



National Prosecutors' Consortium

Survey Highlights

New Mexico



Shellie E. Solomon
Craig D. Uchida
Christine Connor
Marc L. Swatt
Lauren Revier
Allie M. Quigley
Samantha Hock
Viviana Barrera





NEW MEXICO REPORT

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BACKGROUND

The National Prosecutors' Consortium (NPC), a collaboration between Justice & Security Strategies (JSS) and the Prosecutors' Center for Excellence (PCE), is designed to collect information on innovative programs employed by prosecutors' offices, to assist prosecutors in developing and deploying new programs, and to expand the research capacities of prosecutors' offices. The team developed a survey that is being administered at the county level across the United States on a state-by-state basis. This survey seeks to accomplish two objectives to support prosecution needs: 1) collection of a thorough baseline of information on the operation of county prosecutors' offices across the country, and 2) identification of those offices that have adopted innovative programs.



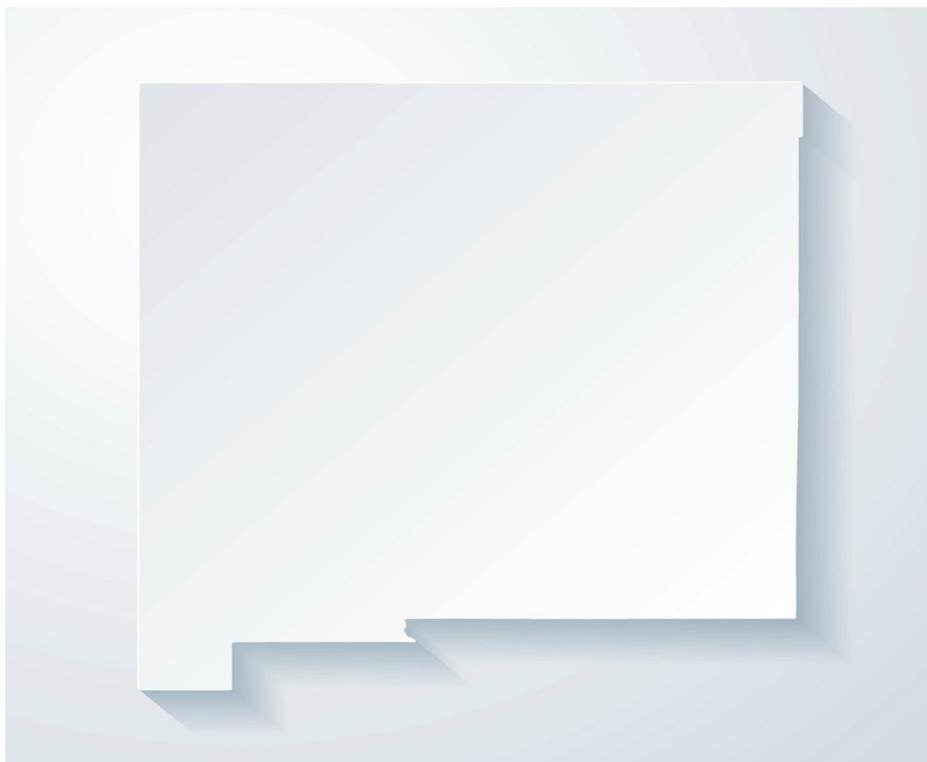
METHODOLOGY

NPC conducted focus groups with prosecutors and prosecutor coordinating offices. As part of this effort, NPC identified the desired topic areas and reviewed survey questions. The survey is designed as an agency-based questionnaire intended to collect data on the characteristics and operations within each prosecutor's office. The survey is delivered through an online, secure, cloud-based service using the Qualtrics survey platform. States are being offered this survey on a rolling basis.

As part of the data quality assurance process, we have identified a battery of 84 questions that provide the core information requested by the survey. To minimize the proportion of missing data, the weighted number of completed responses is compared to a threshold. Offices in counties where the responses did not pass this threshold will be contacted and additional responses will be requested. This report discusses responses from all partially complete surveys, but there may be changes in the number of valid cases for some questions as follow-ups with agencies continue.

THE CURRENT STATE - NEW MEXICO

This report discusses preliminary results from the state of New Mexico. Out of the 14 prosecutors' offices operating in New Mexico, at the time of this report (July 22, 2019), all 14 counties (100%) had completed the survey.



TYPES OF CASES

Figure 1 depicts the percentage of prosecutors' offices handling specific types of cases. All offices reported handling all or at least some felonies, misdemeanors, and juvenile cases. Three offices reported handling infraction cases. Eight of the responding offices reported handling civil matters. **Figure 2** highlights the percentage of prosecutors' offices involved in various types of civil matters. All offices reported handling FOIA or other public information requests. Mental health commitments and Civil Forfeitures were reported by seven offices. Only one office reported handling adult protection cases and nuisance abatement. No offices reported handling child support cases or child protection cases.

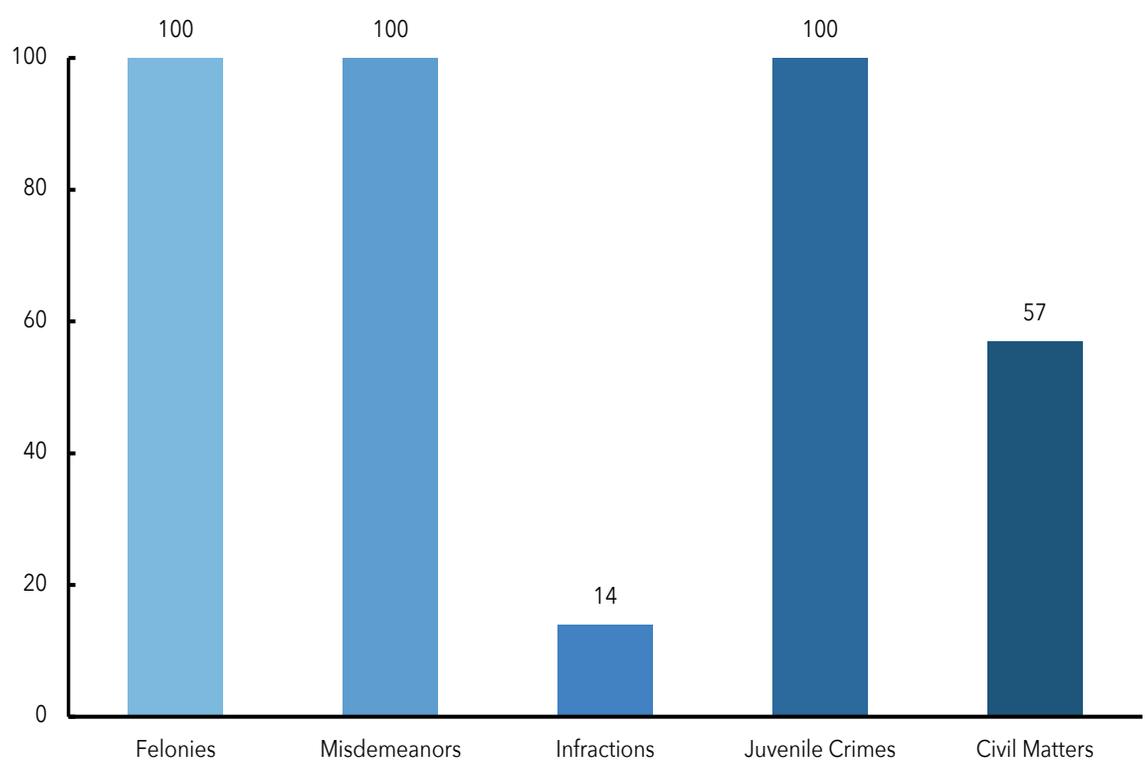


Figure 1. Percentage of Prosecutors' Offices with Jurisdiction over Cases by Type (N = 14).

