

FAST FACTS

Bail Reform: Baseline Measures

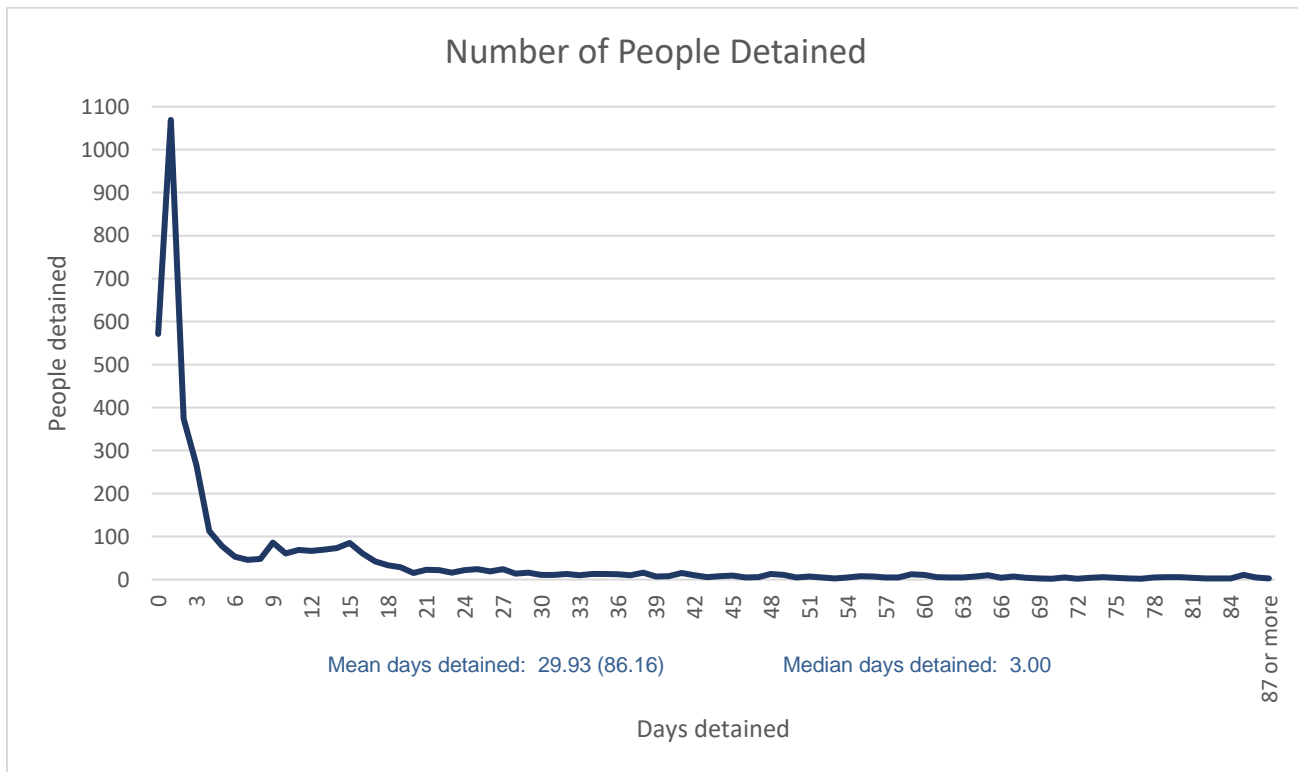
December 2019

In 2016, the voters of New Mexico passed a constitutional amendment to reform bail practices in the state. The intention of the amendment is to ensure that the courts do not detain individuals solely because they cannot post bond, while detaining those who pose a danger to the community. The current study is the first of a three-phase project examining the impact of bail reform. This first phase establishes baseline measures using data from four New Mexico counties (Doña Ana, Santa Fe, Chaves, and Luna); the second phase focuses on implementation; and the third on measuring change. We highlight some key findings here.

