

FIFTH JUDICIAL DISTRICT COURT AGENCY 235



CHAVES COUNTY



LEA COUNTY



EDDY COUNTY

APPROPRIATION REQUEST FISCAL YEAR 2026

JULY 1, 2025—JUNE 30, 2026



FIFTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO

Russell F. Hardy
Court Financial Officer

P.O. Box 1776
Roswell, NM 88202-1776
Phone (575) 622-2565
Fax (575) 624-9506

September 3, 2024

Dr. Andrew Miner
Department of Finance and Administration
Budget Division
Bataan Memorial Bldg. Rm. 190
407 Galisteo St.
Santa Fe, NM 87501

RE: Agency 235 FY26 Appropriation, Expansion, and Special Request

Dear Dr. Miner:

Herein, the Fifth Judicial District Court (5th JDC) submits to you its FY26 Appropriation Request. We stand available to answer questions that may arise regarding our appropriation request document.

The Court's FY26 Appropriation Request for funding from the General Fund for base seeks an appropriation of \$15,000.8 which represents an increase of 5.4% or \$766.3 above the FY25 General Fund Operating Budget of \$14,234.5. The additional \$766.3 requested includes \$289.8 in a Base Budget Expansion request adding funding to Category 200 to provide four (4) new FTEs for the 5th JDC. The four new FTEs would be broken out as follows: 1 new Judicial Specialist 2 (JS2) position for the Roswell Magistrate Court Clerk's Office, 1 new Judicial Specialist Senior (JS Sr) position for the Eunice Magistrate Court Clerk's Office, 1 new Paralegal position for the Lea District Court, and a Court Services Specialist position for the Chaves District Court.

The JS2 and JS Sr positions are needed to address additional workload created by increased case filings at both the Roswell Magistrate Court and the Eunice Magistrate Courts. The Roswell Magistrate Court's case filings have increased 19.2% since FY21 and the Eunice Magistrate Court's case filings have increased 352.8% since FY21. These increased case filings have significantly increased the workload for the existing staff at each of these locations and have resulted in staff at each court working additional overtime hours to meet the increased workload. The Paralegal position is needed to draft orders and other pleadings resulting from hearings involving pro se (self-represented) litigants. A large portion of these documents would be Final Decrees and Parenting Plans. We believe the addition of this FTE would help reduce the time to disposition in Domestic and Civil cases by shortening the length of time between the final hearing and the entry of the

judgment for the Lea District Court. The issue of lengthy adjudication times was an issue raised on page 28 of the *LFC 2023 Staff Interim Work Plans* document. The statement in the report noted that, “*Civil cases have a much wider array of impacts than criminal cases, and courts may be unnecessarily punitive to families, children, and the poor because of long adjudication times*”. The Paralegal would also perform some limited legal research, composition of legal correspondence, review of court forms/rules and make recommendations on more complex situations/non-routine issues that may fall outside of court guidelines in the clerk offices. The Court Services Specialist position is needed to assist with day-to-day operational activities for all three District Courts. The Court Services Specialist would be responsible for compiling documentation related to Inspection of Public Records Act (IPRA) requests, overseeing the Loss Prevention/Control program and Americans with Disabilities Act (ADA) programs within the District, and will assist in maintaining and troubleshooting audio/visual systems throughout the District. The remaining \$476.5 requested is broken out as follows: \$187.0 to offset the shortage from FY25 related to the Judicial Officer (District Court Judge) salary increases that were not funded in the FY25 GAA; \$13.5 for health insurance rate increases; \$265.0 to convert Magistrate Court Security services from a private contract for level 2 security guards to a contract with local law enforcement agencies whereby licensed law enforcement officers will be used to provide full-time security services at four (4) magistrate court locations in Lovington, Hobbs, Carlsbad, and Artesia; and \$11.0 to provide computer technology refreshments for 15 employees on a three-year rotation.

In addition to this base budget request, the 5th JDC is requesting \$511.9 in a separate expansion request to create a Pretrial Services Program within the Chaves, Eddy, and Lea District Courts. This expansion request consists of funding for six (6) new FTEs to hire a Pretrial Services Program Manager and a Lead Officer for the Chaves District Court and a Pretrial Officer 2 and Pretrial Officer 1 at each of the Eddy and Lea District Court locations. The pretrial program has been established as a priority of the New Mexico Supreme Court for each judicial district in the State which will provide oversight of defendants between the time of their arrest through the final disposition of their case.

Lastly, the 5th JDC is requesting \$48.0 in a FY26 Special request to purchase desks, chairs, filing cabinets, and a cubicle system to furnish additional office space at the Chaves District Court facility that is being provided at no charge by Chaves County. This new office space will provide much needed space to support our Chaves Adult Drug Court coordinator whose workspace is currently housed in a supply closet as well as office space for the Paralegal and half-time Drug Court Surveillance Officer positions that were funded in FY25 and will also house the Pretrial Services Program Manager and Lead Officer that is requested in the FY26 Expansion Request.

The FY26 Appropriation Base Budget Request, Expansion Request, and Special Request are crucial to the continued operation of the Court. If the FY26 requests are not funded at or above the requested level, the 5th JDC will not be able to meet the growing number of cases that are currently being filed now and into the foreseeable future. In our humble opinion, the items requested for FY26 are minimal, at best, and are essential to providing the citizens of the State of New Mexico’s Fifth District with access to justice and the delivery of quality services in a timely manner.

Thank you for your consideration of this request,



Russell F. Hardy, Ph.D.
Court Financial Manager, CFO

rosdrfh@nmcourts.gov

(575) 622-2565 – Voice

(575) 624-7501 - Fax

**APPROPRIATION REQUEST
CERTIFICATION
FORM S-1**

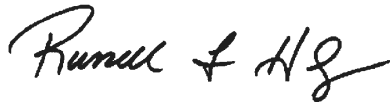
Agency Name: Fifth Judicial District Court

Business Unit: 23500

I hereby certify that the accompanying summary and detailed statements are true and correct to the best of my knowledge and belief and that the arithmetic accuracy of all numeric information has been verified.



Mark Sánchez, Chief Judge



Russell F. Hardy, Court Financial Manager 2

Fifth Judicial District
Court
400 N. Virginia, Suite 123
PO Box 1776
Roswell, NM 88202-1776

(575) 622-2565

rosdrfh@nmcourts.gov

Note: Appropriation Requests for agencies headed by a board or commission must be approved by the board or commission by official action and signed by the chairperson. Operating Budgets of other agencies must be signed by the director or secretary. Appropriation Requests not properly signed will be returned.

FY26 Appropriation Request Checklist

Agency Name: FIFTH JUDICIAL DISTRICT COURT

Business Unit: 23500

Reports to Include in PDF Submission

Form #	Title	
<input checked="" type="checkbox"/>	Cvr Ltr	Cover Letter <i>Agency Level</i>
<input checked="" type="checkbox"/>	S-1	Certification <i>Agency Level</i>
<input checked="" type="checkbox"/>	S-2	Organizational Chart <i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	S-8	Financial Summary (BFM) <i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	S-9	Account Code Revenue / Expenditure Report <i>Agency/Program Level</i>
<input type="checkbox"/>	S-10	Fund Balance Projection <i>Fund Level</i>
<input checked="" type="checkbox"/>	S-13	Detail of Rate Line Items (see instructions) <i>Agency Level</i>
<input checked="" type="checkbox"/>	P-1	Program Narrative <i>Program Level</i>
<input type="checkbox"/>	R-2	Transfer Report <i>Agency Level</i>
<input checked="" type="checkbox"/>	REV/EXP	Revenue-Expenditure Comparison Report <i>Agency/Program Level</i>
<input type="checkbox"/>	FFRW	Detail of Federal Funds Revenue Worksheet <i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	EB-1	Expansion Justifications <i>Program Level</i>
<input checked="" type="checkbox"/>	EB-2	Expansion Fiscal Summary <i>Program Level</i>
<input checked="" type="checkbox"/>	EB-3	Expansion Line Item Detail <i>Program Level</i>
<input checked="" type="checkbox"/>	LFR	Legislating for Results Expansion Tool <i>Program Level</i>
<input checked="" type="checkbox"/>	E4	Pcode Detail <i>Program Level</i>
<input checked="" type="checkbox"/>	E5	Contract by Pcode <i>Program Level</i>
<input checked="" type="checkbox"/>	SAR	Special Appropriation Request Report <i>Agency Level</i>
<input checked="" type="checkbox"/>	APR	Annual Performance Report <i>Program Level</i>
<input checked="" type="checkbox"/>	Table 2	Table 2 Performance Measure Summary <i>Program Level</i>
<input checked="" type="checkbox"/>	SP	Strategic Plan <i>Agency Level</i>
<input type="checkbox"/>	ITP	Information Technology Plan <i>Agency Level</i>
<input type="checkbox"/>	C-1	Base Operating Budget <i>Agency Level</i>
<input type="checkbox"/>	C-2	IT Request Plan <i>Agency Level</i>
<input type="checkbox"/>	Perf Audit	Update to LFC Performance Audits (within last 2 years) <i>Agency Level</i>

Documents to Attach in BFM (PDF Optional)

Where to Attach

<input type="checkbox"/>	Board Cert	Board or Commission Budget Certification	<i>Form 9900</i>
<input type="checkbox"/>	E-6B	Leased Passenger-Related Vehicles	<i>Form 3300/4300</i>

Agency Name: Fifth Judicial District Court
 Program Name: Fifth Judicial District Court

Business Unit: 23500
 Program Code: P235

**FY 26 APPROPRIATION BUDGET REQUEST
 ORGANIZATIONAL CHART
 FORM S-2**

FIFTH JUDICIAL DISTRICT COURT - 137.0 TOTAL FTEs (Including 21 Judges)

ADMINISTRATION:	8 FTE's - CEO, DEPUTY CEO, CFO, HR ADMINISTRATOR, HR GENERALIST, 3 FISCAL STAFF
CHAVES:	38.5 FTE'S INCLUDING 4 JUDGES (Judge James Hudson, Judge Dustin Hunter, Judge Thomas Lilley, Judge Jared Kallunki)
DISTRICT CRT	CASA/CHAVES COUNTY CASA BOARD OF DIRECTORS; MEDIATION PROGRAM; WATER ADJUDICATION; ADULT DRUG COURT (1 FTE); ALTERNATIVE DISPUTE RESOLUTION
EDDY:	27 FTE'S INCLUDING 4 JUDGES (Judge Jane Shuler-Gray, Judge Lisa Riley, Judge David Finger, Judge AnneMarie Lewis),
DISTRICT CRT	CASA/EDDY COUNTY CASA BOARD OF DIRECTORS; MEDIATION PROGRAM; ALTERNATIVE DISPUTE RESOLUTION
LEA:	29 FTE'S INCLUDING 4 JUDGES (Judge Efren Cortez, Chief Judge Mark Sanchez, Judge Lee Kirksey, Judge Michael H. Stone)
DISTRICT CRT	CASA/LEA COUNTY CASA BOARD OF DIRECTORS; MEDIATION PROGRAM; FAMILY REUNIFICATION DRUG COURT (1 FTE); ALTERNATIVE DISPUTE RESOLUTION
ROSWELL:	12 FTE'S INCLUDING 2 JUDGES (Judge James Mason, Judge Keith Rogers)
MAGISTRATE	WARRANT ENFORCEMENT CLERK (1 FTE)
ARTESIA	4 FTE'S INCLUDING 1 JUDGE (Judge Jimmy Foster)
MAGISTRATE	
CARLSBAD	9 FTE'S INCLUDING 2 JUDGES (Judge Megan Fish, Judge Kelly Callicoa)
MAGISTRATE	
HOBBS	8 FTE'S INCLUDING 2 JUDGES (Judge Willie Henry, Judge Clipper Miller)
MAGISTRATE	WARRANT ENFORCEMENT CLERK (1 FTE)
LOVINGTON	5.5 FTE'S INCLUDING 1 JUDGE (Judge Keith Clayton)
MAGISTRATE	WARRANT ENFORCEMENT CLERK (1 FTE)
EUNICE	4 FTE'S INCLUDING 1 JUDGE (Judge James Jones)
MAGISTRATE	

Check Box if this form is a revision

Revision no:

Revision Date:

Page

S-8 Financial Summary

(Dollars in Thousands)

BU PCode Department
23500 P235 000000

	2023-24 Opbud	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	Base	----- FY 2026 Agency Request ----- Expansion	Total
REVENUE							
111 General Fund Transfers	13,161.8	12,714.2	14,234.5	0.0	15,000.8	511.9	15,512.7
112 Other Transfers	648.7	1,208.0	632.2	0.0	654.7	0.0	654.7
130 Other Revenues	406.0	270.8	360.4	0.0	355.1	0.0	355.1
REVENUE, TRANSFERS	14,216.5	14,193.0	15,227.1	0.0	16,010.6	511.9	16,522.5
REVENUE	14,216.5	14,193.0	15,227.1	0.0	16,010.6	511.9	16,522.5
EXPENSE							
200 Personal Services and Employee Benefits	12,527.5	12,451.8	13,516.2	13,582.7	14,113.9	511.9	14,625.8
300 Contractual services	979.3	643.5	1,041.4	0.0	1,251.2	0.0	1,251.2
400 Other	709.7	754.1	669.5	0.0	645.5	0.0	645.5
EXPENDITURES	14,216.5	13,849.4	15,227.1	13,582.66	16,010.6	511.9	16,522.5
EXPENSE	14,216.5	13,849.4	15,227.1	13,582.66	16,010.6	511.9	16,522.5
FTE POSITIONS							
810 Permanent	132.50	131.00	136.00	131.00	140.00	6.00	146.00
820 Term	1.00	1.00	1.00	1.00	1.00	0.00	1.00
FTEs	133.50	132.00	137.00	132.00	141.00	6.00	147.00
FTE POSITIONS	133.50	132.00	137.00	132.00	141.00	6.00	147.00

BU PCode Department
23500 P235 000000

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
499105	General Fd. Appropriation	13,161.8	12,714.2	14,234.5	0.0	15,000.8	511.9	15,512.7
111	General Fund Transfers	13,161.8	12,714.2	14,234.5	0.0	15,000.8	511.9	15,512.7
425909	Other Services - Interagency	284.3	191.7	207.3	0.0	290.3	0.0	290.3
475109	Other Gifts-Grants-Interagency	0.0	4.3	0.0	0.0	0.0	0.0	0.0
499905	Other Financing Sources	364.4	1,012.0	424.9	0.0	364.4	0.0	364.4
112	Other Transfers	648.7	1,208.0	632.2	0.0	654.7	0.0	654.7
418902	Other Filing Fees	1.0	0.5	1.0	0.0	0.0	0.0	0.0
429602	Court Costs	327.6	203.0	282.0	0.0	290.1	0.0	290.1
434402	Payments For Care-Individuals	60.0	65.3	60.0	0.0	65.0	0.0	65.0
475101	Other Gifts & Grants	17.4	2.0	17.4	0.0	0.0	0.0	0.0
130	Other Revenues	406.0	270.8	360.4	0.0	355.1	0.0	355.1
TOTAL REVENUE		14,216.5	14,193.0	15,227.1	0.0	16,010.6	511.9	16,522.5
520100	Exempt Perm Positions P/T&F/T	8,918.0	8,799.7	9,565.9	9,945.9	10,015.5	371.8	10,387.3
520200	Term Positions	39.3	12.4	39.3	51.7	62.4	0.0	62.4
520600	Paid Unused Sick Leave	5.0	0.0	5.0	0.0	1.0	0.0	1.0
520700	Overtime & Other Premium Pay	0.1	178.1	0.1	0.0	0.1	0.0	0.1
520800	Annl & Comp Paid At Separation	5.0	15.2	5.0	0.0	1.0	0.0	1.0
521100	Group Insurance Premium	928.6	1,048.7	1,064.6	1,153.3	1,086.2	27.4	1,113.6
521200	Retirement Contributions	1,600.4	1,537.9	1,718.4	1,598.0	1,770.5	71.5	1,842.0
521300	F I C A	808.6	648.5	873.7	617.5	912.6	33.8	946.4
521400	Workers' Comp Assessment Fee	1.3	9.0	0.0	0.0	0.0	0.0	0.0
521410	GSD Work Comp Insur Premium	7.9	0.4	8.2	0.0	10.2	0.0	10.2
521500	Unemployment Comp Premium	0.4	0.0	10.0	0.0	11.5	0.0	11.5
521600	Employee Liability Ins Premium	16.4	16.3	14.1	0.0	23.6	0.0	23.6
521700	RHC Act Contributions	196.5	184.1	211.9	216.3	219.3	7.4	226.7
523200	COVID Related Time Worked	0.0	1.4	0.0	0.0	0.0	0.0	0.0
200	Personal Services and Employee Bene	12,527.5	12,451.8	13,516.2	13,582.7	14,113.9	511.9	14,625.8
535100	Medical Services	132.4	59.4	132.4	0.0	131.4	0.0	131.4
535200	Professional Services	0.0	292.3	0.0	0.0	0.0	0.0	0.0
535300	Other Services	815.1	274.4	875.6	0.0	1,092.1	0.0	1,092.1
535400	Audit Services	24.8	14.1	26.4	0.0	27.7	0.0	27.7
535500	Attorney Services	7.0	3.3	7.0	0.0	0.0	0.0	0.0
300	Contractual services	979.3	643.5	1,041.4	0.0	1,251.2	0.0	1,251.2

BU PCode Department
23500 P235 000000

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
542100	Employee I/S Mileage & Fares	13.5	38.7	13.5	0.0	10.5	0.0	10.5
542200	Employee I/S Meals & Lodging	8.0	14.1	8.0	0.0	7.0	0.0	7.0
542500	Transp - Fuel & Oil	0.0	2.0	2.0	0.0	2.0	0.0	2.0
542600	Transp - Parts & Supplies	0.0	0.1	0.0	0.0	0.0	0.0	0.0
542700	Transp - Transp Insurance	1.8	0.0	0.2	0.0	0.3	0.0	0.3
543200	Maint - Furn, Fixt, Equipment	39.0	14.8	37.0	0.0	37.0	0.0	37.0
543300	Maint - Buildings & Structures	0.0	2.0	0.0	0.0	0.0	0.0	0.0
543400	Maint - Property Insurance	0.1	0.0	0.1	0.0	0.1	0.0	0.1
543500	Maint - Supplies	0.0	0.4	0.0	0.0	0.0	0.0	0.0
543820	Maintenance IT	0.0	3.6	0.0	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	16.5	29.9	16.5	0.0	16.5	0.0	16.5
544000	Supply Inventory IT	97.5	159.9	77.5	0.0	85.2	0.0	85.2
544100	Supplies-Office Supplies	98.7	64.9	88.7	0.0	88.7	0.0	88.7
544200	Supplies-Medical, Lab, Personal	10.3	3.4	10.3	0.0	3.3	0.0	3.3
544700	Supplies-Clothing, Uniforms, Linen	0.0	1.9	0.0	0.0	0.0	0.0	0.0
544800	Supplies-Education&Recreation	1.5	0.2	1.5	0.0	1.5	0.0	1.5
544900	Supplies-Inventory Exempt	6.0	23.8	6.0	0.0	6.0	0.0	6.0
545710	DOIT HCM Assessment Fees	48.7	43.8	50.0	0.0	48.3	0.0	48.3
545900	Printing & Photo Services	5.0	17.9	5.0	0.0	5.0	0.0	5.0
546100	Postage & Mail Services	80.0	40.6	75.1	0.0	75.1	0.0	75.1
546500	Rent Of Equipment	74.0	0.0	74.0	0.0	71.0	0.0	71.0
546600	Communications	105.7	139.3	104.9	0.0	104.9	0.0	104.9
546610	DOIT Telecommunications	5.0	4.3	5.8	0.0	5.1	0.0	5.1
546700	Subscriptions/Dues/License Fee	18.0	14.5	18.0	0.0	18.0	0.0	18.0
546800	Employee Training & Education	29.1	13.6	29.1	0.0	29.1	0.0	29.1
546900	Advertising	10.0	1.8	10.0	0.0	10.0	0.0	10.0
547730	Lease Principal Payment	0.0	36.9	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	7.1	15.0	7.1	0.0	3.1	0.0	3.1
547999	Request to Pay Prior Year	0.0	0.1	0.0	0.0	0.0	0.0	0.0
548300	Information Tech Equipment	0.0	35.9	0.0	0.0	0.0	0.0	0.0
548882	Lease Interest	0.0	0.1	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	21.8	6.8	16.8	0.0	10.9	0.0	10.9
549700	Employee O/S Meals & Lodging	12.4	23.9	12.4	0.0	6.9	0.0	6.9
400	Other	709.7	754.1	669.5	0.0	645.5	0.0	645.5

Fifth Judicial District Court

State of New Mexico

BU PCode Department
 23500 P235 000000

S-9 Account Code Revenue/Expenditure Summary
 (Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
TOTAL EXPENSE		14,216.5	13,849.4	15,227.1	13,582.7	16,010.6	511.9	16,522.5
810	Permanent	132.50	131.00	136.00	131.00	140.00	6.00	146.00
810	Permanent	132.50	131.00	136.00	131.00	140.00	6.00	146.00
820	Term	1.00	1.00	1.00	1.00	1.00	0.00	1.00
820	Term	1.00	1.00	1.00	1.00	1.00	0.00	1.00
TOTAL FTE POSITIONS		133.50	132.00	137.00	132.00	141.00	6.00	147.00

BU PCode Department
 23500 P235 000000

S-9 Account Code Revenue Summary
 (Dollars in Thousands)

		Provider PCode	2023-24 Opbud	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	----- FY 2026 Agency Request -----		
							Base	Expansion	Total
499105	General Fd. Appropriation		13,161.8	12,714.2	14,234.5	0.0	15,000.8	511.9	15,512.7
111	General Fund Transfers		13,161.8	12,714.2	14,234.5	0.0	15,000.8	511.9	15,512.7
425909	Other Services - Interagency		0.0	191.7	207.3	0.0	290.3	0.0	290.3
425909	Other Services - Interagency	P620	284.3	0.0	0.0	0.0	0.0	0.0	0.0
475109	Other Gifts-Grants-Interagency		0.0	4.3	0.0	0.0	0.0	0.0	0.0
499905	Other Financing Sources		0.0	1,012.0	424.9	0.0	364.4	0.0	364.4
499905	Other Financing Sources	P620	364.4	0.0	0.0	0.0	0.0	0.0	0.0
112	Other Transfers		648.7	1,208.0	632.2	0.0	654.7	0.0	654.7
418902	Other Filing Fees		1.0	0.5	1.0	0.0	0.0	0.0	0.0
429602	Court Costs		327.6	203.0	282.0	0.0	290.1	0.0	290.1
434402	Payments For Care-Individuals		60.0	65.3	60.0	0.0	65.0	0.0	65.0
475101	Other Gifts & Grants		17.4	2.0	17.4	0.0	0.0	0.0	0.0
130	Other Revenues		406.0	270.8	360.4	0.0	355.1	0.0	355.1
TOTAL REVENUE			14,216.5	14,193.0	15,227.1	0.0	16,010.6	511.9	16,522.5

BU PCode Department
23500 P235 000000

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

	2023-24 Opbud	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	----- FY 2026 Agency Request -----		
					Base	Expansion	Total
520100 Exempt Perm Positions P/T&F/T	8,918.0	8,799.7	9,565.9	9,945.9	10,015.5	371.8	10,387.3
520200 Term Positions	39.3	12.4	39.3	51.7	62.4	0.0	62.4
520600 Paid Unused Sick Leave	5.0	0.0	5.0	0.0	1.0	0.0	1.0
520700 Overtime & Other Premium Pay	0.1	178.1	0.1	0.0	0.1	0.0	0.1
520800 Annl & Comp Paid At Separation	5.0	15.2	5.0	0.0	1.0	0.0	1.0
521100 Group Insurance Premium	928.6	1,048.7	1,064.6	1,153.3	1,086.2	27.4	1,113.6
521200 Retirement Contributions	1,600.4	1,537.9	1,718.4	1,598.0	1,770.5	71.5	1,842.0
521300 F I C A	808.6	648.5	873.7	617.5	912.6	33.8	946.4
521400 Workers' Comp Assessment Fee	1.3	9.0	0.0	0.0	0.0	0.0	0.0
521410 GSD Work Comp Insur Premium	7.9	0.4	8.2	0.0	10.2	0.0	10.2
521500 Unemployment Comp Premium	0.4	0.0	10.0	0.0	11.5	0.0	11.5
521600 Employee Liability Ins Premium	16.4	16.3	14.1	0.0	23.6	0.0	23.6
521700 RHC Act Contributions	196.5	184.1	211.9	216.3	219.3	7.4	226.7
523200 COVID Related Time Worked	0.0	1.4	0.0	0.0	0.0	0.0	0.0
200 Personal Services and Employe	12,527.5	12,451.8	13,516.2	13,582.7	14,113.9	511.9	14,625.8
535100 Medical Services	132.4	59.4	132.4	0.0	131.4	0.0	131.4
535200 Professional Services	0.0	292.3	0.0	0.0	0.0	0.0	0.0
535300 Other Services	815.1	274.4	875.6	0.0	1,092.1	0.0	1,092.1
535400 Audit Services	24.8	14.1	26.4	0.0	27.7	0.0	27.7
535500 Attorney Services	7.0	3.3	7.0	0.0	0.0	0.0	0.0
300 Contractual services	979.3	643.5	1,041.4	0.0	1,251.2	0.0	1,251.2
542100 Employee I/S Mileage & Fares	13.5	38.7	13.5	0.0	10.5	0.0	10.5
542200 Employee I/S Meals & Lodging	8.0	14.1	8.0	0.0	7.0	0.0	7.0
542500 Transp - Fuel & Oil	0.0	2.0	2.0	0.0	2.0	0.0	2.0
542600 Transp - Parts & Supplies	0.0	0.1	0.0	0.0	0.0	0.0	0.0
542700 Transp - Transp Insurance	1.8	0.0	0.2	0.0	0.3	0.0	0.3
543200 Maint - Furn, Fixt, Equipment	39.0	14.8	37.0	0.0	37.0	0.0	37.0
543300 Maint - Buildings & Structures	0.0	2.0	0.0	0.0	0.0	0.0	0.0
543400 Maint - Property Insurance	0.1	0.0	0.1	0.0	0.1	0.0	0.1
543500 Maint - Supplies	0.0	0.4	0.0	0.0	0.0	0.0	0.0
543820 Maintenance IT	0.0	3.6	0.0	0.0	0.0	0.0	0.0
543830 IT HW/SW Agreements	16.5	29.9	16.5	0.0	16.5	0.0	16.5
544000 Supply Inventory IT	97.5	159.9	77.5	0.0	85.2	0.0	85.2

Fifth Judicial District Court

State of New Mexico

BU PCode Department
23500 P235 000000

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
544100	Supplies-Office Supplies	98.7	64.9	88.7	0.0	88.7	0.0	88.7
544200	Supplies-Medical,Lab,Personal	10.3	3.4	10.3	0.0	3.3	0.0	3.3
544700	Supplies-Clothing,Unifirms,Linen	0.0	1.9	0.0	0.0	0.0	0.0	0.0
544800	Supplies-Education&Recreation	1.5	0.2	1.5	0.0	1.5	0.0	1.5
544900	Supplies-Inventory Exempt	6.0	23.8	6.0	0.0	6.0	0.0	6.0
545710	DOIT HCM Assessment Fees	48.7	43.8	50.0	0.0	48.3	0.0	48.3
545900	Printing & Photo Services	5.0	17.9	5.0	0.0	5.0	0.0	5.0
546100	Postage & Mail Services	80.0	40.6	75.1	0.0	75.1	0.0	75.1
546500	Rent Of Equipment	74.0	0.0	74.0	0.0	71.0	0.0	71.0
546600	Communications	105.7	139.3	104.9	0.0	104.9	0.0	104.9
546610	DOIT Telecommunications	5.0	4.3	5.8	0.0	5.1	0.0	5.1
546700	Subscriptions/Dues/License Fee	18.0	14.5	18.0	0.0	18.0	0.0	18.0
546800	Employee Training & Education	29.1	13.6	29.1	0.0	29.1	0.0	29.1
546900	Advertising	10.0	1.8	10.0	0.0	10.0	0.0	10.0
547730	Lease Principal Payment	0.0	36.9	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	7.1	15.0	7.1	0.0	3.1	0.0	3.1
547999	Request to Pay Prior Year	0.0	0.1	0.0	0.0	0.0	0.0	0.0
548300	Information Tech Equipment	0.0	35.9	0.0	0.0	0.0	0.0	0.0
548882	Lease Interest	0.0	0.1	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	21.8	6.8	16.8	0.0	10.9	0.0	10.9
549700	Employee O/S Meals & Lodging	12.4	23.9	12.4	0.0	6.9	0.0	6.9
400	Other	709.7	754.1	669.5	0.0	645.5	0.0	645.5
TOTAL EXPENSE		14,216.5	13,849.4	15,227.1	13,582.66	16,010.6	511.9	16,522.5

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

BusUnit	Line Item	2023-24	2024-25	Request		Recommendation		Opbud			
		Actuals	Opbud	Base	Expansion	Base	Expansion				
23500	P235-R	Fifth Judicial District Court	521410	GSD Work Comp Insur Premium	0.36	8.2	10.2	0	0	0	0.0
			521500	Unemployment Comp Premium	0	10	11.5	0	0	0	0.0
			521600	Employee Liability Ins Premium	16.33	14.1	23.6	0	0	0	0.0
			535400	Audit Services	14.05	26.4	27.7	0	0	0	0.0
			542700	Transp - Transp Insurance	0	0.2	0.3	0	0	0	0.0
			543400	Maint - Property Insurance	0	0.1	0.1	0	0	0	0.0
			545710	DOIT HCM Assessment Fees	43.79	50	48.3	0	0	0	0.0
			546610	DOIT Telecommunications	4.32	5.8	5.1	0	0	0	0.0
Subtotal for:	23500	P235-R	Fifth Judicial District Court	78.85	114.8	126.8	0	0	0	0.0	
23500				78.85	114.8	126.8	0	0	0	0.0	

Totals by Line Item

BusUnit	Line Item	2023-24	2024-25	Request		Recommendation		Opbud	
		Actuals	Opbud	Base	Expansion	Base	Expansion		
23500	521410	GSD Work Comp Insur Premium	0.36	8.2	10.2	0	0	0	0.0
	521500	Unemployment Comp Premium	0	10	11.5	0	0	0	0.0
	521600	Employee Liability Ins Premium	16.33	14.1	23.6	0	0	0	0.0
	535400	Audit Services	14.05	26.4	27.7	0	0	0	0.0
	542700	Transp - Transp Insurance	0	0.2	0.3	0	0	0	0.0
	543400	Maint - Property Insurance	0	0.1	0.1	0	0	0	0.0
	545710	DOIT HCM Assessment Fees	43.79	50	48.3	0	0	0	0.0
	546610	DOIT Telecommunications	4.32	5.8	5.1	0	0	0	0.0
	Grand Total		78.85	114.8	126.8	0	0	0	0.0

Program Description:

General Jurisdiction Court created by the Constitution of New Mexico. Includes the Fifth Judicial District Court (JDC), comprised of the three (3) district courts located in Chaves, Eddy, and Lea Counties as well as the seven (7) magistrate courts located in Roswell, Artesia, Carlsbad, Hobbs, Lovington, Eunice, and Jal, New Mexico. The District Courts within the Fifth JDC provide the following services: Probate (probate of estates, conservatorship/guardianship cases); Adoptions; Domestic Relations/Family Law (divorce, domestic violence, child support enforcement, kinship/guardianship, and domestic relations mediation cases); Children's Court (juvenile delinquent, abuse and neglect, supervised visitation, and children's court mediation); Lower Court and Administrative Appeals; Court Appointed Special Advocates (CASA); Adult Drug Court in Chaves; Family Drug Court in Lea; and Civil matters (including Alternative Dispute Resolution). The Magistrate Courts within the Fifth JDC oversee Civil cases up to \$10,000; Felony preliminary hearings; Traffic violations; Misdemeanor offenses; and DWI/DUI offenses. The Fifth JDC also operates a DWI Magistrate Drug Court in Eddy County.

Major Issues and Accomplishments:

The Fifth Judicial District Court continues to have the second highest District Court caseload (12,249) and the second highest Magistrate Court caseload (16,632) within the Judiciary. The Fifth Judicial District Court has a respectable average Time to Disposition rate for civil cases (203 days) and criminal cases (213 days) within the Judiciary; however, we believe these rates can be further reduced with additional resources and are requesting three (3) new FTEs that would be deployed to directly process and dispose of cases. After three years of reductions in caseloads due to the COVID-19 pandemic, we have seen an increase of cases filed between FY22 and FY24. The effects of the COVID induced slowdown seems to be fading and a more normal routine appears to be returning. Although it is hard to predict future case growth we believe that pre-COVID caseloads are likely to materialize in the near future. Two of our Magistrate Courts (Roswell and Eunice/Jal) have seen significant increases in caseload growth and, as such, we request an increase of two (2) FTEs to hire a Judicial Specialist 2 for the Roswell Magistrate Court location and a Judicial Specialist Senior for the Eunice/Jal Magistrate Court location to better manage that growth. The Eunice Magistrate Court caseloads have increased from 746 cases in FY21 to 3,378 in FY24. The Workload Study for the Eunice/Jal court reflects a need of 3.83 FTEs to complete the work for these cases. We currently have two (2) FTEs in this court. The Roswell Magistrate Court caseloads have increased from 4,504 cases in FY21 to 5,370 in FY24. The Workload Study for the Roswell Magistrate Court reflects a need of 9.34 FTEs to complete the work for these cases. We currently have 9 FTEs in this court. In addition, we request one (1) FTE (Paralegal) to help reduce the time to disposition rate for the Lea District Court. The Paralegal will be assigned to produce Final Decrees, Final Judgments and other paperwork thus reducing the time between the final hearing and the entrance of the final paperwork. This FTE is an effort to meet our clearance rate performance measure. Lastly, we requested a Court Services Specialist position for the Chaves District Court to assist with day-to-day operational activities for all three District Courts (Chaves, Eddy, and Lea). We have seen a large increase in the number of IPRA requests being submitted to our court (132 in 2021, 220 in 2022, 263 in 2023, and 286 in 2024 as of 8/20/2024). The plan is to use this FTE to help compile, manage and maintain documentation for IPRA requests as well as for the Loss Prevention and Control program and the agency's ADA program. The Fifth Judicial District Court continues to struggle with recruiting and retaining qualified employees. In many cases, we are not able to compete with the private sector and with the Executive branch of the State of New Mexico, which makes it difficult to attract, select, and retain qualified employees. As a result, we believe that personnel services funding levels should be increased as much as possible to provide more competitive salaries to our current employees and to attract qualified candidates to fill vacant positions.

BU PCode
23500 P235

Overview of Request:

The Fifth JDC's FY26 Appropriation Request for funding from the General Fund, which was approved by the Supreme Court under the Unified Budget, is \$15,000.8 (\$15,512.7 including the expansion request), which represents an increase of \$766.3 (5.4%) (or \$1,278.2 - 9.0% including the expansion request) above the approved FY25 operating budget GF amount of \$14,234.5. The increased funding will be used to create four (4.0) new FTE positions at an estimated cost of \$289.8 comprising the following: one (1) Judicial Specialist 2 position, one (1) Judicial Specialist Senior position, a Paralegal position, and a Court Services Specialist position. The Judicial Specialist 2 position will be placed in the Roswell Magistrate Court and the Judicial Specialist Senior position will be placed at the Eunice Magistrate Court. Caseloads at each of these Courts have risen to the point that additional JS2s are needed. Caseload data for the Roswell Magistrate Court have increased 20.0% (4,504 in FY21 to 5,370 in FY24) and have risen 142% at the Eunice Magistrate Court (746 in FY21 to 3,378 in FY24). The Paralegal position will be placed at the Lea District Court and is needed to draft orders and other pleadings resulting from hearings involving pro-se (self-represented) litigants. It is our belief that this position will help reduce the time to disposition in Domestic and Civil cases by shortening the length of time between the final hearing and the entry of judgment. The Paralegal position would also help perform some limited legal research, would compose legal correspondence, and would review court forms/rules and assist Court Clerk staff with more complex situation that may fall outside of normal court guidelines. Lastly, the Court Services Specialist position would be placed in the Chaves District Court to create a Court Services Division within the entire district to provide support with non-casework and special casework issues. These include, but are not limited to, training employees, providing support related to Loss Prevention and Control; IPRA request data compilation, ADA, Appellate case preparation, audio-visual troubleshooting and repair, and other court operational issues that arise on a daily basis. The remaining \$476.5 requested is broken out as follows: \$187.0 to offset the shortage from FY25 related to Judicial Officer (District Court Judges) salary increases that were not included in the FY25 GAA; \$13.5 for health insurance rate increases; \$265.0 to convert Magistrate Court Security services from a private contract for level 2 security guards to a contract with local law enforcement agencies whereby licensed law enforcement officers will be used to provide full-time security services at four Magistrate Court locations; and \$11.0 to provide computer technology refreshment funding for 15 employees on a 3-year rotation.

Programmatic Changes:

The Fifth Judicial District Court has submitted an expansion request for FY26 totaling \$511.9 to support the addition of a Pretrial Services department for our district. The request includes funding for a Pretrial Services Program Manager and Lead Officer located at the Chaves District Court in Roswell, NM; and a Pretrial Officer 2 and Pretrial Officer 1 at each of the District Courts located in Lea and Eddy Counties. The New Mexico Supreme Court has mandated that each district court currently without Pretrial Services include the request within each district's FY26 budget request. The Pretrial Services program is designed to assist the district in monitoring certain defendants during the period between their arrest and the final disposition of their case.

BU PCode
23500 P235

Base Budget Justification: The Fifth Judicial District Court's base budget submission is based on the needs of the court to effectively deliver services to the citizens of Chaves, Eddy and Lea counties and to keep our employees safe. Our increased base budget request is directly related to the increase of caseloads in the Eunice/Jal and Roswell Magistrate Court and requirements that the court must adhere to concerning IPRA, ADA and Loss Prevention and Control. The request for the Judicial Specialist 2 and the Judicial Specialist Senior is directly related to the increase in caseloads of these two specific courts. The request for the Court Services Specialist is to keep up with the needs of the District to respond to IPRA requests, document Loss Prevention and Control activities, and document and monitor ADA requirements. The Paralegal will assist Judges in preparing orders and other case filings to decrease the Time to Disposition performance measure and increase the court's Clearance Rate. The contractual category increase of \$265.0 is to increase the safety of employees at four of our six Magistrate Courts by providing licensed law enforcement officers at each of these locations. The court is attempting to contract with local law enforcement agencies to provide certified law enforcement officers at these courts with the ability to detain persons whose intent is to harm judicial staff. Although private security officers are a step in the right direction, they lack the authority to detain or arrest individuals who pose a threat to Court employees. With the increase of employees over the last few fiscal years, the Fifth JDC is requesting to build in the recommended 3-year computer replacement cycle costs for these additional employees.

REV EXP COMPARISON

(Dollars in Thousands)

23500 - Fifth Judicial District Court

P235 - Fifth Judicial District Court

	General Fund	Other Funds	Other Transfers	Federal Funds	Total
SOURCES Totals	15,512.7	355.1	654.7	0.0	16,522.5
Personal Services and Employee Benefits	14,352.3	135.1	138.4	0.0	14,625.8
Contractual services	558.8	220.0	472.4	0.0	1,251.2
Other	601.6	0.0	43.9	0.0	645.5
USES Total:	15,512.7	355.1	654.7	0.0	16,522.5
Net:	0.0	0.0	0.0	0.0	0.0

EB-1 Expansion Justifications
(Dollars in Thousands)

Fifth Judicial District Court Pre-Trial Services Expansion Project

Rank: 1

New Initiative	2025-26 GF Sources	2025-26 OSF Sources	2025-26 ISF/ IAT Sources	2025-26 FF Sources	2025-26 Total Request	2025-26 Exec Recommendation
General Fund Transfers	511.9	0.0	0.0	0.0	511.9	0.0
REVENUE, TRANSFERS	511.9	0.0	0.0	0.0	511.9	0.0
Personal Services and Employee	511.9	0.0	0.0	0.0	511.9	0.0
EXPENDITURES	511.9	0.0	0.0	0.0	511.9	0.0
Permanent	0	0	0	0	6	
FTEs	0	0	0	0	6	0

Brief Description:

To establish a pretrial services program at the Chaves, Eddy, and Lea District Courts.

Legislative Change:

Session Law Citation:

Legal Settlement:

Case Number or Citation:

EB-2 Expansion Fiscal Summary
 (Dollars in Thousands)

Fifth Judicial District Court Pre-Trial Services Expansion Project

		2025-26 GF Sources	2025-26 OSF Sources	2025-26 ISF/ IAT Sources	2025-26 FF Sources	2025-26 Total Request	2025-26 Exec Recommendation
111	General Fund Transfers	511.9	0.0	0.0	0.0	511.9	0.0
REVENUE, TRANSFERS		511.9	0.0	0.0	0.0	511.9	0.0
200	Personal Services and Employee Benefits	511.9	0.0	0.0	0.0	511.9	0.0
EXPENDITURES		511.9	0.0	0.0	0.0	511.9	0.0
810	Permanent	0	0	0	0	6	0.0
FTEs		0	0	0	0	6	0

Rank: 1

EB-3 Expansion Line Item Detail
 (Dollars in Thousands)

Fifth Judicial District Court Pre-Trial Services Expansion Project

Rank: 1

		2025-26 GF Sources	2025-26 OSF Sources	2025-26 ISF/IAT Sources	2025-26 FF Sources	2025-26 Total Request	2025-26 Exec Recommendation
520100	Exempt Perm Positions P/T&F/T	371.8	0.0	0.0	0.0	371.8	0.0
521100	Group Insurance Premium	27.4	0.0	0.0	0.0	27.4	0.0
521200	Retirement Contributions	71.5	0.0	0.0	0.0	71.5	0.0
521300	F I C A	33.8	0.0	0.0	0.0	33.8	0.0
521700	RHC Act Contributions	7.4	0.0	0.0	0.0	7.4	0.0
200	Personal Services and Employee Benefit	511.9	0.0	0.0	0.0	511.9	0.0
Total for Fifth Judicial District Court Pre-Trial Services Expansion Project		511.9	0.0	0.0	0.0	511.9	0.0

Agency Expansion Request Justification

New Mexico agencies making significant requests to expand agency budgets, other than workload changes, or for large special appropriations that appear to expand an agency's recurring budget are being asked to assess the proposals and report on their purpose, potential for success, and plans for implementation and accountability in accordance with the [Budget Guidelines of the New Mexico Legislative Finance Committee \(LFC\)](#) and LFC's [Legislating for Results Framework](#).

1 Program Premise

What public problem does this program seek to address? How will this program address the problem? Does the proposed program link to a goal in the agency's strategic plan?

What is the extent of the problem stated in numerical, geographic, and equity terms? What portion of the total need identified does this program seek to address?

2 Needs Assessment

3 Program Description

What specific activities in the program will achieve these expected program outcomes? What are costs per person or activity? Once the program is fully operational, what are the estimated ongoing annual costs?

Is the program based on evidence or research or a promising practice? Will it need formal evaluation?

4 Research and Evidence

5 Implementation Plan

What activities are needed to implement the program? How much will it cost? What is the timeline for each startup activity?

Will the program be implemented with equity and fidelity? Do you have a checklist of the program components need to achieve the impacts?

6 Fidelity Plan

7 Measurement and Evaluation

What specific outcomes are expected? What are key performance measures? How often will the program be measured and evaluated?

Agency and Expansion Request Information

Agency: **Fifth Judicial District Court**

Short Title of Request: **To establish a pretrial services program at the Fifth Judicial District Court, specifically at the Chaves, Eddy, and Lea District Court facilities in Southeast New Mexico.**

Point of contact for follow-up information:

Name: **Kennon Crowhurst**

Title: **Court Executive Officer**

Phone: (575) 622-2565

E-Mail: rosdkmc@nmcourts.gov

Is the requested expansion solely the result of a workload change? No

If yes, no further information is needed. If no, please provide narrative responses addressing item below.

1. Program Premise

In this section, provide information describing the problem this funding is proposed to address.

- a.** Why is this expansion needed and what problem or need it is attempting to address?

This request is for staffing and operational needs for a new court-based pretrial services program for this jurisdiction. The establishment of this program will allow courts to meet Supreme Court rules on pretrial release and detention, bringing courts more in line with New Mexico's legal framework. Judicial Officers will be provided with criminal history reports and the public safety assessment as tools to help inform release decisions. Additionally, it would create a supervision mechanism that would adhere to statewide pretrial standards, and monitor the conditions of release defendants are given during their pretrial release that include notification of non-compliance with court orders to the Judge and parties, as well as, a voluntary connection to community service providers to address defendant needs.

- b.** How does this request differ from existing programming?

Currently there is not a court-based pretrial services program in this jurisdiction to provide the monitoring of conditions of release for defendants during the defendants' pretrial release from custody. There are other similarly structured court-based pretrial services programs in other jurisdictions in NM that do provide these services. The new program will fall in line with the Administrative Office of the Courts (AOC) statewide standards and guidelines to ensure compliance with the law and best practices.

- c.** How does the requested program fit into the agency's strategic plan?

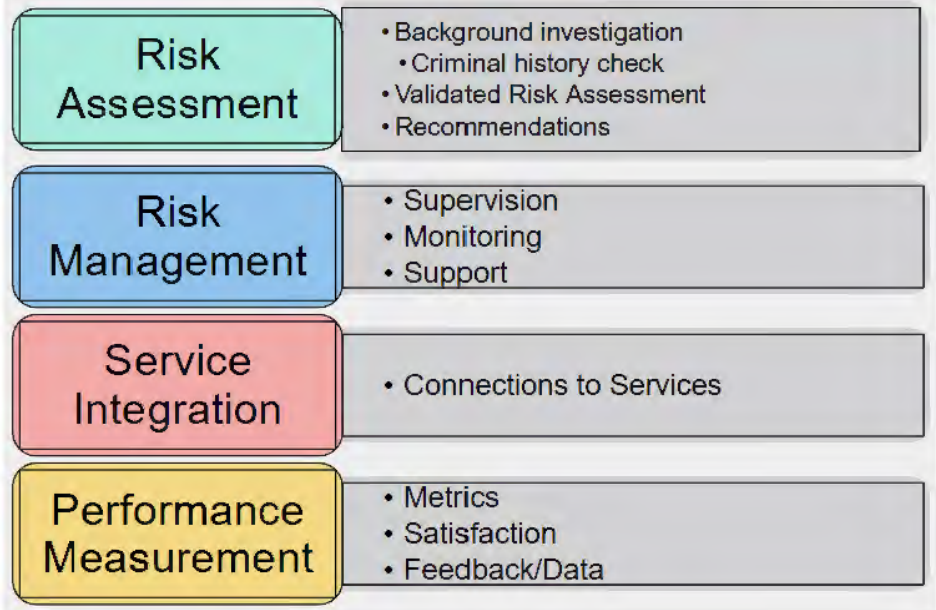
Under guidance of AOC, all New Mexico judicial jurisdictions are to have court-based pretrial services programs.

- d.** Has the agency developed a logic model describing the agency's theory of change?

The AOC Pretrial Justice Program (PJP) has developed implementation and sustainability strategies that follow nationally recognized evidence-based practices that our jurisdiction will follow.

- e.** If yes, please provide a copy of the logic model as a picture below or as an additional attachment with the form as part of the agency's submission in BFM. If no, please contact your LFC or DFA analyst for assistance in developing a logic model.

Role of Pretrial Services Agency



2. Needs Assessment

In this section, provide specifics on the extent of the problem this proposal proposes to solve.

- a. What is the extent of the problem to be addressed?

Currently there is not a court-based pretrial services program in this jurisdiction to provide the monitoring of conditions of release for defendants during their period of pretrial release from custody. Judges and parties in this jurisdiction also do not have access to a pretrial risk assessment instrument.

- b. What is the total statewide need in numerical or geographic terms? If applicable, this may include a description and analysis of historically unserved or underserved populations.

Currently, the AOC Pretrial Justice Program (PJP) has worked with local courts to implement legal and evidence-based pretrial services programs in seven (7) of the thirteen (13) judicial districts in NM. The AOC’s goal is to have court-based pretrial services programs in all judicial districts by FY26.

- c. What percentage of the previously identified total statewide need does this request seek to address?

With approval of this request to fund the implementation of a pretrial services program in this jurisdiction, the State will move closer to 100% implementation of court operated pretrial services agencies by the end of FY26.

3. Program Description

In this section, provide information detailing activities, costs, and benefits of the proposal.

- a. How much is the agency's request for FY26 and from what source is the agency requesting additional funding?

