



THE UNIVERSITY OF  
NEW MEXICO

## SJDC Probation Violation Hearings Report, Q4 2023

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Prepared for: Bernalillo County

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

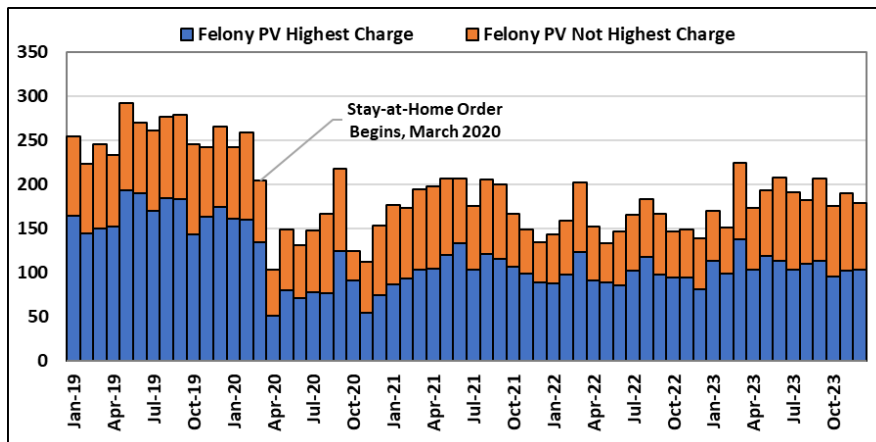
	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
Total bookings	1,319	1,400	1,319	1,477	1,404	1,513	1,476	1,465	1,435	1,600	1,498	1,533	1,446
Bookings with any felony PV	139	170	151	224	173	193	208	191	182	207	176	190	179
Percent bookings with any felony PV	10.5%	12.1%	11.4%	15.2%	12.3%	12.8%	14.1%	13.0%	12.7%	12.9%	11.7%	12.4%	12.4%
Bookings with felony PV, highest charge	81	114	99	138	104	119	113	104	110	113	96	102	103
Percent bookings with felony PV, highest charge	6.1%	8.1%	7.5%	9.3%	7.4%	7.9%	7.7%	7.1%	7.7%	7.1%	6.4%	6.7%	7.1%
Total monthly regular PV hearings	227	168	209	291	216	379	293	300	385	258	390	347	340
Percent of regular hearings reset, cancelled, vacated	51.1%	47.6%	36.8%	41.6%	46.8%	63.9%	57.7%	54.7%	59.0%	53.9%	53.3%	58.8%	46.2%
Percent of regular hearings resolved	46.7%	50.0%	59.8%	55.0%	50.9%	34.8%	35.5%	43.0%	38.4%	42.6%	43.3%	36.0%	49.7%
Total rocket docket hearings	-	-	-	-	26	27	14	27	41	8	23	21	12

### Highlights

- The number of PV hearings increased from an average of 280 hearings per month in 2022 to an average of 298 per month 2023, an increase of 6.4%.
- Rocket docket hearings were reinstated in April 2023 with a range of between 8 and 41 hearings per month.
- In December 2023, 46.2% of regular PV hearings were reset, cancelled, or vacated, a decrease from 58.8% in November 2023 and a decrease from 51.1% in December 2022.
- The median number of days from arrival to case disposition for regular PV hearings decreased from 27.6 and 27.3 days in July and August 2023 to 23.5 days in December 2023.

At the end of 2023, inmates with a felony probation violation (PV) as the highest charge accounted for a smaller portion of the Metropolitan Detention Center (MDC) inmate population than in previous years. Prior to COVID-19, this portion of the population was approximately 1 in 4 inmates<sup>1</sup>. At midyear 2023, inmates with a felony PV accounted for 18.8% of the population<sup>2</sup>. Over the last twelve months, there was an average of 110 bookings a month with a felony PV as the highest charge (see Figure 1). The number of bookings of this type in 2023 ranged from 96 to 138. Bookings with any felony PV (highest charge and not highest charge) in the last year had an average of 187 per month and ranged from 151 to 224 per month.

