Mid-Year Update, 2019

Report Date:
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SJDC Probation Violation Hearings

Prepared for Bernalillo County by the Institute for Social Research

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Quick Monthly Figures for January to June, 2019						
	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19
Bookings with any Felony PV	211	193	196	192	238	219
Percent bookings with any Felony PV	10.1%	10.3%	9.0%	9.5%	9.5%	9.3%
Bookings with Felony PV, Highest Charge	120	115	116	110	136	134
Percent bookings with Felony PV, Highest Charge	5.7%	6.1%	5.3%	5.5%	5.4%	5.7%
Total Monthly Regular PV Hearings[1]	379	354	397	375	384	363
Average Regular PV Hearings	28	30	34	29	28	37
Length of Stay (LOS), Felony PV Highest Charge	47	54	47	40	49	47
Percent of Hearings Reset, Cancelled, Vacated[2]	46.7%	55.2%	44.5%	39.2%	53.1%	41.6%
Percent of Hearings Resolved[2]	50.3%	44.2%	53.7%	56.5%	43.6%	55.6%

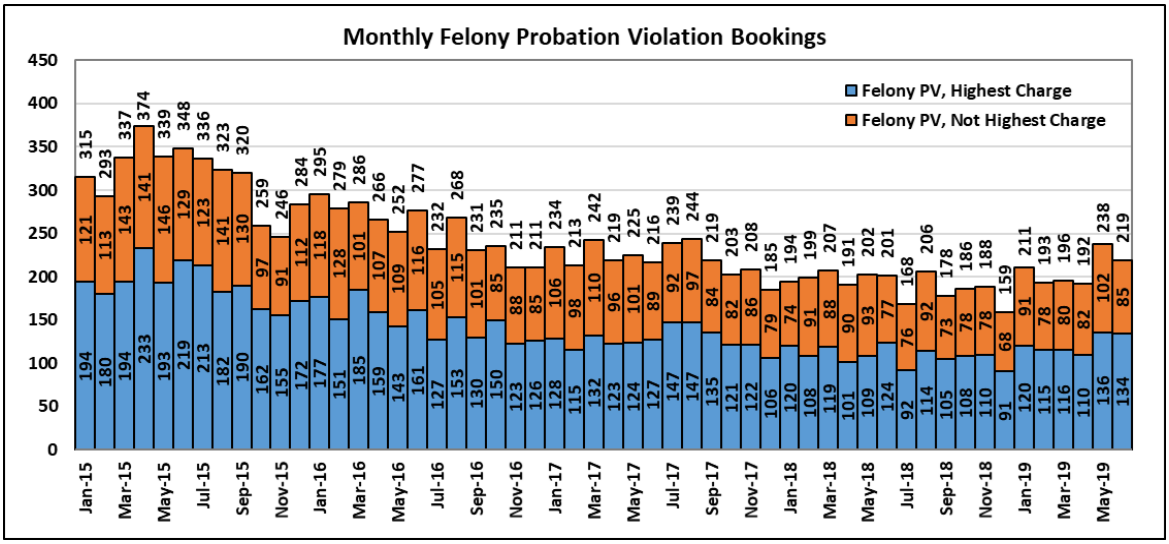
Highlights

- Overall, the number of bookings with any felony PV has remained relatively consistent during 2019.
- There were an average of 375 regular PV hearings per month in 2019, up 46.5% from 2018.
- The time from arrival to case disposition at regular PV hearings has increased to 29.3 days in June 2019. This is the longest time to disposition since data collection began in June 2014.
- There were an average of 51 rocket docket hearings per month in 2019, down 5.9% from 2018.
- There were 35 rocket docket hearings in June 2019.
- The time from arrival to case disposition at rocket docket hearings has increased to 28.5 days in June 2019. This is the longest time to disposition since data collection began in December 2015.