The Fifth Judicial District Court is seeking \$511,900 from the General Fund to implement a Pretrial Services Program at the Chaves, Eddy, and Lea District Court facilities in Southeast New Mexico. Provide a list of specific activities that will be carried out if this request is granted.

- b. Provide a list of specific activities that will be carried out if this request is granted.

Supervision of pretrial-released defendants, monitoring of conditions of release (as ordered by a Judge) for defendants during the pretrial phase of their case, violation and success reports to Judges, District Attorneys, and Defense counsel, connection to community supportive services, meaningful contact with defendants, court date reminders, background investigation reports and public safety assessments to Judges for initial liberty hearings, after-hours GPS monitoring (if this condition is utilized by the jurisdiction).

- c. Provide a cost per unit for the funding (such as the cost per individual or cost per activity).

The total request is \$511,900 for personnel salary and benefits costs broken out as follows:
Pretrial Services Program Manager (1 FTE) at \$104,700 (total salary and benefits cost)
Pretrial Services Lead Officer (1 FTE) at \$93,600 (total salary and benefits cost)
Pretrial Services Officer 2 (2 FTEs) at \$82,800 each (total salary and benefits cost)
Pretrial Services Officer 1 (2 FTEs) at \$74,000 each (total salary and benefits cost)

- d. If available and applicable, provide a benefit-to-cost ratio for this program (the total monetized benefits divided by total costs).
Since this is a new program for the 5th JDC, a cost-to-benefit ratio does not currently exist.
- e. Does the agency anticipate additional increases above the FY26 request will be needed in future years to continue to operate the program? If so, please describe these additional expenses and projections of future financial needs.

There exists the potential for a request to increase funding based on work-load assessments. The increase would be for additional staffing needs. The current request is based on a capacity analysis completed by the AOC Pretrial Justice Program. This analysis has been accurate to the needs of each jurisdiction who have implemented programs to this point and is reviewed annually.

4. Research and Evidence Categorization

In this section, provide information regarding the evidence and research supporting your request.

- a. As defined in New Mexico's Accountability in Government Act, specify whether your program is evidence-based, research-based, a promising program or practice, or none of the above.

The development and implementation of this pretrial services program will be overseen by the AOC PJP. In accordance with them, the developed and implemented practices for this court-based pretrial services program are evidence-based and research-based that are approved by the *National Institute of Corrections* (NIC), *National Association of Pretrial Service Agencies* (NAPSA), the *American Bar Association* (ABA) and *Advancing Pretrial Policy and Research* (APPR).

- b. Please provide any references or links to relevant research supporting your categorization. For example, sources may include published research or categorization provided by clearinghouse databases.

[NIC's A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency](#)
[New Mexico Administrative Office of the Courts Pretrial Justice Program 2023 Annual Report](#)

- c. How will you evaluate the program to confirm your categorization?

The AOC PJP has developed and utilizes a yearly site visit process to measure a site's fidelity to the model implemented and to assist with identifying areas of success, as well as, areas of improvement to support sustainability. The process entails a review of random cases from the pretrial services program to measure fidelity to the MOU between this jurisdiction & the AOC PJP and New Mexico Pretrial Justice Standards, as well as an in-person site visit to observe processes, hearings and gather feedback from local stakeholders. Performance measures, data reports, and quality assurance reports have been created and will be monitored by the local pretrial stakeholder team to ensure fidelity.

5. Implementation Plan

In this section, describe all activities related to implementation of your proposal (What, when, where, who, and how) by addressing the following items:

- a. What are the training and startup requirements for the proposed program?

The AOC PJP has been leading the charge to implement pretrial service programs in all thirteen (13) judicial districts in NM, and the implementation of a court-based pretrial services program for this jurisdiction would follow suit. The AOC Pretrial Justice Program provides implementation oversight, staff training, local stakeholder education, guidelines & standards, technical assistance and yearly evaluations for sustainability. Most of the training is done virtually and the AOC PJP staff also conduct several on-site visits leading up to implementation. The Pretrial Program Manager, or Supervisor, for this jurisdiction, would become a part of the NM Pretrial Executives Network. This group meets virtually monthly and conducts a yearly summit training. Additionally, multiple pretrial staff and Judges are funded to attend the National Association of Pretrial Services Agencies annual conference.

- b. Provide an estimated timeline for implementation of activities. Include planned benchmarks, milestones, and a target date for full implementation. If the request includes new FTE, provide your current vacancy rate and plan for recruitment.

It is estimated that from the time of hiring the Pretrial Services Program Manager, or Supervisor, for this jurisdiction's program, implementation would take approximately six (6) months to complete. The AOC Pretrial Justice Program has developed an implementation plan that has identified thirty-eight (38) benchmarks that must be completed for a successful implementation.

The current vacancy rate average for the Fifth Judicial District Court is 6.692% over the past twelve months. Our agency does not hold any vacant positions open for any length of time as we try to fill all vacant positions as quickly as possible.

Recruitment would include posting a Pretrial Services Program Manager, or Supervisor, on the NM Courts website. The addition of subsequent staff: Pretrial Service Officer 1 and Pretrial Service Officer 2, would be determined by the capacity analysis that the AOC PJP has developed and utilized in other jurisdictions.

6. Fidelity Plan

In this section, provide information regarding how you will ensure your proposal is delivered as intended.

- a. Describe key components critical to the success of your program.

Recurring funding for the staffing of this jurisdiction's Pretrial Services Program staff. Collaboration with the AOC PJP. Participation from local stakeholders.

- b. Provide a checklist or specific process metrics you will use to ensure component parts are implemented, including equity if applicable.

Pretrial Implementation Plan			
	Lead Person and/or Agency	Status/ Date of Completion	Comments/Related Materials
Site Capacity- Resource Need Assessment*	AOC/Court		
Present Overview in local site- CJCC or court to gain consensus and commitment to move forward*	AOC/Court		
Post and hire Pretrial Program Manager*	AOC and/or Court		
Odyssey Supervision Module Configuration for the Site	AOC Data Analyst/Program Manager/JID		
BI/PSA Unit to test PSA Configuration	AOC/BI PSA Unit		
Court and AOC MOU- includes NCIC and EMS (if applicable)*	AOC/Court		
Identify where the program will be housed/operational needs/set-up/equipment	CEO/AOC/Pretrial Program Manager		

Create implementation team	Site Leadership/AOC		
Begin training of new PM	AOC and Court		
Provide NIC Essential Elements Training*	AOC/NIC		
Conduct assessment of the Essential Elements within current system- System Analysis*	AOC/Committee		
All Pretrial Program Doc in OSM: Violation Reports, Request for BW, Stepdown	AOC/Pretrial Program Manager		
Develop/Review Pretrial Program Guidelines	AOC/Pretrial Program Manager		
Review operational polices/procedures	AOC/Pretrial Program Manager		
Develop Employee Safety Policy and daily operations SOP	AOC/Pretrial Program Manager		
Provide learning session to committee on the PSA and Pretrial Supervision-"What Is Risk". Present/Review PSA Release Matrix- Based on Supervision Model	AOC		
AOC/ BI/PSA and Detention Center Information Sharing Meeting*	BI PSA Unit/Jail		
Court Date Reminder System- Configured for Site	JID/AOC - eCourtDate		

Provide Pretrial Program Guidelines to Committee	AOC/Pretrial Program Manager		
Determine EM use/need - yes: Training of PTS Staff and EMS Unit staff on EM software/hardware; EM training for PTS/EMS Unit staff with/out vendor; Provide EMS Unit SOP	AOC / JD Chief Judge / JD CEO / Pretrial Program Manager		
BI/PSA Unit to develop data sample (50-100) using the PSA for site	AOC/BI PSA Unit		
Create Pretrial Officer Positions and Post	AOC/HR/Pretrial Program Manager		
Staff hired			
Identification of justice partner emails for warrant application and issuance; Judge rotation and contact information	Pretrial Program Manager		
BI/PSA Unit and Detention Center- Beginning testing receiving information - Criminal complaints, booking sheets, warrants - Release information	BI/PSA Unit/Jail		

Develop process with PTS Program, Court TCAA and Judicial Specialist for: Request for Hearing; Request for BW; no judicial action, Pretrial Review of COR Violation Hearings- Pretrial Program sending to TCAA and then filing docs.	AOC/Pretrial Program Manager/Court Managers		
Communication and Education Plan- Develop Sub-Committee	AOC/AOC PIO Committee		
Training Court Managers/Judicial Specialists on Case Initiation BI/PSA Process - Pre Launch - Special guest - Entering COR's in Mag Court and District Court	AOC/BI PSA Unit Supervisor/Court Managers		
Vet Process for information and docs: DA, Defense, Judge and Court Mangers for: Request for Violation Hearing	Pretrial Program Manager		
Identification of justice partner emails for warrant application and issuance; Judge rotation and contact information	AOC / Pretrial Program Manager		
Provide learning session to committee on the	Committee		

BIR/PSA and discuss reports			
Legal and Evidence Based Pre-Launch Overview	AOC/Pretrial Program Manager		
Training for various stakeholder groups such as DA, LOPD	AOC/Pretrial Program Manager		
District and Magistrate Judge Training	AOC/Pretrial Program Manager		
<i>Soft Launch Case Initiation and uploading of BIR/PSA in Odyssey- 1-2 weeks prior to go live*</i>	BI PSA Unit/Jail/Court Managers/ Court Staff		
Staff Training on Sup Mod and Reports	AOC/Pretrial Program Manager/AOC Data Analyst		
Training staff for Court Date Reminder	Pretrial Program Manager		
<i>Full Go-Live *</i>			

Click or tap here to enter text.

7. Measurement and Evaluation Plan

In this section, provide information about measuring outcomes and the impact of your proposal.

- a.** What measurable outcome is the agency trying to achieve with the requested expansion?

Several measurable outcomes are expected with this expansion. The primary outcomes include increasing public safety (percentage of defendants who remain arrest free during the pretrial phase of a case) and increasing court appearance rates (percentage of defendants who do not fail to appear for any pretrial court hearings). The AOC PJP will be able to measure and provide data outcomes showing the pre-implementation data and post-implementation data of these two metrics. The AOC PJP has created a data infrastructure with the ability to provide additional performance measures and outcomes consistent with the “NIC Measuring What Matters” publication.

- b.** Will the requested program affect any existing performance measures?

Pretrial performance measures are currently provided to LFC for all existing pretrial programs. Measures for this jurisdiction will be included once implementation is complete.

- i.** If yes, which performance measures will be affected?

Pretrial Performance Measures.

- c.** What program outputs will the agency measure?

This jurisdiction's pretrial services Program Manager, or Supervisor, will complete a monthly report that will provide the following measured data points: Public Safety Assessments completed by Risk; Closed cases in Odyssey Supervision Module; number of new cases in Odyssey Supervision Module; rate of closed and new cases; number of new pretrial services intakes; monthly actively reporting defendants on pretrial services; actively reporting number of defendants on the last day of the month; total number of office visits by defendants on pretrial services supervision (both remote and in person); overall success rate (no new charges and no failure to appear by a defendant on pretrial services supervision); appearance rate (no failure to appears); no new charges rate; and no new violent charges rate.

- d.** What efficiency metrics will the agency monitor?

Click or tap here to enter text.

- e.** Does the agency have baseline data for the proposed measures?

Not currently, this will be a new program with no current baseline

Choose an item.

- i.** If yes, please provide baseline data.

Click or tap here to enter text.

- ii.** If no, when and how does the agency anticipate collecting baseline data?

Once release data is obtained from the local detention center, baseline data can begin being collected. After several months of processing release logs during implementation, pre- and post- implementation data can be gathered following processes already developed statewide.

- f.** How often will the agency collect and report on these performance metrics?

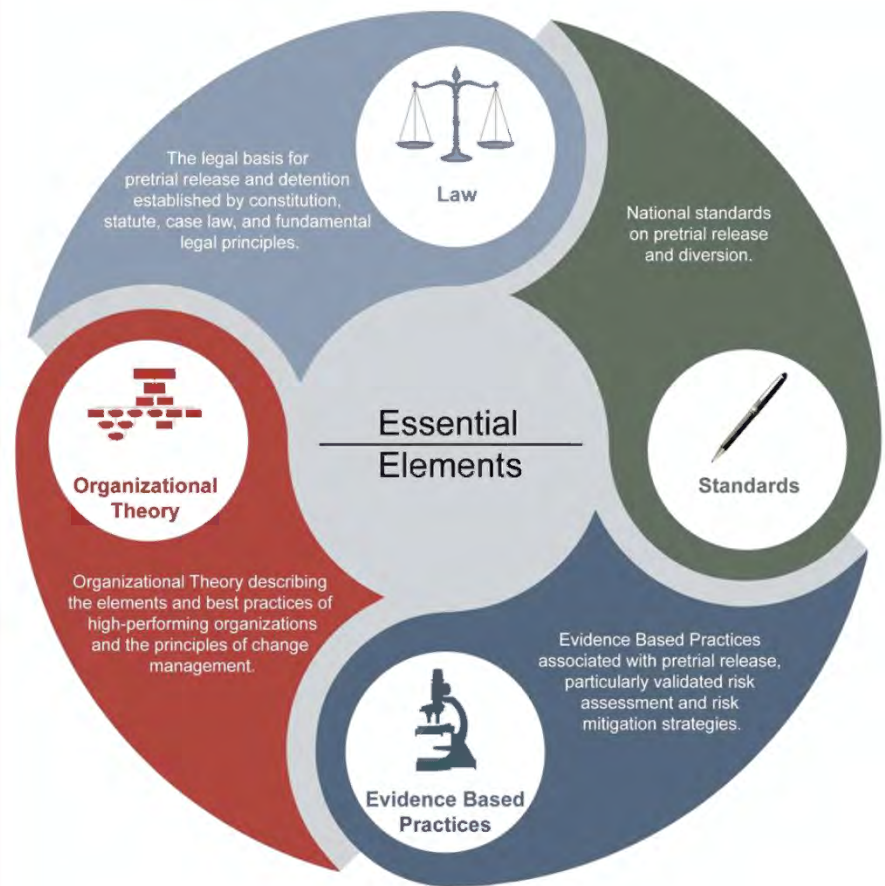
Monthly and yearly.

- g.** How do you plan to share the results of your program with the public and the Legislature?

Monthly program reports are shared with the pretrial stakeholder group for monitoring. The AOC PJP also provides quarterly performance measures to the LFC. The AOC PJP is also working to complete a public facing dashboard that will include pretrial data and measures available to the public and Legislature.

A Framework for Pretrial Justice

Essential Elements of an Effective Pretrial System and Agency



A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency

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DISCLAIMER:

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DIRECTOR'S MESSAGE

This document highlights the commitment of the National Institute of Corrections (NIC) to define and support evidence-based practices that improve decision-making at the pretrial stage of our criminal justice system, enhancing the safety of America's communities and fostering the fair administration of pretrial release and detention.¹ With the release of *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*, NIC and its Pretrial Executive Network helps inform the discussion on bail reform and pretrial justice by presenting and defining the fundamentals of an effective pretrial system and the essential elements of a high functioning pretrial services agency. This publication presents and describes these essential elements—as well as the components of an evidence-based framework for improving pretrial outcomes nationwide.

Bail determination is one of the most important decisions in criminal justice. Courts that make evidence-based decisions set the following as goals:

- (1) Protecting community safety.
- (2) Ensuring a defendant's return to court.
- (3) Basing release and detention decisions on an individual defendant's risk and the community's norms for liberty.
- (4) Providing judicial officers with clear, legal options for appropriate pretrial release and detention decisions.

A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency should serve as a guide for jurisdictions interested in improving their current pretrial systems. By presenting a framework of evidence-based and best practices, NIC supports the equally important concepts of pretrial justice and enhanced public safety in all of America's courts.

Shaina Vanek
Acting Director

National Institute of Corrections

¹ This publication is one in a series of materials on evidence-based practices in pretrial justice. See also: Center for Effective Public Policy. (2010). *A Framework for Evidence-Based Decisionmaking in Local Criminal Justice Systems: An Initiative of the National Institute of Corrections*, 3rd Ed. Washington, DC: National Institute of Corrections. Schnacke, T. R. (2014). *Fundamentals of Bail: A Resource Guide for Pretrial Practitioners and a Framework for American Pretrial Reform*. Washington, D.C.: National Institute of Corrections. Schnacke, T.R. (2014). *Money as a Criminal Justice Stakeholder: The Judge's Decision to Release or Detain a Defendant Pretrial*. Washington, D.C.: National Institute of Corrections. VanNostrand, M. (2007). *Legal and Evidence-Based Practices: Applications of Legal Principles, Laws, and Research to the Field of Pretrial Services*. Washington D.C.: National Institute of Corrections. National Institute of Corrections. (2011). *Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field*. Washington D.C.: National Institute of Corrections. National Institute of Corrections. (2016). *Pretrial Justice: How to Maximize Public Safety, Court Appearance and Release*. Live broadcast held September 8, 2016. <https://nicic.gov/library/032719>. Last accessed on 3/21/2017.

FOREWORD

Although I had been a civil litigator for my entire legal career, soon after I became a judge, I found myself presiding in a criminal trial department. I didn't know much about bail. I didn't have to. The county, like all California counties, had adopted a bail schedule, and it was easy to use. Each offense was paired with a dollar amount and multiple charges were stacked. There were lots of bail bond companies close to the courthouse and the jail. Some of the defendants whose cases were assigned to me were out on bail; most – particularly those charged with felonies – were in custody. At the end of every preliminary hearing – California proceeds by preliminary hearing not by indictment in the overwhelming majority of cases – if I determined there was sufficient cause to bind a defendant over for trial, I was trained to say, "Bail review waived, counsel?" And the answer was almost always, "yes." To be perfectly honest, I didn't think much about bail, and to the best of my recollection, neither did anyone else – not my colleagues on the bench, not the prosecutors, not the public defenders.

Remarks by Lisa Foster, Director of the Office for Access to Justice, United States Department of Justice at the American Bar Association's 11th Annual Summit.
<http://www.justice.gov/opa/speech/director-lisa-foster-access-justice-initiative-delivers-remarks-aba-s-11th-annual-summit>

Courts in the United States process millions of criminal cases annually. Each requires a judicial officer to determine a defendant's release or detention pending adjudication—*bail*. Bail determination is one of the most important decisions in a criminal case. Justice systems that administer bail effectively and fairly have as their overarching goals ensuring a defendant's return to court and safeguarding the public, while respecting the principle that "liberty is the norm" for defendants pending trial. To help balance the individual's right



to reasonable bail with the public's expectation of safety, these systems include mechanisms to assess the likelihood of missed court appearances or criminal activity and provide supervision designed to address these risks. Moreover, these systems give judicial officers clear, legal options for appropriate pretrial release and detention decisions. Effective bail systems minimize unnecessary pretrial detention, increase public safety and court appearance, and, most important, administer the pretrial release process fairly.

Unfortunately, most justice systems in the United States lack the means to make effective and fair bail decisions. Judicial officers do not receive the information needed to make the determinations about release and detention, nor do they have a full statutory gamut of release and detention options to address the varying levels of risk within a defendant population. Even when options exist, most systems lack the structure to monitor released defendants, screen detained defendants regularly for release eligibility, and safeguard individual rights and public safety.

Just as getting bail decisions “right” has its benefits, performing this critical function poorly has consequences. Nationally, almost 63 percent of jail detainees are un-convicted defendants, mostly on pretrial status.² Most detainees cannot satisfy financial conditions; a type of detention that bail reform advocates argue has no relationship to an individual’s risk of flight or to public safety. Since 2000, 95 percent of the growth in the need for jail resources—the most expensive asset of the criminal justice system—is from the increase in un-convicted detainees.³ Studies have shown that individuals held in jail before trial, even for short periods of detention, have worse outcomes, such as higher risk of unemployment,⁴ higher rates of sentencing disparity,⁵ and a greater likelihood of reoffending.⁶

The shortcomings of the current bail system have made bail reform part of the larger national discussion on improving America’s criminal justice systems. Public and private justice initiatives include enhancing bail decision-making and expanding the number of defendants released pretrial as reform outcomes. States such as New Jersey, New Mexico, Connecticut, and Kentucky have revised or are considering revisions to current bail laws aimed at fairer and more evidence-based bail decisions. However, with a few exceptions, these initiatives focus on a single aspect of improving bail decision-making (for example, risk assessment validation and reforms to bail laws) or incorporate bail reform under other initiatives (such as jail population reduction, provision of substance abuse treatment, and addressing economic and racial inequality). Few initiatives see bail reform as its own good achievement, with a comprehensive, system-wide set of elements needed for successful outcomes.

For most of America’s justice systems, real bail reform will be transformative, requiring a holistic change in local culture and attitudes about pretrial release, the rights of pretrial defendants, and what truly is needed to reasonably assure future court appearance and public safety. Proper implementation of this reform must include **all** elements of an effective pretrial justice system, properly defined and functioning well.

² Minton, T.D. and Zeng, Z. (2015). *Jail Inmates at Midyear 2014*. Washington, D.C.: United States Department of Justice, Bureau of Justice Statistics. NCJ 248629.

³ *Id.* at page 1.

⁴ Schönteich, M. (2010) *The Socioeconomic Impact of Pretrial Detention*. New York, NY: Open Society Foundations.

⁵ Leipold, A.D. (2005). “How the pretrial process contributes to unfair convictions.” *The American Criminal Law Review*, 42(4): 1123-1165.

⁶ Lowenkamp, C., VanNostrand, M., and Holsinger, A. (2013). *The Hidden Cost of Pretrial Detention*. New York, NY: Laura and John Arnold Foundation.

The National Institute of Corrections and its Pretrial Executive Network seeks to help inform the discussion on bail reform and pretrial justice by presenting and defining the fundamentals of an effective pretrial system and the essential elements of a high functioning pretrial services agency. This publication is a guide for jurisdictions interested in improving current elements of their pretrial systems or creating needed procedures and practices. It will also serve as a resource for practitioners and policy makers to compare current pretrial release and diversion practices to recognized evidence-based and best practices and national standards.

ACKNOWLEDGEMENTS

The National Institute of Corrections' Pretrial Executive Network includes directors of pretrial services agencies nationwide. Its mission is to promote pretrial services programming as an integral part of state and local criminal justice systems. Network members include:

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The PEN and the National Association of Pretrial Services Agencies would like to acknowledge and thank NIC Correctional Program Specialist, Lori Eville, for her continued commitment to the pretrial services field.

INTRODUCTION

Improving America’s criminal justice systems is a national priority with bipartisan support. Whether it be to reduce jail and prison populations, manage offenders returning to communities, minimize racial disparity or increase public confidence in the justice system, there is consensus across the political spectrum for reforms that promote smarter, evidence-based decisions, more efficient use of system resources, and greater fairness in practices and outcomes.

In many states and localities, pretrial justice reform is a major part of the larger justice reform narrative. Across the country, practitioners are applying innovative approaches to better assess defendant risk of pretrial misconduct, manage risk through supervision, and maximize the use of nonfinancial release options. These practices have improved the efficiency and fairness of pretrial decisions and outcomes and have expanded our knowledge of “what works” to promote the release of suitable defendants, encourage court appearance, and ensure public safety. Informing a wider audience of practitioners and policy makers about these practices will provide an impetus for other jurisdictions to undertake these efforts.

The National Institute of Corrections (NIC) has been at the forefront of many of today’s justice reform efforts. Through innovative programs such as the Evidence Based Decision-making (EBDM) Initiative, the Orientation for New Pretrial Executives, direct technical assistance to criminal justice professionals, and sponsorship of the Pretrial Executives Network (PEN), NIC has helped state and local jurisdictions improve the quality of their justice system’s decision-making, operation, and outcomes. Building on this knowledge base, NIC identified what it believes are “essential elements” of effective, high functioning pretrial justice systems and agencies, and has made these elements the focal point of its instruction to pretrial executives and practitioners.

At this critical time in criminal justice reform, NIC—in partnership with the National Association of Pretrial Services Agencies (NAPSA)—commissioned PEN members to refine these essential elements to help guide jurisdictions seeking to improve their pretrial justice systems. PEN members subsequently identified and defined 14 essential elements, building on knowledge and guidance developed within the pretrial field over many years. This publication presents these elements as a guide for jurisdictions interested in improving their current pretrial systems and a resource for practitioners and policy makers to compare their current pretrial release and diversion practices to national standards and recognized evidence-based and best practices.



Elements of an effective pretrial system

1. Pretrial release and detention decisions based on risk and designed to maximize release, court appearance, and public safety
2. Legal framework that includes: presumption of least restrictive nonfinancial release; restrictions or prohibition on the use of secured financial conditions of release; and detention for a limited and clearly defined type of defendant
3. Release options following or in lieu of arrest
4. Defendants eligible by statute for pretrial release are considered for release, with no locally-imposed exclusions not permitted by statute
5. Experienced prosecutors screen criminal cases before first appearance
6. Defense counsel active at first appearance
7. Collaborative group of stakeholders that employs evidence-based decision-making to ensure a high functioning system
8. Dedicated pretrial services agency

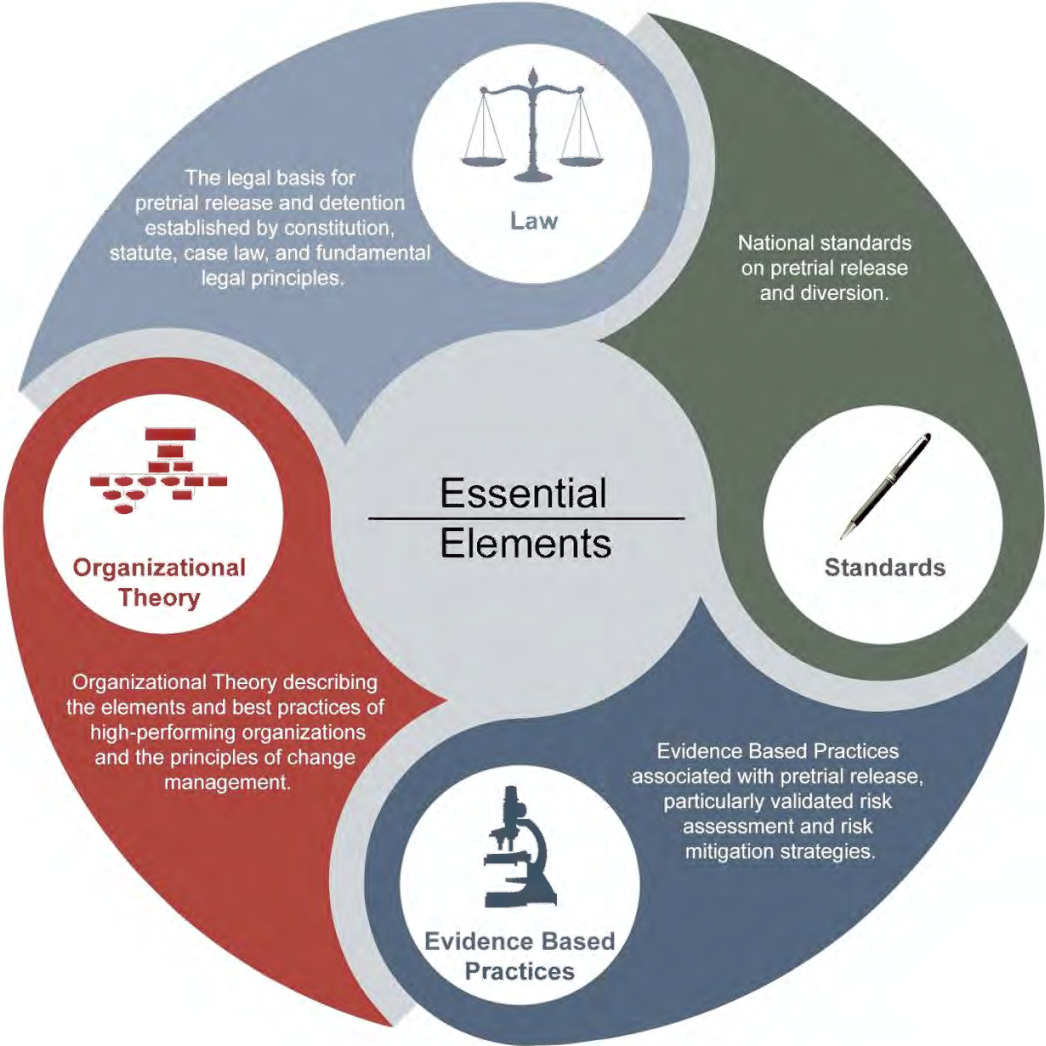


Elements of a high functioning pretrial services agency

1. Operationalized mission
2. Universal screening
3. Validated pretrial risk assessments
4. Sequential bail review
5. Risk-based supervision
6. Performance measurement and feedback

THE FRAMEWORK FOR PRETRIAL JUSTICE

In developing these essential elements, NIC considered sources that described consensus legal and statutory requirements in the pretrial field, outlined what has worked to promote court appearance and public safety and highlighted promising or preferred practices. Collectively, these dimensions form the framework for the essential elements and a roadmap to establishing pretrial justice in America’s courts.



1. PRETRIAL RELEASE AND DETENTION DECISIONS BASED ON RISK AND DESIGNED TO MAXIMIZE RELEASE, COURT APPEARANCE, AND PUBLIC SAFETY ⁷

Pretrial Justice- The honoring of the presumption of innocence, the right to bail that is not excessive, and all other legal and constitutional rights afforded to accused persons awaiting trial while balancing these individual rights with the need to protect the community, maintain the integrity of the judicial process, and assure court appearance.

*VanNostrand, M. and Keebler, G. (2007). "Our Journey Toward Pretrial Justice,"
Federal Probation, Vol .71 (2): 20-25.*

The goal of bail setting is to **maximize release** while simultaneously **maximizing court appearance** and **public safety**. Effective pretrial justice systems utilize risk-based decision-making to release or detain defendants while maintaining public safety and high levels of court appearance. All other essential elements flow from this defining principle.

MAXIMIZING RELEASE

American law contemplates a presumption of release before trial. This notion underlies all aspects of a high functioning pretrial system. The United States criminal justice system was designed purposely to place limits on the power of government in its treatment of individuals accused of a crime. As the U.S. Supreme Court articulated in *United States v. Salerno*: "In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception."⁸ Although the legal framework for pretrial decision-making favors release before trial, it also allows the government to impose conditions to reasonably assure public safety and court appearance while facilitating release—and under the extremely limited circumstances where no condition will guarantee either, outright detention.⁹

⁷ This publication defines "risk" as a defendant's likelihood of failing to appear at scheduled court dates or being rearrested while released pretrial.

⁸ *United States v. Salerno*, 481 U.S. 739, 755 (1987).

⁹ American justice systems incorporate the principle that US law favors release before trial. The presumption in favor of release and the right to bail are legally distinct yet interconnected concepts. It is important to note that, while the presumption in favor of release is universal, the right to bail varies by jurisdiction. Where such a right is provided for it is not necessarily absolute under all circumstances. For example, in the Federal system and 48 states, courts may deny bail to persons charged with capital crimes, usually if proof is evident or the presumption is great. Hegreness, M.J. (2013). *America's Fundamental and Vanishing Right to Bail*, 55 Ariz. L.Rev. 909, 916.

MAXIMIZING COURT APPEARANCE

For hundreds of years, courts imposed conditions of bail to motivate the accused to return to court.¹⁰ In 1951, the U.S. Supreme Court in *Stack v. Boyle* wrote that—in modern times—bail “serves as additional assurance of the presence of an accused,” continuing: “Bail set at a figure higher than an amount reasonably calculated to fulfill this purpose is ‘excessive’ under the Eighth Amendment.”¹¹ In fact, until the 1970’s, court appearance was the sole justification for limiting pretrial freedom.

MAXIMIZING PUBLIC SAFETY

Defining “Bail”

Although the term “bail” often is used as a synonym for money (or an amount of money), actually, it is a process of release which may or may not involve money. This document will use the definition from the NIC publication, *Fundamentals of Bail*: “a process of releasing a defendant from jail or other governmental custody with conditions set to provide reasonable assurance of court appearance or public safety.”

Providing for public safety is one of the underlying goals of both the pretrial justice system and the larger criminal justice system. Although public safety was not considered a proper reason to impose conditions until the 1970’s, today it is recognized as an underlying goal of effective systems. It is widely recognized that an individual’s potential impact on public safety should be assessed and considered in pretrial decision-making. In fact, the federal judicial system, along with at least 36 states, considers public or individual safety explicitly as part of the release or detention decision.¹² Pretrial detention should be a “limited exception.” The Supreme Court has determined this exception may be authorized in cases

where defendants are found “after an adversary hearing to pose a threat to the safety of individuals or to the community which no condition of release can dispel.”¹³ Pretrial System Element 2 provides additional guidance to jurisdictions regarding preventive detention.

¹⁰ For what is generally regarded as the most in-depth examination of the early history of bail, see de Haas, E. (1966). *Antiquities of Bail: Origin and Historical Development in Criminal Cases to the Year 1275*. New York, NY: AMS Press, Inc.

¹¹ Ibid.

¹² National Institute of Corrections. (2011). *Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field* Washington D.C.: National Institute of Corrections.

¹³ *U.S. v. Salerno*, 481 U.S. 739, 755 (1987).

RISK-BASED DECISION-MAKING

Risk-Based Decision-Making (RBDM) is a process that organizes information about risk to help decision makers make more informed choices. RBDM allows systems to create a common decision-making process that stakeholders will understand readily and accept. Resulting decisions are easier to defend, given the process used and the stakeholders involved.¹⁴ RBDM is the best process to make decisions that maximize release, court appearance, and public safety. Specifically, systems should incorporate the following RBDM elements into pretrial release and detention decisions:¹⁵

Establish the decision structure: This involves defining the decision (release or detention appropriate to ensuring court appearance and safety); the stakeholders involved in or affected by the decision (courts, law enforcement, prosecution; defense, pretrial services); the options available (own recognizance, supervised release or detention); and the factors that will influence the decision (risk assessment results; other aggravating and mitigating factors, factors outlined in bail law).

Use risk assessment: RBDM encourages risk assessment, using factors shown by research to be predictive of outcomes, for example, court appearance, the potential for rearrest on any crime, and the potential for rearrest on specific types of charges.

Use risk-based information in decision-making: A goal in decision-making is to reduce risk as much as possible. Under RBDM, decision makers assess possible risk management options and determine how risk can be managed most effectively. This can include “rejecting” the risk (applying pretrial detention for defendants with unacceptable risk levels) or finding specific ways to reduce the risk (for example, heightened levels of pretrial supervision). This element adheres to the evidence-based practice of the “risk principle.” Under this approach, jurisdictions target high-risk defendants for research supported interventions while avoiding over-supervising low risk defendants.

Monitor effectiveness through impact assessment: Impact assessment involves tracking the effectiveness of actions to manage risk. The goal is to verify that the organization is getting the expected results from its risk management decisions. If not, a new decision-making process must be considered. As noted in Pretrial Services Agency Element 6, high functioning pretrial services agencies achieve this through outcome measurement of release rates, appearance and safety rates, and continued placement of defendants on pretrial release.

¹⁴ Macesker, B., Myers, J.J., Guthrie, V.H., Walker, D.A., and Schoolcraft, S.G. *Quick-reference Guide to Risk-based Decisionmaking (RBDM): A Step-by-step Example of the RBDM Process in the Field.*

<http://www.au.af.mil/au/awc/awcgate/uscg/risk-qrg.pdf>

¹⁵ United States Coast Guard: Risk-Based Decisionmaking Guidelines.

<https://www.uscg.mil/hq/cg5/cg5211/risk.asp>

Facilitate risk communication: At every step in the process, stakeholders should:

- Provide guidance on key issues to consider. Stakeholders should identify the issues of importance to them. They should present their views on how each step of the process should be performed, or at least provide comments on plans suggested by others.
- Provide relevant information needed for assessments. Some or all stakeholders may have key information needed in the decision-making process.
- Provide for the final decisions. Stakeholders should agree on the work to be done in each phase of the risk-based decision-making process. They then can support the ultimate decision making process.¹⁶

The Evidence Based Decision-making Model:¹⁷ EBDM highlights several of the principles in risk-based decision-making. The goal of this initiative is to build a system wide framework (arrest through final disposition and discharge) that will result in more collaborative evidence-based decision-making and practices in state and local criminal justice systems. This effort is grounded in two decades of research on the factors that contribute to criminal reoffending and the methods the justice system can employ to interrupt the cycle of reoffense. The initiative seeks to equip criminal justice policymakers in local communities with the information, processes, and tools that will result in measurable reductions of pretrial misconduct, post-conviction reoffending, and other forms of community harm resulting from crime.

EBDM identifies several pretrial decision-making points in criminal case processing. A key feature of EBDM is the application of valid risk and/or needs assessment at each decision point: prosecutors, defense attorneys and judges will use this information to determine whether pretrial release is appropriate and to identify individualized risk reduction strategies for released defendants.

¹⁶ Pretrial System Element 7 presents a fuller discussion about the importance of stakeholder buy-in.

¹⁷ EBDM is a strategic and deliberate method of applying empirical knowledge and research-supported principles to justice system decisions made at the case, agency, and system level and seeks to equip criminal justice local and state policymakers with the information, processes, and tools that will result in measurable reductions of pretrial misconduct, post-conviction reoffending, and other forms of community harm resulting from crime.

A full description of EBDM can be found at <http://info.nicic.gov/ebdm/?q=node/8> and Center for Effective Public Policy, Pretrial Justice Institute, Justice Management Institute, and the Carey Group. (2010). *A Framework for Evidence-Based Decisionmaking in Local Criminal Justice Systems: Third Edition*. Washington, D.C.: National Institute of Corrections.

SUMMARY OF EBDM PRETRIAL DECISION POINTS

Arrest Decisions	Pretrial Status Decisions	Charging Decision	Plea Decisions
<ul style="list-style-type: none">•Cite•Divert•Treat•Release	<ul style="list-style-type: none">•Release on Own Recognizance•Release with Supervision•Release with Financial Conditions•Detain•Violation Response Response•Supervision Condition Reassessment	<ul style="list-style-type: none">•Charge•Divert•Defer•Dismiss	<ul style="list-style-type: none">•Plea Terms

Racial Bias in Pretrial Decision-making

Racial bias is a significant discussion point in criminal justice, particularly in pretrial decision-making. In her article "Give Us Free," Cynthia Jones references 25 studies finding bias in bail practices alone, and explains that these findings occur across rural, suburban, and urban jurisdictions, and among all different case types. Some of the many examples she shared included studies finding that:

- *Latino and African American defendants were more likely than white defendants to be sent to jail by 91 percent and 66 percent respectively;*
- *African American and Latino individuals were twice as likely as white defendants to remain in jail because they could not pay their bonds; and*
- *African American defendants had higher bail amounts set than similarly situated white defendants.*

According to Jones and other scholars, the wide latitude judicial officers have in bail setting is a major contributor to these disparities, Jones concludes that "[w]hether the racial divide documented in these studies is the product of racial animus or subtle implicit bias by bail officials, the pattern of disadvantage suffered by minority defendants in bail determinations should be addressed with reforms to the bail determination process."

In their report entitled "Bail Fail," the Justice Policy Institute discussed racial disparities, including the fact that African Americans were jailed at rates 5 times higher than white Americans. The report concluded that "[s]ince being jailed while awaiting trial has a direct impact on case outcomes such as conviction rates and sentencing decisions, racial disparities in the pretrial process have a ripple effect throughout the justice system."

There are also concerns about possible racial bias in pretrial risk assessment instruments, discussed in detail in Element 8. The essential elements discussed in this document are designed to make the system fairer overall, and are intended to improve outcomes for everyone. As part of any pretrial reform, stakeholders need to specifically look for and address disparities based on race and should make sure that reforms eliminate those disparities.

Source: Jones, C.E. (2013). "Give Us Free:" Addressing Racial Disparities in Bail Determinations. Journal of Legislation and Public Policy, 16: 919-961 (2013).

Justice Policy Institute. (2012). Bail Fail: Why the U.S. Should End the Practice of Using Money for Bail). Washington, D.C.: Justice Policy Institute.

2. LEGAL FRAMEWORK THAT INCLUDES: A PRESUMPTION OF LEAST RESTRICTIVE NONFINANCIAL RELEASE; RESTRICTIONS OR PROHIBITION ON THE USE OF SECURED FINANCIAL CONDITIONS OF RELEASE; AND DETENTION FOR A LIMITED AND CLEARLY DEFINED TYPE OF DEFENDANT

“Bail exacerbates and perpetuates poverty because of course only people who cannot afford the bail assessed or to post a bond – people who are already poor – are held in custody pretrial. As a consequence, they often lose their jobs, may lose their housing, be forced to abandon their education, and likely are unable to make their child support payments. We also know, and we have known for 50 years – that a decision to detain or release a defendant pretrial may be a critical factor affecting the outcome of a case. Most disturbingly, there is, in the words of Professor Caleb Foote... ‘an extraordinary correlation between pretrial status and the severity of the sentence after conviction.’”

Remarks by Lisa Foster at the American Bar Association’s 11th Annual Summit on Public Defense.

The pretrial legal framework—composed of bail statutes, state and Federal constitutional provisions, and applicable case law—establishes the rules for pretrial release and detention. Bail law defines the purposes and types of bail; the defendant populations eligible and ineligible for bail consideration; and the roles and responsibilities of courts, pretrial services agencies, and other stakeholders in bail decision-making. The proper legal framework greatly facilitates maximizing release, court appearance, and public safety. This framework should include:

1. A presumption of nonfinancial release on the least restrictive conditions necessary to ensure future court appearance and public safety.
2. Prohibition or restrictions on the use of secured financial conditions.
3. Provisions for detention without bail for a clearly defined and limited population of defendants who pose an unmanageable risk to public safety. Detention without bail must include robust due process protections for detention-eligible defendants and those detained.

All three of these components are interrelated and must exist within a legal framework to achieve maximized rates of release, appearance, and public safety. For example, courts are far less likely to utilize formal preventive detention when secured financial conditions are allowed. Presumptive nonfinancial release—along with real and practical supervision options—keeps systems from applying preventive detention to an unnecessarily large defendant population or resorting to high bond amounts for higher-risk defendants.

Washington, D.C.'s example illustrates the relationship between the system's use of preventive detention and restrictions on money bail. As noted in a case study of the Pretrial Services Agency for the District of Columbia:

In 1991, during the height of a crack cocaine epidemic, there were a number of highly publicized drive-by shootings that focused attention on the bail system. (PSA Director) Jay Carver worked closely with the U.S. Attorney's Office and the Public Defender's Office on a bill before the D.C. Council. The resulting legislation, passed in 1992, expanded the scope of pretrial detention and included several rebuttable presumptions for detention. Carver was also successful in getting language inserted in the bill that prohibited the court from setting a financial bail that resulted in the defendant remaining in jail.

"A judicial officer may not impose a financial condition under paragraph (1) (B)(xii) or (xiii) of this subsection to assure the safety of any other person or the community, but may impose such a financial condition to reasonably assure the defendant's presence at all court proceedings that does not result in the preventive detention of the person, except as provided in § 23-1322(b)."

The impact of this bill was immediately apparent. In the year before the law took effect only 2% of defendants were held under a detention provision. In the year after it became law, 15% were detained. Many in the District's criminal justice system credit Carver's insertion of the clause forbidding the use of money bail to detain a defendant as the single most important event in ridding D.C. of bail bonding for profit and rendering any use of money bail to rare occasions... While acknowledging the importance of the 1992 act, Carver sees that the virtual demise of money bail in D.C. and the certainty of detention for the highest risk defendants was a long process of demonstrating how the pretrial release decision-making process could work without money bail. "To make the detention parts work, we had to make the release options work. By expanding those options, we got away from money. It was a natural progression."¹⁸

Pretrial justice advocates also emphasize that a presumption of nonfinancial release on the least restrictive conditions and due process-based preventive detention are achievable only with restrictions on money bail. For example, Schnacke (2014) argues that the issue for states is determining the appropriate balance of bailable to unbailable defendants, given the presumption of release:

¹⁸ Pretrial Justice Institute. "The D.C. Pretrial Services Agency: Lessons From Five Decades of Innovation and Growth." Case Studies: An E-Publication of the Pretrial Justice Institute Volume 2, Number 1. <http://www.pretrial.org/download/pji-reports/Case%20Study-%20DC%20Pretrial%20Services%20-%20PJI%202009.pdf>.

If a proper bail/no bail balance is not crafted through a particular state's preventive detention provisions, and if money is left as an option for conditional release, history has shown that judges will use that money option to expeditiously detain otherwise bailable defendants. On the other hand, if the proper balance is created so that high-risk defendants can be detained through a fair and transparent process, money can be virtually eliminated from the bail process without negatively affecting public safety or court appearance rates.¹⁹

PRESUMPTION OF LEAST RESTRICTIVE NONFINANCIAL RELEASE

Consistent with the constitutional safeguard against excessive bail, the Federal bail statute and those of most states mandate release on the least restrictive conditions needed to ensure appearance and public safety. State and/or local law should favor the use of release on a defendant's own recognizance above all other conditions, unless a judicial officer believes that it is insufficient to ensure court appearance or public safety. The law subsequently should favor a progression (from least to most restrictive) of conditions and release options consistent with a defendant's risk of nonappearance or rearrest. The Bail Reform Act of 1984 includes an example of a presumption of release on the least restrictive conditions that may be useful for jurisdictions modifying their legal framework:

- (a) IN GENERAL.**—*Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—*
- (1)** *released on personal recognizance or upon execution of an unsecured appearance bond, under subsection (b) of this section;*
 - (2)** *released on a condition or combination of conditions under subsection (c) of this section;*
 - (3)** *temporarily detained to permit revocation of conditional release, deportation, or exclusion under subsection (d) of this section; or*
 - (4)** *detained under subsection (e) of this section.²⁰*

¹⁹ Schnacke, T. R. (2014). *Fundamentals of Bail: A Resource Guide for Pretrial Practitioners and a Framework for American Pretrial Reform*. Washington, D.C.: National Institute of Corrections. p. 52.

²⁰ 18 U.S. Code § 3142 - Release or detention of a defendant pending trial.

RESTRICTIONS OR PROHIBITION ON THE USE OF SECURED FINANCIAL CONDITIONS OF RELEASE

Historically, bail involved mainly unsecured bonds, which do not require payment prior to release. Unsecured bonds allow defendants to be released from jail immediately, regardless of their financial ability. However, over the past century, “secured financial conditions”—money or collateral that a defendant, their family or a private bail bond provider must pay prior to release—have come into widespread use.²¹ Bail reform advocates have noted several significant issues with the use of secured financial conditions. These include:

- incarceration due to an inability to pay;
- the diminishing of judicial authority in bail setting;
- the inability to guarantee the detention of truly dangerous defendants; and
- collateral consequences of unnecessary detention.

Virtually every neutrally conducted study over the past eighty years has described the money bail system as inadequate. For the most part, these studies formed the basis for recommendations by the American Bar Association (ABA), the National District Attorneys Association (NDAA), NAPSA, and the National Association of Counties (NACo) to eliminate certain hallmarks of the money bail system, including the use of commercial bail, in favor of a system that rarely relies on money as a condition of release and that incorporates professional pretrial services risk assessment and community-based supervision.²²

Secured financial bail and jail crowding: The overuse of secured financial conditions has fueled the over incarceration of pretrial defendants. Nationally, almost 63% of jail detainees are un-convicted defendants, mostly on pretrial status.²³ Since 2000, 95% of the growth in jail resources is from the increase in un-convicted detainees.²⁴

Secured financial bail and judicial release authority: Secured financial conditions diminish judicial discretion by allowing a commercial surety or the defendant to determine release or detention. Bail bonding agents make these decisions on factors that are unknown to the public or other decision-makers. Even in jurisdictions where commercial



²¹ Schnacke, T. R. (2014). *Money as a Criminal Justice Stakeholder: The Judge's Decision to Release or Detain a Defendant Pretrial*. Washington, D.C.: National Institute of Corrections.

²² Pretrial Justice Institute (2011). *Responses to Claims About Money Bail for Criminal Justice Decision-Makers*. Washington, D.C.: Pretrial Justice Institute.

²³ Minton and Zeng. (2015).

²⁴ *Id.* at page 1.

sureties are not allowed, “judges are still effectively abdicating their decision-making role by setting secured money bonds.”²⁵ Often, judges set low money amounts, assuming these will facilitate release or detention. However, a 2013 report on New Jersey’s jail population found that 12% of pretrial detainees in the state were held on bonds of \$2,500 or less.²⁶ A Bureau of Justice Statistics data series on felony case filings in America’s largest urban counties found “on any given day, five out of six defendants provided with a financial release condition are unable to make the bond amount set by the court.”²⁷

Money and public safety: Historically, secured financial conditions have been tied exclusively to court appearance. Unlike supervised pretrial release, under which judges can impose safety-related release requirements, financial conditions do not provide a mechanism to consider and address dangerousness. Since bonds cannot be forfeited after a new arrest, the surety pays no price for a defendant’s new criminal conduct and has no incentive to provide supervision or support to reduce the likelihood of new arrests.

