

For criminal justice partners across the state, the effects of the Covid-19 pandemic slowly abated, and measures have returned to prepandemic averages. However, the challenges that faced these agencies have persisted for some and evolved for others. Caseloads for public defenders and the courts have returned close to previous levels while caseloads for district attorneys have remained below prepandemic margins. Vacancies in nearly all levels of criminal justice remain consistent or continue to increase. These recurring issues inhibit the state's responsibility to enforce the law or provide an adequate defense for indigent people accused of crimes.

Administrative Support. In FY23, the judiciary's "clearance rates," the measure of what percentage judges' clear cases, decreased to 93 percent. However, New Mexico courts improved in providing timely justice, a key aspect of a functional judicial system, with the average time to disposition for criminal cases in district courts decreasing from an average of 467 days in the first quarter to an average of 205 days in the fourth quarter. Additionally, the courts also improved the average age of pending cases from 524 to 375 days. This was a 40 percent decrease. Magistrate and metropolitan courts continued to perform better than district courts for days to disposition in criminal cases.

The average cost per juror rose to the highest it has been in the past four years. Jury trials increased by 32 percent to a total of 760, the highest jury trials have been since FY20. The judiciary should continue to analyze how to manage the cost of trials and juries. Since the pandemic, the average interpreter cost per session remains below the target but did increase by 14 percent.

Budget: \$15,305.2 **FTE:** 49.25

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Actual	Rating
Average cost per juror	\$54.8	\$56.4	\$55	\$58.32	Y
Number of jury trials for metro, district, and statewide courts*	517	574	N/A	760	
Average interpreter cost per session	\$63.4	\$64.1	\$150	\$73.37	G
Age of active pending criminal cases for district, magistrate, and metropolitan courts, in days	364	524	365	375	Y
Days to disposition in criminal cases in district and magistrate courts	207	145	365	277	R
Cases disposed as a percent of cases filed	135%	101%	100%	120%	Y

Pretrial Services Measures

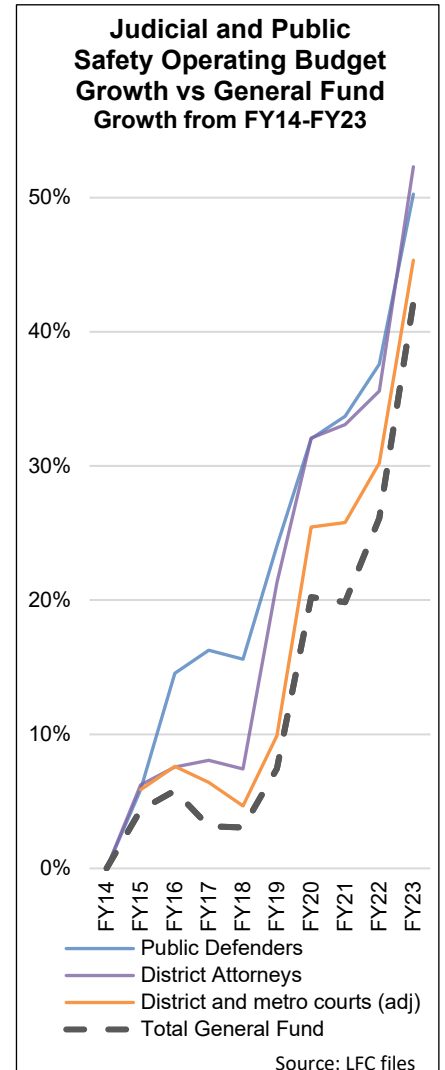
Percent of supervised defendants who make all scheduled court appearances	NEW	NEW	NEW	74%
Percent of supervised defendants who are not charged with a new offense during the pretrial stage	NEW	NEW	NEW	80%
Percent of released defendants who did not commit a new violent charge	NEW	NEW	NEW	95%

Program Rating Y Y Y

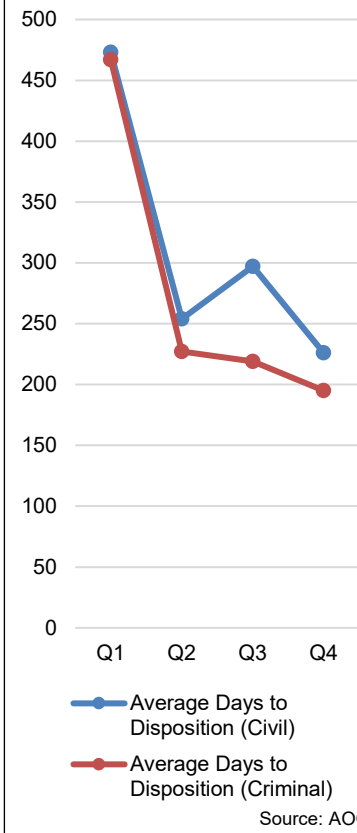
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ACTION PLAN

