Bernalillo County Criminal Justice Review Commission

Report to Legislative Finance Committee

Arthur W. Pepin, Chair

September 28, 2015

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Summary

In the 2013 session the Legislature created the Bernalillo County Criminal Justice Review Commission (BCCJRC) in HB 608 to exist July 1, 2013 to June 30, 2015. Composed of stakeholders at all levels of the criminal justice system in Albuquerque, the legislation charged the Commission with "reviewing the criminal justice system in Bernalillo county" to make written recommendations to revise or replace local and state laws and to "improve the delivery of criminal justice in Bernalillo county." The legislation required the Commission to report to the legislative finance committee. LFC received the first BCCJRC report on November 18, 2014. This report is for Commission actions from the time of that report through June 30, 2015.

The population at the Metropolitan Detention Center (MDC) had for many years been well above reasonable expectations and overcrowded. The many unwanted results of overpopulation at MDC included federal litigation pending since 1995, McClendon et al., v. City of Albuquerque, CIV 95-24 JAP/KBM. The federal court ordered that the maximum inmate population at MDC be 1,950. The county budgeted $11.4 million in 2013 for out-of-county transfers expected in FY 2014 because the MDC population regularly exceeded 1,950 by several hundred.

Members of the BCCJRC worked diligently over the two years of the Commission's existence to address the issues outlined in the legislation. The report of November 18, 2014, provided information about Commission activities up to that time. This report discusses Commission actions since late 2014, the outcomes, and how the work will be carried forward now that the statutory life of the Commission has expired as of July 1, 2015.

BCCJRC Activities, Progress, and Planned Reforms

As has been the case since December 2013, the BCCJRC continued to meet monthly through July 2015. Reductions in the MDC population realized through October 2014 continued through July 2015. For example, in October 2013 Bernalillo County sent 707 inmates to facilities out of county because of MDC overcrowding at a cost of more than $1 million that month. Out of county housing ended in December 2014. In a report issued on November 10, 2014, Bernalillo County reported that the implementation of BCCJRC initiatives since March 2014 saved $5 million in out-of-county shipping costs alone.

Bernalillo County issued its End of Fiscal Year 2015 Report to report on MDC issues on August 1, 2015. A copy of that report is attached. It is referred to hereafter as "MDC FY15 Report." Highlights from the MDC FY15 Report include:

- MDC population for June 20, 2015 was 30% lower than for June 20, 2014
- MDC population for June 20, 2015 was 38% lower than for June 20, 2013
- MDC population has been below the maximum 1,950 ordered by federal court for 231 consecutive days as of June 30, 2015
- Bernalillo County stopped housing inmates out of county in December 2014
- Average length of stay for MDC inmates decreased from 39 days in October 2014 to 28 days in June 2015, a decline of -28.2%.

The Bernalillo County MDC monthly Report issued in September 2015 (copy also attached) shows that the average population at MDC is now 1,605. This is more than 17% below the maximum population required by federal court order. The population maximum has not been reached for almost a full year.

The MDC FY15 Report lists 21 significant reforms and initiatives implemented through the work of the BCCJRC. The Case Management Order (CMO) implemented in February 2015 is discussed separately in this report. The CMO has had a dramatic impact on criminal justice cases in Bernalillo County and will continue to affect every criminal case in the future. In addition to the CMO, several initiatives implemented or expanded since the November 2014 report stand out.

> Assistant District Attorney at Misdemeanor First Appearances – The previous practice was for a judge to set release conditions and schedule a defendant's case for future proceedings during the defendant's first appearance at the Bernalillo County Metropolitan Court. No Assistant District Attorney (ADA) appeared. In Bernalillo County, police officers prosecuted cases without an ADA, requiring overtime scheduling for officers in addition to their regular duties. The BCCJRC facilitated an agreement for the City of Albuquerque

and Bernalillo County to fund an ADA hired by the District Attorney to be present at misdemeanor first appearances in Metro Court. From October 14, 2014, through June 30, 2015, the ADA resolved 1,787 cases involving 1,249 defendants. Resolution of these cases at the earliest stage of prosecution saved hundreds of hours of overtime pay for city and county law enforcement officers and kept these defendants from adding to the MDC population while awaiting the posting of a release bond or further developments in their cases.

Preliminary Hearings – The BCCJRC supported an initiative to reduce the number of grand jury settings by encouraging the prosecution's use of charging by accusation followed promptly by a preliminary hearing. Previous practice was to indict by grand jury in almost every case. In contrast to a preliminary hearing, at a grand jury a defendant does not present evidence or cross-examine witnesses. At preliminary hearings held in August 2015, 54% of the cases were resolved, removing them from pending cases that would have added defendants to the MDC population. Between June 23, 2014 and August 31, 2015, 1,015 preliminary hearings were scheduled for 611 cases, removing these cases from grand juries. In addition to the high rate of case resolution at an early stage of a case, expanded use of preliminary hearings resulted in reduction of grand jury settings from seven per week to five. Additional expansion of preliminary hearings is planned.

Expansion of the Early Plea Program – This initiative built on a successful but very limited existing program. Of 272 early plea hearings scheduled in August 2015, parties resolved 74% of the cases and referred an additional 7% to a drug court program. Resolution of cases in the expanded Early Plea Program avoids the cost of detaining many defendants at MDC and also removes these cases from the pending caseload of courts, prosecutors and defense attorneys at an early stage. The Early Plea Program also provides prompt resolution of cases for defendants.

These initiatives and others discussed in the MDC FY15 Report and other reports have contributed to the BCCJRC accomplishing the first goal set forth in the 2013 legislation of reducing the MDC population. The MDC population is at a stable level well below the population limit. The second goal set forth in the 2013 legislation is to improve the delivery of justice in the criminal justice system in

Bernalillo County. While that goal is also served by the other initiatives, no single initiative has an impact on criminal justice greater than the Case Management Order.

Case Management Order

At the time of the November 2014 report to the LFC, it was anticipated that a CMO would be implemented to achieve meaningful time limits on case processing. The New Mexico Supreme Court adopted the CMO by order of November 6, 2014, to be implemented February 2, 2015, at the Second Judicial District Court. The CMO was intended to alter expectations and create processes that would achieve speedy resolution of most criminal matters in Bernalillo County.