Collateral consequences: Research demonstrates that individuals held in jail before trial, even for short periods of time, have worse outcomes, such as higher risk of unemployment,²⁸ sentencing disparity,²⁹ and recidivism.³⁰ A study supported by the Laura and John Arnold Foundation looked at 153,407 defendants in Kentucky and found that longer stays in pretrial detention:

- increased the likelihood that a defendant would fail to appear in court (up to a certain point)
- increased the likelihood that a defendant would engage in new criminal activity, and
- increased the likelihood of recidivism after disposition.

Even a small amount of time in jail had a huge impact: “When held 2-3 days, low-risk defendants are almost 40 percent more likely to commit new crimes before trial than equivalent defendants held no more than 24 hours.”³¹ Generally, outcomes were worse for low-risk defendants, and the Foundation noted a hypothesis of failures occurring due to increased periods of defendants’ separation from their communities.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Cohen, T. H., & Reaves, B. A. (2008). *Pretrial release of felony defendants in state courts*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

²⁸ Schönteich. (2010).

²⁹ Leipold (2005). pp. 1123-1165.

³⁰ Lowenkamp, VanNostrand, and Holsinger. (2013).

³¹ *Ibid.*

Several jurisdictions restrict the use of money bail—or eliminate certain types of financial bail altogether—as part of comprehensive bail reform. Kentucky,³² Oregon,³³ Illinois,³⁴ and Wisconsin³⁵ ban commercial surety. Bail laws for the Federal courts and Washington, D.C. forbid financial conditions that result in a defendant’s pretrial detention. Under the D.C. statute:

(3) A judicial officer may not impose a financial condition under paragraph (1)(B)(xii) or (xiii) of this subsection to assure the safety of any other person or the community, but may impose such a financial condition to reasonably assure the defendant's presence at all court proceedings that does not result in the preventive detention of the person, except as provided in § 23-1322(b).

http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000869&DocName=DCCODES23-1322&FindType=L&ReferencePositionType=T&ReferencePosition=SP_a83b000018c76

(4) A person for whom conditions of release are imposed and who, after 24 hours from the time of the release hearing, continues to be detained as a result of inability to meet the conditions of release, shall upon application be entitled to have the conditions reviewed by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, on another condition or conditions, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed.³⁶

PREVENTIVE DETENTION

For a very limited subset of the pretrial population, no condition or combination of conditions will reasonably assure the safety of any other person or the public. In these narrow circumstances, preventive detention—detention without bail—is both appropriate and necessary. An effective pretrial justice system provides limited authority for preventive detention accompanied by proper procedural safeguards.

Traditionally, jurisdictions have relied heavily on secured financial conditions as a proxy for detention without bail. Courts across the country impose financial conditions that are presumptively unaffordable to a defendant with the unexpressed intent to protect the public from future crime. Unfortunately, these *sub rosa* preventive detention practices are largely immune from appellate review, circumvent procedural protections, are not limited by risk or offense, and ultimately do not guarantee the detention of the individual perceived to be dangerous.

³² Kentucky Statutes, § 431.510.

³³ Oregon Revised Statutes. §§ 135.255, .260, .265.

³⁴ Illinois Statutes, Chapter 725 §§ 5/110-7, 5/110-8.

³⁵ Wisconsin Statutes, Section 969.12(2).

³⁶ Code of the District Columbia, §23-1321(c) (3)-(4).

Preventive detention, when used properly and with extreme care, provides justice systems with a transparent and rational means to address high-risk individuals. However, it is important to note that preventive detention is controversial within the pretrial field. Many bail reform advocates have voiced concern that courts with preventive detention statutes may apply the law too broadly. Others believe that some state preventive detention laws lack the due process rigor required by the U.S. Supreme Court's *Salerno* decision. However, if not consensus, there is broad agreement that courts need an effective—and legal—means to detain the limited number of defendants who present an unacceptable risk to public safety. As described by Superior Court for the District of Columbia Senior Judge Truman Morrison in remarks to the New Jersey Joint Committee on Criminal Justice:

"[u]nless judges are given an open, rational way to deal with community safety, they will sometimes, I think understandably see danger where it actually may not exist...and much of bail setting becomes infused, not in a sinister way, but in an inchoate but real and important way, with perceptions of possible danger in many of the wrong people. This contributes in way too many people sitting in jail because they are poor.

It is my conviction that judges here, like in the rest of America, need what I am blessed with as I grapple with pretrial decisions about bail: a fair, due process – laden, workable preventive detention scheme that everyone buys into. That scheme portends freedom for judges...once they have openly addressed the issue of community safety within their dockets, they can begin to intellectually relax and with clearer eyes focus upon what Justice Rehnquist told us to do...to figure out ways to release most everybody.

That is why I now am a fervent advocate of a workable, fair limited preventive detention provision in every state code."³⁷

Jurisdictions that use or are contemplating preventive detention must limit its application and adopt the safeguards emphasized by the U.S. Supreme Court in *Salerno*. For example, to satisfy substantive and procedural due process, preventive detention must occur only after a full adversarial hearing where the defense may rebut the Government's assertion of dangerousness and the Government must demonstrate by clear and convincing evidence that no conditions or condition combinations "will reasonably assure" safety.³⁸

A jurisdiction's ability to detain without bail is dictated primarily by its constitutional provisions and secondarily by its statutes. The use of preventive detention is not authorized in every state and furthermore, state constitutional provisions providing for a broad right to bail may present a barrier to the use of pretrial preventive detention. Most state constitutions still retain provisions guaranteeing a right to bail by sufficient sureties. A subset of these states has interpreted this provision to require a near absolute right to

³⁷ New Jersey Supreme Court, *Report of the Joint Committee on Criminal Justice* (2014). The report contributed to a new bail law enacted in New Jersey in 2014.

³⁸ 481 U.S. 741.

bail before trial. Although, in theory, these provisions provide that all defendants have a right to release, in practice these provisions (1) continue to allow for the *sub rosa* detention of individuals unable to meet secured financial conditions imposed upon them, and (2) prohibit the state from utilizing detention without bail.

Several states have proposed, passed, or begun to consider amending their constitutional bail provisions to allow for the use of preventive detention. For example, as part of a

Recent Federal Guidance on Financial Bail

The Bail Reform Act of 1984 prohibits federal judicial officers from imposing any “financial condition that results in the pretrial detention.” (18 USC § 3142). Building upon the growing national awareness of the problems with financial conditions of release, the United States Department of Justice also confirmed that some common state practices on this issue are not just unfair, but illegal. In its December 2015 Statement of Interest in the case of *Varden v. City of Clanton** the Department of Justice (the “Department”) asserted that a system that fixed bond amounts based on charges, without considering individual circumstances, should be found unconstitutional. It added that “[n]ot only are such schemes offensive to equal protection principles, they also constitute bad public policy.” (The Statement of Interest also referenced earlier Department publications on this issue, including Schnacke’s *Fundamentals of Bail*.)

In March 2016, the Department followed this statement with a letter to state and local courts “intended to address some of the most common practices that run afoul of the United States Constitution.” Included among those was any bail practice that led to a defendant remaining incarcerated because he or she was unable to afford release. In the letter, the Department stated that incarceration solely due to poverty violates the Constitution and that using secured money bonds in the bail process leads to defendants who pose no public safety risk being incarcerated unnecessarily. Instead of such systems, the Department urged courts to switch to “one grounded in objective risk assessments by pretrial experts.”

**Varden v. City of Clanton* is one of several cases challenging money bail in jurisdictions across America initiated by the nonprofit group Equal Justice Under Law. More information is available at <http://equaljusticeunderlaw.org/wp/current-cases/ending-the-american-money-bail-system/>.

Sources: Statement of Interest of the United States, *Varden v. City of Clanton*, No. 2:15-cv-34-MHT-WC (M.D. Ala., Feb. 13, 2015); U.S. Department of Justice Dear Colleague Letter Regarding Law Enforcement Fines and Fees, March 16, 2016

bipartisan reform effort, New Jersey and New Mexico amended their constitutions, eliminating its broad right to bail provision to allow for the use of preventive detention.

Legal Presumption of Nonfinancial Release and the Pretrial Services Agency's Role

“The judicial officer shall order the pretrial release of the person on personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of release...unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.” --18 USC § 3142.

*Federal law and several state statutes call for a presumption of release on the least restrictive nonfinancial conditions. The National Association of Pretrial Services Agencies believes that pretrial services agencies should recommend release under **non-restrictive or the least restrictive conditions possible** (based on public safety/court appearance considerations) and that those agencies should **never recommend money bail**. This position is discussed in greater detail in the forthcoming 4th edition of NAPSA's Standards on Pretrial Release.*

*Pretrial services agencies have an obligation to be knowledgeable about and work within their state laws and local court rules. However, they also should have a role in improving these laws. By serving on relevant committees and workgroups, issuing reports, and advising the courts and policymakers, **pretrial agencies can advocate for rules and laws that help them achieve the goals of pretrial practice, consistent with** legal and evidence-based pretrial practices.*

3. RELEASE OPTIONS FOLLOWING OR IN LIEU OF ARREST

“Almost all of these individuals could be released and supervised in their communities—and allowed to pursue or maintain employment and participate in educational opportunities and their normal family lives—without risk of endangering their fellow citizens or fleeing from justice. Studies have clearly shown that almost all of them could reap greater benefits from appropriate pretrial treatment or rehabilitation programs than from time in jail—and might, as a result, be less likely to end up serving long prison sentences.”

Remarks by former Attorney General Eric Holder, National Symposium on Pretrial Justice

Effective pretrial justice systems include opportunities to effectuate an arrestee’s release before the initial appearance. These options involve law enforcement and pretrial services agencies as decision makers and are permitted by state or local statutes³⁹ or through the local court’s authority to delegate release powers to other justice system agencies. Early release of lower-risk arrestees redirects law enforcement and corrections resources at arrest and booking to individuals whose risk level requires a judicial officer’s determination of release or detention. Release in lieu of arrest has the added benefit of keeping an arrest from a person’s criminal record, and less chance of the collateral consequences that incur.

Citation in Lieu of Arrest: A citation is a written order issued by law enforcement that requires a person to appear in court at a designated date and time. Law enforcement has long used citations instead of physical arrest for minor offenses and misdemeanors not involving a victim. A 2016 study by the International Association of Chiefs of Police found that nearly 87% of law enforcement agencies used citation release. In appropriate cases, citation in lieu of arrest can serve as a de-escalation tool to help maintain officer and public safety. Citations can also improve officers’ efficiency—it takes considerably less time to issue a citation than to process a custodial arrest.⁴⁰

Alternatives to arrest: In many justice systems, law enforcement has decision options besides arrest for individuals with severe mental health, substance abuse or other issues. These alternatives often provide a more effective response to an individual than would arrest.

- Under the *crisis intervention team* (CIT) model, law enforcement officers trained to recognize and respond to individuals with severe mental health issues can provide

³⁹ Nineteen states have legislation allowing law enforcement to issue citations after arrest. Louisiana and Oregon permit citations for some felonies. Laws in 10 states create a presumption that citations be issued for certain crimes and under certain circumstances. For example, Maryland requires police officers to issue a citation for any misdemeanor that does not carry a penalty of imprisonment, most misdemeanors punishable by a maximum of 90 days imprisonment and for misdemeanor possession of marijuana. National Conference of State Legislatures, “Citation in lieu of arrest.” <http://www.ncsl.org/research/civil-and-criminal-justice/citation-in-lieu-of-arrest.aspx>.

⁴⁰ International Association of Chiefs of Police. *Partnerships in Pretrial Justice*. Alexandria, VA: IACP. http://www.theiacp.org/Portals/0/documents/pdfs/IACP_ParnersinPretrialJustice_Final.pdf.

referrals to community-based mental health and social services in lieu of arrest. CIT brings police and the public together for the common goals of safety, services, and understanding to persons with mental health issues who are in emotional crisis situations and their families.

- Law Enforcement Assisted Diversion (LEAD) is a pre-booking diversion program developed to address low-level drug and prostitution crimes in Seattle, Washington's Belltown neighborhood and the Skyway area of unincorporated King County. LEAD allows law enforcement officers to redirect low-risk individuals engaged in drug or prostitution activity from arrest and prosecution to community-based services.
- The Gloucester, Massachusetts Police Department developed the Angel Program in 2015 to help address the city's illicit drug use problem. Under the program, a drug-involved individual can report to a police precinct for assistance. Angel participants receive a professional substance abuse assessment and intake for appropriate treatment placement. Community-based "Angel volunteers" provide participant support.

Delegated release authority: In many jurisdictions, corrections or pretrial services staff have delegated release authority through their courts to screen and release arrestees before or after a formal booking into a detention center. Pre- and post-booking applies to a group of arrestees defined by stakeholders (usually those charged with misdemeanors or non-violent felonies). Jail or pretrial services staff determine release based on criteria developed with other stakeholders or with the use of a validated risk assessment.

Multnomah County (Portland, Oregon) releases close to 40% of defendants to "pre-initial appearance ROR" or direct referrals to pretrial supervision from booking. Release screening excludes defendants charged with murder, treason, person crimes if the defendant has a prior person-crime event, a third DUI offense, weapons offenses, methamphetamine manufacture or delivery and defendants on sex offender registries. Eligible defendants must score a 0-9 on the pretrial services agency's "Recognizance Risk Assessment" or be charged with a traffic or misdemeanors not involving a victim. Law enforcement and the pretrial agency's Recognizance Unit's staff may override a decision to release, if they believe the decision should be reviewed by a judicial officer.

Jurisdictions may find that some of these options fit their needs better than others. However, these release options must operate under the same guiding principles as formal bail setting: maximizing rates of release, court appearance, and public safety. As with other elements of pretrial practice, there are tools that jurisdictions can use to "triage" arrestees to ensure that only the lowest risk population is being released.

4. DEFENDANTS ELIGIBLE BY STATUTE FOR PRETRIAL RELEASE ARE CONSIDERED FOR RELEASE, WITH NO LOCALLY-IMPOSED EXCLUSIONS NOT PERMITTED BY STATUTE

"A fair, safe and impartial justice system will assess all defendants. A principle called 'Universal Screening' was implemented as part of Mesa County's [Grand Junction, CO] new Bond Guidelines in 2013. This means that everyone booked into the jail with new charges has to be assessed, and then a judge can make an informed release or hold or decision."

Comments by Joel Bishop, Manager, Mesa County Criminal Justice Services, October 2016

Pretrial systems should screen all defendants eligible by statute for pretrial release consideration.⁴¹ Local justice systems should not impose limitations on pretrial screening and assessment eligibility beyond those established in the controlling bail law. Both the National Association of Pretrial Services Agency (NAPSA) and the American Bar Association's (ABA) Standards support the idea of universal assessment. NAPSA Standard 3.3 reads, "In all cases in which a defendant is in custody and charged with a criminal offense, an investigation about the defendant's background and current circumstances should be conducted by the pretrial services agency or program." ABA Standard 10-4.2 (a) states, "In all cases in which the defendant is in custody and charged with a criminal offense, an investigation to provide information relating to pretrial release should be conducted by pretrial services or the judicial officer prior to or contemporaneous with a defendant's first appearance."

Often jurisdictions use charge as a limiting factor for pretrial assessment. However, research has found that the "seriousness of criminal charges was not a predictor of (was not systematically related to) flight or crime by defendants who gained pretrial release."⁴² In *State v. Brown*,⁴³ the New Mexico State Supreme Court rebuked the lower court for using charge as the sole basis for the bail decision writing:

"Neither the Constitution nor our rules of criminal procedure permit a judge to base a pretrial release decision solely on the severity of the charged offense. Bail is not pretrial punishment and is not to be set solely on the basis of an accusation of a serious crime. As the United States Supreme Court has emphasized, "[t]o infer from the fact of

⁴¹ "Assess" and "assessment" are used by their general meaning (e.g., evaluating, estimating or judging someone or something), rather than the clinical meaning of an assessment or assessment tool.

⁴² Goldkamp, J.S., et al. (1995). "Personal Liberty and Community Safety: Pretrial Release in Criminal Court." *Plenum Series in Crime and Justice*, 180, pp. 307-08.

⁴³ 338 P.3d 1276, 2014 New Mexico Supreme Court 38.

indictment alone a need for bail in an unusually high amount is an arbitrary act.” Stack v. Boyle, 342 U.S. at 6. (Rule 5-401) requires the judge to make an informed, individualized decision about each defendant and does not permit the judge to put a price tag on a person’s pretrial liberty based solely on the charged offense.”⁴⁴

This element is particularly applicable on both the municipal and county level. Occasionally, local or county-level governments will impose additional limitations on the accused’s eligibility for screening, assessment, and release beyond that which is required by state law. These exclusions or limitations exist in the form of a local ordinance, resolution, policy decision, bond schedule, or governmental practice. In some instances, these exclusions may violate state or federal law.

⁴⁴ *Id.* At 1293.

5. EXPERIENCED PROSECUTORS SCREEN CRIMINAL CASES BEFORE FIRST APPEARANCE

“Early involvement with cases is essential to effective advocacy. Prosecutors, in particular, must have access to factual information typically not reflected in initial charging documents. Early review of detailed police reports and accurate criminal history information allows for fidelity in charging decisions and ultimate case evaluation. An informed prosecutor’s appearance at arraignment or other ‘first calling’ ensures against unnecessary pretrial detention and misallocation of scarce resources.”

Michael N. Herring, Commonwealth's Attorney for the City of Richmond (Virginia)

Experienced, well-trained prosecutors should screen arrest filings before initial appearance to determine the most appropriate charge or action. Screening outcomes can range from dismissing a case, offering defendants a referral to a diversion program or problem-solving court or preparing appropriate bail recommendations at the initial court appearance. Early screening can help:

- reduce needless pretrial detention based on bail decisions made using arrest charges;
- aid prosecution in determining the most appropriate recommendations for pretrial release or detention;
- dispose of weaker cases sooner and target resources to higher level cases; and
- identify defendants eligible for diversion and other alternatives to adjudication.

Early prosecutorial screening is supported in standards. The National District Attorneys Association (NDAA) calls for prosecutors to “work very closely with law enforcement and the courts to establish standard procedures to assure the filing of accurate charges without unnecessary delay, but with sufficient time for prosecutor input.”⁴⁵ The American Bar Association (ABA) recommends that prosecutors “act with diligence and promptness to investigate, litigate, and dispose of criminal charges, consistent with the interests of justice...” and call for prosecutors’ offices to be staffed in ways that allows for this (Standards 3.1-9). A key recommendation from the 2011 National Symposium on Pretrial Justice was for prosecutors to screen cases “before the initial appearance to make sure that the charge before the court at that first appearance is the charge on which that the prosecutor is moving forward.” Having inaccurate charges during the pretrial process contributes to needless delays and possible infringement of due process rights. This is yet

⁴⁵ National District Attorneys Association (2009). *National Prosecution Standards*, Third Edition. (Standard 4-5.2). Arlington, VA.: National District Attorneys Association.

another example of why “the first decision needs to be the best and most resourced decision.”⁴⁶

The Office of the State Attorney’s (Baltimore, Maryland) Charging Division

Best practices in prosecutorial case intake and screening include assigning screening to attorneys with trial experience, clear standards for declining cases, rules to secure complete and timely investigation files from law enforcement, written record of screening decisions, and notification to law enforcement and victims of screening decisions. (Jacoby, J.E., Gilchrist, P.S., and Ratledge, E.C. (1999). Prosecutor’s Guide to Intake and Screening. Silver Spring, MD: The Jefferson Institute for Justice Studies).

A real-world example of these principles is the Office of the State’s Attorney for Baltimore, Maryland (OSA) Charging Division. Established in 1999, the Charging Division operates around-the-clock within the City Booking and Intake Center. Its screener teams—comprised of some of OSA’s most veteran prosecutors—review filings documents on all arrests, make decisions to release or charge arrestees based on principles of law, and recommend pretrial release or detention to court commissioners for cases involving violent felonies, firearm charges, and other cases as appropriate. Staff also screen all arrestees for eligibility for diversion options, such as Early Resolution (ER) Court and Quality Case Review (QCR) dockets, and for designation of Repeat Violent Offender status. The Division follows up with notifications of arrests to the Division of Parole and Probation, the Department of Juvenile Services, OSA trial units, and other law enforcement partners. The Division also staffs daily District Court bail review and the QCR Docket, under which eligible defendants charged with quality of life crimes appear in court within days of their arrest and may have their case(s) resolved.

Division Chief Patrick Motsay describes the division’s goal as improving justice for the public and the accused by ensuring the best screening decisions made with the most complete and accurate data. Working with law enforcement, the Division makes sure that arrest filing information conforms to established standards and reflects the true nature of the alleged offense. The Division works with bail commissioners to ensure that filing decisions are made and reported in time for use in bail setting (which in Maryland must occur within 24 hours of arrest). The results of the quality-centered collaborative approach are impressive. The quality of law enforcement’s filing documents has improved. “Release with no charge” rates (or a decision not to prosecute an arrest charge) dropped from close to one-third of filings in 2005 to less than two percent in 2015. Bail commissioners have prosecutor-screened charges on which to determine bail, rather than arrest reports. Defendants eligible for the QCR docket and other diversion options received them quickly, saving the OSA, court, and defense valuable resource time.

The Charging Division plans several new innovations in the coming year, including a post-arrest risk assessment for bail recommendations. The Division will continue to push to improve front-end justice for the public and the accused. For more information about the OSA’s Charging Division, please contact Patrick Motsay, OSA Assistant State’s Attorney, Chief, Charging Division at PMotsay@statorney.org or 443-984-2566.

⁴⁶ Statement by Lori Eville, National Institute of Corrections, during February 2016 NIC/NAPSA meeting discussing the Essential Elements of Highly Effective Pretrial Services Agencies.

6. DEFENSE COUNSEL ACTIVE AT FIRST APPEARANCE

A lawyer for every defendant at initial appearance: Maine's model

*For the past five years, under the Maine Commission on Indigent Legal Services, **every** defendant, regardless of charge, civil or criminal, has the opportunity to speak with a lawyer at their initial appearance. Robert Ruffner, Executive Director of the Maine Indigent Defense Center, says "There needs to be rigorous training and standards to make sure that this interaction is meaningful and not in name only."*

The role of defense counsel is of critical importance during the adjudicatory phase of a criminal case—especially when liberty is subject to restriction. The Sixth and Fourteenth Amendments to the United States Constitution guarantee the assistance of competent and effective counsel in “all criminal prosecutions.” In *Rothgery v. Gillespie County, Texas*, the U.S. Supreme Court established that legal representation is required at initial appearance, given the defendant’s liberty interest is at stake. The Court ruled that “a criminal defendant’s initial appearance before a judicial officer, where he learns the charge against him and his liberty is subject to restriction, marks the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel.”⁴⁷ Without counsel present, defendants may incriminate themselves, due process protections may not be observed, and other constitutional rights may be violated. Effective assistance by competent counsel protects the accused from self-incrimination, assures that Due Process protections are observed and ultimately protects the “...accused from conviction resulting from his own ignorance of his legal and constitutional rights.”⁴⁸

National Association of Pretrial Services Agencies (NAPSA) and American Bar Association (ABA) Standards highlight the importance of a defendant having effective counsel at the first appearance before a judicial officer to help ensure fair and appropriate bail decisions. NAPSA Standard 2.2 advises that “At the defendant’s first appearance, he or she should be represented by counsel. If the defendant does not have his or her own counsel at this stage, the judicial officer should appoint counsel for purposes of the first appearance proceedings, and should ensure that counsel has adequate opportunity to consult with the defendant prior to the first appearance.” Per ABA Standard 4-2.3: “A defense counsel should be made available in person to a criminally-accused person for consultation at or before any appearance before a judicial officer, including the first appearance.”

The presence of a defense counsel is essential to ensuring due process and the effective administration of law. In adopting this practice, however, jurisdictions should weigh the following considerations:

⁴⁷*Rothgery v. Gillespie County, Texas*, 554 U.S. 191, 213 (2008)

⁴⁸*Johnson v. Zerbst*, 304 U.S. 458, 465 (1938).

Historical interests: In many jurisdictions, defense counsel have not traditionally been part of the pretrial process. As a result, pretrial is often considered the domain of prosecution, and may not have been considered a high priority for public defenders. As with other parts of pretrial practice, improving the system may require dedicated advocacy and a significant shift in philosophy and practice.

Resource scarcity: All jurisdictions struggle with having enough resources and how to best allocate those resources. Some may feel that they do not have enough defenders to provide meaningful representation at the first appearance. Systems must ensure that the “first decision is the best decision” and this includes providing for defense counsel at initial appearance. Some jurisdictions may find the most efficient way to do this is by hiring attorneys to focus only on pretrial advocacy. In areas where there are not enough cases to employ a full-time attorney, part-time practitioners may be used, or neighboring jurisdictions may choose to pool their resources to ensure the availability of counsel who represent clients in a consortium of counties.

The Difference Defense Counsel Can Make

Few would argue that having an attorney present is not helpful during the pretrial--or any other period--of a case. But how much impact does it have? A study of defendants accused of non-violent crimes in a large urban area found large differences in outcomes based on representation. Defendants who had lawyers present at bail review hearings were:

- 2.5 times more likely to be released on recognizance;
- More than 4 times as likely to have their bail reduced; and
- Almost 2 times as likely to be released within one day of arrest (defendants with attorneys spent an average of 2 days in jail, compared to 9 days for those without).

Source: "Do Attorneys Really Matter? The Empirical and Legal Case for the Right of Counsel at Bail," *Cardozo Law Review*, Vol. 23:5 at 1721 (2001-2002).

Attorney-client relationship: Depending on the structure and practice of public defense in a jurisdiction, attorneys may not have yet been appointed to defendants at the first appearance. This can be solved with local policy change (and a reallocation of resources) that appoints the attorney earlier, or it may be most effective to hire defense counsel to represent individuals solely for the first appearance, or the pretrial period. This type of short-term or “attorney for a day” appointment can meet the goals of pretrial defense if the attorneys meet their ethical obligation to zealously represent each client, even if they are only with their client for the hour. Attorneys must ensure they are also meeting their ethical duty to provide meaningful representation. This may mean different things in the context of a first appearance, but at a minimum, the defender must meet and interview their client; as well as review and act upon any information available to them (e.g., risk assessments, complaints, conditions of release).

Pretrial Defense in Kentucky

Apart from its three major cities, Kentucky is a largely rural state. Thus, formal court dockets may take place only once a week, depending on the charge and location. However, to comply with constitutional mandates, judges will hold arraignment hearings several times per week. Although defense counsel is not required to attend, Kentucky's public defenders prioritize doing so.

B. Scott West, Kentucky Department of Public Advocacy General Counsel, explains that extra time spent is minuscule compared to the tremendous value it adds. Bail set at the initial appearance is difficult to change later, he explains, and in many instances a prosecutor may be willing to accept "time served" for a minor offense, meaning that a defendant can go home in 2 days instead of 6 if counsel is available to negotiate at that first appearance. Those few days' difference can mean someone gets to keep a job or be with family that much sooner, says West. If an inappropriate bail is set, defense counsel can appeal immediately, and if a defendant needs legal advice about a potential plea offer, she can get it and decide more quickly. Many judges find that these early appearances—with defense counsel present—help them dispose of cases sooner and therefore help keep their dockets less crowded, says West.

He adds that his office did not need to hire any additional attorneys when they decided to prioritize attending these hearings; they take only 15-20 minutes, and often result in a later court dates being unnecessary (e.g., when a "time served" plea is arranged). Rather than adding to an attorney's caseload, he says, the early appearance gives attorneys the case they were already going to have a few days earlier and lets them resolve it a few days sooner. This promotes efficiency, but also promotes justice, says West, who adds: "nothing bad happens to a client because they got legal representation sooner rather than later, but bad things can happen if they get representation later rather than sooner."

7. COLLABORATIVE GROUP OF STAKEHOLDERS THAT EMPLOYS EVIDENCE-BASED DECISION-MAKING TO ENSURE A HIGH-FUNCTIONING SYSTEM

CJCCs [Criminal Justice Coordinating Committees] differ from other criminal justice committees in that they are designed to be permanent, ongoing, advisory boards that not only solve some specific problems as they arise, but, more importantly, monitor the system's functioning and manage its collective workload.

Michael R. Jones. (2013). "Keeping Your Criminal Justice Coordinating Committee Going Strong." National Jail Exchange: 2013. Washington, D.C.: National Institute of Corrections

Many different professionals are involved at the pretrial phase. Providing these stakeholders with an avenue for coordination and collaboration is essential to ensure that all the elements discussed in this document are integrated into the system. While many jurisdictions use formal entities called Criminal Justice Coordinating Committees (CJCCs)⁴⁹ to carry out this function, any mechanism that fulfills this purpose will help create and sustain a high functioning pretrial justice system. The National Institute of Corrections' (NIC) guide to developing a CJCC explains that inter-agency coordination can help allocate scarce resources most efficiently, reduce jail overcrowding, and can ultimately "increase public confidence in and support for criminal justice processes, enhancing system performance and, ultimately, the integrity of the law."⁵⁰ CJCCs have also been credited with large reductions in pretrial lengths of stay, crime, and criminal justice costs.⁵¹

Generally, CJCCs or other coordinating bodies should include representation from all three branches of government, and other relevant stakeholders, and should address "both specific and systemic issues."⁵² Within the pretrial context, CJCC's can provide a useful analysis of current performance (e.g., of detain/release decisions), and suggest opportunities for improvement.

⁴⁹ NIC uses the term "criminal justice coordinating committee" to refer to "informal and formal committees that provide a forum where many key justice system agency officials and other officials of general government may discuss justice system issues." Cushman, R.C. (2002). *Guidelines for Developing a Criminal Justice Coordinating Committee*. Washington, D.C.: National Institute of Corrections.

⁵⁰ *Ibid.*

⁵¹ National Association of Counties, Justice Management Institute, and Bureau of Justice Assistance. (2014). "From Silo to System: The Importance of Criminal Justice Coordinating Councils (CJCCs)" (Webinar). Available at http://www.naco.org/sites/default/files/event_attachments/NACo%20From%20Silo%20to%20System%20-%20Sept%2024.pdf.

⁵² *Ibid.*

Criminal Justice Stakeholder Collaboration in Yamhill County, Oregon

“We are very fortunate in Yamhill County to have a long history of local criminal justice stakeholder collaboration. This history allowed us to easily form our local Policy Team when we first began this work in 2010. Members were carefully considered resulting in representatives from the Judicial Department, Board of Commissioners, District Attorney’s Office, Defense Consortium, Community Justice, Health and Human Services, Sheriff’s Office, Victim Services, and the community.

It was important to us to have a representative from each branch of government to achieve a balanced approach and consider different viewpoints when facing sometimes difficult criminal justice and pretrial topics. For over six years now our dedicated Policy Team continues to meet monthly with the purpose of analyzing and responding to performance and outcome measurement data to make evidence informed policy revisions as needed. This approach allows us to continually monitor our pretrial justice system’s performance. I sincerely believe that the Yamhill County Pretrial Justice Program would not be as successful without the existence of this coordinating committee.”

Jessica Beach, Yamhill County Department of Community Justice Corrections Manager

8. DEDICATED PRETRIAL SERVICES AGENCY

“To reduce barriers to the pretrial release of persons in custody whose release on bond with appropriate conditions reasonably assures court appearance and public safety, all counties and cities and counties are encouraged to develop a pretrial services program in consultation with the chief judge of the judicial district in an effort to establish a pretrial services program that may be utilized by the district court of such county or city and county.”

Colorado Revised Statutes, §16-4-106

A jurisdiction’s *operational pretrial functions*—risk assessment, release/detention recommendation, supervision, compliance monitoring, and performance measurement and feedback—should be consolidated under a single organizational structure: a pretrial services agency. Preferably, the pretrial services agency should be a separate, independent entity. However, jurisdictions may incorporate pretrial services agencies within a larger “parent” organization, if that component has:

- a clearly-defined, pretrial service related function as its purpose;
- staff assigned only to pretrial-related work with pretrial defendants; and
- management that can make independent decisions on budget, staffing, and policy.

Support for a dedicated pretrial services agency is grounded in organizational theory, standards, and the law. Operational pretrial functions have an interdependent and reciprocal relationship—the results of one function effect or become the input of another. For example, risk assessment results inform recommendations on release or detention, which inform supervision strategies. The input from these activities become the outcomes and performance metrics needed to improve procedures. Interdependent and reciprocal relationships are the most complex and difficult to manage and require the highest level of communication and coordination among those performing the tasks. These functions are best managed under a single entity and management mission and philosophy.⁵³

A dedicated pretrial services agency or component ensures that these other essential elements are operationalized and realistic. For example, Courts can make bail decisions based on empirically validated factors and have real supervision options related to risk level and which have been shown to help mitigate pretrial misconduct. These services and support are best done under a single organizational structure.

American Bar Association (ABA, Standard 10-1.10) and National Association of Pretrial Services Agencies (NAPSA, Standard 1.3) Standards endorse the establishment of pretrial

⁵³ Thomas, J.D. (1967). *Organizations in Action*. New Brunswick, NJ: McGraw-Hill Publishing. Aiken, M. and Hage, J. (1968). “Organizational Interdependence and Intra-organizational Structure.” *American Sociological Review*, 1968 Dec; 33(6): 912-930.

services agencies to perform operational pretrial functions. Recognizing the importance of an independent pretrial services function, several jurisdictions have legislation authorizing or encouraging pretrial services agencies. These include the Federal courts⁵⁴ Virginia,⁵⁵ Illinois,⁵⁶ and Washington, D.C..⁵⁷ Since 2012, five states—Colorado, Hawaii, Nevada, Vermont, and West Virginia—have authorized or created guidelines for the administration of pretrial services state-wide.⁵⁸

INDEPENDENCE

Pretrial services agencies should be independent, stand-alone entities, like other criminal justice agencies. This ensures the independence of operation needed to manage such essential elements as universal screening and recommendations for pretrial release or detention. It also helps emphasize the budget and other resources needed to effectively assess and manage a pretrial defendant population.

Jurisdictions where an independent agency may be a resource challenge may opt to establish a dedicated pretrial program within a parent organization. Regardless of where this function is housed, the NAPSA Standards state that it “should function as an independent entity in providing information to the court and in monitoring and supervising defendants released on nonfinancial conditions.” When pretrial functions are housed within other agencies, it is even more critical to ensure that they have dedicated staff and can make independent decisions and recommendations based on risk rather than expedience for any stakeholder. This can be achieved by employing autonomous staff who understand and subscribe to the pretrial agency’s mission.

RESOURCES

Like other criminal justice agencies, pretrial services agencies should be resourced appropriately to accomplish its mission and complete its operational functions. Depending on the jurisdiction’s population and the size of its justice system, an effective pretrial services function could be accomplished using either full-time or part-time staffing or with resources and services shared across multiple jurisdictions.

⁵⁴ U.S.C. Title 18, § 3153, Organization and administration of pretrial services.

⁵⁵ Code of Virginia § 19.2-152.2. Purpose; establishment of pretrial services and services agencies.

⁵⁶ Illinois Criminal Procedure, 725 ILCS 185/0.01, Pretrial Services Act.

⁵⁷ District of Columbia Official Code, Title 23. Criminal Procedure, Chapter 13. Bail Agency [Pretrial Services Agency] and Pretrial Detention.

⁵⁸ National Council of State Legislatures. (2014). Pretrial Release Laws: Recent State Enactments. <http://www.ncsl.org/documents/cj/PretrialHandoutNCSL.pdf>.

Pretrial Functions within a Probation Authority

Nearly 40% of pretrial services agencies are under probation authorities. (*Pretrial Justice Institute. (2009). Survey of Pretrial Services Programs.*) Pretrial and probation authorities share many evidence-based strategies and practices. However, there are important differences between the two that probation authorities with pretrial functions should realize. Most significant are the differences in legal status between defendants and probationers and the purposes of pretrial and probation intervention.

As non-adjudicated individuals, defendants enjoy a greater level of rights and protections than probationers. Thus, defendants cannot be forced to discuss the circumstances of a pending case nor be ordered to punitive conditions such as community service or victim restitution. Legal status conveys distinctly different purposes for pretrial and probation interventions. The distinct purposes of pretrial and probation functions here do not substantially overlap.

It's not surprising that probation and pretrial functions are often conflated. However, probation and pretrial functions have distinct purposes. Probation is primarily concerned with offender rehabilitation and public safety. A pretrial supervision authority may not expose defendants to requirements geared towards rehabilitation or reduction in long-term recidivism. By contrast, criminal sanctioning, offender rehabilitation, and recidivism reduction are hallmarks of probation supervision and oversight. These improvements led to a 30% drop in defendants processed through their jail, and their recognition as a national model for pretrial decision-making.

These differences are enough for probation and pretrial authorities with pretrial programming implement operational and mission-oriented separation of pretrial functions. The Pretrial Justice Institute and the American Probation and Parole Association identify several such strategies, including distinct and separate mission and vision statements for the pretrial component; pretrial-specific job titles and functions for pretrial staff; distinct policies and procedures for pretrial services functions; pretrial-specific performance measures; and pretrial-specific training. (*Pretrial Justice Institute and American Probation and Parole Association (2010). Promising Practices in Providing Pretrial Services Functions Within Probation Agencies: A User's Guide.*)

Essential Elements of a High Functioning Pretrial Services Agency

The essential elements described in the following pages are critical to a high functioning pretrial services agency. While these are presented separately, it is important to note the interrelationship between the pretrial justice system and the pretrial services agency. System and agency elements must be present to support good pretrial decision making and practice.

1. OPERATIONALIZED MISSION

Mission statements answer the question, "Why do we exist?" It gives the organization purpose and meaning and speaks to why people want to work for your company... Every organization needs to define its fundamental purpose, philosophy and values, as well as develop a strong foundation for its strategic planning framework... This is not about the products and services you provide; rather, it is about why you provide them.

*Regan, S. (2012). Strategic Planning Framework: The Importance of Mission
<http://www.beckershospitalreview.com/strategic-planning/strategic-planning-framework-the-importance-of-mission.html>*

Mission statements are a staple of high-performing organizations. The mission statement communicates an organization's purpose and how it serves its key stakeholders. Mission statements guide an organization's strategic decision-making, allowing leadership to develop short and long-term objectives and strategies to accomplish these objectives.

For pretrial services agencies, an operationalized mission makes clear to agency staff and stakeholders the agency's goals, responsibilities, and principles. It also provides the basis for the agency's oversight and management of operational pretrial functions. To comport with the Framework underlying these essential elements, a pretrial services agency mission statement must be consistent with maximizing release rates, court appearance, and public safety.

Tying Mission to Outcome

As a Federal agency, the Pretrial Services Agency for the District of Columbia (PSA) must draft a strategic plan every four years. The plan includes a mission statement covering the agency's major functions and operations, outcome-oriented goals and objectives for major agency functions and operations, and a description of how the goals and objectives are to be achieved.

*To meet this requirement, PSA leadership refined its mission in 2015, to make it more compatible with the agency's outcomes of ensuring court appearance, enhancing community safety, and maximizing compliance among released defendants. Consistent with its new mission ("to promote pretrial justice and enhance community safety"), PSA adopted supporting strategic goals (judicial concurrence with agency recommendations; continued pretrial release; minimize rearrest; maximize court appearance) and strategic and management objectives (risk assessment; risk-based supervision; appropriate treatment; and effective agency administration). The new goals and objectives serve as the blueprint for PSA's operational and administrative structure. **All** agency functions are included under a strategic or management goal that ties back to strategic goals and, ultimately, the agency's mission.*

2. UNIVERSAL SCREENING

Pretrial service programs should conduct universal screening using a standardized interview format and objective approach (e.g., point scale) to determine eligibility for release. Information collected through the interview should be verified, and together with the program's recommendation or eligibility determination, should be provided to the court of jurisdiction in an expeditious manner.

*State of New York Division of Probation and Correctional Alternatives. (2007).
New York State Pretrial Releases Services Standards.*

Pretrial services agencies should screen all defendants eligible by statute for release consideration to make informed, individualized, risk-based recommendations to the court regarding release, supervision, and detention decisions. Screening should occur before the defendant's initial court appearance so that the judicial officer can factor screening results into his or her release decision. Screening results also can help determine the defendant's eligibility for pretrial diversion options or the need for referrals to behavioral health or social services programming to augment pretrial supervision.

Typical elements of a pretrial screening include:

- defendant interview;
- criminal history investigation;
- independent investigation and verification of interview information, specifically information that may affect the agency's supervision intervention; and
- application of a validated pretrial risk assessments.

American Bar Association (ABA) and National Association of Pretrial Services Agency (NAPSA) Standards call for pretrial services agencies to conduct a *voluntary* interview and advise defendants about their right to refuse the interview and other possible uses of the information shared. The interview provides context to information found in an arrest record or provided by a screening tool or risk assessment instrument. The interview also provides an opportunity to gather essential facts such as contact information. Information obtained during an interview may also help identify opportunities for diversion/problem-solving courts, and an interview may also be required by statute or as part of a specific risk assessment tool. ABA Standards urge pretrial agencies to "carefully exclude questions relating to the events or the details of the current charge," a sentiment also supported by NAPSA Standards.

ABA Standards (3.3 and 3.4) state that the pretrial investigation should "focus on assembling reliable and objective information relevant to determining pretrial release and should be organized per an explicit, objective and consistent policy for evaluating risk and identifying appropriate release options." Investigations may examine and verify information shared in the interview, such as criminal history, current address, and

employment status. NAPSA Standards further explain that investigating release options includes conditional release, supervision, and similar options. NAPSA's Standards for Pretrial Diversion/Intervention (3.1) call for those programs to set broad eligibility requirements to "include as many appropriate defendants as can benefit from the intervention without sacrificing public safety."

In a report describing its pretrial services agency, Allegheny County, Pennsylvania describes improvements to its pretrial investigation practices:

"[u]sing a standardized risk assessment tool has added objectivity to the process, but bail investigators must still make important judgments about aggravating, mitigating or changing circumstances"⁵⁹ [not present in the actuarial risk assessment].

The case study provides examples in which investigators discover that reported information (such as residence) is false, or learn of contextual information about the defendant's family life and work situation. In either of these instances the bail investigator must decide if the information is an aggravating or mitigating circumstance which may contribute to the defendant's overall pretrial success or failure.

Release is maximized by considering all bail-eligible defendants. Perhaps most importantly, equal access to justice is afforded through a universal screening process and release consideration for all defendants. Clearly, high functioning pretrial systems and agencies should invest in practices that support universal screening of all eligible defendants prior to initial appearance.

⁵⁹ Barron, B. (2014). *Pretrial Decisionmaking: How a Model Pretrial Services Program Changed Allegheny County's Criminal Justice System*. Pittsburgh, Pa: The Allegheny County Department of Human Services.

3. VALIDATED PRETRIAL RISK ASSESSMENTS

Research reviews repeatedly showed that actuarial instruments performed better than clinical or professional judgement when making predictions of human behavior.

*Bonta, J. and Andrews, D.A. (2007).
Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation
2007-06.*

The expected outcomes of bail decision-making are maximized rates of court appearance and public safety. Research in criminal justice and other disciplines has demonstrated that decisions about individual behavior are best made using *actuarial risk assessment*.

Actuarial assessments calculate potential risk by using factors shown empirically to be related to the assessed risk. Predictions made using these assessments tools are far more accurate than those based on clinical

(i.e.; professional) judgment. In its *Framework for Evidence Based Practice*, the National Institute of Corrections (NIC) emphasized that structured risk assessment tools “predict pretrial misconduct and risk of re-offense more effectively than professional judgment alone.”⁶⁰



In an issue brief, the Pretrial Justice Institute (PJI) summarized the research on pretrial risk assessments and concluded that—in contrast to clinical judgement—decisions based on factors validated to the local defendant population can be good predictors of which defendants will be re-arrested or fail to appear in court.⁶¹

There has been a wealth of research on pretrial risk assessment validation over the past decade. There are now several empirically-derived public domain risk assessment tools, and a consensus within the pretrial field about the factors most associated with failure to appear and rearrest.⁶² Jurisdictions should develop their own pretrial risk assessments based on research of the local defendant population. However, pretrial services agencies can use a validated publicly available risk instrument, with later validation to their defendant population. In choosing an available assessment, jurisdictions should be mindful of the following:

Are the assessment instrument’s risk factors consistent to the jurisdiction’s defendant population? Defendant populations differ, and these differences can be significant when considering an assessment validated to another jurisdiction’s defendant population. For

⁶⁰ Center for Effective Public Policy, Pretrial Justice Institute, Justice Management Institute, and the Carey Group. (2010). p. 13.

⁶¹ Pretrial Justice Institute. (2015). *Issue Brief: Pretrial Risk Assessment: Science Provides Guidance on Assessing Defendants*. Washington, D.C.: Pretrial Justice Institute.

⁶² *Ibid* at p. 3. Common risk factors among validated pretrial risk assessments include: previous failure to appear, previous convictions, current charges, housing information, employment or educational status, age, and drug and alcohol history and current use.

example, before adopting the Virginia Risk Assessment Instrument (VPRAI), the Multnomah County (Portland), Oregon pretrial services agency compared the VPRAI's validation population to a sample of local defendants. It found significant differences in age, ethnicity, residence of less than one year, employment during the past two years, and current charge level. The Multnomah pretrial agency implemented the VPRAI, but validated the assessment's factors against the local population, and made appropriate changes to match the county's defendant population and charging practices.

Was the risk assessment designed specifically to assess pretrial misconduct? Most publicly available pretrial risk assessments are validated to pretrial risk and defendant populations. However, some risk assessments "borrowed" from other disciplines have been touted as applicable to pretrial purposes. Most often, these assessments measure recidivism, defined as a sentenced offender's risk of new criminal activity following supervision. Using risk assessments for purposes and in environments in which they are not validated can greatly diminish an agency's assessment of appearance and safety risk and assignment of defendants to correct pretrial supervision levels. Before choosing a public domain assessment, practitioners should ensure that the assessment is normed to pretrial risk and populations.

Is the assessment instrument compatible to your current pretrial data collection and screening practices? Pretrial agencies should verify that their current data collection protocols allow for consistent quality collection of risk assessment data. For example, pretrial agencies that do not include defendant interviews or verification in their initial screening procedures cannot use risk assessments with demographic or substance use-related factors. All pretrial risk assessments require data on a defendant's criminal history and status with the criminal justice system. However, pretrial agencies that limit criminal history to just local events may reduce an assessment's validity on these factors.

Could the risk instrument create or exacerbate existing racial disparity in pretrial release and detention outcomes? Although risk assessments are designed to be race- and gender-neutral, there is continuing discussion in the field about how racial bias may impact the factors considered in the assessment. For example, when past criminal history is given more weight in a risk assessment, and mitigating factors such as those gained through interviews are not included, racial differences in risk assessment scoring could become more pronounced.⁶³ Research and best practice suggests that jurisdictions must make sure

⁶³ See Skeem, J.L. and Lowenkamp, C.T. (2016). *Risk, Race, & Recidivism: Predictive Bias and Disparate Impact* available at <http://ssrn.com/abstract=2687339> and Angwin, J., et al. (2016). "Machine Bias: There's software used across the country to predict future criminals. And it's biased against blacks." ProPublica, available at <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>. Also, see Candace McCoy, *Caleb Was Right: Pretrial Decisions Determine Mostly Everything*, 12 Berkeley J. Crim. L. 135 (2007), discussing a New Jersey commission's finding that "one of the main factors accounting for the imprisonment rate disparities was that minority offenders had much longer prior criminal records than white offenders and linking it to aggressive enforcement of drug laws in urban centers. Also, see Breaux, J. and Ho, H. *Could risk assessment contribute to racial disparity in the justice system?* (in Urban Institute's August 11, 2014 Urban Wire blog), making similar arguments in the context of sentencing and probation revocation.

to create and validate tools (or re-validate existing tools) with a focus on avoiding potential racial bias and must use those tools as intended.⁶⁴

RELIABILITY AND VALIDITY

Two important risk assessment concepts are *reliability* and *validity*. Reliability measures how well an assessment produces stable and consistent results. Validity refers to how often the instrument measures what it purports to measure. Both concepts are quality controls of a risk assessment's accuracy and consistency before implementation. However, pretrial services agencies must address reliability and validity issues even after implementation.

"Internal reliability" measures how well a single rater or group of raters agree in their assessment of similar defendants. It is the guarantee that staff apply the risk assessment accurately and consistently across risk categories and risk factors. As a quality assurance, pretrial agencies should institute procedures to track intra-rater reliability (the consistency of individual raters in applying the assessment) and inter-rater reliability (the consistency of the assessment's application among a rating group).

