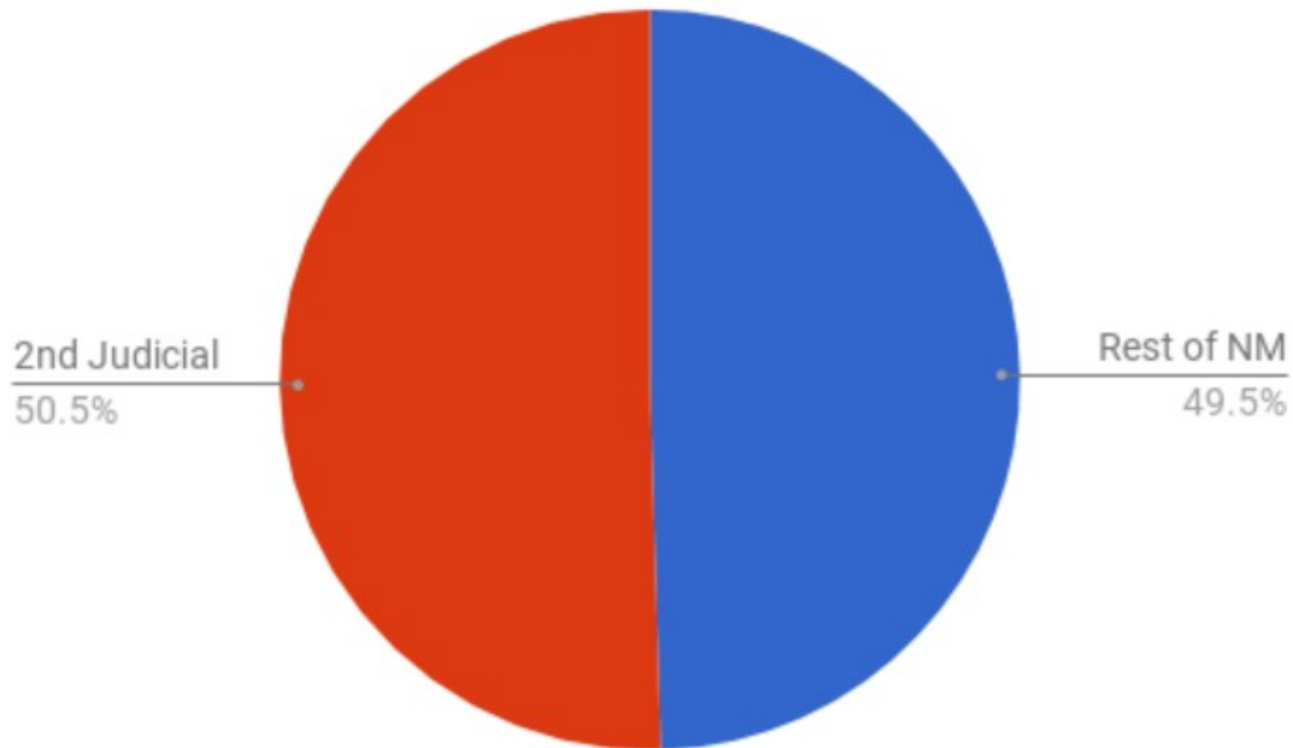
Percentage of Homicide

Share of Homicide - NM -2016



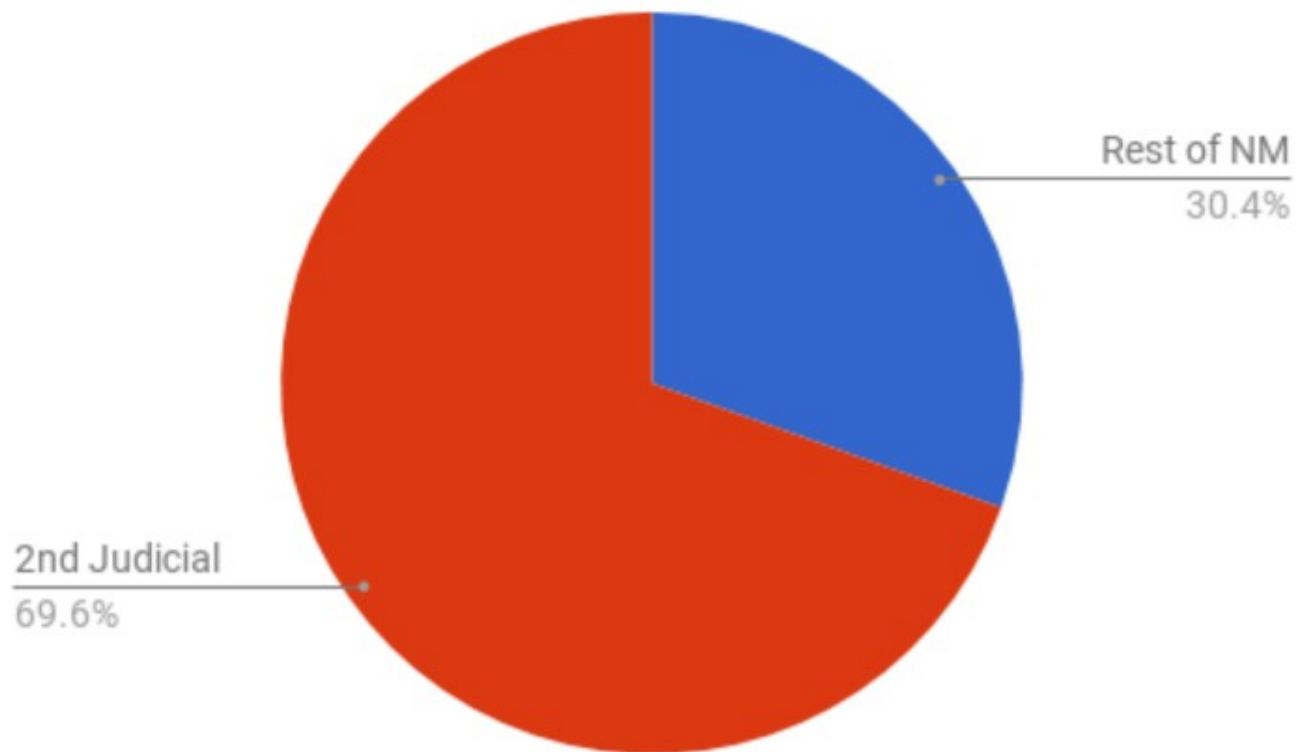
Percentage of Property Crime

Share of Property Crime - NM - 2016

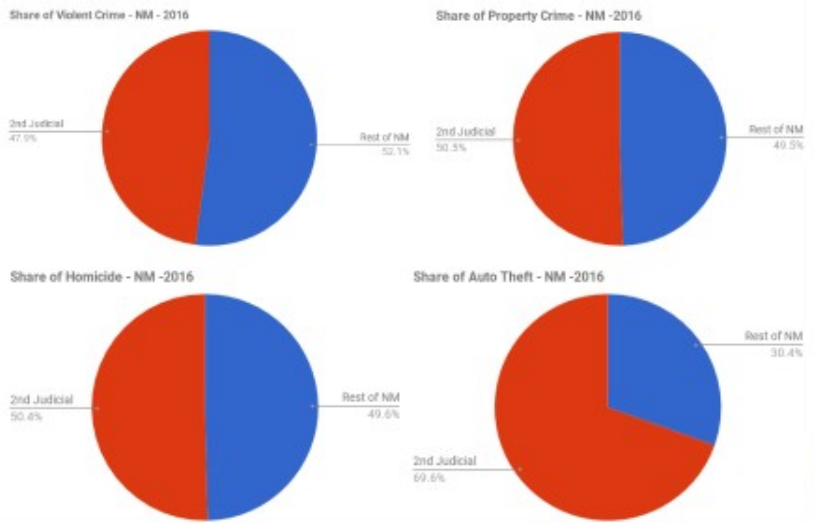


Percentage of Auto Theft

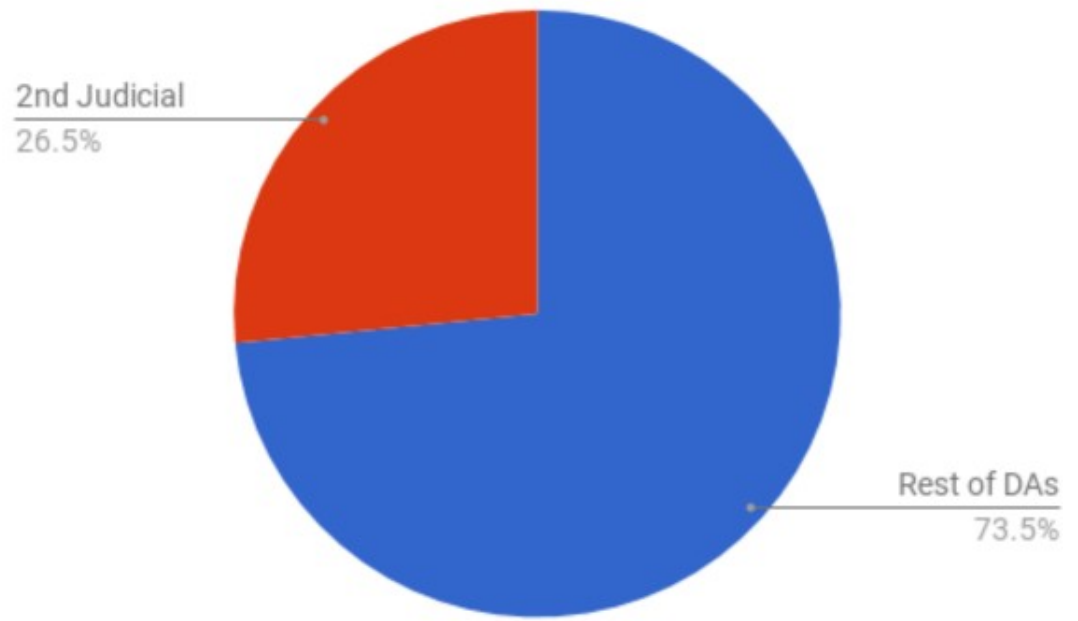
Share of Auto Theft - NM -2016



Comparing Crime Rates & Appropriation

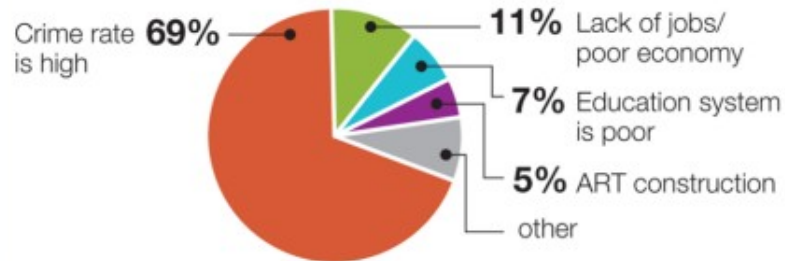


Share of FY18 Appropriation - NM



What Does the Community Think?

What is the top issue or concern facing the people of Albuquerque?



Those who said "Crime rate is high" was their top concern:

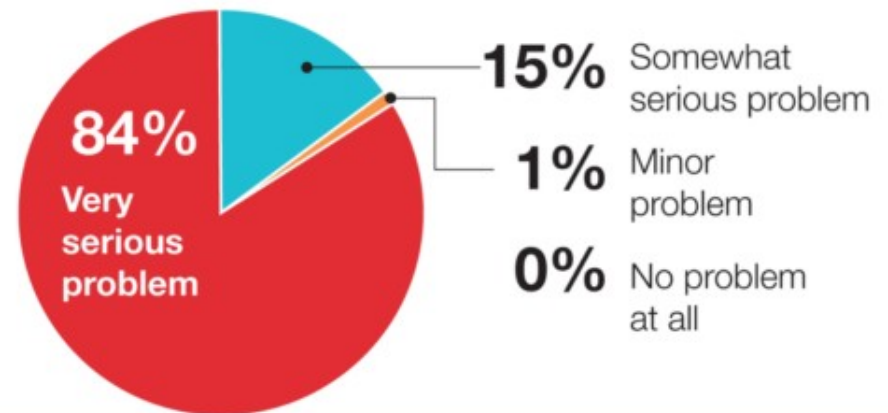


The Journal Poll is based on a scientific sample of 516 likely Albuquerque voters. Voters were interviewed by professional interviewers by landlines (56%) and cellphones (44%) Sept. 11-14 by Research & Polling Inc. The margin of error is plus or minus 4.3 percentage points.

Source: Research & Polling Inc.

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How much of a problem would you say crime is in Albuquerque?



