

FISCAL IMPLICATIONS

The Commission created under HB 608 from the 2013 legislative session reported on November 18, 2014 that an appropriation of up to \$7.1 million would be needed to maintain and extend measures implemented or planned in Bernalillo County to accomplish the directives targeted by the legislation. SB 317 does not contain funding necessary to accomplish the mandates imposed by HB 608 or this bill.

The savings realized from reducing the inmate population at Metropolitan Detention Center (MDC) could be shifted to implement the measures planned by Bernalillo County.

According to AODA, extending the term of the commission for another ten years beyond the current two year term, and mandating bi-annual written recommendations, might result in additional costs for the commission if staff services and expenses are not absorbed by one or more of the commission's members.

SIGNIFICANT ISSUES

The AOC reports that initiatives implemented with the support of the Commission in 2014 achieved a significant decrease in the population in the MDC. By federal court order, the population target is not more than 1,950. The inmate population fell below 1,950 in November 2014. This is the first time the population was less than 1,950 since 2003. In December 2014, the average population count of 1,804 was 526 people or 22.6 percent less, than December of 2013. The decline in the population eliminated the need to ship inmates out of Bernalillo County, resulting in savings of at least \$2 million for FY14 and expected savings in FY15 of an additional \$3.25 million.

Apart from cost savings, these initiatives have advanced the speed and efficiency of the criminal justice system. Among the results are: a significant reduction in the time alleged probation violators are held in MDC awaiting disposition of their alleged probation violation; reduction or elimination of financial release conditions as a barrier to pretrial release; expansion of pretrial services and reintroduction of community corrections as non-MDC methods of effecting pretrial release; development of the use of validated risk assessment instruments in phases of the criminal justice process to facilitate judicial decisions on pretrial release and sentencing; use of information and pretrial hearings as a speedier alternative to exclusive use of the grand jury in charging; and hiring an Assistant District Attorney to attend first appearance in the Bernalillo County Metropolitan Court to facilitate case resolution at an early stage.

On February 2, 2015, the district court will begin operating under a case management order designed to implement differentiated case management for the scheduling of criminal felony cases. The objective is to substantially reorganize case processing to greatly reduce the time to disposition of the several thousand felony cases filed each year. This major initiative required extraordinary cooperation among all parties to adopt a different model for case management, especially by the judges, prosecutors and defense attorneys.

It is unlikely these initiatives and the other initiatives described in the attached reports would have been achieved without the structural organization of the Bernalillo County Criminal Justice Review Commission initiated by HB608. Extending the Commission to 2025 as proposed in SB317 will continue that structure and provide a forum for all parties involved in the criminal

justice system in Bernalillo County, where about 40 percent of criminal cases in New Mexico are processed, to improve and reform practices in the future. Adoption of SB 317 will increase the likelihood that the initiatives already implemented and those planned for 2015 will go forward. The outcome is less expensive, speedier resolution of criminal cases and a system that provides a greater opportunity to make effective the constitutional and statutory rights of defendants.

The significant criminal justice reforms to date and going forward could not be implemented without cost. Courts, prosecutors, defense attorneys, law enforcement agencies and others have contributed thousands of hours of “in kind” time compensated by state, county and local bodies to achieve these reforms. On two occasions the entire New Mexico Supreme Court met with the Commission to discuss criminal justice reforms and a Supreme Court Justice has attended most of the monthly Commission meetings. All Commission members have shown similar dedication to the goals stated in HB 608 and now in SB 317. In addition, Bernalillo County has contributed significant taxpayer funds to reform efforts. Consideration should be given if SB 317 is adopted to appropriations to fund reform efforts anticipated by extending the existence of the Bernalillo County Criminal Justice Review Commission.

The AODA reports that the bill does not currently specify how the criminal justice reviews should be conducted, does not specify the procedures necessary to decide what, if any, recommendations for changes in local or state laws to improve delivery of criminal justice in Bernalillo county should be made. With the exception of the chief of the Albuquerque police department, it does not include any members representing law enforcement or the detention center, and does not have community representation. The areas of inquiry specified in the statute are focused on the court system, particularly sentencing of offenders, and do not include other components in the criminal justice system. No changes in the commission membership or designated areas of inquiry are proposed.

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