Ad Hoc Committee on Pretrial Detention
AGENDA
February 27, 2020
9:00 a.m.-5:00 p.m.
State Bar of New Mexico, Modrall Room

9:00- Justice Ed Chavez
Opening Remarks
Introductions

9:30 – Tim Schnacke
Legal and Historical Foundations of Pretrial Justice
This discussion is focused on helping people understand how the history and the law are combing to force change in every American state, just as was done in New Mexico through the Brown decision as well as changes to the New Mexico Constitution and the court rules. Specifically, it provides the background necessary for evaluating the elements and boundaries of release/detain models (including the New Mexico model), for making changes to those models, and for using evidence-based, data-driven, or "best" practices to effectuate those models. It will also cover, very broadly, the notion of "risk assessment" in the bail/no bail process. Some of this will be in educational-presentation form, but there will be ample time for discussion and questions.

11:15 – Break

11:30 – Tim Schnacke
Specific Issues, Questions, and Potential Solutions to Perceived Problems with New Mexico Law
This discussion will more narrowly focus on the New Mexico model, limitations or advantages of that model based on the previous session, and include a more detailed analysis of the current state constitutional framework and court rules, including proposed amendments. To the extent that people feel it necessary to better understand pretrial assessment of probabilities of success, including assessment using an actuarial tool, we can begin by talking about the details of the current law, but postpone specific discussion of a legal model incorporating such a tool until later in the afternoon.

12:30 – Lunch

1:30 – Spurgeon Kennedy
Pretrial Risk: What it is and What it isn't
This session will examine the research behind pretrial risk assessments and data from jurisdictions implementing validated risk instruments to answer the following questions:

- What is pretrial risk?
- How common is the potential for risk within most defendant populations?
- How good are we at assessing risk?

3:15 – Break

3:30 – Spurgeon Kennedy
Public Safety Assessment
This session will focus on the Arnold Ventures, LLC's Public Safety Assessment (PSA), and the opportunities and challenges in incorporating that risk assessment into a local bail decision-making system.

4:30 – Justice Ed Chavez
Discussion on Next Steps and Closing Remarks

5:00 – Adjourn