Inadequate Resources

***CMO Cost
Analysis***

***Staffing
Shortages***

***Officer
Involved
Shootings***

***Rape Kit
Backlog***

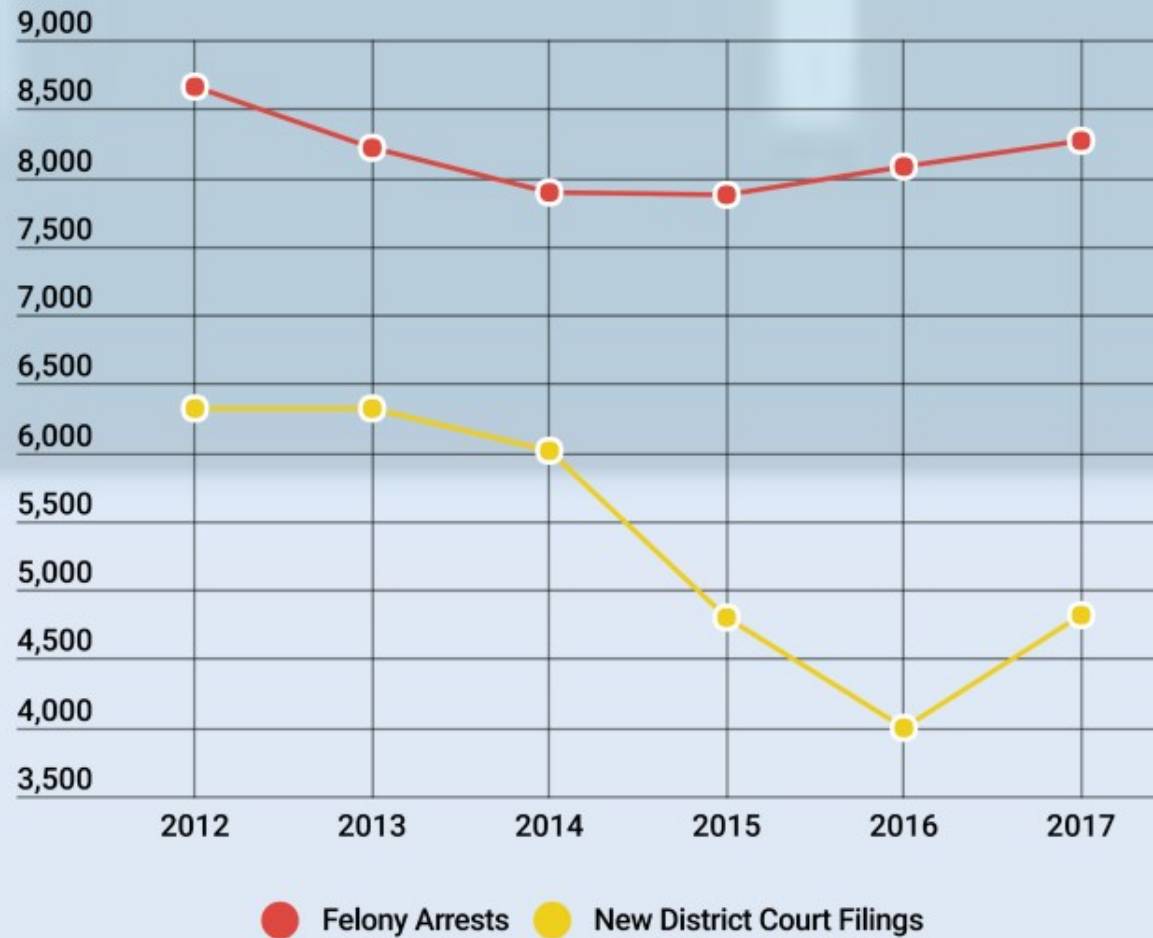
***Victim
Services***

CMO: An Unfunded Mandate

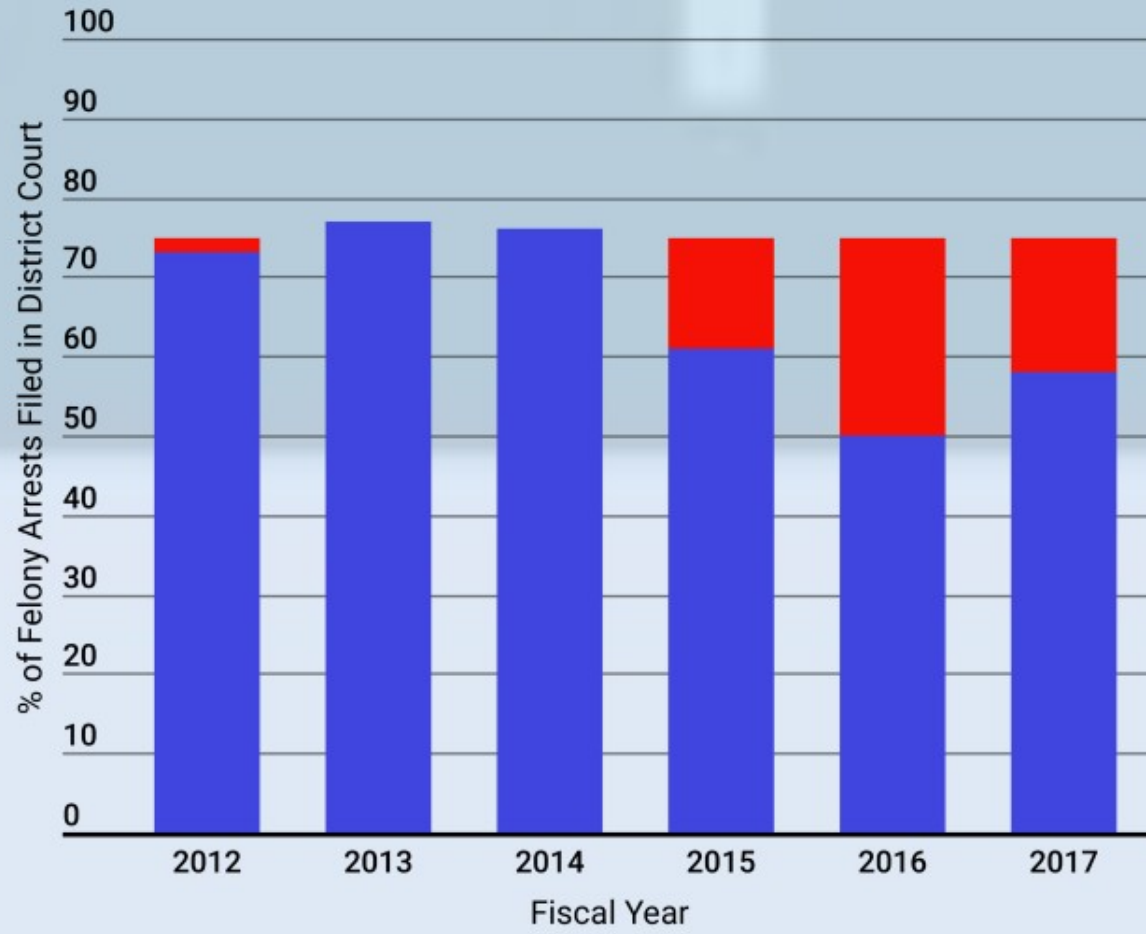


- CMO imposes strict time deadlines and significantly compressed case timelines, none of which apply in any other judicial district.
- Pre-CMO, prosecutors in the Second Judicial District routinely handled between 100 to 130 active felony cases, a number that is still typical in most jurisdictions around the state.
- Post-CMO, attorneys carry between 30 and 50 felony cases in order to keep up with the extraordinary discovery demands and meet the compressed timelines imposed by the rule.

Felony Arrests v. District Court Filings (FY 2012 - 2017)



Mind the Gap: Felony Cases Initiated as a % of Felony Arrests



CMO Caseload & Resource Adjustment

- Pre-CMO Caseload: 100-130 per attorney
- Post-CMO Caseload: 30-50 per attorney
- Projected Felony Case Resolution Over 1 Year by Attorney: 80 cases
- Number of Felony Prosecutors: 55
- Projected Felony Case Resolution For the Office Under CMO: 4,400
- Average Number of Felony Arrests Per Year: 8,164
- 75% Filing Rate: 6,123
- Difference Between Normal Filing & CMO Filing: 1,723

of New Attorneys Needed Match Incoming Volume Under the CMO: 22

What About That Backlog?

Approximately 7,800 Referred Uncharged Felony Cases Pending Review
Assume 50% Are No Longer Viable: 3,900 Cases Need to Be Charged

How Many Attorneys to Clear Backlog @ 80 Cases Per Attorney Per Year:

- **49 Attorneys to Clear Backlog in 1 Year**
- **24 Attorneys to Clear Backlog in 2 Years**
- **12 Attorneys to Clear Backlog in 3 Years**

Conservative CMO Cost Adjustment

To Handle the Current Incoming Volume & Clear the Backlog Within Three Years the 2nd Judicial District Attorneys Office Needs:

- 34 New Attorneys
- 27 Staff
- 7 Investigators
- 11 Victim Advocates

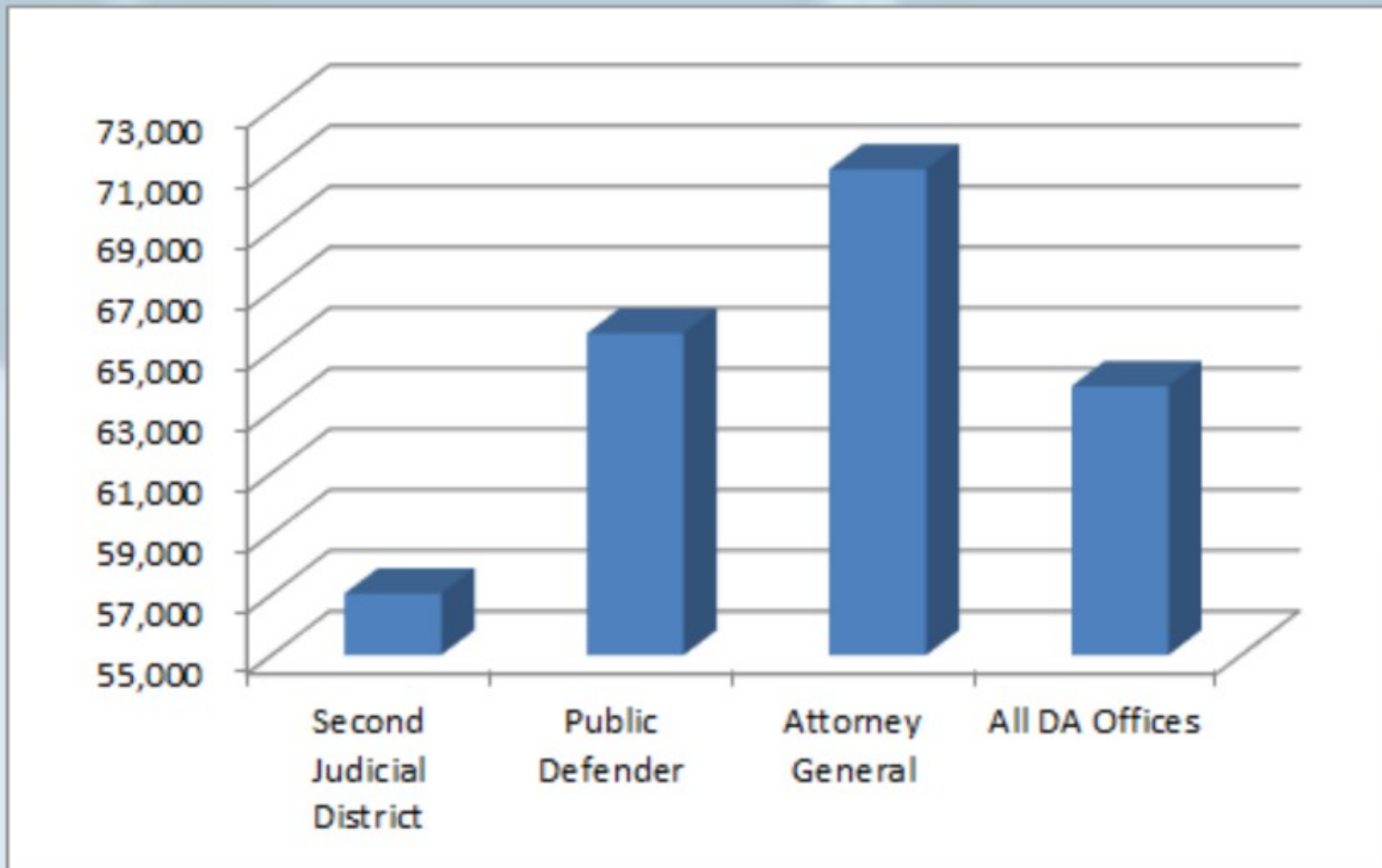
Personnel Budget Adjustment @ \$64,000 per FTE: \$5,056,000

Requesting Increase in Base Budget for Personnel: \$4,400,000