Felony probation violators comprise a large portion of the population of the Metropolitan Detention Center (MDC). Approximately 1 in 10 bookings includes a felony PV and the PV is the highest charge on just over half of these cases. On a given day, approximately 1 in 4 inmates in custody has a felony probation violation (PV) as his or her highest charge[3].

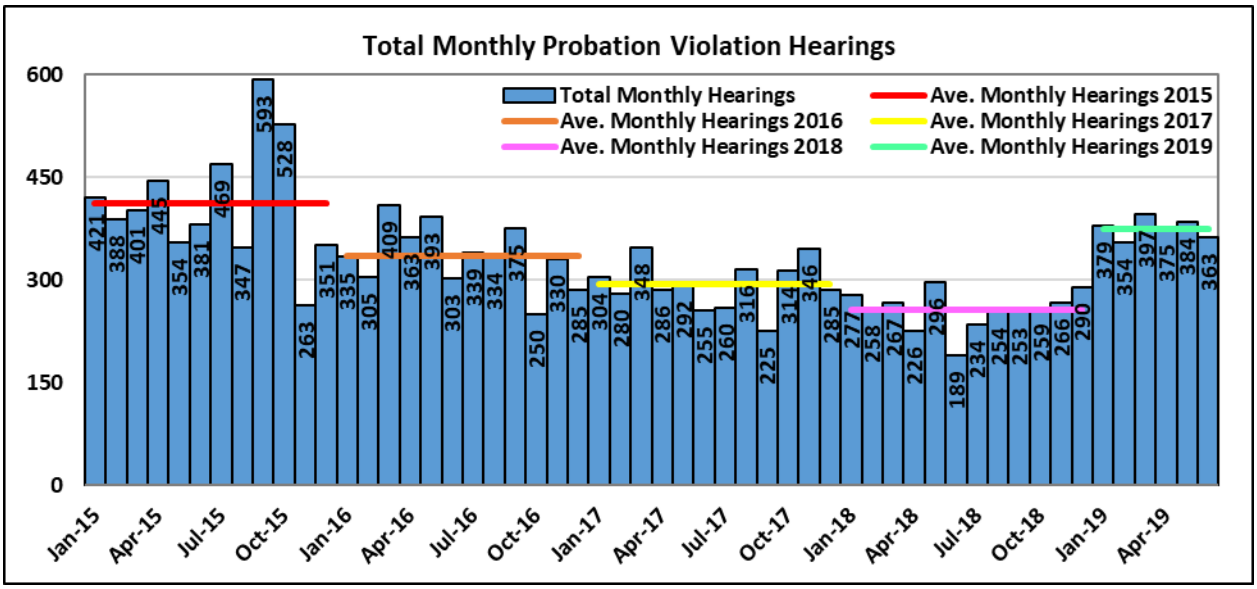
Several initiatives have been implemented that have impacted the case processing time and length of stay (LOS) for probation violators. To track the progress of these initiatives and the outcomes of PV hearings, data collection for the probation violation program has been on-going since June of 2014 with the addition of rocket docket hearings in December of 2015.

Case processing times were improved when, starting March 24, 2014, the scheduling of PV hearings was changed from 30 days from the filing of the motion to revoke probation to 20 days from arrest. This coincides with the large dip in the MDC population beginning in April and May of 2014. The case processing time for both regular PV hearings and rocket docket hearings have increased. In April of 2014, shortly after the implementation of court initiatives, the median number of days from arrest to disposition was 21 days. Earlier samples of PV cases came from various sources (DA re-openings, probation, and court) showed that the median number of days from arrest to disposition was between 30 and 33 days depending on the sample. In June 2019, the median number of days from the arrival at MDC to disposition for PV cases is 29.3 days.



