

ACTION PLAN

Submitted by agency? PDD and AOC only

Timeline assigned? PDD and AOC only

Responsibility assigned? PDD and AOC only

Major criminal justice reforms passed in 2019 Legislative Session

- HB342 (criminal justice Reform omnibus): expands criminal behavioral health resources, pre prosecution diversion programs, and crime victim reparation eligibility.
- SB96 ("ban the box"): prohibits employers from inquiring about arrest or conviction history on initial job application.
- SB8: Requires federal instant background check in the sale of a firearm.
- SB323: Reduces penalty for possession of one-half ounce of marijuana from a petty misdemeanor to non-criminal penalty.
- HB267: Creates a statewide criminal data-sharing system
- SB395 (guardianship reform): requiring reporting and establishing regulations on guardians of vulnerable adults
- SB192: Requires judges to consider if a female is lactating or pregnant before sentencing
- HB364: Limits the use of solitary confinement

Courts and Justice

Criminal justice reforms passed in the 2019 legislative session emphasized the need for accurate and consistent data collection to identify areas for improvement, streamline judicial processes, and improve collaboration among justice partners. Beginning in FY18, all justice partners began reporting quarterly. Since the district attorneys and the Public Defender Department joined the Administrative Office of the Courts in comprehensive report card format, the unequal reporting of data across the criminal justice system has become apparent. The courts have transitioned many measures to semi-annual reporting, reducing their reliability and value. District attorneys have improved reliability of reporting, but lack critical performance measurements. The Public Defender Department has improved dramatically in the quality and consistency of reporting for in-house attorneys, but continues to struggle with contract attorney reporting and outcomes.

COURTS

Administrative Support

The new jury management tool implemented by the Administrative Office of the Courts substantially decreased average cost-per-juror, outperforming the target for the third consecutive year. Savings allowed for juror pay to be restored to the statutory requirement. Despite the progress made for jurors, average interpreter cost-per-session remained above the target for the first quarter of FY20. One agency explanation for the rising interpreter costs is an increased demand for interpreter services, especially in the border region. The agency has requested the target for average cost per interpreter be raised to \$185.

Budget: \$13,169.1 **FTE:** 49.8

Measure	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Average cost per juror	\$44.65	\$41.41	\$50.00	\$37.32	G
Number of jury trials for district, magistrate, and metro court*	902	955	N/A	237	
Average interpreter cost per session	\$154.74	\$157.47	\$100.00	\$123.60	R

Program Rating

Y

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

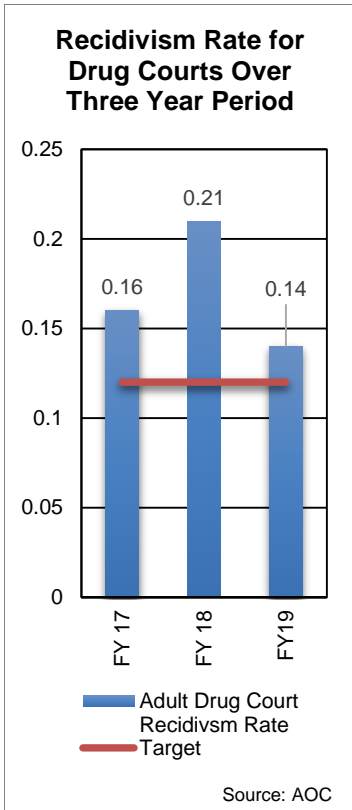
Special Court Services

Though graduation rates for drug-court and DWI-court participants improved from FY18 to FY19, no report was submitted for the first quarter of FY20 due to inconsistencies in data collection, case management, and filing practices across state courts. The Administrative Office of the Courts requested funding in FY21 for a uniform case management system for all specialty courts to standardize data collection and enable quarterly reporting.