Staffing Shortages

	Budgeted Positions	Current Filled Positions	Current Vacancies	AODA Staffing Recommendations	# of Vacancies Based upon AODA Rec
Attorneys	116	97	19	132	35
Support Staff	150	126	24	153	27
Investigators	16	15	1	22	7
Victim Advocates	17	14	3	25	11
Total	299	252	47	332	80

Fiscal Year 2018 Average Personnel Budget Per FTE



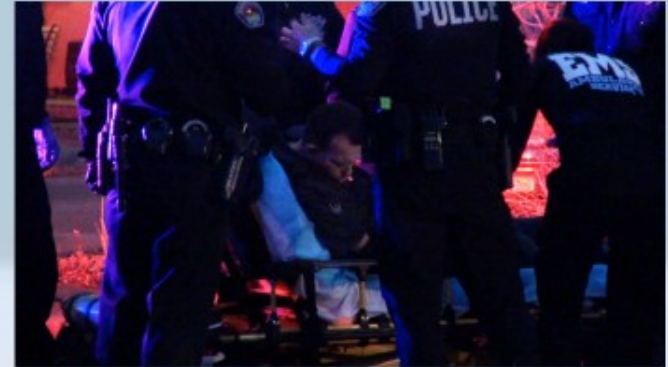
Low Pay for Staff

- 92% of the staff are making hourly rates below mid-point.
- With historically low pay, the Office has been unable to recruit and retain the most experienced prosecutors and support staff.
- Because of the high turnover, 65% of the prosecutors have less than five years' experience.
- Many employees that do stay with the Office work second jobs to make ends meet.



Officer Involved Shootings

- Backlog: 25 cases before January 2017
- New cases: 16 cases since January 2017 with 14 coming to the Office
- Issue: The 2 part-time contractors will be unable to get through the backlog and the new cases.
- Short term strategy: Increase in Contractual Services money to contract more Special Prosecutors
- Long term strategy: The establishment of a fully funded Independent Investigations Bureau



Rape Kit Backlog

- Over 3,700 untested rape kits at the Metro Lab.
- The Office anticipates a substantial increase in work with the expected processing of thousands of rape kits by local law enforcement.



Victim Services

Given current staffing levels victim advocates in 2nd carry between 500 - 600 active cases. They are responsible for:

- Providing information on victims' legal rights and protections;
- Providing information on the criminal justice process;
- Providing emotional support to victims;
- Helping victims with safety planning;
- Helping victims with victim compensation applications;
- Helping victims submit comments to courts and parole boards;
- Intervening with creditors, landlords, and employers on behalf of victims;
- Helping victims find shelter and transportation;
- Providing referrals for other services for victims;
- Helping to arrange funerals; and
- Notifying victims of inmates' release or escape.



