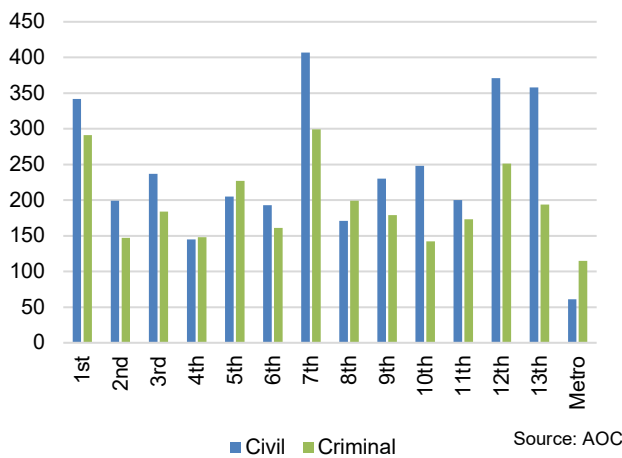


## ACTION PLAN

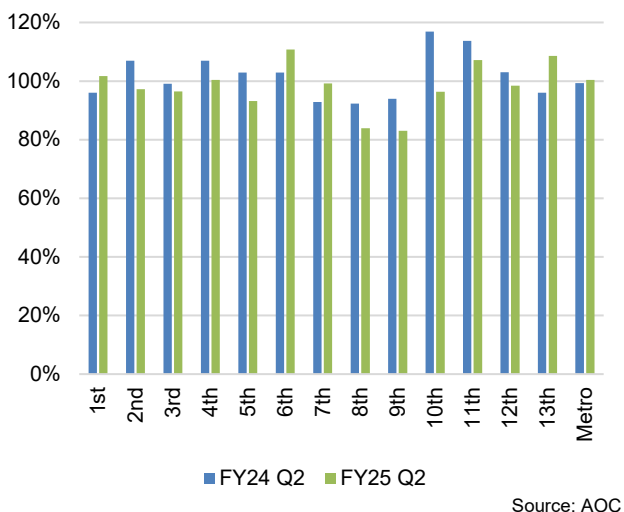
Submitted by agency?	No
Timeline assigned?	No
Responsibility assigned?	No

Positive performance trends within courts and justice from the first quarter of FY25 have largely continued in the second quarter. Courts did not reach the performance target for clearance rates but positive trends in underlying factors, like time to disposition and the age of pending criminal cases, could reverse clearance rate performance if these trends continue. The Law Offices of the Public Defender maintained positive adjudication rates despite issues with recruiting and retaining attorneys, especially contract attorneys. District attorneys' performance measures regressed slightly but can be mostly attributed to districts dealing with chronic recruitment and retention issues. Treatment courts are being utilized more, but capacity is significantly less than pre-pandemic levels, meaning the courts have reduced the number of individuals who can receive treatment due to declining treatment provider availability. Treatment courts dealing with capacity issues, especially in the 2<sup>nd</sup> Judicial District, should investigate capacity expansion, marketing measures, and treatment court reconfiguration if utilization trends continue.

**FY25 Second Quarter Days to Disposition**



**Clearance Rate FY24 Q2 v. FY25 Q2**



### Courts

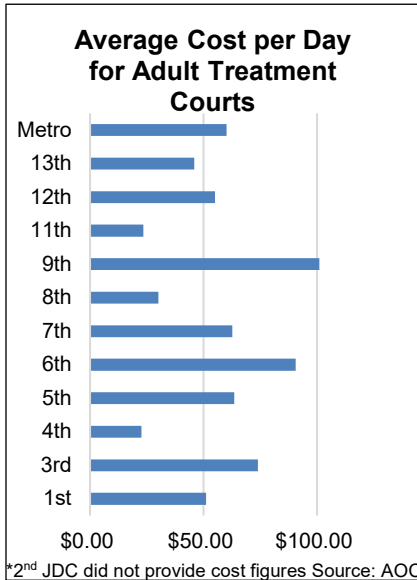
**Administrative Support.** The average time to disposition for criminal cases was 194 days for the second quarter of FY25, improving by 34 days from the second quarter of FY23 and 30 days from the second quarter of FY24. This improvement is a very positive sign that the courts are disposing of criminal cases at a faster rate than previous quarters, improving the swiftness of justice. Courts clearance rates concluded in the second quarter of FY25 at 98 percent, 2 percent below the measure's target and FY24's performance. Because the measure is slightly below 100 percent, it means the courts did not maintain the progress seen in the first quarter of FY25, meaning the courts are exacerbating case backlogs slightly. Clearance rates decreased, in part, due to the 8<sup>th</sup> and 9<sup>th</sup> districts finishing the second quarter with clearance rates of 84 percent and 83 percent, respectively. The age of pending criminal cases improved by 71 days from the second quarter of FY23 and by 31 days from the second quarter of FY24. While clearance rates dipped below 100 percent, the courts could rebound if the positive trends in average time to disposition and age of pending criminal cases continue. With their limited jurisdiction, magistrate courts and the Metropolitan Court continued to perform better than district courts for days to disposition in criminal cases.

