

## ACTION PLAN

Submitted by agency? Yes  
Courts and PDD

Timeline assigned? Yes

Responsibility assigned? Yes

## Courts and Justice

### Courts

**Administrative Support.** The Administrative Office of the Courts reduced costs in the Administrative Support program through centralized interpreter services and purchasing a new jury management tool that allows for uniform data collection, resulting in significant fund balance. The average cost per juror in the third quarter increased by nine dollars, or 19 percent, from the second quarter of FY21 — \$5.29 above the FY21 target cost of \$50 per juror. The increase in cost is likely due to the courts' increase in jury trials and the continued cost of purchasing individual masks, note taking supplies, and hand sanitizer to satisfy proper Covid-19 safety practices. Jury trials for the third quarter of FY21 increased by 134 percent from those conducted in the second quarter, as the Supreme Court resumed jury trials in February 2021. The number of jury trials for the third quarter were nearly on par with those conducted in the first quarter, prior to the halt of jury trials. The average interpreter cost per session decreased from the second to the third quarter of FY21, remaining well below FY20 levels and the FY21 target, partially due to a drop in court hearings.

**Budget:** \$13,169 **FTE:** 49.8

	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Average cost per juror	\$41.41	\$49.17	\$50.00	\$40.69	\$46.30	\$55.29	Y
Number of jury trials*	963	725	N/A	136	56	131	
Average interpreter cost per session	\$157	\$117	\$100	\$55.92	\$57.49	\$54.96	G
<b>Program Rating</b>	<b>G</b>	<b>G</b>					<b>G</b>

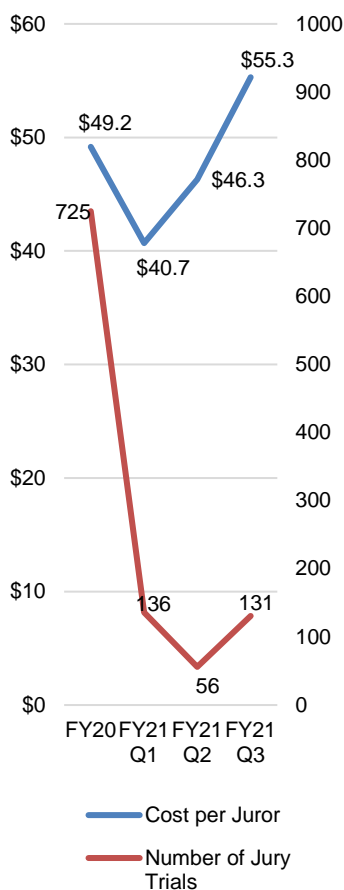
\*Measure is classified as explanatory and does not have a target.

**Special Court Services.** The number of cases assigned to Court Appointed Special Advocates (CASA) decreased from the second quarter to the third quarter of FY21, following a decreasing trend for the fiscal year. The number of cases assigned decreased from 724 referrals in the first quarter to 495 referrals in the third quarter – a 31 percent decrease or a 19 percent decrease from the second quarter. AOC maintained monthly supervised visitation rates for children in abuse and neglect cases above the target, showing an increasing trend for the fiscal year – increasing from 2,659 visitations in the first quarter to 2,903 visitations in the third quarter, though still behind FY20 numbers.

**Budget:** \$13,416 **FTE:** 15.5

	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Cases to which CASA volunteers are assigned*	2,413	1,050	N/A	724	611	495	G
Monthly supervised child visitations and exchanges conducted	11,698	11,359	1,000	2,659	2,692	2,903	G
Average time to completed disposition in abuse and neglect cases, in days*	85	61.5	N/A	62	No Report	No Report	R
Recidivism rate for drug-court participant	14%	18%	12%	Bi-Annual	11%	Bi-Annual	

**FY21 Cost per Juror and Number of Jury Trials**



Source: AOC

## PERFORMANCE REPORT CARD

### Judicial Branch

### Third Quarter, Fiscal Year 2021

#### FY22 proposed additional performance measures for the judiciary, vetoed by the governor:

- **Appearance rate:** percentage of supervised defendants who make all scheduled court appearances.
- **Reoffenders:** number (or percentage) of supervised defendants who are not charged with a new offense during the pretrial stage.
- **Release success rate:** percentage of released defendants who do not violate conditions of their release, appear for all scheduled court appearances, and are not charged with a new offense during pretrial supervision.
- **Pretrial detainee length of stay:** average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release.