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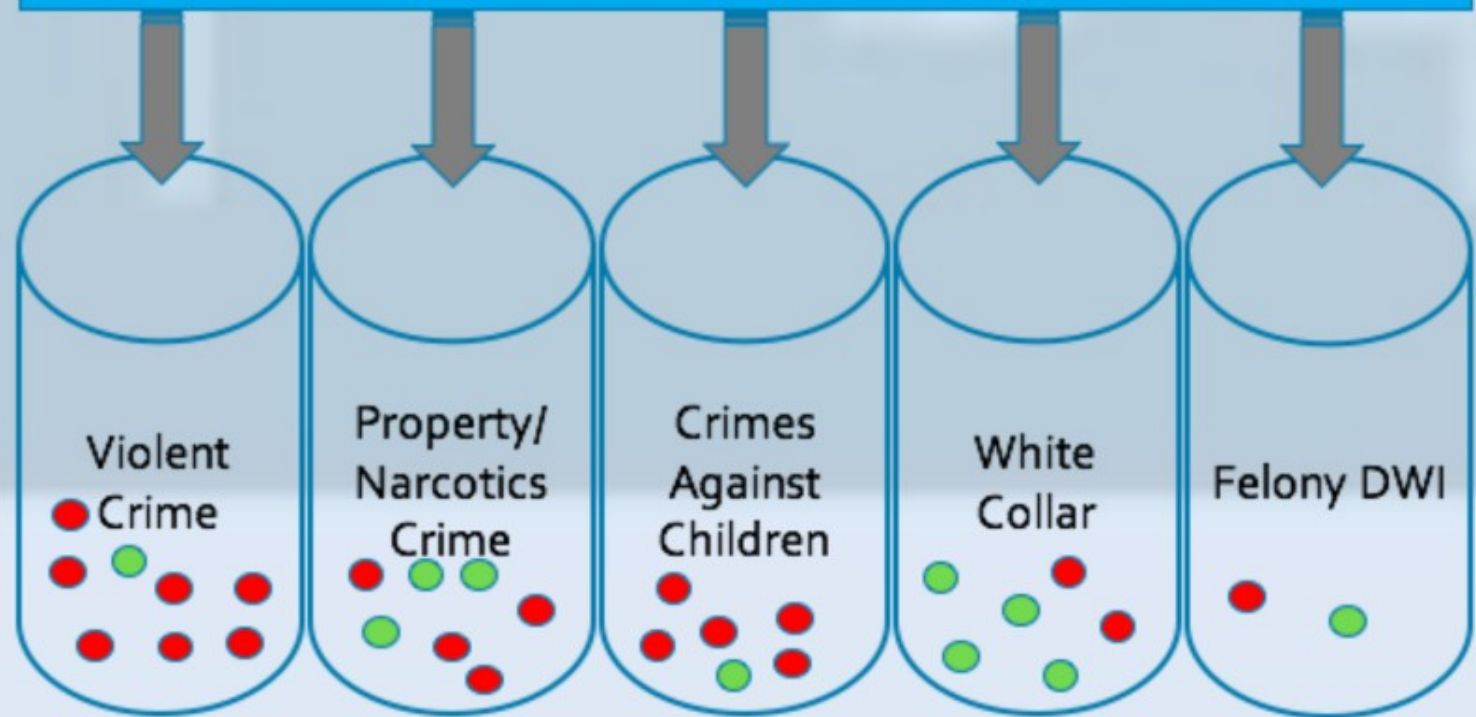
New Strategy

***Traditional
Model***

***Impact
Prosecution***

Defendants

INTAKE & ASSIGNMENT BY TYPE OF CRIME



Impact Prosecution

***Data
Driven***

***Community
Oriented***

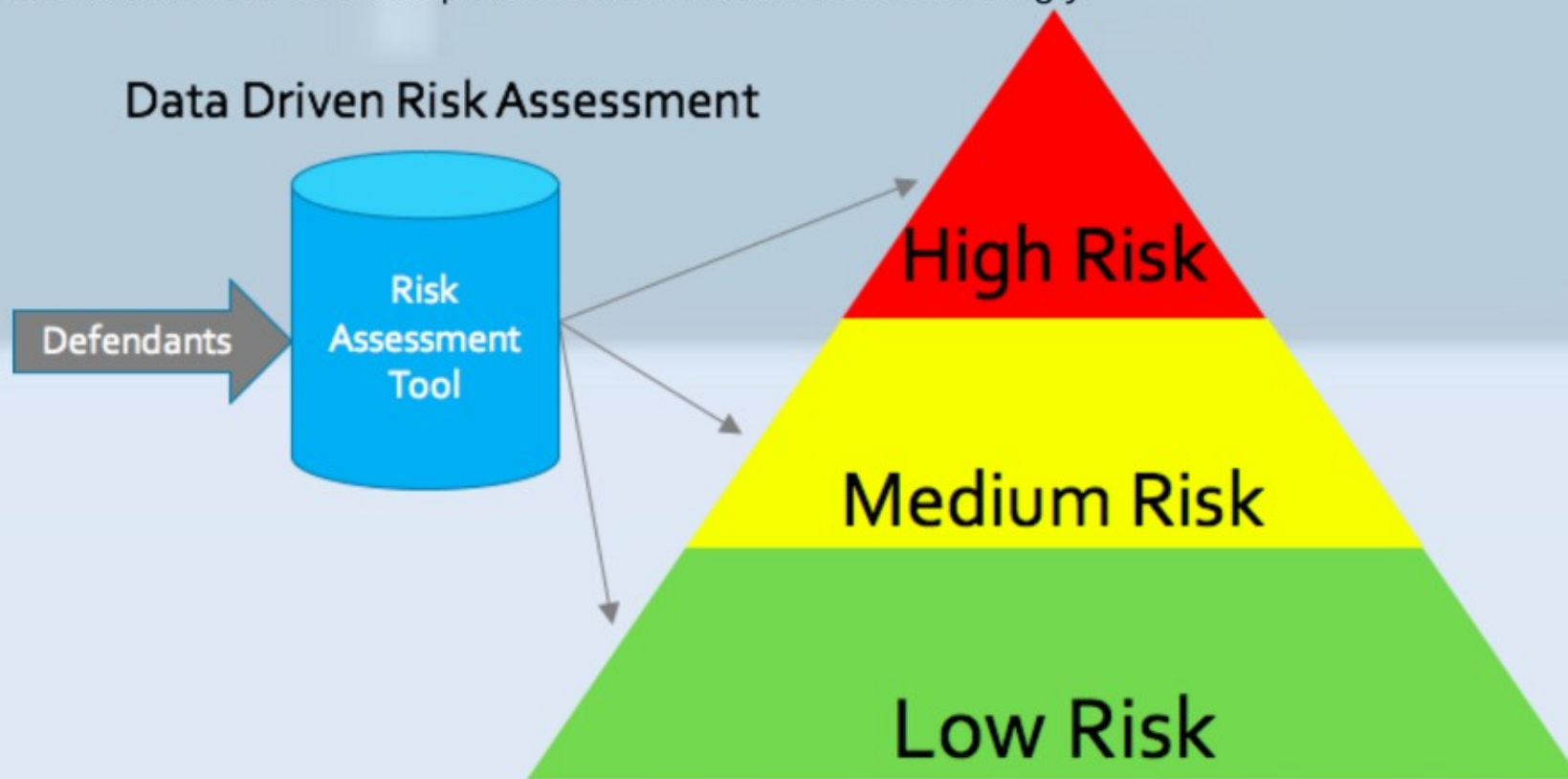
***Vertically
Integrated***

***Focused
Deterrence***

Data Driven

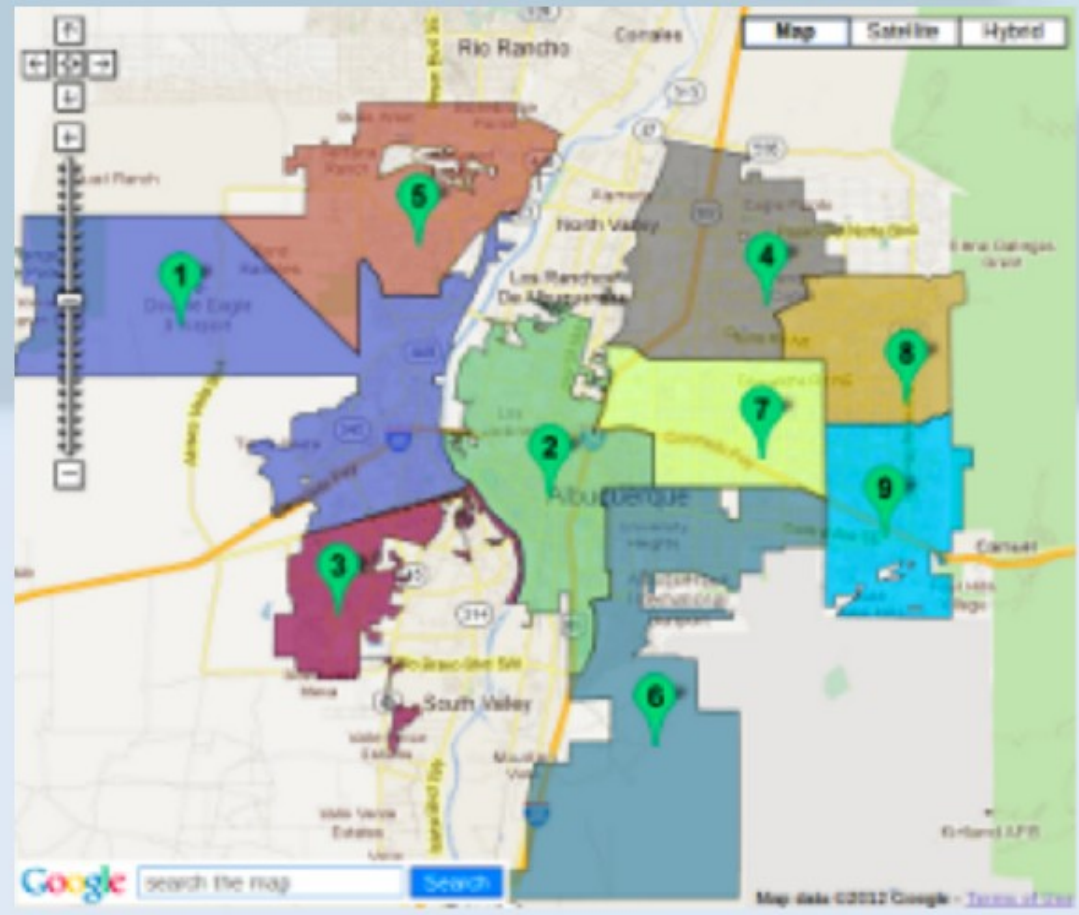
Prioritize cases based upon an empirical assessment of the risk presented by individual defendants and allocate prosecutorial resources accordingly.