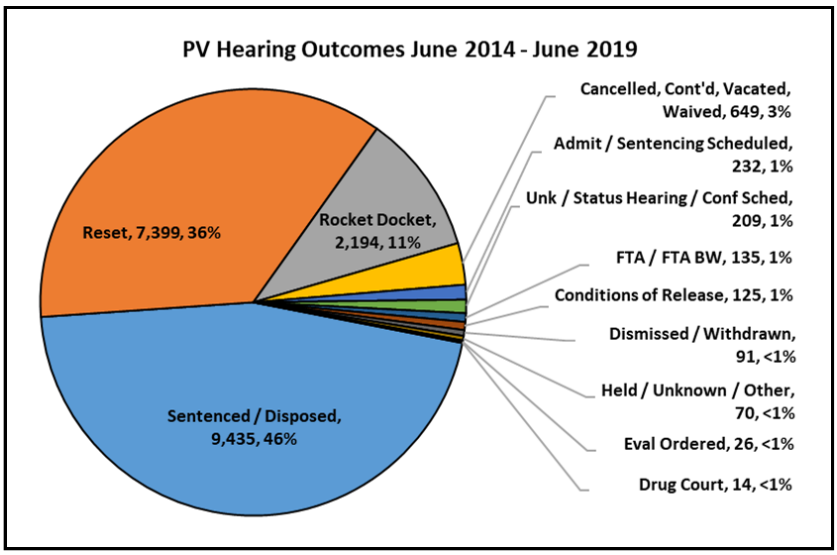
Monthly Probation Violation Hearings

- During the data collection period, the number of probation violation hearings per month peaked at 593 in September of 2015. The fewest number of hearings (189) were scheduled in June 2018.
- The average monthly hearings decreased annually from 2015 to 2018 and increased in 2019. For the first six months of 2019, there were an average of 375 hearings per month. This is an increase of 46.5% (119 hearings) from 2018.

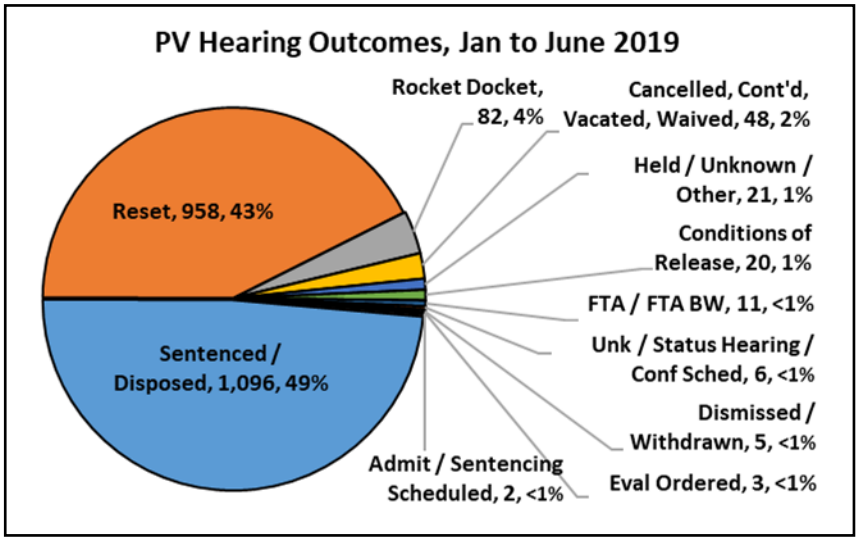


Case Outcomes

Between June 2014 and June 2019 there were approximately 20,579 hearings scheduled (not including status conferences, rocket dockets and afternoon dockets, and sentencing hearings). Cases vacated or cancelled for the rocket docket are included in monthly hearing counts and total outcome results as they take room on the regular docket. The number of hearings in a month that are vacated for the rocket docket varied a great deal, from as few as 3 to as many as 86.