Recidivism rate for DWI-court participants	6%	7%	12%	Bi-Annual	7%	Bi-Annual
Graduation rate for drug-court participants*	51%	59%	N/A	Bi-Annual	52%	Bi-Annual
Graduation rate for DWI-court participants*	76%	81%	N/A	Bi-Annual	81%	Bi-Annual
Cost per client per day for all drug-court participants*	\$18.36	\$25.39	N/A	Bi-Annual	\$27.72	Bi-Annual

#### Program Rating

Y Y G

**Statewide Judiciary Automation.** AOC began reporting on new measures for FY20 to better gauge the success of the Statewide Judiciary Automation Program. Last year, complications with the Odyssey case management system caused times per service call to increase sharply. Previous targets, which measured call times in hours regardless of difficulty, were unattainable. The new measure tracks responses and resolutions to customer service requests in days, and AOC surpassed the target for the first and second quarters of FY21.

	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Average time to resolve calls for assistance, in days	NEW	0.33	1	0.25	0.17	0.33	G
Program Rating		G					G

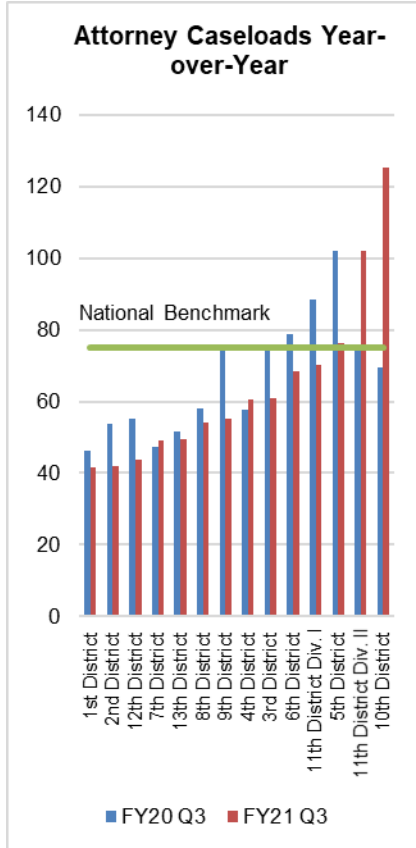
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**District, Metro, and Magistrate Courts.** AOC collected and reported biannual data on disposition rates for district, metro, and magistrate courts for the first time since FY19. In the third quarter of FY21, district and magistrate courts met or exceeded their target of 100 percent – showing the backlog of cases filed during the first half of the public health emergency has been dealt with. The courts did not report on time to disposition for the second or third quarters of FY21, a key metric for gauging the administration of timely justice in state courts.

	FY20 Actual	FY21 Target	FY21 Q2	FY21 Q3	Rating
District Courts					
Cases disposed as a percent of cases filed	106%	100%	86%	100%	Y
Time to disposition in days	No Report	180	No Report	No Report	R
Metropolitan Court					
Cases disposed as a percent of cases filed	119%	100%	103%	No Report	R
Time to disposition in days	No Report	180	No Report	No Report	R
Magistrate Courts					
Cases disposed as a percent of cases filed	108%	100%	102%	101%	G
Time to disposition in days	No Report	180	No Report	No Report	R
Program Rating		Y			Y

## District Attorneys

After receiving guidance from the Legislature, the district attorneys submitted a unified priorities budget request for FY22, requesting restoration of original funding levels approved in the 2020 General Appropriation Act, prior to the solvency measures of the 2020 Special Session. District attorneys statewide experienced a sharp drop in workload in the latter half of 2020 as case referrals dropped during the Covid-19 public health emergency, which has largely continued in the first half of FY21. Cases referred in the third quarter of FY21 decreased by about 9 percent compared with the first quarter, but increased 6 percent when compared to the second quarter. Attorney caseloads for the third quarter of FY21 were at or below their FY21 target (and the national benchmark) in all judicial districts except the 5<sup>th</sup> (Chaves, Eddy and Lea Counties), the 10<sup>th</sup> (DeBaca, Quay and Harding Counties) and the 11<sup>th</sup> Division II (McKinley County). Attachment 1, at the end of this report, details attorney caseload trends for the last seven quarters.