Data Driven Risk Assessment

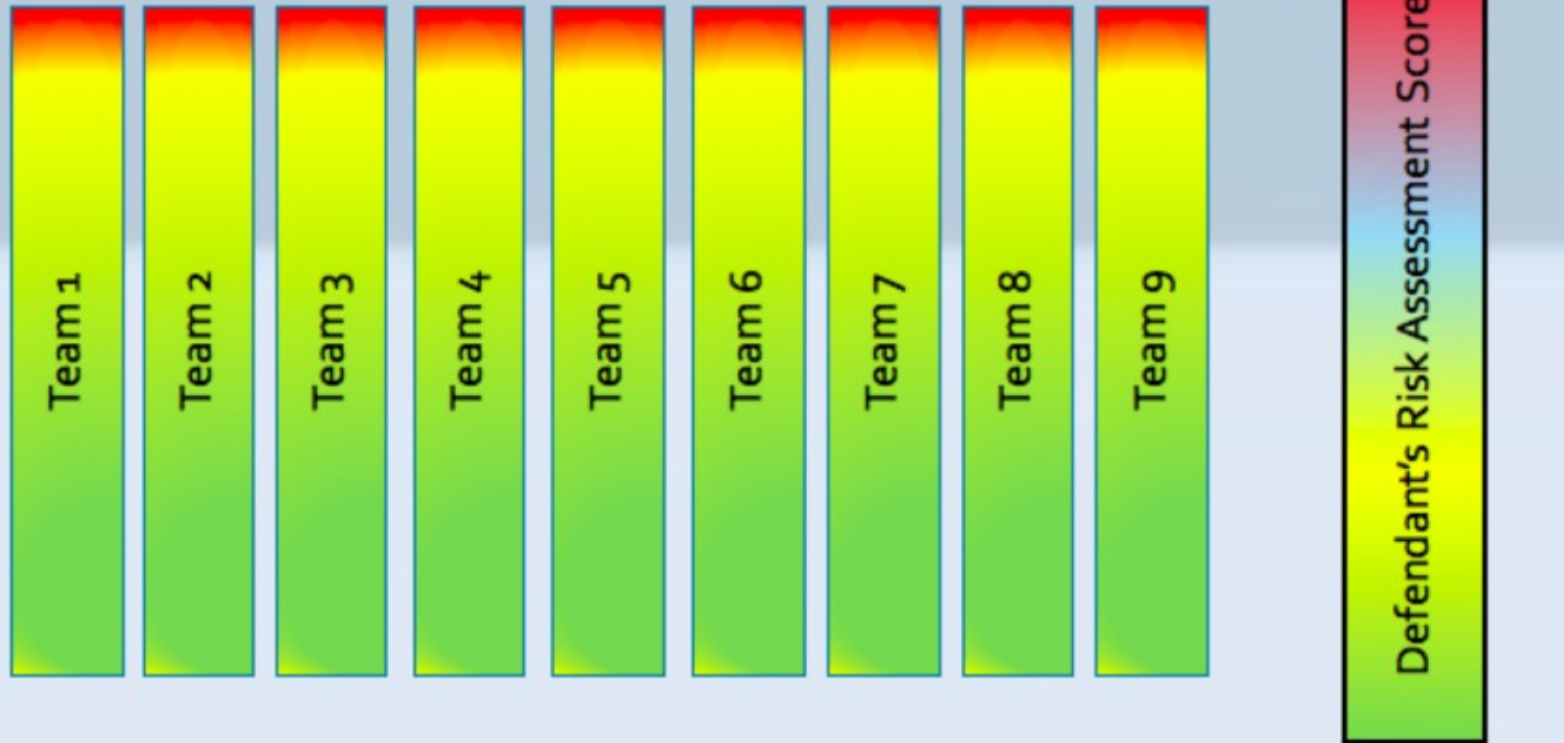


Community Oriented

Assign prosecution teams to specific geographic areas and task them with developing tailored crime reduction strategies for those neighborhoods.



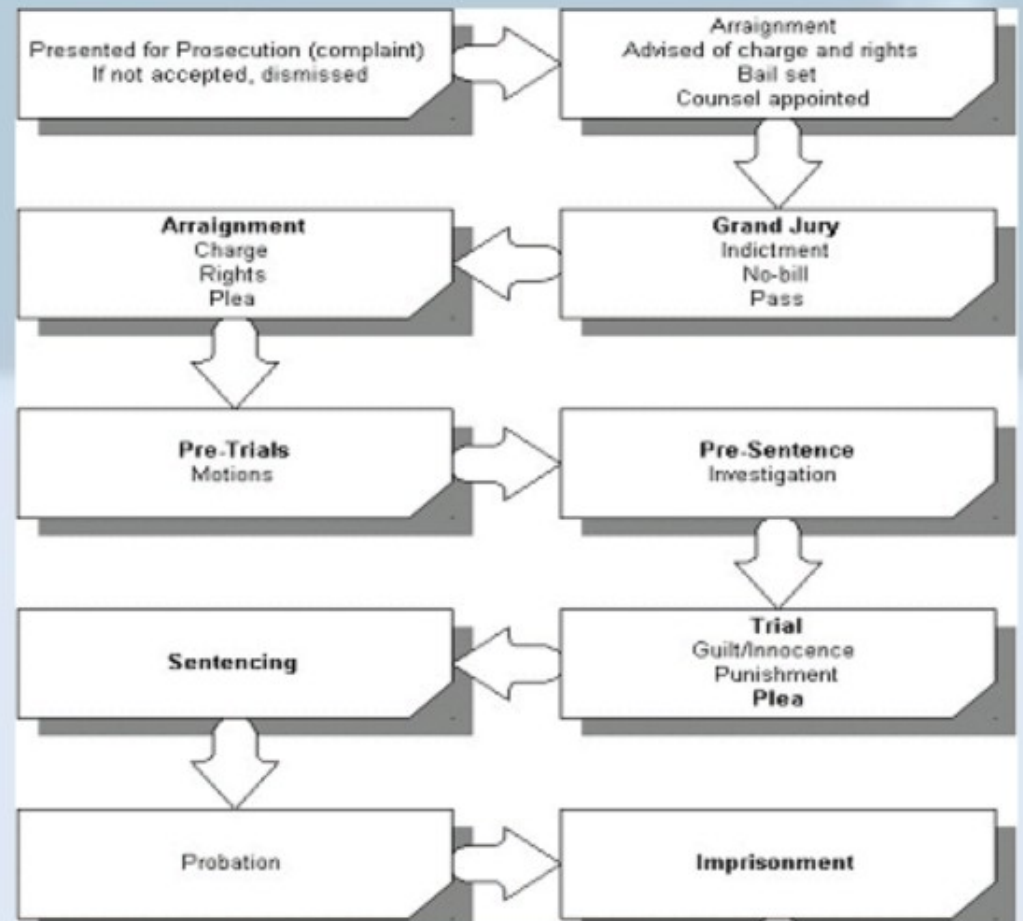
Concentrate Limited Resources on the Key Crime Drivers & Hot Spots Across Bernalillo County



