

A MEMORIAL

REQUESTING AN ESTIMATE OF WORKLOAD AND COST IMPLICATIONS OF IMPLEMENTING FELONY CASEFLOW MANAGEMENT IMPROVEMENTS IN THE SECOND JUDICIAL DISTRICT COURT.

WHEREAS, in 2007, the national center for state courts completed a weighted workload study for New Mexico, calculating the court, district attorney and public defender demand, based on the caseload and operational methods at the time of the study; and

WHEREAS, the conclusion of the workload study was that New Mexico trial courts needed thirty-one more judges, district attorneys' offices needed thirty-one more prosecuting attorneys and the public defender's office needed forty-one more defense attorneys; and

WHEREAS, New Mexico has undergone significant budget cutbacks recently that have greatly reduced resources for courts, district attorneys and the public defender; and

WHEREAS, these criminal justice agencies have had to employ furloughs and reduction in services to meet budgets, and funding for the number of judges and district and public defender attorneys continues to be limited; and

WHEREAS, in 2009, and in light of reduced funding, the national center for state courts completed a study of felony caseflow management in the second judicial district court as

part of an effort to determine how to use available judges and district and public defender attorneys more efficiently and in such a way as to improve the caseflow process; and

WHEREAS, among other things, the study recommended that steps be taken to improve the early transmission of police information from law enforcement to the district attorney; to provide an early pre-indictment proceeding for the court, the district attorney and the public defender to triage cases; to use settlement conferences and other means to promote plea dispositions before trial; and to limit unnecessary trial-date continuances; and

WHEREAS, a foreseeable consequence of implementing such recommendations is not only that justice will be accomplished sooner in felony cases, but also that there will be fewer scheduled court events; fewer required court appearances per case for attorneys and law enforcement witnesses; less wasted time for judges, attorneys, law enforcement and their support staffs; shorter defendant jail time pending adjudication; and reduced prisoner transport costs between the metropolitan detention center and the court; and

WHEREAS, since the second judicial district court is the busiest in New Mexico, the implementation of the national center for state courts' recommendations would likely improve the use of current resources in the state's largest trial jurisdiction; and

WHEREAS, although implementation of the recommendations will presumably create efficiencies that will reduce costs for various criminal justice stakeholders within Bernalillo county, an estimate of precisely how much each of the criminal justice stakeholders can expect to save by collaborating in the implementation of one or more of the 2009 recommendations is still needed to maximize limited resources; and

WHEREAS, the national center for state courts has tested and refined a methodology to provide cost-savings estimates to the court and other participating criminal justice stakeholders seeking to maximize their limited resources while improving the level of justice provided to citizens; and

WHEREAS, Bernalillo county and the state justice institute have together contributed sufficient funding for the center to provide the cost-savings estimates for each of the 2009 recommendations; and

WHEREAS, the court and its partners could use the cost-savings estimates tied to each 2009 recommendation to determine which initiatives, if undertaken, would provide the greatest measure of justice within the limited budgets available to the court and each of the criminal justice agencies; and

WHEREAS, the cost study could also be used to illustrate the effect of delay on the public treasuries and the citizens of Bernalillo county and to heighten the urgency in effecting

systemic improvements; and

WHEREAS, the study would serve as a model for the state, the administrative office of the courts and the administrative office of the district attorneys to apply in assessing the impact of potential improvements in other judicial districts;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the second judicial district court, the second judicial district attorney, the public defender, the Albuquerque police department, the Bernalillo county metropolitan detention center, the Bernalillo county sheriff's department and the parole board be strongly encouraged to participate in the national center for state courts study, commissioned and directed by the second judicial district court, to estimate the workload and cost implications of implementing felony caseflow management improvements in Bernalillo county; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico supreme court; the governor; the administrative office of the courts and the administrative office of the district attorneys for appropriate distribution to the criminal justice stakeholders in Bernalillo county; and the interim legislative courts, corrections and justice committee.