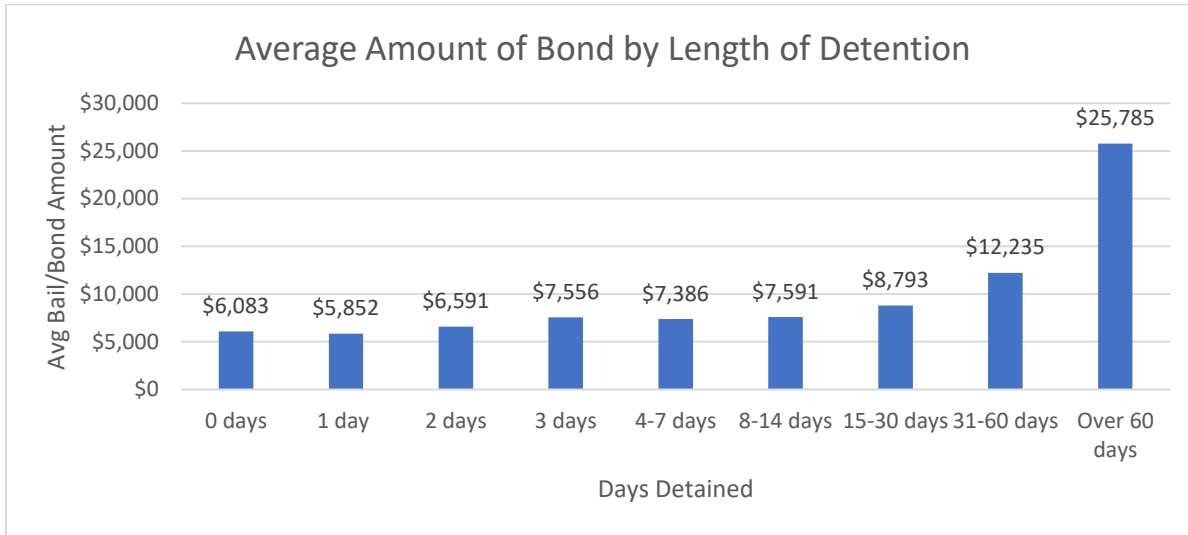
- At the baseline, judges authorized the release of most defendants (87%) pretrial.
- Judges ordered a cash or secured bond in the majority of (65%) cases.
- Most defendants (80%) ordered to post a cash or secured bond did so.
- The average amount of bond ordered overall was \$9,636, with a median of \$5,000.
- Defendants charged with violent crimes had the highest average bond amount at \$15,418, while those charged with property crimes had the lowest average bond amount at \$5,354.
- The median number of days detained was three.
- 37.3% of all defendants released pretrial had a pretrial failure. Those released on an unsecured bond failed pretrial at the highest rate of 43.1%, while those released on a secured bond had the lowest pretrial failure rate of 33.8%.
- History of failure to appear (FTA) and violent offenses were significant predictors of detention, length of detention, and failure to appear. Those who had prior FTA(s) or prior violent offenses were more likely to be detained, and to be detained longer, than those who did not. They were also more likely to FTA once released.
- Even after taking into account important factors like criminal history and current offense, males were more likely to be detained and for longer periods of time than females. Males were also more likely to have a documented failure to appear when released.
- Release decisions and length of detention varied by county.

Release Types					
Release	N	%	Type	N	%
Released pretrial	3,708	86.7%	ROR	381	8.9%
			Unsecured bond	1,085	25.4%
			Secured or cash bond	2,228	52.1%
			Dismissed same day	9	0.2%
			Other	6	0.1%
Detained pretrial	566	13.3%	No bail/bond ordered	8	0.2%
			Bail/bond ordered	558	13.1%
Total	4,275	100%			

Overall, defendants were released pretrial 87% of the time. Among those released pretrial, most posted secured or cash bond. Judges allowed 25% of defendants to be released with an unsecured appearance bond, while 9% were released on their own recognizance. Judges ordered a cash or secured bond for the vast majority of those detained pretrial. Very few defendants were held without a bond during the pretrial period.



Judges ordered the release of most defendants before the average length of approximately 30 days. The median length of stay was three days; therefore, half of the defendants remained in jail for three or fewer days. The most frequent detention length is one day, with the frequencies sharply decreasing afterwards. The maximum number of days detained was 1,198 days.



The average bond amount generally increased as the number of days detained increased. From zero days detained to 15-30 days, the average bond amount increased from \$6,083 to \$8,793. For 31 to 60 days of detention, the average bond amount increased significantly to \$12,235. For those detained for over 60 days, the average more than doubled to \$25,785.

Table 20: Pretrial Failure

Pretrial Failure Among Those Released (N=3,700)	N of failures	% of failures
Any new offense during pretrial	965	26.0%
New violent offense during pretrial	233	6.3%
FTA during pretrial	823	22.4%
FTC during pretrial	470	12.7%
Any pretrial failure (new offense or FTA/FTC)	1,379	37.3%

Of the 3,700 defendants released pretrial, 37.3% had a pretrial failure. Over one-quarter of individuals released pretrial had an arrest for a new offense; 22% had a documented failure to appear during the pretrial period. On the other hand, only 6.3% were charged with a new violent offense, the lowest mark for any failure type.

More information is available in the full-length version of this report.
The full report can be obtained by contacting:

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