Criminal Justice Coordinating Council • Bernalillo County

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CJCC Releases Pretrial Justice System Study

ALBUQUERQUE – Efforts to improve the pretrial justice system while protecting public safety are working in Bernalillo County, according to a study released Friday.

University of New Mexico researchers found that a large majority of defendants committed no new crimes while released pending trial and they returned to court for required hearings.

The study analyzed 6,392 felony cases in Bernalillo County courts from July 1, 2017 to March 31, 2019. The UNM Institute of Social Research conducted the study for Bernalillo County.

Researchers found:

- 83% of released defendants had no new arrests while on pretrial release.
- 82% of released defendants returned to court as required.
- 4% of released defendants were accused of committing a new violent crime. Misdemeanors and fourth-degree felonies accounted for the largest share of the alleged new criminal activity.
- Less than 1% – 12 of the released defendants – were arrested for a first-degree felony, which is the most serious category of crime that includes premeditated murder and child abuse resulting in death of the child.

"This study shows that the public safety assessment does what it was designed to do: give judges a tool to inform pretrial decisions by providing an accurate prediction of a defendant's risk of failure to appear and new criminal activity", says Bernalillo County Criminal Justice Coordinating Council Chair Maggie Hart Stebbins. "We can use the data to evaluate future improvements and continue the collaboration among courts, law enforcement, and other criminal justice partners to make the system more just and promote public safety."

Courts in Bernalillo County implemented a risk assessment tool, called the Public Safety Assessment (PSA), in 2017 as part of an effort with the county and its community partners to ensure a fair and effective justice system. The study represents the first research-based look at the initiative, which provides judges in Bernalillo County with objective information to consider in deciding which defendants are safe to release pending a trial to determine whether they are guilty of charged crimes.

Changes in the pretrial release system occurred at the same time as property and violent crimes were declining in the city of Albuquerque.

"We continue to try to improve our pretrial system, but the research is clear that the PSA is an effective tool for strengthening New Mexico's justice system," said Artie Pepin, director of the Administrative Office of the Courts.

The PSA examines nine factors about a defendant to produce risk scores measuring the likelihood that the individual will commit a new crime if released pending trial and another evaluating the likelihood that he or she will fail to return for a future court hearing. Those factors include the defendant's prior convictions as well as any prior failures to appear in court pretrial. The assessment also flags defendants that present an elevated risk of committing a violent crime.

The findings for released defendants in Bernalillo County tracked the experience of other jurisdictions that use the PSA for setting conditions of release. In Kentucky, for example, 83% of released defendants appeared at future court hearings and 88% were not accused of new crimes.

For purposes of the study, violent crimes can range from offenses such as murder and robbery to vehicular homicide, battery against a household member and sexual exploitation of children.

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