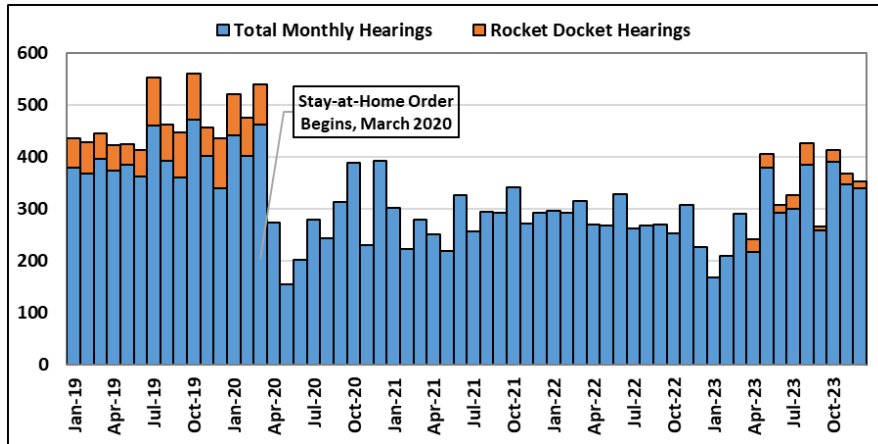
**Figure 1. Bookings with Felony Probation Violations by Month**



## Probation Violation Hearings

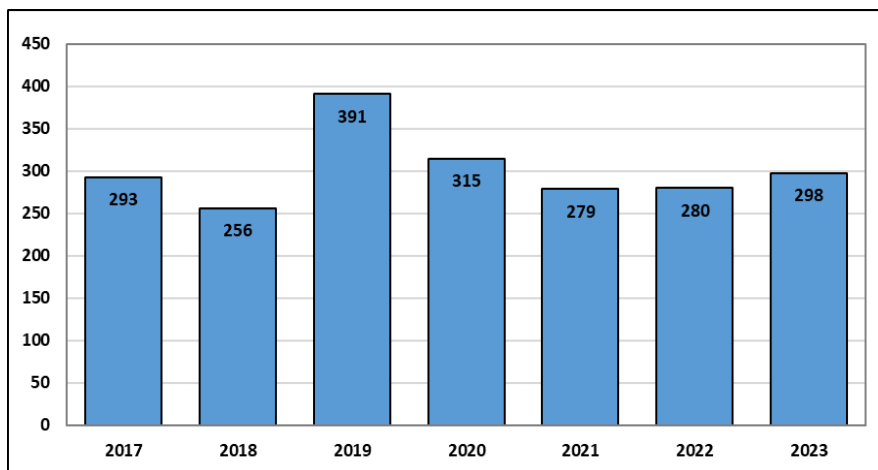
In December 2023, there were 340 regular PV hearings and 12 rocket docket hearings (see Figure 2). The decrease in PV hearings in 2020 was due in part to changes in probation policies and changes in hearings by the SJDC because of COVID-19. The court was unable to function the same as it had prior to COVID-19, as witnessed by the reduced docket loads. The rocket docket hearings were discontinued in March 2020, and resumed in April 2023.

**Figure 2.** Probation Violation Hearings by Month



From 2021 to 2023 the number of average monthly PV hearings stayed relatively consistent with a small increase from 2022 to 2023 of 6.4% (see Figure 3). This remains lower than 2019 through 2020.

**Figure 3.** Probation Violation Hearings by Month

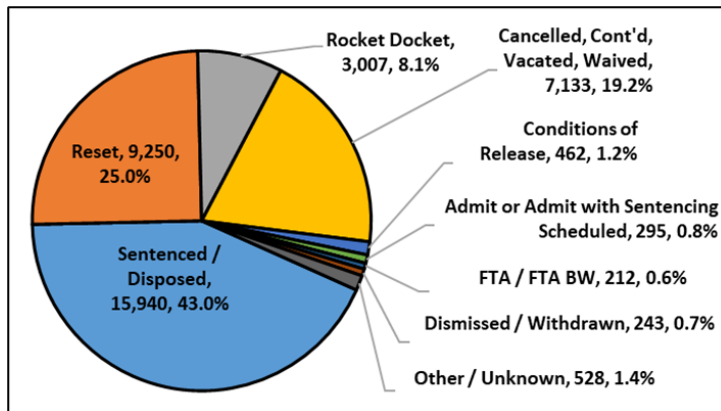


## Hearing Results

Between June 2014 and December 2023 there were approximately 37,070 hearings scheduled (this does not include status conferences, rocket docket, afternoon docket, 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).