Discussion of the CMO by the BCCJRC began in December 2013. Various proposals were the subject of meetings between the New Mexico Supreme Court and members of the BCCJRC on June 19 and July 29, in addition to numerous meetings of the BCCJRC members separately.
The CMO adopted in November 2014 and effective beginning February 2, 2015, divided the pending criminal caseload into two categories. On the "Special Calendar" were cases already pending more than six months. On the "New Calendar" were cases pending less than six months and every new case filed on or after February 2, 2015. The ten judges of the Second Judicial District Court's Criminal Division ("Criminal Division") were assigned into two different groups, with four assigned to the Special Calendar to handle the oldest cases and six to the New Calendar to handle new cases. The Second's Chief Judge also agreed to help the Criminal Division by participating in arraignments and taking overflow criminal trials. In addition to implementing the CMO, the Criminal Division also continued with previous initiatives, including an expanded EPPS program and the use of *pro tempore* judges to help speed up probation violation matters and hold preliminary hearings.

Special Calendar Cases – The number of active special calendar cases totaled more than 3,000 when the CMO went into effect. These cases, many of which had been pending for substantially longer than six months, were assigned to the four Special Calendar judges. These four judges were tasked with reviewing each of more than 3,000 cases and entering a scheduling order to get them resolved. Many of the cases were complex and had legitimate challenges that had contributed to delays. Frequent continuances and the difficulty of scheduling a trial that might last several weeks had further contributed to these cases remaining unresolved for a very long time.

Today more than two thirds of those Special Calendar cases have been resolved. Most of the remainder will be resolved before the end of 2016. The four judges assigned to the Special Calendar will gradually transition to the New Calendar during 2016 and 2017. The resolution of Special Calendar cases is occurring faster than expected due to the dedication of all parties involved and with the help of the New Calendar Judges who have provided overflow coverage for the Special Calendar trials whenever available. This has greatly strained the resources of the court, prosecutors, law enforcement, and defense counsel. The challenges have included technology, space issues, scheduling, and many other matters but the stress has been greatest on the people involved almost constantly in trials. It would be difficult to overstate the extraordinary efforts undertaken by judges, court staff, attorneys, and law enforcement officers to catch up on cases that languished for years.

New Calendar Cases – This calendar is for cases less than six months old and newly filed cases. Six judges issued scheduling orders on all pending cases assigned to the New Calendar in February 2015 and all cases brought to the court thereafter. The six judges were relieved of the 3,000 pending cases that went to the Special Calendar and began with dockets of about 325 active cases with new cases added to their caseload at a rate of between 50 and 100 per week in total among the six judges, or between 10 and 20 new cases added each week to each judge's docket.

The CMO requires that New Calendar cases be scheduled within strict time deadlines for prosecutors and defense attorneys to exchange discovery, identify witnesses, obtain laboratory reports of testing of evidence, and file motions needed to prepare a case for trial or a plea agreement. More than 60% of the cases are assigned for trial within six months of entry of the scheduling order. The remaining cases are assigned for trial within nine months, with a few especially complex cases assigned for trial within one year. The goal was to impose definite timelines in criminal cases to avoid delays and enforce fair processes and speedy trial deadlines required by the New Mexico Constitution.
The CMO requires cases be assigned to one of the three tracks described above, for resolution between 6 months and 1 year, imposes strict discovery and pretrial deadlines, requires plea agreements be reached not less than 10 days before a scheduled trial, and shares responsibility for compliance with time deadlines among all the criminal judges of the court. In a radical shift from prior practice, any case can be assigned to any available judge on a given day if the case is

scheduled for a hearing or trial and the assigned judge is already in trial or otherwise unable to call the case.

The previous practice was to keep cases with the assigned judge at all times. This resulted in frequent continuances and delays when the judge or attorney could not be available on a given day, often because of a trailing docket. Judges have abandoned the old "silo" approach and now routinely hear motions and hold trials in cases assigned to another judge. The CMO requires a high degree of cooperation among the judges and each judge's staff. As intended, the effect has been that hearings and trials occur when scheduled and cases remain on track for resolution in a time consistent with the original scheduling order. The compaction of pending and new cases into the strict deadlines of the CMO has resulted in nearly constant trials throughout the summer months of cases scheduled for trial within six months.

The transition to the New Calendar from prior practice has been very stressful not only for judges and court staff, but for the attorneys and law enforcement officers in these cases. However, those involved in the criminal justice system now expect that events will occur as scheduled, even if the parties must move to a judge on a different floor of the courthouse than the judge originally assigned and even if a the case must go forward with a different attorney than the attorney who was originally assigned the case Adapting their offices to the deadlines in cases, especially for exchange of discovery, has been difficult for law enforcement agencies and prosecutors, resulting in a lower rate of new cases filed and dismissal without prejudice when discovery is not provided as required by the scheduling order.

Challenges remain as the nine-month and one-year cases begin to reach the trial schedule. However, the practices imposed by the CMO are becoming familiar to those involved in the criminal justice system. Judges and the parties know that events will occur as scheduled. Sanctions will be imposed for non-compliance with discovery and other deadlines in the scheduling order. The CMO is becoming the new normal and will become routine. Once the majority of Special Calendar cases have been resolved in 2016, the criminal justice system in Bernalillo County should never again develop a list of thousands of cases that have not been resolved for too many months and years and have little prospect of being resolved soon. Expectations will be that charges are brought when discovery can be provided and most cases will proceed toward resolution within six months and in almost no case beyond one year.

The pace of trials for both Special Calendar and New calendar cases over the past several months cannot be sustained. Transition to the timelines required by the CMO have challenged the court, prosecutors, law enforcement officers, and defense attorneys to change how they manage criminal cases. Incremental but badly needed adjustments to some of the requirements in the CMO are being proposed and will be considered by the New Mexico Supreme Court. If adopted by the Court, a number of these adjustments to the CMO should modify some of the most difficult challenges imposed by the CMO and further improve the efficient processing of criminal cases.

The end result of this difficult transition will benefit those charged with a crime by resolving cases within six months to one year, will benefit prosecutors and defense attorneys through known deadlines and expectations to which the court will adhere, will benefit the courts by helping to keep judges' dockets at manageable levels, and will benefit Bernalillo County through reduced costs for detaining inmates who in the past have waited years in some cases for their charges to be resolved.

