



THE UNIVERSITY OF
NEW MEXICO

SJDC Probation Violation Hearings Mid-Year Update, 2023

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Table 1. Probation Violation Quick Figures by Month, June 2022 to June 2023

	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23
Total bookings	1,343	1,332	1,392	1,365	1,300	1,283	1,319	1,400	1,319	1,477	1,404	1,512	1,476
Bookings with any felony PV	147	166	183	167	147	149	139	170	151	224	173	193	208
Percent bookings with any felony PV	10.9%	12.5%	13.1%	12.2%	11.3%	11.6%	10.5%	12.1%	11.4%	15.2%	12.3%	12.8%	14.1%
Bookings with felony PV, highest charge	86	102	118	98	95	95	81	114	99	138	104	119	113
Percent bookings with felony PV, highest charge	6.4%	7.7%	8.5%	7.2%	7.3%	7.4%	6.1%	8.1%	7.5%	9.3%	7.4%	7.9%	7.7%
Total monthly regular PV hearings	329	262	269	269	252	306	227	168	209	291	216	379	293
Average regular PV hearings	28	22	18	21	21	24	17	12	18	21	18	28	25
Percent of regular hearings reset, cancelled, vacated	62.4%	45.8%	54.5%	51.1%	55.6%	52.6%	51.1%	47.6%	36.8%	41.6%	45.2%	61.6%	56.0%
Percent of regular hearings resolved	34.2%	53.4%	42.5%	45.9%	40.5%	45.8%	46.7%	50.0%	59.8%	55.0%	52.4%	37.0%	36.9%

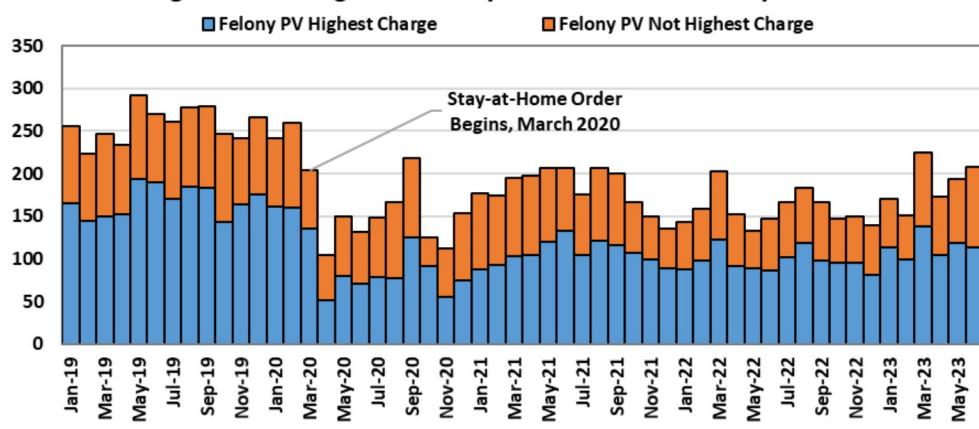
Highlights

- The number of PV hearings decreased from an average of 293 hearings per month in FY22 to an average of 262 per month during FY23, a decrease of 10.6%.
- In June 2023, there were 293 regular PV hearings compared to 329 in June 2022, a decrease of 10.9%.
- In June 2023, 56.0% of hearings were reset, cancelled, or vacated. This is a 5.1% decrease from May 2023 and a decrease of 6.4% from June 2022.
- The median number of days from arrival to case disposition for regular PV hearings increased to 28.3 days in June 2023 from 26.8 days in May 2023 (5.3%), and increased from 0.2 days from 28.5 days in June 2022 (0.7%).

Inmates with a felony probation violation (PV) currently account for a smaller portion of the Metropolitan Detention Center (MDC) inmate population than in previous years. Prior to COVID-19, the MDC population with a felony probation violation as the highest charge was approximately 1 in 4 inmates, currently this portion of the population accounts for approximately 1 in 8 inmates¹. The decrease in the inmates with a felony PV coincided with the COVID-19 pandemic and the Stay-at-Home Order² in New Mexico. Rocket docket hearings were discontinued in March of 2020, but were reinstated in April 2023. Probation violation bookings increased beginning in early 2021, followed by a decrease in late 2021 and early 2022, with a slight rise to mid-year 2023. (see Figure 1).

