

ACTION PLAN

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

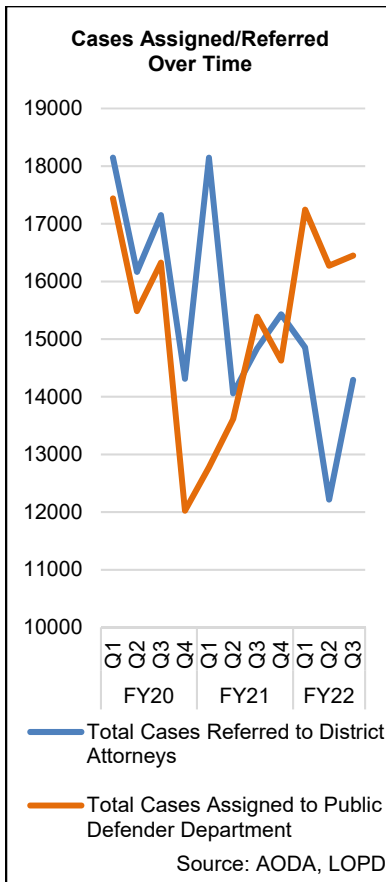
All criminal justice partners saw a significant decrease in cases in FY20 due to the Covid-19 pandemic, and though advocates and agencies feared FY21 would bring a sharp increase in “backlogged” cases, jury trials and caseloads for public defenders and prosecution attorneys remained low throughout FY21 and three quarters of FY22.

Since the district attorneys and the Public Defender Department (PDD) joined the Administrative Office of the Courts (AOC) in a comprehensive report card format, the unequal reporting of data across the criminal justice system has become apparent. District attorneys lack critical performance measurements, and have not provided action plans where outcomes are poor. PDD 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. While cases disposed as a percent of cases filed is at 104 percent, indicating courts are working to clear dockets more quickly than cases pile up, the average time to disposition for criminal cases was 252 days. Additionally, the age of active cases was 394 days, well above the national benchmark of 180 days, meaning New Mexico courts struggle to provide timely justice.

The average cost per juror and number of jury trials held slightly decreased from the second quarter, as district, metro, and statewide courts try to manage the high cost of holding in-person trials in compliance with the judiciary and executive public health orders. The average interpreter cost per session remains well below the target, but agency analysts warn the figure may be artificially low due to the continued low number of court hearings. Courts held just over half the trials held pre-pandemic in FY21, and the number of trials held in the third quarter of FY22 does not indicate courts are holding significantly more trials more than two years later.



Budget: \$15,305.2	FTE: 49.25	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Average cost per juror		\$49.2	\$54.8	\$55.0	\$46.2	\$56.4	\$54.5	G
Number of jury trials for metro, district, and statewide courts*		725	517	N/A	137	142	124	-
Average interpreter cost per session		\$117.1	\$63.4	\$100.0	\$57.0	\$62.6	\$58.3	G
Age of active pending criminal cases in days		NEW	364	180	320	320	393	R
Days to disposition in criminal cases		NEW	207	180	220	220	252	R
Cases disposed as a percent of cases filed		123%	135%	100%	101%	100%	104%	G
Program Rating		Y	Y					Y

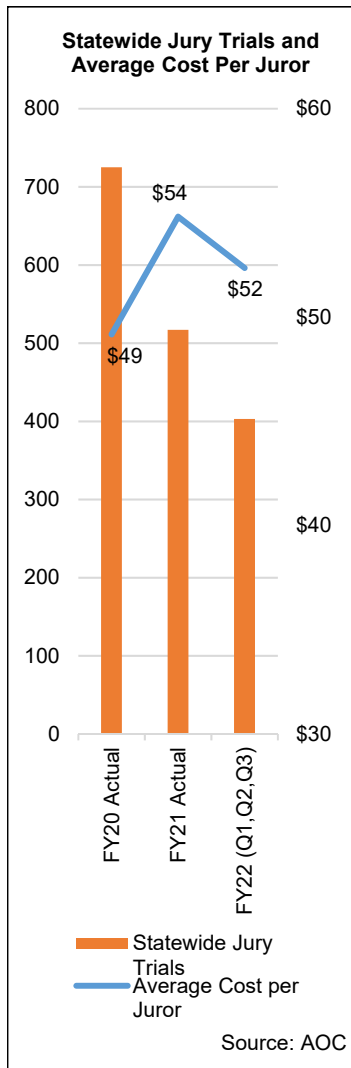
*Measure is classified as explanatory and does not have a target.

Special Court Services. The Legislature has prioritized treatment courts in the last several years, and AOC reported specialty court outcomes quarterly for the first time in several years, in part due to new drug court reporting software funded by the Legislature. The agency also voluntarily reported quarterly enrollment in drug and DWI court programs, which were slightly up from the first quarter.