One hundred forty-five (145) jury trials were held in the second quarter of FY25 and based on the first two quarters of FY25, LFC staff project a total of 632 jury trials in FY25. The projection for FY25, if true, means that jury trials would be below FY23's and FY24's totals but would be better than the transition period from the pandemic in FY21 and FY22. The average cost per juror increased to \$68.84, which is an increase of 40 percent compared to FY20, which was \$49.17. It is important to note that courts are statutorily required to pay jurors minimum wage pursuant to Section 38-5-15 NMSA 1978, which has increased by 60 percent since FY20. While juror costs have not risen at the same rate, the consistent increase in the cost per juror is concerning and should continue to be monitored.

## PERFORMANCE REPORT CARD

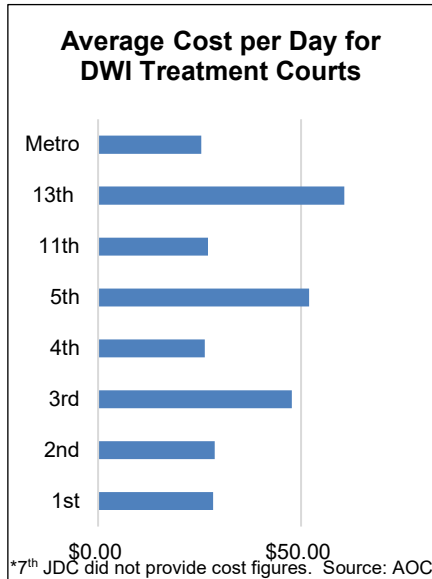
### Courts and Justice

### Second Quarter, Fiscal Year 2025



Budget: \$21,366.0 FTE: 67.8	FY23 Actual	FY24 Actual	FY25 Target	FY25 Q1	FY25 Q2	Rating
Average cost per juror	\$58.3	\$66.3	\$55	\$60.6	\$68.8	<span>R</span>
Number of jury trials for metro, district, and statewide courts*	760	689	N/A	171	145	N/A
Average interpreter cost per session	\$73.6	\$76.2	\$150	\$55.7	\$67.2	<span>G</span>
Percent of supervised defendants who make all scheduled court appearances	74%	73%	N/A	73%	75%	<span>G</span>
Percent of supervised defendants who are not charged with a new offense during the pretrial stage	81%	73%	N/A	72%	75%	<span>G</span>
Age of active pending criminal cases in days	375	276	365	264	273	<span>G</span>
Days to disposition in criminal cases	277	221	365	198	194	<span>G</span>
Cases disposed as a percent of cases filed	120%	100%	100%	102%	98%	<span>Y</span>
<b>Program Rating</b>	<span>Y</span>	<span>G</span>		<span>G</span>	<span>G</span>	

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



**Special Court Services.** The Legislature prioritized increasing funds for treatment courts in the last several years which resulted in the 10<sup>th</sup> Judicial District being the only remaining judicial district that does not have at least one form of treatment court. Despite increases in the number of treatment courts, underutilization continues to be an issue. While some DWI and adult treatment court programs are overcapacity, there are still various programs with below 25 percent utilization in several districts including the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 7<sup>th</sup>, and 13<sup>th</sup> districts. Overall, the utilization rate of all treatment courts in New Mexico is at 109 percent. While overall utilization seems high, it should be noted that the figure is inflated substantially by the 2<sup>nd</sup> district's adult treatment court which has 714 active participants. Excluding the 2<sup>nd</sup> district's program, overall utilization drops substantially to 63 percent with a capacity for only 1,324 participants. Prioritizing capacity building for treatment courts, especially for the 2<sup>nd</sup> Judicial District's adult treatment court, would allow more individuals to receive services and help treatment providers and court staff with their workload. For the districts with below 25 percent utilization, they should prioritize marketing of the treatment court programs available. Drug and DWI court recidivism rates increased since FY23 but for the second quarter of FY25, recidivism rates improved drastically compared to FY24 and drug court participant recidivism is below FY23's performance, a very encouraging sign.