"Construct validity" is how well the risk assessment measures what it intends to measure, for example, the potential for missed court dates or arrests during the pretrial period. Validation is an important step in risk assessment development. However, pretrial services agencies should continue to measure and report the assessment's validity through overall rates of appearance and public safety (see Agency Element 6) and by differences in appearance and safety rates by risk assessment category.

"Face validity" is the extent that observers view the assessment as accurate. Put simply, a risk assessment has face validity if it "looks like" it measures what it is supposed to measure. Although not as scientific as other concepts, face validity is important to enlisting support for the risk assessment among stakeholders. Stakeholders must believe that an instrument assesses pretrial failure accurately and catalogues defendants correctly by risk level. Pretrial services agencies can increase the likelihood of face validity by sharing the risk assessment and its supporting research with stakeholders before implementation and addressing any concerns stakeholders may have. This may include addressing why the risk assessment may not contain certain "favorite" risk factors or why certain factors are grading lower or higher than expected. Agencies also should share with stakeholders the results of regularly tracked construct validity appearance and public safety metric results.

⁶⁴ Skeem and Lowenkamp (2016). Council of State Governments Justice Center (2016). "Risk and Needs Assessment and Race in the Criminal Justice System," available at <https://csgjusticecenter.org/reentry/posts/risk-and-needs-assessment-and-race-in-the-criminal-justice-system/>.

Overrides

Actuarial risk assessments treat individuals in the aggregate—the instruments gauge an individual’s likely behavior based on the observed behavior of a group that shares the individual’s risk factors. While superior to assessments based on clinical judgment, actuarial tools “cannot anticipate every possible case or scenario.” (Latessa, E., et al. (2009). Creation and Validation of the Ohio Risk Assessment System: Final Report. Columbus, OH: Ohio Department of Rehabilitation and Correction).

To address the rare instances when the assessment may incorrectly classify a defendant, some criminal justice agencies use an “adjusted actuarial” approach, under which staff may override assessment results under limited and clearly-defined circumstances. Most often, these systems involve the use of an approved list of considerations that can raise or lower the assessed level of risk. (Hanson, R.K. (1998). Predicting sex offender re-offense: Clinical application of the latest research. Presentation sponsored by Sinclair Seminars and given in Richmond, VA.). To guard against overuse of these factors, agencies should set as a performance measure an annual cap on the number of overrides as a percentage of risk assessments performed. James F. Austin of the JFA Institute recommends an override range of 5-15 percent, with overrides for lower and higher supervision levels being about equal.

The adjusted actuarial approach also may help staff accept a new actuarial assessment. Generally, these tools remove professional discretion from decision making, which may make staff and other stakeholders resistant initially to their use. Allowing staff to apply their experience and judgement to decision making (even in controlled circumstances) may help garner support for and confidence in these instruments.

4. SEQUENTIAL BAIL REVIEW

Responsibility for ongoing review of the status of detained defendants: The pretrial services agency or program should review the status of detained defendants on an ongoing basis to determine if there are any changes in eligibility for release options or other circumstances that might enable the conditional release of the defendants. The program or agency should take such actions as may be necessary to provide the court with needed information and to facilitate the release of defendants under appropriate conditions.

*National Association of Pretrial Services Agencies. (2004).
Standards on Pretrial Release, 3rd ed. (Standard 3.6).*

Circumstances that supported an initial pretrial release or detention decision may change during case processing.⁶⁵ To ensure that a defendant's release or detention status continues to match their risk level, high functioning pretrial services agencies continuously review the defendant population and report to the court when material changes warrant a reconsideration of release or detention. Agencies prioritize these sequential reviews to pretrial detainees whose assessed risk level may not warrant detention and released defendants who are noncompliant with release conditions, have missed a scheduled court appearance or have been rearrested pretrial.

The agency should target scheduled court appearances as decision points for sequential review.⁶⁶ Information provided to the court should support the agency's recommendation for a change in release or detention status, and can include new or updated information found in the investigation and updated risk assessment result.

Sequential review should not be relied on to remedy bad initial decisions. As previously discussed, the first decision should be the best decision. Similarly, effective continuous review practices are not an excuse to defer the release decision for a later date.

Continuous review is essential to address material changes in circumstance, increased or decreased risk, and should be implemented for pretrial defendants already at liberty, as well as for those who are still detained. Release or detention decisions must be appropriately matched to the defendant's assessed risk throughout the process.

⁶⁵ NAPSA Pretrial Release Standard 3.6 provides several examples of possible changes in circumstances, including: "additional positive information about the defendant's background may be obtained, or the agency may learn of the availability of a drug treatment program slot for which the defendant would be eligible...the dropping of some charges against the defendant or the willingness of a reliable relative of the defendant—not reachable prior to the initial release/detention proceeding—to take responsibility for assuring the defendant's return to court and law-abiding behavior during the pretrial period."

⁶⁶ For example, Federal bail law allows judicial officers to reconsider or amend release decisions "at any time" (18 USC § 3141), and many state laws explicitly allow for bail decisions to be reconsidered at various points in the case.

National Association of Pretrial Services Agency (NAPSA) Standard 4.1⁶⁷ calls for the re-examination of the release or detention decision and for the submission of status reports regarding pretrial detainees. This standard underscores the need for continuous review, and articulates the attendant requirements for notification, including that of changed circumstances or for when detention periods exceed the period allowed by statute. Court notification is an integral aspect of the continuous review practice, as this notification prompts the court to re-examine the release or detention decision.

⁶⁷ Standard 4.1 Re-examination of the release or detention decision; status reports regarding pretrial detainees Standard 4.1 Re-examination of the release or detention decision; status reports regarding pretrial detainees.

(a) Upon motion by the defense or prosecution or by request of the pretrial services agency supervising released defendants alleging changed or additional circumstances, the court should promptly reexamine its release decision including any conditions placed upon release or its decision authorizing pretrial detention under Standards 2.8 through 2.10. The judicial officer may, after notice and hearing when appropriate, at any time add or remove restrictive conditions of release, short of ordering pretrial detention, to ensure court attendance and prevent criminal law violations by the defendant.

(b) The pretrial services agency, prosecutor, jail staff or other appropriate justice agency should be required to report to the court as to each defendant, other than one detained under Standards 2.8, 2.9 and 2.10, who has failed to obtain release within [24 hours] after entry of a release order made pursuant to Standards 2.4 - 2.6 and to advise the court of the status of the case and of the reasons why a defendant has not been released.

(c) For pretrial detainees subject to pretrial detention orders, the prosecutor, pretrial services agency, defense attorney, jail staff, or other appropriate agency should file a report with the court regarding the status of the defendant's case and detention regarding the confinement of defendants who have been held more than [60 days] without a court order in violation of Standards 2.10(g)(iii) and 4.4.

5. RISK-BASED SUPERVISION

The monitoring and supervision of released defendants is a crucially important part of any pretrial release system. If arrested defendants are to be released before trial, judicial officers—and the community, particularly including victims of crime—must have confidence that the release order includes any conditions reasonably needed to guard against risks of nonappearance and dangerousness.

*NAPSA Standards on Pretrial Release. (2004).
Commentary to Standard 3.5.*

Statutes governing pretrial release and detention as well as National Association of Pretrial Services Agencies (NAPSA) and American Bar Association (ABA) Standards define the purpose of pretrial supervision as ensuring a defendant's court appearance and minimizing the threat the defendant may pose to an individual or to the public. To be legitimate, pretrial supervision levels and conditions **must** be tied to achieving one or both objectives.

Pretrial supervision also must conform to the "risk principle," the community corrections evidence-based practice that supervision levels match an individual's assessed risk level. Research shows that matching supervision levels to risk greatly improves supervision compliance and outcomes. The risk principle warns against low risk defendants being ordered to comply with conditions more appropriate for high risk defendants (a waste of resources and potential cause of technical violations) and conversely, inadequate supervision of high risk defendants, which can lead to missed court appearances or new arrests pretrial.

Finally, appropriate pretrial supervision adheres to the requirement found in Federal and most state bail laws, and supported by pretrial release standards, that pretrial conditions are the least restrictive needed to ensure court appearance and public safety.

SUPERVISION LEVELS AND CONDITIONS

The literature suggests that pretrial supervision increases the likelihood of court appearance and public safety for medium to-higher risk defendants. For example, drawing on data from two states, the Laura and John Arnold Foundation examined the likelihood of new criminal arrest and failure to appear for defendants released pretrial with supervision and those released without supervision. The study found that supervised moderate- and high-risk defendants were likelier to appear in court and that defendants supervised pretrial for 180 days were likelier than other defendants to remain arrest-free. Multivariate models controlling for gender, race, time at risk in the community and defendant risk level revealed that supervision significantly reduced the likelihood of failure to appear. Finally, the study found that the effects of pretrial supervision on appearance rates were consistent over the differing time-to-disposition periods (time at risk in the community).

1. When the time to disposition was more than 180 days, two of the three multivariate models identified statistically significant differences in the likelihood of failure between those who received pretrial supervision and those who did not.
2. Defendants supervised pretrial for more than 180 days were 12% to 36% less likely to commit new crimes before case disposition. Some of these reductions were statistically significant while some merely approached statistical significance.⁶⁸

Unfortunately, the literature is not as clear about which supervision conditions best assure successful pretrial outcomes. Either there is too little research at the pretrial stage about individual conditions—for example, on regular reporting and electronic surveillance—or studies that are quite dated—for example, regarding drug testing. In a paper for the Bureau of Justice Assistance and the Pretrial Justice Institute, Marie VanNostrand, PhD., analyzed the existing research on common conditions of release to determine their effectiveness.⁶⁹

Drug Testing: After reviewing research tied to a pretrial drug testing program initiated in the District of Columbia and replicated in other jurisdictions, VanNostrand concluded that none “found empirical evidence that could be used to demonstrate that when drug testing is applied to defendants as a condition of pretrial release, it is effective at deterring or reducing pretrial failure, even when a system of sanctions is imposed.”

Electronic Monitoring: The research reviewed on the use of electronic monitoring devices found that although their use could increase release rates, they did not necessarily improve supervision outcomes (e.g., re-arrests and failure to appear rates). Several of the relevant studies noted, however, that electronic monitoring was used for more high-risk defendants, leading to the (yet unproven) hypothesis that if such monitoring kept the failure rates of defendants who would have otherwise been detained to the same level as typical released defendants, its use “has the potential to reduce unnecessary detention for higher-risk defendants while maintaining court appearance and community safety.”⁷⁰

Other Supervision Options: Residential options, treatment and other interventions such as shelters, substance use disorder treatment, mental health services and location or computer monitoring may be required for defendants as conditions of supervised release. VanNostrand reviewed a study of defendants in the federal system, which has pretrial services agencies for each District Court and provides funding for supervision and alternatives to detention. Consistent with similar research on other populations, the study

⁶⁸ VanNostrand, M. and Lowenkamp, C. (2013). *Exploring the Impact of Supervision and Pretrial Outcomes*. New York: Laura and John Arnold Foundation.

⁶⁹ VanNostrand, M., Rose, K.J., and Weibrecht, K. (2011). *State of the Science of Pretrial Release Recommendations and Supervision*. Washington, D.C.: Pretrial Justice Institute.

⁷⁰ At least one member of NIC’s Pretrial Executives Network also suggested that even in circumstances where electronic monitoring does not lower risk, it may be a low-cost alternative to detention for high risk, non-violent defendants.

found that for lower risk defendants, alternatives to detention decreased success rates, and for moderate and higher risk defendants it increased or had no impact on success rates.⁷¹

Prohibition on blanket supervision levels and conditions: Pretrial supervision must be individualized and based on each defendant’s risk level and circumstances. Using “blanket conditions”—mandatory requirements imposed on all defendants, defendants assessed at certain risk levels or charged with certain crimes—or “one-size-fits-all” approaches are shortcuts that violate constitutional rights and undercut the goal of pretrial justice. In *Salerno*, the U.S. Supreme Court ruled that the Excessive Bail Clause guaranteed that release conditions “not be excessive in light of the perceived evil” the government sought to address.⁷² Courts also have questioned release conditions tied to specific charges. For example, several Federal courts reviewing the “Adam Walsh Act”⁷³ have ruled as unconstitutional the law’s requirement of mandatory electronic surveillance and reporting conditions for defendants charged with child pornography.⁷⁴ As one court noted:

As applied to this defendant at this time, the Adam Walsh Act’s mandatory condition of electronic monitoring is excessive. The government interest in protecting society is valid. Its response in this particular case is not... The defendant poses no risk to society in general, or to children specifically. He has abided fully by requirements for mental health counseling, even giving lectures on sexual abuse. He has followed the strict rigors of home detention. Under these circumstances, this court finds that electronic monitoring is excessive, as applied to this defendant, “in light of the perceived evil.”⁷⁵

EFFECTIVE SUPERVISION PRACTICES

The literature is clearer about supervision practices that help support the goals of court-ordered conditions. The following are protocols that pretrial services agencies should adopt to enhance supervision:

⁷¹ The exception here was mental health services, which were recommended for defendants at all risk levels who needed them.

⁷² *Salerno*, 481 U.S. at 754.

⁷³ The Adam Walsh Child Protection and Safety Act (PL 109-248) established a national registry of persons convicted of sex offenses. The law also amended the Bail Reform Act to require all Federal defendant charged with receipt or possession of child pornography and released pretrial comply with mandatory conditions of electronic monitoring, curfew, restrictions on personal associations and travel, stay away orders from victims, and regular reporting to a designated law enforcement or pretrial services agency. 18 U.S.C. § 3142(c)(1)(B)) (2006).

⁷⁴ Handler, M.R. “A Law of Passion, Not of Principle, Nor Even Purpose: A Call to Repeal or Revise the Adam Walsh Act Amendments to the Bail Reform Act of 1984” *101 Journal of Criminal Law and Criminology* 279 (2013).

⁷⁵ *United States v. Polouizzi*, 697 F. Supp. 2d 381, 395 (E.D.N.Y. 2010).

Court Notification: Notification of upcoming court appearances (including phone calls, recorded phone messages, mail notification, text messaging, and e-mail) is highly effective at reducing the risk of failure to appear.⁷⁶

Response to defendant conduct: Timely and meaningful responses to defendant conduct is a recognized evidence-based practice in community corrections.⁷⁷ NAPSA Standards also advise pretrial agencies that in many cases, condition infractions “can be handled administratively” by the agency [with permission of the court], rather than requiring formal court proceedings. Research shows that the most effective “incentives and sanctions” policies include the following elements:

- certainty—the defendant knows the supervision program’s response scheme beforehand;
- swiftness—responses are prompt and timely to the defendant’s behavior;
- proportionality—responses are appropriate to the defendant’s behavior);
- fairness—defendants perceive the response as fair and just compared to the behavior; and
- individualization—responses must consider the defendant’s risk of future noncompliance or pretrial failure.

Prompt Notification of Violations: Pretrial services agencies should notify the court whenever a defendant’s noncompliance to conditions of supervision cannot be addressed administratively. The agency should include in its report recommendations for court action it believes are appropriate to the violation. NAPSA Standard 4.3 suggests that

⁷⁶ Eckert, M. and Rouse, M. (1991). *The 1991 Court-Date Notification Study: A Preliminary Report on CJA Notification Procedures and Their Impact on Criminal Court Failure-to-Appear Rates, February 4, 1991 Through March 27, 1991*. New York, NY: New York City Criminal Justice Agency. Rouse, M. and Eckert, M. (1992). *Arrestment-Date Notification and Arrestment Appearance of Defendants Released on Desk Appearance Tickets: A Summary of Preliminary Findings*. New York, NY: New York City Criminal Justice Agency. Murray, C., Polissar, N., and Bell, M. (1998). *The Misdemeanor Study: Misdemeanors and Misdemeanor Defendants in King County, Washington, Seattle, WA*. Crozier, T.L. (2000). *The Court Hearing Reminder Project: “If You Call Them, They Will Come,” King County, WA: Institute for Court Management Court Executive Development Program*. Nice, M. (2006). *Court Appearance Notification System: Process and Outcome Evaluation, A Report for the Local Public Safety Coordinating Council and the CANS Oversight Committee*. White, W. F. (2006). *Court Hearing Call Notification Project, Coconino County, AZ: Criminal Coordinating Council and Flagstaff Justice Court*. Jefferson County Criminal Justice Planning Unit (2006). *Jefferson County Court Notification Program Six Month Program Summary, Jefferson County, CO*. Herian, M.N. and Bornstein, B.H. (2010). “Reducing Failure to Appear in Nebraska: A Field Study,” *The Nebraska Lawyer*, 13, no. 8. Kainu, M. (2014). *Automated Court Notifications*. Washington, D.C.: District of Columbia Pretrial Services Agency.

⁷⁷ Carter, M. (2001). *Responding to Parole and Probation Violations: A Handbook to Guide Local Policy Development*. Washington, DC: National Institute of Corrections. Hawken, A. and Kleiman, M. (2009). *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii’s HOPE. A report to the National Institute of Justice*. Washington, D.C.: National Institute of Justice. Marlowe, D.B. “Evidence-Based Policies and Practices for Drug-Involved Offenders.” *The Prison Journal* 91, no. 3 (2011): 27S-47S. Rudes, D.S., et al. “Adding Positive Reinforcement in Justice Settings: Acceptability and Feasibility.” *Journal of Substance Abuse Treatment* 42, no. 3 (2012): 260-270.

pretrial agencies, “take account of the seriousness of the violation, whether it appears to have been willful, and the extent to which the defendant’s actions resulted in impairing the effective administration of court operations or cause an increased risk to public safety” in determining their recommendations. Since these sanctions can range from modified or additional release conditions to detention or prosecution on criminal charges, courts and pretrial systems must ensure that due process protections, like those previously discussed, are afforded (e.g., representation by counsel).

Professional Standards on Pretrial Supervision

The monitoring and supervision of defendants who have been released before trial is one of the most important responsibilities of pretrial services agencies, and is discussed in Standard 1-1.0 of the ABA Standards on Pretrial Release and Standard 3.5 of the NAPSA Standards on Pretrial Release. This obligation includes:

- Developing and adhering to policies regarding the agency’s own oversight of defendants and any contracted entities, including residential facilities, treatment services, etc.;
- Monitoring defendants and promptly notifying the court, as necessary, of potential violations of conditions of release, as well as providing recommendations about the consequences of violations;
- Providing reminders and other necessary assistance to ensure defendants appear for court dates; and
- Helping defendants obtain employment as well as any services (e.g., mental health or substance use disorder treatment, legal services), that may increase their ability to comply successfully with conditions of release.

The Standards referenced above and related commentary provide more detail on the specifics of these responsibilities and, in some cases, excellent guidance on how best to achieve them.

Service Provision During Pretrial Supervision

Providing or referring defendants to interventions such as substance use disorder or mental health treatment, vocational services, or housing assistance is often part of a supervision strategy. Pretrial services, agencies should offer these services when they help achieve pretrial outcomes and supervision compliance. For example, assisting homeless defendants secure housing stability can make court date notification easier and bolster the likelihood of future court appearance. Helping defendants with substance disorder issues enroll in treatment pretrial can help prevent re-arrests related to drug or alcohol use. Such services, however, should be tied to risk factors specific to the individual defendant and be offered voluntarily rather than required as a condition of release.

In determining the appropriate type and level of services to be offered, agencies should employ evidence-informed and validated needs assessment tools, usually after the defendant's release to supervision. Agencies also consider how long a defendant likely will be supervised pretrial and what needs outcomes can be expected during that period. Agencies should work with community corrections authorities to ensure that needs-based programming—especially substance use disorder and mental health services—are incorporated into post-sentence supervision.

6. PERFORMANCE MEASUREMENT AND FEEDBACK

A performance measurement system such as the Balanced Scorecard allows an agency to align its strategic activities to the strategic plan. It permits—often for the first time—real deployment and implementation of the strategy on a continuous basis. With it, an agency can get feedback needed to guide the planning efforts. Without it, an agency is 'flying blind'.

*Balanced Scorecard Institute (1998).
Top Ten Reasons for a Performance Measurement System*

Performance measurement is an evidence-based practice in community corrections and a habit of high performing organizations.⁷⁸ These agencies define and measure success with the right metrics, identifying practices that work, need improvement or are nonproductive.

In 2010, the National Institute of Corrections' (NIC) Pretrial Executives Network (PEN) identified the need for consistent and meaningful data to track individual pretrial services agency performance. National data specific to pretrial agency outcomes and performance would help individual agencies measure their effectiveness in achieving goals and objectives and in meeting the expectations of their justice systems. Consistent with public- and private-sector best practices, pretrial services agency performance measures would tie into the individual agency's mission, local justice system needs, state and local bail laws, and national pretrial release standards.

Responding to this need, in 2011, NIC published *Measuring What Matters: Outcome and Performance Measures for the Pretrial Field*, a compilation of the PEN's suggested performance metrics. NIC believes these measures enable pretrial service agencies to gauge more accurately their programs' effectiveness in meeting agency and justice system goals. The measures also are compatible for any pretrial services agency whose mission statement is linked to maximizing release, court appearance, and public safety.

SUGGESTED MEASURES

1. **Appearance Rate:** The percentage of supervised defendants who make all scheduled court appearances.
2. **Safety Rate:** The percentage of supervised defendants who are not charged with a new offense during the pretrial stage.

⁷⁸ National Performance Review. (1997). *Serving the American Public: Best Practices in Performance Measurement*. Washington, D.C.: Executive Office of the President. National State Auditors Association. (2004). *Best Practices in Performance Measurement: Developing Performance Measures*. Lexington, KY: National State Auditors Association. Center for Performance Management. (2007). *Performance Measurement in Practice*. Washington, D.C.: International City/County Management Association. National Center for Public Performance. (2001). *A Brief Guide for Performance Measurement in Local Government*. Newark, NJ: Rutgers University.

3. **Concurrence Rate:** The ratio of defendants whose supervision level or detention status corresponds with their assessed risk of pretrial misconduct.
4. **Success Rate:** The percentage of released defendants who (1) are not revoked for technical violations of the conditions of their release, (2) appear for all scheduled court appearances, and (3) are not charged with a new offense during pretrial supervision.
5. **Pretrial Detainee Length of Stay:** The average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release.

Agency Performance Measures Codified into Colorado Law

Colorado requires pretrial services agencies established under its statute to provide annual reports to their judicial departments reporting on several measures including the:

- 1) number of pretrial assessments conducted;*
- 2) number of cases involving release and supervision;*
- 3) number of cases where a released defendant attended all scheduled court appearances;*
- 4) number of cases where a released defendant was not charged with a new offense meeting certain specifications; and*
- 5) number of cases where a released defendant did not have bond revoked due to violating release conditions.*

*Source: Colorado Revised Statutes Section 16-4-106 (effective May 11, 2013) available at:
http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2013a/sl_202.htm*

CONCLUSION

In recent years, we have seen encouraging developments in policy and practice that hold the potential to create a shift both in the political environment in which public safety is addressed and in day-to-day outcomes. At the same time, we also recognize the still relatively modest scope of these changes, given the scale of the problem to be addressed. It is our hope that by contributing to public discussion about ways to build on these changes, we can help to broaden the conversation about crime and justice, and thereby envision a significantly transformed justice system 25 years from now.

Mauer, M. and Epstein, K. (2012). Building a Better Criminal Justice System: 25 Experts Envision the Next 25 Years of Reform. Washington, DC: The Sentencing Project.

Comprehensive justice reforms advance strategies that promote public safety while letting go of practices that do not address (or that contribute to) increased recidivism. Whether the focus is on disparities by race or income, the potential overuse of incarceration or the abuses inherent in fines, fees and other financial sanctions, the message is the same: there are less costly, evidence-based, and legally defensible ways to ensure public safety, court appearance, and fundamental system fairness.

All justice reform efforts have recognized the importance of the bail decision. Smart, risk-based decisions ensure that the right defendants are released or detained, resulting in increased public safety and fairer administration of justice. However, uninformed decisions based mostly on arrest charge or arbitrary bond schedules—the norm in too many of America’s courts—contribute to poor use of jail resources, release and detention decisions removed from evidence-based practice, inequities in sentencing, loss of community resources and the increased likelihood of future recidivism.

The essential elements presented in this publication offer jurisdictions a framework to improve front-end decisions by providing a central theme for decision-making as components of a well-functioning justice system. Together, as a collaborative system of pretrial justice reforms, these elements can help America’s communities realize fairer and more effective pretrial justice systems.

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U.S. Department of Justice Dear Colleague Letter Regarding Law Enforcement Fines and Fees, March 16, 2016, available at https://www.justice.gov/crt/file/832461/download?utm_content=buffer4f188&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer. Statement by Department of Justice that incarceration solely due to poverty violates the Constitution, and that using secured money bonds in the bail process leads to defendants who pose no public safety risk being incarcerated unnecessarily.

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National Association of Pretrial Services Agencies. (2004). *Standards on Pretrial Release, Third Edition*. Washington, D.C.: National Association of Pretrial Services Agencies: Detailed guidance on pretrial decision-making, supervision, and programming for the pretrial release field.

National District Attorneys Association. (2012). *National Prosecution Standards, Third Edition*. Arlington, VA: National District Attorneys Association: Professional standards for prosecuting attorneys; Part IV addresses pretrial considerations.

ADDITIONAL RESOURCES ON LEGAL AND EVIDENCE-BASED PRACTICE:

Barron, B. (2014). *Pretrial Decisionmaking: How a Model Pretrial Services Program Changed Allegheny County's Criminal Justice System*. Pittsburgh, PA: The Allegheny County Department of Human Services: Overview of Allegheny County, Pennsylvania's success reforming its pretrial practices in accordance with national and evidence-based best practices and using an effective pretrial services agency.

Council for Court Excellence. (2013). *Clarifying the Post-Arrest Process in the District of Columbia*. Washington, D.C.: Council for Court Excellence: Overview of pretrial (post-arrest) process in the District of Columbia with a focus on diversion opportunities.

Cushman, R.C. (2002). "Guidelines for Developing a Criminal Justice Coordinating Committee," (January 2002), available at <https://s3.amazonaws.com/static.nicic.gov/Library/017232.pdf>. National Institute of Corrections.

Danner, M.J.E., Ph.D., VanNostrand, M. Ph.D., Spruance, L.M. (2015). *Risk-Based Pretrial Release Recommendations and Supervision Guidelines. Exploring the Effect on Officer Recommendations, Judicial Decisionmaking and Pretrial Outcome*. St. Petersburg, FL: Luminosity: Analysis and discussion of research on Virginia's use of the Praxis and the Strategies for Effective Pretrial Supervision (STEPS) program, finding that both decreased failure to appear rates and that Praxis training and use decreased new arrests.

Jones, C.E. (2013). "Give Us Free": *Addressing Racial Disparities in Bail Determinations*. *Journal of Legislation and Public Policy*, 16: 919-961: Review of many studies finding bias in bail practices; discussion of possible causes and solutions.

Jones, M.R. (2013). "Keeping Your Criminal Justice Coordinating Committee Going Strong," in *National Jail Exchange* available at http://community.nicic.gov/blogs/national_jail_exchange/archive/2013/02/12/keeping-your-criminal-justice-coordinating-committee-going-strong.aspx. National Institute of Corrections.

Justice Policy Institute. (2012). *Bail Fail: Why the U.S. Should End the Practice of Using Money for Bail*. Available at <http://www.justicepolicy.org/uploads/justicepolicy/documents/bailfail.pdf>.

Lowenkamp, C., VanNostrand, M., and Holsinger, A. (2013). *The Hidden Cost of Pretrial Detention*. Laura and John Arnold Foundation.

Lyons, D. "Predicting Pretrial Success: Criminal Justice Policy is Using Science to Predict Risk, Helping Courts make Decisions about the Conditions of Pretrial Release." *State*

Legislatures, February 2014: Discussed different state legislation addressing pretrial risk assessment, and conditions of release.

McGarry, P., & Ney, B. (2006). "Getting It Right: Collaborative Problem Solving for Criminal Justice." Washington, D.C.: National Institute of Corrections.: Guidance on inter-agency coordination and collaboration.

National Institute of Corrections, Center for Effective Public Policy. (2010). *A Framework for Evidence-Based Decisionmaking in Local Criminal Justice Systems: An Initiative of the National Institute of Corrections*, 3rd Ed. Washington, DC: National Institute of Corrections.

National Institute of Corrections. (2011). *Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field*. Washington D.C.: National Institute of Corrections.: Suggested performance measures and related strategies for pretrial services agencies, developed by the National Institute of Corrections' Pretrial Executive Network.

National Association of Pretrial Services Agencies. (2008). *Promising Practices for Pretrial Diversion*. Washington, D.C.: NAPSA.: Guide to different types of pretrial diversion, identifying nine strong pretrial diversion practices jurisdictions could undertake.

New Jersey Supreme Court. (2014). *Report of the Joint Committee on Criminal Justice* (2014). https://www.judiciary.state.nj.us/pressrel/2014/FinalReport_3_20_2014.pdf: Report to the New Jersey legislature recommending a move from a "resource-based" pretrial system to a risk-based one, which also discussed several other jurisdictions laws, practices and history related to pretrial justice.

Pretrial Justice Institute and the Bureau of Justice Assistance. (2011). *National Symposium on Pretrial Justice: Summary Report of Proceeding*. Washington, D.C.: Bureau of Justice Assistance.: Summary of information presented at, and recommendations developed at the 2011 National Symposium on Pretrial Justice.

Pretrial Justice Institute. (2015). *Issue Brief: Pretrial Risk Assessment: Science Provides Guidance on Assessing Defendants*. Washington, D.C.: Pretrial Justice Institute.: Overview of research on, and history of, pretrial risk assessment.

Pretrial Justice Institute. *Race & Bail Bibliography* (no date), available at <http://www.pretrial.org/download/research/Race%20and%20Bail%20Bibliography.pdf>.

RESOURCES ON PRETRIAL AND RACE:

Schnacke, T. R. (2014). *Fundamentals of Bail: A Resource Guide for Pretrial Practitioners and a Framework for American Pretrial Reform* (Washington, D.C.: National Institute of Corrections, 2014): Attempted to bring those working on bail reform onto the same page by providing information on “each of the fundamentals – the history, the law, the research, the national standards, and its terms and phrases.”

Schnacke, T.R. (2014). *Money as a Criminal Justice Stakeholder: The Judge’s Decision to Release or Detain a Defendant Pretrial*. Washington, D.C.: National Institute of Corrections.: Discussed the legal history and foundations of bail, as well as relevant professional standards, risk assessment and other evidence based practices, state-based research, and other topics.

Skeem, J.L. and Lowenkamp, C.T. (2016). *Risk, Race, & Recidivism: Predictive Bias and Disparate Impact*. Available <http://ssrn.com/abstract=2687339>.

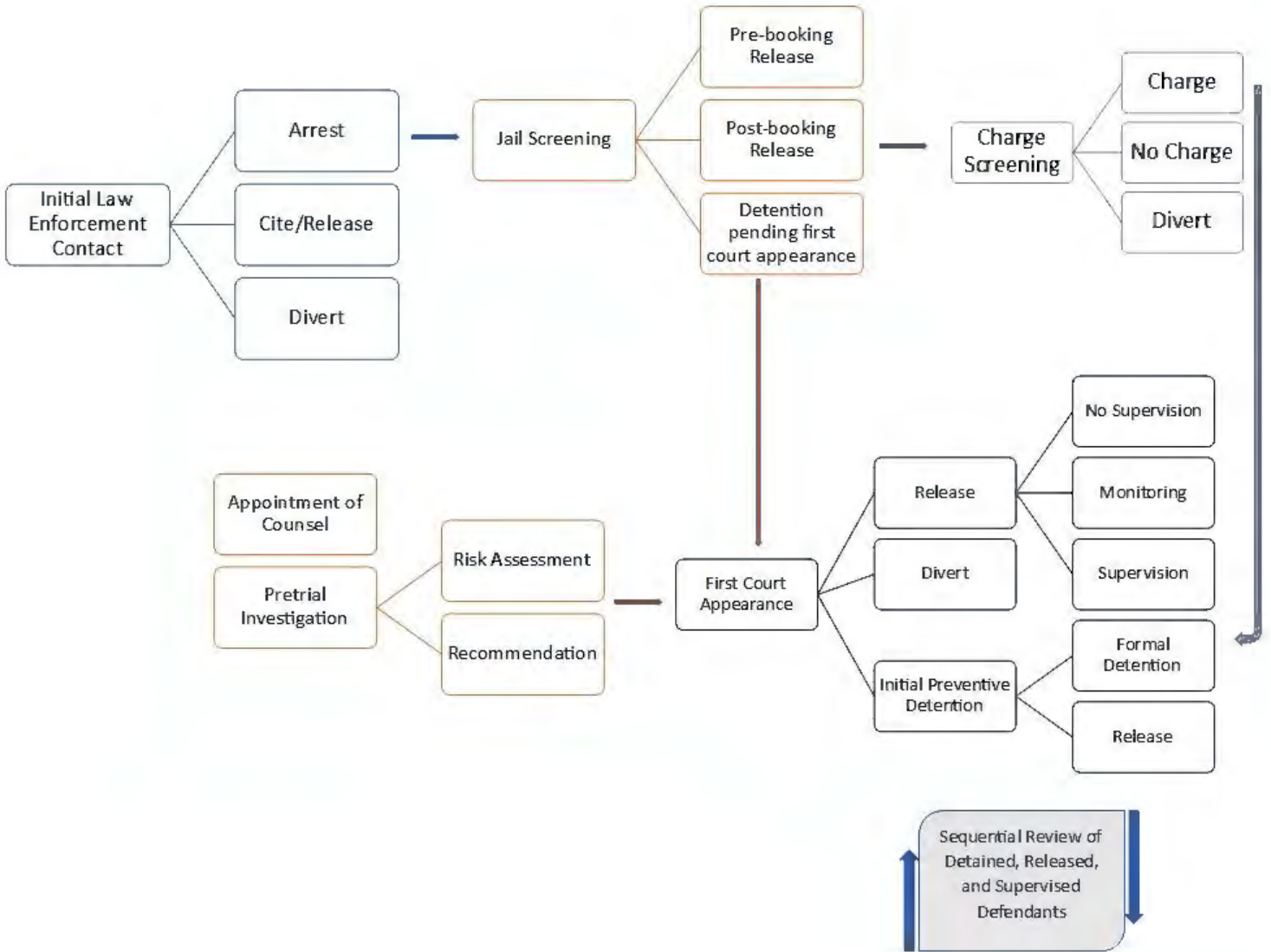
VanNostrand, M. and Lowenkamp, C.T. Ph.D. (2013). *Assessing Pretrial Risk without a Defendant Interview*. Laura and John Arnold Foundation.: Discusses research on pretrial detention, including the link between longer stays in pretrial detention and increased likelihood of failure to appear, pretrial criminal activity, and post-disposition recidivism.

VanNostrand, M. (2007). *Legal and Evidence-Based Practices: Applications of Legal Principles, Laws, and Research to the Field of Pretrial Services*. Washington D.C.: National Institute of Corrections.: Discussed the legal rights implicated by pretrial practice, including the presumption of innocence, the right against self-incrimination, and rights to due process, equal protection, counsel, and bail that is not excessive.

VanNostrand, M., & Keebler, G. (2009). *Pretrial risk assessment in the Federal Court for the purpose of expanding the use of alternatives to detention*. Washington, DC: U.S. Department of Justice, Office of the Federal Detention Trustee.: Discussed research intended to identify predictors of successful pretrial release and recommended detention alternatives; precursor to federal pretrial risk assessment instrument.

VanNostrand, M., Rose, K.J., and Weibrecht, K. (2011). *State of the Science of Pretrial Release Recommendations and Supervision*. Washington, D.C.: Bureau of Justice Assistance.: Reviewed and analyzed the existing research on common conditions of release to determine their effectiveness.

APPENDIX: ESSENTIAL ELEMENTS DECISION POINTS



Fund	Account		2023-24	2024-25	2025-26	FY 2026 Agency Request				Total	Justification
			Actuals	Opbud	PCF Proj	GF	OSF	ISF/IAT	FF		
00000	520100	Exempt Perm Positions P/T&F/T	0.0	0.0	301.14	0.0	0.0	0.0	0.0	0.0	
00000	521100	Group Insurance Premium	0.0	0.0	38.21	0.0	0.0	0.0	0.0	0.0	
00000	521200	Retirement Contributions	0.0	0.0	10.29	0.0	0.0	0.0	0.0	0.0	
00000	521300	F I C A	0.0	0.0	18.6	0.0	0.0	0.0	0.0	0.0	
00000	521700	RHC Act Contributions	0.0	0.0	8.57	0.0	0.0	0.0	0.0	0.0	
14500	520100	Exempt Perm Positions P/T&F/T	8,799.7	9,565.9	9,644.78	9,821.3	135.1	59.1	0.0	10,015.5	4 New FTEs, JS Sr, JS2, Paralegal, Court Services Specialist
14500	520200	Term Positions	12.4	39.3	51.68	33.7	0.0	28.7	0.0	62.4	
14500	520600	Paid Unused Sick Leave	0.0	5.0	0	1.0	0.0	0.0	0.0	1.0	
14500	520700	Overtime & Other Premium Pay	178.1	0.1	0	0.1	0.0	0.0	0.0	0.1	
14500	520800	Annl & Comp Paid At Separation	15.2	5.0	0	1.0	0.0	0.0	0.0	1.0	
14500	521100	Group Insurance Premium	1,048.7	1,064.6	1,115.08	1,069.8	0.0	16.4	0.0	1,086.2	
14500	521200	Retirement Contributions	1,537.9	1,718.4	1,481.86	1,748.8	0.0	21.7	0.0	1,770.5	
14500	521300	F I C A	648.5	873.7	598.87	902.3	0.0	10.3	0.0	912.6	
14500	521400	Workers' Comp Assessment Fee	9.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	521410	GSD Work Comp Insur Premium	0.4	8.2	0	10.2	0.0	0.0	0.0	10.2	
14500	521500	Unemployment Comp Premium	0.0	10.0	0	11.5	0.0	0.0	0.0	11.5	
14500	521600	Employee Liability Ins Premium	16.3	14.1	0	23.6	0.0	0.0	0.0	23.6	
14500	521700	RHC Act Contributions	184.1	211.9	207.76	217.1	0.0	2.2	0.0	219.3	
14500	523200	COVID Related Time Worked	1.4	0.0	0	0.0	0.0	0.0	0.0	0.0	
	200	Personal Services and Employee Bene	12,451.8	13,516.2	13,476.82	13,840.4	135.1	138.4	0.0	14,113.9	
14500	542100	Employee I/S Mileage & Fares	38.7	13.5	0	7.0	0.0	3.5	0.0	10.5	
14500	542200	Employee I/S Meals & Lodging	14.1	8.0	0	2.5	0.0	4.5	0.0	7.0	
14500	542500	Transp - Fuel & Oil	2.0	2.0	0	2.0	0.0	0.0	0.0	2.0	
14500	542600	Transp - Parts & Supplies	0.1	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	542700	Transp - Transp Insurance	0.0	0.2	0	0.3	0.0	0.0	0.0	0.3	
14500	543200	Maint - Furn, Fixt, Equipment	14.8	37.0	0	37.0	0.0	0.0	0.0	37.0	
14500	543300	Maint - Buildings & Structures	2.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	543400	Maint - Property Insurance	0.0	0.1	0	0.1	0.0	0.0	0.0	0.1	
14500	543500	Maint - Supplies	0.4	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	543820	Maintenance IT	3.6	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	543830	IT HW/SW Agreements	29.9	16.5	0	16.5	0.0	0.0	0.0	16.5	
14500	544000	Supply Inventory IT	159.9	77.5	0	78.9	0.0	6.3	0.0	85.2	

BU PCode
23500 P235

E4 PCode Detail
(Dollars in Thousands)

Fund	Account	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	FY 2026 Agency Request				Total	Justification	
					GF	OSF	ISF/IAT	FF			
14500	544100	Supplies-Office Supplies	64.9	88.7	0	87.1	0.0	1.6	0.0	88.7	
14500	544200	Supplies-Medical,Lab,Personal	3.4	10.3	0	0.0	0.0	3.3	0.0	3.3	
14500	544700	Supplies-Clothng,Unifrms,Linen	1.9	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	544800	Supplies-Education&Recreation	0.2	1.5	0	0.0	0.0	1.5	0.0	1.5	
14500	544900	Supplies-Inventory Exempt	23.8	6.0	0	5.0	0.0	1.0	0.0	6.0	
14500	545710	DOIT HCM Assessment Fees	43.8	50.0	0	48.3	0.0	0.0	0.0	48.3	
14500	545900	Printing & Photo Services	17.9	5.0	0	5.0	0.0	0.0	0.0	5.0	
14500	546100	Postage & Mail Services	40.6	75.1	0	75.1	0.0	0.0	0.0	75.1	
14500	546500	Rent Of Equipment	0.0	74.0	0	67.0	0.0	4.0	0.0	71.0	
14500	546600	Communications	139.3	104.9	0	103.6	0.0	1.3	0.0	104.9	
14500	546610	DOIT Telecommunications	4.3	5.8	0	5.1	0.0	0.0	0.0	5.1	
14500	546700	Subscriptions/Dues/License Fee	14.5	18.0	0	18.0	0.0	0.0	0.0	18.0	
14500	546800	Employee Training & Education	13.6	29.1	0	27.0	0.0	2.1	0.0	29.1	
14500	546900	Advertising	1.8	10.0	0	10.0	0.0	0.0	0.0	10.0	
14500	547730	Lease Principal Payment	36.9	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	547900	Miscellaneous Expense	15.0	7.1	0	0.1	0.0	3.0	0.0	3.1	
14500	547999	Request to Pay Prior Year	0.1	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	548300	Information Tech Equipment	35.9	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	548882	Lease Interest	0.1	0.0	0	0.0	0.0	0.0	0.0	0.0	
14500	549600	Employee O/S Mileage & Fares	6.8	16.8	0	3.5	0.0	7.4	0.0	10.9	
14500	549700	Employee O/S Meals & Lodging	23.9	12.4	0	2.5	0.0	4.4	0.0	6.9	
	400 Other		754.1	669.5	0	601.6	0.0	43.9	0.0	645.5	
TOTAL EXPENSE			13,205.8	14,185.7		14,442.0	135.1	182.3	0.0	14,759.4	

State of New Mexico
Contract by PCode Detail
(Dollars in Thousands)

Fund	Account	#	Contract Purpose	Actuals	FY 2026 Agency Request				Total	Justification	
					GF	OSF	ISF/IAT	FF			
14500	535100	Medical Services	1000	Medical Lab Testing for Drug Court Programs	59.4	0.0	0.0	131.4	0.0	131.4	Medical Lab Testing for Drug Court Programs
14500	535200	Professional Services	1000		292.3	0.0	0.0	0.0	0.0	0.0	
14500	535300	Other Services	1000	CASA, Magistrate Court Security Services, and Drug Court Surveillance Services	171.6	531.1	0.0	341.0	0.0	872.1	Increase due to Magistrate Court Security Services (move from contracted to licensed police officers)
14500	535400	Audit Services	1000	FY25 Audit Services	14.1	27.7	0.0	0.0	0.0	27.7	FY25 Audit Services
14500	535500	Attorney Services	1000		3.3	0.0	0.0	0.0	0.0	0.0	
68220	535300	Other Services	1000	Civil Mediation Services	0.0	0.0	90.0	0.0	0.0	90.0	Civil Mediation (Alternative Dispute Resolution)
92500	535300	Other Services	1000	Domestic Mediation Services and Safe Exchange Supervised Visitation (SESV)	102.8	0.0	130.0	0.0	0.0	130.0	Domestic Mediation Services & SESV Services
TOTAL EXPENSE					643.5	558.8	220.0	472.4	0.0	1,251.2	

State of New Mexico
Specials Agency Report (3500)

Run Date: 8/21/24
Run Time: 1:14:39 PM

Report Name

Business Unit	Rank	Form ID	Language Requested for GAA	Request Type Name	GF Request	Total Request	FTE Request	Agency Contact	Phone
23500	1	60689	To provide office workspace furniture for new ftes at the Chaves county courthouse.	Special (FY 26)	48.0	48.0	0.00	Kennon Crowhurst	(575) 622-2565

State of New Mexico
SPECIALS, SUPPLEMENTALS AND DEFICIENCIES DFA

(Prepare separate forms for each request)

BU: 23500
Agency: Fifth Judicial District Court
Program:
Analyst: Kennon Crowhurst
Phone: (575) 622-2565

Request Type: Special (FY 26)

Rank: 1

TOTAL SOURCES MUST EQUAL TOTAL USES

(Dollars in Thousands)

Sources		Uses	
Revenue Account	Amount	Uses Account	Amount
General Fund Transfers	48.0	Other	48.0
Total Sources	48.0	Total Uses	48.0
Full Time Equivalents (FTE)			
Type	Amount of FTE	Request is related to a recurring expense	Yes
	0.00	Request is related to a capital request	No
Total FTE	0.00	Request is related to proposed legislation	No

Language requested for inclusion in General Appropriations Act (Please Follow Legislative Bill Drafting Conventions - See Instructions)

To provide office workspace furniture for new ftes at the Chaves county courthouse.

Justification Quantitative Data (Description)

The cubicle system will allow our district to add five (5) employees to the new space being provided by Chaves County at the Chaves County Courthouse. See CAD drawing in attachment tab.

Request: Provide a brief description of what the request does, how the dollars will be spent and explain why it is a nonrecurring need.

Chaves County has provided additional office space in the Chaves County Courthouse to support two new FTE that were approved for FY25 (Paralegal and Drug Court Surveillance Officer) as well as space for the Pretrial Services Program that is being requested as an expansion project for FY26. This special request will procure the cubicles, furniture, and workspace needed to support the two FTEs approved in FY25 and the proposed FTEs requested in FY26.

Request: How the dollars will be spent.

To procure desks, chairs, filing cabinets, and cubicle systems to support two new FTEs approved in FY25 (Paralegal and Drug Court Surveillance Officer) as well as new FTEs requested in the FY26 Expansion Project (Pretrial Services Program at Fifth Judicial District Court).

Request: Explain why request is nonrecurring need.

Furniture, chairs, filing cabinets, and cubicle systems are a one-time purchase. Recurring funding is not needed for this expenditure.

Consequences: Provide a brief description of consequences of not funding a performance and accountability task.

Without funding for furniture for this new space, the Fifth Judicial District Court will be unable to take advantage of the new space provided by Chaves County.

Performance: How will agency performance be affected.

The new cubicle furniture system will allow the district to make maximum use of the new space provided by Chaves County by placing a total of five (5) employees into this new space.

Performance: How will agency performance will be improved.

Having well equipped office spaces with modern desks, chairs, filing systems, and cubicle system will make staff more productive and more efficient in their day-to-day work-related activities. For the Chaves Drug Court Surveillance Officer and the proposed Pretrial Services program (FY26 Expansion Project), suitable work and meeting areas are needed as these individuals will be meeting with pretrial defendants as they monitor their progress and compliance while on pretrial release.

Brief description of problem agency is addressing.

Chaves County has graciously provided additional space at the Chaves County Courthouse to support the growing staff FTEs in FY25 and proposed growing staff FTEs in FY26 for the Fifth Judicial District Court. This new space consists of two empty rooms that must be furnished to support the FTEs that will occupy this space.

SPECIALS, SUPPLEMENTALS AND DEFICIENCIES DFA

(Prepare separate forms for each request)

BU: 23500
Agency: Fifth Judicial District Court
Program:
Analyst: Kennon Crowhurst
Phone: (575) 622-2565

Request Type: Special (FY 26)

Rank: 1

TOTAL SOURCES MUST EQUAL TOTAL USES

(Dollars in Thousands)

Full Time Equivalents (FTE)

Account	Amount
Sources	
General Fund Transfers	48.0
Total Sources	48.0
Uses	
Other	48.0
Total Uses	48.0

Type	Amount of FTE
	0.00
Total FTE	0.00
Request is related to a recurring expense	Yes
Request is related to a capital request	No
Request is related to proposed legislation	No

Language requested for inclusion in General Appropriations Act (Please Follow Legislative Bill Drafting Conventions - See Instructions)

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ATMOSPHERECI.COM

Drawings and specifications provide interior design and layout plans in sufficient detail for installation of project. Designs represented by these drawings are the property of Atmosphere Commercial Interiors (ACI) and shall not be altered, used by, or disclosed to any person or firm outside the scope of this project without written permission of (ACI). Architect and Contractors shall verify and be responsible for all dimensions and conditions on the job and shall notify (ACI) of all variations from the dimensions and conditions shown. Written dimensions shall take precedence over scaled dimensions. Architects and Contractors shall be responsible for preparing demolition and construction drawings or verifying drawings provided by others. Architects and Contractors shall be responsible for supervising all demolition and constructions. Contractors shall be responsible for submitting shop drawings to (ACI) before proceeding with fabrication.