The Future of the BCCJRC and Criminal Justice in Bernalillo County

Senator Mimi Stewart introduced SB 317 in the 2015 legislative session to extend the BCCJRC beyond June 30, 2015. The bill died in the House of Representatives late in the session. However, the New Mexico Supreme Court on June 17, 2015, issued Order No. 15-8110 to create the Bernalillo County Criminal Justice Review Committee and named all existing members of the BCCJRC to the new Committee. By this Order the BCCJRC will continue as a Committee of the Supreme Court until at least June 30, 2016. The Committee is required to report to the Court on its activities by December 30, 2015 and again by June 30, 2016. Without interruption the BCCJRC has continued to meet regularly, support ongoing and new initiatives to improve criminal justice in Bernalillo County, and work through the CMO with suggested amendments intended to advance the prompt and just resolution of criminal cases.

The November 2014 report to the LFC detailed resource needs at the district and metropolitan courts, office of the District Attorney, Albuquerque office of the Law Office of the Public Defender, and Bernalillo County. The criminal justice system in Bernalillo County has made significant progress without state funding. Bernalillo County has invested in pretrial services at the district court, mental health alternatives to incarceration, and other programs that demonstrate

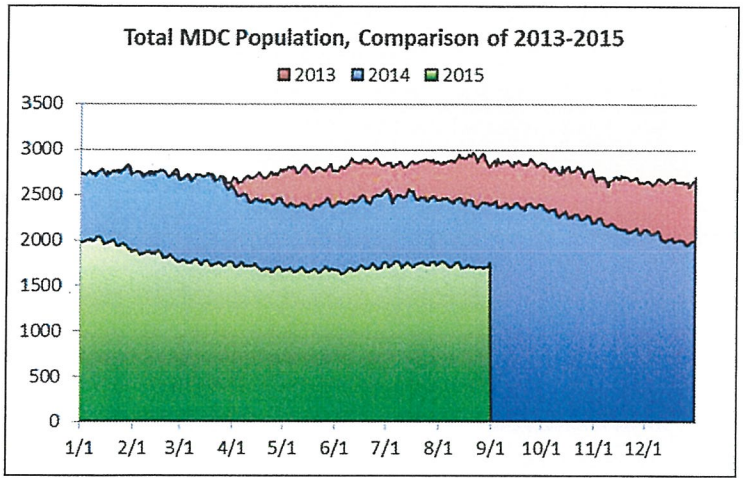
remarkable foresight to fund initiatives that benefit the criminal justice system and ultimately have the effect of reducing the MDC population. The funding needs discussed in the November report remain.

The Legislature's creation of the BCCJRC in 2013 has succeeded beyond expectations. There was little evidence in 2013 that the MDC population could be reduced and greater efficiencies could be accomplished among the very different and disparate members of the BCCJRC. The BCCJRC strongly encourages the LFC to demonstrate support for what has been accomplished by providing funding for requests by the courts and agencies involved in criminal justice in Bernalillo County.

MONTHLY REPORT FOR AUGUST 2015
REPORT DATE: SEPTEMBER8, 2015

Bernalillo County Metropolitan Detention Center

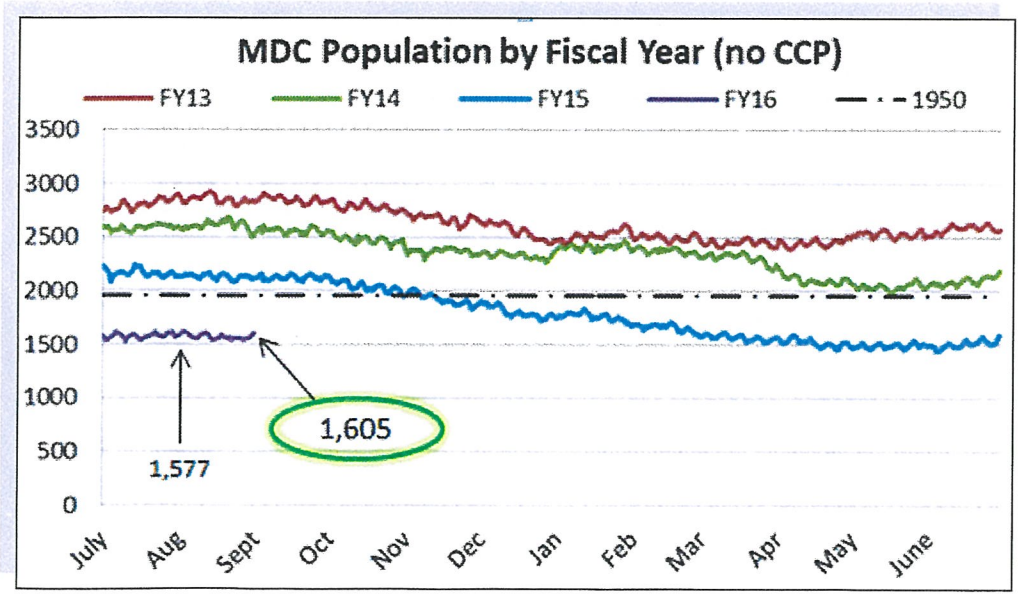
Since late March of 2014, the MDC population has decreased overall. As of August 31, 2015 the population has decreased approximately 38% or 1,075 inmates.



Quick Figures for August

	Average
On-Site Daily Population[1]:	1,572
On-Site Male Population:	1,267
On-Site Female Population:	305
Community Custody Program (CCP)[2]:	153
Total Average Jail Population (including OOC & CCP):	1,724
Total Consecutive Days 1,950 or less:	**293**

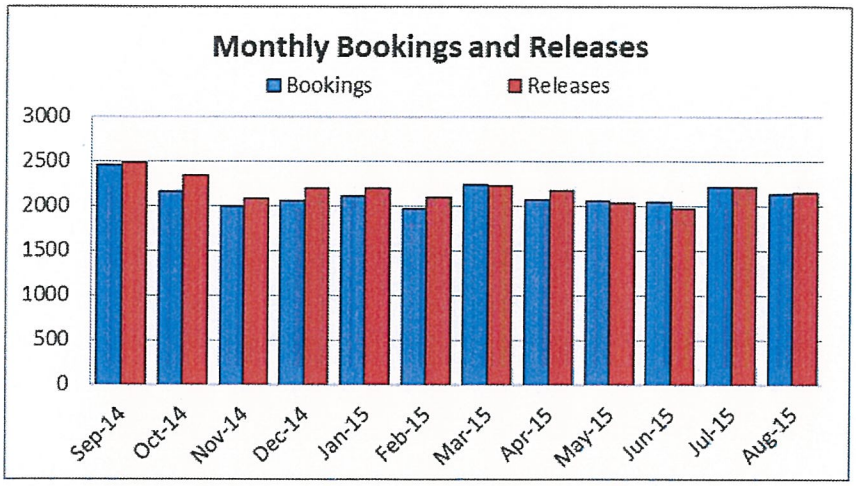
Criminal Justice Reforms Continue to Impact Jail Population



MDC actively collaborates with criminal justice partners to maintain the jail's population below 1,950[4]. Criminal justice reforms continue to impact the jail population. Recent increases are typical based on seasonal trends seen in recent years.