#### Districts Under Capacity

District	Type	County	Capacity	Participants*	Utilization
1 <sup>st</sup>	Adult	Santa Fe	30	5	17%
1 <sup>st</sup>	DWI	Santa Fe	30	3	10%
1 <sup>st</sup>	Mental Health	Santa Fe	20	2	10%
2 <sup>nd</sup>	Juvenile	Bernalillo	15	3	20%
3 <sup>rd</sup>	Family	Dona Ana	18	3	17%
3 <sup>rd</sup>	Juvenile	Dona Ana	20	2	10%
7 <sup>th</sup>	Adult	Sierra	15	3	20%
7 <sup>th</sup>	DWI	Torrance	10	2	20%
13 <sup>th</sup>	Adult	Cibola	40	9	23%
13 <sup>th</sup>	Juvenile	Cibola	25	3	12%

\*The active participant number includes everyone in the reporting period, regardless of treatment phase. This includes those needing more resources and those nearing program completion, who require less.

Source: AOC

## PERFORMANCE REPORT CARD

### Courts and Justice

### Second Quarter, Fiscal Year 2025

#### Districts Over Capacity

District	Type	County	Capacity	Participants*	Utilization
1 <sup>st</sup>	Adult	Rio Arriba	15	21	140%
1 <sup>st</sup>	DWI	Rio Arriba	15	18	120%
2 <sup>nd</sup>	Adult	Bernalillo	90	714*	793%
2 <sup>nd</sup>	Young Adult	Bernalillo	60	81	135%
5 <sup>th</sup>	DWI	Eddy	15	16	107%
11 <sup>th</sup>	DWI	San Juan	25	42	168%
13 <sup>th</sup>	Adult	Valencia	25	27	108%

\*The active participant number includes everyone in the reporting period, regardless of treatment phase. This includes those needing more resources and those nearing program completion, who require less.

Source: AOC

The percentage of defendants not charged with a new violent crime during the pretrial process was 93 percent, consistent with FY24 performance. The percentage of defendants who make all their scheduled appearances was 75 percent, improving slightly over FY24.

Performance data indicates significant progress in child welfare efforts during the second quarter of FY25. Along with improved numbers for CASA volunteer assignments and supervised child visits, the percentage of children who achieve legal permanency within 12 to 18 months in an abuse or neglect case concluded at 23.7 percent for the second quarter of FY25, an increase of 11.7 percent compared to FY20.

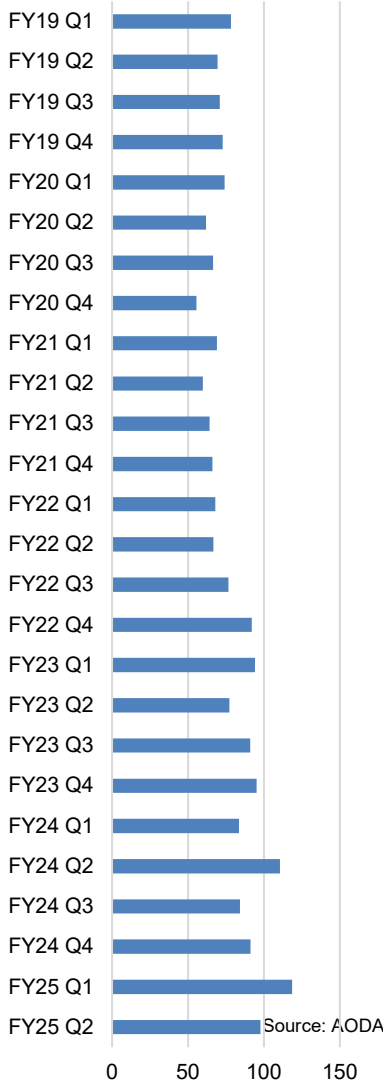
Budget: \$22,333.4 FTE: 51.5	FY23 Actual	FY24 Actual	FY25 Target	FY25 Q1	FY25 Q2	Rating
Cases to which CASA volunteers are assigned*	507	436	N/A	502	552	N/A
Monthly supervised child visitations and exchanges conducted	11,181	10,129	N/A	2,614	2,558	<b>G</b>
Average time to completed disposition in abuse and neglect cases, in days*	160	157	N/A	160	167	N/A
Recidivism rate for drug-court participants	9.3%	11.8%	12%	7.8%	6.8%	<b>G</b>
Recidivism rate for DWI-court participants	5.1%	8.1%	12%	6.8%	6.0%	<b>G</b>
Graduation rate for drug-court participants*	54.8%	61.0%	90%	68.0%	68.0%	<b>G</b>
Graduation rate for DWI-court participants*	82.5%	66.8%	90%	85.8%	84.7%	<b>G</b>
Cost per client per day for all drug-court participants*	\$37.35	\$34.13	N/A	\$38.15	\$37.17	N/A
<b>Program Rating</b>	<b>Y</b>	<b>G</b>		<b>G</b>	<b>G</b>	

