Administrative Office of the Courts

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New Mexico courts improving pretrial justice

SANTA FE – Pretrial justice improvements are underway to provide better information to judges for release and detention decisions about people charged with a crime and to expand the capability of courts to monitor defendants released pending trial.

"The Judiciary is building a robust data-driven pretrial system to help judges statewide make the difficult decisions on whether a person charged with a crime should remain free or be detained before trial, and the level of monitoring that released defendants need to ensure they return for court appearances," said Artie Pepin, director of the Administrative Office of the Courts.

Most judges do not have access to objective, evidence-based tools, such as a risk assessment, for pretrial decisions, Pepin said. Judges, particularly in magistrate courts, often must perform their own checks of a defendant's criminal history in preparation for initial hearings. Few district courts have pretrial programs with staff to monitor the compliance of defendants with their conditions of release.

The Judiciary is making these improvements:

- A newly formed statewide pretrial services program in the AOC will complete a criminal history background check and risk assessment of defendants to supply magistrate and district court judges with more information for pretrial decision-making. The operation will begin in the coming weeks for courts in San Juan and Sandoval counties, and expand to other courts as funding allows.

- Defendants will receive text or email notices to remind them of upcoming court appearances. The court date reminders, such as text messaging used by Bernalillo County courts, help people show up in court and potentially avoid an arrest warrant for missing a court date. The AOC pretrial services program will pilot the court date reminders for

defendants in the magistrate and district courts in San Juan and Sandoval counties. The service will become available to other courts across the state by the end of the 2020 fiscal year in June.

- Magistrate and district courts in San Juan County will use a risk assessment tool, called the Public Safety Assessment (PSA), for all pretrial decisions starting next month. The assessment provides objective, research-based information to judges to help identify defendants who pose a higher risk to the community and require greater pretrial monitoring. Courts in Sandoval County plan to begin using the PSA in March.

The PSA is a statistical model that produces risk scores of the likelihood that defendants will commit a new crime if released pretrial or fail to return to courts. When implementing the PSA, each judicial district uses a locally developed policy framework for pretrial supervision of defendants based on their risk scores. Each district forms a Pretrial Justice Committee, including prosecutors, public defenders, law enforcement, governmental jail operators and other stakeholders, to establish the pretrial policy framework. The risk assessment evaluations do not override a judge's decision-making authority. Judges continue to make the decisions on whether to release defendants and impose certain restrictions on them pending trial.

The AOC began the first phase of pretrial services implementation statewide with $585,000 provided by the Legislature in the current budget year. AOC has requested an additional $844,000 in the upcoming fiscal year to implement or enhance pretrial programs in more courts across the state.

"Continuing to improve and expand pretrial services is critical for a fair and effective justice system," said Pepin.

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