

THIRD JUDICIAL DISTRICT ATTORNEY DOÑA ANA COUNTY GERALD M. BYERS

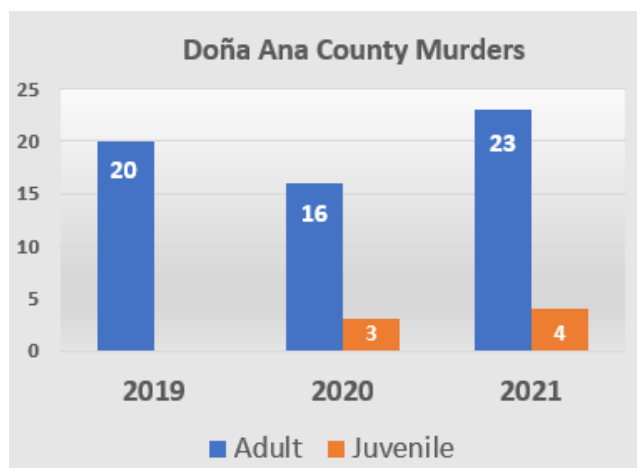
Experience

If our Criminal Legal System is failing to keep our communities safe, we recognize that we have an obligation to challenge it. As prosecutors, we decide which cases enter the system, which do not, and which interventions, if any are appropriate. In this context of incredible responsibility, it is the job of this office to hold itself and others accountable.

We have a genuine commitment to public safety and concern for the most impacted communities we serve that requires us to evaluate the sufficiency of the evidence in individual cases and in our system. It is our job to constantly perform this analysis, even if the results are difficult and uncomfortable.

Trends

Crime and homicides have increased in Doña Ana County from 19 homicides in 2020 to **27 in 2021**. Numbers of Juvenile offenders are escalating with 4 murders & 2 attempted murder charges in 2021. The trauma from shootings, both fatal and non-fatal harm entire families, neighborhoods, communities and impact Economic Development.



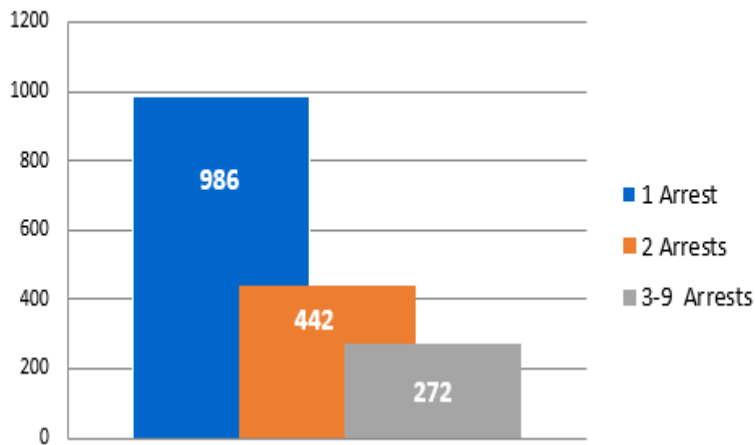
CASELOAD DEMANDS

Practices Due to COVID-19

As courts closed and reopened again throughout the pandemic, the 3rd team regularly reviewed accumulating caseloads to determine which cases could be declined or diverted ahead of the courts reopening and scheduling regular dockets to power through the 1,000+case backlog. Since April 2, 2021, Grand Jury has reviewed over 745 cases.

Practices for
Minor-Non-Violent Prosecution
Prosecutors, working in the courts consistently encounter repeat offenders; individuals with substance use and/or co-occurring mental health issues. (See side 2)

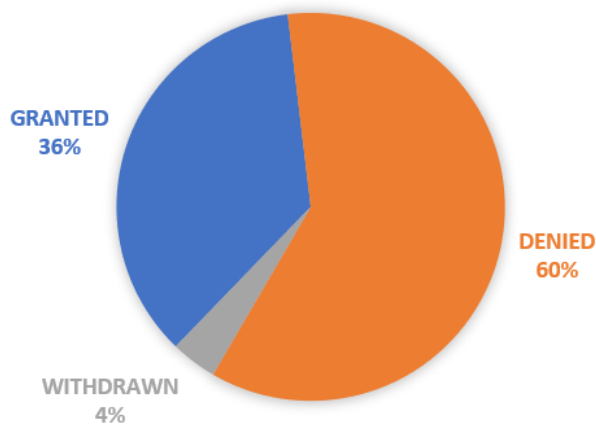
Repeat Arrestees



Escalation of Crime

Arrest and charging data show how a small number of repeat offenders is responsible for a high percentage of criminal activity perpetuated by Pre-Trial Detention release conditions.

PRE-TRIAL DETENTION MOTIONS THRU OCTOBER 2021



High Profile Case Study:

Joel Arciniega-Saenz was arrested in April, 2021 for the break-in and burglarizing Beck's Roasting House & Creamery and Las Cruces Abstract & Title. Arciniega-Saenz was released on an unsecured bond. He decapitated a man on June 21, 2021 at Apodaca Park, Las Cruces. He is being held and charged with Murder in the First Degree

Staffing Issues

Attrition Rate is due to

1. **Lifestyle Change.**
2. **Talent solicited by neighboring DA's/Private Sector offering:**
 - Avg. ^\$7500 pay increase.
 - Caseload *decrease*.
 - Smaller markets, less crime.
3. **Below market pay scale: Public Service vs Private sector.**

Technology Investment

COVID-19 spotlighted the need to upgrade our existing laptops for teleworking; including broadband security protocols and access points. An upgrade in our technology will not only enhance our cyber-security measures, it will improve our office systems performance and productivity.

The increased use of Lapel Cam Police Footage has heavily impacted our information system data access, workflow automation, internal performance progress and stressed our storage capabilities. Cloud-based storage options are being researched.

Criminal Justice Reform Initiatives

- A total of 128 Expungement Cases since May, 2020.
- Introduction of Court Pre-Prosecution Diversion Program.
- Mental Health Alternatives must be introduced.

