Administrative Office of the Courts

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Supreme Court forms committee to consider changes in pretrial detention rules

SANTA FE – The state Supreme Court today ordered the establishment of a 15-member committee to consider possible changes in procedures for the pretrial detention of criminal defendants.

"The work of the committee can help strengthen the reforms approved by voters in the 2016 constitutional amendment and provide additional guidance to judges making the difficult decisions about pretrial detention and release," Chief Justice Judith K. Nakamura said in a statement.

Retired Justice Edward Chávez will chair the Ad Hoc Committee to Review Pretrial Release and Detention Procedures, which is to submit an initial report to the Court by March 31, 2020.

The committee's membership includes representatives from all three branches of government.

Other members of the committee are: Second Judicial District Court Chief Judge Stan Whitaker, Third Judicial District Court Judge James Martin, Bernalillo County Metropolitan Court Chief Judge Sandra Engel, Second Judicial District Attorney Raúl Torrez, Fifth Judicial District Attorney Dianna Luce, Chief Public Defender Ben Bauer, Albuquerque Police Chief Mike Geier, Prof. Leo Romero of the University of New Mexico School of Law, Sen. Sander Rue, Sen. Jacob Candelaria, Rep. Bill Rehm, Rep. Dayan Hochman-Vigil, Department of Public Safety Secretary Mark Shea and Matthew Garcia, general counsel to Gov. Michelle Lujan Grisham. Some members may have designees attend on their behalf. Deputy District Attorney James Grayson will serve as the designee for Mr. Torrez.

In its order, the Court said the committee should "make any recommendations the committee deems advisable for improving the pretrial detention procedure based on data-driven input, such as the recent study by University of New Mexico researchers that analyzed nearly 6,400 cases in

Bernalillo County between July 2017 and March 2019 in which defendants charged with felonies were released from custody pending trial."

The study by the UNM Institute of Social Research found that more than four out of five defendants were not arrested for a crime while on pretrial release and 96 percent of the defendants were not accused of a violent crime while released awaiting trial.

Changes in the pretrial justice system have provided a better safeguard for our communities. District court judges can now legally detain the most dangerous defendants under authority provided by the constitutional amendment, and courts no longer rely on money bail to determine who is released or remains in jail before trial. Judges have ordered the pretrial detention of more than 2,000 defendants statewide in the past two fiscal years. Before the 2016 constitutional amendment, these defendants would have been eligible for release.

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