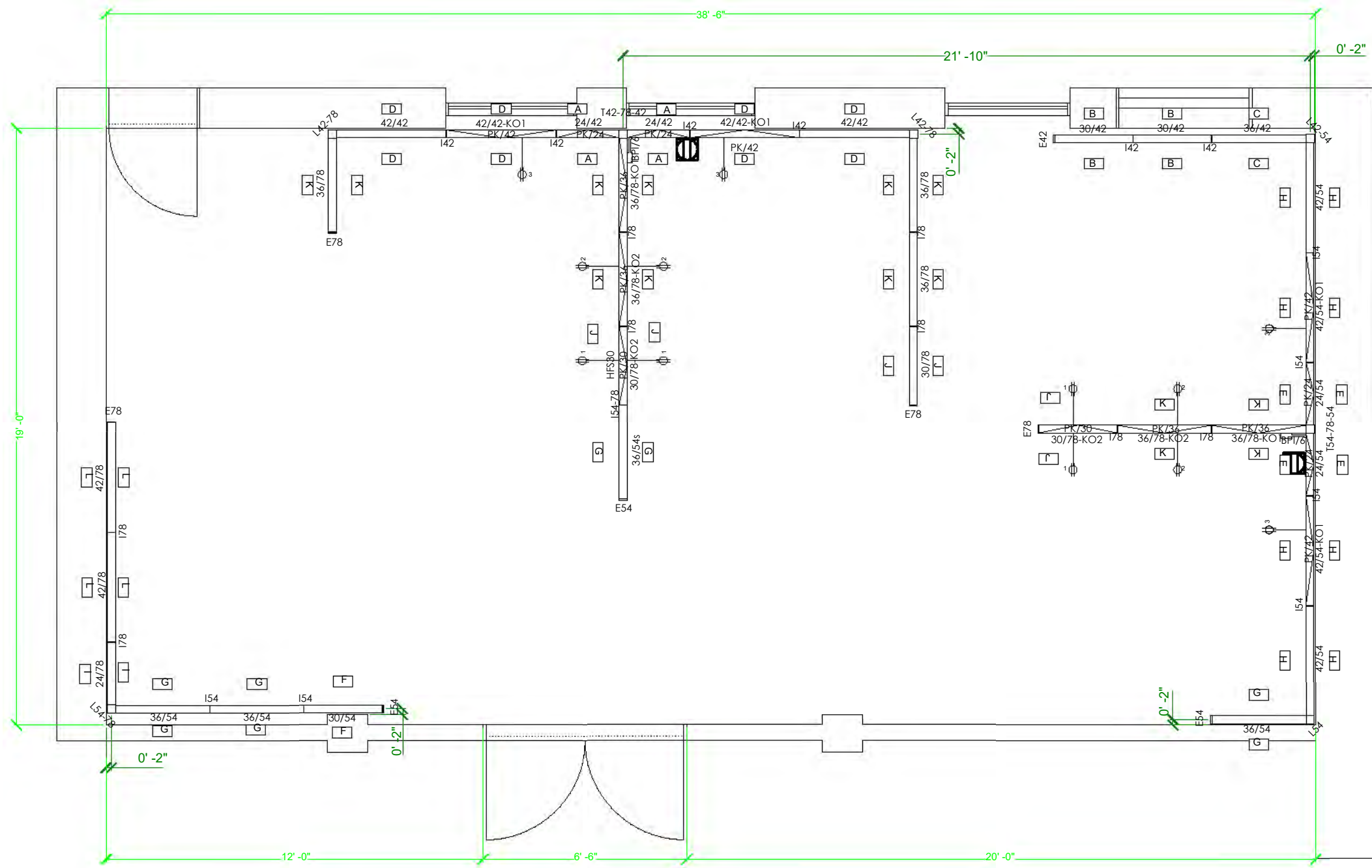
REV. #	REVISION	DATE
	PRELIMINARY LAYOUT	06/27/24
1	FURN UPDATE	07/09/24
2	FURN UPDATE	07/30/24

SALES TEAM
Victoria Glass 505.980.2479

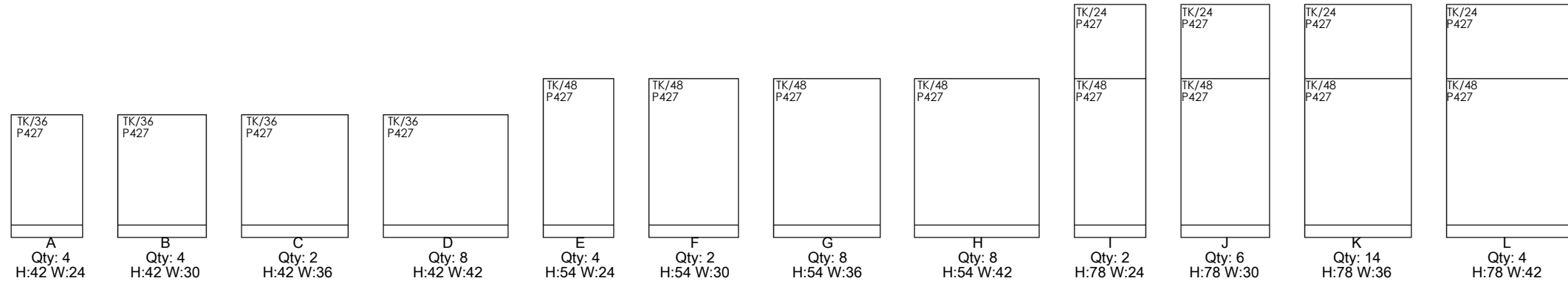
DESIGN TEAM
Studio West

CLIENT APPROVAL
APPROVED AS NOTED
REVISE & RESUBMIT

APPROVED BY & DATE



Frame Side Types General Marking : Proposed



FINISH CODE SUMMARY	
FABRIC- SEATING	
BR01	BR01: BLACK ONYX
FABRIC- VERTICAL	
P427	P427: STONE
LAMINATE	
2406	2406: CLEAR CHERRY
METAL- POLISHED	
9201	9201: POLISHED CHROME
PAINT- METALLIC	
4799	4799: PLATINUM METALLIC
PLASTIC	
6000	6000: BLACK
6009	6009: ARCTIC WHITE
6205	6205: BLACK
6234	6234: CLEAR CHERRY
6249	6249: PLATINUM SOLID

PROJECT NAME & ADDRESS
Fifth Judicial District Court
Roswell Pretrial Cubicles
400 N. Virginia Ave. Roswell
NM 88201

SHEET TITLE
PANEL ELECTRICAL AND ELEVATION PLAN

FILE NAME: 13893_Roswell Pretrial Cubicles.cmrw
DRAWING DATE: 07/30/24
PROJ/ORDER #: 13893

PLAN NORTH

SCALE: 1/4"=1'-0"

F1.1

Drawings and specifications provide interior design and layout plans in sufficient detail for installation of project. Designs represented by these drawings are the property of Atmosphere Commercial Interiors (ACI) and shall not be altered, used by, or disclosed to any person or firm outside the scope of this project without written permission of (ACI). Architect and Contractors shall verify and be responsible for all dimensions and conditions on the job and shall notify (ACI) of all variations from the dimensions and conditions shown. Written dimensions shall take precedence over scaled dimensions. Architects and Contractors shall be responsible for preparing demolition and construction drawings or verifying drawings provided by others. Architects and Contractors shall be responsible for supervising all demolition and constructions. Contractors shall be responsible for submitting shop drawings to (ACI) before proceeding with fabrication.

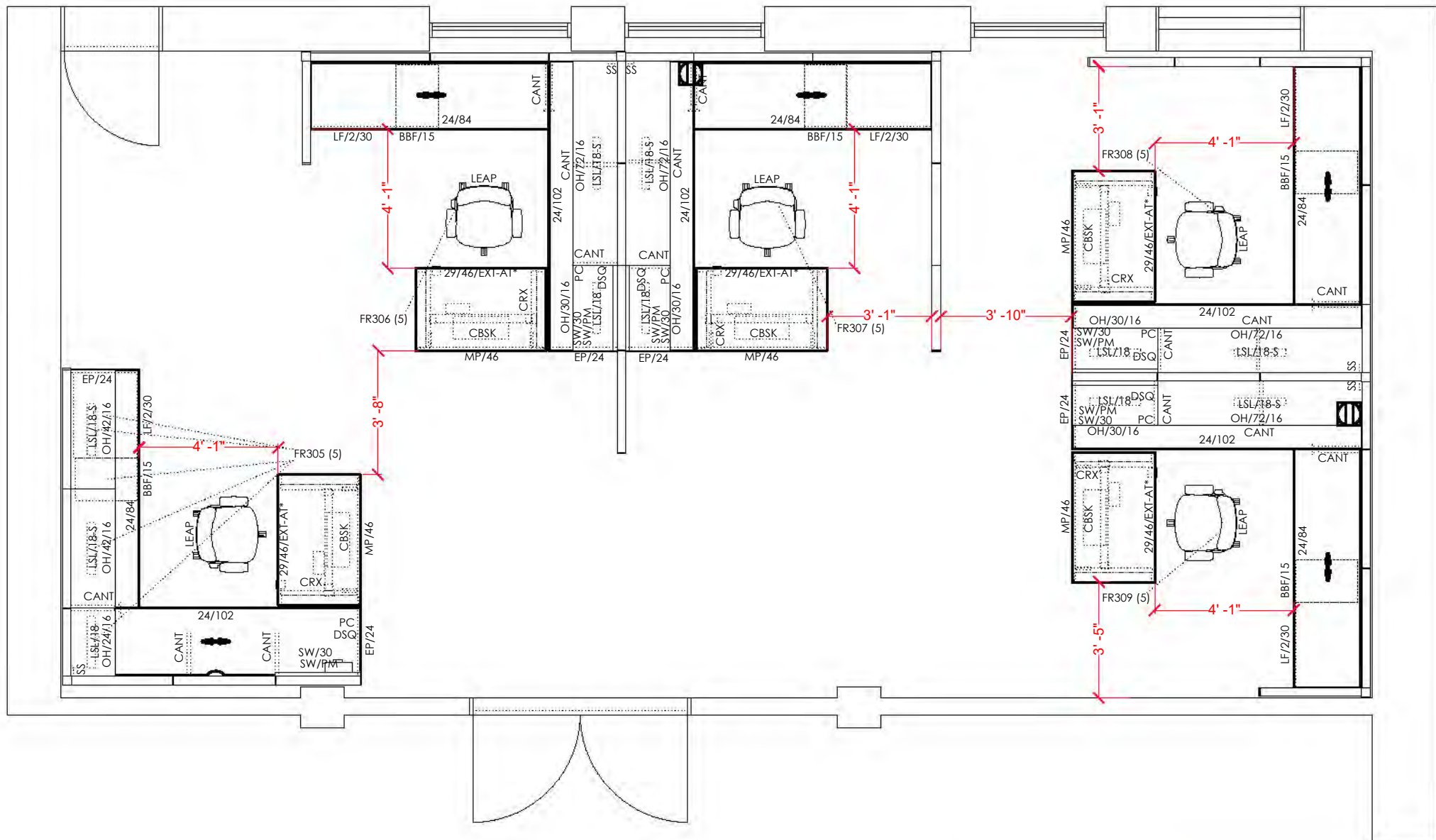
REV. #	REVISION	DATE
	PRELIMINARY LAYOUT	06/27/24
1	FURN UPDATE	07/09/24
2	FURN UPDATE	07/30/24

SALES TEAM
Victoria Glass 505.980.2479

DESIGN TEAM
Studio West

CLIENT APPROVAL
 APPROVED
 APPROVED AS NOTED
 REVISE & RESUBMIT

APPROVED BY & DATE




TYPICAL WORKSTATION

PROJECT NAME & ADDRESS
Fifth Judicial District Court
 Roswell Pretrial Cubicles
 400 N. Virginia Ave. Roswell
 NM 88201

SHEET TITLE
COMPONENT PLAN & RENDERINGS

FILE NAME: 13893_Roswell Pretrial Cubicles.ccmdw
 DRAWING DATE: 07/09/24
 PROJ/ORDER #: 13893

PLAN NORTH 

SCALE: 1/4"=1'-0"

SHEET **F1.2**

ATMOSPHERE

COMMERCIAL INTERIORS

Quotation 697962

Quote Date 07/30/24

Customer Order PRETRIAL CUBICLES

Project 13893

Customer STEE36

Terms NET 30,LATE CHG 1.5%

Account Representative VICTORIA GLASS
505.830.7836

Quote To

FIFTH JUDICIAL DIST COURT
Accounts Payable
PO BOX 1776
Roswell NM 88202-1776

Ship To

FIFTH JUDICIAL DIST COURT
KENNON CROWHURST
400 N. Virginia Ave
Roswell NM 88201

Phone +1 (505) 622-2565
rosdkmc@nmcourts.gov

Phone +1 (575) 622-2212
rosdkmc@nmcourts.gov

Sales Location Albuquerque - Furn

****ONCE APPROVED BY YOU, THIS MERCHANDISE WILL BE CUSTOM-ORDERED FROM THE MANUFACTURER AND MAY NOT BE RETURNED OR CANCELLED.****

PRICING FROM TERMS AND CONDITIONS OF STEELCASE STATE OF NEW MEXICO PRICE AGREEMENT #40-000-14-00063

PLEASE REFERENCE OUR QUOTE # ON YOUR PURCHASE ORDER

YOUR PURCHASE ORDER MUST BE MADE OUT AS FOLLOWS:

STEELCASE, INC.
c/o ATMOSPHERE COMMERCIAL INTERIORS- ALBUQUERQUE, NM
901 44TH STREET, SE
GRAND RAPIDS, MI 49508
ATTN: SELECT ACCOUNT SERVICES - CH-2W-SS

THANK YOU FOR THE OPPORTUNITY TO PROVIDE THE FOLLOWING PRICING. SHOULD YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO LET US KNOW.

VICTORIA GLASS OR EJ PACE

Description	Quantity	Unit Price	Extended Price
5 CUBICLES			
1 TS745TCLJ - Junction-L, Change of height, Thin, 42 to 54 TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For L42-54	1	88.39	88.39

THIS PRICE QUOTATION INCORPORATES, BY REFERENCE, ATMOSPHERE COMMERCIAL INTERIORS TERMS AND CONDITIONS (July 2022 or prior contract signed by client). EXECUTION OF THIS PRICE QUOTATION IS BUYER'S ACCEPTANCE OF THOSE TERMS AND CONDITIONS.

ACCEPTED BY _____ 112 _____ / _____ / _____
CLIENT SIGNATURE, TITLE DATE ATMOSPHERE COMMERCIAL INTERIORS

Description	Quantity	Unit Price	Extended Price
2 TS747TCLJ - Junction-L, Change of height, Thin, 42 to 78 TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For L42-78	2	121.09	242.18
3 TS757TCLJ - Junction-L, Change of height, Thin, 54 to 78 TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For L54-78	1	119.71	119.71
4 TS7474TCTJ - Junction-T, Change of height, Thin, 42 to 78 to 42 TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For T42-78-42	1	149.08	149.08
5 TS7575TCTJ - Junction-T, Change of height, Thin, 54 to 78 to 54 TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For T54-78-54	1	149.08	149.08
6 TS757TCIJ - Junction-In line, Change of height, Thin, 54 to 78 TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT	1	89.78	89.78

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Description	Quantity	Unit Price	Extended Price
<p>6 METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For 154-78</p>			
<p>7 TS724THF - Frame, Horizontal package, Thin, 24W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 24/42</p>	2	34.64	69.28
<p>8 TS724THF - Frame, Horizontal package, Thin, 24W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 24/54</p>	2	34.64	69.28
<p>9 TS724THF - Frame, Horizontal package, Thin, 24W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES</p>	1	34.64	34.64

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Description	Quantity	Unit Price	Extended Price
9 TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 24/78			
10 TS730THF - Frame-Horizontal package, Thin, 30W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 30/42	2	36.85	73.70
11 TS730THF - Frame-Horizontal package, Thin, 30W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 30/54	1	36.85	36.85
12 TS730THF - Frame-Horizontal package, Thin, 30W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS KO BOTH: STD:KNOCKOUT BASE BOTH SIDES	2	36.85	73.70

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Description	Quantity	Unit Price	Extended Price
12 TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 30/78-KO2			
13 TS730THF - Frame-Horizontal package, Thin, 30W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 30/78	1	36.85	36.85
14 TS736THF - Frame, Horizontal package, Thin, 36W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 36/42	1	38.79	38.79
15 TS736THF - Frame, Horizontal package, Thin, 36W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES	3	38.79	116.37

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Description	Quantity	Unit Price	Extended Price
15 TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 36/54			
16 TS736THF - Frame, Horizontal package, Thin, 36W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS COH1: Std COH Top Cap - 1 End CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 36/54s	1	40.46	40.46
17 TS736THF - Frame, Horizontal package, Thin, 36W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS 1PL/1KO: PLAIN 1 SIDE / KNOCKOUT 1 SIDE TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 36/78-KO1	2	38.79	77.58
18 TS736THF - Frame, Horizontal package, Thin, 36W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS KO BOTH: STD:KNOCKOUT BASE BOTH SIDES	2	38.79	77.58

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Description	Quantity	Unit Price	Extended Price
18 TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 36/78-KO2			
19 TS736THF - Frame, Horizontal package, Thin, 36W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 36/78	3	38.79	116.37
20 TS742THF - Frame, Horizontal package, Thin, 42W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS 1PL/1KO: PLAIN 1 SIDE / KNOCKOUT 1 SIDE TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 42/42-KO1	2	44.06	88.12
21 TS742THF - Frame, Horizontal package, Thin, 42W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES	2	44.06	88.12

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Description	Quantity	Unit Price	Extended Price
21 TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 42/42			
22 TS742THF - Frame, Horizontal package, Thin, 42W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS 1PL/1KO: PLAIN 1 SIDE / KNOCKOUT 1 SIDE TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 42/54-KO1	2	44.06	88.12
23 TS742THF - Frame, Horizontal package, Thin, 42W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 42/54	2	44.06	88.12
24 TS742THF - Frame, Horizontal package, Thin, 42W BASIC: 4799 PLATINUM METALLIC TC OPT: *OPT:TOP CAP OPTIONS STD CAP: STD:Std Top Cap CABLEOPT: *OPT:CABLE TRAY OPTION NO TRAY: NO CABLE TRAY BASE OPT: *OPT:BASE TRIM OPTIONS PL BOTH: PLAIN BASE BOTH SIDES	2	44.06	88.12

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Description	Quantity	Unit Price	Extended Price
24 TRAY OPT: *OPT:BASE TRAY OPTION NO TRAY: NO BASE TRAY STEELCASE Tag For 42/78			
25 TS754TLPJ - Junction-L, Thin, 54H TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For L54	1	65.67	65.67
26 TS742TEPJ - Junction-End of run, Thin, 42H TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For E42	1	43.50	43.50
27 TS754TEPJ - Junction-End of run, Thin, 54H TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For E54	3	43.50	130.50
28 TS778TEPJ - Junction-End of run, Thin, 78H TRIM: *OPT:TRIM PACKAGE PAINT: PAINTED TRIM PKG UPRIGHT: UPRIGHT METALLIC: *UPRIGHT:METALLIC PAINT 4799: PLATINUM METALLIC STEELCASE Tag For E78	4	59.85	239.40

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Description	Quantity	Unit Price	Extended Price
29 TS742TIPJ - Junction-In line, Thin, 42H STEELCASE Tag For I42	6	27.99	167.94
30 TS754TIPJ - Junction-In line, Thin, 54H STEELCASE Tag For I54	6	27.99	167.94
31 TS778TIPJ - Junction-In line, Thin, 78H STEELCASE Tag For I78	8	39.35	314.80
32 TS730HFS - Frame, Horizontal package, Stacking, 30W STEELCASE Tag For HFS30	1	8.04	8.04
33 TS72424TK - Panel skin-Tackable acoustical, 24H x 24W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	2	42.95	85.90
34 TS72430TK - Panel skin-Tackable acoustical, 24H x 30W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	6	46.28	277.68
35 TS72436TK - Panel skin-Tackable acoustical, 24H x 36W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	14	48.22	675.08
36 TS72442TK - Panel skin-Tackable acoustical, 24H x 42W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	4	51.26	205.04
37 TS73624TK - Panel skin-Tackable acoustical, 36H x 24W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION	4	62.90	251.60

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Description	Quantity	Unit Price	Extended Price
37 STEELCASE			
38 TS73630TK - Panel skin-Tackable acoustical, 36H x 30W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	4	66.78	267.12
39 TS73636TK - Panel skin-Tackable acoustical, 36H x 36W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	2	71.49	142.98
40 TS73642TK - Panel skin-Tackable acoustical, 36H x 42W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	8	78.97	631.76
41 TS74824TK - Panel skin-Tackable acoustical, 48H x 24W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	6	65.12	390.72
42 TS74830TK - Panel skin-Tackable acoustical, 48H x 30W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	8	69.55	556.40
43 TS74836TK - Panel skin-Tackable acoustical, 48H x 36W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION STEELCASE	22	75.09	1,651.98
44 TS74842TK - Panel skin-Tackable acoustical, 48H x 42W SURFACE: P427 STONE FAB DIR: *OPT:FABRIC DIRECTION HORZ: STD:HORIZONTAL APPLICATION	12	82.02	984.24

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Description	Quantity	Unit Price	Extended Price
44 STEELCASE			
45 TS76BPX - Power infeed, 3+1, 6L in ft PLASTIC: 6249 PLATINUM SOLID STEELCASE Tag For BPI/6	2	98.65	197.30
46 TS7PK24X - Kit-Power, 3+1, 24W STEELCASE Tag For PK/24	4	78.97	315.88
47 TS7PK30X - Kit-Power, 3+1, 30W STEELCASE Tag For PK/30	2	78.97	157.94
48 TS7PK36X - Kit-Power, 3+1, 36W STEELCASE Tag For PK/36	4	78.97	315.88
49 TS7PK42X - Kit-Power, 3+1, 42W STEELCASE Tag For PK/42	4	78.97	315.88
50 TS71SSX - Receptacle-System ground, Line 1, 3+1 PLASTIC: 6249 PLATINUM SOLID CSTMPOPT: *OPT:Controlled Stamp Option NOSTAMP: STD:No Stamp STEELCASE	4	16.07	64.28
51 TS72SSX - Receptacle-System ground, Line 2, 3+1 PLASTIC: 6249 PLATINUM SOLID CSTMPOPT: *OPT:Controlled Stamp Option NOSTAMP: STD:No Stamp STEELCASE	4	16.07	64.28
52 TS73SSX - Receptacle-System ground, Line 3, 3+1 PLASTIC: 6249 PLATINUM SOLID CSTMPOPT: *OPT:Controlled Stamp Option NOSTAMP: STD:No Stamp STEELCASE	4	16.07	64.28
53 WS3018H - Slatwall, 30W x 18H BASIC: 4799 PLATINUM METALLIC STEELCASE Tag For SW/30	5	153.63	768.15

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Description	Quantity	Unit Price	Extended Price
54 WP CS - Pen / pencil cup BASIC: 6009 ARCTIC WHITE STEELCASE Tag For PC	5	20.30	101.50
55 OLELRQ - Ology; Desk-Rectangle, Extended height Size Option: Modular Depth: 29.00000 Width: 46.00000 Top Surface Finish: Woodgrain HPL 2406 - CLEAR CHERRY Edge Finish: Plastic - PG1 6234 - CLEAR CHERRY Base Finish: Smooth Metallic 4799 - PLATINUM METALLIC Corner: Square Corner Controller: Active Touch Controller Integrated Rail: No Rail Power Access: No Power Access Soft Edge: No Soft Edge Overhang: No Overhang Grommet: No Grommet Glides: 1/2" Glide Power: NA 120V, NEMA 1-15 Type A - D STEELCASE Tag For 29/46/EXT-AT*	5	1,045.18	5,225.90
56 USWS - Worksurface-Straight, Laminate, Plastic edge profile Size Option: Modular Depth: 24.00000 Width: 102.00000 Top Surface Finish: Woodgrain HPL 2406 - CLEAR CHERRY Grain Direction: Long Grain Edge Finish: Plastic - PG1 6234 - CLEAR CHERRY Power Access: No Power Access Scallop: With Scallop Grommet: No Grommet Cord Drop: With Cord Drop Depth with Cord Drop: 23.50000 STEELCASE Tag For 24/102	5	254.10	1,270.50

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Description	Quantity	Unit Price	Extended Price
57 USWS - Worksurface-Straight, Laminate, Plastic edge profile Size Option: Modular Depth: 24.00000 Width: 84.00000 Top Surface Finish: Woodgrain HPL 2406 - CLEAR CHERRY Grain Direction: Long Grain Edge Finish: Plastic - PG1 6234 - CLEAR CHERRY Power Access: No Power Access Scallop: No Scallop Grommet: No Grommet Cord Drop: With Cord Drop Depth with Cord Drop: 23.50000 STEELCASE Tag For 24/84	5	220.57	1,102.85
58 RBB24QTAK - Universal; Bin-Over the case, Flat front, Technology / Answer / Kick application, 24W BASIC: 4799 PLATINUM METALLIC LOCK: 9201 POLISHED CHROME KEYS: SK PLUG DOOR: *OPT:DOOR OPTIONS STD DOOR: STD:STANDARD DOOR NO ASST: STD:NO ASSIST LOCK OPT: *OPT:LOCK OPTIONS LOCK: STD:LOCK BRACKETS: *OPT:OPTIONAL BRACKETS NOOPTBKT: STD:NO OPTIONAL BRACKETS STEELCASE Tag For OH/24/16	1	255.76	255.76
59 RBB30QTAK - Universal; Bin-Over the case, Flat front, Technology / Answer / Kick application, 30W BASIC: 4799 PLATINUM METALLIC LOCK: 9201 POLISHED CHROME KEYS: SK PLUG DOOR: *OPT:DOOR OPTIONS STD DOOR: STD:STANDARD DOOR NO ASST: STD:NO ASSIST LOCK OPT: *OPT:LOCK OPTIONS	4	265.46	1,061.84

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Description	Quantity	Unit Price	Extended Price
59 LOCK: STD:LOCK BRACKETS: *OPT:OPTIONAL BRACKETS NOOPTBKT: STD:NO OPTIONAL BRACKETS STEELCASE Tag For OH/30/16			
60 RBB42QTAK - Universal; Bin-Over the case, Flat front, Technology / Answer / Kick application, 42W BASIC: 4799 PLATINUM METALLIC LOCK: 9201 POLISHED CHROME KEYS: SK PLUG DOOR: *OPT:DOOR OPTIONS STD DOOR: STD:STANDARD DOOR NO ASST: STD:NO ASSIST LOCK OPT: *OPT:LOCK OPTIONS LOCK: STD:LOCK BRACKETS: *OPT:OPTIONAL BRACKETS NOOPTBKT: STD:NO OPTIONAL BRACKETS STEELCASE Tag For OH/42/16	2	286.80	573.60
61 RBB72QTAK - Universal; Bin-Over the case, Flat front, Technology / Answer / Kick application, 72W BASIC: 4799 PLATINUM METALLIC LOCK: 9201 POLISHED CHROME KEYS: SK PLUG DOOR: *OPT:DOOR OPTIONS STD DOOR: STD:STANDARD DOOR NO ASST: STD:NO ASSIST LOCK OPT: *OPT:LOCK OPTIONS LOCK: STD:LOCK BRACKETS: *OPT:OPTIONAL BRACKETS NOOPTBKT: STD:NO OPTIONAL BRACKETS STEELCASE Tag For OH/72/16	4	509.03	2,036.12
62 UCANT - Cantilever, On module application, 16W x 13D BASIC: 4799 PLATINUM METALLIC STEELCASE Tag For CANT	15	41.29	619.35

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Description	Quantity	Unit Price	Extended Price
63 USSBR - Bracket-Side support STEELCASE Tag For SS	3	14.69	44.07
64 UEP24 - Panel-End, On module application, 24D x 27H BASIC: 4799 PLATINUM METALLIC STEELCASE Tag For EP/24	6	157.39	944.34
65 WSWANS18 - Bracket-Slatwall, Answer / Kick / Privacy wall bracket application, 18H BASIC: 4799 PLATINUM METALLIC STEELCASE Tag For SW/PM	5	57.31	286.55
66 OLCB - Ology; Basket-Cable STEELCASE Tag For CBSK	5	28.83	144.15
67 OLCR - Ology; Cable riser Connection Type: Leg Connection STEELCASE Tag For CRX	5	89.95	449.75
68 OLMP - Ology; Modesty panel, desk application Size Option: Modular Width: 46.00000 Modesty Panel Finish: Woodgrain HPL 2406 - CLEAR CHERRY Grain Direction: Vertical Edge Finish: Plastic - PG1 6234 - CLEAR CHERRY STEELCASE Tag For MP/46	5	104.17	520.85
69 WSQS - Double square dish BASIC: 6009 ARCTIC WHITE STEELCASE Tag For DSQ	5	20.30	101.50
70 RPF2427AF - Pedestal-Fixed, 2 box / 1 file, Flush steel front, 22 5/8D x 15W x 27H BASIC: 4799 PLATINUM METALLIC LOCK: 9201 POLISHED CHROME KEYS: SK PLUG DWR OPT: *OPT:DRAWER FEATURE OPTIONS	5	268.51	1,342.55

THIS PRICE QUOTATION INCORPORATES, BY REFERENCE, ATMOSPHERE COMMERCIAL INTERIORS TERMS AND CONDITIONS (July 2022 or prior contract signed by client). EXECUTION OF THIS PRICE QUOTATION IS BUYER'S ACCEPTANCE OF THOSE TERMS AND CONDITIONS.

Description	Quantity	Unit Price	Extended Price
<p>70 FULL DWR: STD:FULL DRAWER PULLS: *OPT:PULL OPTIONS INT PULL: STD:INTEGRAL J, PULL LOCK OPT: *OPT:LOCK OPTIONS SINGLELK: STD:SINGLE LOCK STEELCASE Tag For BBF/15</p>			
<p>72 RLF24302F - Universal; Lateral file, 2 drawers, Flush steel front, 24D x 30W x 28H BASIC: 4799 PLATINUM METALLIC LOCK: 9201 POLISHED CHROME KEYS: SK PLUG TOP OPT: *OPT:TOP OPTIONS NO TOP: NO TOP LOCK OPT: *OPT:DRAWER LOCK OPTIONS CENTRAL: STD:CENTRAL LOCKING DWR DWR ACC: *OPT:FILE DWR ACCESSORIES RAIL: STD:DRAWERS WITH RAILS CNTRWT: *OPT:COUNTERWEIGHT PKG UNIV: UNIVERSAL COUNTERWEIGHT BASE OPT: *OPT:BASE OPTIONS UNIVBASE: UNIVERSAL BASE STEELCASE Tag For LF/2/30</p>	5	514.48	2,572.40
<p>73 46216179 - Leap; Chair, Upholstered, Adjustable seat depth PLASTIC: 6205 BLACK UPHSTRY: BR01 BLACK ONYX CASTERS: *OPT:CASTERS HARD CST: STD:HARD CASTERS ARMS: *OPT:ARM OPTIONS LEAP H/W/P/D: STD:H/W/P/D ARMS LUMB OPT: *OPT:LUMBAR OPTION LUMBAR: STD:LUMBAR SEAT HGT: *OPT:BASE ASSY HEIGHT RANGE 5" RANGE: STD:5" PNEU SEAT HEIGHT RANGE HDR OPT: *OPT:LEAP HEADREST OPTION NO HDRST: STD:OMIT HEADREST</p>	5	713.51	3,567.55

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Description	Quantity	Unit Price	Extended Price
73 PACKAGE: *OPT:PACKAGING OPTIONS NA: Not Applicable STEELCASE Tag For LEAP			
74 LSL18YA - Light-Shelf, LED, Daisy chain starter, 18 1/2W Basic Finish: PLASTIC 6000 - BLACK Mount: MAGNETIC MOUNT STEELCASE Tag For LSL/18	5	199.00	995.00
75 LSL18YB - Light-Shelf, LED, Daisy chain secondary, 18 1/2W Basic Finish: PLASTIC 6000 - BLACK Mount: MAGNETIC MOUNT STEELCASE Tag For LSL/18-S	6	181.89	1,091.34
Sub Total			35,969.90
NEW MEXICO - NONTAXABLE			0.00
Total			35,969.90
SERVICES			
76 DESIGN - DESIGN HOURS ATMOSPHERE	14	65.49	916.86
77 INSTALLATION - DELIVERY AND INSTALLATION SERVICES TO BE DONE DURING REGULAR BUSINESS HOURS MONDAY THRU FRIDAY 8AM TO 5PM ATMOSPHERE	1	10,976.25	10,976.25
Sub Total			11,893.11
NEW MEXICO STATE TAX - TOTAL OF 4.875%			44.70
NEW MEXICO - CHAVES COUNTY RATE			9.36
NEW MEXICO - ROSWELL RATE			15.47
NEW MEXICO - NONTAXABLE			0.00
Total			11,962.64
Quotation Totals			
Sub Total			47,863.01
NEW MEXICO STATE TAX - TOTAL OF 4.875%			44.70
NEW MEXICO - CHAVES COUNTY RATE			9.36
NEW MEXICO - ROSWELL RATE			15.47
NEW MEXICO - NONTAXABLE			0.00
Grand Total			47,932.54

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ACCEPTED BY _____ 130 _____ / _____ / _____
CLIENT SIGNATURE, TITLE DATE ATMOSPHERE COMMERCIAL INTERIORS

DFA Performance Based Budgeting Data System

Annual Performance Report

Agency: 23500 Fifth Judicial District Court

Program: P235 Fifth Judicial District Court

The purpose of the fifth judicial district court program, statutorily created in Eddy, Chaves and Lea counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Performance Measures:		2023-24 Target	2023-24 Result	Met Target	Year End Result Narrative
Explanatory	Number of active cases pending	N/A	6,805	N/A	
Explanatory	Number of jury trials	N/A	73	N/A	
Outcome	Age of active pending civil cases, in days	540	299	Yes	
Outcome	Age of active pending criminal cases, in days	365	243	Yes	
Outcome	Number of days to disposition for civil cases	540	205	Yes	
Outcome	Number of days to disposition for criminal cases	365	224	Yes	
Output	The number of outgoing cases as a percentage of the number of incoming cases	100%	96%	No	

Performance Measures Summary

P235 Fifth Judicial District Court

Purpose: The purpose of the fifth judicial district court program, statutorily created in Eddy, Chaves and Lea counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Performance Measures:		2022-23 Actual	2023-24 Actual	2024-25 Budget	2025-26 Request	2025-26 Recomm
Output	The number of outgoing cases as a percentage of the number of incoming cases	96%	96%	100%	100%	
Outcome	Number of days to disposition for civil cases	204	205	540	540	
Outcome	Age of active pending criminal cases, in days	214	243	365	365	
Outcome	Number of days to disposition for criminal cases	212	224	365	365	
Outcome	Age of active pending civil cases, in days	290	299	540	540	
Explanatory	Number of jury trials	62	73	N/A	N/A	
Explanatory	Number of active cases pending	6,238	6,805	N/A	N/A	



New Mexico Judiciary Strategic Campaign 2022-2026

DATE

31 October 2022

PREPARED FOR

New Mexico Supreme
Court

PREPARED BY

National Center for
State Courts

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MESSAGE FROM THE CHIEF JUSTICE



On behalf of New Mexico’s Judiciary, it is my pleasure to introduce our 2022-2026 Strategic Campaign. This campaign recognizes our constitutional obligation to provide justice with the highest level of integrity for all New Mexicans. Through our strategic planning process, we developed key objectives guided by five primary themes or strategies. I hope you will join us in working to achieve the objectives identified under each theme over the course of the next few years.

Some objectives are well on their way to implementation, while others will take more time and thoughtful planning - all are critically important and achievable.

This campaign is the work of the New Mexico Judicial Council (NMJC) and our Strategic Planning Steering Committee, with assistance from the National Center for State Courts and the State Justice Institute. The 2022-2026 strategic planning process began with the development of themes and objectives through a survey of judges and court staff and interviews with each of the members of the Supreme Court and selected Chief Judges and Chief Court Executives. The results of this preliminary work were brought to the June 2022 meeting of the NMJC. A two-day session refined the emerging themes and identified key objectives for the plan. Throughout the project, NCSC staff worked with the Steering Committee to provide guidance and input into the ultimate plan.

I am thankful to all of those who participated in the campaign, and trust that the Judiciary’s strategic plan is an accurate reflection of our justice community’s aspirations. This engaging and thoughtful process provided the structure to better address the challenges of our communities, increase public trust and confidence in our courts, and improve our services for all. I encourage continued support of the innovative and forward-thinking objectives described in this campaign. To all who join us in implementing our goals, we thank you for sharing our mission to provide fair, accessible, and timely justice and our resolution to resolve disputes with impartiality and the highest level of integrity. Your participation can ensure we achieve that mission, and we are committed to working together for the benefit of all New Mexicans

C. Shannon Bacon
Chief Justice

INTRODUCTION

The COVID 19 pandemic created unheralded challenges for the Judicial Branch, but thanks to the dedication and professionalism of judges and court staff, the New Mexico courts never closed, and remained fully accessible throughout the epidemic. Judges, court executives, and court employees pivoted quickly to adjust modes of operation to provide many court services online. This required dealing with a host of technological and human resource issues.

The public has responded favorably to many of these changes. However, like other courts nationally, this “new normal” has presented both complications and opportunities. The ***New Mexico Judiciary Strategic Campaign*** represents a four-year (2022-2026) strategic effort that provides a road map for long-term change.

Mission

The New Mexico Judiciary provides fair, accessible, and timely justice and resolves disputes with impartiality and the highest level of integrity.

As statewide input from interviews, surveys, focus groups, and a retreat of Judicial Branch leaders makes clear, members of the New Mexico Branch are devoted to serving courts users; preserving the innovation gains realized during the pandemic; and pursuing the opportunity to further enhance public trust and confidence in the New Mexico Judicial Branch. Members of our Branch expressed great respect for each other and the professionalism routinely demonstrated across all courts in the state.

This strategic campaign is designed to be a living document to help guide the New Mexico Judicial Branch as it moves into the future. It is a result of an extensive collaborative approach. Judicial Branch leaders identified a set of core values shared by our judges and staff. Themes and objectives were identified to support these core values. Commentary that emerged in the various interviews and meetings is included below each objective to provide context. Finally,

New Mexico Courts Uphold these Core Values

- *Acting as an Independent Branch of Government*
 - *Exhibiting Impartiality in all Matters*
 - *Safeguarding Equality Before the Law*
 - *Demonstrating Integrity*
 - *Protecting Individual Rights*
 - *Providing Fair, Accessible, and Timely Justice*
-

Appendix A provides a concrete Operational Plan necessary to achieve these objectives. The objectives are listed in order of importance, as identified by members of the campaign Steering Committee. A timeline and designation of the entity accountable for each objective is noted.

The key objectives in this campaign are guided by the following five primary themes or strategies:

1. Foster unified judicial leadership and continuity in developing judicial policy initiatives by developing strong and consistent leadership;
2. Enhance public access to New Mexico courts using technology and expanding self-represented litigant services;
3. Address critical infrastructure, security, and resource needs;
4. Strengthen the expertise, talents, and professionalism of judges and court staff; and,
5. Improve public trust and confidence in the New Mexico courts.

APPROACH

The Chief Justice of New Mexico brought together a Steering Committee of court leaders to work with staff from the National Center for State Courts to develop this strategic campaign. The Chief Justice emphasized the need to obtain broad input and to incorporate that input into the plan. This was accomplished through interviews with key judicial branch leaders, a planning retreat with the New Mexico Judicial Council, a brief survey of judges and court executives who were not able to attend the retreat, and two focus groups with court staff.

The Judicial Council met for two days in late June 2022. A background report was provided to the Judicial Council before the retreat.¹ The Chief Judges gathered on the first day of the retreat to identify key themes and major objectives for the strategic plan. They were joined on the second day by the Chief Executive Officers. The charge on day two was to prioritize the objectives derived from day one into short-term and long-term goals. In addition, participants discussed the impact of implementing these objectives in their courts.

Following the retreat, the National Center for State Courts staff developed a report with possible themes and objectives for review by the Steering Committee.² To assure that court staff had input into the plan, two focus groups were held in November 2022 to review and comment upon the draft Strategic Campaign results.

THEMES AND KEY OBJECTIVES

Five themes with nineteen key objectives emerged as shown below. They are listed with brief commentary to give more context to the objectives. The objectives are listed in order of importance as recommended by the Steering Committee.

Theme 1. Foster Unified Judicial Leadership and Continuity in Developing Judicial Policy Initiatives by Developing Strong and Consistent Leadership.

Objective 1.1: Develop robust leadership training for Chief Judges and Chief Executive Officers that clarifies their respective roles and leads to the building of productive pairs.

¹ See “Background Report for the Strategic Planning Retreat with the New Mexico Judicial Council”, June 2022.

² See “New Mexico Judicial Council Retreat—Report”, June 27-28, 2022.

Comment: Leadership training is distinct from management training. Leadership training includes topics such as relationship building, strategic planning, communication skills, and how to act as a leader in the community. In addition, Chief Judges and Chief Executive Officers need training on management skills such as budget, human resources, performance management, and how to form productive pairs.

Objective 1.2: Develop innovative and effective internal communication processes to provide internal transparency to policy decision making. This includes the development of forms and establishment of judicial programs.

Comment: Fairness is a key value of the New Mexico Judiciary. Trust is a critical component of perceived fairness because not all members of an organization can participate in all decisions that affect them.³ To build trust, effective communication strategies are needed that engage employees, capitalize on “round table” candidness, and keep key people informed. Effective communication can build a strong bridge between the AOC and the frontline staff.

Objective 1.3: Develop a vigorous external communication program designed to enhance transparency, by demonstrating the courts’ core values in order to increase public trust and confidence in the New Mexico Judiciary.

Comment: An external communication plan should be developed for justice system partners and the public that would advance civics education, communicate the work of the judiciary, and combat misinformation and disinformation. Chief Judges are effective

³ Natalia Cuguero-Escoget, “Justice to Generate Trust, Two Aspects of Human Relationships in Management,” published April 2, 2022, accessed at <https://www.intechopen.com/online-first/81062>

conveners of justice partners to address challenges in coordinating existing programs, establishing new programs, and addressing funding shortfalls.

Objective 1.4: Review Rule 23-109 on the length of a Chief Judge’s term of office, and the appointment process for the Chief Judge, and the duties and responsibilities of the Chief Judge.

Comment: Having strong and consistent leadership requires clarity of roles and responsibilities, training, and continuity. Current rules relating to Chief Judges’ terms of office, the appointment and succession process, and the core functions and expectations of the Chief Judge should be reviewed and developed, where needed developed.

Theme 2: Enhance Public Access to New Mexico Courts Using Technology and Expanding Self-Represented Litigant (SRL) Services.

Objective 2.1: Establish a committee to review the benefits and challenges of the expanded use of remote hearings and make recommendations to the Supreme Court on what innovations in this area should be retained and how they should be administered statewide.

Comment: During the pandemic, judges, court executives, and court employees pivoted quickly to new methods of providing services to court users through remote-access technology. The Judiciary recognizes the benefits of these innovations, but there are still significant challenges in how remote hearings are managed, what cases they should be used in, which types of hearing should preclude the use of remote technology, and how to provide access to technology in remote areas that lack internet access or access to computers.

Objective 2.2: Assess the critical needs of SRLs and develop a comprehensive strategy to expand self-help programs throughout New Mexico similar to the model successfully implemented in Alaska.

Comment: The Foreclosure Settlement Program (FSP) has been successful and should be permanently funded for statewide implementation. This effort could serve as a model to develop court programs addressing behavioral health, the elderly, and the disabled. Logistical services could be expanded to provide hearing notifications through

text and emails on a statewide basis. SRLs should have electronic access to their case documents in all case types. A guiding principle is to serve litigants where they are located. Initial efforts should include developing a centralized self-help assistance program housed in the AOC which would benefit all districts and specifically the needs of SRLs in rural areas.

Objective 2.3: Investigate ways to provide the public with more flexible approaches to access the courts.

Comment: This might include leveraging metropolitan resources into rural areas, considering changes to pro bono rules, changing court schedules to be more flexible, and eliminating the requirement for in-person appearance for limited hearings. In addition, this effort should consider consolidating probate and municipal courts into magistrate courts. Magistrate court services should be expanded and improved by enhancing magistrate judges' qualifications, making these courts of record whose decisions can be appealed, and expanding the magistrate court's jurisdiction to adjacent counties.

Objective 2.4: Develop robust self-help "Justice Stations" throughout the state that utilize innovative technology and house other self-help services to assist litigants navigating their court interactions.

Comment: More technology infrastructure is needed to support remote hearings. Justice Stations would utilize technology pods with hot spots located in various public locations such as libraries, community centers, and high traffic businesses. More study is needed to develop the concept including the identification of the funding and management requirements.

Objective 2.5: Expand statewide non-lawyer services to litigants.

Comment: This would include expanded use of mediation and arbitration services throughout the state. Other non-lawyer legal models should be developed similar to the nurse practitioner in the medical profession where legal services can be provided independently but under supervision protocols. A more robust website and better self-help services are needed. It is recognized that courts must work with their justice partners to build solutions.

Theme 3: Address Critical Infrastructure, Security, and Resource Needs.

Objective 3.1: Increase judicial and court employee compensation to enable the courts to attract and retain well-qualified personnel.

Comment: Salaries for judges and staff are lagging behind salaries in the private sector, other states, and the New Mexico Executive Branch. Judicial compensation needs to improve in order to increase the Judiciary's ability to recruit and retain mid-career judges and judges from the private sector. In addition, retirement benefits have eroded over the years. Improving these conditions would help with judicial and court employee recruitment. In addition, modifications to New Mexico's Public Employee Retirement Association (PERA) should be investigated which would improve advice provided to judges by PERA staff.

Objective 3.2: Pursue increased funding for technology-related initiatives including expansion of internet availability. Also, hardware and software enhancements are needed to improve public access to court records and electronic filing systems.

Comment: A common thread that touched each of the five themes was the need for greater technology capacity.

Objective 3.3: Move the functions and funding of the Judicial Education Center (JEC) to the AOC's Education Services Division and provide increased funding to support the necessary trainings.

Comment: Adequate training for judges and judicial employees is critical to supporting a modern justice system in New Mexico. There is an underlying structural issue that needs to be addressed to develop the necessary training and improve accountability. This entails moving the current funding and functions from the JEC to the Administrative Office of the Courts. This is particularly important as specific training in leadership and management recommended in the next theme are pursued.

Objective 3.4: Secure adequate courthouse funding at the state and local levels to improve court security and improve outdated court facilities.

Comment: Court facilities in many locations across the state are aging, crowded, and need maintenance. Better security is needed in all courts and especially in the rural areas of the state.

Theme 4: Strengthen the expertise, talents, and professionalism of judges and court staff.

Objective 4.1: Develop a comprehensive training program that addresses leadership, communication, and judicial management skills within the AOC's Education Services Division.

Comment: A comprehensive training program on leadership is a cornerstone to maintaining continuity as judicial leaders succeed each other. These trainings should include potential leadership candidates as part of the succession planning process. Chief Judges and Chief Court Executives would benefit from training as productive pairs. Court staff need training on core case processing procedures, data entry, customer service, and managing challenging litigants.

Objective 4.2: Establish a program within the AOC to provide internal advancement opportunities for judicial employees.

Comment: More programs are needed to develop career paths for key employees to retain and develop a well-trained workforce.

Theme 5: Improve public trust and confidence in the New Mexico courts.

Objective 5.1: Develop a program to educate judges on community outreach within the AOC's Education Services Division.

Comment: More effort should be made to combat misinformation and disinformation and assist with responses to the media. Chief Judges and Chief Executive Officers should be trained on how to respond to issues raised by the media. This would include the types of documents that would address the issue (orders, copies of the record, and/or press releases). Other initiatives could include:

- How judges can engage with their communities through community outreach, focus groups, and media engagements.

- Reaching out to jurors as advocates of the Judiciary.
- Developing a community engagement toolkit for judges.

Objective 5.2. Develop a plan to eliminate court reliance on fees and replace that revenue with general fund appropriations.

Comment: The current practice of relying on fees to fund New Mexico courts not only poses a barrier to accessing courts but contributes to an erosion of public trust and confidence because it creates a perception that courts may have a financial stake in their own rulings.

Objective 5.3: Review the judicial selection process to assure all judicial candidates are vetted by a nominating commission and extend the period before an appointed judge runs for election.

Comment: An outside entity, such as the National Center for State Courts, should be asked to review the judicial evaluation process based on experiences from other states that have evaluation commissions.

Objective 5.4: Investigate programs that would engage the bar association, legal educators, and justice partners as spokespersons for the Judiciary.