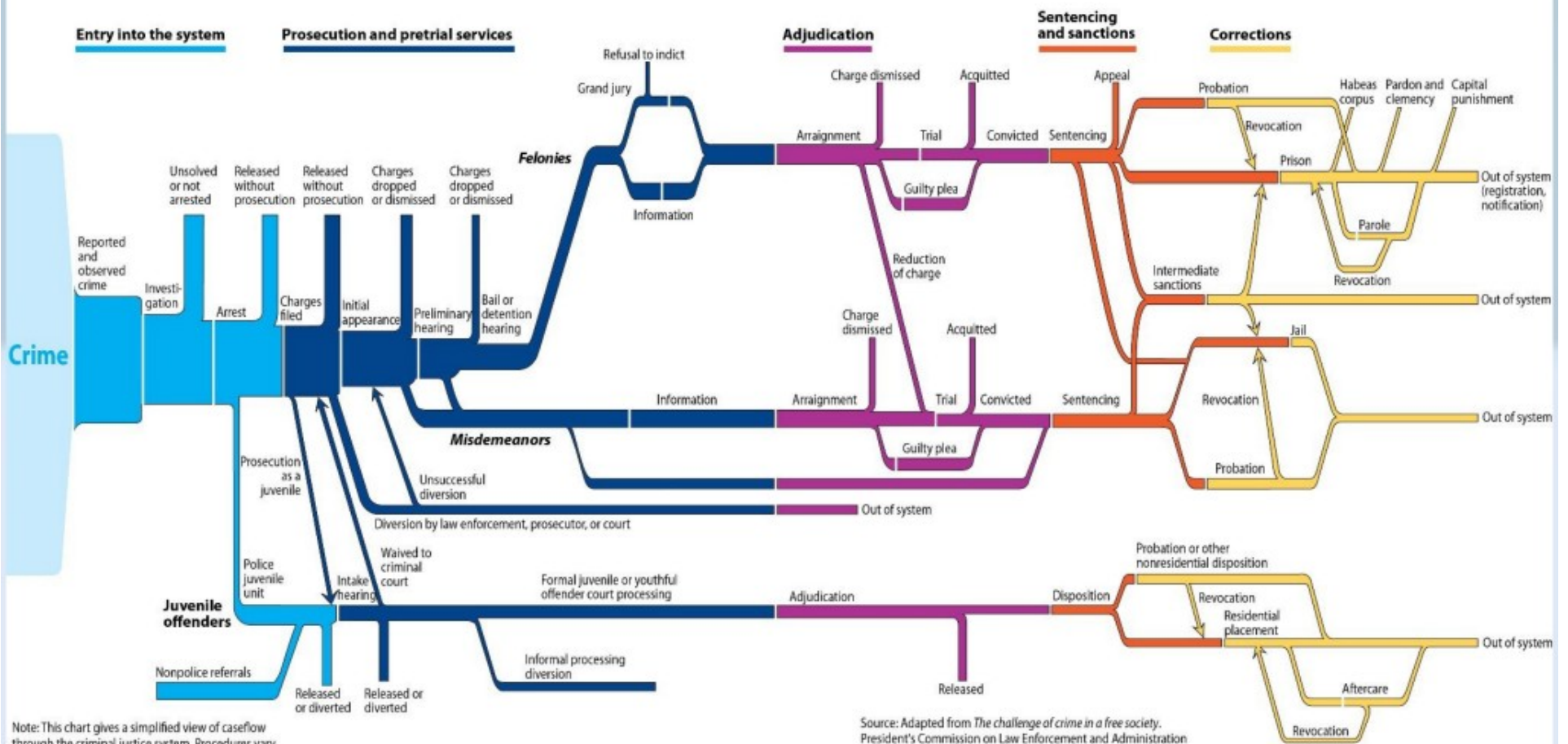
Vertically Integrated

Vertical Prosecution refers to a method in which a prosecutor is assigned to the case from the initial point of referral to the completion of the prosecution. This method results in continuity and improved prosecution success.

This model also encourages better quality screening at the front end.

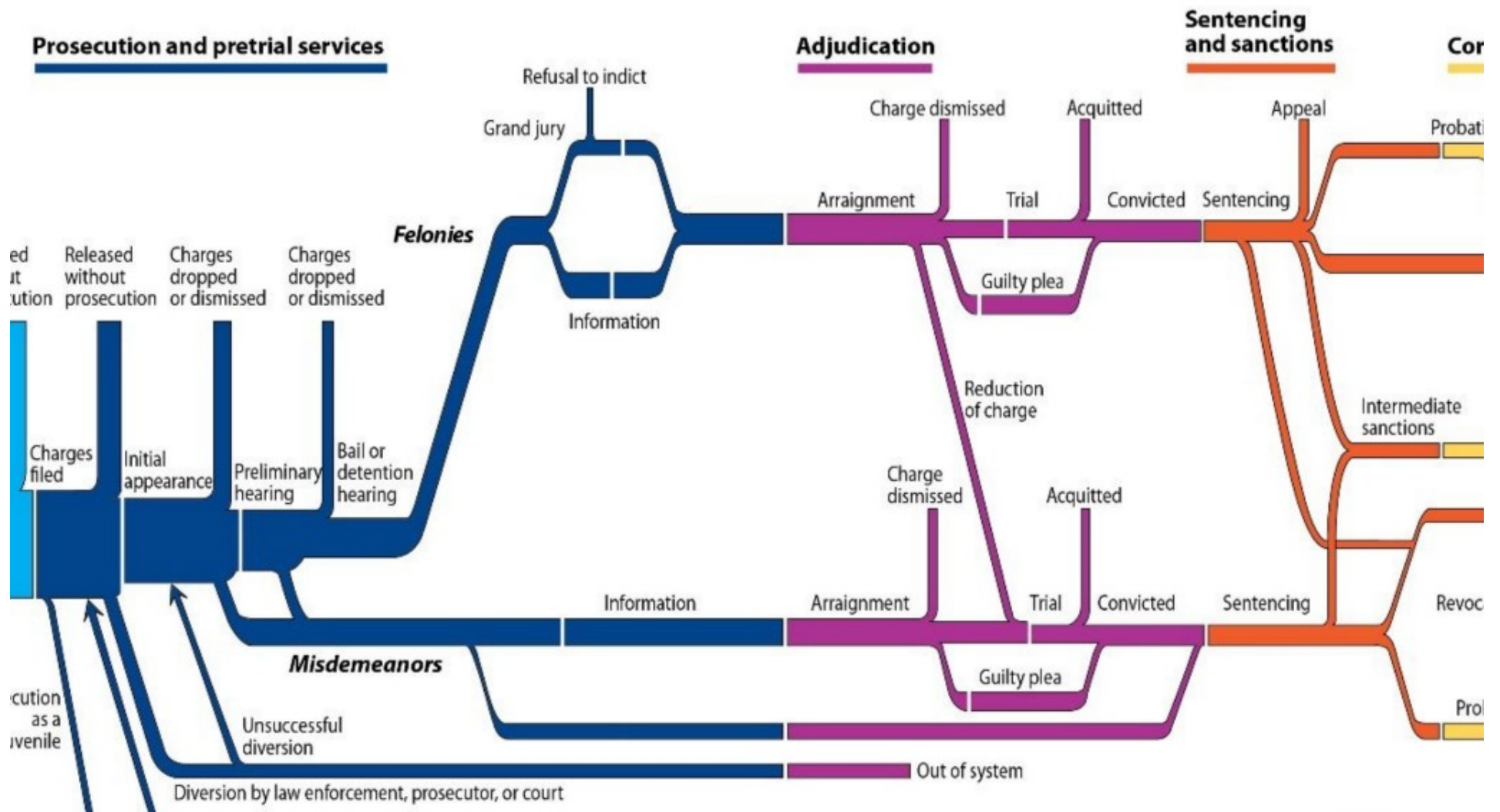


What is the sequence of events in the criminal justice system?