<b>Budget:</b> \$80,486	<b>FTE:</b> 954	<b>FY20 Actual</b>	<b>FY21 Target</b>	<b>FY21 Q1</b>	<b>FY21 Q2</b>	<b>FY21 Q3</b>	<b>Rating</b>
Number of Cases Referred for Screening*	73,256	73,386	N/A	16,376	14,058	14,840	
1st District	5,888	4,985	N/A	1,281	1,059	1,205	
2nd District	24,859	21,806	N/A	5,314	4,542	4,461	
3rd District	1,878	5,244	N/A	1,231	1,004	1,068	
4th District	1,888	1,734	N/A	488	415	423	
5th District	7,510	7,163	N/A	1,867	1,587	1,560	
6th District	2,737	2,621	N/A	685	560	685	
7th District	2,107	1,747	N/A	366	367	416	
8th District	2,005	1,758	N/A	423	307	378	
9th District	3,150	2,840	N/A	691	552	634	
10th District	902	670	N/A	161	135	188	
11th Division I.	5,298	5,128	N/A	1,226	1,182	1,191	
11th District Div. II	2,603	2,279	N/A	469	553	556	
12th District	2,936	2,850	N/A	710	599	569	
13th District	5,803	5,647	N/A	1,464	1,196	1,506	
Average Attorney Caseload	287	231	70	67	60	64	G
1st District	210	174	70	46	40	42	G
2nd District	239	207	70	47	42	42	G
3rd District	346	233	70	79	57	61	G
4th District	376	247	70	65	52	60	G
5th District	319	318	70	91	77	76	G
6th District	288	275	70	124	93	69	G
7th District	221	183	70	38	43	49	G
8th District	286	251	70	56	41	54	G
9th District	331	270	70	66	44	55	G
10th District	360	268	70	64	90	125	R
11th Division I.	294	301	70	72	66	70	G
11th District Div. II	274	414	70	85	101	101	R
12th District	244	219	70	56	52	43	G
13th District	232	195	70	50	41	49	G
<b>Program Rating</b>		<b>R</b>	<b>R</b>				<b>Y</b>

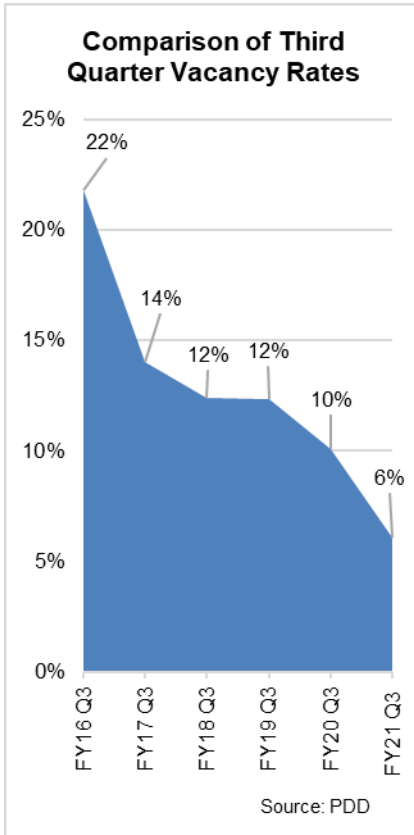
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## Public Defender

Like other criminal justice partners, the Public Defender Department (PDD) has difficulties recruiting and retaining legal professionals in rural areas. PDD implemented geographical pay differentials and expanded recruitment tactics, significantly decreasing the agency vacancy rate from 21 percent in FY17 to 6.2 percent in the second quarter of FY21, the lowest vacancy rate in the last five years, significantly reducing attorney caseloads.

PDD did not meet the target for total reduced charges in felony, misdemeanor, and juvenile cases for the third quarter of FY21. According to the agency, this is largely due to the dramatic change in how the criminal justice system operated during the Covid-19 pandemic, where limited in-person contact decreased the ability of attorneys to effectively communicate with clients and increased the likelihood that defendants accepted unfavorable plea deals for fear of contracting the virus in detention. Contract attorneys reduced originally filed charges in only 42 percent of assigned cases according to data provided by PDD, which may be in part due to poor reporting practices and overwhelming caseloads.

**Budget:** \$55,488    **FTE:** 439



	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Felony, misdemeanor, and juvenile cases resulting in a reduction of original formally filed charges	72%	63%	70%	50.3%	46%	47%	Y
In-house attorneys	84%	77%	70%	40%	52%	49%	Y
Contract attorneys	31%	20.6%	70%	38%	36%	42%	R
Felony, misdemeanor, and juvenile cases resulting in alternative sentencing treatment	13,900	8,003	5,000	1,491	1,592	1,516	G
In-house attorneys	12,281	6,956	4,000	1,159	1,109	1,089	G
Contract attorneys	1,169	1,047	1,000	332	483	427	Y
Percent of cases assigned to contract attorneys*	34%	35%	N/A	35.7%	32.5%	35%	
Average time to disposition for felonies, in days*	326	268	N/A	271	294	244	
In-house attorneys*	291	243	N/A	281	246	224	
Contract attorneys*	326	293	N/A	271	343	264	
Cases opened by Public Defender Department *	63,292	54,607	N/A	14,057	13,613	14,106	
In-house attorneys*	40,628	40,074	N/A	7,919	8,794	8,747	
Contract attorneys*	22,664	21,220	N/A	4,857	4,819	5,359	
<b>Program Rating</b>	<b>G</b>	<b>G</b>					<b>Y</b>



## PERFORMANCE REPORT CARD

Judicial Branch

Third Quarter, Fiscal Year 2021

### Attachment 1