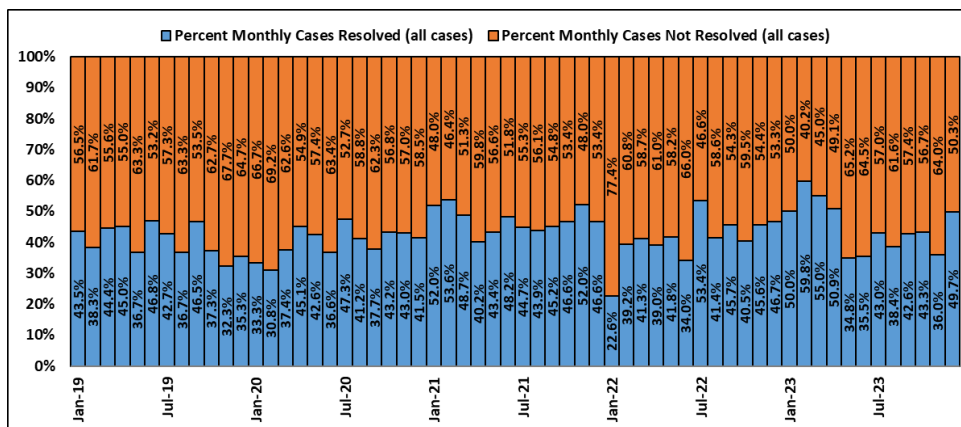
Since June 2014, approximately 43.0% (15,940) of regular PV hearings resulted in a sentence or disposition. Approximately 25.0% of hearings (9,250) were reset. Hearings vacated for the rocket docket accounted for approximately 8.1% of hearings (3,007). Other hearings were cancelled, vacated, or waived (including those rescheduled by the court) and made up 19.2% of hearing results. The remaining categories of outcomes each accounted for 1.4% (528) or less of total hearing results over the last nine years.

**Figure 4. PV Hearing Results June 2014 – December 2023**



To better understand the results of PV cases on the regular dockets, hearings were identified as either resolved (sentenced, dismissed, or withdrawn) or not resolved (vacated, reset, etc.). The percent of cases resolved and not resolved fluctuates from month to month. In the last year, the percent of cases that resulted in a case resolution ranged from 34.8% in May 2023 to 59.8% in February 2023 (see Figure 5)<sup>3</sup>. In December 2023, hearings with a resolved outcome accounted for 49.7% of hearings.

**Figure 5. Percent of PV Cases Resolved vs. Unresolved (Less Vacated/RD)**

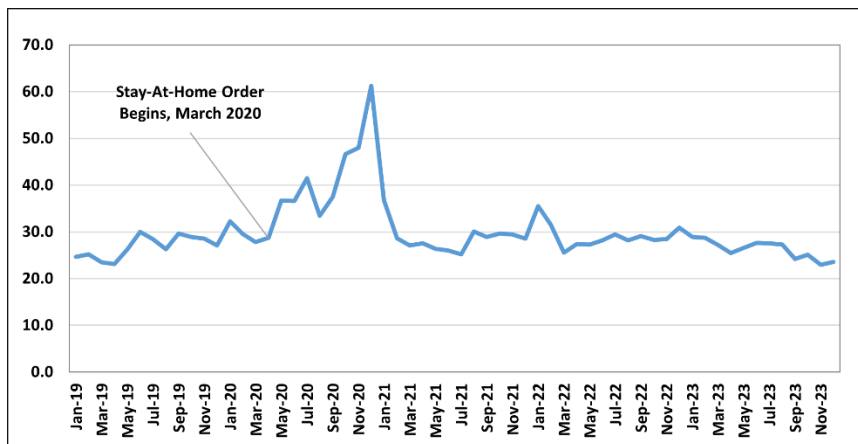


## Case Processing Times

Case processing times were created by measuring the time from arrival to 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 individual<sup>4</sup>. The median – that is the middle value – for the time from arrival to disposition was 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 (see Figure 6). The time from arrival to disposition peaked at 61.6 days in December 2020 and then decreased to times closer to the range seen prior to COVID-19. The time from arrival to disposition in December 2023 was 23.5 days, 7.4 days less than December 2022.

**Figure 6.** Median Time in Days from Arrival to Disposition by Month (Jan 2019 to Dec 2023)



## Conclusion

Probation violation bookings and hearings notably decreased due to changes related to the COVID-19 pandemic. Bookings with a felony probation violation (any charge) increased 17.9% from 2022 to 2023. The number of average monthly hearings for 2023 increased to a lesser degree from 2022.

Due largely to the number of reset, cancelled, or vacated hearings, between 34.8% and 59.8% of hearings in a month during the last year have resulted in a case disposition. While a high number of hearings are not resulting in a disposition, the median time to disposition is slightly lower in 2023 than in previous years.

Since April 2023, the 199 hearings on the rocket docket resulted in a disposition at 91.6% of hearings. The median time to disposition for the rocket docket cases was approximately 10 days faster than the regular PV docket. The increased use of rocket dockets will result in faster case processing for the selected cases compared to the case processing time for regular hearings.

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<sup>1</sup> 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.

<sup>2</sup> Ferguson, Elise M. & Goldberg, Daniel A. (2023). *Bernalillo County Metropolitan Detention Center: Analysis of the Jail Population, June 30, 2023*.

<sup>3</sup> 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.

<sup>4</sup> 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.