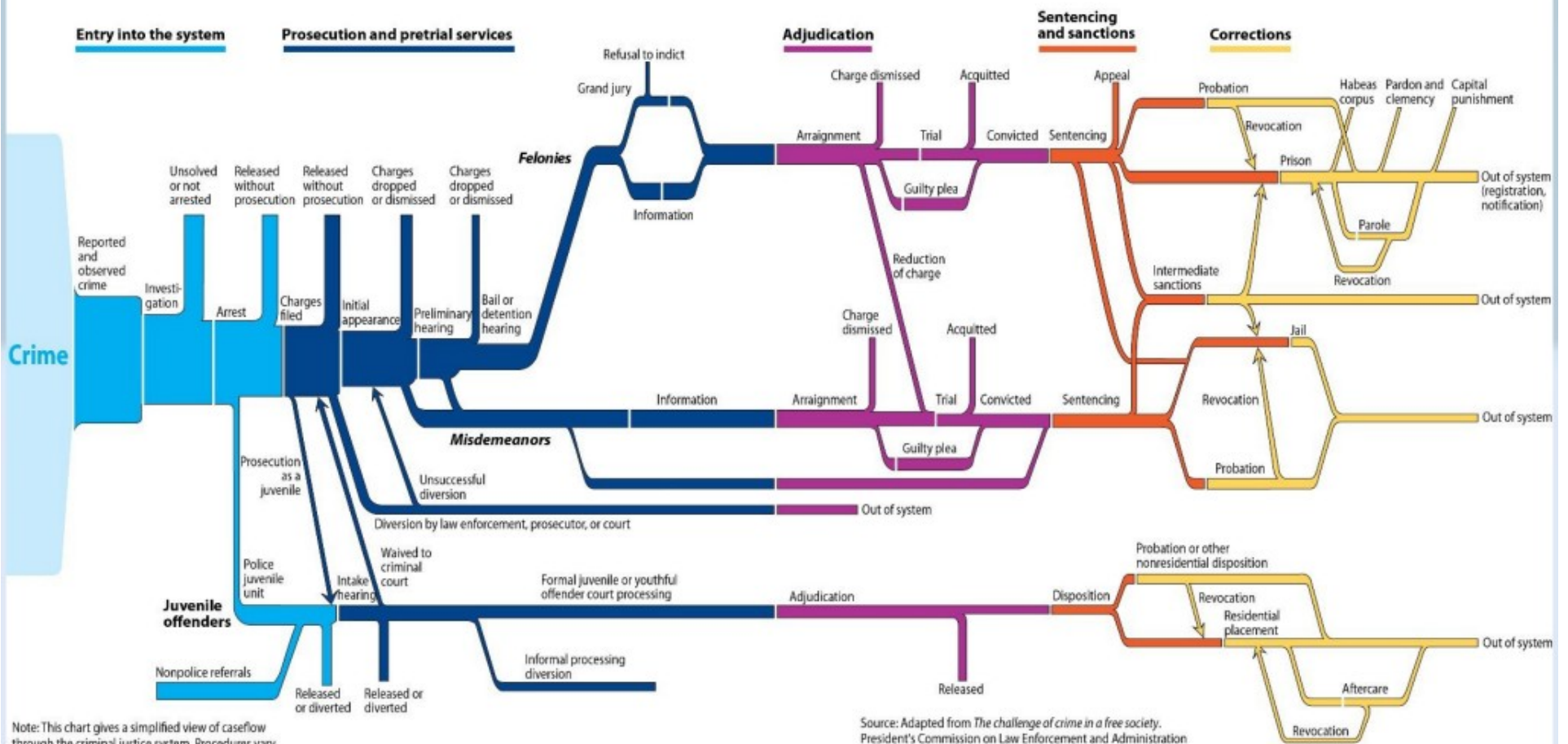


Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.



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Focused Deterrence

Make prosecutors responsible for assessing, prosecuting and driving outcomes for individual defendants.



Total charges: 18
Robbery, Conspiracy, Aggravated Battery,
Embezzlement, Felon in Possession of a
Firearm



Total Charges filed: 41
Receiving Transferring a Stolen Vehicle,
Possession of a Controlled Substance, Breaking
& Entering, Residential Burglary

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Critical Reform

***Justice
Reform
Program***

***Crime
Strategies
Unit***

***Independent
Investigations
Bureau***

Adult Diversion Programs

- The Justice Reform Program will be exclusively dedicated to examining the underlying drivers of crime and leveraging every available tool to mitigate social harm.
- Includes maximizing existing resources like Drug Court, Mental Health Court, Veterans Court and Young Adult Court, but also creating new alternative paths both inside and outside the criminal justice system.
- L.E.A.D: Law Enforcement Assisted Diversion



*"People in Law Enforcement Assisted Diversion were 60% less likely to be arrested in the first 6 months."
Source: University of Washington Lead Evaluation Team 3/27/2015*

Juvenile Justice Initiatives

"Make it Right": An alternative to traditional prosecution, in which young people and their victims, each with their supporters (including law enforcement, youth services, schools, coaches, parents/caregivers and others) come together in a dialogue to develop a plan for the young person to repair harm, address root causes, and make amends. The young person has a six-month period in which to follow through on his/her agreements – and if successful, the case is not prosecuted.

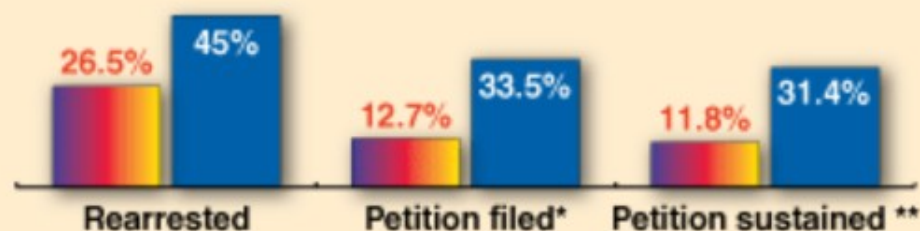


Less Recidivism, Lower Costs

Study: Conferencing Cut Juvenile Crime

About 27 percent of 102 Alameda County, Calif. (Oakland), juvenile offenders who completed restorative community conferencing from 2012 through 2014 were rearrested, compared with 45 percent of county offenders in the regular juvenile justice system. Restorative conferencing allows offenders to meet with community members and victims to create a plan to repair any harm done.

Outcomes for Arrested Juveniles



* Offender charged in juvenile court.

Completed Restorative Conferencing

** Offender found guilty in juvenile court.

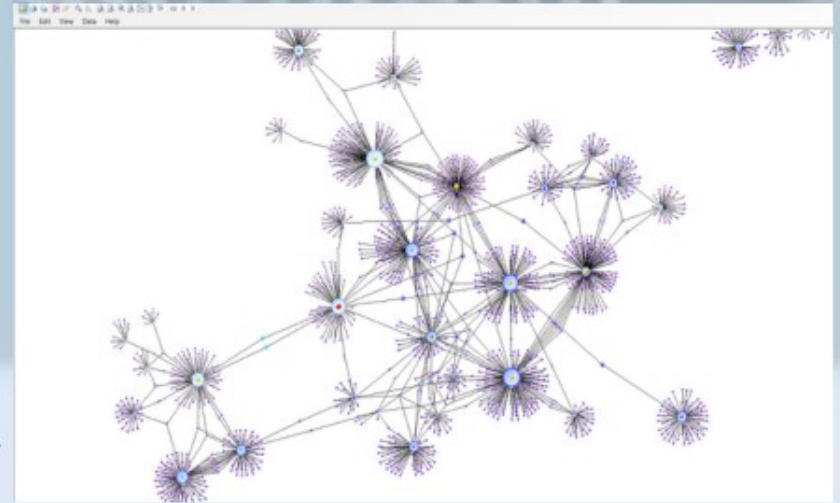
Handled by Juvenile Justice System

Source: "Scaling Restorative Community Conferencing Through a Pay for Success Model: A Feasibility Assessment Report," National Council on Crime and Delinquency, March 2015, p. 11, <http://tinyurl.com/h7jv542>

Crime Strategies Unit

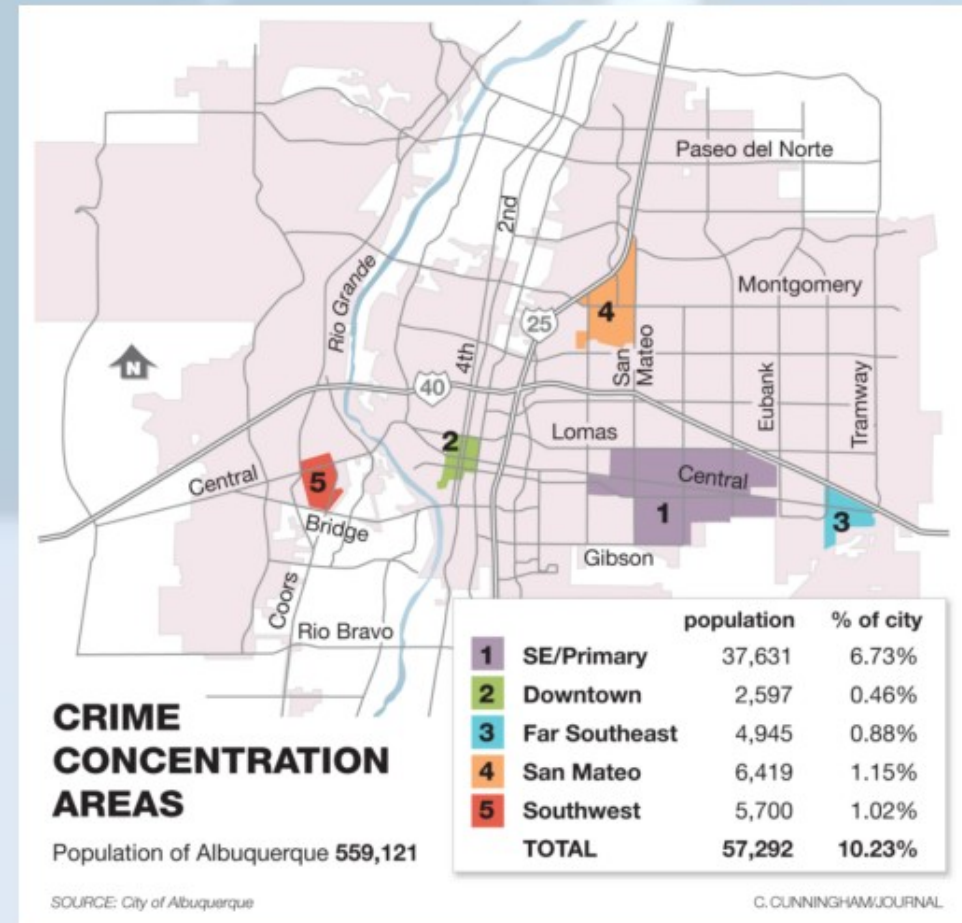
Crime Strategies Unit (CSU) will facilitate an intelligence-driven strategy of crime reduction that relies on

- Cutting edge analytics
- The dissemination of the real-time criminal intelligence and
- Focused deterrence on both geographic “hot spots” and high impact, repeat offenders.