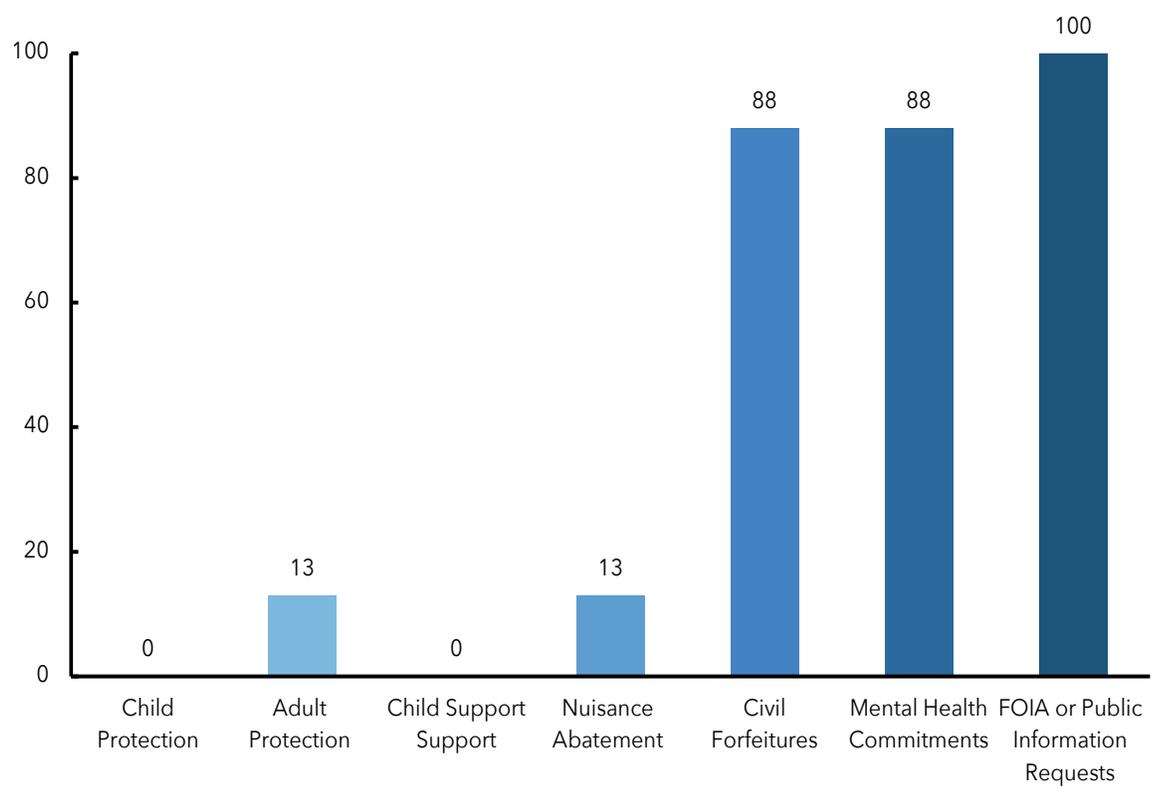


Figure 2. Percentage of Prosecutors' Offices with Jurisdiction over Civil Matters by Type (N = 8).

CHIEF PROSECUTOR

All 14 counties indicated that their Chief Prosecutor was elected. On average, the Chief Prosecutor had been in office for about eight years. The tenure of the Chief Prosecutor ranged from one and a half years to 18 years. As seen in **Figure 3**, 36% of prosecutors had been in office for 1-5 years, 36% 6-10 years, 7% between 11 and 15 years, and 21% over 15 years.

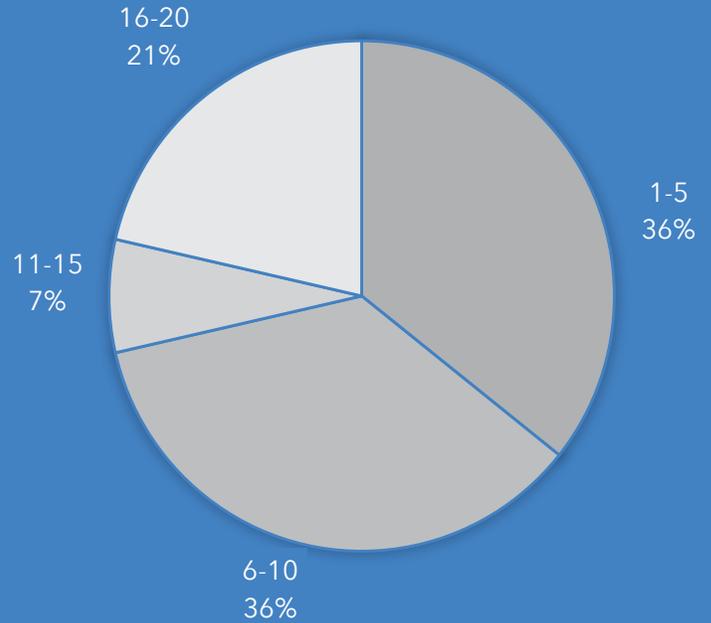


Figure 3. Chief Prosecutor Years in Office (N =14).

OFFICE BUDGET

The 2018 average budget for New Mexico prosecutors' offices was approximately \$4,648,873. **Figure 4** depicts that 43% of the offices had a budget under \$3,000,000, 21% had budgets between \$3,000,000 and about \$4,999,999, and 36% had budgets over \$5,000,000.

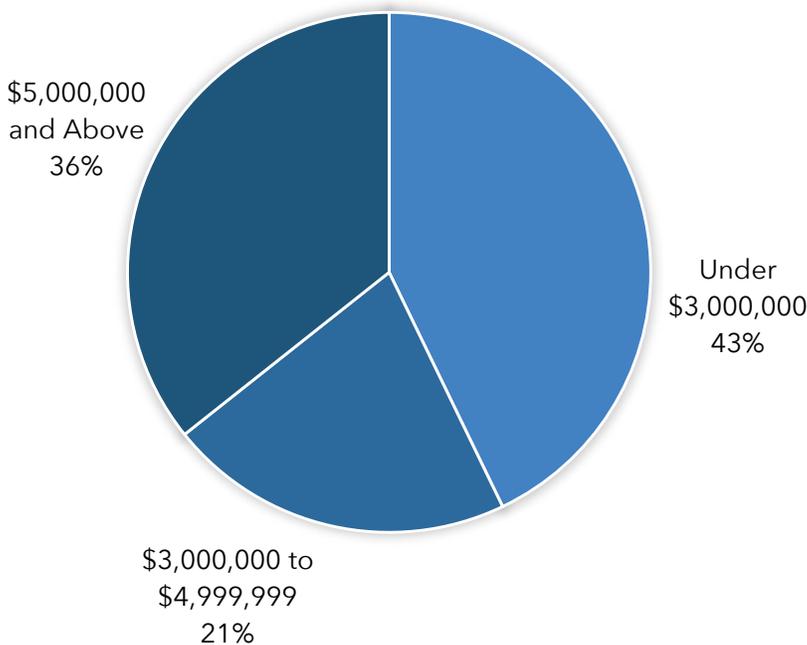


Figure 4. Ranges of 2018 Total Budgets (N = 14).

The average 2018 personnel budget for New Mexico prosecutors' offices was \$7,610,655. **Figure 5** presents the ranges of personnel budgets. Approximately 39% of the offices had a personnel budget under \$3,000,000, 23% had a personnel budget of over \$3,000,000 but less than about \$4,999,999, and 38% had budgets over \$5,000,000.

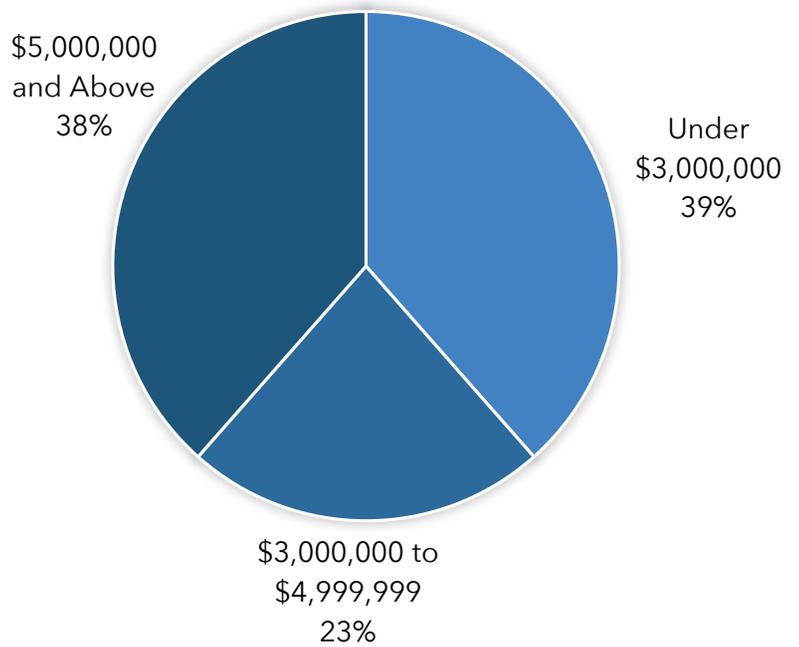


Figure 5. Ranges of 2018 Personnel Budgets (N = 13).

The average percentage of personnel to total budget by budget category is displayed in **Figure 6**. This graph provides a method to determine whether agencies with large budgets spend a disproportionate amount of their budgets on personnel costs. From this graph it appears that average percentage of personnel to total budget is constant across budget categories with agencies spending an average of 90% of their total budgets on personnel costs.