Comment: New Mexico should investigate the benefit of using a coalition of retired judges and attorneys to act as spokespersons for the courts. For example, California formed the Judicial Fairness Coalition using retired judges and private attorneys to help explain things about which sitting judges are prohibited from speaking. Such a group can better clarify information and address misinformation or attacks on judges.

NEXT STEPS

The New Mexico Judiciary Strategic Campaign for 2022-2026 is designed to provide a framework for the New Mexico Judiciary to address major structural, resource, and training

initiatives. It is intended to capitalize on the desire of judicial leadership to create an atmosphere of teamwork by allowing for adequate input and appreciation for various points of view within the branch. It is intended to provide a vehicle for the Judiciary to integrate goals and objectives into the organization that transcend and guide leadership changes. This Strategic Campaign has two parts. The first is the identification and prioritization of key themes and objectives. The second part begins with the initial Operational Plan in Appendix A that lists the timeline and the responsible entity for each objective. The next step in the operational plan is to identify the deliverable and possible outcomes for each objective.

APPENDIX A: OPERATIONAL PLAN

New Mexico Strategic Plan Objectives: Timelines and Responsibility			
Theme 1: Foster Unified Judicial Leadership and Continuity in Developing Judicial Policy Initiatives by Developing Strong and Consistent Leadership		Timeline	Lead/Responsible Entity
1.1	Develop robust leadership training for Chief Judges and Chief Executive Officers that clarifies their respective roles and leads to the building of productive pairs.	Short-Term	NMJC and Judicial Education Center (JEC)
1.2	Develop innovative and effective internal communication processes to provide internal transparency to policy decision-making. This includes the development of forms and establishment of judicial programs.	Medium-Term	NMJC
1.3	Develop a vigorous external communication program designed to enhance transparency, by demonstrating the courts' core values in order to increase public trust and confidence in the New Mexico Judiciary.	Medium-Term	NMJC and Administrative Office of the Courts (AOC)

1.4	Review Rule 23-109 on the length of a Chief Judge’s term of office and the appointment process for the Chief Judge, and the duties and responsibilities of the Chief Judge.	Short-Term	New Mexico Judicial Council (NMJC)
Theme 2: Enhance Public Access to New Mexico Courts Using Technology and Expanding Self-Represented Litigant (SRL) Services.		Timeline	Lead/Responsible Entity
2.1	Establish a committee to review the benefits and challenges of the expanded use of remote hearings and make recommendations to the Supreme Court on what innovations in this area should be retained and how they should be administered statewide.	Immediate and On-going	Supreme Court and Remote/In-Person Committee
2.2	Assess the critical needs of SRLs and develop a comprehensive strategy to expand self-help programs throughout New Mexico similar to the model successfully implemented in Alaska.	Short-Term	Chief Justice, AOC, and Access 2 Justice (A2J) Committee
2.3	Investigate ways to provide the public with more flexible approaches to access the courts.	Immediate and On-Going	AOC and NMJC
2.4	Develop robust self-help “Justice Stations” throughout the state that utilize innovative technology and house other self-help services to	Short-Term	Chief Justice and AOC

	assist litigants navigating their court interactions.		
2.5	Expand statewide non-lawyer services to litigants.	Medium-Term	Supreme Court, AOC, and Committee
Theme 3: Address Critical Infrastructure, Security, and Resource Needs		Timeline	Lead/Responsible Entity
3.1	Increase judicial and court employee compensation to enable the courts to attract and retain well-qualified personnel.	Immediate and On-Going	Supreme Court, AOC, and Budget Committee
3.2	Pursue increased funding for technology-related initiatives including expansion of internet availability. Also, hardware and software enhancements are needed to improve public access to court records and electronic filing systems.	Short-Term	Supreme Court, AOC, and JID
3.3	Move the functions and funding of the Judicial Education Center (JEC) to the Education Services Division and provide increased funding to support the necessary trainings.	Immediate and On-Going	Supreme Court and AOC
3.4	Secure adequate courthouse funding at the state and local levels to improve court security	Security: Immediate and On-Going	Supreme Court, AOC, and NMJC

	and improve outdated court facilities.	Facilities: Medium-Term	
Theme 4: Strengthen the expertise, talents, and professionalism of judges and court staff.		Timeline	Lead/Responsible Entity
4.1	Develop a comprehensive training program that addresses leadership, communication, and judicial management skills within the AOC’s Education Services Division.	Short-Term	JEC and AOC
4.2	Establish a program within the AOC to provide internal advancement opportunities for judicial employees.	Medium-Term	JEC and AOC
Theme 5: Improve public trust and confidence in the New Mexico courts.		Timeline	Lead/Responsible Entity
5.1	Develop a program to educate judges on community outreach within the AOC’s Education Services Division.	Short-Term	AOC
5.2	Develop a plan to eliminate court reliance on fees and replace that revenue with general fund appropriations.	Immediate and On-Going	Supreme Court and AOC
5.3	Review the judicial selection process to assure all judicial candidates are vetted by a nominating commission and extend the period before an appointed judge runs for election.	Short-Term	Supreme Court and AOC

5.4	Investigate programs that would engage the bar association, legal educators, and justice partners as spokespersons for the Judiciary.	Medium-Term	Supreme Court and AOC
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NEW MEXICO JUDICIARY

ANNUAL REPORT 2023₁₅₂



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Editors:

Beth Wojahn and
Barry Massey


Graphic Design:

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and Beth Wojahn

Above: The Supreme Court holds an oral argument in Español for the Rule of Law Program in April, 2023.
Inside back cover: Chief Justice C. Shannon Bacon delivers the State of the Judiciary address on January 24, 2023.

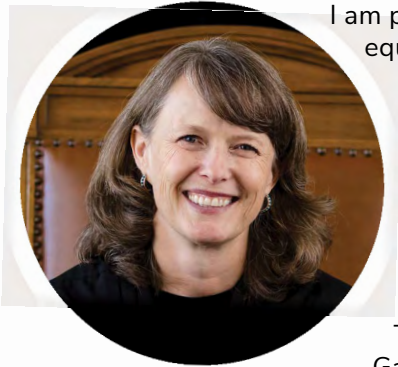
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The Administrative Office of the Courts (AOC) is required by law to submit an annual report to the New Mexico Supreme Court and the Legislature. NMSA 1978, § 34-9-3 (2019). This report is an overview of the judiciary's accomplishments during the 2023 fiscal year (July 1, 2022 – June 30, 2023) and includes a summary of statistical data for New Mexico's appellate, district, metropolitan, and magistrate courts. Find this report, as well as the complete Statistical Addendum, at www.nmcourts.gov.

Message from Chief Justice Bacon



I am proud to present the Judicial Branch's 2023 Annual Report. In these pages, you will see the judiciary's commitment to equal justice, hard work, and innovation. You will also see highlighted our courts' many achievements.

These achievements include the continuing expansion of technology in our courtrooms. Remote and hybrid hearings, depositions, mediations, and even bench trials have kept participants safe, saved time and costs, and improved access for those New Mexicans who have a difficult time traveling to court. We started a pilot program to select jurors remotely for jury duty. We are using the recent legislative allocation of \$10 million to implement For The Record (FTR) Speech-to-Text in our courtrooms to reduce time to final disposition in our appellate courts, and we expect to request continued funding to ensure statewide expansion of FTR.

The Eleventh Judicial District has opened "justice stations" in two Navajo Nation chapter houses, a public library in Gallup, and the Gallup Magistrate Court, so litigants can appear remotely even if they do not have broadband. We hope to expand "justice stations" statewide.

Equally important, I am pleased to announce the formation of three new working groups:

1. The New Mexico Supreme Court Commission on Judicial Selection and Retention is a bipartisan group consisting of members from all three branches of government. This commission has studied and discussed recruitment and retention barriers. One key barrier is compensation (both salary and retirement). To minimize this barrier, the Commission is recommending an increase in judicial and employee salaries and improvements to the Judges and Magistrate Retirement Funds. They are also considering innovative approaches to judicial selection and the composition of judicial districts. The New Mexico Judicial Compensation Commission also endorses these changes.
2. The Judicial Performance Subcommittee is recommending improvements to the Judicial Performance Evaluation Commission (JPEC) process to enhance public trust and confidence in the judicial system. This process includes studying the potential for unintended biases that influence the evaluation process.
3. The Commission on Legal Regulatory Reform is looking at ways to close the justice gap in New Mexico by creating a new tier of legal professionals who can offer affordable legal help.

Finally, we all know that when people have access to legal resources such as plain language forms, legal advice, self-help centers, or a pro-bono attorney, they are empowered with knowledge about their full rights and the legal process, giving them access to the justice they deserve. Therefore, we are asking the Legislature for funding to expand self-help centers statewide, and to develop rural clerkships throughout New Mexico to serve those who live in the remote areas of our state – including the four counties without a single lawyer.

As always, thank you for reviewing the collaborative, engaging work of the judiciary. We all look forward to working with the legislature and Governor Michelle Lujan Grisham in the upcoming year in the service of the people of the State of New Mexico.

A handwritten signature in black ink, appearing to read "C. Shannon Bacon".

C. Shannon Bacon
Chief Justice

Message from the Director



The past year saw the New Mexico courts return to “normal,” or at least as close to pre-pandemic practices as we are likely to get. Virtual court proceedings are here to stay, with more than 90% of traffic cases being resolved through video instead of in-person in the courtroom. Courts continue to expand their outreach to parties who are not represented by an attorney to make the legal process more accessible to more participants. Data measurement and reporting continues to grow to meet requests from the public and legislators. The old saying, “nothing is constant but change” seems to capture the experience of the New Mexico judiciary.

A dramatic change occurred with passage of legislation giving the judiciary responsibility for education of judges and staff. The new Court Education Institute (CEI) at the Administrative Office of the Courts is at full speed providing high quality training and planning robust educational opportunities online and in-person. Employees and judges have embraced this exciting endeavor and both they and the public we serve will increasingly benefit from the great work being done by CEI.

The legislature provided funding for a number of court initiatives in addition to CEI, including speech-to-text (S2T) technology for use in court proceedings. S2T will upgrade the audio quality to state of the art in all district courts. Jurors, judges and the public will find the quality of proceedings remarkably improved whether in the courtroom or online. In addition, S2T provides a real-time printed record of court proceedings that, while not the same as a verbatim transcript, is very accurate. Results from pilot implementations in Clovis and Albuquerque are very promising and will inform a plan for statewide implementation.

As the Warrant Enforcement Program continues to transition to compliance, the Customer Service Unit (CSU) keeps increasing the assistance provided to thousands of New Mexicans through a toll-free number available six days each week. The data on clients served indicates the great value of this program as do the numerous unsolicited notes of thanks for the very professional and valuable support provided by CSU to callers, frequently in a language other than English, about cases and programs throughout the state.

These are just a few highlights of the many efforts at all levels of courts to deliver justice to all who have contact with the judiciary. I trust that anyone who reads this report will be impressed by the exceptional work being done by court employees and judges. It continues to be a great pleasure and an honor to work with so many dedicated professionals whose complete focus is on advancing cases efficiently and effectively.

A handwritten signature in black ink, appearing to read 'Arthur W. Pepin', written in a cursive style.

Arthur W. Pepin

Director, Administrative Office of the Courts

2022-2023 Tour

Chief Justice C. Shannon Bacon prioritized visiting at least one court in every judicial district, Bernalillo County Metropolitan Court, and the Court of Appeals during the first year of her term as Chief Justice to meet with staff and judges in open-dialogue, small-group settings. Court staff, in particular, were asked to describe their successes and challenges during the last few years. District and magistrate judges and staff were also encouraged to ask questions about the Supreme Court, the judiciary, and the 2023 legislative session.

Discussions with staff reflected genuine pride, emphasizing their teamwork and perseverance throughout the COVID-19 pandemic. Challenges were thoughtfully presented, and the justices provided support, resources, recommendations, and assurances that participants' concerns would be addressed.

Common themes and unique perspectives were identified and shared. In particular, education for all members of the judiciary was identified as a critical need. A list of requested education and training was provided to the newly formed Court Education Institute (CEI), and it has been included in planning education programs.

Successes

The most common comments reflecting staff pride were that everyone is helpful, courts are an excellent place to work, and there is great teamwork. Staff was also proud of the way everyone came together to keep the courts open during the pandemic. This was achieved through cross training, innovations and diligence by the information and technology staff, and pivoting to remote proceedings. Staff was grateful for being able to telework and having flexible schedules.



The messaging that the judiciary is an essential function of New Mexico was taken to heart.

Courts reported success with in-person self-help desks and the use of remote access to help desks, which allows for virtual self-guided assistance rather than assistance by telephone.

Courts are having more in-person hearings and enjoy them, but also want to continue to use remote hearings because they save time and money, especially in transporting defendants.

Challenges

Overall, courts identified funding issues and issues with older facilities as being a real challenge. They want to make areas family and child friendly, and some larger courts would like a children's waiting room. Education services, recruitment and retention, and technology were also identified as challenges.



Chief Justice Bacon talks with employees of the Thirteenth Judicial District Court.

Technology

Some judicial districts are large geographically, so technology has been extremely helpful. Technology has alleviated the stress of judges, lawyers, and litigants traveling all day for a five minute hearing. Court monitors reported they often hear better in virtual hearings compared to in-person and hybrid hearings.

Courts reported the Judicial Information Division (JID), the technology arm of the judicial branch of government, does a good job. Many courts have custom software. E-filing has come a long way, especially by self represented litigants, and one court stated they have finally achieved a paperless office.

Recruitment and Retention

Toward the end of the court tours, courts reported that employment is picking up, but recruitment and retention are still a real challenge for some courts. Some districts encouraged recruitment through Indeed.com, job fairs, and internships coordinated with high schools, colleges, and universities. Others said they needed competitive salaries, education, and career opportunities.

Remote work and child care were offered as solutions to retention, and it was recommended that CEOs talk together about job fairs. Districts also said they need court reporters, interpreters (especially in languages other than Spanish), clinicians, probation officers, district attorneys, and public defenders.



(L-R): Retired Magistrate Judge Maurine Laney, Chief Justice C. Shannon Bacon, and Justice Julie J. Vargas at Silver City Magistrate Court.

Treatment Courts

Although most districts were very proud of the treatment courts, they reported a decline in enrollment during the pandemic. Toward the end of the court tours, more districts reported that enrollment numbers are starting to rebound.

One district is working with the Department of Health to provide case management in the treatment courts. They coordinate with other agencies, i.e. housing, jobs, etc., and have also built a treatment court store with items participants need (hygiene, houseware, children's toys and backpacks, business clothing, etc.).

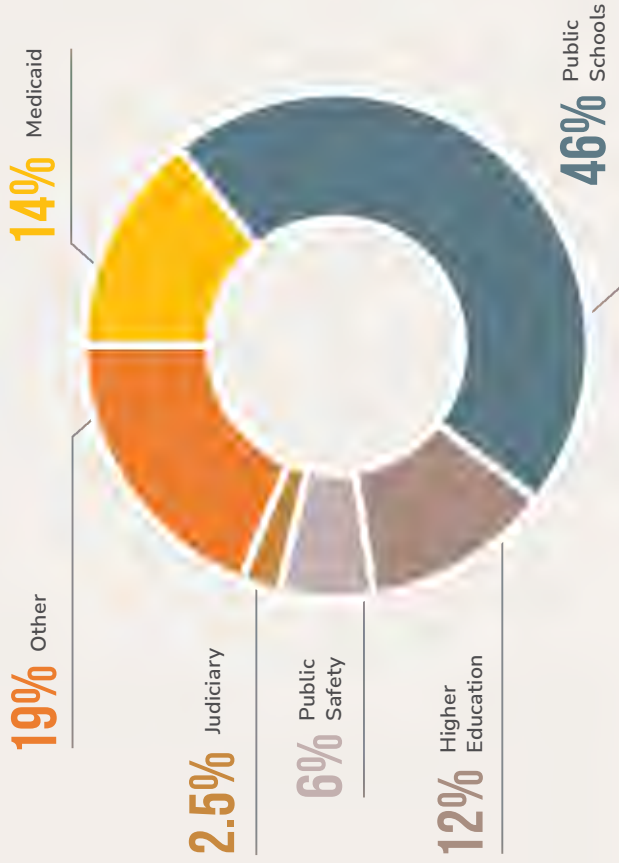
Another district rolled out an online DWI court, and only charged \$50 for DWI school. This program is so successful that it had participants from other counties scheduled to take the course.

This year-long tour was invaluable to the Chief Justice in understanding staff needs and daily challenges. Each district and courthouse has unique obstacles, and the tour was essential in supporting local leadership dedicated to the administration of equal justice under the law.

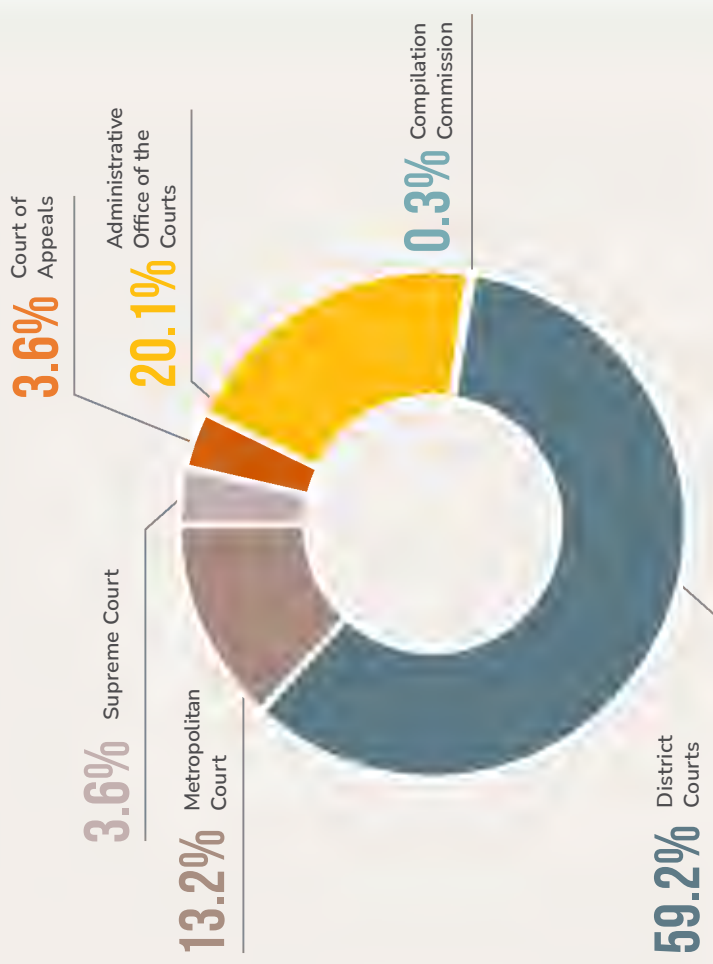
Judicial Budget

The judiciary's general fund operating budget totaled \$207.7 million in the 2023 fiscal year — an increase of about \$20 million or 10.7% from FY22. Appropriations to the judiciary represented 2.5% of the \$8.4 billion general fund budget for all of state government, including public education and health care programs.

FY23 State General Fund Budget
\$8.4 Billion



New Mexico Judiciary FY23 Operating Budget
\$207.7 Million





Courts

SUPREME COURT

5 Justices, 56 Full-Time Employees



From left to right: Justice Julie J. Vargas, Senior Justice Michael E. Vigil, Chief Justice C. Shannon Bacon, Justice David K. Thomson and Justice Briana H. Zamora.

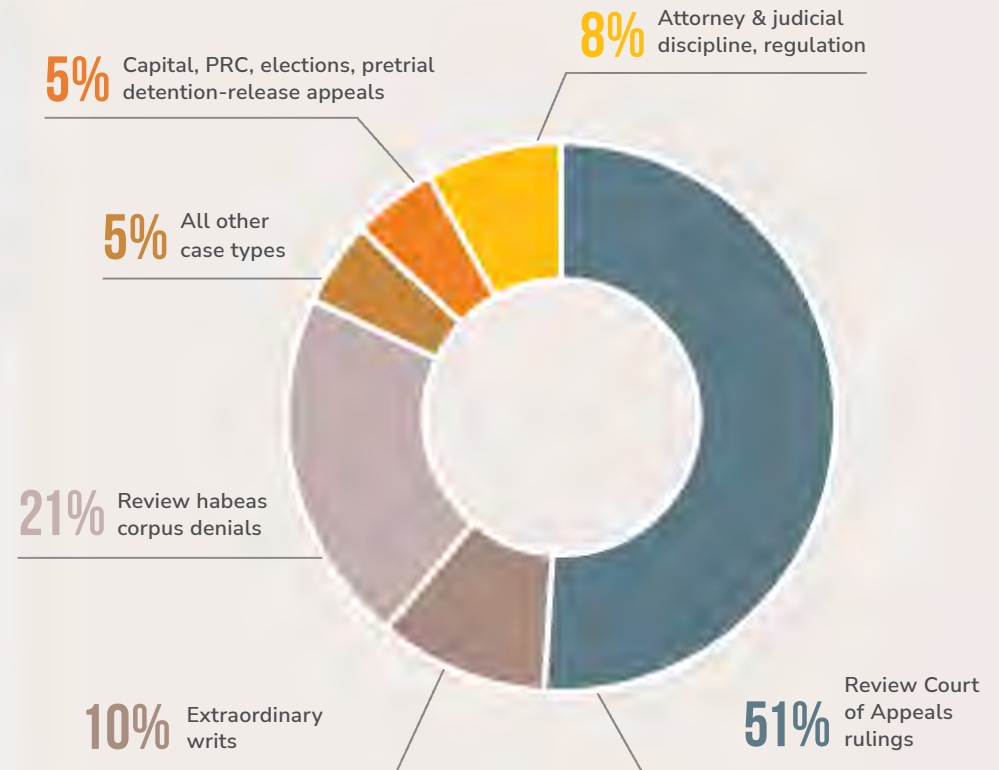
The Supreme Court is the highest court for the State of New Mexico. It is the final authority on questions of law and can review decisions of the Court of Appeals as well as district courts. Appeals in capital criminal cases, Public Regulation Commission decisions, and election challenges go directly to the Court. The Supreme Court determines the rules of practice and procedure for the state bar and all state courts. It exercises supervisory control over state courts in New Mexico, including municipal and probate courts, which are not part of the judiciary's unified budget process and are not overseen by the Administrative Office of the Courts. The Constitution authorizes the Supreme Court to order certain remedies through issuing extraordinary writs. The Court also acts on recommendations by investigatory boards and commissions for disciplining judges and attorneys, and oversees the admission and regulation of attorneys in New Mexico.



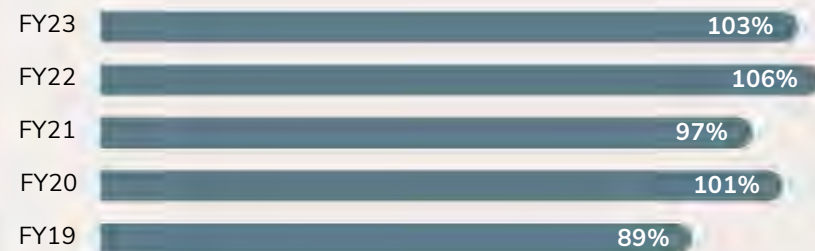
Members of the Supreme Court with retired Justice Richard Ransom, who is holding a commemorative volume of opinions he authored.

From left to right: Justices Julie J. Vargas and Michael E. Vigil, Chief Justice C. Shannon Bacon, retired Justice Ransom, and Justices David K. Thomson and Briana H. Zamora.

2023 Fiscal Year Caseload New, reactivated, and reopened cases: 547



Disposition Rate



Highlights



Front row (l-r): Justice Michael E. Vigil, Judge Katherine A. Wray, Astrid Carrete, Justice Julie J. Vargas, federal District Judge David Herrera Urias, Judge Gerald E. Baca, Dr. Amanda Parker, Justice David K. Thomson.
Second row (l-r): Elizabeth Garcia, Alyssa Segura, Celina Baca, Cody Jeff, Sonya Duke-Noel.
Third row (l-r): Kristen Edwards, Serafina Seluja, Brenda Macias-Lopez, Bethany Peterson, Alex Alvarado, Lysette Romero Córdova.
Fourth row (l-r): Royce Deller, Nicolas Cordova, Alexis Jones, Ricardo Guadarrama, Justin Lauriano, Elisa Cibils, Ambrose Kupfer, Xaveria Mayerhofer, Taryn Osborne, Julia Bowman, Sabrina Lujan.
Fifth row (l-r): Frederick Michael Hart, Oona Bjornstad, Connor Joy, Elliot Heater Brown.

STATE OF THE JUDICIARY. Chief Justice C. Shannon Bacon delivered a State of the Judiciary speech to the 2023 legislature, highlighting initiatives to expand access to legal services, expedite criminal cases, assist people facing possible eviction, and other judicial system improvements.

LEADERSHIP AWARD. Justice Briana H. Zamora was selected to participate in the Council of State Governments 2023 Toll Fellowship, one of the nation's premier leadership development programs for state government officials.

RETIRED JUSTICE HONORED. The Court published a commemorative volume of opinions written by Justice Richard Ransom during his 10-year tenure and presented him with the compendium at a ceremony in the Hall of Chief Justices.

RESOLVING CASES. The Court reduced case processing times after conducting a case flow management review. The Court had a 103% clearance rate of cases in FY23, resolving more cases than were opened during the year.

CIVICS EDUCATION. Over 225 students attended an oral argument in Española as part of a program to help young people understand the role of courts and the rule of law. Several schools also had students watch a live stream of the argument.

JUDICIAL PIPELINE. The Judicial Clerkship Program was expanded to 15 students, including a federal court clerkship. The program offers opportunities to students in demographic groups traditionally underrepresented in the legal profession.

COURT TECHNOLOGY. The Court implemented new audio and video technology in its courtroom to improve the experience of the public viewing proceedings.

LAW LIBRARY. The library received a New Mexico Library Foundation grant to enhance its services. Library staff responded to 3,883 requests for reference assistance.

TRIBAL-STATE JUDICIAL RELATIONS. Navajo Nation Supreme Court Chief Justice JoAnn Jayne visited the state Supreme Court and gifted to the Law Library a reproduction of the Treaty of 1868, known in Diné as Naaltsoos Sání.

NATIONAL RECOGNITION. The Court received an award from the National Center for State Courts Court Statistics Project in recognition of its excellence and leadership in reporting caseload data.

LOCAL RECOGNITION. The Supreme Court Building was named by the Santa Fe Reporter as one of the "25 Things We Love About Santa Fe Now." The Building Commission works to preserve and enhance the historic building.

NEW ATTORNEYS. The Court swore in 392 attorneys to the New Mexico Bar in FY23.

MEETING LEGISLATORS. The Court and the Administrative Office of the Courts hosted a breakfast for House and Senate members during the 2023 legislative session. The event in the Law Library included a presentation about the mission and operation of state courts.

COURT OF APPEALS

10 Judges, 52 Full-Time Employees

There are ten judges on the Court of Appeals, led by a chief judge selected by the judges every two years. Three of the judges are located in the Supreme Court Building in Santa Fe and seven are assigned to the Court's Albuquerque office. The Court of Appeals Building in Albuquerque is located on the University of New Mexico campus, adjacent to the School of Law. This location facilitates a unique educational partnership between the Court and Law School.

The ten judges act in panels of three on all appellate opinions. An agreement of two judges is required to decide a case. Law clerks are assigned to each judge to assist with opinion research and writing. Court staff consists of the Clerk's Office, Division of Appellate Court Attorneys, and Paralegals. The Clerk's Office carries out the statutory duties of the Clerk of the Court and is responsible for day-to-day business, case processing, and fiscal matters. Paralegals edit and perform technical reviews of opinions.

The Division of Appellate Court Attorneys screens all appeals for assignment to the Court's summary and general calendars. Staff attorneys provide the Court with proposed opinions and recommendations on applications for interlocutory appeals, petitions for writs of certiorari, and petitions for writs of error.



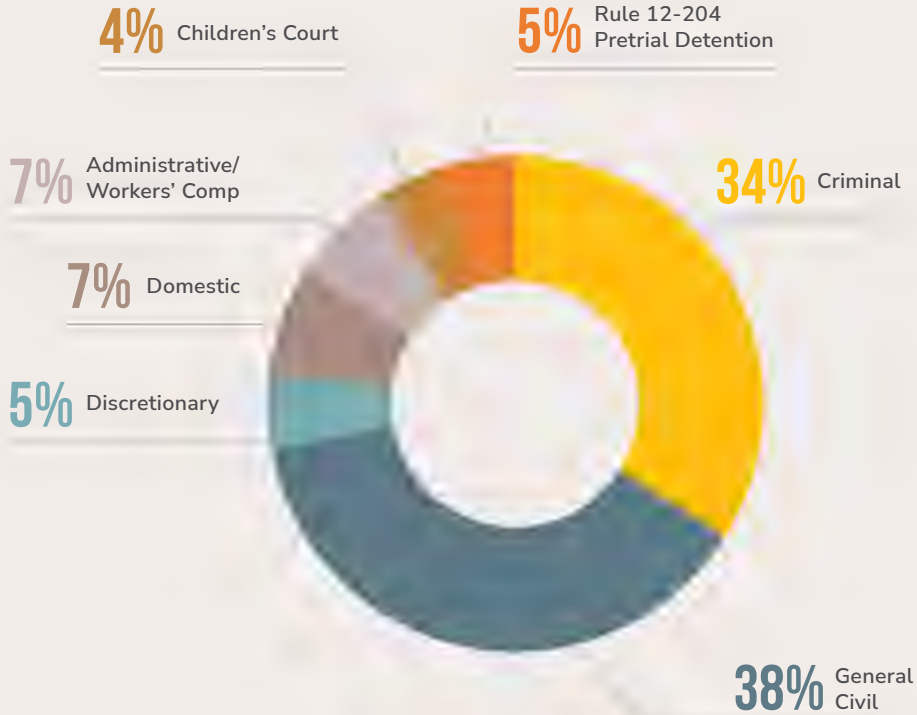
Standing from left to right: Judges Gerald Baca, Shammara Henderson, Zachary Ives, Jane Yohalem, and Katherine Wray.
Seated from left to right: Judges Jacqueline Medina, Jennifer Attrep, J. Miles Hanisee, Kristina Bogardus, and Megan Duffy.

The Court of Appeals is New Mexico's intermediate appellate court. It is the first and often final appellate court for most types of cases and produces a majority of the state's appellate case law. The Court has mandatory jurisdiction in all civil, non-capital criminal and juvenile cases. It has discretionary jurisdiction over most cases appealed from administrative agencies. The Court has been successful at promptly submitting cases for decision once briefing is completed by the parties and has an Expedited Bench Decision program for quickly handling certain time sensitive cases.

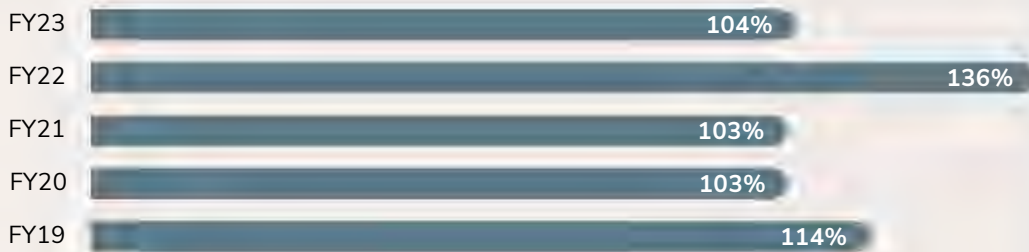


Judge Jennifer Attrep being sworn in as chief judge by outgoing Chief Judge J. Miles Hanisee.

2023 Fiscal Year Caseload
New cases: 745



Disposition Rate



Highlights

COURT LEADERSHIP. Judge Jennifer Attrep was elected chief judge of the Court of Appeals in January 2023 for a two-year term. She succeeded Judge J. Miles Hanisee, who had served as chief judge since October 2019.

CLEARING CASES. Achieved a disposition rate of 104% — resolving 778 cases while 745 new cases were opened. The disposition rate measures whether a court has kept up with its incoming caseload. The total number of cases pending before the Court dropped by 6% in FY23, totaling 761 at the end of the year.

SPEEDIER DECISIONS. The average time to resolve an appeal dropped by nearly 11% in criminal cases, as the Court implemented a criminal case pilot project for streamlining appeals. Three district courts, the Appellate Public Defender, and the Attorney General's Office collaborated with the Court of Appeals in implementing the initiative.

EXPEDITED APPEALS. Quickly decided 34 appeals concerning the pretrial detention of criminal defendants. Additionally, the Expedited Bench Decision program accelerates resolution of appeals involving custody of children and other time sensitive matters.

MANAGING CASELOADS. Maintained a historically average backlog, with 270 cases ready for decision on the general calendar at the end of FY23.

EDUCATIONAL OUTREACH. Continued to collaborate with the University of New Mexico Law School to educate the next generation of attorneys and legal scholars. Judges and staff spoke to classes, served as professors and adjunct professors, judged moot court sessions, and provided educational externships.

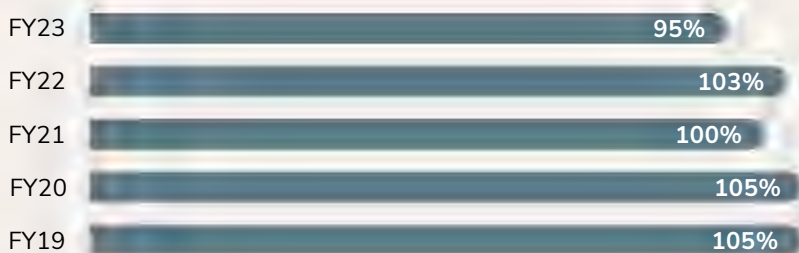
BAR OUTREACH. Implemented a joint project with the State Bar of New Mexico to provide the bench and bar with timely access via email to Court of Appeals opinions and decisions.

DISTRICT COURTS STATEWIDE

102 Judges
1,304 Full-Time Employees

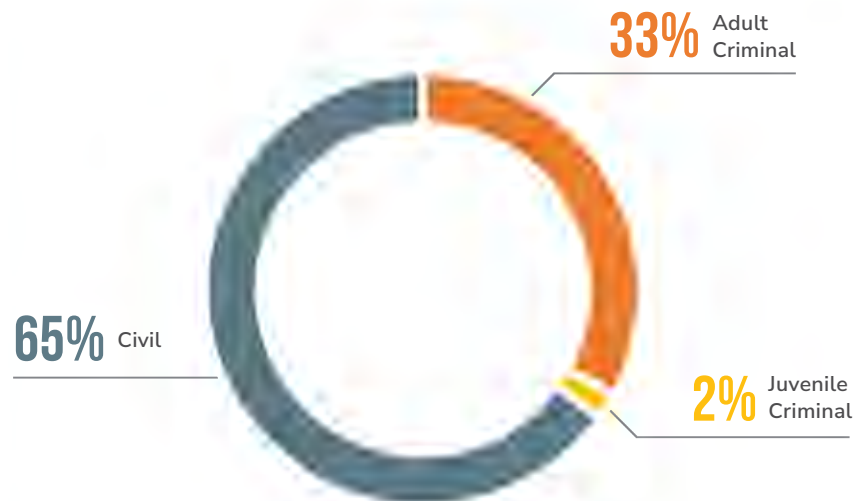
District courts are general jurisdiction courts. They hear and determine adult and juvenile criminal cases as well as civil matters, including contract disputes, personal injury litigation, and domestic relations cases such as divorce, custody, and child support enforcement.

Disposition Rate



There were 102 judges in 34 district courts across New Mexico in the 2023 fiscal year. District judges serve six-year terms. Judicial nominating commissions screen applicants for open judgeships and recommend nominees for possible appointment by the governor.

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: **112,446**



Disposition rate measures whether a court is keeping up with incoming cases. It is the number of resolved cases as a percentage of the number of incoming cases. A rate of 100% or higher indicates a court is clearing at least as many cases as have been filed, reopened, and reactivated during a fiscal year. A rate below 100% results in a growing backlog of cases awaiting disposition.

1st JUDICIAL DISTRICT



Santa Fe, Rio Arriba, and Los Alamos Counties

10 District Court Judges
7 Magistrate Court Judges
129 Full-Time Employees

Highlights

JURY TRIALS. District courts conducted 42 criminal and civil jury trials. Magistrate courts held 10 jury trials.

PRETRIAL JUSTICE. The Pretrial Services Division fully launched in Santa Fe County in September 2022, in Rio Arriba County in May 2023, and in Los Alamos County in June 2023. Judges now have evidence-based information about defendants from the Public Safety Assessment and a criminal history background report to assist in setting conditions of release. The division supervised defendants in 599 cases at the end of FY23.

RESOLVING CASES. 91 civil, domestic relations, and probate cases were referred to the Alternative Dispute Resolution program. Two-fifths of those cases were fully settled before or during the settlement conference. About half of the cases involved self-represented litigants. Forty-four attorneys serve as settlement facilitators.

FORECLOSURE SETTLEMENT. 89% of foreclosure cases were resolved after completing a settlement facilitation program, and nearly three-fifths of the homeowners remained in their houses through a loan modification or reinstatement of the loan. Of the 102 cases referred to the program, 28 completed it.

ASSISTING FAMILIES. Family Court Services conducted 228 mediations, 388 priority consultations, and 21 advisory consultations involving child custody, kinship guardianship, and grandparent visitation issues. Mediations occurred in 51 abuse and neglect cases.

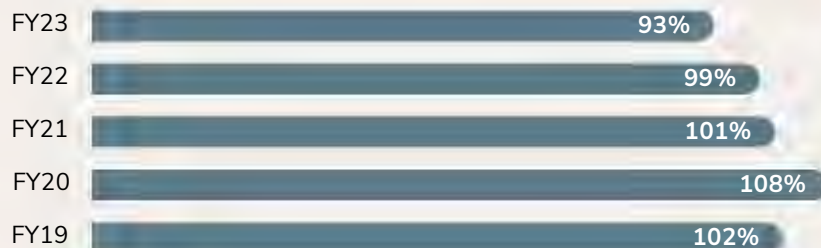
LANGUAGE ACCESS. Court interpreters assisted 1,494 litigants, witnesses, parents, and others in 1,208 proceedings and helped 63 jurors over 43 full days of trial and other hearings. Spanish accounted for 97% of the interpreting services.

ACCESS TO JUSTICE. The Santa Fe district court reopened its Self-Help Center in a centrally located space on the courthouse's first floor. Two paralegals staff the center, providing people with forms and procedural information.

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: **9,166**



Disposition Rate



Celebrating Jury Appreciation Week in the First Judicial District.

2nd JUDICIAL DISTRICT



Bernalillo County

30 District Court Judges
361 Full-Time Employees

Highlights

JURY TRIALS. The district court conducted 151 criminal and civil trials.

NEW JUDGES. District Judges David Murphy and Emeterio Rudolfo were sworn in and serve on the criminal bench. Judge Murphy filled a newly created position on the court and previously served on the Bernalillo County Metropolitan Court. Judge Rudolfo operated a private law practice before his appointment to the court.



Second Judicial District Judge Emeterio Rudolfo being sworn in.

ACCESS TO JUSTICE. The court conducted about 15,000 proceedings remotely, totaling 283 hours. Incoming cases rose by 15% from the previous fiscal year.

TREATMENT COURTS. 58 people graduated from adult, juvenile, felony DWI, and behavioral health treatment courts.

MEETING COMMUNITY NEEDS. The Center for Self-Help assisted 15,819 individuals, a nearly 16% increase from the last fiscal year. The clerk's office helped about 100,000 people by phone and in person, and processed more than 500,000 filings in court cases.

ACCESS TO JUSTICE. Spanish language interpretation was provided in 3,188 cases, a 40% increase from last year.

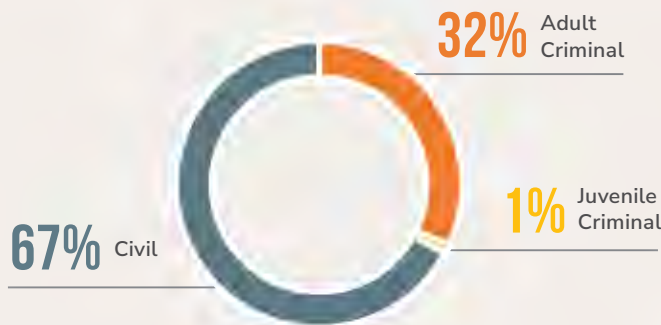
SERVING CHILDREN AND FAMILIES. 44 teens completed the Children's Court Community Gun Violence Intervention program, and the Family Court Clinic provided services to about 1,500 individuals in 372 families.

GIVING TREE PROJECT. Judges and court employees conducted a food drive that raised over \$1,900 for the Roadrunner Food Bank and collected nearly 560 pounds of food. Each year judges and court staff select a community cause to support.

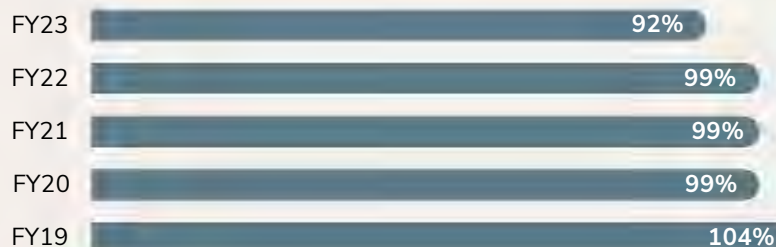


(L-R) Second Judicial District Judge Jane Levy, Chief Judge Marie Ward, and Judge Nancy Franchini.

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: **39,005**



Disposition Rate



3rd JUDICIAL DISTRICT

9 District Court Judges
7 Magistrate Court Judges
122 Full-Time Employees

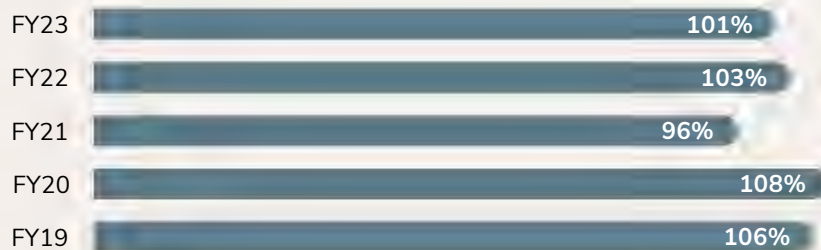
Doña Ana County

2023 Fiscal Year Caseload

New, reactivated, and reopened cases: **10,673**



Disposition Rate



Highlights

JURY TRIALS. 43 criminal and civil jury trials conducted in district court, and magistrate courts held 33 jury trials.

NEW LEADERSHIP. Judge Conrad F. Perea was elected chief judge of the district in April 2023. He has served on the court since 2017, and is a New Mexico native. He succeeded Judge Manuel Arrieta as chief judge.

NEW JUDGES. District Judges Robert Lara and Mark Standridge joined the court in 2023. Judge Lara had been a staff attorney with the district court for five years. Judge Standridge had worked as an assistant U.S. attorney.

TREATMENT COURTS. 28 people graduated from adult, DWI, family, and veterans courts. The Veterans Treatment Court celebrated its fifth anniversary of assisting veterans charged with crimes who are struggling with addiction and other disorders.

PRETRIAL JUSTICE. The court's pretrial services program has experienced promising outcomes since launching in 2020. Released defendants appeared at 86% of scheduled court dates in the nearly 3,000 cases filed and disposed of in fiscal year 2023. The pretrial program employs minimally intrusive conditions of release, including remote reporting by defendants in most cases and at most requires check-ins twice a month. Individuals at the lowest pretrial monitoring level receive only court date reminders. The use of GPS tracking devices is limited.

RECOGNITION. Former district court Domestic Violence Commissioner Isabel Jerabek was honored for her work by the Doña Ana Board of County Commissioners in a proclamation for Domestic Violence Awareness Month. Jerabek served in the position in 2015-2022.

SERVING FAMILIES. The district court observed National Adoption Day with the adoption of four children by families.

ASSISTING CHILDREN. 98 children in abuse and neglect cases were served by Court Appointed Special Advocates (CASA) volunteers. 904 supervised visits and safe exchanges were held for children in cases involving parental disputes, including divorce, custody, and domestic violence.

EDUCATIONAL OPPORTUNITIES. Nearly two dozen students from New Mexico State University and area high schools worked as interns in the courts during the fiscal year, learning about the justice system. The internship program has been in place for 11 years.

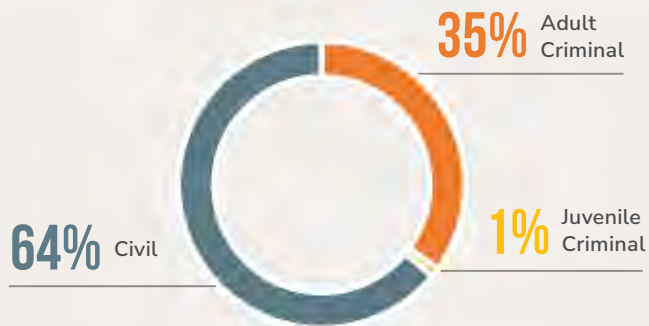
4th JUDICIAL DISTRICT



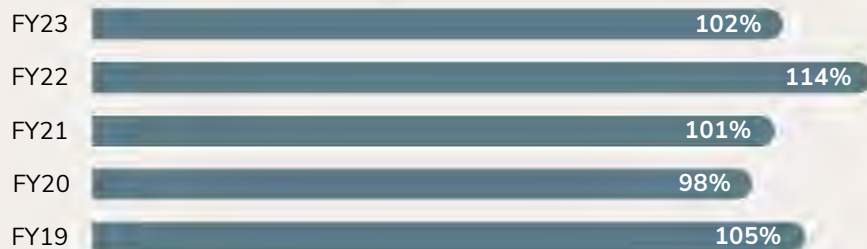
3 District Court Judges
4 Magistrate Court Judges
49 Full-Time Employees

San Miguel, Mora,
and Guadalupe
Counties

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: 2,986



Disposition Rate



Highlights

JURY TRIALS. District courts conducted 17 criminal and civil jury trials.

TREATMENT COURTS. 13 people graduated from the adult drug court and magistrate DWI drug court in Las Vegas.

PRETRIAL JUSTICE. The court launched a pretrial services program in June 2023 in San Miguel and Mora counties. The program uses evidence-based practices and helps identify individuals needing greater pretrial monitoring and supervision to ensure they comply with release conditions, return for future court hearings, and avoid rearrest. Judges receive information from a risk assessment and criminal background check of defendants to assist in setting conditions of release.



On June 20, 2023 the Fourth Judicial District implemented a pretrial services program in San Miguel and Mora counties. Pictured are Pretrial Services Officer I Joseph Gutierrez, Pretrial Services Supervisor Stephanie Romero, and Pretrial Services Officer I Amor Gallegos.

CLEARING CASES. The number of active pending civil and criminal cases in district courts declined by about 7% from FY22 to FY23.

SERVING CHILDREN AND FAMILIES. Court Appointed Special Advocates (CASA) volunteers served 20 children in abuse and neglect cases.

5th JUDICIAL DISTRICT



Chaves, Eddy, and Lea Counties

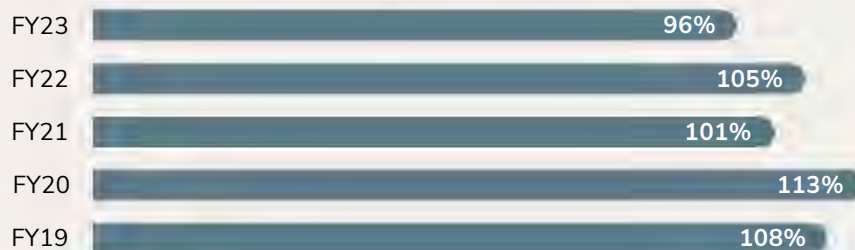
12 District Court Judges
9 Magistrate Court Judges
112 Full-Time Employees

2023 Fiscal Year Caseload

New, reactivated, and reopened cases: **12,247**



Disposition Rate



Highlights

JURY TRIALS. 62 criminal and civil trials were held in district courts, and magistrate courts conducted 23 jury trials.

NEW JUDGES. Eddy County Magistrate Judge Megan Fish and Chaves County Magistrate Judge James Mason won election in 2022. Judge Fish succeeded Judge Richard Van Dyk, who did not seek election. Judge Mason replaced Judge E. J. Fouratt, who retired.

CLEARING CASES. The age of active pending criminal cases in the district courts declined by about 4%, averaging 214 days from filing of a case until the end of the 2023 fiscal year.

TREATMENT COURTS. 13 people graduated from the adult drug court in Roswell, magistrate DWI drug court in Carlsbad, and family reunification court in Hobbs.

HELPING FAMILIES. 2,221 supervised visits and safe exchanges were held for children in cases involving parental disputes, including divorce, custody, and domestic violence.

