

## PERFORMANCE REPORT CARD

Department Name  
First Quarter, Fiscal Year 2021

### ACTION PLAN

Submitted by agency? Yes  
Courts and PDD

Timeline assigned? Yes

Responsibility assigned? Yes

#### Additional performance measures suggested for the judiciary:

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

### Courts and Justice

#### Courts

**Administrative Support.** The Administrative Office of the Courts has effectively reduced costs in the Administrative Support program through centralized interpreter services and purchasing a new jury management tool that allows for uniform data collection. Though the average cost per juror remained below the target for the first quarter of FY21, the agency expects cost per juror to rise in the next fiscal year as the courts purchase individual masks, pens, and hand sanitizer required to safely hold jury trials. Jury trials for the first quarter of FY21 were comparable to the first quarter of FY20, but will decrease in the second quarter as the Supreme Court mandates all jury trials cease after a rise in Covid-19 cases. The average interpreter cost per session decreased about 30% from FY19 to FY20, but that figure may be artificially low due to the drop in court hearings during the fourth quarter of FY20.

		FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 1 Q2	FY21 Q3	Rating
<b>Budget: \$13,169</b>	<b>FTE: 49.8</b>							
Average cost per juror		\$41.41	\$49.17	\$50.00	\$40.69			G
Number of jury trials*		963	725	N/A	136			
Average interpreter cost per session		\$157	\$117	\$100	\$55.92			G
<b>Program Rating</b>		G	G					G

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

**Special Court Services.** The number of cases assigned to Court Appointed Special Advocates (CASA) increased in the first quarter of FY21, indicating the courts addressed the low referral rates of FY20. Drug and specialty court program outcomes were only reported semi-annually in FY20 due to inconsistencies in data collection, case management, and filing practices across state courts. The Administrative Office of the Courts received a \$400 thousand special appropriation during the 2020 legislative session to purchase drug court reporting software, which is now installed in 49 out of the 53 special court programs, which will allow for quarterly reporting in the second half of FY21.

		FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 1 Q2	FY21 Q3	Rating
<b>Budget: 13,416</b>	<b>FTE: 15.5</b>							
Cases to which CASA volunteers are assigned*		2,413	1,050	N/A	724			G
Monthly supervised child visitations and exchanges conducted		11,698	11,359	1,000	2,659			G
Average time to completed disposition in abuse and neglect cases, in days.*		85	61.5	N/A	62			G
Recidivism rate for drug-court participant		14%	18%	12%	No Report			
Recidivism rate for DWI-court participants		6%	7%	12%	No Report			
Graduation rate for drug-court participants*		51%	59%	N/A	No Report			
Graduation rate for DWI-court participants*		76%	81%	N/A	No Report			
Cost per client per day for all drug-court participants*								
<b>Program Rating</b>		Y	Y					G

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

## PERFORMANCE REPORT CARD

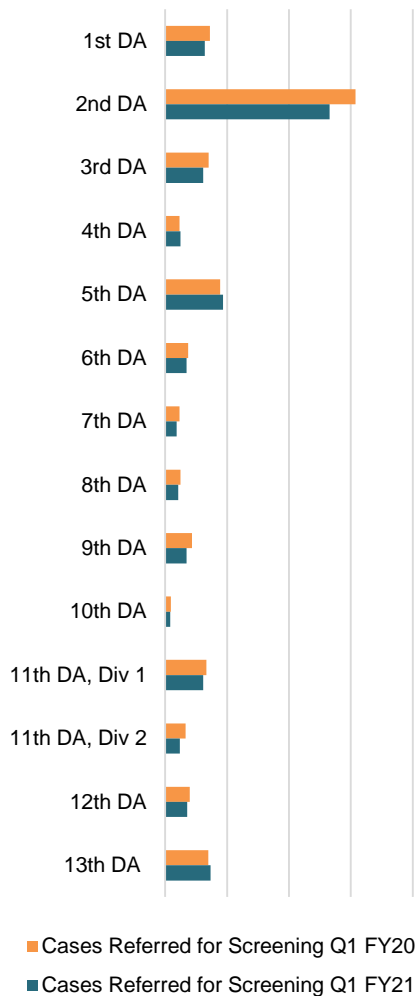
Department Name  
First Quarter, Fiscal Year 2021

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

Budget:	FTE:	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Average time to resolve calls for assistance, in days		NEW	.33	1	.25			G
Program Rating			G					G

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

**Cases Referred for Screening for Quarter 1 Year Over Year**



### District Attorneys

After receiving guidance from the Legislature, the district attorneys submitted a unified priorities budget request for FY22, requesting the restoration of the original funding levels approved in the 2020 General Appropriation Act, prior to the solvency measures of the 2020 Special Session. District attorneys statewide experienced a sharp drop in workload in the latter half of 2020, as case referrals dropped during the Covid-19 public health emergency. While cases referred have started to increase again, workload for attorneys for the first quarter of FY21 is still lower than in the first quarter of FY20 in all districts except the 5<sup>th</sup> (Lea, Eddy, and Chaves counties) and 11<sup>th</sup> Division I (San Juan county).