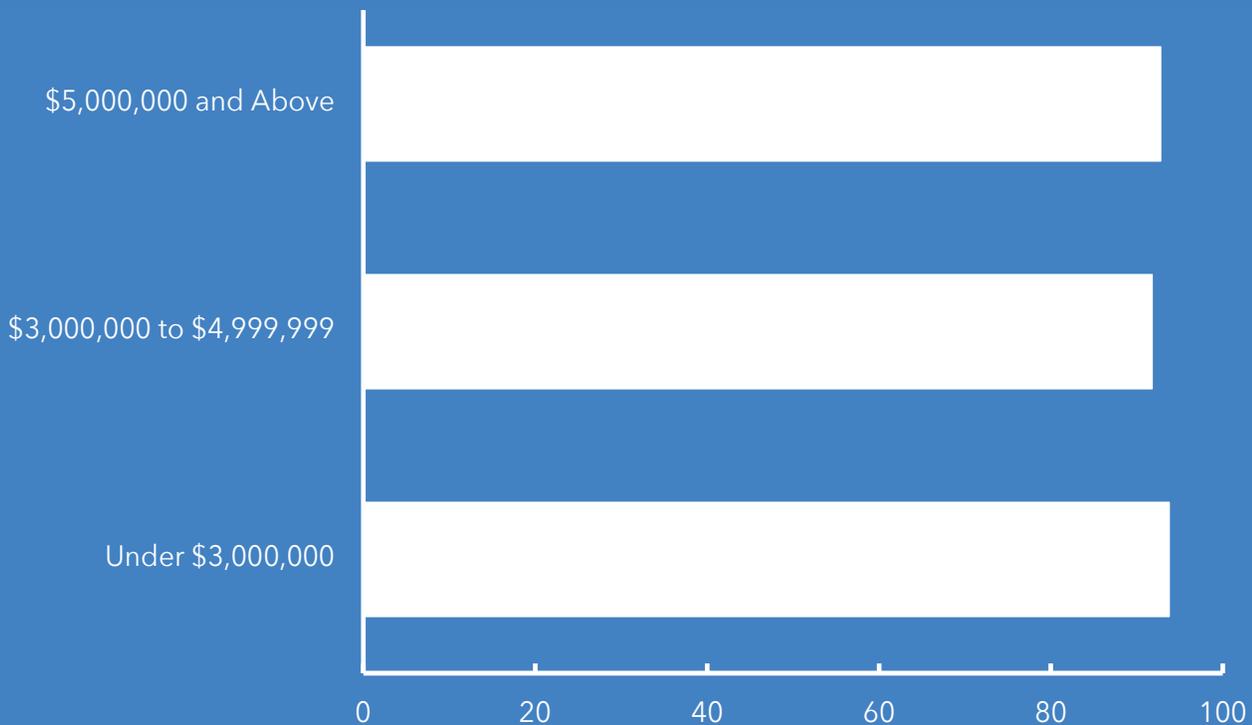


Figure 6. Average Percentage Personnel to Total Budget by Budget Category (N = 12).

STARTING SALARIES

The 2018 starting salaries of recently graduated law students hired as prosecutors in New Mexico ranged from a minimum of \$48,980 to a maximum of \$64,000. The average of the 11 responding offices was \$55,418.

CASE PROCESSING

In 2018, the offices surveyed reviewed on average 2,235 felony cases, resulting in 1,636 cases charged, 1,037 cases with at least one conviction, and 257 cases diverted. Further, on average, the offices reported reviewing 2,607 misdemeanor cases, resulting in 2,138 cases charged, 725 cases with at least one conviction, and 301 cases diverted. Finally, on average, the offices also reviewed 325 juvenile cases, resulting in 231 cases charged, 162 cases with at least one conviction, and 50 cases diverted.

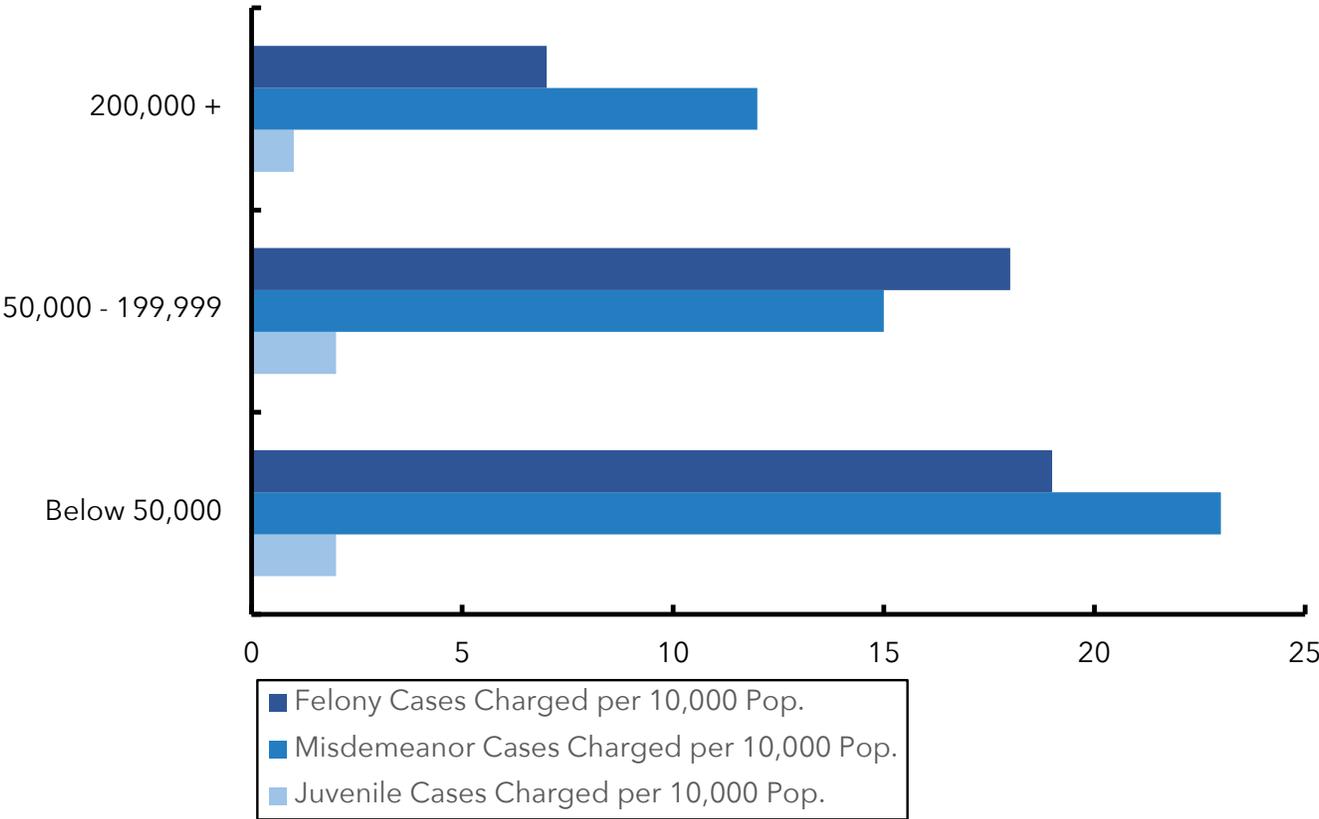


Figure 7. Cases Charged per 10,000 Population by Population Category (N = 13).

Figure 7 depicts the number of felonies, misdemeanors, and juvenile cases charged by county population category. The smallest offices charge more felony, misdemeanor, and juvenile cases per capita than the mid-sized and largest offices. Offices with fewer than 50,000 residents charge more than twice as many felonies and misdemeanors per capita than offices with more than 200,000 residents.

Figure 8 presents the average number of charged cases per full-time attorney for felonies, misdemeanors, and both felonies and misdemeanors combined. While these data are limited, the estimated workloads can provide a useful benchmark for agencies. Across reporting offices, there were an average of 115 charged felony cases per full-time attorney and 123 charged misdemeanor cases per full-time attorney. Overall, this resulted in an average of 238 charged misdemeanor and felony cases per full-time attorney.