SERVING CHILDREN. 290 children in abuse and neglect cases were served by CASA volunteers.

NEW COURT BUILDING. A new magistrate courthouse opened in Lovington. The event was celebrated by a ribbon-cutting ceremony in June 2023. The \$6 million, 10,400 square foot courthouse features two courtrooms and provides a modern space for the public, jurors, judges, and court staff to conduct judicial business.



New Lovington Magistrate Court ribbon cutting ceremony on June 2, 2023. Fifth Judicial District Judge David Finger is cutting the ribbon and Lea County Magistrate Judge Keith Clayton is to his left.

6th JUDICIAL DISTRICT

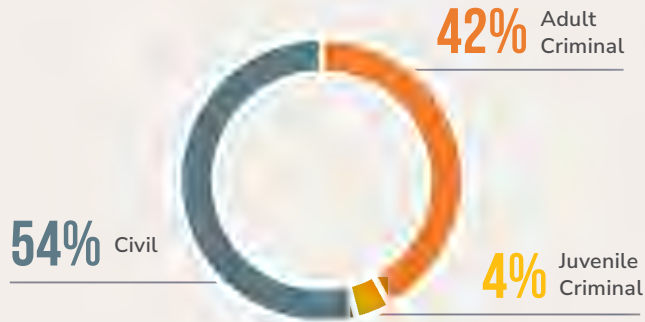
4 District Court Judges
4 Magistrate Court Judges
60 Full-Time Employees

Grant, Hidalgo,
and Luna Counties

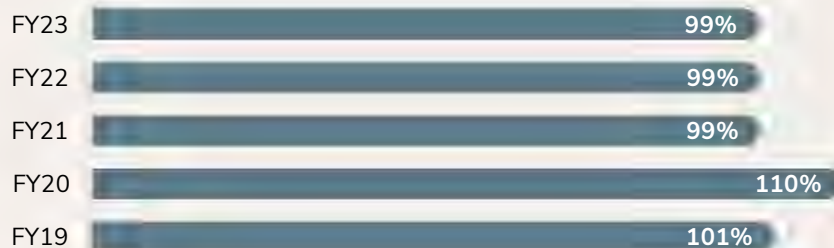


2023 Fiscal Year Caseload

New, reactivated, and reopened cases: **3,831**



Disposition Rate



Highlights

JURY TRIALS. District courts conducted 6 criminal jury trials, and 1 magistrate court jury trial was held.

NEW CHIEF JUDGE. District Judge Jarod K. Hofacket was sworn in as chief judge of the Sixth Judicial District in May 2023, succeeding Judge Jennifer E. DeLaney.

NEW JUDGES. Silver City Magistrate Judge Justin C. Garwood and Deming Magistrate Judge J. Scott Chandler joined the bench in 2023 after winning election to their posts. They respectively replaced Judges Maurine Laney and Ray Baese, who retired at the end of 2022.

PRETRIAL JUSTICE. A pretrial services program began district-wide in 2021. Judges receive evidence-based information from a risk assessment and criminal background history about defendants to help with pretrial decision-making. In FY23, 92% of released defendants returned for all court hearings in cases in which there was a disposition of all charges and a Public Safety Assessment was completed after the person's arrest.

TREATMENT COURTS. 11 people graduated from adult drug courts in Deming and Silver City. The Luna County Adult Treatment Court earned gold certification in May 2023 for aligning with standards and best practices. Grant, Hidalgo, and Luna County courts hosted a barbecue for program participants in celebration of National Drug Court Month.

BEHAVIORAL HEALTH. Stakeholders in Grant, Hidalgo, and Luna counties attended a Behavioral Health Summit in Silver City in July 2023 hosted by the court, Judge Jennifer E. Delaney, and Scott Patterson-Alatorre, the statewide behavioral health manager for the Administrative Office of the Courts. Attendees focused on identifying gaps in services and addressing the behavioral health needs of people at various points in the justice system.

EDUCATIONAL OPPORTUNITIES. Grant, Hidalgo, and Luna County treatment court program managers received training in Oklahoma City. Deming program manager Bobby Brookhouser and Luna County officials attended a national conference for drug court professionals. Judges and staff attended the 2022 annual conference of the National Association of Pretrial Services Agencies.

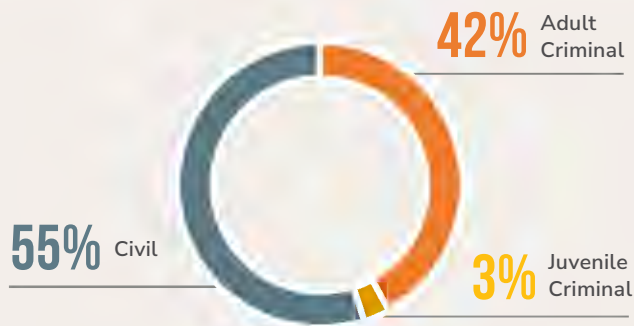
7th JUDICIAL DISTRICT



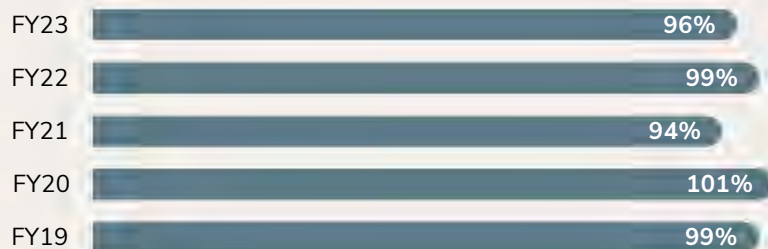
3 District Court Judges
4 Magistrate Court Judges
46 Full-Time Employees

Catron, Sierra,
Socorro, and
Torrance Counties

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: **2,385**



Disposition Rate



Highlights

JURY TRIALS. 4 criminal and civil jury trials conducted in district courts.

NEW JUDGES. District Judge Roscoe A. Woods won election in 2022 after his appointment to the bench in the previous year. Three new magistrate judges won election: Susan Griffin in Catron County, George Lee in Sierra County, and Craig Davis in Torrance County.



Seventh Judicial District Judges (l-r): Sierra County Magistrate Judge George Lee who was sworn in, District Judge Roscoe A. Woods, Chief Judge Mercedes Murphy, Catron County Magistrate Judge Susan Griffin, and Socorro County Magistrate Judge Felix Saavedra.

TREATMENT COURTS. 5 participants graduated from the adult drug court in Socorro and the Torrance County Magistrate Court DWI Drug Court. More than 460 people have participated in treatment court programs in Sierra, Socorro, and Torrance counties since their inception. There has been no recidivism by graduates of the magistrate court's DWI drug court.

CLEARING CASES. The age of active pending civil cases in district courts declined by 6.8% from FY22 to FY23.

SERVING CHILDREN AND FAMILIES. CASA volunteers served 4 children in abuse and neglect cases.



Replaced bench seating in the large courtroom at the Sierra County Courthouse in Truth or Consequences.

BUILDING IMPROVEMENTS. New metal detectors and x-ray inspection machines were installed to upgrade security in courthouses. Bench seating for the public was replaced in the large courtroom at the Sierra County Courthouse and Socorro County Courthouse renovations were completed, including installation of solar panels on covered parking for staff and the sheriff's office.

8th JUDICIAL DISTRICT



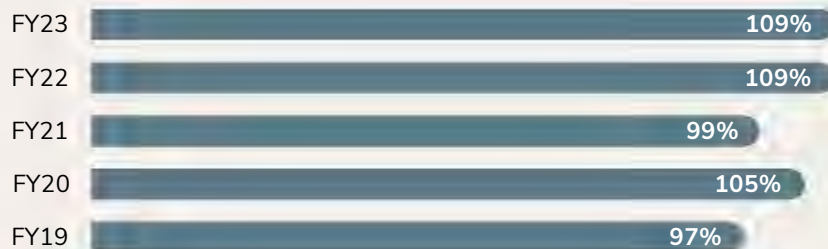
Colfax, Taos, and Union Counties

3 District Court Judges
5 Magistrate Court Judges
50 Full-Time Employees

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: **2,887**



Disposition Rate



Highlights

JURY TRIALS. 42 criminal and civil jury trials were conducted in the district courts, and 14 jury trials were held in magistrate courts.

NEW JUDGE. Judge Steven A. Romero joined the district court in September 2023. He filled a vacancy created by the retirement of Judge Melissa Kennelly.

TREATMENT COURTS. 9 people graduated from adult drug courts in Taos and Raton. A Family Domestic Violence Court in Taos celebrated its first three graduates since starting in 2021. The district plans to pilot a Behavioral Health Court for Colfax County to serve defendants with severe or complex mental illness.

ACCESS TO JUSTICE. The Help Desk assisted more than 1,200 people, answering general questions from self-represented litigants and reviewing documents for completeness. A hybrid legal fair was held during Pro Bono Month. The Help Desk worked with 11 private attorneys to assist 41 people, and attorneys scheduled free consultations with 192 individuals.

RECOGNITION: Program Specialist Sivreana Tafoya received the Outstanding Legal Fair Organizer award in 2022 from the Volunteer Attorney Program.



Eighth Judicial District Court Program Specialist Sivreana Tafoya was recognized as the Outstanding Legal Fair Organizer of the Year in FY23 by New Mexico Legal Aid's Rebecca O'Gawa (left). Program Manager Hannah Smith is on the right.

NEW COURT BUILDING. A new magistrate courthouse in Springer opened in October 2023. The courthouse features secure holding areas for in-custody defendants, a multi-purpose courtroom, attorney/client rooms, and a jury deliberation room.

SERVING CHILDREN AND FAMILIES. 184 supervised visits and safe exchanges were held for children in cases involving parental disputes, including divorce, custody, and domestic violence. CASA volunteers served 25 children in abuse and neglect cases.

9th JUDICIAL DISTRICT



Curry and Roosevelt Counties

5 District Court Judges
3 Magistrate Court Judges
55 Full-Time Employees

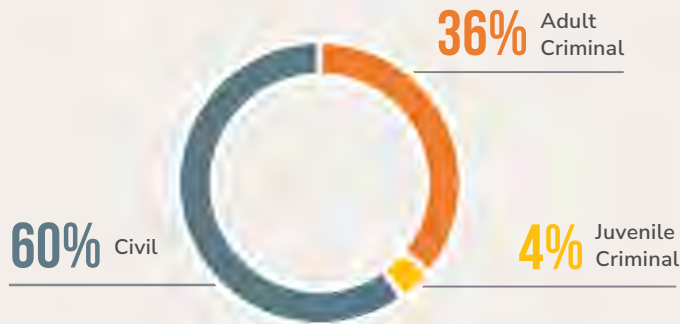
Highlights

JURY TRIALS. District courts conducted 29 criminal and civil jury trials, and 14 jury trials were held in magistrate courts.

CLEARING CASES. The age of active pending criminal cases in the district courts declined by 15%, averaging 214.8 days from the filing of a case until the end of the 2023 fiscal year. The age of active pending civil cases dropped by nearly 7%, averaging 296.9 days from filing until the end of FY23.

TREATMENT COURTS. 7 people graduated from adult treatment courts in Clovis and Portales. An incentive called the Treatment Court Store was created for participants in the programs. There have been 197 graduates since the treatment courts began.

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: 3,559

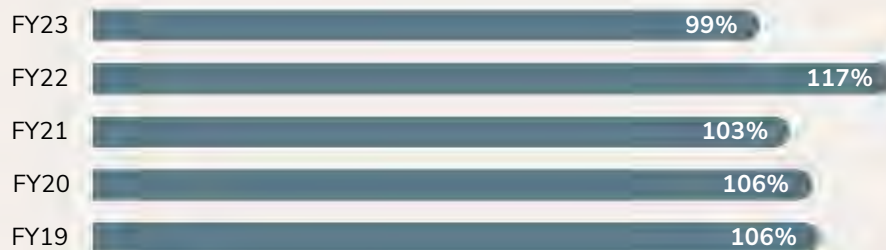


LANGUAGE ACCESS. The district successfully piloted a scribing project that helps people fill out court forms if they have difficulty reading or writing. Based on the success of pilot programs in Curry and Roosevelt counties and a Bernalillo County program, the Supreme Court has authorized other courts across New Mexico to offer scribing services.

ALTERNATIVE DISPUTE RESOLUTION. About 30 mediations were conducted in a district court program that provides a mediation option in domestic relations and civil cases. Most of the participants were self-represented litigants. The Curry County Magistrate Court also provides mediation services in civil cases.

ACCESS TO JUSTICE. The court's Pro Se Services Department assisted 325 self-represented litigants.

Disposition Rate



10th JUDICIAL DISTRICT

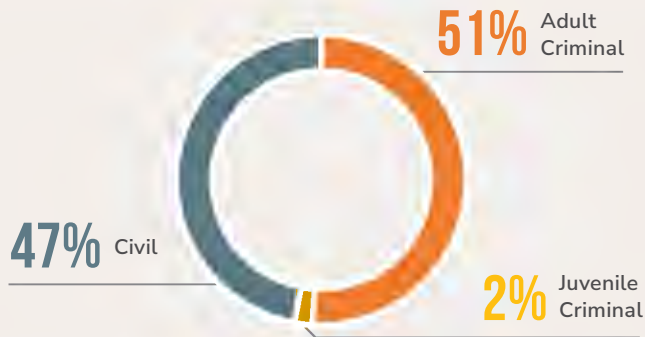


De Baca, Harding, and Quay Counties

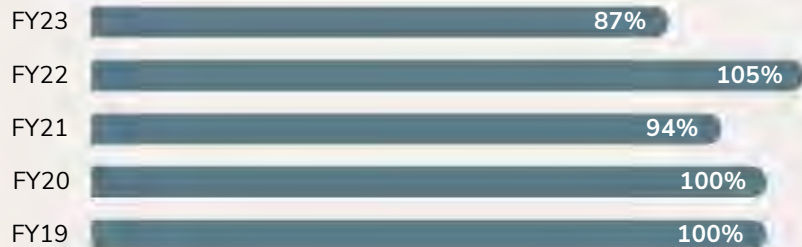
- 1 District Court Judge
- 3 Magistrate Court Judges
- 15 Full-Time Employees

2023 Fiscal Year Caseload

New, reactivated, and reopened cases: **861**



Disposition Rate



Highlights

TRIALS. 3 civil and criminal jury trials were conducted in district court, and 2 jury trials were held in magistrate courts.

NEW JUDGES. New magistrate judges were elected: Josephine Cones in De Baca County, Trubert Flores in Harding County, and Noreen Hendrickson in Quay County. Judge Cones previously was the county assessor. Judge Flowers was a former law enforcement officer. Judge Hendrickson, a former Tucumcari Municipal Court judge, was appointed to the magistrate court in July 2022, and then won election in November.



Fort Sumner Municipal Judge Cindy Rhodes is swearing in Magistrate Judge Josephine Cones, with husband Jason Cones looking on. Photo credit Lisa Stinnett, De Baca County News

RETIREMENTS. De Baca County Magistrate Judge Buddy Hall and Harding County Magistrate Judge Karen Mitchell retired at the end of 2022. Each of them served more than 20 years in the judiciary. Kevin Elkins, the Harding County Magistrate Court manager, retired with over 21 years in the court system, and Judicial Specialist Supervisor Barbara Lopez retired from the Quay County District Court after 24 years of service.

CLEARING CASES. The age of active pending civil district court cases declined by nearly 6%, averaging 615.3 days from filing until the end of the 2023 fiscal year. The court had a disposition rate of 106% for cases involving family relations. A rate of 100% or higher indicates a court is clearing at least as many cases as were newly filed, reactivated, and reopened.



Tenth Judicial District Court employees and judges: **Back Row (left to right):** Joseph Martinez, Amy Gutierrez, Leslee Nunez, Chief Judge Albert Mitchell, and Magistrate Judge Trubert Flowers. **Front Row (left to right):** Amanda Hammer, Stephanie Esquibel, Magistrate Judges Noreen Hendrickson and Josephine Cones, Laura Fought, Dana Pacheco, Jessica Rey, Samantha Stephenson, April Sisneros, Leilani Gutierrez, and Whitney Gauna. **Not pictured:** Perfy Alderete and Lina Weisdorfer.

11th JUDICIAL DISTRICT



McKinley and San Juan Counties

8 District Court Judges
9 Magistrate Court Judges
124 Full-Time Employees

Highlights

JURY TRIALS. 68 criminal and civil jury trials conducted in district courts, and 33 jury trials held in magistrate courts.

NEW JUDGES. The district welcomed five new judges: District Judge Douglas Decker in Gallup, Magistrate Judges Stanley King and Erich Cole in Farmington, Russell Bradford in Aztec, and Brent Detsoi in Gallup.

TREATMENT COURTS.

46 participants graduated from adult and juvenile drug courts, adult mental health court, and magistrate court DWI court. A support program was implemented to assist families with a loved one struggling with addiction. An adult alumni group and peer mentorship program were developed to support participants and their families.



San Juan County Magistrate Judge Erich Cole is sworn in by Chief Judge Curtis Gurley.

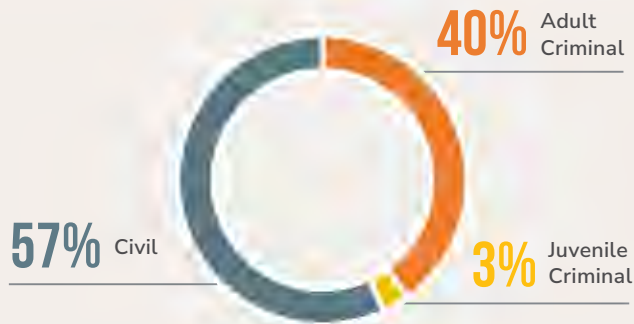
PRETRIAL JUSTICE. Courts across the district employ evidence-based pretrial justice practices to maximize public safety and the appearance of defendants at court hearings. In FY23, 85% of released defendants in McKinley County and 83% in San Juan County returned for all court hearings in cases in which there was a disposition of all charges and a Public Safety Assessment after the person's arrest.

ACCESS TO JUSTICE. Newly installed justice stations at Navajo Nation chapter houses and other locations in the judicial district permit people to use a touchscreen computer to appear before a judge in a remotely conducted hearing, such as in a traffic case. The justice stations offer more convenience to people who otherwise would need to travel to a courthouse. District courts expanded their hours to remain open to the public during the noon hour. Courts offer a scribing service to help people fill out court forms if they have difficulty reading or writing in English.

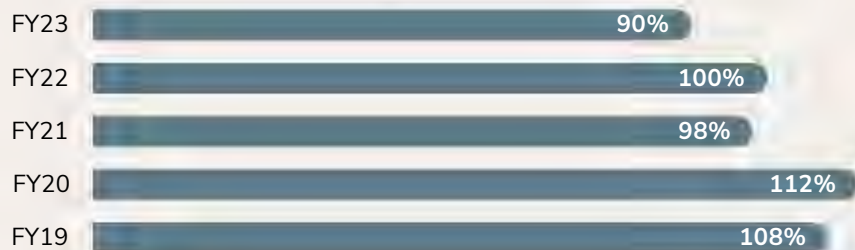
RESOLVING CASES. Settlement and mediation services helped resolve disputes: 57% of participating custody/visitation mediated a parenting plan, 56% of participating debt and money due cases reached a settlement, and 28% of participating foreclosures had a facilitated settlement.

2023 Fiscal Year Caseload

New, reactivated, and reopened cases: 9,690



Disposition Rate



12th JUDICIAL DISTRICT



Lincoln and Otero Counties

5 District Court Judges
4 Magistrate Court Judges
59 Full-Time Employees

Highlights

JURY TRIALS. 76 criminal and civil jury trials conducted in district courts, and 36 jury trials held in magistrate courts.

NEW JUDGES. District Judge Stephen Ochoa joined the court in July 2023, filling a vacancy created by the retirement of Judge Steven Blankinship. Otero County Magistrate Judge Albert R. Green III was appointed to the Division II position effective in October 2023, succeeding Judge Michael Ryan Suggs, who became staff attorney for the Eleventh Judicial District Court. Otero County Magistrate Judge John R. Secrest III was elected to the Division I position in 2022.



Chief Judge Angie K. Schneider looks on as Magistrate Judge John R. Secrest III, signs his oath of office.

RETIREMENTS. Certified Court Monitor Phyllis Starr retired after more than 20 years of service.

TREATMENT COURTS. 10 participants graduated from adult drug courts in Ruidoso and Alamogordo, and a veterans treatment court.

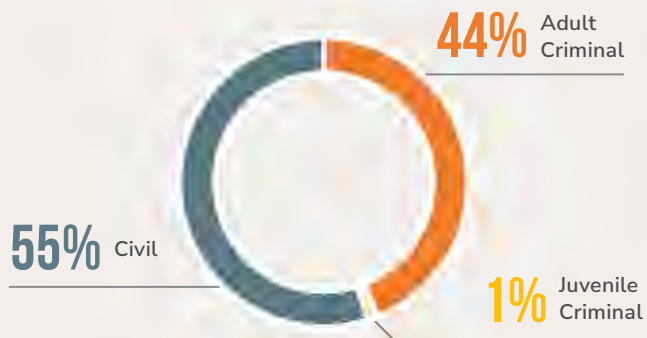
BEHAVIORAL HEALTH. Received grant funding for a mental health case manager-court navigator in both Otero and Lincoln counties. The goal is to improve outcomes for people with mental illness by intervening earlier so they are diverted from the criminal justice system.

ACCESS TO JUSTICE. More than 4,600 people visited the self-help department. Legal fairs were held in Ruidoso and Alamogordo in partnership with the local Pro Bono Committee and New Mexico Legal Aid. At the Alamogordo event, 63 people received legal assistance.

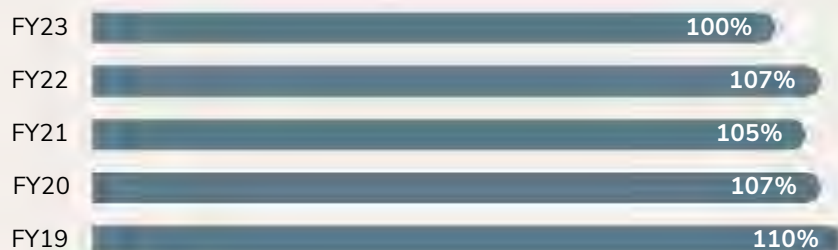
SERVING CHILDREN AND FAMILIES. Arranged 250 supervised visits and safe exchanges for children in cases involving parental disputes, including divorce, custody, and domestic violence. CASA volunteers served 17 children in abuse and neglect cases.

NEW COURT BUILDING. A new courthouse opened in Ruidoso in April 2023. It houses the Lincoln County Magistrate Court and provides limited district court services, including a district court clerk, treatment court staff, self-help, and mediation services.

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: 4,867



Disposition Rate



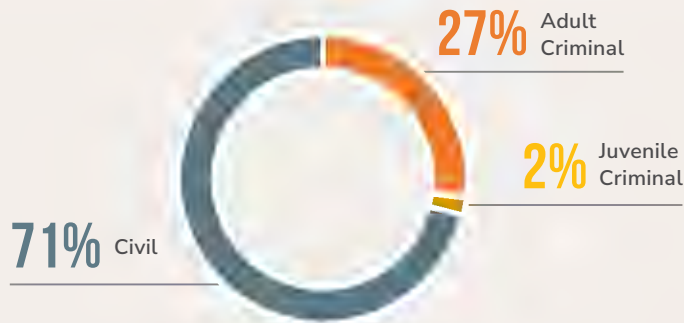
13th JUDICIAL DISTRICT



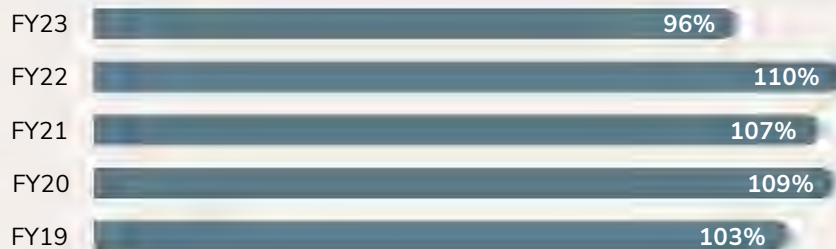
9 District Court Judges
8 Magistrate Court Judges
122 Full-Time Employees

Cibola, Sandoval,
and Valencia
Counties

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: **10,289**



Disposition Rate



Highlights

JURY TRIALS. District courts held 24 criminal and civil jury trials, and magistrate courts conducted 3 jury trials.

COURT LEADERSHIP. Judge James A. Noel was elected chief judge of the district for a three-year term. Phillip A. Romero was named the district's court executive officer.

NEW JUDGES. The district welcomed four new judges: District Judge Allison P. Martinez in Sandoval County and Magistrate Judges Tony Mace in Grants, Deseri A. Sichler in Los Lunas, and F. Kenneth Eichwald in Cuba.

TREATMENT COURTS. 34 participants graduated from adult and juvenile drug courts, a magistrate court DWI drug court, and a behavioral health treatment court. The DWI court has a success rate of nearly 96%, as measured by participants who had no arrests for three years after their graduation.

PRETRIAL SERVICES. 1,937 defendants were referred to pretrial services for support and supervision using evidence-based practices. In FY23, 83% of defendants released pretrial in Cibola County, 81% in Valencia County, and 79% in Sandoval County returned for all court hearings in cases in which there was a risk assessment after the person's arrest and all charges were resolved.

PREVENTING FORECLOSURES. Settlements occurred in 95% of the cases in which homeowners and other parties fully participated in the district's foreclosure settlement program.

ALTERNATIVE DISPUTE RESOLUTION. Two-thirds of domestic relations cases with self-represented litigants reached a settlement after being referred to a court mediation program.

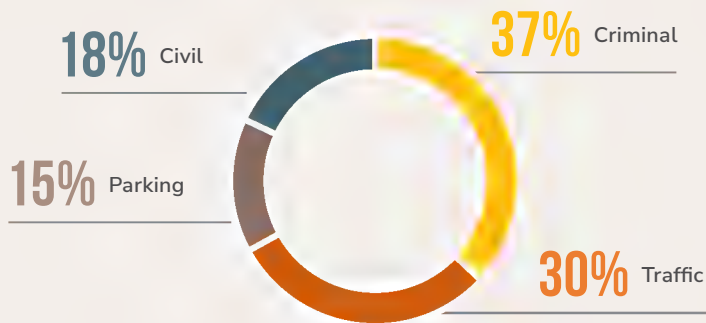
NEW COURTHOUSE. An 11,100-square-foot courthouse in Belen for the magistrate and municipal courts opened for business in April 2023. The "Gillie Sanchez Building" is named after the first magistrate judge elected in Valencia County.

LAW CLERKS. The district provided training and mentoring for two law students during a summer externship. Students in the Judicial Clerkship Program performed legal research and writing for judges and observed the work of court clerks and courtroom proceedings.

BERNALILLO COUNTY METROPOLITAN COURT

19 Judges
317 Full-Time Employees

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: **71,863**



Disposition Rate



Highlights

JURY TRIALS. The court conducted 20 criminal and civil jury trials.

CIVIL CASES. The court held 9,165 virtual and in-person hearings in civil cases.

COURT LEADERSHIP. Judge Joshua J. Sánchez was elected chief judge of the Metropolitan Court in April 2023. Lissa Lowe was named court executive officer in May, succeeding Robert Padilla, who retired after nearly 32 years with the court.

NEW JUDGES. Judges Claire A. McDaniel and Shonnetta R. Estrada were appointed to the court.

RETIREMENTS. Judge Sandra Engel retired after 16 years on the bench.

TREATMENT COURTS. 91 participants graduated from DWI recovery, healing to wellness, veterans, domestic violence, and behavioral health treatment courts. The DWI Recovery Court received the prestigious DWI Court Leadership Award at the 2023 conference of the National Association of Drug Court Professionals. The Urban Native American Healing to Wellness Court was named a mentor court for similar programs across the country.

BEHAVIORAL HEALTH. Created a Behavioral Health Division to better serve participants in behavioral health specific specialty courts. 76 homeless or precariously housed individuals graduated from the Outreach Court. 20 defendants completed the Behavioral Health Resource Connection program.



Chief Judge Joshua J. Sánchez breaks down the contents of a case file with visiting students from RFK Charter School in February of 2023.

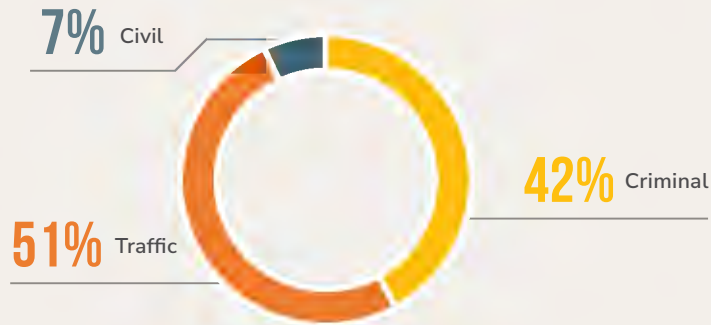
ACCESS TO JUSTICE. The Self-Help Center served 11,271 self-represented litigants in-person, by phone and through email — a 15% increase. Paralegal Renee Valdez was appointed by Chief Justice C. Shannon Bacon to assist in creating a statewide Self-Help Center. The Customer Service Division assisted 80,427 people over the phone and 42,466 in-person.

RESOLVING WARRANTS. The court held its first virtual Safe Surrender event, “Zoom On In,” where 232 warrants were resolved.

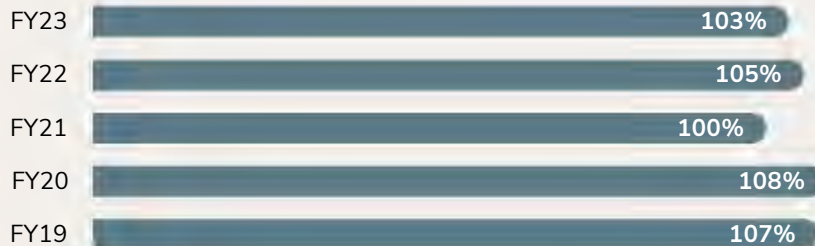
MAGISTRATE COURTS

46 Courts Statewide
67 Judges

2023 Fiscal Year Caseload
New, reactivated, and reopened cases: **145,683**



Disposition Rate



Highlights



Annual Magistrate Judge Conference in Albuquerque. Judge Trubert Flowers (Harding County) and Judge Linda Flores (Doña Ana County).

Magistrate courts have limited jurisdiction and handle DWI cases, misdemeanors, traffic violations, civil actions up to \$10,000, and hold preliminary hearings to determine probable cause on felony charges. Magistrate judges are not required to be lawyers except in Doña Ana County. Judges serve four-year terms and must run for election in partisan elections. District courts administratively oversee the magistrate courts within their districts.



Cutting the ribbon at the new Valencia County Courthouse in Belen. Magistrate John R. Chavez, Belen Mayor Robert Noblin, former Speaker of the House Raymond Sanchez, and his sister Regina are flanked by court employees.

A Year in Pictures



Bernalillo County Metropolitan Court Judge Claire McDaniel, on the right, is sworn in by Judge Vidalia Chavez on Sept. 2, 2022.



Metropolitan Court judges renewed their oaths of office on January 3, 2023 after being retained or securing their seats in partisan races in the November 2022 general election.



Swearing In Ceremony for Eighth Judicial District Judge Steven Romero (L-r): U.S. District Judge Kenneth Gonzales, Union County Magistrate Judge Mary Louise Harkins, Colfax County Probate Judge Royal Quint, Taos County Probate Judge Suzanne Valerio, Taos County Magistrate Judge Ernest Ortega, Judge Romero, Colfax County Magistrate Judges Felix Peña and Amy Hronich, and District Judge Jeffrey Shannon.



Metro Court Judge Shonnetta R. Estrada and Court of Appeals Judge Shammara H. Henderson at Judge Estrada's swearing-in ceremony in November 2022.



Third Judicial District Judge Robert Lara was sworn in on March 31, 2023 by District Judge Douglas Driggers as Judge Lara's wife Rosenda looks on.



Eleventh Judicial District Judge Douglas Decker is sworn in as court employees look on.



Third Judicial District Judge Mark Standridge takes the oath of office with wife Micah by his side and Chief Judge Conrad Perea administering the oath.

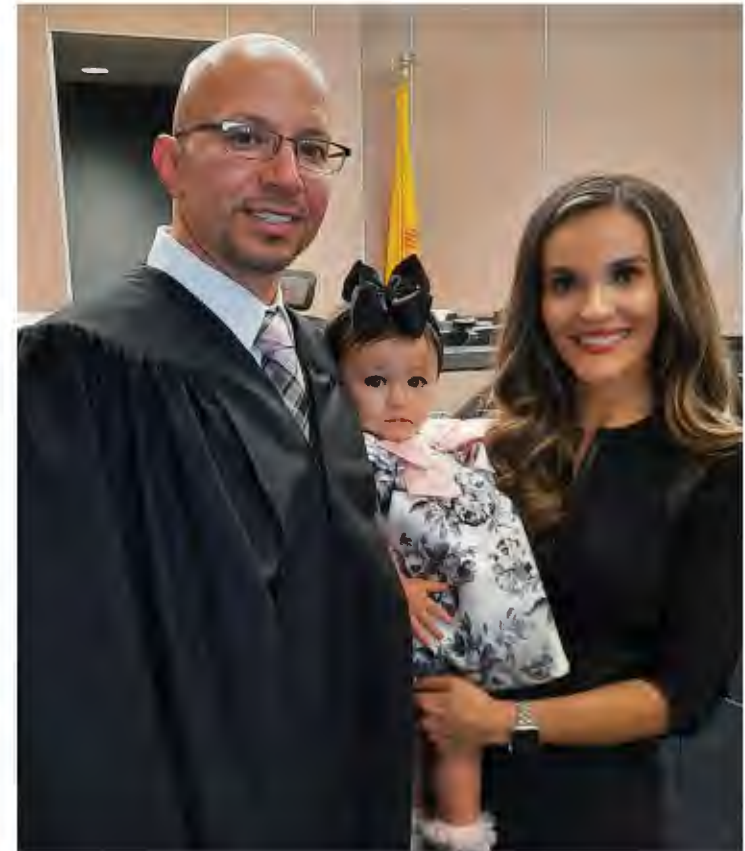


McKinley County Magistrate Judge Brent Detsoi is sworn in by Eleventh Judicial District Judge R. David Pederson at the historic McKinley County Courthouse as his father, Oscar Detsoi, looks on.



Twelfth Judicial District Judges. Front row l-r: District Judge Ellen Jessen, District Chief Judge Angie Schneider, District Judge Stephen Ochoa, and Magistrate Judge Mickie Vega.

Back row: District Judge John Sugg, Magistrate Judge John Secrest III, retired District Judge Frank Wilson, District Judge Daniel Bryant, and former Magistrate Judge Michael Ryan Suggs.



Fifth Judicial District Judge Efren Cortez with his wife Elaine and child Layla after being sworn in on August 25, 2023.



Santa Fe County Magistrate Judge Morgan H. Wood signs her oath of office after being sworn in by First Judicial District Chief Judge Bryan Biedscheid. Judge Wood's husband Douglas is holding her robe.



Torrance County Magistrate Judge Craig Davis taking the oath of office from County Deputy Clerk Sylvia Chavez.



Sixth Judicial District Judges: Pictured from left to right: (back row) Grant County Magistrate Judge Hector Grijalva, Hidalgo County Magistrate Judge Mark Thomas, District Chief Judge Jarod Hofacket, and Luna County Magistrate Judge J. Scott Chandler, (front row) District Judge Jim Foy, District Judge Jennifer DeLaney, Grant County Magistrate Judge Justin Garwood, and District Judge Tom Stewart.



Staff of the Administrative Office of the Courts after a meeting in December 2022.



(l-r): State Law Librarian Stephanie Wilson, Chief Clerk of the Supreme Court Elizabeth Garcia, and Ann Keith, General Counsel to the Chief Justice.



Patrick Perea worked for the Administrative Office of the Courts for more than 25 years as a procurement specialist.



Retired Justice Edward L. Chávez (at right) received the Pamela B. Minzner Professionalism Award from State Bar of New Mexico President Benjamin Sherman.



Programs

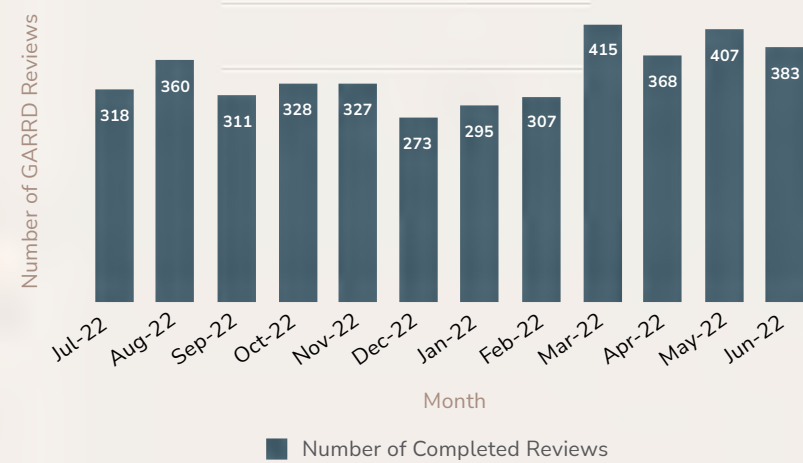
Adult Guardianship and Conservatorship

A district court judge may appoint a guardian and/or conservator for adults found to lack capacity to manage their finances, property, health care, or living arrangement. At the end of 2022, there were 5,860 open adult guardianship/conservatorship cases statewide.

District	Pending	Reopened	Adjudicated	Total
1	104	36	488	628
2	112	98	2,068	2,278
3	40	14	689	743
4	1	3	192	196
5	24	6	443	473
6	10	4	130	144
7	38	4	54	96
8	15	3	87	105
9	4	3	119	126
10	1	2	27	30
11	14	3	161	178
12	16	4	175	195
13	49	30	589	668
Total	428	210	5,222	5,860

The Guardianship Annual Report Review Division (GARRD) began compliance reviews of annual reports filed by court-appointed guardians in December 2021. A review focuses on whether the guardian is complying with statutory obligations and previous judicial orders. GARRD staff does not conduct in-person visits to check on the protected person or make any legal determinations about the appropriateness of the guardian or the guardian's actions. The results of compliance reviews are forwarded to the assigned judge. In fiscal year 2023, GARRD staff reviewed 4,092 annual reports filed in adult guardianship cases. The following is the cumulative FY23 data obtained through the reviews:

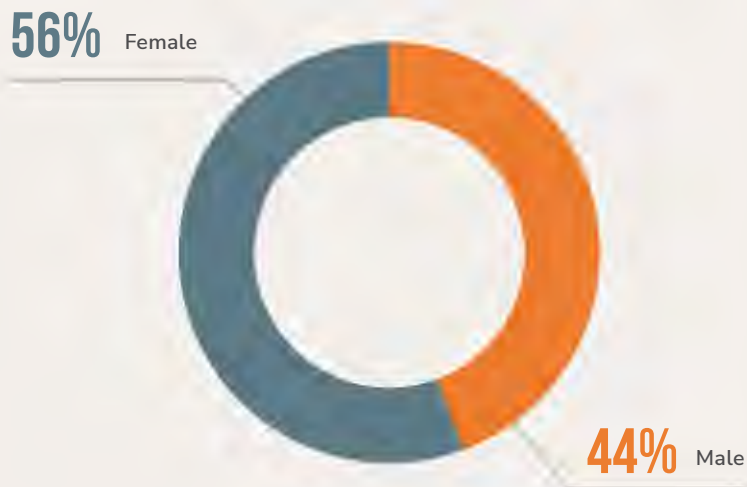
Guardianship Annual Report Review Division (GARRD)
Completed Reviews - FY23 (July 2022 - June 2023)



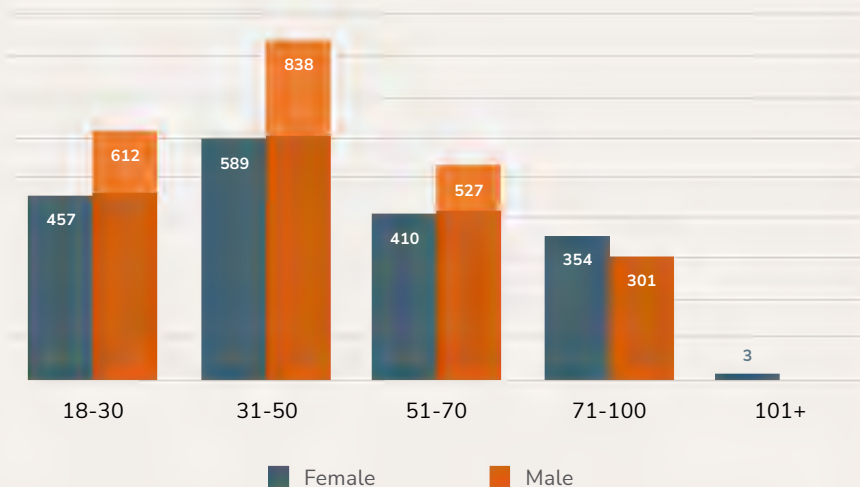
Allocation of Family and Professional Guardians
GARRD Reviews: July 2022-June 2023



Gender of Protected Person
GARRD Reviews: July 2022-June 2023



Age and Gender of Protected Person GARRD Reviews:
July 2022-June 2023



Behavioral Health Department

The Behavioral Health Department in the Administrative Office of the Courts works to improve outcomes for individuals with behavioral health needs who become involved with the justice system. During FY23, the department expanded access to training for professionals in the behavioral health and criminal justice systems, improved cross-system collaboration, and provided ongoing support.

In FY23, accomplishments included:

- The Supreme Court Summit on Improving the Court and Community Response to Those with Mental Illness in New Mexico. Teams from all 33 counties established local plans to help individuals who may end up in court and jail because they are experiencing a behavioral health problem.



Cibola County Sequential Intercept Model Mapping Summit - District Judge Amanda Sanchez Villalobos, third from right, and community stakeholder team.

- Convened stakeholders from all three branches of government to participate in the federal Substance Abuse Mental Health Services Administration's GAINS Center Competency to Stand Trial Policy Academy. They met with national and local experts to develop practices and policies to support people with behavioral health needs who frequently come into contact with the criminal justice system.

- Leveraged federal grant funds from the Justice and Mental Health Collaboration Program to support community initiatives in Bernalillo, Colfax, Grant, Hidalgo, Lincoln, Otero, Roosevelt, and Sierra counties. Approaches included:
 - ♦ System navigation and resource connection services for individuals experiencing a crisis.
 - ♦ Linkage to culturally responsive services for Native Americans with behavioral health and substance misuse issues.
 - ♦ Advanced training for law enforcement and first responders to improve responses to individuals experiencing a behavioral health crisis.
- Conducted training sessions for court and collaboration partner teams statewide on “How Being Trauma-Informed Improves Criminal Justice System Responses,” “Mental Health First Aid,” and “QPR: Question, Persuade, Refer.” Developed and delivered community specific training sessions related to behavioral health and criminal justice for members of the judiciary and treatment court teams.
- Provided administrative and subject matter support for the New Mexico Supreme Court Commission on Mental Health and Competency.
- Ongoing collaboration with the Human Service Department’s Behavioral Health Services Division and its Office of Peer Recovery and Engagement to develop forensic endorsement for Certified Peer Support Workers to provide services to individuals within the justice system. The support workers use their personal recovery experiences to help others.
- Facilitated Sequential Intercept Model Mapping Activities for judicial district and community stakeholder teams.

Court Improvement Program and the Children’s Court Improvement Commission

The federally-sponsored State Court Improvement Program (CIP) provides

grant funds in each state to improve the child welfare system. The Administrative Office of the Courts manages the CIP to improve child safety, permanency, and well-being outcomes for families in child welfare proceedings such as child abuse and neglect, foster care, and adoption.

Each CIP must maintain a statewide multidisciplinary task force. In New Mexico, this is the Children’s Court Improvement Commission (CCIC), which was established by the Supreme Court in 2009. Justice Briana H. Zamora serves as the Supreme Court’s representative to the commission, and the co-chairs in FY23 were Second Judicial District Chief Judge Marie Ward and Arika Sanchez of New Mexico Child Advocacy Networks.

COMMISSION WORKGROUPS. In FY23, CCIC workgroups:

- Helped develop a Family Wellbeing Legal Consultation Services program piloted in the Second Judicial District Court. The program provides an option of prepetition legal consultation to parents and caregivers who are subject to a CYFD investigation.
- Prepared training and bench cards for judges on the Fostering Connections program, which extends foster care for young adults.
- Made recommendations on procedural rules to the Children’s Court Rules Committee regarding crossover youth who are involved in both the child welfare and justice systems.
- Created a form order for courts and parties concerning family time when children in foster care are together with their parents. The order will be piloted in FY24.

LEGISLATION. The CCIC prepared legislation (Senate Bill 31) that was enacted in 2023. The bill revised the Kinship Guardianship Act.

TRAINING. The CIP collaborates with the University of New Mexico’s Corinne Wolfe Center for Child and Family Justice on annual training for new attorneys and judges practicing in child welfare. The CIP also supports the Children’s Law Institute (CLI) hosted by New Mexico State University’s Center of Innovation for Behavioral Health and Wellbeing. In January 2023, the 30th annual CLI had 1,077 attendees and 47 workshops.

Children's Court Judges Association

The Children's Court Judges Association (CCJA) provides training and a space for discussion for judicial officers who preside over child welfare and/or juvenile justice cases. Twelfth Judicial District Chief Judge Angie Schneider chairs the association, which meets monthly.

In FY23, the CCJA received updates about legislation related to Children's Court, and a bill eliminating post-adjudication fees in traffic and criminal cases. Speakers also shared information about the Substitute Care Advisory Council, the Juvenile Justice Advisory Commission, Fostering Connections program support services, the Fostering Family program that works with kinship guardians, and the Children, Youth and Families Department's Office of Children's Rights.



Professor Vivek Sankaran presenting to the Children's Court Judges Association.

The CCJA planned and hosted the second annual "Raising the Bar" training for Children's Court judges. The half-day session is named in honor of retired Justice Petra Jimenez Maes. Speakers included Vivek Sankaran, professor at the University of Michigan Law School and director of the Child Advocacy Law Clinic, and Sheri Freemont, Casey Family Programs managing director of the Judicial and National Engagements Team. Their presentation explored how compassion can be used to build trust and engagement with families.



Children's Court Mediation Program

The Children's Court Mediation Program (CCMP) continued to accept referrals from the Children, Youth and Families Department (CYFD) stemming from abuse and neglect, guardianship, time limited reunification, and open adoption cases. The program operates exclusively online and by feedback from professionals in the child welfare community. Online mediation is preferred because remote participation is far more convenient and accessible for parties.

IN FY23:

- A total of 515 referrals were processed, up 5% from the 2022 fiscal year. As in prior years, a majority of referrals were for time limited reunification mediations. Referrals for open adoption cases numbered 43, a significant decrease from previous fiscal years: 76 in FY20, 76 in FY21, and 67 in FY22.
- The statewide coordinator delivered training and program marketing in areas that have underutilized the program. A presentation was conducted in Cibola County for staff, and with region 5 CYFD legal staff. These trainings strengthen and build relationships across the child welfare community and highlight the valuable role quality mediation services can bring to all involved. The Administrative Office of the Courts also offered trainings about the Indian Family Protection Act and the Indian Child Welfare Act.

...And Justice For All

Civil Legal Help For Everyone

Commission on Access to Justice

The New Mexico Commission on Access to Justice expanded its Justice for All initiatives to develop meaningful access to justice, prioritize collaborative community efforts, and identify challenges and barriers to justice.

IN FY23:

- The commission’s Community Integration Workgroup presented a series of virtual webinars on topics ranging from agricultural workers’ rights and resources to wildfire claims.
- The Modest Means Helpline began offering free legal assistance over the telephone on civil matters to moderate income New Mexicans. The helpline assisted more than 2,500 people. The program is a collaborative effort of the commission, the Administrative Office of the Courts, the State Bar of New Mexico and the State Bar Foundation.

New Mexico Commission on Access to Justice
Community Webinar Series

This webinar focuses on **Predatory Lending**

Wednesday, April 19, 2023
12:00 p.m. - 1:30 p.m.

- The commission launched a monthly newsletter featuring champions of access to justice, a spotlight on civil legal service providers, and events and innovations occurring across the state.
- The commission continued to encourage plain language forms, support the expansion of scribing services, and foster community outreach and civil legal services provider collaboration.