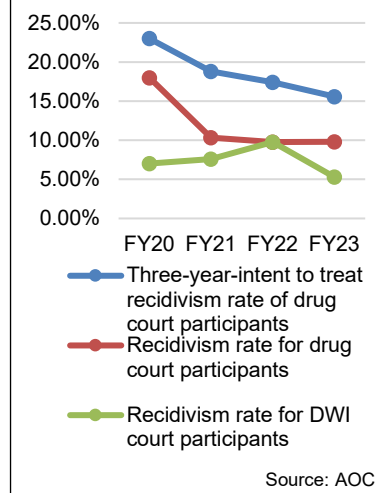
Submitted by agency? No
Timeline assigned? No
Responsibility assigned? No



Average Time to Disposition in Civil vs. Criminal in FY23



Recidivism Rates in Drug Court Participants



Special Court Services. The Legislature has prioritized treatment courts over the last several years, and the Administrative Offices of the Court continued its practice of reporting quarterly performance measures. In both DWI and drug court, recidivism rates continued to decrease. However, graduation rates in both courts also saw a decline. AOC also reported a three-year intent-to-treat recidivism rate, a metric created to track the long-term prospects of participants. Over the past 4 years, the rate has remained below 1-in-5. Cost per drug-court participant increased by 60 percent from FY20 to FY23. The cost, \$40.10, remains three times cheaper than the average daily rate to incarcerate in New Mexico.

Research and data continue to underscore the efficacy of drug courts and treatment in the criminal justice system generally. Many national researchers support the risk-needs-responsivity framework in the justice system, where all who come into the system are assessed and provided services that fit their individual needs.

Monthly supervised child visitations and exchanges decreased over FY23 but remained within pre-pandemic averages. The number of cases to which the court appointed special advocate (CASA) volunteers are assigned decreased drastically over FY23, from 1,448 to 507, a 65 percent decrease.

Budget: \$12,061.5 **FTE:** 32

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Actual	Rating
Cases to which CASA volunteers are assigned*	2,430	1,448	N/A	507	
Monthly supervised child visitations and exchanges conducted	11,211	12,012	N/A	11,181	
Average time to completed disposition in abuse and neglect cases, in days*	161	148	N/A	153	
Recidivism rate for drug-court participants	10.4%	9.8%	12%	9.8%	G
Recidivism rate for DWI-court participants	7.6%	9.77%	9%	5.3%	G
Graduation rate for drug-court participants*	61.0%	59%	70%	53.6%	
Graduation rate for DWI-court participants*	79.0%	89.5%	80%	78.6%	
Cost per client per day for all drug-court participants*	\$37.10	\$37.10	N/A	\$40.10	
Program Rating	R	R			Y

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

Statewide Judiciary Automation. AOC continued its practice of reporting on the average time to resolve calls for assistance, a metric devised to gauge the success of the Statewide Judiciary Automation Program. AOC once again surpassed its target.

Budget: \$15,679.3 **FTE:** 60.5

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Actual	Rating
Average time to resolve calls for assistance, in days	0.45	0.2	1	0.64	G
Program Rating		G			G

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Public Criminal Legal Attorneys

Recruiting and retaining attorneys continues to be an issue for both prosecution and defense attorney offices, especially in rural parts of the state. The recruitment and retention of public attorneys has been a consistent focus of the Legislature because limited staffing directly impacts justice outcomes.

Policymakers have a strong interest in reducing crime and have provided a range of solutions, such as law enforcement investments, creating new criminal classifications and increasing penalties, and improving behavioral health initiatives.

Efforts to reduce crime may be thwarted because prosecutors do not have sufficient resources to bring strong cases to trial and gain conviction of criminals. High vacancies also present challenges for the state to meet its affirmative responsibility to provide an adequate defense for indigent defendants. Chronically high vacancy rates make these dual priorities difficult to achieve and place a burden on communities.

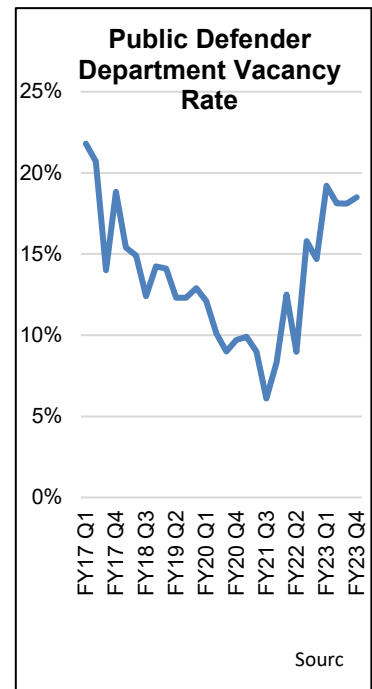
The Legislature has prioritized attorney recruitment and retention, providing compensation increases for both District Attorneys' offices and the Public Defender Department higher than statewide compensation increases. The Legislature also appropriated \$4 million for a public attorney recruitment and retention fund, including \$2 million for both District Attorneys' offices and the PDD to engage in out-of-state recruitment efforts.