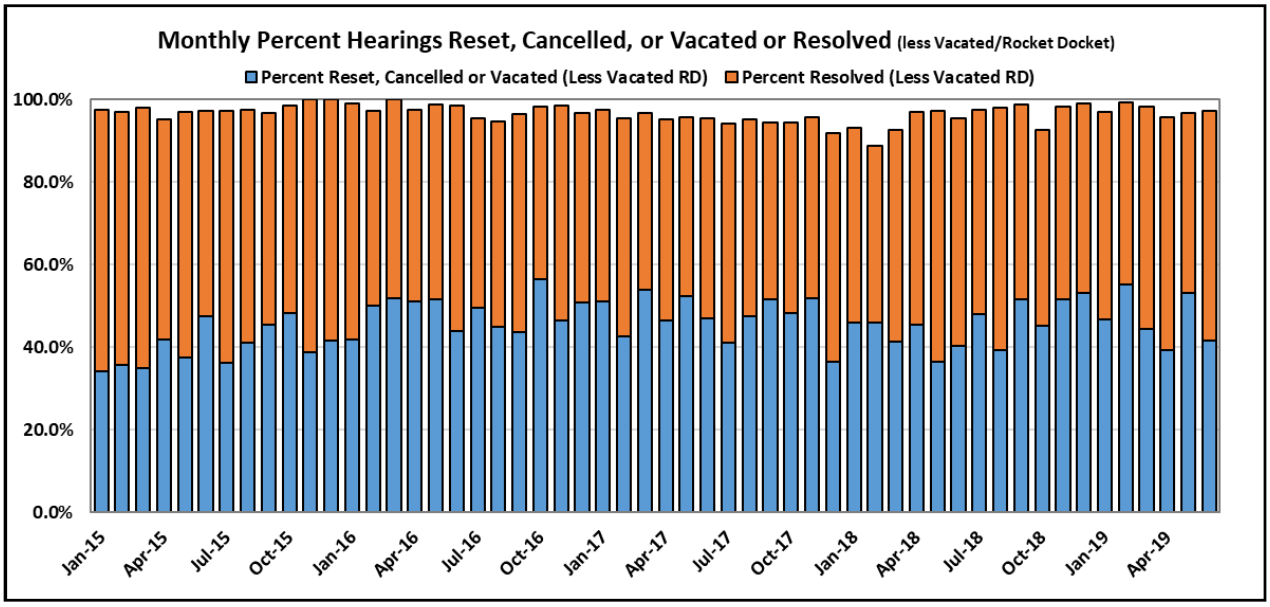


- Since June of 2019, approximately 46% of regular PV hearings (9,435) resulted in a sentence or disposition.
- Approximately 36% of hearings (7,399) were reset.
- Hearings vacated for the rocket docket accounted for approximately 11% (2,194 hearings).



- Between January and June 2019 there were approximately 2,252 hearings scheduled.
- Approximately 49% of regular PV hearings during the first half of 2019 (1,096) resulted in a sentence or disposition. This was 3% higher than the overall outcomes.
- Approximately 43% of hearings (958) were reset, a total of 7% higher that the overall outcomes.
- Hearings vacated for the rocket docket accounted for approximately 4% (82 hearings) during 2019.

A portion of hearings every month are scheduled on the PV docket and then vacated and heard as part of the PV rocket docket. To better estimate the outcome of cases that remain on the regular PV dockets, the hearings that were vacated for the rocket docket were removed and the outcomes were calculated without hearings vacated for the rocket docket. The following figures for resolved, reset, and vacated hearings will not include hearings vacated for the rocket docket. This allows more accurate description of the outcomes of hearings that the court has the opportunity to resolve at the scheduled PV hearing. The percent of cases reset, cancelled, or vacated and percent resolved fluctuate from month to month.

