

HOUSE JOINT MEMORIAL 4

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Rhonda S. King

A JOINT MEMORIAL

REQUESTING THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONVENE A TASK FORCE AND CONDUCT A STUDY TO IDENTIFY WAYS TO INCREASE EFFICIENCY AND REDUCE THE BURDEN ON COUNTY DETENTION FACILITIES OF HOUSING ARRESTEES HELD ON FELONY CHARGES OR FOR VIOLATIONS OF PAROLE AND PROBATION.

WHEREAS, as required by Section 33-3-3 NMSA 1978, "the jail or jails in each county shall be used or be available for the detention of every person who, within the same county, is charged with any crime or properly committed for trial or for the imprisonment of every person who in conformity with sentence, upon conviction of an offense, may have been sentenced, and for the safekeeping of every person who shall be committed by competent authority according to law"; and

WHEREAS, delays and inefficiencies in judicial processes

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1 greatly increase the cost to counties for housing such inmates;  
2 and

3 WHEREAS, in March 2005, the New Mexico sentencing  
4 commission released the findings of a study of the effects of  
5 housing arrestees charged with felonies in county detention  
6 facilities; and

7 WHEREAS, the goal of the study was to understand better  
8 how long felony arrestees stay in county detention centers and  
9 the corresponding costs associated with such stays; and

10 WHEREAS, the study found that nearly seventy percent of  
11 arrestees held in county detention facilities were charged with  
12 at least one felony; and

13 WHEREAS, the study also found that more than fifty percent  
14 of felony arrestees held in county detention centers spent  
15 almost seven and one-half months in jail; and

16 WHEREAS, because felony arrestees represent a large  
17 portion of jail populations and stay in jail longer than  
18 misdemeanor arrestees, measures to expedite the judgment and  
19 sentencing process or hasten the transfer to prison after  
20 judgment of felony arrestees in county detention facilities  
21 would have a significant effect on detention populations; and

22 WHEREAS, according to New Mexico sentencing commission  
23 estimates, the cost of housing parole and probation violators  
24 in county detention facilities in 2008 was nearly thirty  
25 million dollars (\$30,000,000), yet counties receive only a

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1 small fraction of that amount in general fund appropriations  
2 for that purpose; and

3 WHEREAS, in 2007, the legislature passed the County  
4 Detention Facility Reimbursement Act, which is designed to  
5 reimburse counties for the cost of housing felony arrestees;  
6 and

7 WHEREAS, the courts can exercise considerable control over  
8 how quickly cases move through the court system without  
9 sacrificing justice; and

10 WHEREAS, the national center for state courts conducted a  
11 criminal court case-flow management review of the second  
12 judicial district court criminal division, the results of which  
13 were released in December 2009; and

14 WHEREAS, the review examined best practices to adjudicate  
15 felony cases more efficiently and maximize the resources of the  
16 court and other criminal justice agencies in Bernalillo county;  
17 and

18 WHEREAS, the findings of the review included numerous  
19 recommendations for implementation of a comprehensive case-flow  
20 case management improvement program that could have statewide  
21 application; and

22 WHEREAS, detention facilities statewide would benefit from  
23 additional research to analyze the detention process in each  
24 county and identify opportunities to reduce delays in getting  
25 judgment and sentencing documents signed, reduce delays in

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1 transferring arrestees to prison after the judgment and  
2 sentencing documents are signed and identify ways to alleviate  
3 the burden on county detention facilities of housing  
4 unsentenced parole and probation violators; and

5 WHEREAS, an examination of how people get into jail, how  
6 people leave jail and how long people stay in jail would assist  
7 local government officials in conducting effective criminal  
8 justice oversight and improve public safety;

9 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
10 STATE OF NEW MEXICO that the administrative office of the  
11 courts be requested to convene a task force and conduct a study  
12 to identify ways to increase efficiency and reduce the burden  
13 on county detention facilities of housing arrestees held on  
14 felony charges or for violations of parole and probation; and

15 BE IT FURTHER RESOLVED that the task force include  
16 representatives from the New Mexico association of counties,  
17 county detention center administrators, the New Mexico district  
18 attorney's association, the administrative office of the  
19 district attorneys, the public defender department, the New  
20 Mexico criminal defense lawyers association, the New Mexico  
21 sentencing commission, the New Mexico sheriffs' and police  
22 association and other relevant and interested parties; and

23 BE IT FURTHER RESOLVED that the study consider ways to  
24 expedite the judgment and sentencing process, reduce the  
25 transfer time of arrestees to prison, expedite the scheduling

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1 of probation revocation hearings and identify best practices  
2 that maximize the most efficient and effective length of stay  
3 for arrestees according to law; and

4 BE IT FURTHER RESOLVED that the administrative office of  
5 the courts present the findings and recommendations of the task  
6 force to the appropriate interim legislative committee by  
7 November 2011; and

8 BE IT FURTHER RESOLVED that copies of this memorial be  
9 transmitted to the administrative office of the courts, the New  
10 Mexico association of counties, county detention center  
11 administrators, the New Mexico district attorney's association,  
12 the administrative office of the district attorneys, the public  
13 defender department, the New Mexico criminal defense lawyers  
14 association, the New Mexico sentencing commission and the New  
15 Mexico sheriffs' and police association.