Bookings and Jail Turnover

Annual bookings by fiscal year have declined since FY08. This reduction does not correspond with the overall decreasing population trends in recent months. Overall, monthly bookings have decreased over the last year, although the number of releases tends fluctuate at a similar rate.



The jail population reduction cannot be explained by the decrease in bookings alone. Jail population is driven by both admissions into the jail as well as the average length of stay (ALOS).

Jail turnover—which is calculated based on bookings, releases, and the average daily population—helps to demonstrate how quickly individuals are cycling through the jail. The turnover rate has increased in recent months, reflecting the decreasing size of the jail population and a decreasing length of stay as compared to previous years. The average length of stay (ALOS) for August 2015 was 17.1% lower than for August 2014.

Criminal Justice Reform Initiatives

Since mid-March 2014, the County has partnered with the criminal justice family to design and implement numerous court initiatives aimed at creating efficiencies in the criminal justice system which have contributed to recent population reductions. The Criminal Justice collaborative continues to identify opportunities to realize additional efficiencies some of which will further impact the jail population.

Initiative Updates:

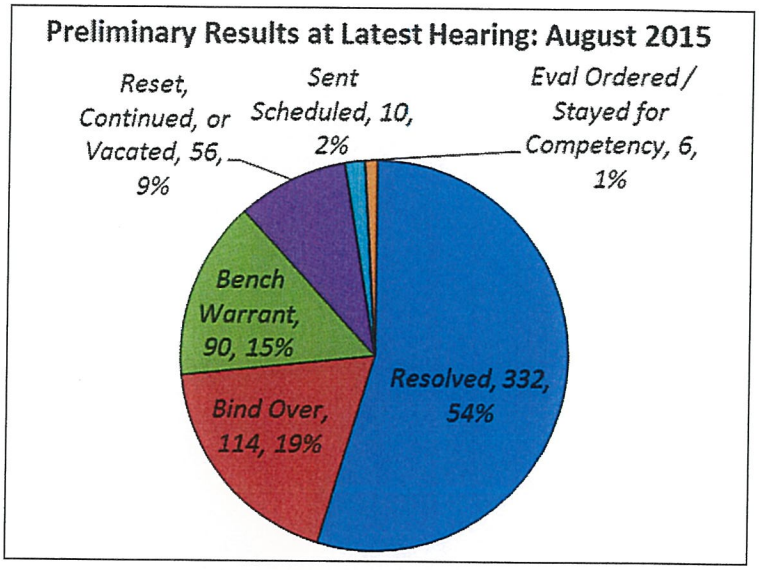
- Implementation in Metro Court and District Court of a pretrial release assessment instrument is set for September 2015.
- Bernalillo Country and City of Albuquerque Supportive Housing Program has received numerous referrals and continues to grow.
- Updated MDC Population study underway.
- District Court piloting felony arraignment court reminder calls.

ADA Case Resolution

- From October 14, 2014 through August 31, 2015, the new ADA has resolved approximately **2,267** cases for **1,546** people.
- 1 in 4 individuals with resolved cases had more than one case and these were often resolved on the same day.
- These resolutions were almost exclusively for criminal and traffic cases.
- A 16 week sample beginning April 2014 (one day per week) was previously collected for custody arraignments. For non-DV and DW cases, the resolution rate was 37.8%.
- Since the new ADA started, for non-DV and DW cases, the resolution rate was 53% AND there were 108 cases resolved not on the docket. **The ADA resolution rate is 15.2% higher than the 2014 sample of similar cases.**

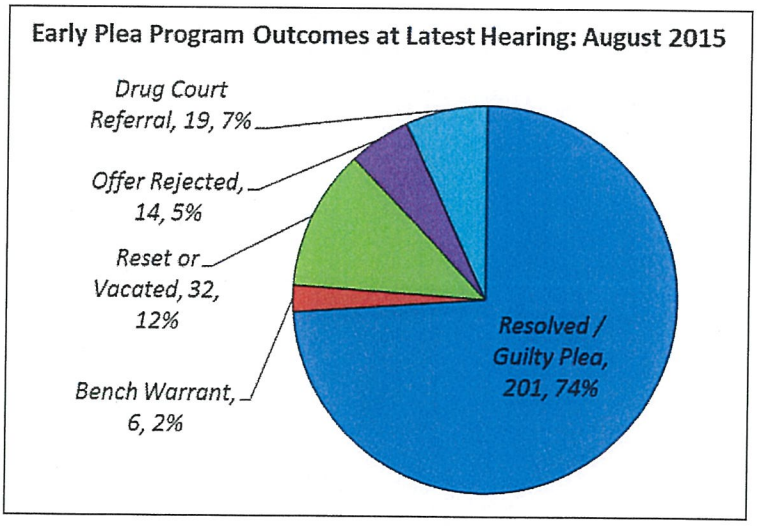
Preliminary Hearings

- Between June 23, 2014 and August 31, 2015, a total of 1,015 hearings were scheduled for 611 cases (cases were at times reset and hearings for the same case for a separate incident were considered unique).
- At the latest hearing for the cases, approximately **54%** were resolved at the preliminary hearing. Outcomes such as the scheduling of a sentencing hearing will likely result in an upcoming resolution.
- Of the **332 cases that have been resolved** to date, 83% were resolved within one or two hearings.
- Due to the successful resolution of cases at the preliminary hearings, beginning in September the number of grand jury panel hearings held was reduced by two per week. Preliminary hearings will soon take place for a full day rather that part of a day and in August, plans are in place to add another day of these hearings.



Early Plea Program

- While the Early Plea Program (EPP) was only recently expanded, early hearing results are promising. From March 23, 2015 and August 25, 2015, 294[5] hearings were scheduled for 272 cases.
- At the latest hearing for the cases, 74% of the cases were resolved (either sentenced or nolle pros) or the defendant had pled guilty.
- Of the 201 cases resolved to date, 95.5% were resolved at the first EPP hearing.