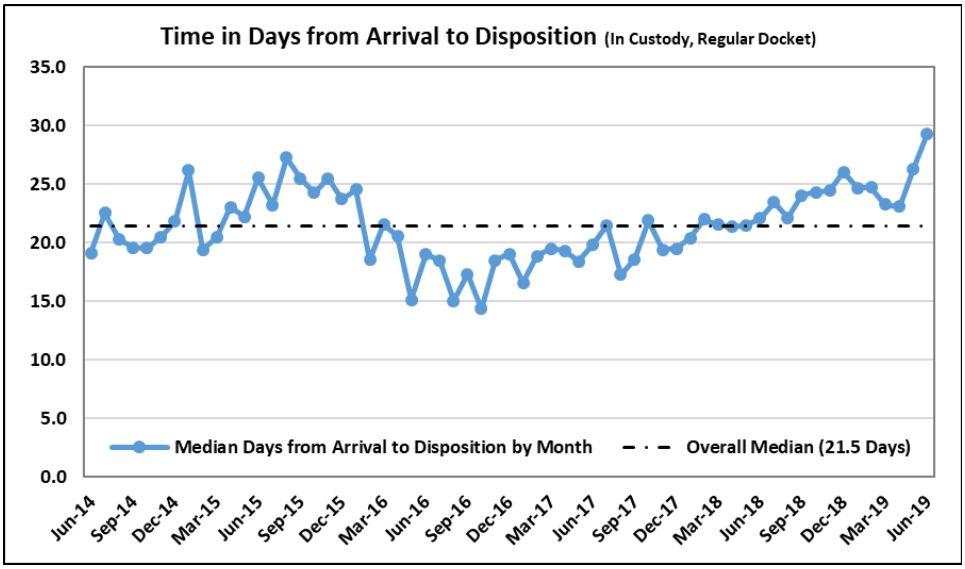


- The percentage of cases reset, cancelled, or vacated increased from 40.2% in June 2018 to 41.6% in June 2019.
- From June 2018 to June 2019, the percent of resolved cases increased slightly from 55.2% to 55.6%.
- The need to hold additional hearings leaves less available room on the docket and can reduce the number of resolved cases in a month. Less docket availability can increase time to the initial hearing, time to disposition, and the length of stay.

Case Processing Times[4]

Several initiatives that were implemented for PV hearings improved case processing time and the length of stay (LOS), both of which are affected by changes in court scheduling procedures. Unique bookings were identified for the dispositions in order to better estimate the time from arrival at MDC to the disposition for those in custody. 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 the data collection period, the overall median time[3] to disposition was 21.5 days.
- By booking, the median time from arrival to disposition in June 2019 was **29.3 days**. This is 3.3 days (12.7%) higher than the time to disposition for cases disposed in December 2018 of 26.0 days and 7.2 days (32.6%) higher than the time to disposition in June 2018 of 22.1 days.
- The median days from arrival to disposition of 29.3 days in June 2019 is the highest number of days since data collection began in June 2014.