PDD has submitted detailed reports of its vacancies over the past several fiscal years. Vacancy rate data from PDD was reported directly, while vacancy information for district attorney offices is taken from the State Personnel Office and considers positions vacant for less than 12 months. However, this may not consider positions that have been recently unfunded.

District Attorneys

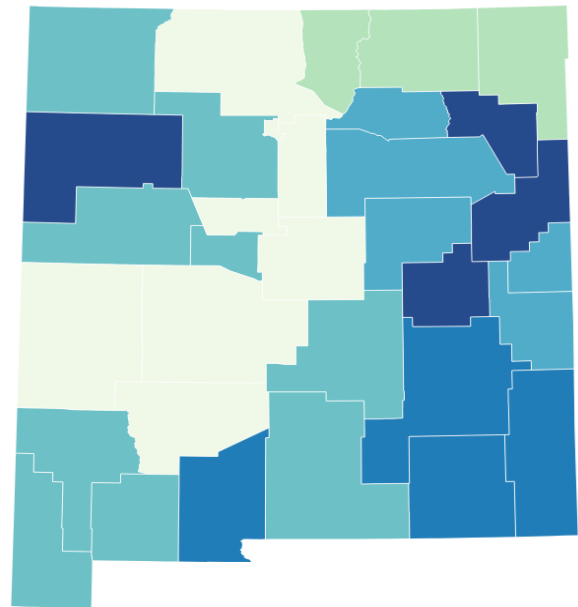
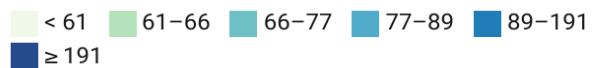
In FY23 the number of cases referred to district attorney offices increased from FY22 but remained below prepandemic levels. On average, statewide offices were referred 1,056 cases in FY23, a slight increase from FY22's average. This average caseload is still 19 percent below prepandemic levels. Despite the lower number of referred cases, average cases added to attorney caseloads increased by 16 percent statewide compared with prepandemic averages. This increase was not shared across the state.

Average cases added to attorney caseload for 8 of the 13 district offices fell below pre-pandemic

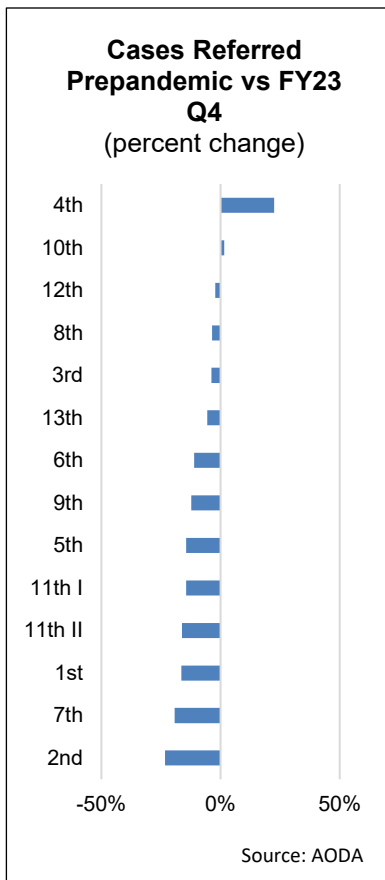


DA Average Number of Cases added to Caseload

Average Number Added in Q4



Source: Source: LFC Files • Created with Datawrapper



levels. Of the 5 remaining district offices, districts 1,2, and 3 all saw caseload increases of 28 percent, 20 percent, and 27 percent respectively. Notably, the 2nd division of the 11th district office and the 10th district offices saw increases in caseload averages of 240.5 and 80 percent. This large increase in caseload averages is tied to reporting that many offices face constraints due to high vacancies in attorney numbers.

Data on caseloads should be interpreted with caution. The current measure “the average number of cases added to each attorney’s caseload” reports new cases added to attorney caseloads during the quarter but does not reflect the actual average number of cases assigned to attorneys during this time. Further, the measure is not indicative of the net change in attorneys’ caseloads during the quarter because it does not account for closed cases.

As a result, the measure does not indicate if attorneys’ caseloads increased or decreased during the quarter. In FY24, district attorneys will begin reporting average attorney caseloads, which will help discern trends in prosecution caseloads. However, further modifications may be required to appropriately report and measure caseloads and their impact on overall performance, such as data on attorney vacancies and information on the types of cases carried by attorneys.