NOTES

1Total male and female added will not always equal the total onsite population. The headcounts include the infirmary, which includes males and females.

2 CCP has continued to decrease in recent months. On March 24, 2014, a new MOU was implemented that prohibits participation on CCP for individuals with certain charges.

3 The figure does include those who are housed Out of County (OOC) as the County's goal is to achieve the 1,950 without housing inmates out of county.

4 Some of the previous outcomes provided were for sentencing hearings for the cases in question. These were removed and are no longer included in the current tallies. In addition, resets after a guilty plea were not included, as a plea was already made but the sentencing was upcoming on the case.

For further information, contact the Bernalillo County Public Safety Division at 505-468-7008.

Metropolitan Detention Center

Report Date: August 1, 2015

Report Highlights:

- As of June 30th 2015, the overall population of MDC was 30% lower than the same day in 2014 and 38% lower than 2013.
- Due to the decreasing population, MDC was able to cease shipping inmates out of County during December 2014.
- The number of bookings, releases and the average length of stay at MDC decreased during FY15.
- In a three month time period, there were 162 hearings resolved as part of the Early Plea Program.
- The resolution rate at Preliminary Hearings was 59%.
- The ADA resolved 55.9% hearings at misdemeanor first appearances as well as 89 cases not on the docket.

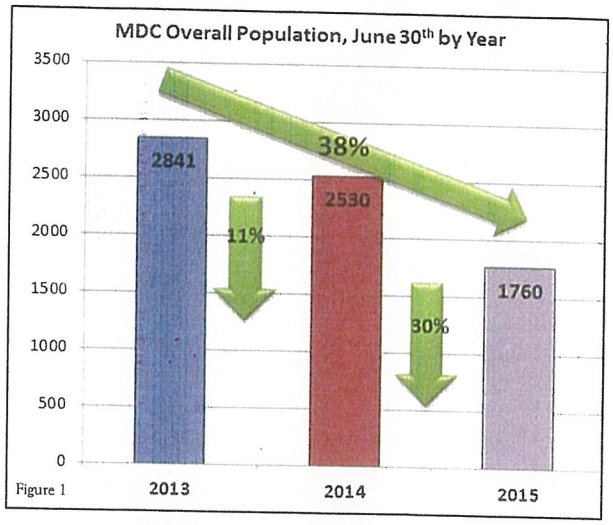


Figure 1

Criminal Justice Reforms Impact Jail Population

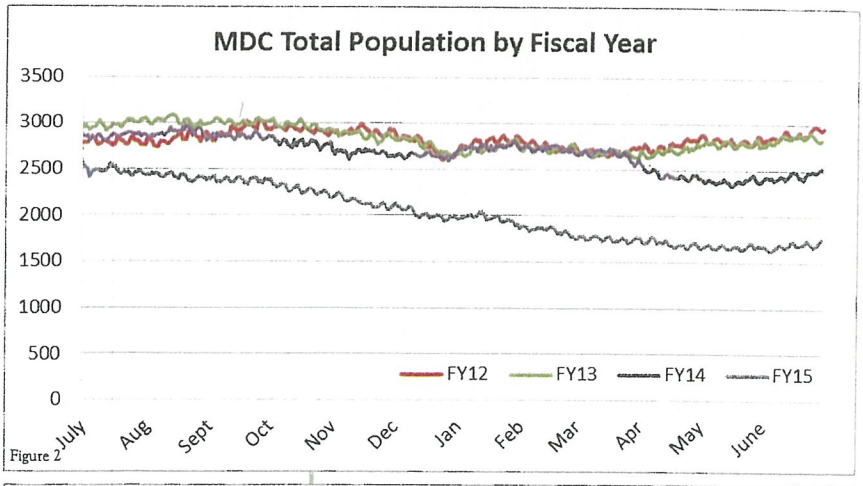


Figure 2

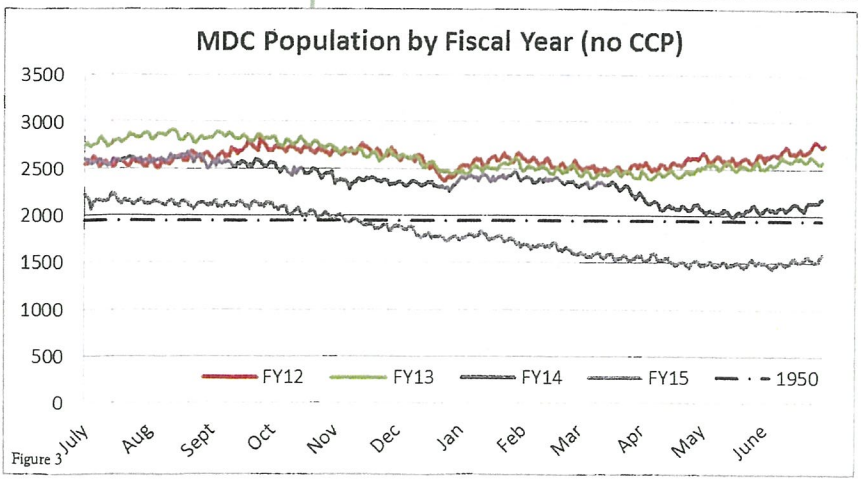


Figure 3

- The total MDC population[1] has decreased overall since the implementation of criminal justice reforms. The total population for June 20, 2015 was 30% lower than the same day in 2014 and 38% lower than 2013. (Figure 2)
- In 2014 Bernalillo County elected to develop a population plan to keep the number of inmates below 1,950[2] (not including inmates on CCP). (Figure 3)
- MDC actively collaborates with criminal justice partners to maintain the jail's population below 1,950. Criminal justice reforms continue to impact the jail population. Despite the recent seasonal increase, typical of seasonal historic trends, . MDC has remained at or below 1,950 for 231 consecutive days.