Free Legal Assistance on Civil Matters

Modest Means Helpline

Mon-Fri 8:30 - 5:30

888-857-9935
OR
505-797-6013

September 2023 Vol. 1 No. 4

JUSTICE FOR ALL
NEW MEXICO ACCESS TO JUSTICE COMMISSION
MONTHLY NEWSLETTER

Champions of Access to Justice

SPOTLIGHT
DISABILITY RIGHTS
NEW MEXICO SIBLING

Representative Gail Chassey

Representative Gail Chassey has served in the New Mexico House of Representatives since her election in 1996 and is currently the longest-serving member of the House. Gail is a retired educator, having taught high school History and English in the Salinas Valley of California, and Special Education in the Albuquerque Public Schools. She earned a Master's and Doctorate degree in Special Education from the University of New Mexico. Gail was inspired to run for office in 1985 after working with New Mexican parents who were successful in their effort to secure public education services for children with developmental delays, ages 3-5.

Representative Chassey quickly advocated for civil rights, criminal justice reform, and equal access to justice in the Legislature. In her first session, she sponsored a bill to end filing fees for victims of domestic violence, which was signed into law. She later championed efforts to end discrimination based on sexual orientation or gender identity. Serving on the House Judiciary Committee inspired Representative Chassey to seek a law degree from the University of New Mexico School of Law while continuing to serve in the Legislature. After graduation, she began a second career as an attorney.

DRNM's mission is to promote the independence, productivity, and full community inclusion of persons with disabilities, facilitating consumer control of individual services, and self-help through knowledge and self-advocacy skills. DRNM services are vital to the well-being of persons with disabilities by responding to their legal needs relating to education, employment, housing, health services, protection from abuse and neglect, and fundamental legal rights.

DRNM provides a several services: information and referrals about services for persons with disabilities and about their legal rights; individual case advocacy services to resolve specific disability rights problems; advocacy efforts to improve service systems; generally promote, protect and expand the rights of persons with disabilities; outreach and training activities to increase awareness of disability rights; and to increase consumer empowerment.

continued to page 2

www.accessjustice.nmcourts.gov

- Closed captioning of video is provided for the commission’s hybrid meetings to ensure access for all people who wish to participate, and interpretive services are arranged when needed online or in person.
- Second Judicial District Judge Erin O’Connell, who chairs the commission, presented on the judiciary’s foreclosure settlement program at the 2023 Equal Justice Conference in Dallas.
- In FY24, the commission will consider developing a legal assistance portal, with a recently completed feasibility study helping to guide the decision-making process.
- The commission will broaden the diversity of its membership through new nomination criteria to fill future vacancies.

Commission on Equity and Justice

The Commission on Equity and Justice was established by the New Mexico Supreme Court in 2020 to study and ultimately eliminate biases and inequities within New Mexico's justice system. The commission's core values are centered on identifying and repairing the causes of racial inequities in the judicial system.

IN FY23, THE COMMISSION:

- Submitted recommendations and proposed rule changes.
- Identified areas of implicit bias.
- Developed and encouraged trainings in harassment prevention, bias awareness, and diversity.
- Developed and proposed implementation of enhanced data collection.
- Encouraged diversity in the legal profession.
- Raised awareness of socio-economic barriers.

Efforts are underway to conduct surveys around the state to determine how the courthouse environment can be more welcoming and accessible to all New Mexicans.

Commission on Mental Health and Competency

The New Mexico Supreme Court Commission on Mental Health and Competency brings together public, private and community-based stakeholders working at the intersection of behavioral health and criminal justice. The commission met quarterly during FY23 with more frequent subcommittee meetings focused on subject matter specific work.

The commission's mission is to improve outcomes for individuals experiencing behavioral health and cognitive challenges by:

- Inspiring collaborative change across systems.
- Ensuring access to services and treatment.
- Ending stigma and discrimination.



The Commission on Mental Health and Competency met in Santa Fe. From l-r: First Judicial District Judge Jason Lidyard, Justice Briana H. Zamora, Twelfth Judicial District Chief Judge Angie Schneider, Public Defender Robert Work, Senator Jerry Ortiz y Pino, Albuquerque Police Department Commander Matt Dietzel, AOC Statewide Behavioral Health Manager Scott Patterson-Alatorre, Eighth Judicial District Judge (Ret.) Melissa Kennelly, UNM Law School Professor Ann Delpha, UNM Law School Student Marco Alarid White, NM Association of Counties General Counsel Grace Philips, Subcommittee Chair (Ret.) Michael Barndollar, Doña Ana County Health Services Director Jamie Michael, Governor's Office Housing and Homeless Advisor Amy Whitfield, forensic evaluator Dr. Simone Viljoen, Ninth Judicial District Deputy District Attorney Brian Stover, and Fifth Judicial District Judge James Hudson.

SIGNIFICANT ACCOMPLISHMENTS IN FY23:

- Established subcommittees to develop educational and training materials for providers, individuals with lived experience, and criminal justice partners about the process for determining whether a person is competent to stand trial on criminal charges.
- Partnered with stakeholders from other branches of government to build awareness of the stigma associated with mental illness and justice system involvement.
- Partnered with the Council for State Governments Justice Center and communities around the state to provide leadership, support, and guidance for the States Supporting Familiar Faces initiative, which assists local efforts to better serve individuals who frequently cycle through the criminal justice and behavioral health systems.
- Established a 5-year strategic plan to improve outcomes for systems and individuals with serious mental illness and substance abuse disorders who become involved with the justice system.

- Worked with partners in the executive branch of government to increase reimbursement rates for forensic evaluation to build workforce capacity in New Mexico.
- Collaborated with the legislative and executive branches of government and community partners to support removal of antiquated language about developmental and intellectual disabilities from state statutes.
- Engaged in ongoing work with national partners to support court systems from other states in developing a similar commission and initiatives related to behavioral health.



Compilation Commission

The New Mexico Compilation Commission is the official legal publisher of the State of New Mexico. Through updated technology, the commission provides a free online database of current and historical versions of New Mexico Statutes Annotated, New Mexico Rules Annotated, the uniform body of case law, the New Mexico Constitution, Attorney General opinions, State Ethics Commission opinions, the New Mexico Administrative Code, and session laws. The public can access the information at www.NMOneSource.com.

Print versions of the official annotated statutes, court rules, and specialty manuals remain important to the state to address broadband insufficiencies and user preferences. Through an exclusive content license with a national law publisher, mobile apps and eBooks are available in addition to print publications.



Court Appointed Attorney Program

The Court Appointed Attorney Program (CAAP) of the Administrative Office of the Courts (AOC) provided fiscal oversight, ensured compliance with contractual obligations by attorneys, and supplied training materials to child welfare professionals.

The CAAP also recruited attorneys to provide representation in parentage, mental health and disabilities proceedings, and matters warranting a guardian ad litem (GAL) in adult kinship guardianship and family law cases. CAAP-funded attorneys provided legal representation in more than 2,500 cases.

IN FY23, THE CAAP:

- Issued 99 contracts for abuse and neglect representation for attorneys representing children and parents, guardians, and custodians in abuse and neglect matters. Attorneys also handled appeals and cases for the Fostering Connections program, Indian Child Welfare Act Court, and pilot projects.
- Maintained contracts with 12 mental health attorneys who provide representation to adults and children in sequestered cases involving mental health or developmental disabilities.
- Reviewed and processed numerous non-contract attorney submissions for matters in which the court appointed counsel.
- Funded attendance for 64 attorneys at the Children's Law Institute, which provides continuing education and training on child welfare cases.
- Developed and provided training for lawyers and other professionals statewide on New Mexico's newly enacted Indian Family Protection Act.
- Supported the development of attorney pilot programs and expansion efforts in existing programs.
- Collaborated with the Court Improvement Program, New Mexico State University's Center of Innovation for Behavioral Health and Wellbeing, and the University of New Mexico's Corinne Wolfe Center for Child and Family Justice to offer free or reduced cost continuing education to attorneys. Training also was provided about the Indian Family Protection Act, which requires the AOC to assure training occurs annually.
- Coordinated with the Office of Family Representation and Advocacy (OFRA), which was newly created by law to provide legal representation for families in abuse and neglect cases, and the OFRA Oversight Commission.



Court Appointed Special Advocates

Court Appointed Special Advocates (CASA) for Children is a network of community-based programs that recruit, train, and support citizen volunteers to advocate for the best interests of abused and neglected children in courtrooms and communities. These programs house volunteers who provide foster children with individualized advocacy as the children move through the child welfare system. The volunteer advocates provide judges with reports and recommendations to help make the best possible decision for each child. One year of CASA advocacy costs less than one month of keeping a child in foster care. A child with a court appointed special advocate is more likely to find a safe and permanent home, half as likely to reenter foster care, and is more likely to succeed in school, according to national data.

CASA AT A GLANCE:

- 13 CASA programs in 26 counties.
- 550 CASA volunteers spent 13,693 hours advocating for children in foster care.
- 821 children and youth received support from a CASA.
- 507 cases were assigned a CASA.

FY23 HIGHLIGHTS:

- New Mexico CASA (NMCASA), in collaboration with the Second Judicial District Court, implemented a new court report along with supporting policy to ensure youth aging out of foster care connect to essential resources and documentation such as their New Mexico Real ID, Social Security card, medical card, and electronic benefits transfer card. In FY24, the new court report will be standardized in New Mexico programs and judicial districts.

New Mexico Court Appointed Special Advocates Performance Measures Fiscal Year 2023 (July 1, 2022 - June 30, 2023)

Judicial District	Number of Abuse/Neglect Cases Assigned to CASA Advocates this Fiscal Year	Number of Children in Abuse/Neglect Cases Assigned to CASA Advocates this Fiscal Year
1	71	107
2	74	115
3	58	98
4	18	20
5	172	290
6	11	14
7	4	4
8	14	25
11	42	85
12	11	17
13	32	46
Statewide	507	821

- The First Judicial District CASA developed and provided early childhood advocacy training, focusing on best practices for children up to 3 years old. CASA First presented the training to all New Mexico CASA directors.
- NMCASA provided a 4-week “lunch and learn” training on educational advocacy best practices to local programs and their volunteers in conjunction with the New Mexico Office of Special Education.



Court Education Institute

The Supreme Court established the New Mexico Court Education Institute (CEI) on May 30, 2023. The institute will centralize and modernize court education to ensure all members of the judiciary receive the training and education necessary to effectively and efficiently serve the public. CEI is working to expand and enhance existing programs as well as offer new in-person and online programs.

CEI ACCOMPLISHMENTS SINCE ITS INCEPTION:

Developing a three-year strategic plan with goals aligned with the judiciary's strategic plan:

- ◆ Identifying the judiciary's educational needs.
- ◆ Aligning court education with national best practices.
- ◆ Adopting the Continuous Improvement (Kaizen) Model.
- ◆ Providing community outreach.
- ◆ Assembling a team that includes a director, senior attorney, statewide training coordinator, program manager, and event planner.

TRAINING AND CONFERENCES:

- Delivered multiple in-person training sessions and conferences, including for new municipal, magistrate, and district court judges.
- Worked with locally and nationally recognized speakers to join the institute as subject matter expert faculty, and contracted with several experts to deliver training for upcoming sessions.

NATIONAL AND LOCAL PARTNERSHIPS:

- Collaborated with the Institute of Court Management to offer a leadership summit in 2024, the National Judicial College to offer scholarships for judges to attend training, and the Judicial Science

School at Los Alamos National Laboratory to provide judges with an understanding of modern scientific research methodology.

- Contracting with the New Mexico Department of Transportation to provide a state judicial outreach liaison for training on DWI and other traffic safety topics.



Back row l-r: Administrative Office of the Court's Court Education Institute (CEI) Attorney Sr. Sonya Duke-Noel, Twelfth Judicial District Judge Stephen P. Ochoa, Second Judicial District Judge David Murphy, Third Judicial District Judge Mark Standridge, Third Judicial District Judge Robert Lara, Fifth Judicial District Judge Efren Cortez, Eleventh Judicial District Judge Douglas Decker, Sixth Judicial District Chief Judge Jarod Hofacket, Fifth Judicial District Judge David Finger, CEI Statewide Training Coordinator Jamie Lindemann, and CEI Event Planner Laurie Moreau.

First row l-r: Third Judicial District Judge Casey Fitch, Fifth Judicial District Judge AnneMarie Lewis, CEI Director Paula Couselo-Findikoglu, Supreme Court Chief Justice C. Shannon Bacon, Eighth Judicial District Judge Steven Romero, Ninth Judicial District Judge Benjamin Cross, Thirteenth Judicial District Judge Allison Martinez, Second Judicial District Judge Emerterio Rudolfo, and CEI Program Manager Margarita Terrell.

TECHNOLOGY:

- Working to acquire a robust learning management system. The online platform will allow participants to enroll in courses, register for conferences, track progress and build a learning plan based on continuing education requirements and areas of interest. An electronic learning component will include instructor-led and self-paced training programs with the capacity to track educational requirements.
- Secured a mobile application to help event attendees and planners manage their conference experience.
- Developed a webpage courteducation.nmcourts.gov that will expand to include the learning management system platform and an e-library with educational materials.

Administrative Office of the Courts – Court Operations Division

THE WARRANT ENFORCEMENT PROGRAM focuses on preventing noncompliance with court orders by members of the public. Twenty-six employees in Las Cruces, Rio Rancho, and Santa Fe work on citation processing, compliance, and customer service. In FY23, the program also supported the judiciary’s efforts to eliminate post-adjudication fees.

THE CITATION PROCESSING UNIT serves 12 of the 13 judicial districts. The unit began using automated phone calls and text messages to send reminders about court and compliance dates to New Mexico drivers issued a citation. The reminders and the unit’s research before entering citations have helped reduce failure to appear rates across the state. The unit also worked on a pilot program to assist courts with heavy dockets by diverting some of their traffic cases to judges in courts with lighter dockets. Beginning in September 2023, judges from Harding and De Baca counties will conduct remote hearings for out-of-county citations issued in San Miguel County.

THE COMPLIANCE UNIT serves all judicial districts by reviewing outstanding warrants to update contact information for defendants and determine whether a defendant has died. The first Safe Surrender event since the pandemic was held in Alamogordo and 297 cases were resolved. The unit is working on automation projects with the Department of Public Safety to reduce the data entry required to issue warrants and complete warrant validations. The initiative will improve data quality significantly.

THE CUSTOMER SERVICE UNIT assists the public from 7 a.m. to 7 p.m. Monday through Friday, and 9 a.m. to 1 p.m. on Saturdays. It provides forms, copies of documents, and general information about courts and their procedures. Incoming calls have increased by 72% as people became more aware of the service. There were 7,981 incoming calls in June 2023, the highest monthly amount so far. The unit also made 136,694 outgoing calls to court customers. Judicial districts forward phones to the customer service unit during a closure or when a high call volume prevents a court’s staff from assisting in-person customers.

THE COURT SECURITY team provided more than 20 in-person and remote training sessions to courts statewide and issued over 250 certificates for active shooter, courtroom safety, security screening, and Narcan training.



AOC Facility Security Manager PJ Montoya trains security officers.

The team presented at a supervisory mentorship program offered by the Administrative Office of the Courts, the Magistrate Court Manager Conference, and the Magistrate Judge Conference.

The team also:

- Conducted security assessments and evaluations at courts.
- Made recommendations on security plans for new and existing courthouses.
- Provided security for Supreme Court justices when traveling for remote hearings and other engagements.
- Evaluated security incident reports filed in FY23, offering support or recommendations for solutions.
- Maintained access control and video camera systems for over 30 locations statewide.

Facilities Management

The Facilities Management Bureau conducted site visits at magistrate courts throughout the state to meet with court staff, assess and document needs, and prioritize projects.

PROJECT STATUS:

- The new magistrate courthouse in Lovington was completed on January 24, 2023.
- The new magistrate courthouse in Belen was completed on March 14, 2023.
- The new magistrate courthouse in Ruidoso was completed on April 14, 2023.
- The new magistrate courthouse in Springer was completed on September 18, 2023. The courthouse opened on October 12, 2023.
- The new magistrate courthouse in Clovis is set to break ground by the end of 2023.
- The new magistrate courthouse in Santa Fe will break ground in the spring of 2024.



Lovington Magistrate Courtroom.



Lea County Magistrate Courthouse front entrance.



Colfax County Magistrate Court in Springer.



Valencia County Magistrate Court in Belen.

Department for Therapeutic Justice

The Department for Therapeutic Justice (DTJ) in the Administrative Office of the Courts advances the healing and transformative administration of law through New Mexico's 58 treatment courts, which offer an alternative to the costly revolving door of incarceration. The court programs exist in 12 of the 13 judicial districts, serving 22 of the 33 counties. A multidisciplinary team of professionals oversees these yearlong programs, which treat a person's substance use and mental health conditions – common drivers of repeat criminal behavior – while supporting and holding the offender accountable through frequent drug tests, supervisory support visits, and judicial hearings.

Studies have found that treatment courts are two times more effective than prison in preventing rearrest and four times less expensive.

Accomplishments in FY23:

- DTJ hosted its first Treatment Court Alumni Summit. More than 100 treatment court graduates attended the two-day event, which celebrated ongoing recovery and provided training to extend their influence as peers.
 - ♦ Thirty-three treatment courts began development of alumni programs or started a program.
 - ♦ Seven pilot sites worked with the DTJ to initiate and evaluate alumni members and program guides.
- Professional development began in five sites for a pilot project using a Risk-Needs-Responsivity (RNR) framework. The RNR strategy matches supervision and treatment to an individual's needs and risk factors. Appropriately matching service intensity and dosage reduces recidivism and potential harm to the justice-involved individual.
- Twenty-five treatment courts participated in the department's certification process: three earned gold tier certification, four earned bronze tier, and 18 are in provisional status. The certification process measures a program's alignment of programs with state standards.
- The DTJ provided virtual professional development and networking sessions twice monthly as well as special virtual and in-person summits, workgroups, and other training and technical assistance. More than 300 justice and behavioral health professionals attended a virtual conference co-hosted with the New Mexico Association of Drug Court Professionals.



- Development and beta testing of a smartphone app for field support officers in treatment courts.
- Initiated a pilot program in partnership with the University of New Mexico's Institute for Social Research (ISR) to evaluate treatment court programs.





Valencia County Magistrate Judge Miles Tafoya (middle of back row) at the certification presentation for the DWI Drug Court. Also pictured, left to right: Martin Burkhart, Carlos Gonzales and Deanna Corriz of the Administrative Office of the Courts (AOC); attorney Greg Gaudette; County Compliance Officer Michelle Gonzales; County Compliance Supervisor Lori Kurtz holding plaque; DWI Drug Court Coordinator Marisha Mae; Treatment Provider Katherine Harris; Judge Tafoya; Surveillance Officer Alan Montano; and Anna Quintana-Sanchez, Pamela Trujillo, Tommy Zold and Rob Mitchell of the AOC. County Compliance Officer Cheryl Luna is shown on the video monitor.

FY23 Performance Measures

Total Treatment Court Programs Reporting: **56**

Active Participants on 6/30/2023: **869**

Total Participants Since Inception: **27,839**

Total Graduates Since Inception: **14,098**

Intent-to-Treat Recidivism: **17.15%**

Graduate Recidivism: **9%**

of Graduates: **344**

Graduation Rate: **58%**

Cost/Client/Day: **\$34.67**

Employment of Adult Graduates: **77%**

Education Attainment of Juvenile Graduates: **93%**

Domestic Violence-Firearm Relinquishment

State law allows judges to order the relinquishment of firearms in a domestic violence order of protection case if the judge makes a separate finding that the restrained party “presents a credible threat to the physical safety of the household member.” If the restrained party does not own any firearms, then a statement of non-relinquishment is filed with the court.

Court forms are used when a judge makes a credible threat finding. Firearm relinquishment forms were filed in 179 domestic violence order of protection cases from July 1, 2022 to June 30, 2023.

FIREARM RELINQUISHMENT RECEIPT. The judge made a separate finding that the restrained party posed a credible threat to the protected party in 36 cases, and firearms were relinquished to either law enforcement or a federal firearms licensee and a receipt was filed with the court.

DECLARATION OF NON-RELINQUISHMENT. Of the 179 total cases, a declaration of non-relinquishment form was filed with the court in 143 cases by the restrained parties stating they did not own or possess any firearms that could be surrendered.

FORMS FILED. Firearm relinquishment forms were filed in the following counties: Bernalillo (115), Colfax (1), Curry (3), Doña Ana (4), Eddy (1), Grant (3), Otero (6), Roosevelt (1), San Juan (2), Sandoval (2), Santa Fe (4), Taos (13), Union (6), and Valencia (18). The following counties had no firearm relinquishment forms filed: Catron, Chavez, Cibola, De Baca, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Quay, Rio Arriba, San Miguel, Sierra, Socorro, and Torrance.



Family Advocacy Program

The New Mexico Family Advocacy Program (NMFAP) provides parents in child abuse and neglect cases with an interdisciplinary legal team composed of a lawyer, licensed master’s level social worker, and a parent peer mentor who has lived experience with the child welfare system. The team supports parents to help reunify families when possible and strengthens the parents’ ability to care for their children. The Administrative Office of the Courts (AOC) received a \$7.7 million federal grant in 2018 to administer the NMFAP, which works with families in Bernalillo, Sandoval, Valencia, Cibola, McKinley, and San Juan counties.

In FY23, NMFAP:

- Served 299 parents, including 83 fathers, and 490 children.
- Contracted with seven licensed master’s social workers, 15 respondent attorneys, two parent peer mentors, one clinical social work consultant, one resource attorney, three independent reviewers for NMFAP cases, and with the National Center for State Courts to lead an independent evaluation of the program.
- Facilitated 10 virtual trainings to improve legal advocacy and practice through the NMFAP ECHO, a knowledge-sharing platform that includes the statewide child welfare community.
- Conducted additional outreach and training for practitioners around the state to improve collaboration and practice in site counties.

INITIAL FINDINGS: Parent and stakeholder interviews have yielded positive responses about the NMFAP and the support it provides to parents. Four-fifths of parents receiving NMFAP services indicated that the frequency of their contact with the interdisciplinary team was sufficient. Additionally, NMFAP parents reported meeting with attorneys more often than non-NMFAP parents, and indicated that they received more support related to court hearings.



My lawyer and advocacy worker prepare me. That has been the saving grace to this whole process.

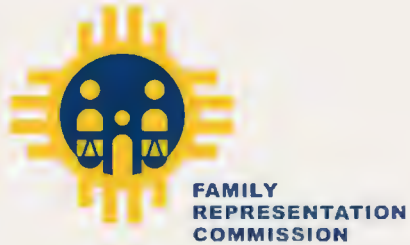
- Parent served by NMFAP.

Activities Supported by NMFAP (as reported by parents receiving services)

	n=30
Helping to communicate with CYFD worker	97% (29)
Explaining and helping to understand court proceedings	93% (28)
Helping to access services I need	93% (28)
Helping to have input into my case plan	90% (27)
Attending meetings with CYFD	87% (26)
Ensuring visitation with the child	70% (21)
Transporting to assessments and/or services	63% (19)
Helping to advocate for relative placement	63% (19)
Helping to identify relatives who are potential supports	63% (19)
Helping to access visitation with my child	53% (16)
*Other – expressed as emotional support activities	17% (5)

Sunsetting NMFAP:

In October 2022, the NMFAP entered its final year of operations under the federal grant. Staff, with input from contract practitioners and stakeholders, developed a strategy to wind down the program. This included considerations for parents to provide them with focused support during the remaining time and to prepare them for a full transition to community-based services. NMFAP and other AOC staff supported the new Office of Family Representation and Advocacy (OFRA) and coordinated transition efforts as the new agency will take over interdisciplinary legal representation for parents and children when NMFAP concludes. A transition packet will be provided to OFRA and the child welfare community in FY24. The packet will compile NMFAP materials including a practice guide, training materials, forms, information sheets, lessons learned, and data/evaluation outcomes.



Family Representation Commission

The Family Representation Commission (FRC), established by the New Mexico Supreme Court in 2020, concluded its work following the launch of the Oversight Commission for the Office of Family Representation and Advocacy. The FRC was chaired by Sixth Judicial District Judge Jennifer DeLaney.

FRC recommendations to the Legislature led to the creation of the Office of Family Representation and Advocacy. FRC provided the developing agency with guidance to support its formation as an independent state agency, and took necessary steps to assure that the transition process was able to occur without a disruption in services of appointed counsel. The new, independent office ultimately removed judicial oversight of court appointed counsel in abuse and neglect cases and other foster care-related cases.

Human Resources Division

The Human Resources Division (HRD) of the Administrative Office of the Courts provides services to about 2,000 judicial officers and employees in a wide range of areas, including payroll and benefits administration.

IN FY23, HRD:

- Combined and converted leave types such as annual and sick into a new category - Paid Time Off (PTO). The new leave accrual system for judicial employees allows leave balances to carry over at the end of the calendar year and establishes compensation for PTO buyback.
- Managed the judiciary's Workforce Investment Plan, moving employees through the ranges based on time in the job classification. HRD successfully implemented a 2% salary increase in addition to a 4% salary adjustment approved by the legislature.
- Provided statewide services to all judicial entities, including position recruitment and reclassification; pay for performance programs; salary adjustments and compensation initiatives; employee relations and investigations into claims of harassment, discrimination and retaliation; and personnel rule interpretation and guidance.

The Fifth Judicial District

is Hiring!

1 Full-Time, Classified, Judicial Specialist 2 position in Roswell

1 Full-Time, Classified, Judicial Specialist 2 in Carlsbad

1 Full-Time, At-will, Classified, Bailiff in Carlsbad

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Experience the Difference

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JOIN OUR TEAM

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Lynette Paulman-Rodriguez (third from left) retired after serving as AOC Human Resources Director for 12 years.

Pictured l-r: Justice Michael E. Vigil, Chief Justice C. Shannon Bacon, Lynette Paulman-Rodriguez, Justice Julie J. Vargas, Justice Briana H. Zamora, and AOC Director Artie Pepin.

TRAINING AND DEVELOPMENT OPPORTUNITIES.

- Provided a 40-hour supervisory training to 56 managers, supervisors and employees to increase professional proficiency in supervisory techniques and knowledge of critical employment laws.
- Provided onboarding and new employee orientation monthly to approximately 206 judiciary employees through a hybrid platform.
- Recruited for approximately 772 job opportunities judiciary-wide.
- HRD will continue to partner with human resource professionals throughout the judicial branch of government on workforce and training needs to improve the operational effectiveness of the judiciary.

Judicial Information Division

The Judicial Information Division (JID) is the technology arm of the judicial branch of government and is directed by the chief technology officer, who reports to the director of the Administrative Office of the Courts (AOC). JID provides cybersecurity, information technology support for all state courts, and information technology policy and direction.

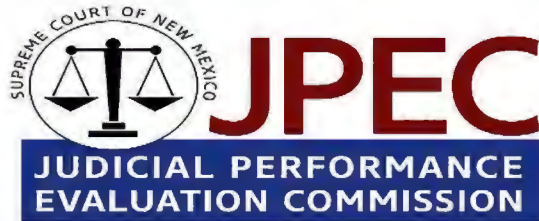
IN FY23, JID:

- Successfully upgraded the Odyssey case management system to Navigator, with an improved user interface and modern look. The Odyssey team delivered 39 training sessions for 2,737 judges and staff across the state, prepared targeted training materials, and ensured everyone was ready for the new version.
- Planned and executed the first phase of a new emergency alert and communication system – RAVE – for the AOC and the Supreme Court. Future expansion to additional judicial entities is planned. The system notifies employees through text or email of weather alerts, court closures, technology outages, and safety alerts.
- Developed and implemented the Docket Direct application, which allows participating courts to display docket information for their judicial entity in the courthouse.
- Launched new teams and processes to better support excellence in



service delivery, including the JID Service Desk, project management, and data requests. This investment allows JID to review and revamp internal processes and improve our customer service, project delivery, and reporting efforts.

- Resolved a total of 35,507 service desk tickets.
- JID worked on a major technology upgrade for the Supreme Court building, and ensured technology was in place, tested, and operational when several new courthouses opened across the state.
- The AOC received an excellence award for Supreme Court and Court of Appeals data submitted as part of the Court Statistics Project of the National Center for State Courts. The collaborative effort included employees from JID, the Supreme Court, and Court of Appeals, and was led by Senior Data Analyst Joe Vigil, who gathered and submitted a significant amount of data.



Judicial Performance Evaluation Commission

The Supreme Court established the Judicial Performance Evaluation Commission (JPEC) in 1997 to improve the performance of judges and provide credible information to voters about judges standing for retention. Staff of the Court Services Division of the Administrative Office of the Courts (AOC) supports JPEC.

The nonpartisan commission is composed of 15 members – seven lawyers and eight non-lawyers – appointed to staggered terms by the Supreme Court. JPEC posts evaluations of judges on its website, – www.nmjpec.org. The commission also disseminates information through newspaper articles, social media, and advertising.

IN FY23, JPEC:

- Provided evaluations of one Supreme Court justice, one Court of Appeals judge, and seven Metropolitan Court judges standing for retention. JPEC’s messages achieved nearly 2.8 million impressions via social and digital media, while an estimated 500,000 people were reached by radio and newspaper advertising. More than 50,000 people visited JPEC’s website.
- Organized a first-of-its kind strategic planning retreat for commissioners. National experts provided implicit bias training and education on best practices. One result was an improved district and metro judge survey for attorneys, judges, jurors, court staff, and resource staff.
- Implemented legislation that staggered terms of judges by completing the first phase of 2023 district judge evaluations with 100 percent participation. The second phase of evaluations is underway.

- Developed a database to track the status of all Supreme Court justices, Court of Appeals judges, district court judges, and metropolitan court judges. The database indicates when individuals were appointed to the bench, ran in a partisan election, are scheduled for an interim JPEC evaluation, and when they face retention under the staggered term legislation.
- Planned marketing and communications research to determine public awareness and perceptions of JPEC, evaluate the effectiveness of JPEC’s branding and communications, and explore how JPEC can motivate more voters to participate in judicial retention elections. The research will partly focus on traditionally underserved populations, including Native American, Hispanic, and young voters.



AOC Court Services Division Director Mateo Page (standing at center) and AOC Business Specialist Ryan Deller (sitting) distributed information about the Judicial Performance Evaluation Commission at the State Bar of New Mexico’s annual meeting in August 2022.

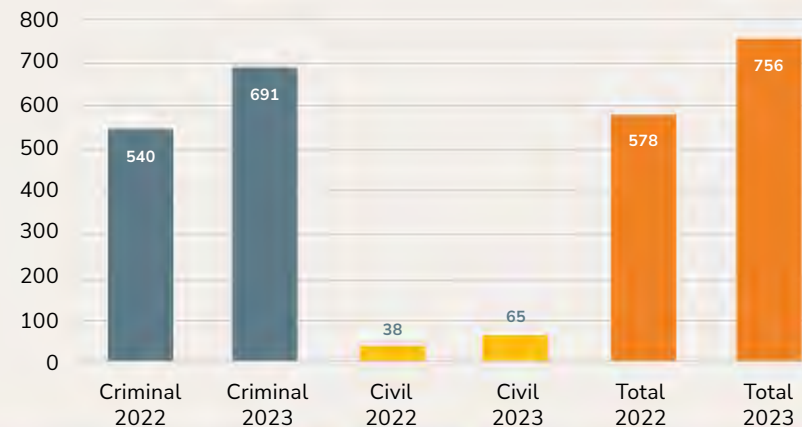
Jury Program

The Jury Program of the Administrative Office of the Courts (AOC Jury) supports the statewide jury management system and its related services. The program explores procedures, processes, and technology to improve the overall jury service experience for jurors and court staff.

IN FY23, AOC JURY:

- Focused on maintaining the Clearview jury management system implemented in FY22, and encouraging courts to be more efficient and cost effective in conducting jury trials.
- Tailored Clearview’s baseline reports to better meet the needs of courts and AOC data management.
- Rolled out a multilingual juror portal, which allows Spanish-speaking users to read and fill out juror qualification questionnaires in Spanish. The portal promotes equal access to the judicial system. Other languages will be added in the future.
- Facilitated installation of the Clara Connect kiosk in the Doña Ana County Magistrate Court. It is the first court in the state to allow prospective jurors to use a kiosk in either English or Spanish to access the online juror qualification portal from a courthouse to complete their juror qualification questionnaires.
- Piloted the use of Spanish language summonses in the Third Judicial District alongside the English language version.
- Assisted courts as they conducted 756 jury trials in FY23: 691 in criminal cases and 65 in civil cases.
- Oversaw a remote voir dire pilot project to allow jurors to appear virtually for the jury selection process. Five judges in two courts are piloting the virtual jury selection initiative.

Statewide Increase in Jury Trials from FY22



Juvenile Detention Alternatives Initiative

The Juvenile Detention Alternatives Initiative (JDAI) began as a national reform project and New Mexico joined in 2003. Bernalillo County became a JDAI Model Site and Network Learning Lab in 2005, one of only four local sites nationwide.

The Supreme Court, the Children, Youth and Families Department, New Mexico Counties, and the Public Education Department formed a collaborative Statewide Leadership Team to expand JDAI system improvements. Led by Supreme Court Justice Julie J. Vargas, the Leadership Team has promoted changes to policies, practices, and programs to reduce reliance on secure confinement, improve public safety, reduce racial disparities and bias, save taxpayer dollars, and stimulate overall juvenile justice reforms. The team established a larger JDAI Coordinating Council.

IN FY23, THE STATEWIDE LEADERSHIP TEAM:

- Held a retreat with the Coordinating Council to begin transforming juvenile justice in New Mexico. Participants discussed new ideas and information, proposed principles to guide the work ahead, participated in team building and planning, and clarified roles of the Leadership Team and the Coordinating Council.

Language Access Services

Language Access Services (LAS) coordinates and funds court interpreting and other communication services to ensure equal access to the state courts for people with Limited English Proficiency (LEP), and deaf and hard of hearing individuals.

IN FY23, LANGUAGE ACCESS SERVICES:

- Focused on recruiting qualified individuals for the Justice System Interpreter Certificate Program, which helps candidates prepare for certification exams.
 - ♦ Offered tuition scholarships to qualified students.
 - ♦ Presented information about interpreting to students at Tierra



Encantada Charter High School in Santa Fe, and recruited teachers to participate in the interpreter certification program.

- ♦ LAS staff participated as judges in Tierra Encantada's annual Spanish Spelling Bee and senior projects. Graduates were invited to consider interpreting as a career.
- ♦ Presented opportunities within LAS at Moriarty's Middle School Career Day.

- The New Mexico judiciary, LAS, and the National Center for State Courts hosted the Eighth Annual Conference of the Council of Language Access Coordinators in Santa Fe. Hundreds of language access coordinators and program managers from all over the nation shared their experiences and collaborated on ways to better provide language access nationwide. This was the first in-person conference since the COVID pandemic. The LAS team presented on LEP jurors and improving the oral examination performance of candidates for interpreter certification.
- Collaborated with the Administrative Office of the Courts Jury Program to make jury questionnaires and summonses accessible to Spanish speakers. LAS also helped implement a kiosk in the Third Judicial District Court featuring a virtual assistant to help non-English speakers find their way around the courthouse. Self-represented litigants can access forms in a bilingual format at the kiosk.
- Provided training about LAS at training sessions for court managers and municipal judges.
- Added newly trained mediators as referrals grew and continued to recruit additional mediators. MCMP staff serve as mediation coaches at the University of New Mexico School of Law and help to mentor new mediators, who are paired with experienced, well-seasoned mediators to foster use of best practices.
- Contracted with a mediation trainer and coach to provide in-depth instruction on best practices and developing skills, and to mentor the growing pool of mediators. Staff and volunteers benefit from integrating educational opportunities and new skills that foster confidence and expand capabilities.
- Offered language interpretation in online mediation sessions using the Zoom video conferencing platform. In FY23, 10% of cases required an interpreter and that is expected to grow in the future. Most requests have been for a Spanish interpreter, but there also were requests for Diné and Arabic interpreters. Providing mediation to parties in the language they speak increases access to justice.



Magistrate Court Mediation Program

The Magistrate Court Mediation Program (MCMP) continued to expand in FY23 by accepting additional cases to mediate, growing the pro-bono mediator pool, and increasing training opportunities. Case referrals increased by 20% from FY22, with 60 additional referrals received. The increase in referrals can be partially attributed to a marketing campaign in which MCMP staff visited magistrate courts around the state to meet judges and court employees.



Magistrate Court Mediation Manager Josh Pando at his desk.

- Worked with the Judicial Information Division to create an Alternative Dispute Resolution (ADR) web application. The ADR app serves as a one-stop shop for scheduling, case information, mediator availability, and documentation upload. The app vastly increased the program's capacity to accept more referrals, lessened the administrative load on staff, and provided an online portal for mediators.

Office of the Statewide ADA Title II Coordinator

Created in 2021, the Office of the Statewide Americans with Disabilities Act (ADA) Title II Coordinator provides support and training to judges and court staff, and oversees development and implementation of judicial policies pursuant to Title II of the ADA. The office works to ensure full and equal access to the courts, their programs and activities, and focuses on providing access to current assistive technology.

IN FY23, THE OFFICE:

- Expanded a scribing program in all districts to assist self-represented litigants in filling out court forms as needed because of a disability, limited English proficiency, low literacy, or limited computer resources.
 - Created a “statement of need” form that attests a service is needed due to disability or other qualifying factors.
- Created ADA Title II plans to be re-evaluated and renewed annually, and established ADA Title II coordinators in each judicial district and the appellate courts.
- Provided virtual and in-person training for judges and staff on ADA Title II related topics and the scribing program expansion.
- Tracked the progression of ADA Title II compliance throughout the judiciary with a newly-created survey.
- Produced ADA Title II bench cards and service animal information and FAQ cards for security teams and court staff statewide.
- Added a resource for American Sign Language (ASL) on-demand video remote interpreting for out-of-courtroom contacts with visitors to courthouses who need ASL interpretation.
- Wrote support person guidelines and a confidentiality agreement to use when a support person is requested to appear as an accommodation.



The innovative scribing program is part of the judiciary’s ongoing efforts to make courts more inclusive and barrier-free to all people.

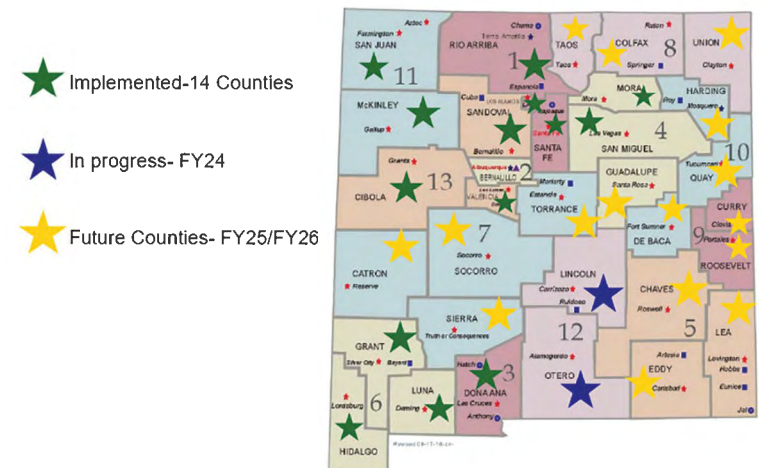
- Administrative Office of the Courts Director Artie Pepin

AOC Pretrial Justice Program

New Mexico has become a national leader in pretrial justice, and is highlighted at national events and in publications because of its legal framework and implementation of evidence-based practices and programs to maximize public safety and court appearance. With the assistance of the National Institute of Corrections (NIC), the Administrative Office of the Courts (AOC) Pretrial Justice Program has expanded pretrial services programs to six judicial districts covering 14 counties. New Mexico is the first state to use implementation science developed by the NIC.

Planning is underway to launch pretrial programs in two additional counties in FY24, and complete statewide implementation in FY25 and FY26.

Adopting legal and evidence-based practices requires local stakeholder agreement and commitment to the process. The AOC Pretrial Justice Program provides guidance and support to facilitate local implementation. Training courses have been developed for new pretrial staff. The course materials cover the state’s pretrial legal framework and pretrial supervision based on a defendant’s assessed risks.





The AOC Background Investigation and Public Safety Assessment Unit.

KEY HIGHLIGHTS:

- AOC Pretrial Outcomes for supervised defendants with a case closed from July 1, 2022 to June 30, 2023:
 - ♦ Appearance Rate (appearing at all court hearings): 74%
 - ♦ Public Safety Rate (no new charges while on pretrial supervision): 81%
 - ♦ New Violent Crime Activity Rate (no new violent crime charges while on pretrial supervision): 95%
 - ♦ Defendants on pretrial supervision: 6,006 reported to a AOC pretrial program site during FY23.
- The AOC Pretrial Justice Program is working with the Institute for Social Research at the University of New Mexico to revalidate the Public Safety Assessment in Bernalillo County and conduct the first validation study of the PSA in New Mexico outside of Bernalillo County.

The AOC Electronic Monitoring and Supervision Unit (EMS Unit) provides after-hours monitoring of defendants required to wear a GPS location tracking device as a condition of release in several judicial districts and the Bernalillo County Metropolitan Court. The unit plans to expand its services in FY24.

In FY23 the EMS Unit:

- Received and investigated 123,386 alerts.

- Requested 108 bench warrants for conditions of release violations.

The AOC Background Investigation and Public Safety Assessment Unit completes a criminal history check of defendants and a Public Safety Assessment to measure an individual’s likelihood of appearing for future court hearings and remaining arrest free if released pretrial. In FY23, the unit:

- Expanded its services to Santa Fe, Rio Arriba, Los Alamos, San Miguel and Mora counties and now serves a total of 14 counties.
- Completed 15,665 PSAs and background reports.

Pretrial program managers across the state form the New Mexico Pretrial Executives Network (PEN). The team meets monthly to discuss pretrial justice topics and efforts for standardization across programs. The team supports new program managers and assesses ideas for program and system improvements. In FY23, the PEN worked with a panel of national experts at a retreat-style event in Santa Fe.

Reproduced by AOC from the National Institute of Corrections

Goals of Pretrial: The 3 M’s



**Maximize
Court
Appearance**



**Maximize
Public
Safety**



**Maximize
Public
Safety**

NATIONAL SPOTLIGHT.

- The AOC Pretrial Justice Program and Pretrial Executives Network led a workshop during the 2023 National Association of Pretrial Services Agencies Conference, which hosted a Welcome New Mexico session.
- The AOC program staff is assisting NIC in a series of publications and national webinars.



Safe Exchange and Supervised Visitation Program

The Safe Exchange and Supervised Visitation program (SESV) provides for the preservation of relationships between children and their parents while offering protection from harm during times of high family conflict. New Mexico SESV providers have staff trained by the international Supervised Visitation Network and adhere to the New Mexico Court Standards for Safe Exchange and Supervised Visitation.

District courts refer divorce, separation, custody, parentage, and domestic violence cases to local service providers who monitor visits and exchanges in safe, child-friendly environments to protect children and remove them from the middle of parental disputes.

New Mexico has 13 SESV providers serving 22 counties in 10 judicial districts: Los Alamos, Rio Arriba, and Santa Fe counties (First Judicial District), Bernalillo (Second), Doña Ana (Third), Chaves, Eddy, and Lea (Fifth), Grant, Hidalgo, and Luna (Sixth), Taos, Colfax and Union (Eighth), Curry and Roosevelt (Ninth), San Juan (Eleventh), Otero and Lincoln (Twelfth), and Cibola, Sandoval, and Valencia (Thirteenth).

FY23 CONFERENCES TO BROADEN CONNECTIONS AND EXPAND TOOL-BUILDING OPPORTUNITIES:

- All New Mexico providers virtually attended the International Supervised Visitation Network annual conference.
- Six SESV program staff members attended the International Supervised Visitation Network annual conference, expanding representation of New Mexico SESV to an international platform.

FY23 SESV Year End Performance Data

District	YE Total
First JD	1,156
Second JD	2,975
Third JD	904
Fifth JD	2,221
Sixth JD	684
Eighth JD	184
Ninth JD	172
Eleventh JD	285
Twelfth JD	250
Thirteenth JD	2,350
Total Visits & Exchanges	11,181
Avg. Per Month	932

FY23 SESV Year End Performance Data

Families Served Each Month	Children Served	Adults Served
	839	1,150
Services Provided This Year	Supervised Visits 7,519	Safe Exchanges 3,662
Hours of Service Invested in the Safety of New Mexico Families	Total Service Hours 15,044	



Supreme Court Law Library

Supreme Court Law Library

The Supreme Court Law Library began as New Mexico's Territorial Library in 1851, and was formally established by the legislature in 1915 as the Supreme Court Law Library. It is the only public law library in New Mexico. Core objectives include allowing access to more than 270,000 items and maintaining a knowledgeable staff who provide patrons with research assistance and reference services.

PRESENTATIONS, PUBLICATIONS, AWARDS AND OUTREACH:

- Published and distributed a monthly newsletter highlighting special collections, new materials, topical book displays, and services.
- Provided tours for individuals and organizations, including elementary and middle school students from the Wild Friends, a civics education program at the University of New Mexico School of Law.
- The state law librarian published an article, "Access to Justice and Civil Legal Services in New Mexico," in the *Bar Bulletin*, and presented on "Legal and Legislative Resources for New Mexico Residents" at the New Mexico Library Association's 2022 Annual Conference.
- Maintained an active social media presence on X, formerly known as Twitter.
- The library was nominated for the State Bar of New Mexico's 2023 Outstanding Legal Organization or Program Award.

NEW ADDITIONS AND PROJECTS:

- Completed an inventory and documentation of a historical collection of original case pleadings from a landmark U.S. Supreme Court case to which New Mexico was a party.
- Accepted a donated copy of the Treaty of 1868 from the Supreme Court of the Navajo Nation.
- Created a new "Print Periodicals" section, where patrons can find publications ranging from the Santa Fe New Mexican to the New Mexico Law Review.

- Designated the first floor alcove as a new "General Interest Area" with nonfiction and fiction books and a child/youth section, creating a family-friendly place to use the library.

REFERENCE, RESEARCH AND CIRCULATION SERVICES:

- Requests for reference assistance grew, and there was a 30% increase in newly issued library cards. The number of new titles cataloged increased by 21%.
- The library had 1,795 walk-in patrons. Of those visitors, 544 used the library's books, 480 used the work tables and alcoves, and 240 used the public computers.
- Prepared a special report on changes to New Mexico election law by the 2022 legislature.
- Researched case materials to create a lesson plan for the Supreme Court's Rule of Law Program for a third year.



Law Librarians Cassandra Wenzel (left) and Rebecca Potance talk with students who toured the Supreme Court Law Library.

FY23 ACCOMPLISHMENTS.

- 19,425 website views.
- 3,883 reference interactions.
- 3,475 bibliographic records updated.
- 3,285 new items/volumes added.
- 1,951 federal government documents received and added.
- 1,149 circulation transactions.
- 996 titles cataloged.
- 901 prisoner letter responses.
- 160+ staff hours spent updating the collection.
- 56 new cardholders registered.
- 12 newsletter issues published.



Tribal-State Judicial Consortium

The New Mexico Tribal-State Judicial Consortium (TSJC) is a Supreme Court advisory body consisting of seven state and seven tribal judges. Bernalillo County Metropolitan Court Judge Renee Torres and Judge Tami Lambert of the Santa Ana Tribal Court serve as co-chairs. The consortium’s mission is to establish working relationships based on mutual understanding, respect, and trust among tribal and state courts throughout New Mexico to achieve seamless justice for all.

Other consortium members are: Judge Randolph Collins, Acoma Pueblo; Judge Peggy Bird, Nambe and Jemez Pueblos; Judge Donald Gallegos, Taos Pueblo; Judge Mekko Miller, San Ildefonso Pueblo; Judge William Johnson, Acoma and Laguna Pueblos; Second Judicial District Judges Catherine Begaye and William Parnall; First Judicial District Judge Jason Lidyard; Bernalillo Metropolitan Court Judge Frank Sedillo; and Thirteenth Judicial District Judge Amanda Villalobos. Justice Briana H. Zamora serves as the state Supreme Court liaison to the consortium.

PROGRESS AND GOALS.

- The consortium worked on goals that were established during a 2022 strategic planning retreat. The overarching goal is to create rules and forms accessible within shared authority and interest areas of state and tribal courts, and to provide training on these matters to judges and court staff.



Tribal and state judges and staff attended training by AOC Statewide Behavioral Health Manager Scott J. Patterson-Alatorre (standing) about a trauma-informed approach that recognizes and responds to the effects of trauma on individuals, families, and organizations.

- The consortium focused on Healing to Wellness Court collaborations between state and tribal courts, using the example of existing programs to encourage the adoption of similar collaborations throughout the state. Judges Torres and Lambert presented on this topic at the 2023 Judicial Conclave.
- TSJC is preparing to work with a law student intern who will assist judges in furthering the consortium’s mission, including the development of a memorandum of understanding template for formalizing collaborations and a database of available programs in the state.
- Consortium members met quarterly and at monthly lunchtime teleconferences.





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