Administrative Office of the Courts

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Pretrial justice improvements underway in Santa Fe County

SANTA FE – Improvements are underway in Santa Fe County to strengthen the pretrial justice system and provide judges with more information to help them determine the appropriate conditions under which people are released from custody while awaiting trial.

"Robust pretrial services are essential for a fair and effective justice system," said Artie Pepin, director of the Administrative Office of Courts (AOC). "Critical decisions early in the criminal justice process balance a presumed innocent person's right to remain free before trial with the community's need for safety."

The New Mexico Constitution requires the pretrial release of people charged with a crime, except in limited circumstances. Shortly after a person's arrest, judges must initially decide what conditions, if any, to impose on someone's pretrial release.

The Judiciary is taking these steps in Santa Fe County to expand the use of evidence-based pretrial practices:

- A centralized pretrial services operation in the AOC began last week providing judges with a criminal background history and a risk assessment of everyone charged with a misdemeanor or felony offense. Previously when judges prepared for an initial pretrial hearing, they often had little information about an individual other than what was in a police arrest report or what they gathered by checking a database of New Mexico court cases.

- Judges use information from the risk assessment, called the Public Safety Assessment (PSA), to help inform their pretrial decision-making. Courts have implemented the PSA in pretrial programs in Bernalillo, Doña Ana, Grant, Luna, Hidalgo, Sandoval, Valencia, Cibola, San Juan and McKinley counties to help identify individuals needing greater pretrial monitoring and supervision to ensure they comply with release conditions, return for future court hearing and avoid re-arrest.

- If an individual is required to wear an electronic location tracking device as a condition of release, there will be GPS monitoring 24 hours a day, seven days a week. Santa Fe County has been responsible for GPS monitoring and the transition will have the First Judicial District Court's pretrial services program perform the monitoring during the court's business hours with the AOC providing after-hours monitoring on nights, weekends and holiday, just as it now does for the Second, Third and Thirteenth Judicial Districts. The transition will be completed by mid-October. GPS devices can serve as a tool to monitor a defendant's compliance with certain release conditions, such as when someone is placed on house arrest and ordered not to leave that location or if a person is prohibited from being near a particular location.

The PSA produces scores assessing the likelihood that a presumed innocent person will return to court and remain arrest free if released pretrial. Based on the PSA scores, court pretrial programs use a locally developed policy framework to suggest to judges a level of pretrial services and supervision for defendants to help them comply with their release conditions.

The PSA does not recommend whether defendants should be released while awaiting trial, and the risk assessment evaluation does not override a judge's decision-making authority. State law governs whether defendants are released or detained until a trial determines whether they are guilty of a charged offense. State and federal law favor the release of defendants under the least restrictive conditions needed to ensure their return to court and that will reasonably protect public safety.

In determining conditions of release, judges will take into account the results of the PSA along with a wide range of other factors such as the nature and circumstances of the charged offense, the defendant's past conduct, family ties, employment and history relating to drug or alcohol abuse.

Local stakeholders, including the First Judicial District Attorney's office, Law Offices of the Public Defender, Santa Fe County Sheriff's Office, and the Santa Fe Police Department, contributed to discussions with the magistrate and district courts about the implementation of the pretrial improvements.

"Adhering to practices grounded in research will improve New Mexico's pretrial justice system and help courts protect the rights and liberties of people while placing a priority on the well-being of the community," said Pepin.

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