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

#### District Attorneys

Recruiting and retaining attorneys continues to be an issue for district attorney offices, especially in rural parts of the state. Statewide, prosecutors and defenders report seeing felonies as an increasing share of their caseloads. The felony-heavy caseloads, coupled with decreasing share of misdemeanors, require more time per case and may require modified measures to fully understand attorney workload. While new performance

**Average Number of Cases Added to Attorney Caseloads**



measures, like average attorney caseloads, are informative, the makeup of those caseloads is equally important, e.g., a district attorney may have a higher caseload but mostly noncomplex cases, which can be handled efficiently. Until a more complete understanding of district attorneys' workloads and conviction rates based on case type is available, efforts to understand how district attorneys are performing remain nontransparent.

The three highest average attorney caseloads, for the first quarter of FY25, were:

- The 11<sup>th</sup> Judicial District Attorney Division 2, with 2,822.
- The 3<sup>rd</sup> Judicial District Attorney, with 738.
- The 10<sup>th</sup> Judicial District Attorney, with 413.

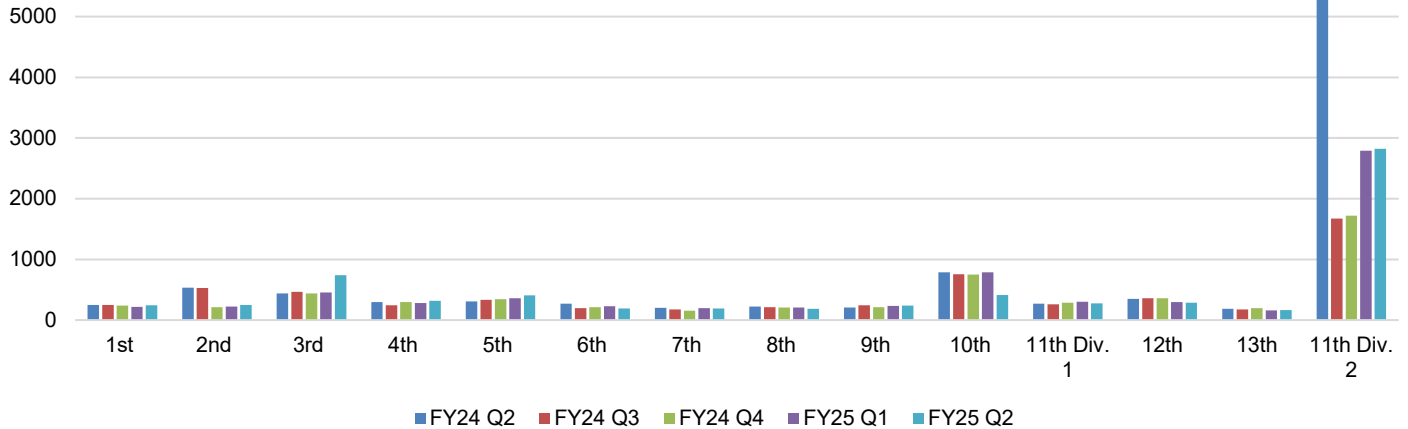
The 10<sup>th</sup> Judicial District Attorney, despite maintaining one of the highest caseloads, saw a reduction of 48 percent compared to the previous quarter due to reduced attorney vacancies. The 3<sup>rd</sup> Judicial District Attorney's average attorney caseloads increased by 61 percent since the last quarter, raising concerns over recruitment and retention. The 11<sup>th</sup> Judicial District Attorney Division 2's average caseload only increased by 1 percent since the last quarter, but its already high caseload remains worrisome due to chronic staffing issues. Given the potential impact on justice efficiency, public safety, and trust, the 11<sup>th</sup> Judicial District Attorney Division 2 should be closely monitored.