Out of County Shipping

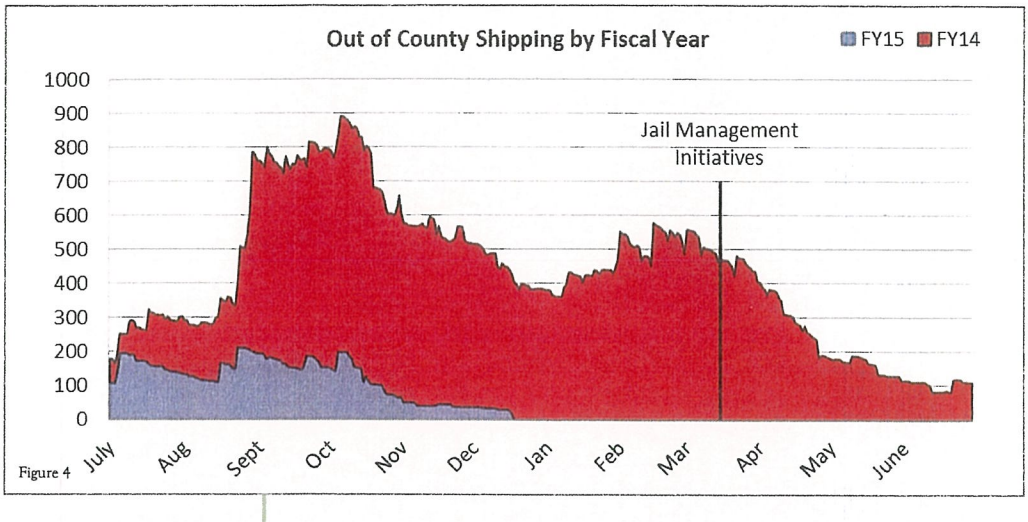


Figure 4

MDC ceased housing inmates out of county in December of 2014.

- Out of county shipping began June of 2013 in an effort to meet the operational capacity of MDC. Out of County shipping increased quickly as contracts for shipping were approved. In October of 2013, there were 707 inmates being shipped out of County.
- Due to the reduced jail population, MDC was able to cease shipping inmates out of county in December 2014.
- With MDC capacity capped at 1950, more shipping would have been necessary to meet the McClendon lawsuit mandates had the population management initiatives not been implemented.

Community Corrections Program

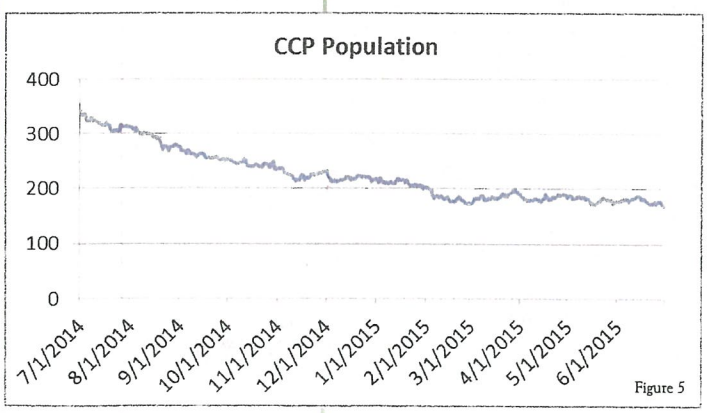


Figure 5

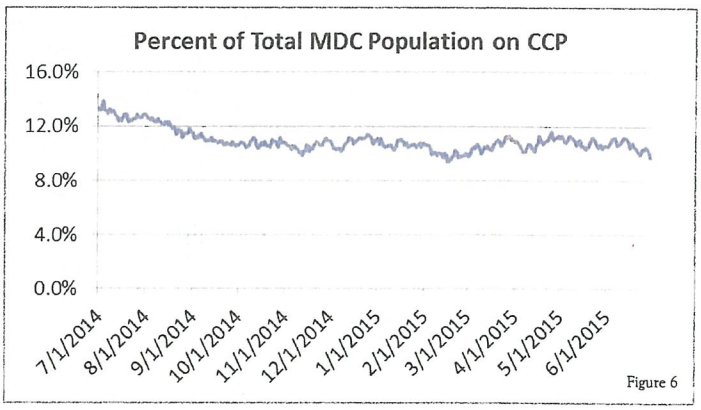


Figure 6

- The use of CCP decreased during FY15. At the beginning of the fiscal year there were 342 people on CCP and at the end of the fiscal year there were half as many people on CCP, a total of 170.
- While it is expected that the number of people on CCP would decrease as the jail population decreased, the percent of the population on CCP has decreased as well, from 13.3% at the beginning of the year to 9.7% at the end of the year.

Bookings, Releases, and Length of Stay

The population of a jail is driven by three factors: the number of individuals booked into the facility, the number of individuals released, and the length of stay in the jail.

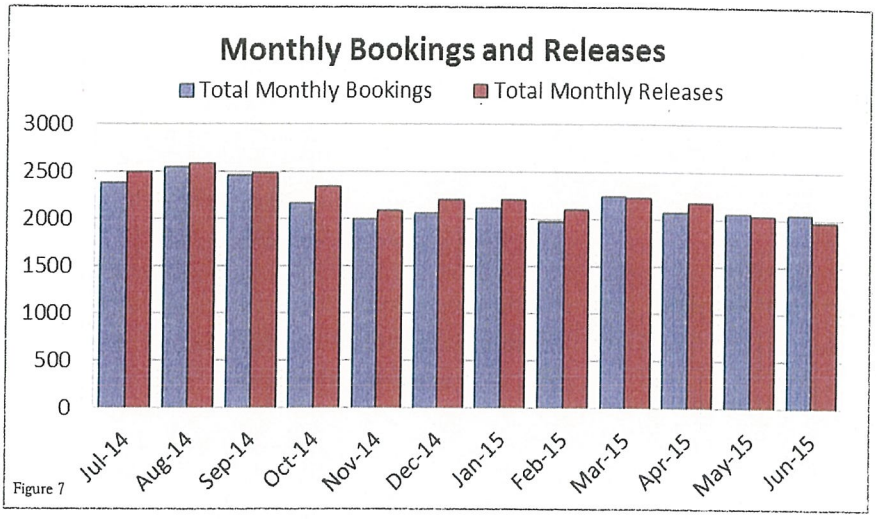


Figure 7

- Bookings and releases both decreased during FY15.
- In July of 2014 there were 2,379 bookings and 2,495 releases.
- In June of 2015 there were 2,047 bookings and 1,966 releases. This is a difference of approximately 14% in bookings and 21% in releases.