Over the last twelve months (FY23), there was an average of 107 bookings a month with a felony PV as the highest charge (see Figure 1). The number of bookings of this type ranged from as few as 81 in December, 2022 to as many as 138 in March 2023. Bookings with any felony PV (highest charge and not highest charge) in FY23 had an average of 173 and ranged from 139 in December 2022 and as many as 224 in March 2023.

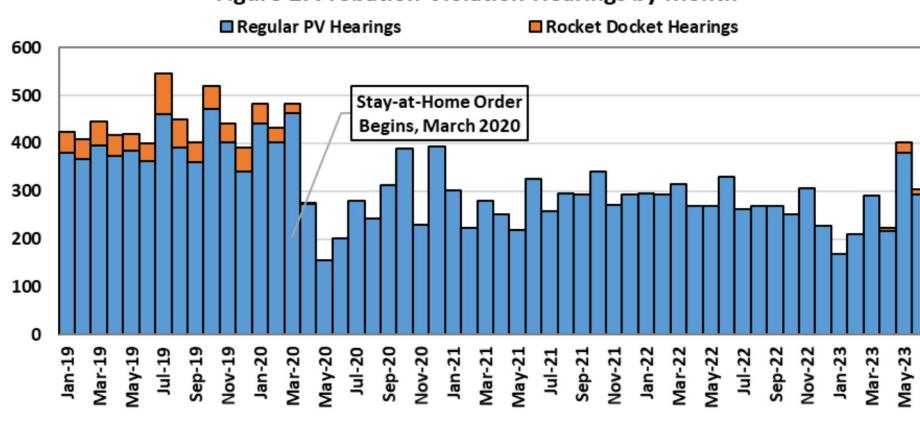
Figure 1. Bookings with Felony Probation Violations by Month



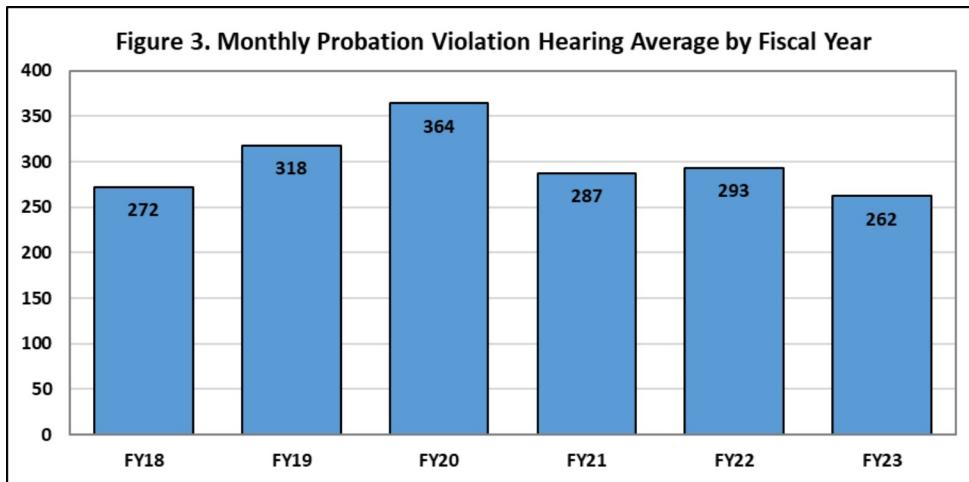
Probation Violation Hearings

In June 2023, there were 293 regular PV hearings (see Figure 2) a decrease of 11.0% from June 2022. While fluctuations in the number of monthly hearings is normal, the decrease in PV hearings in 2020 was notable. This is due in part to changes in probation policies and changes in hearings by the SJDC because of COVID-19. The court was unable to function the same as it had prior to COVID-19, as witnessed by the reduced docket loads. The rocket docket hearings were discontinued in March 2020, but were restarted in April 2023. Due to COVID-19, there is no way to be certain to what degree the discontinuation of the rocket docket hearings impacted the PV outcomes during that time period.