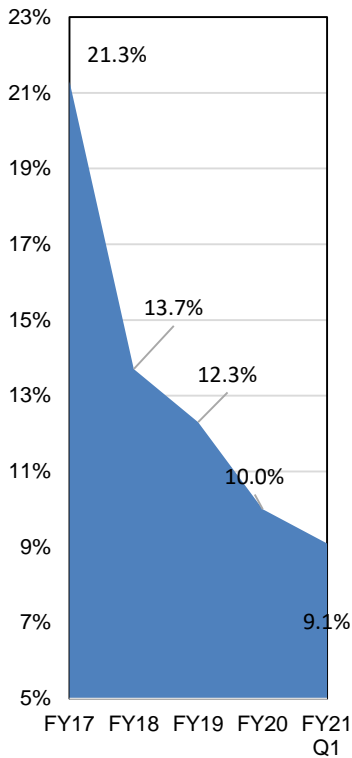
Budget: 80,486	FTE: 954	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Number of Cases Referred for Screening*		73,256	73,386	N/A	16,376			
1st District		5,888	4,985	N/A	1,281			
2nd District		24,859	21,806	N/A	5,314			
3rd District		1,878	5,244	N/A	1,231			
4th District		1,888	1,734	N/A	488			
5th District		7,510	7,163	N/A	1,867			
6th District		2,737	2,621	N/A	685			
7th District		2,107	1,747	N/A	366			
8th District		2,005	1,758	N/A	423			
9th District		3,150	2,840	N/A	691			
10th District		902	670	N/A	161			
11th Division I.		5,298	5,128	N/A	1,226			
11th District Div. II		2,603	2,279	N/A	469			
12th District		2,936	2,850	N/A	710			
13th District		5,803	5,647	N/A	1,464			
Average Attorney Caseload		287	231	70	67			G
1 <sup>st</sup> District		210	174	70	46			G
2nd District		239	207	70	47			G
3rd District		346	233	70	79			Y
4th District		376	247	70	65			G
5th District		319	318	70	91			R

## PERFORMANCE REPORT CARD

Department Name  
First Quarter, Fiscal Year 2021

6th District	288	275	70	124	R
7th District	221	183	70	38	G
8th District	286	251	70	56	G
9th District	331	270	70	66	G
10th District	360	268	70	64	G
11th Division I.	294	301	70	72	G
11th District Div. II	274	414	70	85	Y
12th District	244	219	70	56	G
13th District	232	195	70	50	G

Public Defender  
Department Vacancy  
Rates



### Public Defender

The Public Defender Department (PDD) transitioned to a new case management system at the start of FY20 that facilitates the production of robust quarterly reports, especially for in-house attorneys. Like other criminal justice partners, PDD has difficulties recruiting and retaining legal professionals in rural areas. PDD implemented geographical pay differentials and expanded recruitment tactics, significantly decreasing the agency vacancy rate from 21 percent in FY17 to the lowest vacancy rate in the last 10 years of nine percent for the first quarter of FY21, significantly reducing attorney caseloads.

PDD did not meet the target for total reduced charges in felony, misdemeanor, and juvenile cases for the first quarter of FY21. According to the agency, this is largely due to the dramatic change in how the criminal justice system operated during the COVID-19 pandemic, where limited in-person contact decreased the ability of attorneys to effectively communicate with clients and increased the likelihood that defendants accept unfavorable plea deals for fear of contracting the virus in detention. Contract attorneys reduced originally filed charges in only 38% of assigned cases according to data provided by PDD, which may be in part due to poor reporting practices and overwhelming caseloads.

	Budget: 55,488	FTE: 439	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY2 1 Q2	FY21 Q3	Rating
Felony, misdemeanor, and juvenile cases resulting in a reduction of original formally filed charges			72%	63%	70%	50.3%			G
In-house attorneys			84%	77%	70%	40%			R
Contract attorneys			31%	20.6%	70%	38%			R
Felony, misdemeanor, and juvenile cases resulting in alternative sentencing treatment			13,900	8,003	5,000	1,491			
In-house attorneys			12,281	6,956	4,000	1,159			
Contract attorneys			1,169	1,047	1,000	332			
Cases assigned to contract attorneys*			34%	35%	N/A	35.7%			
Average time to disposition for felonies, in days*			326	268	N/A	271			
In-house attorneys*			291	243	N/A	281			
Contract attorneys*			326	293	N/A	271			



## PERFORMANCE REPORT CARD

Department Name

First Quarter, Fiscal Year 2021

Cases opened by Public Defender Department *	63,292	54,607	N/A	12,776
In-house attorneys*	40,628	40,074	N/A	7,919
Contract attorneys*	22,664	21,220	N/A	4,857
<b>Program Rating</b>	<b>G</b>	<b>G</b>		<b>Y</b>