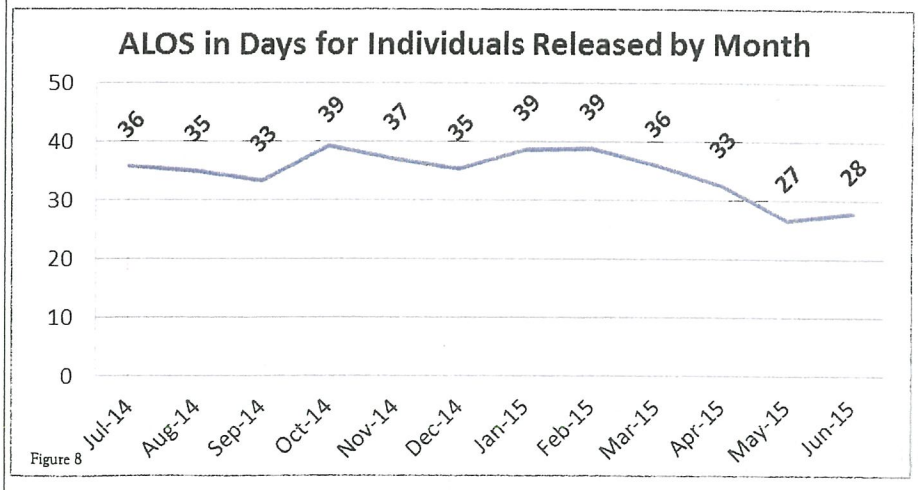


Figure 8

- The average length of stay (ALOS) by month decreased overall during FY15.
- In July of 2014 the ALOS was 36 days and in June of 2015 the ALOS was 28 days, a difference of approximately 22%.
- The ALOS is easily skewed by an increase in release of individuals with longer stays at MDC.

The decrease in bookings does not account for the entire decrease in the MDC population, particularly in conjunction with a similar decrease in releases. The average length of stay (ALOS), which has decreased, can fluctuate a great deal based on individuals who have been in MDC for extended periods of time. The changes in the population correspond with the implementation of criminal justice reform initiatives.

Highlights of Criminal Justice Reforms and Initiatives Implemented in FY2015

Since mid March 2014, the County has partnered with the criminal justice family to design and implement several court initiatives aimed at creating efficiencies in the criminal justice system which have contributed to recent population reductions. The Criminal Justice collaborative continues to identify opportunities to realize additional efficiencies some of which will further impact the jail pop-

- New Case Management Order (CMO) in District Court. CMO established deadlines and timelines for case adjudication moving cases more expeditiously.
- District Court assigned 3 judges to target pre-CMO cases to address the backlog of cases.
- National Institute of Corrections (NIC) Criminal Justice Pretrial Justice Summit occurred.
- State v. Brown-New Mexico Supreme Court reiterates law that pretrial defendants are entitled to release on own recognizance unless other release conditions are required to address identifiable risk.
- Pretrial Release Risk Assessment Instrument adopted (pending decision on Arnold Risk Assessment Instrument) to more accurately assess risk of pretrial defendants to assist judge in determining appropriate release conditions.
- MDC eliminated ICE holds.
- ADA in Metro Court– Metro Court ADA is able to resolve non-record misdemeanor cases quickly reducing the jail length of stay for this population
- Expanded Preliminary Hearings.
- Expanded Early Plea Program
- Increased Settlement Conferences
- Metro Court started processing all non-record cases more quickly
- Metro Court started new Homeless Court program.
- Supportive Housing Program began taking first clients.
- District Court Pretrial Services began telephone reminder calls for Felony Arraignment Hearings to reduce risk of failure to appear.
- Medicaid enrollment for Community Custody Program (CCP) and Pretrial Services (PTS) clients.
- Revision of the District Court Order setting conditions of release unlinking specific conditions and follow the orders of release considerations outlined in State v. Brown.
- District Court Probation Violation program began setting cases for the initial hearing 20 days earlier.
- District Attorney's Office began using nolles (type of dismissal) on some categories of 10 day indictment cases rather than ROR which continued conditions of release on individuals who were not indicted.
- Metro Court and District Court utilized Odyssey case management system to transfer bonds from one court to other increasing individuals ability to post bond.
- MDC instituted a process for individuals requiring medical exams before being released to community programs.
- District Court implemented process for setting FTA warrants for automatic hearings and to ensure notice of arrest to the Public Defender's Office.

Preliminary Hearings

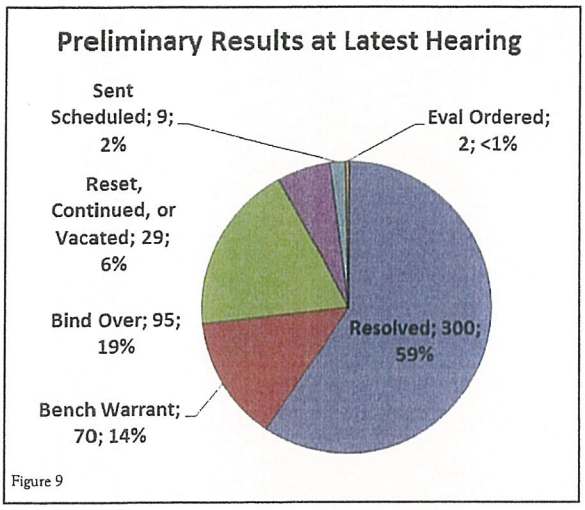


Figure 9

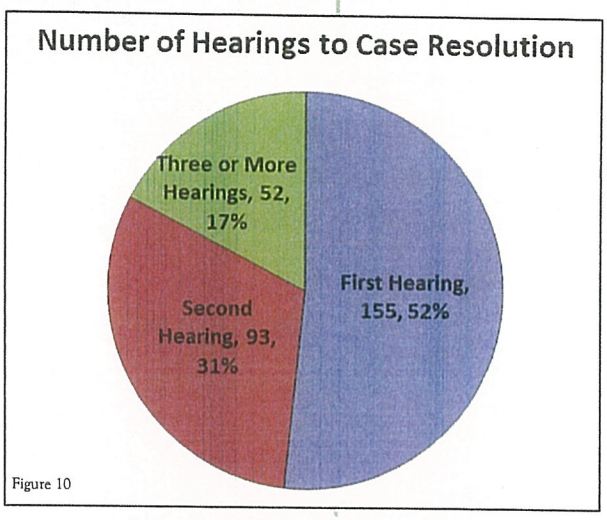


Figure 10

- Between June 23, 2015 and June 29, 2015, a total of 864 hearings were scheduled for 509 cases (cases were at times reset and hearings for the same case for a separate incident were considered unique).
- At the latest hearing for the cases, approximately 59% were resolved at the preliminary hearing. Outcomes such as the scheduling of a sentencing hearing will likely result in an upcoming resolution.
- Of the 300 cases that have been resolved to date, 83% were resolved within one or two hearings.
- Due to the success of the preliminary hearings at resolving cases, beginning in September the number of grand jury panel hearings held was reduced by two per week. Preliminary hearings will soon take place for a full day rather that part of a day and in August, plans are in place to add another day of these hearings.