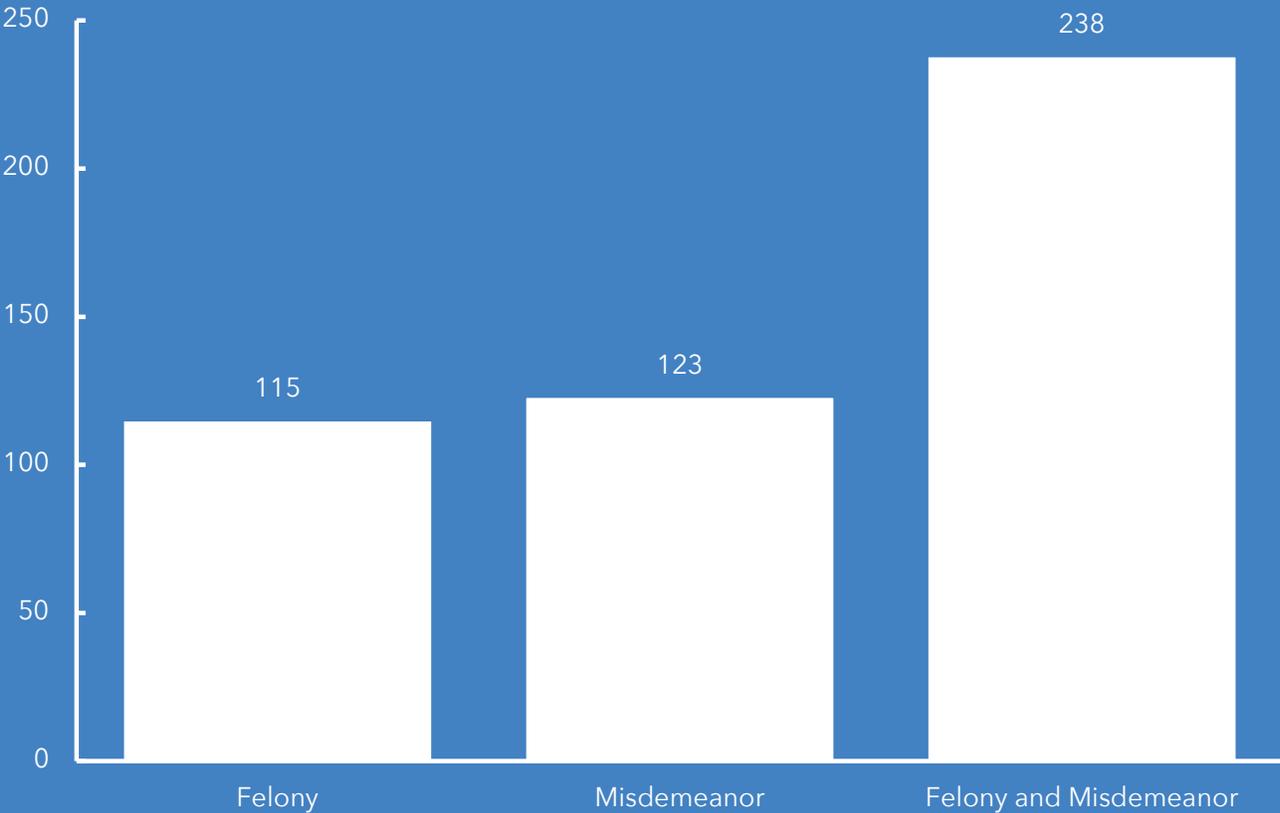
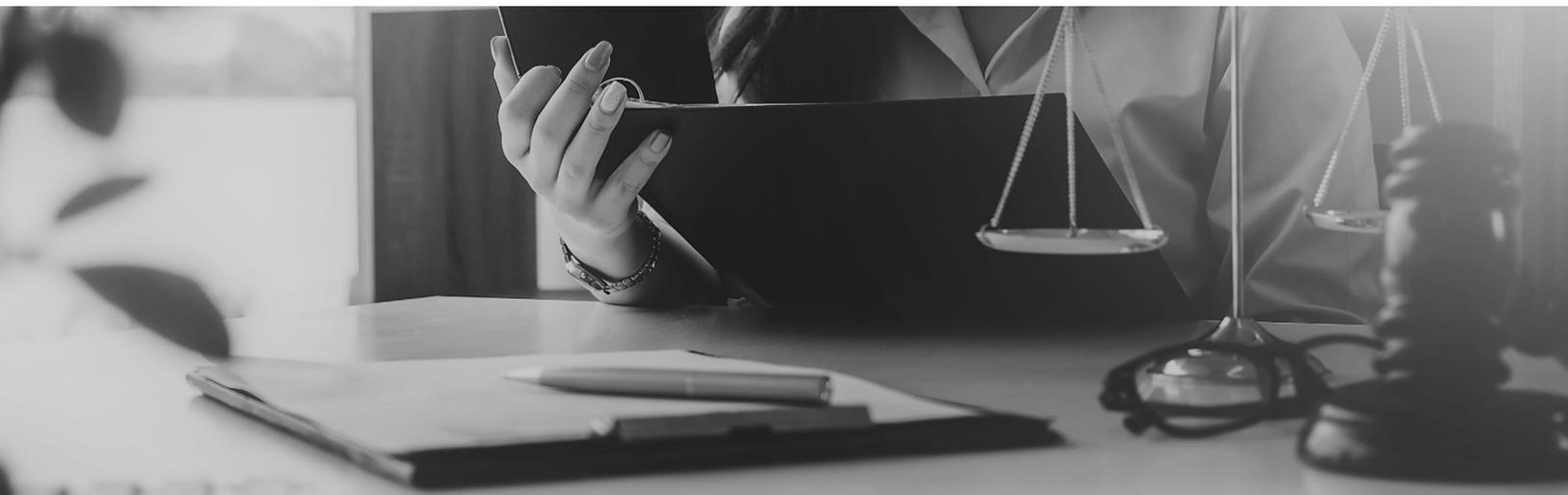


Figure 8. Average Number of Cases per Full-Time Attorney by Type of Case (N =13).



NUMBER OF EMPLOYEES

On average, prosecutors' offices in New Mexico reported employing 22 full-time and no part-time attorneys. These offices also reported employing 43 full-time and no part-time non-attorneys.

Figure 9 presents the number of full-time employees per 10,000 population by population category. Offices covering fewer than 50,000 residents had the highest number of full-time attorneys, non-attorneys, and total employees per 10,000 residents. Offices covering more than 50,000 residents had the lowest number of full-time attorneys, non-attorneys, and total employees per 10,000 residents.

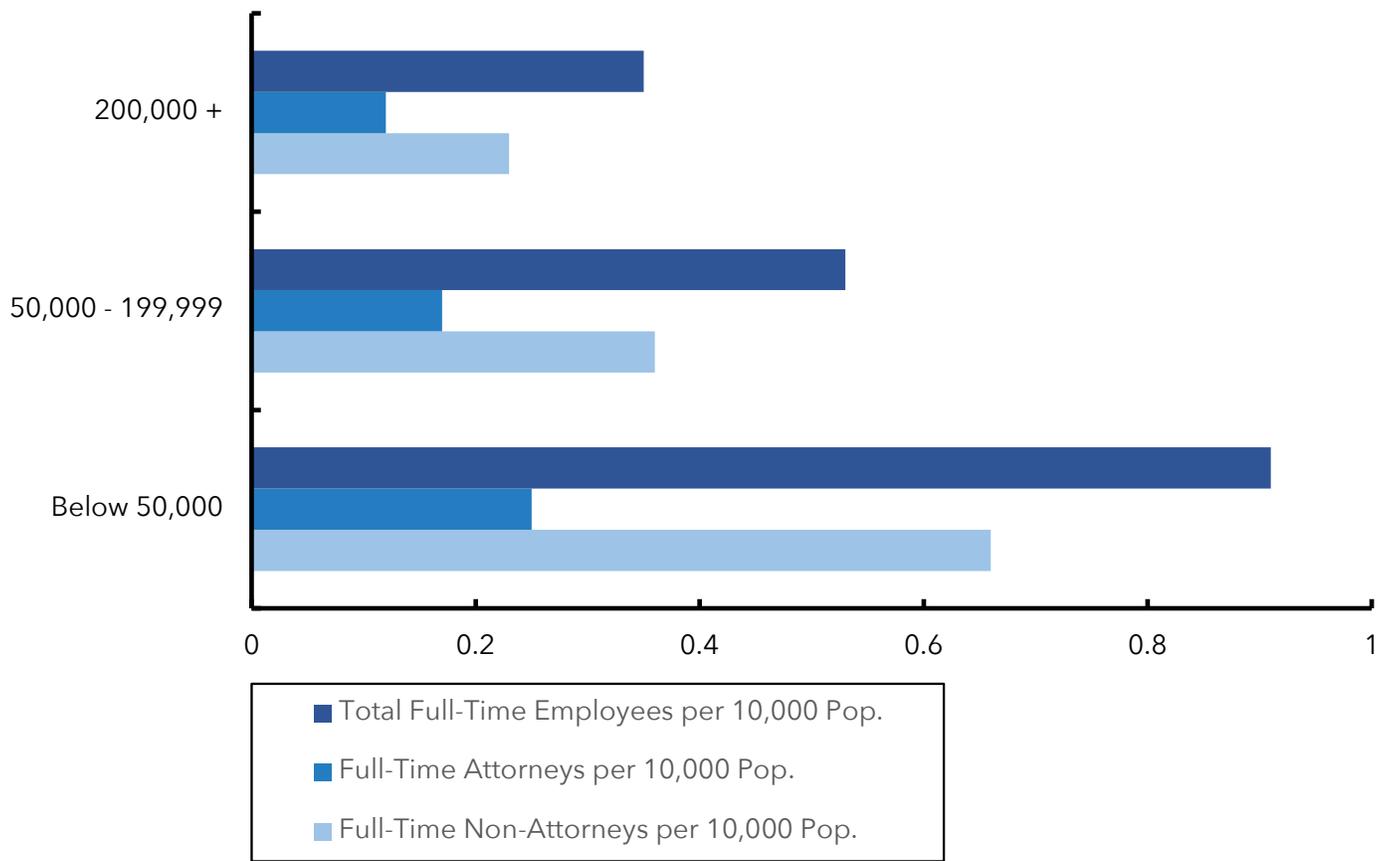


Figure 9. Full-Time Employees per 10,000 Population by Population Category (N = 14).

A different strategy for examining staffing information is to consider the ratio of staff to a measure of workload. **Figure 10** presents the average number of full-time employees per 1,000 felony and misdemeanor cases charged. Counties covering fewer than 50,000 residents had the most full-time staff members per 1,000 cases. Counties with more than 200,000 residents had the lowest number of full-time attorneys, non-attorneys, and total employees per 1,000 cases charged.