Budget: \$12,183.1 **FTE:** 6.5

Measure	FY18 Actual	FY18 Actual	FY20 Target	FY20 Q1	Rating
Cases to which CASA volunteers are assigned*	2,668	2,413	N/A	751	
Monthly supervised child visitations and exchanges conducted	14,094	11,698	1,000	3,524	G
Recidivism rate for drug-court participants	21%	14%	12%	No Report	R
Recidivism rate for DWI-court participants	6%	6%	12%	No Report	R
Graduation rate for drug-court participants*	57%	51%	N/A	No Report	R
Graduation rate for DWI-court participants*	70%	76%	N/A	No Report	R
Cost per client per day for all drug-court participants*	\$23.25	\$25.39	N/A	No Report	R
Program Rating					R

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



Statewide Judiciary Automation

AOC began reporting on new measures for the first quarter of 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, and the previous targets, which measured call times in hours regardless of difficulty, were unattainable. The new measures track responses and resolutions to customer service requests in days, and AOC surpassed the targets for the first quarter.

Budget: \$10,097.2 **FTE:** 53.5

Measure	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Average time to resolve calls for assistance, in days	NEW	NEW	1	0.5	G
Average time to resolve customer service requests, in days	NEW	NEW	10	2.5	G
Program Rating					G

In FY19, the Legislature appropriated \$450 thousand for an Online Dispute Resolution program that allows defendants to resolve traffic tickets and debt and money due cases remotely.

DISTRICT ATTORNEYS

Responding to legislative interest, the district attorneys submitted a unified priorities budget request for the first time in FY20, but failed to do so again for FY21, resulting in widely differing base and expansion requests. New Mexico prosecution offices continue to struggle to recruit and retain attorneys, especially in rural New Mexico, frequently losing attorneys to the private sector or other state agencies. In response, several rural prosecution offices are seeking funding for geographic pay differentials, and partnering with rural district defenders to create a recruitment program that would incentivize young lawyers to begin and maintain careers in the rural areas of the state.

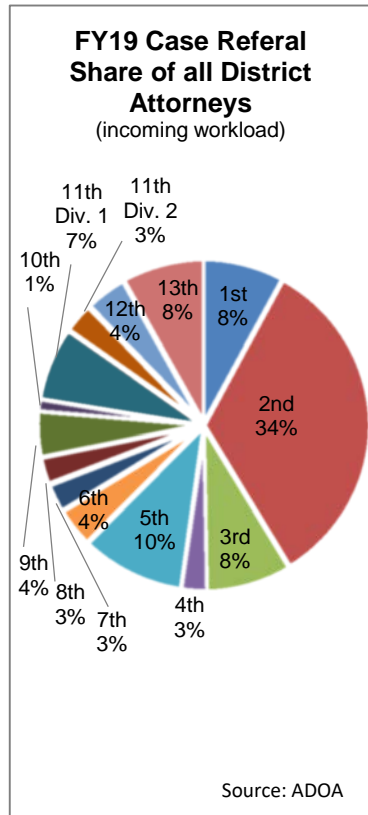
The district attorneys adopted new performance measures for FY21 that examine elements of the agency's work outside of prosecution, such as pretrial detention motions

and referrals to alternative sentencing treatments. The new measures will allow the Legislature to track how criminal justice reform and innovation are being implemented.

Budget: \$73,059.8 **FTE:** 954

Measure	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Number of Cases Referred for Screening*	73,256	69,564	N/A	18,146	
1 st District	6,353	5,888	N/A	1,441	
2 nd District	23,193	24,859	N/A	6,156	
3 rd District	5,688	1,878	N/A	1,398	
4 th District	1,888	1,888	N/A	461	
5 th District	7,748	7,510	N/A	1,779	
6 th District	2,839	2,737	N/A	738	
7 th District	2,161	2,107	N/A	462	
8 th District	2,080	2,005	N/A	489	
9 th District	3,217	3,150	N/A	868	
10 th District	838	902	N/A	179	
11 th District Div. I	5,164	5,298	N/A	1,333	
11 th District Div. II	2,542	2,603	N/A	656	
12 th District	3,831	2,936	N/A	796	
13 th District	5,714	5,803	N/A	1,390	
Average Attorney Caseload	309	287	70	73	Y
1 st District	315	210	70	51	G
2 nd District	255	239	70	57	G
3 rd District	264	346	70	68	R
4 th District	349	376	70	92	R
5 th District	312	319	70	91	R
6 th District	346	288	70	113	R
7 th District	318	221	70	48	Y
8 th District	206	286	70	69	G
9 th District	358	331	70	91	R
10 th District	363	360	70	71	Y
11 th District Div. I	366	294	70	78	R
11 th District Div. II	328	274	70	100	R
12 th District	315	244	70	56	G
13 th District	233	232	70	45	G