ADA Case Resolution

- From October 14, 2014 to June 30, 2015, the new ADA has resolved approximately 1,787 cases for 1,249 people. In addition, offers were made but subsequently rejected in approximately 259 cases in addition to the 1,787.
- More than 1 in 3 individuals with resolved cases had more than one case. These were often resolved on the same day.
- These resolutions were almost exclusively for criminal and traffic cases.
- A 16 week sample beginning April 2014 (one day per week) was previously collected for custody arraignments. For non-DV and DW cases, the resolution rate was 37.8%.
- Since the new ADA started, for non-DV and DW cases, the resolution rate was 53.2% AND there were 96 cases resolved not on the docket. <u>The ADA resolution rate is 15.4% higher than the 2014 sample of similar cases.</u>

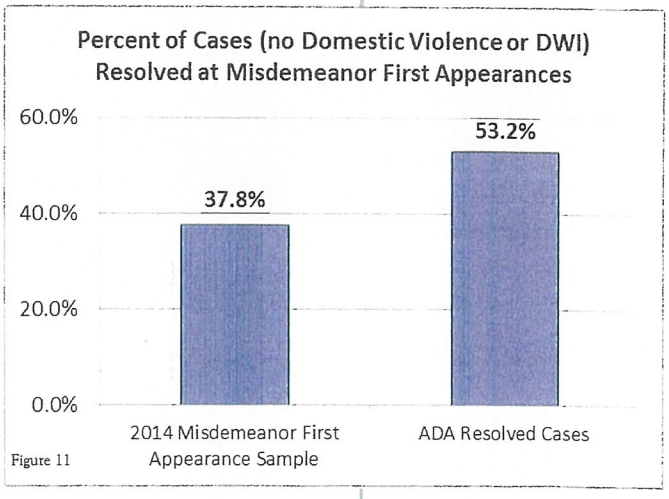


Figure 11

Early Plea Program

- While the Early Plea Program was only recently expanded, early hearing results are promising. From March 23, 2015 and June 30, 2015, 162 hearings were scheduled.
- At the latest hearing for the cases, 74% of the cases were resolved. (either the defendant had pled or nolle pros- type of dismissal)

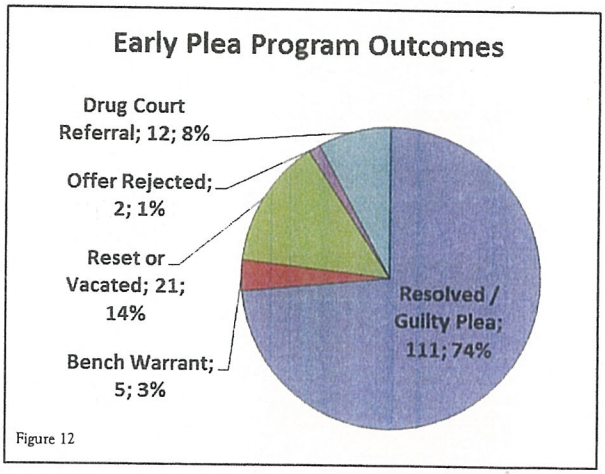


Figure 12

Probation Violations

Several initiatives have been implemented that impact the Length of Stay (LOS) for probation violators. Starting March 24, 2014 the scheduling of PV hearings was changed from 30 days from the filing of the motion to revoke probation to 20 days from arrest.

- In early samples of PV hearings, the time from arrest to disposition was typically around 30 days.
- In both the April 2014 sample and the June 2014 through June 2015 sample the median time from arrest to disposition was significantly faster at 21 and 24 days.
- Over the last several months the number of hearings reset or vacated has increased—51% of hearings in April, 46% in May, and 51% in June. This has resulted in longer case processing times and is steadily increasing the median time from arrest to disposition, resulting in longer stays at MDC. Criminal Justice partners are working to understand why this is occurring and implement solutions.

Study	Study Dates	Primary Source Data	Valid Cases	Days Arrest to Disposition - Median
Pro-Tem Sample 1	1/2013-2/2013	PPD Arrest Orders	155	32
Pro-Tem Sample 2	07/2013	PPD Arrest Orders	59	33
PV Comparison Group Sample	9/2009-12-2009	DA PV Reopen Files	178	30
Pro-Tem April Hearings Sample	4/7/14–4/24/2014	Docket Sample	127	21
2014 to 2015 PV Hearings	06/2014-06/2015	PV Dockets	5,185	24

Table 1

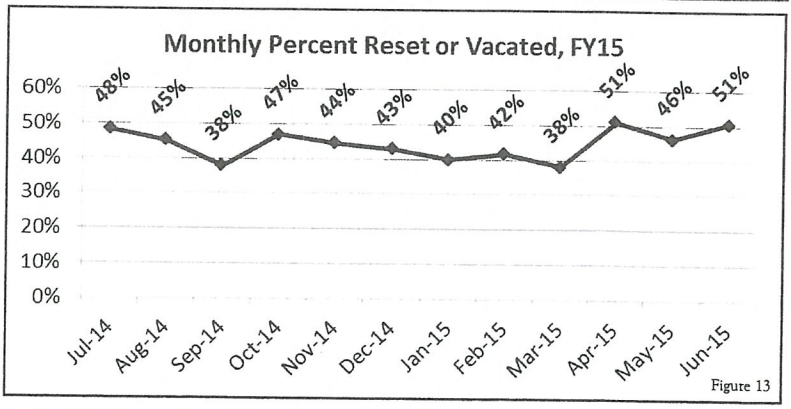


Figure 13

NOTES

1. The overall population of MDC includes all individuals in custody at the facility with the exception of individuals in RDT, out of the facility at the hospital, or on furlough. Inmates in CCP and those housed OOC are included in the overall population.
2. The figure does include those who are housed Out of County (OOC) as the County's goal is to achieve the 1,950 without housing inmates out of county.

For further information, contact the Bernalillo County Public Safety Division at 505-468-7008.