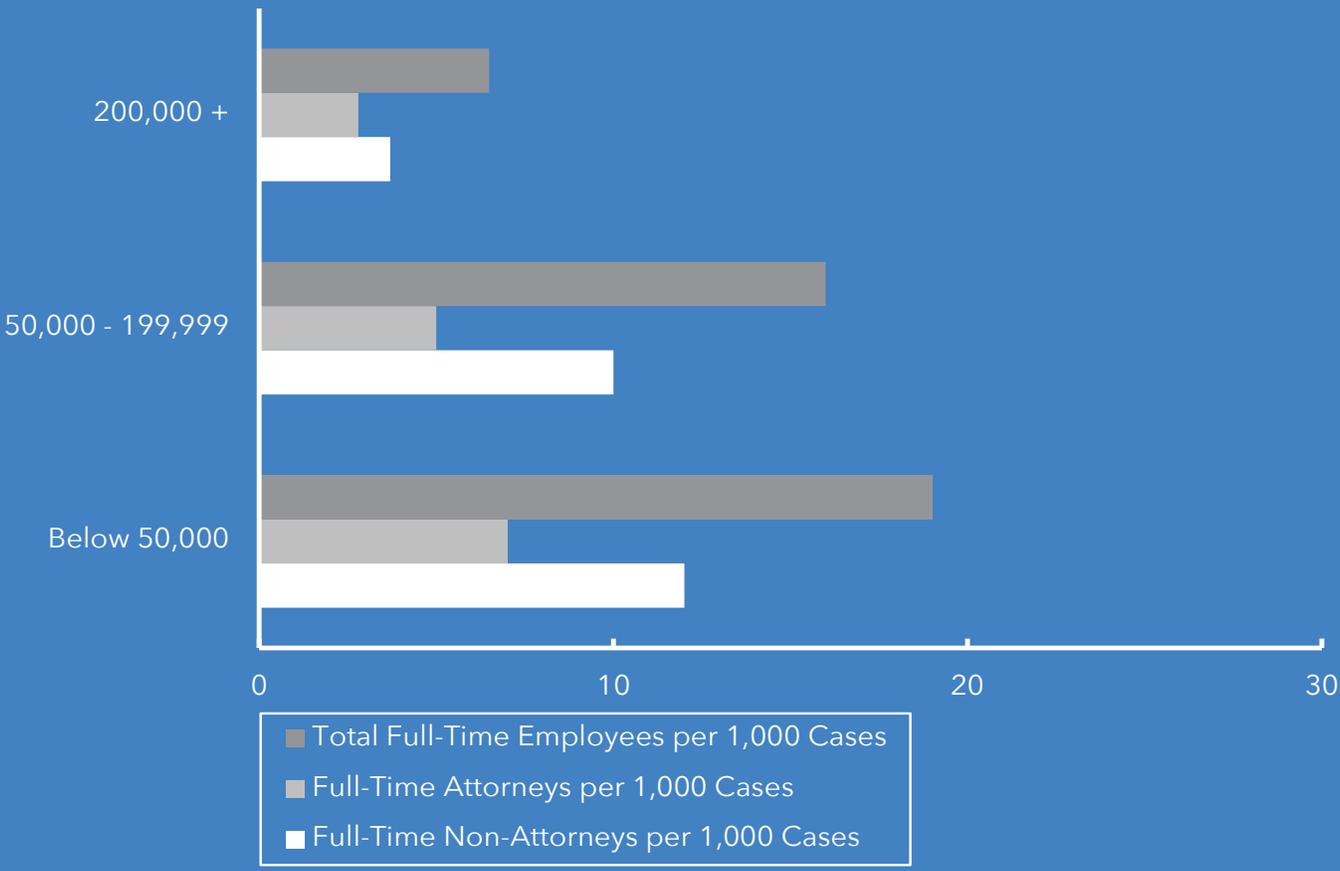


Figure 10. Average Number of Employees per 1,000 Felony and Misdemeanor Cases by Population Category (N = 13).



PROSECUTOR INITIATIVES

All responding offices reported engaging in problem solving courts or other programs that offered alternatives to incarceration in 2018. The majority of offices reported that individuals with offenses involving misdemeanors (100%), low-level felonies (93%), and non-violent felonies (57%) were eligible for participation in these programs. A smaller number of offices reported that juvenile offenders (43%) and offenders with violent felonies (29%) were eligible for these programs.

SPECIALTY COURTS

We asked respondents about nine different types of specialty courts: Drug courts, Veterans' courts, Mental Health courts, Human Trafficking courts, Homeless courts, Alcohol/Driving Sobriety courts, Domestic Violence courts, Community courts, and Re-entry courts. **Figure 11** provides the frequency of counties with each type of specialized court in 2018. While the majority of offices reported Drug courts (79%), few respondents reported specialized Mental Health (29%), Alcohol/Driving Sobriety (14%), Veterans' (14%), Domestic Violence (14%), Human Trafficking (7%), Homeless (7%), and Community courts (7%). No offices reported Re-entry courts.

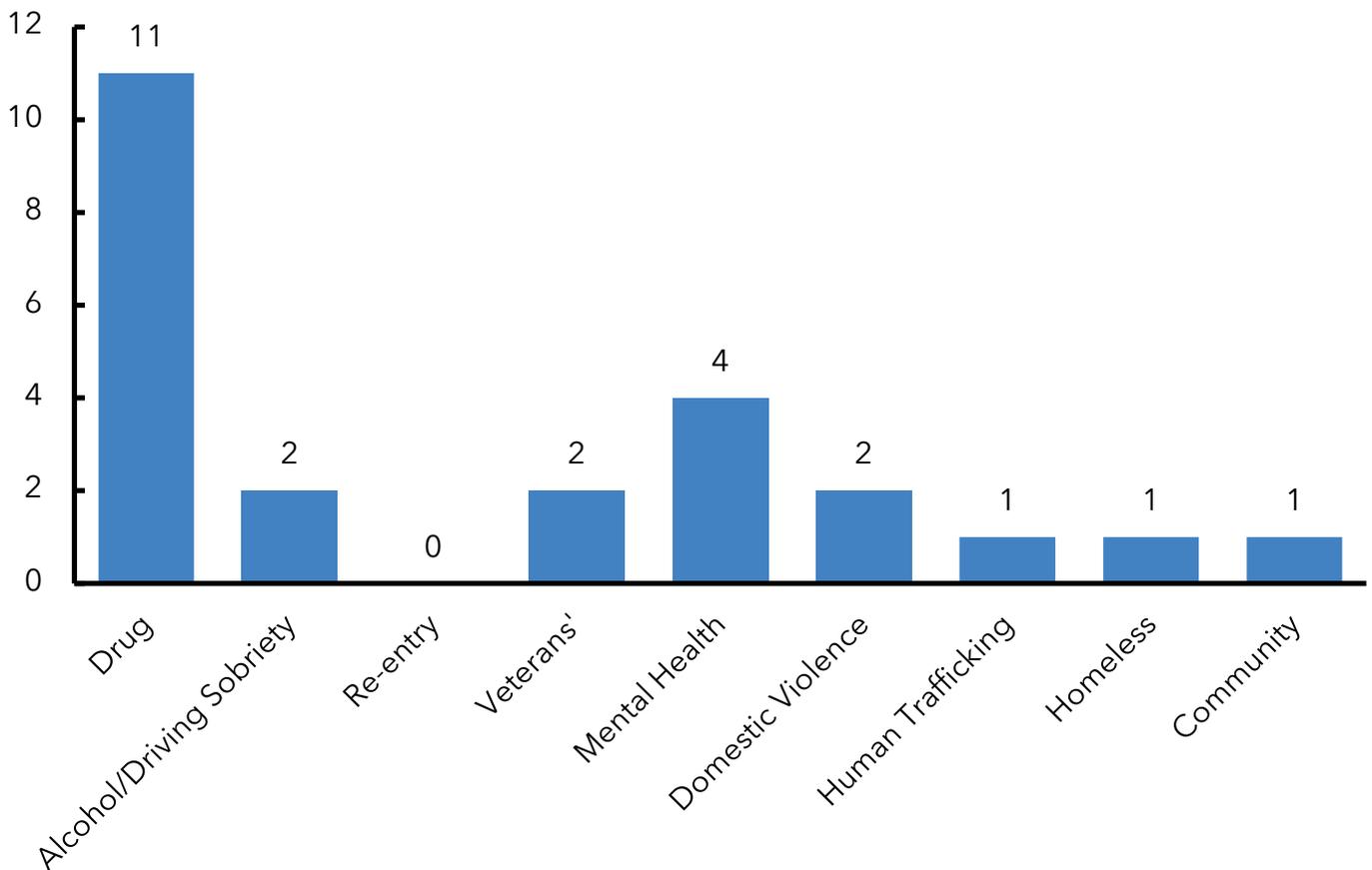


Figure 11. Number of Counties Reporting Specialized Courts by Type (N = 14).