In the second quarter of FY25, the average number of cases added to attorney caseloads was 98, which was well below its target and a reduction of 18 percent compared to the previous quarter. Overall, the strain of growing caseloads and declining attorney retention at some district attorney's offices threatens agencies' capacity to meet their statutory duty.

<b>Budget:</b> \$107,819.9	<b>FTE:</b> 1,037	<b>FY23 Actual</b>	<b>FY24 Actual</b>	<b>FY25 Target</b>	<b>FY25 Q1</b>	<b>FY25 Q2</b>	<b>Rating</b>
Average number of cases added to attorney caseloads		89	92	200	119	98	
Number of Cases Referred for Screening*		58,603	61,982	N/A	17,619	15,488	
1st District		4,105	4,504	N/A	1,236	1,025	
2nd District		16,434	20,929	N/A	6,129	5,629	
3rd District		5,174	4,875	N/A	1,525	1,244	
4th District		1,914	2,037	N/A	512	428	
5th District		6,147	6,603	N/A	1,853	1,626	
6th District		2,593	2,300	N/A	591	498	
7th District		1,796	1,526	N/A	338	342	
8th District		1,683	1,591	N/A	427	358	
9th District		2,412	2,451	N/A	684	698	
10th District		683	616	N/A	229	207	
11th Division I.		5,133	4,771	N/A	1,218	1,012	
11th District Div. II		2,172	1,461	N/A	534	401	
12th District		2,678	2,217	N/A	616	523	
13th District		6,139	6,101	N/A	1,727	1,497	
<b>Program Rating</b>		<b>G</b>	<b>G</b>		<b>G</b>	<b>G</b>	

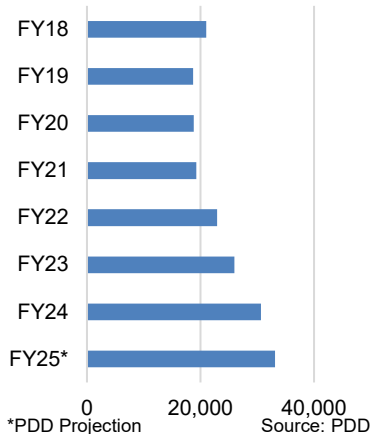
\*Measure is classified as explanatory and does not have a target.

### Average Attorney Caseloads



Source: AODA

### In-House Felony Case Assignments by Fiscal Year



\*PDD Projection Source: PDD

### Public Defender

Like other criminal justice partners, the Law Office of the Public Defender (LOPD) has had to address difficulties in recruiting and retaining legal professionals in rural areas. In the second quarter of FY25, the agency demonstrated the ability to tackle the issue, especially in relation to support staff. The agency reported an overall vacancy rate of 9.7 percent, 5.1 percent for support staff and 14.4 percent for in-house attorneys. Vacancies for support staff declined by about 2.5 percent from the second quarter of FY24, while vacancy rates for attorneys declined by 1 percent. The average number of cases assigned to in-house attorneys was 81, staying flat with the second quarter of FY24, possibly reflecting the continuing decline in contract attorneys.

LOPD reports that starting in the second quarter of FY25, they will report the number of contract attorneys available statewide differently. In prior quarters, LOPD counted contractors with contracts in multiple counties multiple times, inflating the total number of contract attorneys. In other words, a contractor taking cases in multiple counties was counted as a contractor in each county, inflating the total number of contractors. With this adjustment, LOPD has 75.5 contractors at the end of the second quarter of FY25. When making the same adjustment for the first quarter of FY25, there were 81.5 contractors, meaning a reduction of 8 percent in one quarter. The declining rates of contract attorneys should be monitored as the shift to more felony weighed caseloads could exacerbate this problem further, as these cases take more time.