Figure 2. Probation Violation Hearings by Month



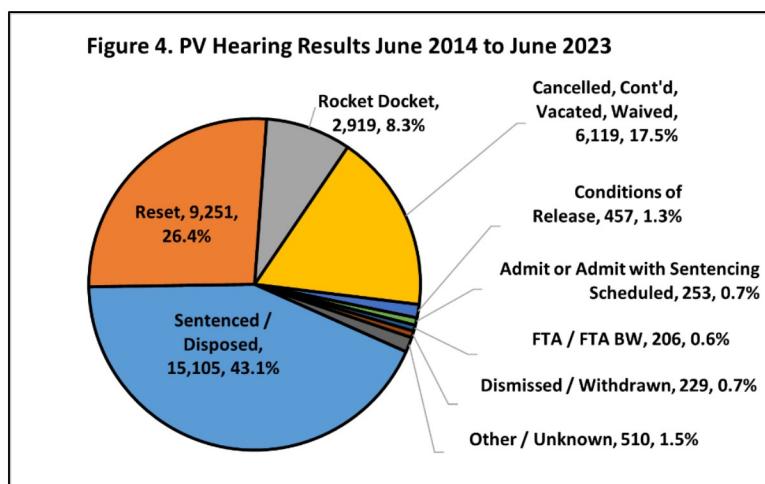
In FY22, and FY23 (see Figure 3), the average monthly PV hearings were relatively similar (293 and 262 respectively). This was a decrease of 10.6% in average monthly hearings.



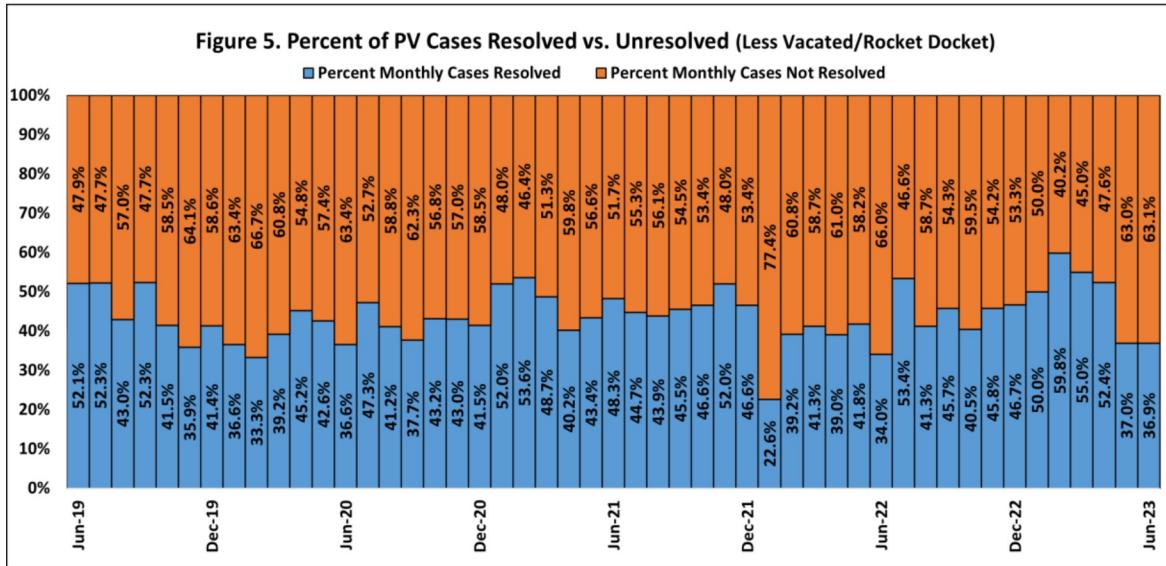
Hearing Results

Between June 2014 and June 2023 there were approximately 35,049 hearings scheduled (this does not include status conferences, rocket dockets, afternoon dockets, or sentencing hearings). Regular probation violation cases that were vacated or cancelled for the rocket docket are included in monthly hearing counts and hearing outcomes as these take hearing slots on the court docket (see Figure 4).

Since June 2014, approximately 43.1% (15,105) of regular PV hearings resulted in a sentence or disposition. Approximately 26.4% of hearings (9,251) were reset. Hearings vacated for the rocket docket accounted for approximately 8.3% of hearings (2,919). Other hearings were cancelled, vacated, or waived (including those rescheduled by the court) and made up 17.5% (6,119) of hearing results. The remaining categories of outcomes each accounted for 1.5% or less of total hearing results over the last eight years.