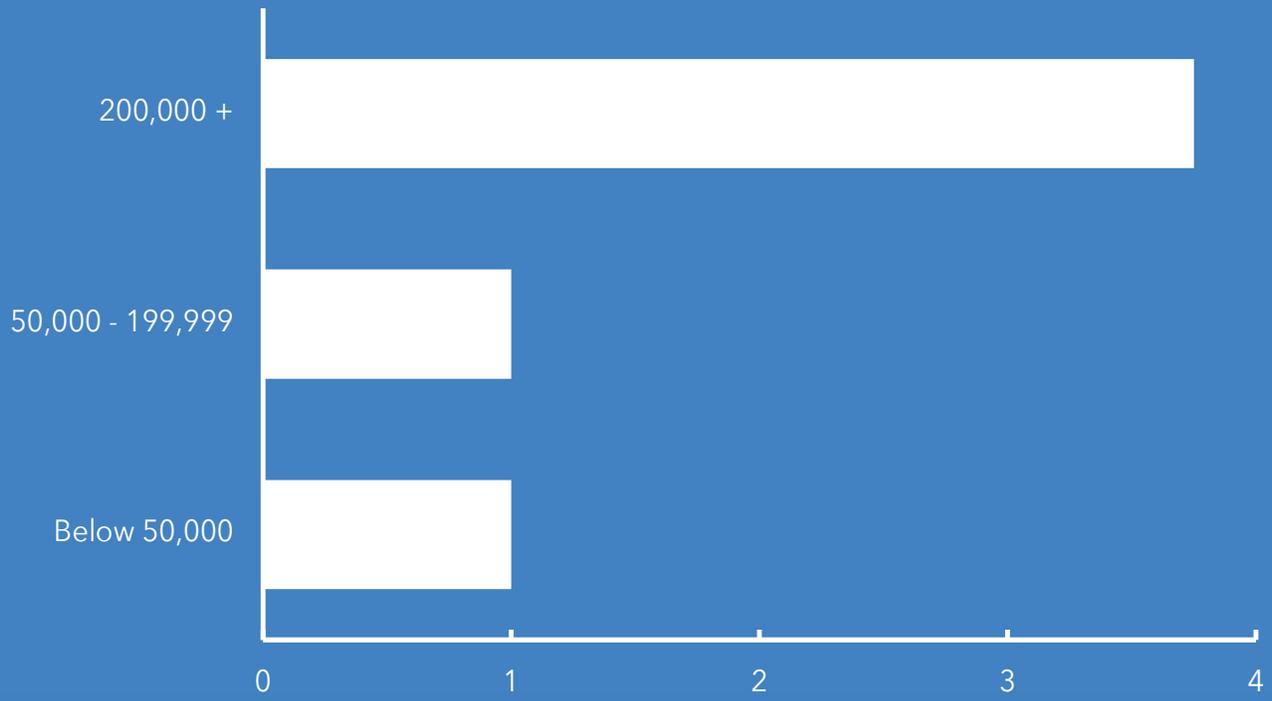


Figure 12. Average Number of Special Court Types by Population Category (N = 14).

Figure 12 shows the number of special court types compared to county population category. Counties with more than 200,000 residents had on average about 4 special court types compared to 1 type for the smaller population categories.





ALTERNATIVES TO INCARCERATION

We also asked whether the offices in each county offered alternatives to incarceration in 2018, as shown in **Figure 13**. Drug treatment (71%) and anger management (64%) were the most common offerings. Mental health services (50%) and community services (43%) were slightly less common. Still less often were training/education programs (29%), restorative justice (14%), and deflection (14%) programs offered as alternatives to incarceration.

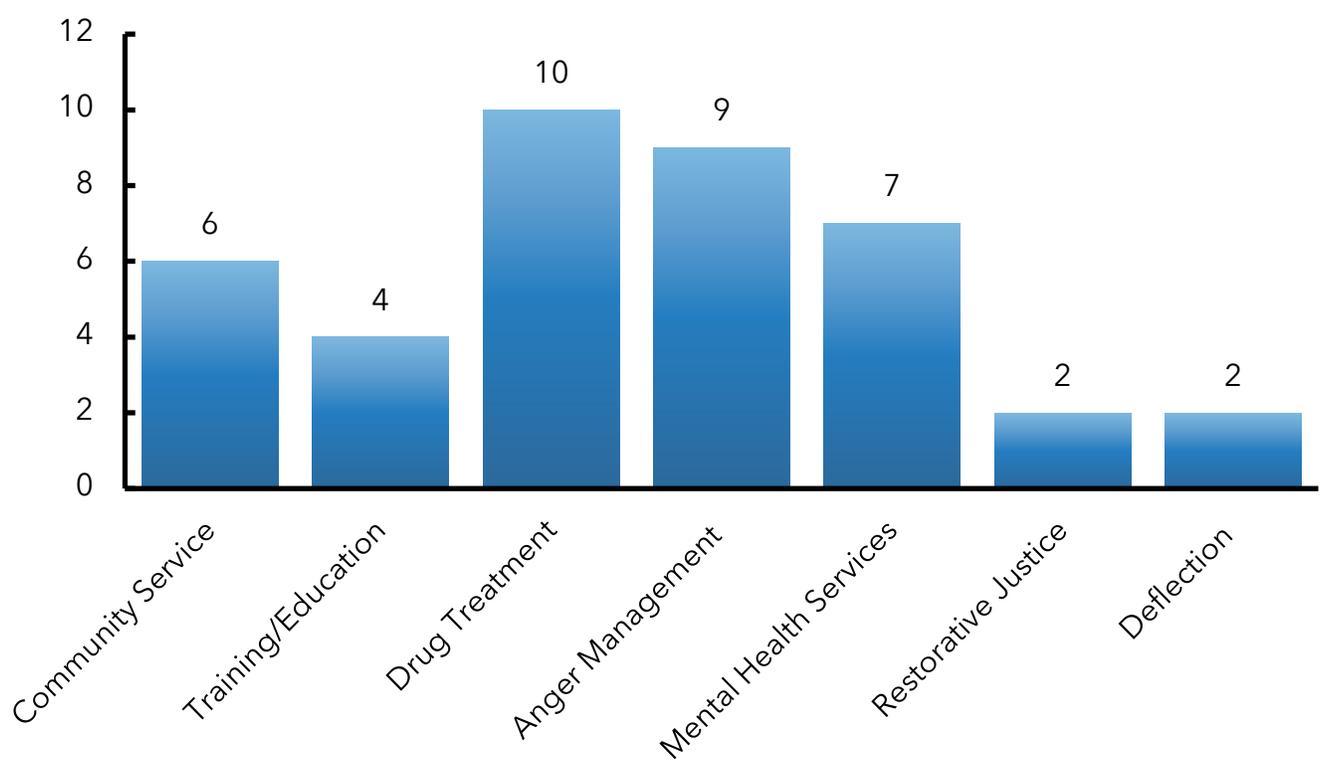


Figure 13. Number of Counties Reporting Alternatives to Incarceration by Type (N = 14).

SPECIALIZED PROGRAMS

Figure 14 presents the number of prosecutors' offices that reported operating specialized programs. The most common type of program was Victim Assistance, which was reported by 93% of offices. Less common were Restitution programs (71%), Witness Assistance (64%), Victim Services without Arrest (50%), and Community Affairs Units (50%). Rarely did prosecutors' offices report having Community Prosecutors (43%), Victim/Witness Relocation (21%), Crime Strategies Units (7%), and Conviction Review programs (7%).