Like district attorney offices, LOPD reports a changing mix of case types, with an increasing share of felony cases and a decreasing share of misdemeanor cases. LFC staff project that the number of felony cases assigned to in-house attorneys will increase by 78 percent from FY19 and 8 percent compared to FY24. This results in a more complex caseload that could extend the amount of time an attorney spends on each case. The changing mix also results in a higher attorney workload. The agency notes the biggest drivers of the changing case mix are increases in third- and fourth-degree felonies, particularly possession of a controlled substance and probation violations.

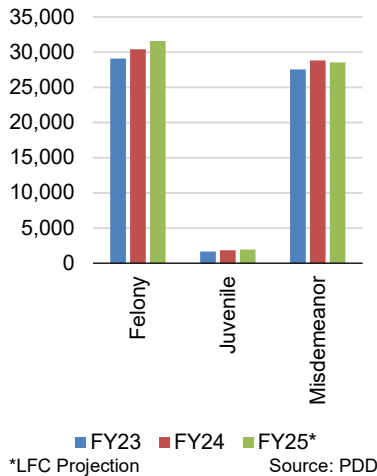


## PERFORMANCE REPORT CARD

### Courts and Justice

### Second Quarter, Fiscal Year 2025

**LOPD Opened Cases  
by Type**



Compared to the second quarter of FY24, there was an overall decrease of 9 percent in felony, misdemeanor, and juvenile cases resulting in a reduction of charges. While this reduction may be concerning in the short term due to the consistent increase in caseloads, the positive developments seen throughout FY24 and the first quarter of FY25 suggest that trends should reverse. Additionally, there was an increase of 5 percent in felony, misdemeanor, and juvenile cases resulting in a reduction of charges by contract attorneys since the second quarter of FY24. This indicates that LOPD's contract attorneys are logging case outcomes more consistently in LOPD's case management system. Since the increase is primarily due to improved data reporting by contract attorneys, their performance should be monitored, especially given that LOPD has lost contract attorneys. If in-house attorneys can recover, performance trends should return to positive levels seen in FY24. Contract attorneys' percentage of the caseload increased slightly to 34 percent, staying flat with FY24. The number of felony, misdemeanor, and juvenile cases resulting in alternative sentencing treatment increased compared to the second quarter of FY24, increasing by 2,330 cases, or 42 percent. The biggest driver of this increase is in-house attorneys who increased cases resulting in alternative sentencing treatment by 48 percent in the same period. Contract attorneys, however, did not lag far behind in-house attorneys, as they saw a 30 percent increase during the same period, further supporting the progress made by in-house attorneys.

<b>Budget:</b> \$77,155.0 <b>FTE:</b> 516	<b>FY23 Actual</b>	<b>FY24 Actual</b>	<b>FY25 Target</b>	<b>FY25 Q1</b>	<b>FY25 Q2</b>	<b>Rating</b>
Felony, misdemeanor, and juvenile cases resulting in a reduction of original formally filed charges	57%	65%	65%	70%	65%	<b>G</b>
In-house attorneys	62%	66%	65%	70%	63%	<b>G</b>
Contract attorneys	47%	63%	65%	67%	71%	<b>G</b>
Felony, misdemeanor, and juvenile cases resulting in alternative sentencing treatment	13,260	28,523	5,000	7,770	7,830	<b>G</b>
In-house attorneys	9,774	20,173	4,000	5,751	5,636	<b>G</b>
Contract attorneys	1,000	8,350	1,000	2,019	2,194	<b>G</b>
Cases assigned to contract attorneys*	37%	34%	N/A	33%	34%	N/A
Average time to disposition for felonies, in days*	324	313	N/A	265	304	N/A
In-house attorneys*	268	229	N/A	249	292	N/A
Contract attorneys*	380	399	N/A	281	316	N/A
Cases opened by Public Defender Department *	58,253	61,046	N/A	16,704	14,338	N/A
In-house attorneys*	36,775	39,145	N/A	10,943	9,427	N/A
Contract attorneys*	21,478	21,901	N/A	5,761	4,911	N/A
<b>Program Rating</b>	<b>G</b>	<b>G</b>		<b>G</b>	<b>G</b>	

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