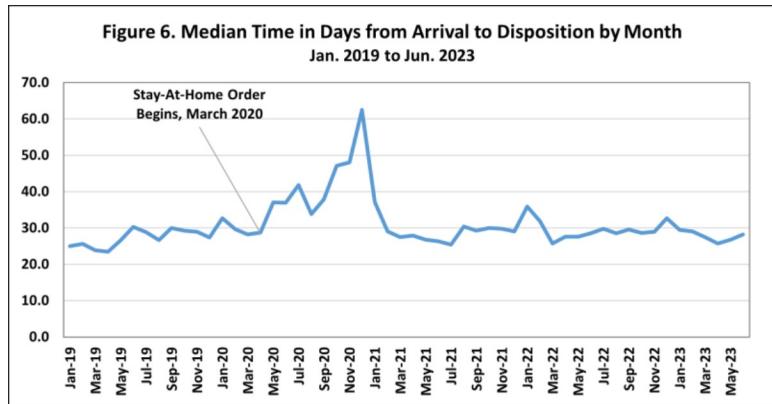
To better understand the results of PV cases on the regular dockets, hearings that were vacated for the rocket docket were removed and the outcomes were collected. This allowed for a more accurate description of hearing outcomes that the court resolves at the regular PV hearings. The percent of cases unresolved fluctuate from month to month and have increased slightly over the last several years. At mid-2023, the percentage of cases that resulted in a case resolution ranged from 37.0% in May 2023 to 59.8% in February 2023 (see Figure 5)³. During June 2023, hearings with a resolved outcome accounted for 36.9% of hearings. During FY23, the percentage of cases in a month that were unresolved ranged from 40.2% in February 2023 up to 63.1% in June 2023.



Case Processing Times

Case processing times are created by measuring the time from arrival to the disposition. A new probation violation typically results in a new booking, though in some instances, it could be included as a new arrest on the same booking. For those handful of individuals who had multiple dispositions on the same booking, a “unique” booking was created, and the latest motion to revoke date is used rather than the initial arrival date so that all case processing times were captured for the individual⁴. The median – that is the middle value – for the time from arrival to disposition is used rather than the mean, or average, as this value is easily skewed by a small number of large values.

The median time from arrival to disposition increased from 2018 to 2019, followed by a large increase in 2020. The time from arrival to disposition peaked at 62.5 days in December 2020. The time from arrival to disposition in June 2023 was 28.3 days.



Conclusion

Probation violation bookings and hearings notably decreased from FY20 to FY23, largely due to changes related to the COVID-19 pandemic. Bookings with felony PVs, any charge, decreased from an average of 181 in FY22, to an average of 174 in FY23, a decrease of 3.9%. Bookings with a felony PV as the highest charge decreased from an average of 110 bookings in FY22 to an average of 107 in FY23, a decrease of 2.7%. From FY22 to FY23 there were only slight changes in both types of bookings (both PV as any charge and PV as highest charge).

The total number of regular PV hearings decreased from 329 in June 2022 to 293 in June 2023, a decrease of 10.9%. Monthly probation violation hearing average by year decreased by an average of 31 cases from FY22 to FY23, a decrease of 10.6%. Case processing times have slightly decreased from 28.5 days in June 2022 to 28.3 days in June 2023, a decrease of 0.7% or 0.2 days. The total number of cases being resolved has increased from June 2022 to June 2023 by 34.0%. Overall, while the number of felony probation violations has increased, there are still fewer than were filed pre-COVID. The time to disposition has also slightly decreased in recent months and is likely to continue to decrease due to the restart of the rocket docket hearings and changes to hearing schedules at the court.

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¹ This decrease is due to a variety of factors, including changes in how supervision was conducted. Office and home visits were limited, which meant alcohol and drug testing was less frequent, as was the likelihood an appointment would be missed or a violation be discovered during an office or home visit. The Second Judicial District Court (SJDC) previously had a modified hearing scheduling in response to the COVID-19 state of emergency. Calendars were adjusted to facilitate safe access to the courts, resulting in a large portion of vacated and cancelled hearings from March 2020 to March 2022.

² New Mexico Department of Health (2020, March 23). *Public Health Emergency Order Closing All Businesses and Non-Profit Entities Except for Those Deemed Essential and Providing Additional Restrictions on Mass Gatherings Due to Covid-19*. Office of the Governor. <https://www.governor.state.nm.us/wp-content/uploads/2020/03/COVID-19-DOH-Order-fv.pdf>

³ The spike of unresolved cases seen in January 2022 is at least likely due in part to malware attacks on MDC that happened throughout January 2022. This malware attack disrupted IT systems and affected certain hearing and proceeding types.

⁴ A small number of inmates had multiple motions to revoke probation during a single booking. This typically occurs when an inmate is out of the facility on CCP. As this information is not currently available, the new motion to revoke date is used to estimate the time to disposition rather than the original arrival date.