Case Numbers

Law Office of the Public Defender data shows a nearly 200 percent increase in criminal cases resulting in alternative sentencing treatment, from 7090 in FY22 to 12,260 in FY23. This has coincided with a 14 percent increase in reduction of original formally filed charges, from 44 percent in FY22 to 58 percent in FY23. LOPD also reported a 7 percent increase in cases opened in comparison to FY22. Felony case assignments have increased since FY19 and jumped 13% between FY22 and FY23.

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Actual	Rating
Budget: \$98,087.0 FTE: 849					
Average number of cases added to attorney caseloads	65	75	170	89	G
Number of Cases Referred for Screening*	62,468	58,675	N/A	59,354	
1st District	4,894	4,083	N/A	4,526	
2nd District	19,805	16,410	N/A	17,694	
3rd District	4,505	4,877	N/A	5,026	
4th District	1,787	1,912	N/A	1,969	
5th District	6,478	6,150	N/A	6,176	
6th District	2,603	2,561	N/A	2,365	
7th District	1,720	1,787	N/A	1,480	
8th District	1,595	1,666	N/A	1,849	
9th District	2,688	2,409	N/A	2,369	
10th District	678	683	N/A	774	
11th Division I.	5,056	5,098	N/A	4,752	
11th District Div. II	2,349	2,132	N/A	1,760	
12 th District	2,554	2,676	N/A	2,547	
13th District	5,756	6,140	N/A	6,067	
Program Rating	G	G			G

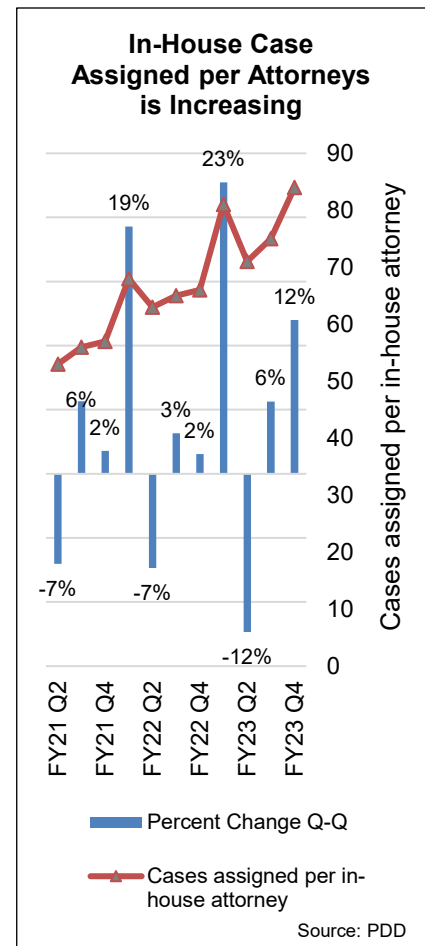
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Public Defender

The Public Defender Department (PDD) continues to make improvements in key performance measure targets, like the percentage of cases resulting in a reduction of filed charges and alternative sentencing targets. Like other criminal justice partners, performance and ability is hampered by high vacancy rates in attorneys and core staff.

Like other agencies, high vacancy rates have caseload impacts. Cases assigned per attorney continued to increase in FY23. Notably, the number of cases opened has returned close to prepandemic averages. However, PDD has seen opened case numbers return to prepandemic averages without seeing a corresponding decrease in vacancy rates. Cases assigned to contract attorneys have also increased on average, though by a lower magnitude compared with in-house attorneys.

For PDD’s in house attorneys, average time to disposition for felonies (a metric tracked in days), decreased by 13 percent to 268 days. However, contract attorneys’ time to disposition increased by 5 percent to 380 days. This trend in statistics mirrors other performance measures when comparing in-house attorneys to contract attorneys.



	Budget:	FTE:	FY21 Actual	FY22 Actual	FY23 Target	FY23 Actual	Rating
Felony, misdemeanor, and juvenile cases resulting in a reduction of original formally filed charges	64,294.5	469	48%	44%	70%	58%	Y
In-house attorneys			51%	45%	70%	62%	G
Contract attorneys			40%	41%	70%	47%	Y
Felony, misdemeanor, and juvenile cases resulting in alternative sentencing treatment			6,312	7,090	5,000	13,260	G
In-house attorneys			4,570	5,333	4,000	9,774	G
Cases assigned to contract attorneys*			36%	34%	N/A	37%	
Average time to disposition for felonies, in days*			295	336	N/A	324	
In-house attorneys*			270	308	N/A	268	
Contract attorneys*			320	363	N/A	380	
Cases opened by Public Defender Department *			56,403	54,362	N/A	58,253	
In-house attorneys*			35,993	33,637	N/A	36,775	
Contract attorneys*			20,410	20,725	N/A	21,478	
Program Rating			Y	Y			G

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