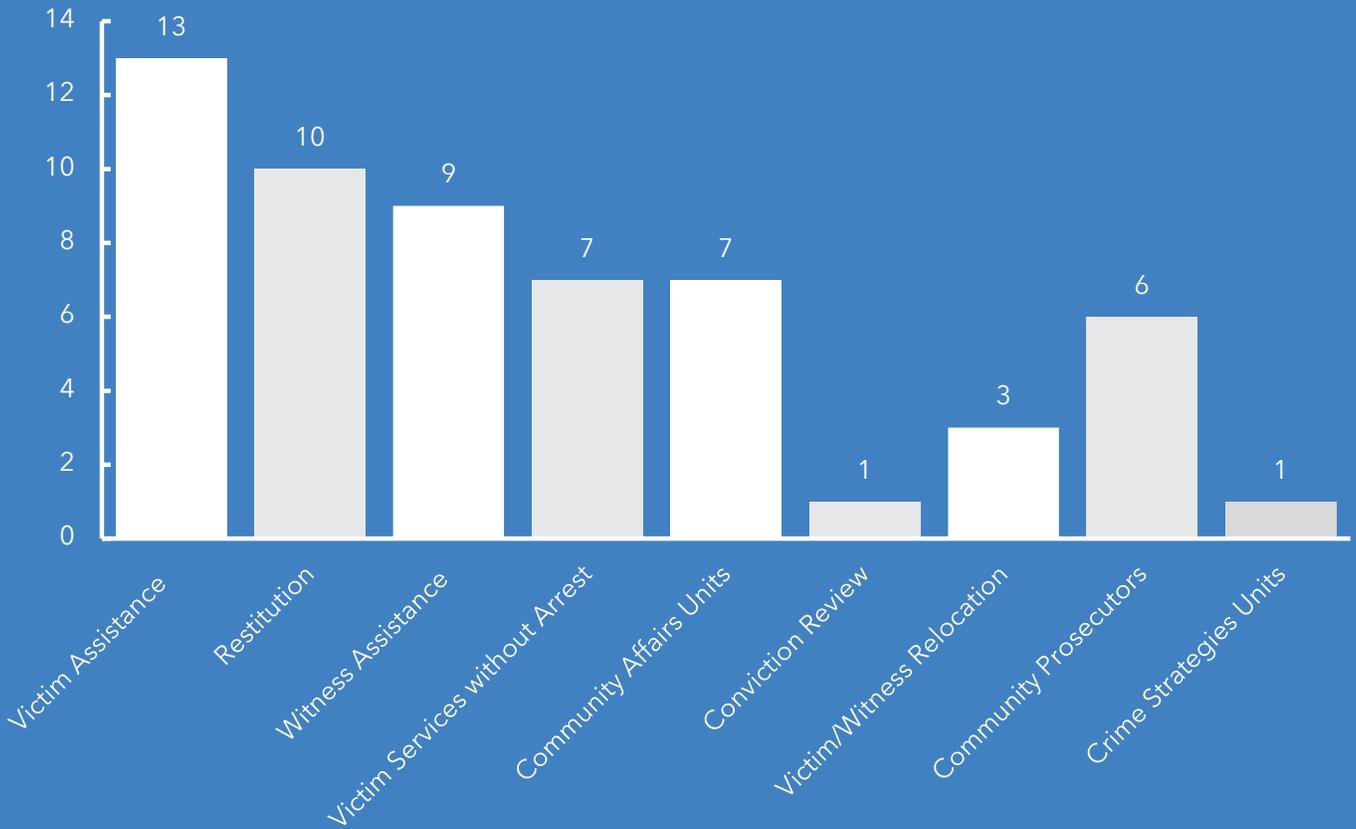


Figure 14. Counties Reporting Specialized Programs by Type (N = 14).



COMMUNITY PROGRAMS

Finally, we asked whether the prosecutors' offices ran or participated in several different community programs. These results are presented in **Figure 15**. The most common programs offices reported participating in were Community Engagement (64%) and Violence Reduction (64%). Slightly fewer offices reported participating in Co-located Child Abuse (57%), Truancy programs (57%), Co-located Domestic Violence (43%), Youth Education (29%), and Adult Education programs (21%). Less common programs included Neighborhood Courts (14%), Sports Programs (14%), and Neighborhood Clean-up (7%). No offices reported participating in Re-entry or Children of Inmates programs.

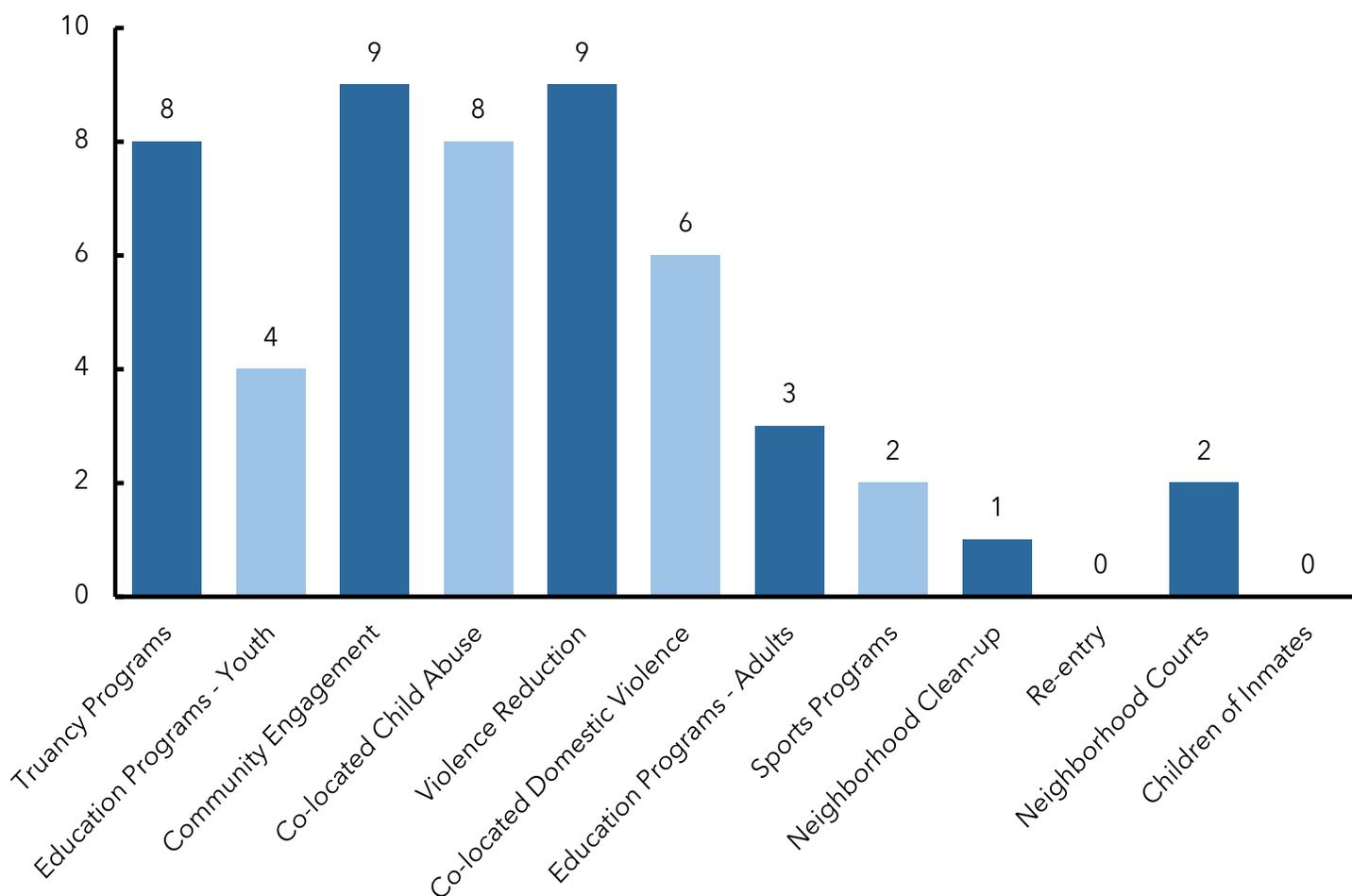


Figure 15. Participation in Community Programs by Type (N = 14).

TECHNOLOGY

In the following section, we asked respondents about the use of technology within their offices. **Figure 16** illustrates technology used within prosecutors' offices by type. All offices responded that they are using an electronic case management system and electronic discovery. About 93% of offices reported that they have a technology unit responsible for the computers, data, software, and hardware functioning within their offices. All offices reported using technology in their courtrooms, and 93% reported having staff to support them with the use of this technology.

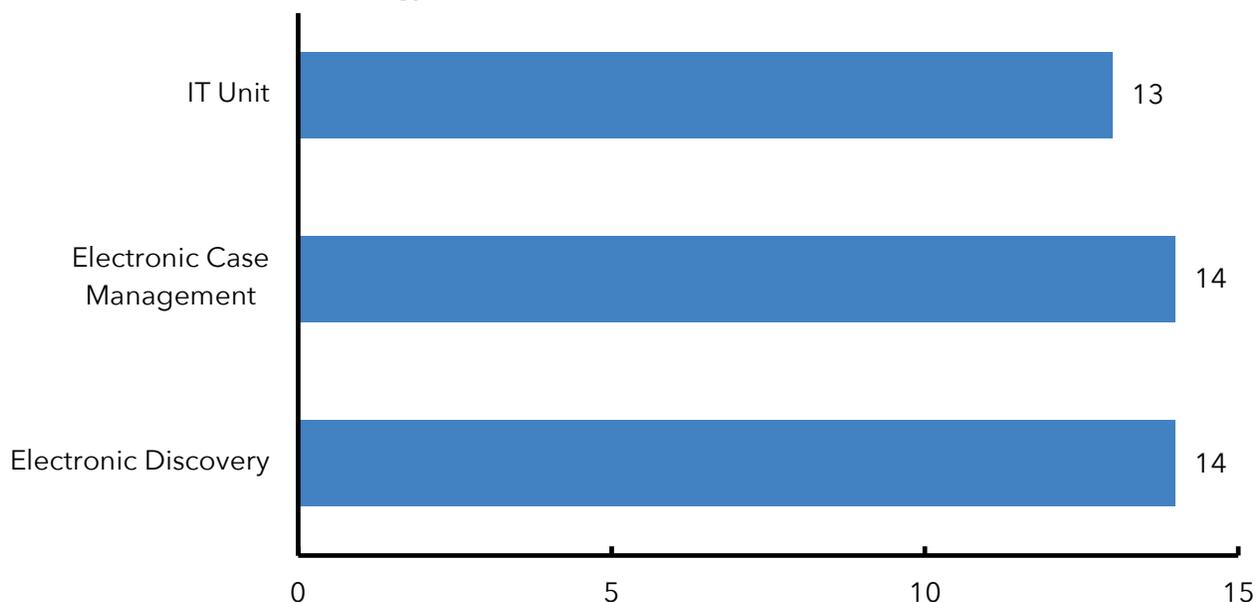


Figure 16. Technology Use within Prosecutors' Offices by Type (N = 14).