PERFORMANCE REPORT CARD

Courts and Justice

Third Quarter, Fiscal Year 2022



Budget: \$12,061.5	FTE: 32	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Cases to which CASA volunteers are assigned*		1050	2,430	5,000	431	292	367	
Monthly supervised child visitations and exchanges conducted		11,412	11,211	11,000	3,334	2,836	2,900	G
Average time to completed disposition in abuse and neglect cases, in days.*		85	161	N/A	121	143	169	-
Recidivism rate for drug-court participant		18.4%	10.4%	12.0%	12.4%	11.8%	16.4%	Y
Recidivism rate for DWI-court participants		7.1%	7.6%	9.0%	5.2%	5.2%	6.9%	G
Graduation rate for drug-court participants*		59.3%	61.0%	70.0%	44.6%	58.3%	49.6%	R
Graduation rate for DWI-court participants*		76.0%	79.0%	80.0%	78.4%	85.3%	81.0%	G
Cost per client per day for all drug-court participants*		\$25.4	\$28.8	N/A	\$25.9	\$32.7	\$34.4	-
Program Rating		Y	R	-				G

*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. 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 target for the third quarter.

Budget: \$11,564.3	FTE: 12	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Average time to resolve calls for assistance, in days		0.3	0.2	1.0	0.1	0.1	0.1	G
Program Rating		G	G	-				G

District Attorneys

The district attorneys adopted new performance measures for FY22 that examine elements of the agency's work outside of prosecution, such as pretrial detention motions and referrals to alternative sentencing treatments, but did not submit outcomes for the measures in the quarterly report. This effectively blocks the Legislature from tracking criminal justice reform implementation in real-time. Attorney workload for nearly every district continues to fall below pre-pandemic levels and national best practice. No single prosecution office had an average attorney caseload at or above the national best practice of 170 cases per attorney with the exception of the 11th (Div. II), due to a vacancy.

PERFORMANCE REPORT CARD

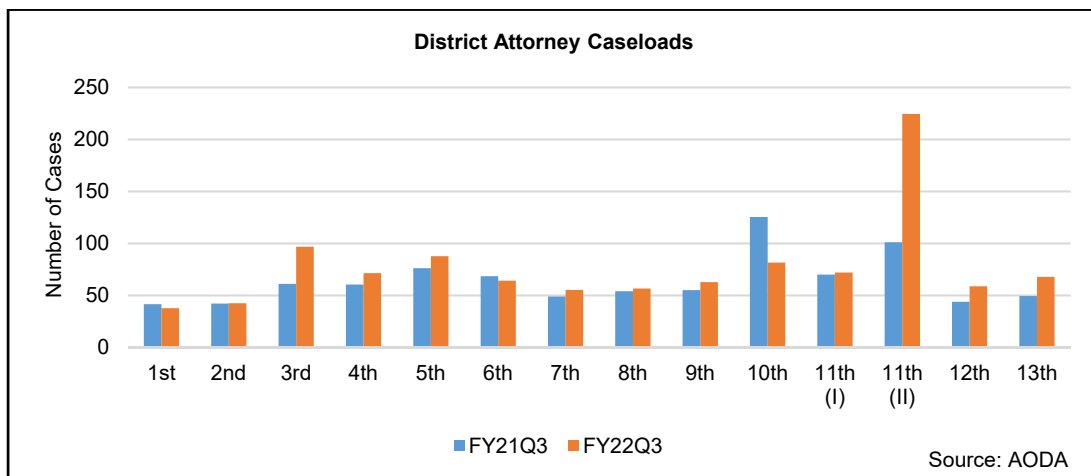
Courts and Justice

Third Quarter, Fiscal Year 2022

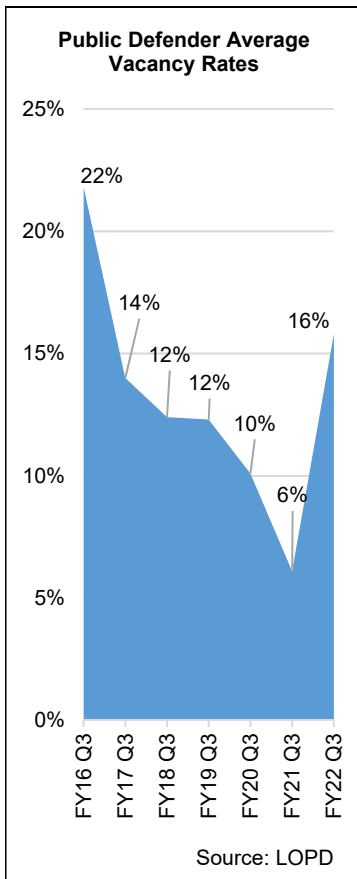
Performance Measures for District Attorneys

		FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
• Detention motion success rate: proportion of pretrial detention motions granted.	Budget: \$188,605.5 FTE: 305							
	Average cases handled per attorney	264	205	170	70	68	77	G
• Detention motion rate: proportion of defendants who are motioned for detention.	Number of Cases Referred for Screening*	73,256	73,386	N/A	14,853	14,343	14,292	-
• Detention motions: number of detention motions made.	1st District	5,888	4,985	N/A	1,157	933	1,037	-
• Conviction rate: proportion of cases that result in conviction of those that make it to trial.	2nd District	24,859	21,806	N/A	4,615	3,735	3,972	-
• Alternative sentencing treatment: proportion of cases which are identified as eligible for alternative sentencing treatment.	3rd District	1,878	5,244	N/A	1,098	986	1,209	-
• Alternative sentencing treatment offers: proportion of cases which are diverted to alternative sentencing treatment.	4th District	1,888	1,734	N/A	486	486	500	-
	5th District	7,510	7,163	N/A	1,451	1434	1,402	-
	6th District	2,737	2,621	N/A	552	552	577	-
	7th District	2,107	1,747	N/A	406	406	470	-
	8th District	2,005	1,758	N/A	372	372	396	-
	9th District	3,150	2,840	N/A	530	530	534	-
	10th District	902	670	N/A	191	191	163	-
	11th Division I.	5,298	5,128	N/A	990	990	1,223	-
	11th District Div. II	2,603	2,279	N/A	564	564	561	-
	12th District	2,936	2,850	N/A	602	602	647	-
	13th District	5,803	5,647	N/A	1,327	1327	1,601	-
	Average cases referred into pre-prosecution diversion programs*	287	No Report	N/A	No Report	No Report	No Report	R
	Program Rating	Y	R	-				Y

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



*The increase in the 11th (II) is due to a vacancy within the district.

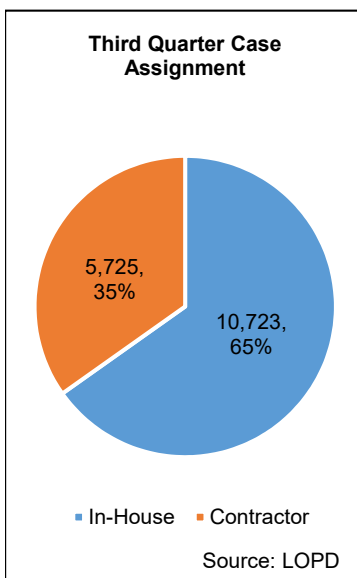


Public Defender

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, which has steadily decreased the agency's historically high vacancy rate and in turn reduced attorney caseloads. The vacancy rate, while still low, increased in the third quarter of FY22 for the first time in several years. The department attributes escalating turnover rates to unmanageable workloads and the related stress, low pay, and competition within state agencies as courts and district attorney offices ramp up recruitment efforts.

PDD did not meet the target for total reduced charges in felony, misdemeanor, and juvenile cases. 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 accepted unfavorable plea deals for fear of contracting the virus in detention.

PDD currently does not require contract attorneys to regularly close cases in the case management system, likely resulting in underreporting and contributing to poor outcomes for contract attorneys. PDD began a pilot program in 2019 to compensate contract attorneys hourly on designated cases, receiving additional funds in the 2020 legislative session and flexibility to use funds for the same purpose. Many of the early pilot cases will be resolved in FY22, and will provide data linking the compensation rate for contract attorneys and case outcomes. This data will be critical to the agency, as 18 counties with no public defender office rely solely on contract attorneys.



	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Budget: \$55,488 FTE: 439							
Felony, misdemeanor, and juvenile cases resulting in a reduction of original formally filed charges	63%	48%	70%	42%	40%	43%	R
In-house attorneys	78%	51%	70%	42%	40%	45%	R
Contract attorneys	21%	40%	70%	43%	38%	39%	R
Felony, misdemeanor, and juvenile cases resulting in alternative sentencing treatment	8,003	6,312	5,000	1,678	1,391	1,642	G
In-house attorneys	6,956	4,570	4,000	1,322	988	1,237	G
Contract attorneys	1,047	1,742	1,000	356	403	405	G
Cases assigned to contract attorneys*	35%	36%	N/A	31%	34%	35%	-
Average time to disposition for felonies, in days*	269	295	N/A	354	358	320	-
In-house attorneys*	247	270	N/A	359	308	290	-
Contract attorneys*	290	320	N/A	350	408	351	-
Cases opened by Public Defender Department *	61,294	56,403	N/A	13,939	12,945	13,562	-
In-house attorneys*	40,074	35,993	N/A	8,953	7,981	8,424	-
Contract attorneys*	21,220	20,410	N/A	4,986	4,964	5,138	-
Program Rating				G	-		Y

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