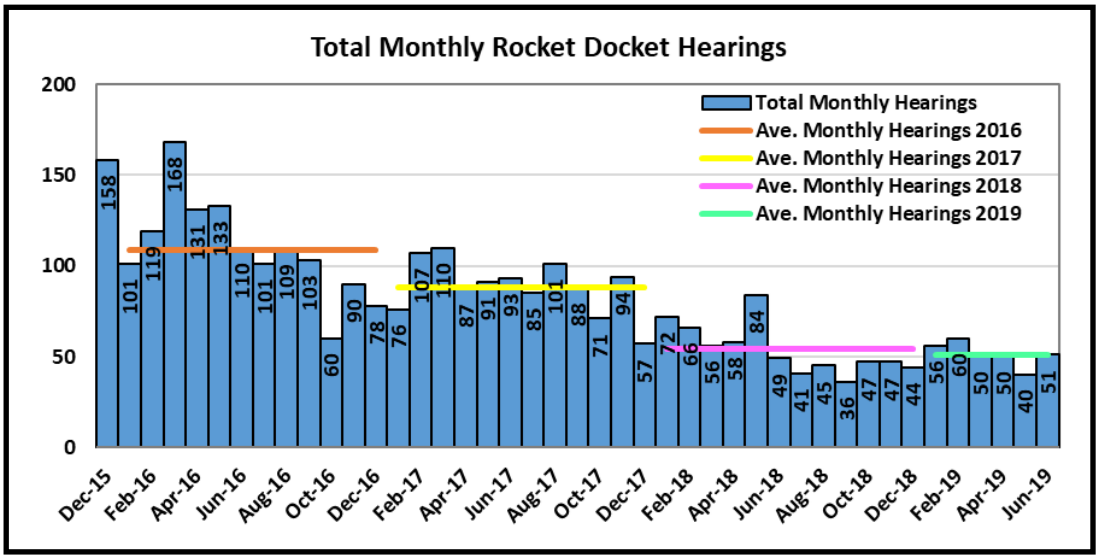


Overall, the time from arrival to disposition has been increasing. Fewer hearings are being scheduled on the rocket docket, and a higher percentage of cases are being resolved at the regular PV hearings.

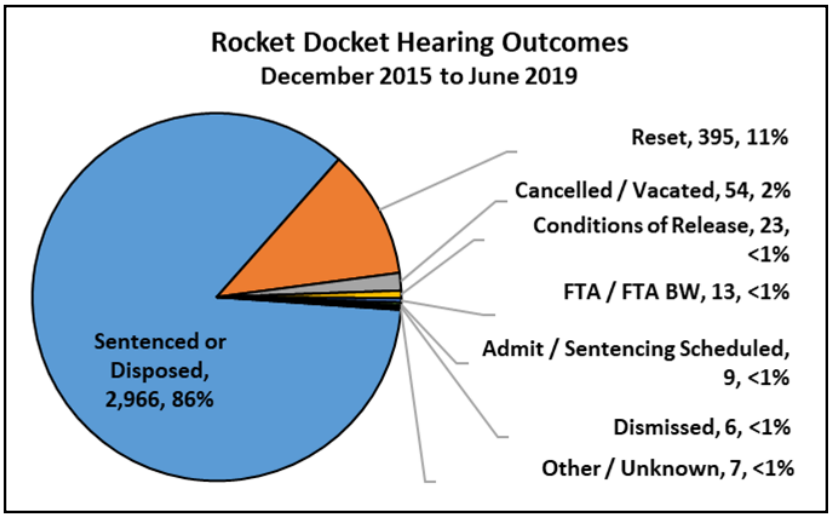
Rocket Docket

Cases scheduled on the Rocket Docket back through December of 2015 were reviewed to determine the number of monthly hearings, hearing outcomes, and the time from arrival to disposition. This preliminary review of the rocket docket provides a more complete picture of the handling of probation violation cases.

- The average monthly hearings decreased annually from 2016 to 2019. In 2016 there were an average of 109 hearings per month. In the first half of 2019 there were 51, a decrease of 53.2%.

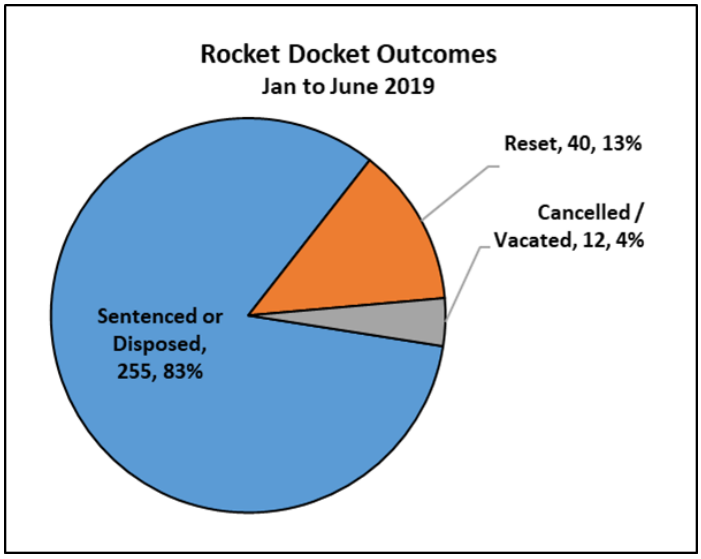


Rocket Docket Case Outcomes



Between December of 2015 and June 2019 there were approximately 3,473 rocket docket hearings scheduled. While the number of rocket docket hearings have decreased, the outcomes of the rocket docket hearings is still being tracked.