BODY-WORN CAMERAS

In addition, 12 offices (86%) reported having at least one police agency within their jurisdiction that has implemented a body-worn camera (BWC) program. **Figure 17** presents the method of delivery for BWC video. Of those receiving BWC video, 50% reported using DVDs, 33% reported using both cloud and DVD interfaces, and no offices reported using solely cloud-based interfaces. Over 58% of respondents reported needing additional staff to view and manage the evidence collected by BWCs.

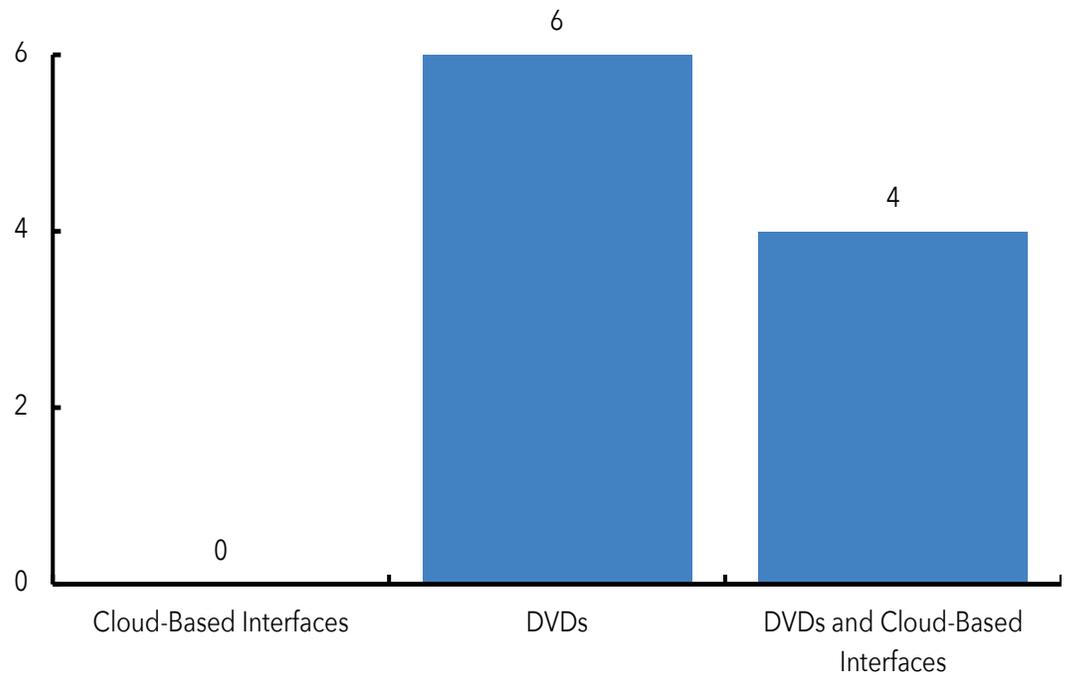


Figure 17. BWC Recordings Received by Prosecutors' Offices by Type (N = 12).

Figure 18 shows the percentage of offices by jurisdiction size that reported needing additional staff to review BWC footage. Two-thirds of jurisdictions with more than 200,000 residents stated that they needed additional staff. Approximately 60% of jurisdictions with 50,000 to 199,999 residents reported needing additional staff, and half of offices covering fewer than 50,000 residents stated that they needed additional staff to review BWC footage.

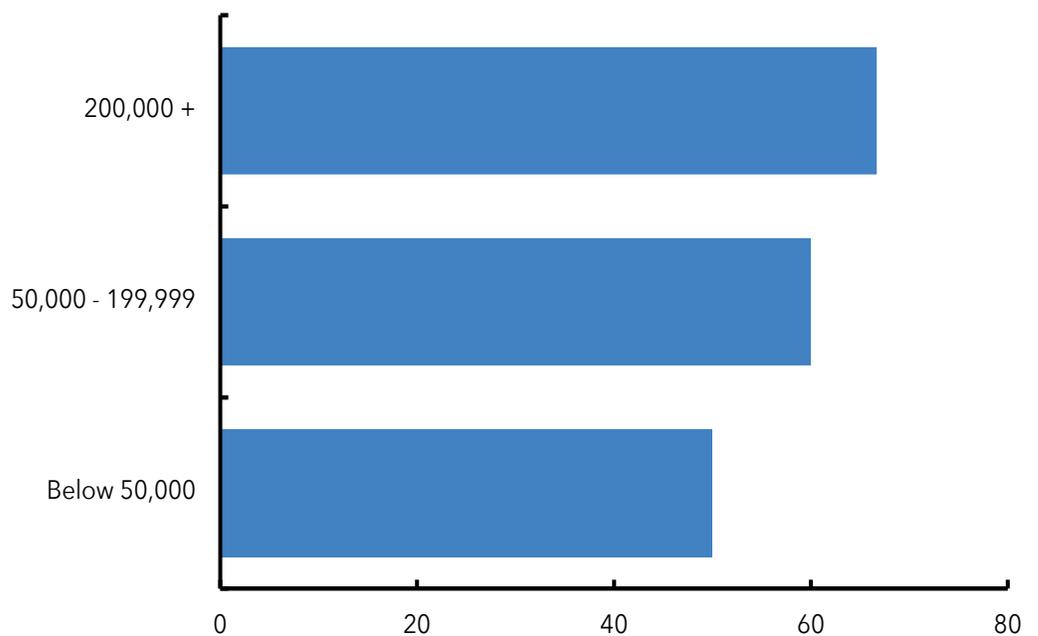


Figure 18. Need for Additional Staff to Review BWC Footage by Jurisdiction Size (N = 12).

WEBSITES

Asked what they share with the public online, 71% of survey respondents reported having office websites and 80% reported updating their websites routinely (monthly, quarterly, or annually).

RESEARCH

A minority of the responding offices reported engaging in research and analysis. Fourteen percent (14%) of offices reported involvement in a research project in the last two years with a university, college, consultant, or independent research firm.

Seventy-one percent (71%) reported analyzing crime data, caseloads, or other types of information routinely on a monthly, quarterly, or annual basis. No offices reported providing an annual report to the public on the work of the office.

Seventy-one percent (71%) of the responding counties have participated in major U.S. Department of Justice grant-based programs. Twenty percent (20%) of offices have participated in Project Safe Neighborhoods programs, and 90% have participated in Violence Against Women Act programs. Sixty percent (60%) of offices have participated in Federal Victims of Crimes Act programs. No offices reported participation in a Smart Prosecution Initiative or Innovative Prosecution Solutions program.



CONCLUSIONS

The statewide survey administered by JSS and PCE provides many insights into the day-to-day functioning of New Mexico prosecutors' offices. From the wide range of submissions from New Mexico counties, a number of trends have emerged.

From the survey, we can determine that all responding New Mexico prosecutors' offices handle felonies, misdemeanors, and juvenile cases.

A majority of the responding prosecutors' offices have elected Chief Prosecutors who have served an average of eight years. Sixty-four percent (64%) of the offices had budgets under \$5 million in 2018, and 62% had personnel budgets under \$5 million. The number of full-time employees per 10,000 population was highest for the smallest counties.

The per capita rates of felony and juvenile cases charged in 2018 are very similar for counties in the below 50,000 and 50,000 to 199,999 population categories. The smallest population category (below 50,000 residents) had the highest number of employees (attorney, non-attorney, and total) per capita.

It is apparent that nearly all offices offer specialized or problem solving courts and some courts are significantly more common than others. While a majority of offices reported offering Drug and

Mental Health courts, fewer offices reported offering Alcohol/Driving Sobriety, Veterans', Domestic Violence, Human Trafficking, Homeless, and Community courts.

Most offices reported running specialized programs. The most common specialized programs offered fell under the headings of Victim Assistance and Restitution programs. On the other hand, only a few offices had Victim/Witness Relocation, Conviction Review, and Crime Strategies Units.

The majority of respondents reported providing specific community programs to the areas they serve. The most common offerings were Community Engagement, Violence Reduction, Truancy programs, and Co-located Child Abuse.

This research has provided great insight into the basic needs of prosecutors' offices. Further research based on these findings should focus on prosecutors' caseloads. Specifically, researchers should continue to investigate ideal caseloads for prosecutors and evaluate proper resource management.

All in all, the New Mexico offices that completed the statewide prosecutor survey have provided vital data that have increased the knowledge base on the functioning of New Mexico prosecutors' offices as well as on the role of New Mexico prosecutors.