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

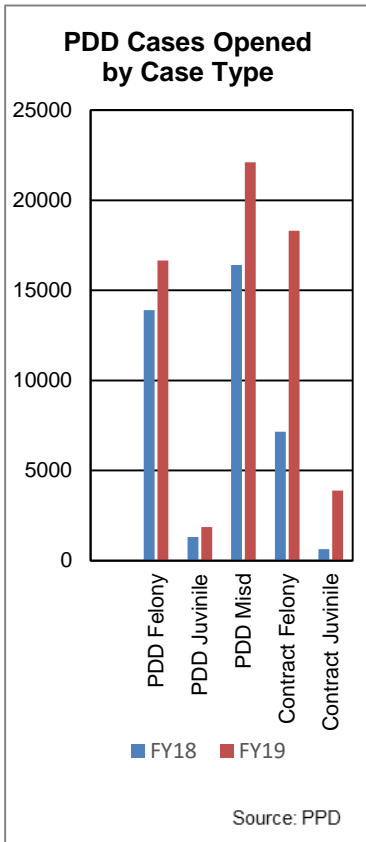


Additional measures adopted by the District Attorneys for FY21:

- Number of pretrial detention motions made: explanatory
- Percent of pretrial detention motions granted: explanatory
- Percent of cases diverted to alternative sentencing treatment: explanatory

PUBLIC DEFENDER

The Public Defender Department (PDD) transitioned to a new case management system at the end of FY19, which allows the agency to continue providing 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 just under 10 percent for the first quarter of FY20, reducing attorney caseloads.



PDD surpassed all performance targets for quarter one, except for contract attorneys reducing formally filed charges, which remains well under the target. PDD currently does not require contract attorneys to regularly close cases in the case management system, likely resulting in underreporting contributing to the low outcome. The Public Defender Department continues to explore solutions to ensure timely and accurate reporting by both in-house and contract attorneys. Contract attorneys, typically paid a flat rate per case, are used when there is a conflict of interest, to mitigate overflow where caseloads are unmanageable, and as the primary indigent defense in the 18 counties without a public defender office.

Budget: \$48,849.7 **FTE:** 439

Measure	FY18 Actual	FY19 Actual	FY20 Target	Q1	Rating
Felony, misdemeanor, and juvenile cases resulting in a reduction of original formally filed charges	75%	72%	70%	70%	G
In-house attorneys	83%	84%	70%	85%	G
Contract attorneys	43%	31%	70%	23%	R
Felony, misdemeanor, and juvenile cases resulting in alternative sentencing treatment	11,548	13,990	5,000	2,397	G
In-house attorneys	10,130	12,281	4,000	2,100	G
Contract attorneys	1,454	1,169	1,000	297	G
Cases assigned to contract attorneys*	31%	34%	N/A	33%	
Average time to disposition for felonies, in days*	261	326	N/A	167	
In-house attorneys*	256	291	N/A	150	
Contract attorneys*	247	326	N/A	184	
Cases opened by the Public Defender Department *	45,237	63,292	N/A	17,440	
In-house attorneys*	31,660	40,628	N/A	11,675	
Contract attorneys*	13,577	22,664	N/A	5,765	

Program Rating

G

*Measures are classified as explanatory, and do not have targets

The Public Defender Department began a pilot program in 2019 to compensate contract attorneys hourly. PDD allocated the funds toward complex and time-intensive cases that, when resolved, will provide data linking the compensation rate for contract attorneys and case outcomes.