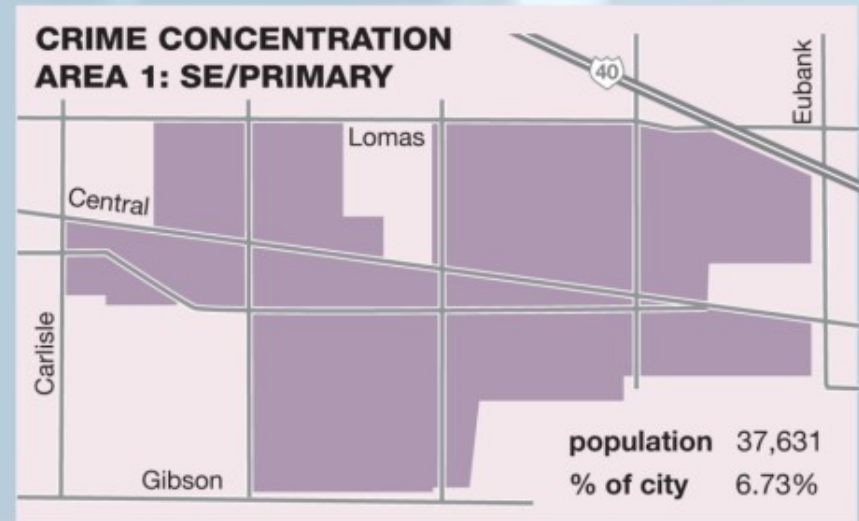
Identifying Hot Spots & Key Crime Drivers

- Need the data infrastructure required to support its new strategic orientation.
- Timely, accurate, and appropriate data will be essential to creating an independent understanding of crime issues; designing operational strategies; tracking strategies' implementation; assessing their impact; and reporting to the public and partner agencies.
- Getting this right will be one of the most important inputs into the new office's effectiveness.



Identifying Hot Spots & Key Crime Drivers

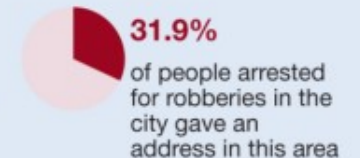
Community prosecution will also be a core component of the new CSU as the Office will recruit and deploy nine (9) senior prosecutors to the various area commands throughout Bernalillo County in order to identify priority offenders, analyze localized crime trends and act as critical liaisons to educators, non-profits, neighborhood associations and local businesses.



Percentage of all Albuquerque crimes that occurred in this area (2014-16)



Other statistics



SOURCE: City of Albuquerque

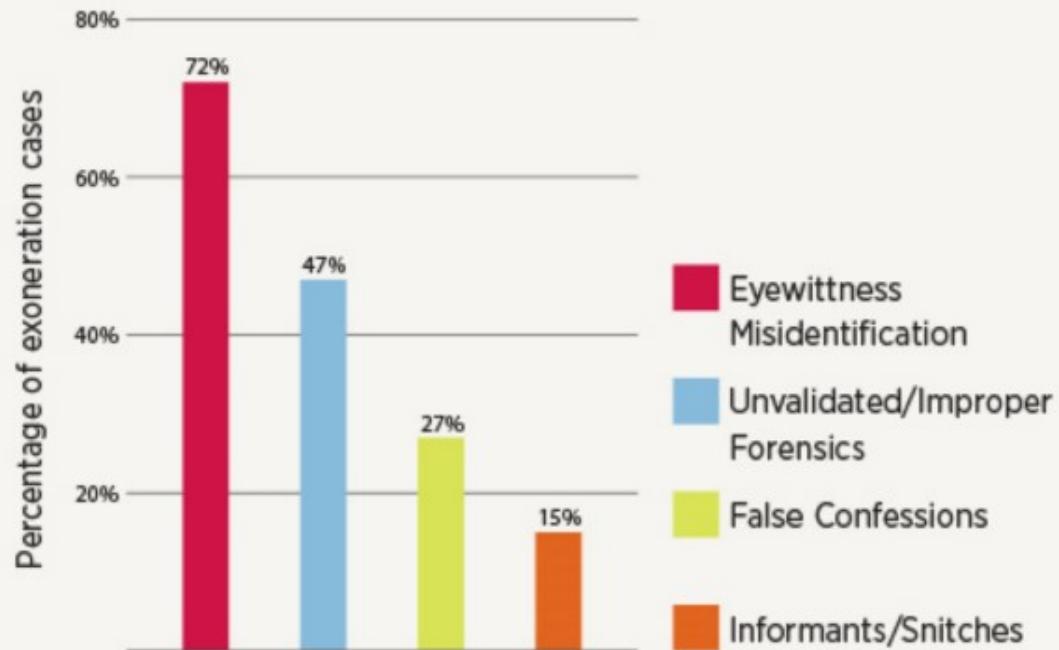
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Independent Investigations Bureau

- Independent Investigations Bureau (IIB) will be composed of a team of experienced prosecutors, investigators and support staff who are cordoned off from the day-to-day operations of main Office.
- Reporting directly to the District Attorney, this team will examine Officer Involved Shootings (OIS) as well as any case of excessive force resulting in death or great bodily harm.
- A Conviction Integrity Unit (CIU) will be established within IIB to conduct comprehensive reviews of post-conviction claims of actual innocence or substantive claims of police or prosecutorial misconduct resulting in a miscarriage of justice.
- Intended as a tool both for accountability and for institutional learning, it will be a primary goal of the CIU to identify structural deficiencies in either the investigative or prosecutorial process and to correct those errors through the development of new policies and training programs

Conviction Integrity

Contributing Causes of Wrongful Convictions (first 325 DNA exonerations)



SOURCE: INNOCENCEPROJECT.ORG

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A Call To Action

We need a new national dialogue on crime, one that is less about ideology and more about evidence. The current conversation oversimplifies complex issues, emphasizes blame over responsibility, and encourages deadlock instead of progress. We need to move from argument winning to problem solving, recognizing that all these issues are related to one another, and especially to the violence that needlessly claims so many lives.

- Thomas P. Abtsept, 9/26/17, New York Times

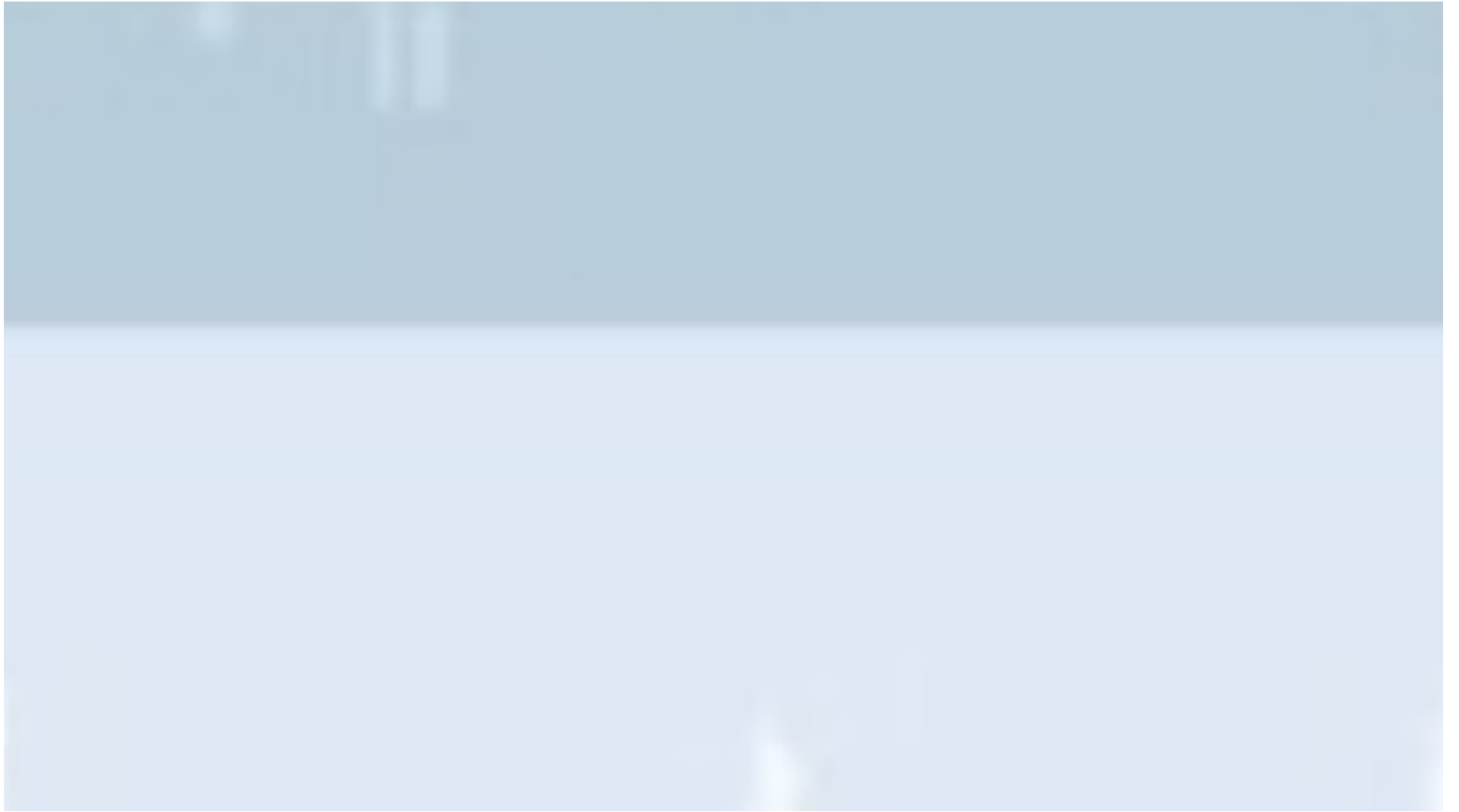
Act Now

Be Bold

Do What Works







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