- At 2,966 of these hearings (86%), the outcome at the hearing was a sentencing or disposition.
- An additional 395 hearings (11%) resulted in a reset.
- The remaining hearings resulted in a small number of bench warrants (13), vacated or cancelled hearings (54), dismissals (6), conditions of release (23), an admission with an upcoming sentencing hearing (9), or an unclear outcome (7).

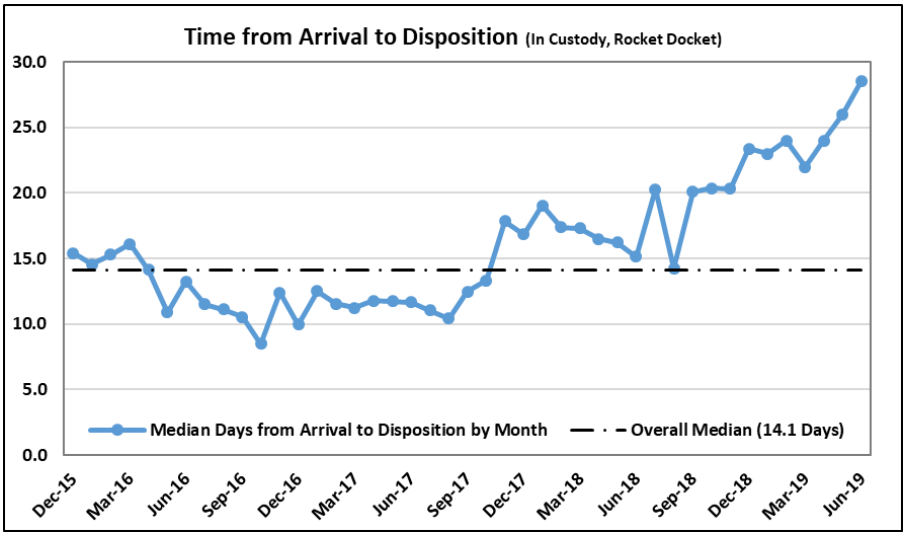


Between January and June 2019 there were approximately 307 rocket docket hearings scheduled.

- At 255 of these hearings (83%), the outcome at the hearing was a sentencing or disposition.
- An additional 40 hearings (13%) resulted in a reset.
- The remaining hearings resulted in a cancellation or vacated hearing for 12 (4%) cases.

Case Processing Times - Rocket Docket

Similar to how the regular PV hearings were reviewed, unique bookings were identified in order to better estimate the time from arrival at MDC to the disposition for those in custody.



- The median[6] number of days from arrival to the case disposition (for those in custody) was 14.1 days from for the data collection period.
- The median time from arrival to the disposition has increased during the last year.
- The median days to disposition in June 2018 was 15.1, compared to 28.5 days in June 2019, an increase of 88.7%.
- The median days from arrival to disposition of 28.5 days in June 2019 is the highest number of days since data collection began in June 2014.

Data collection for Rocket Docket hearings will continue in upcoming months.

NOTES

For further information, contact the Bernalillo County Health and Public Safety Division at 505-468-7008.

1. These cases are the morning probation violation hearings, excluding cases that are heard on the rocket docket or are status, motion, or sentencing hearings.
2. Percent of cases not including those vacated for the rocket docket.
3. See *Bernalillo County Metropolitan Detention Center: Analysis of the Jail Population, June 30, 2016*.
4. Case processing times were updated based on the latest data updated for the PV file. In some instances, the case status is identifiable after the posting of court documents or may be incorrect due to error. The case processing was calculated for the earliest disposition on each booking by the latest month.
5. The median value for time from arrival to hearing is used as it avoids skewing of the mean value due to probation violations that occur during incarceration, either in the MDC or on CCP, as well as those for which an individual is not booked into MDC or those transported in for hearings from other facilities.

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