



INSTITUTE FOR
SOCIAL RESEARCH

New Mexico Statistical Analysis Center



Bail Reform and Covid-19: The Impact on Misdemeanants in New Mexico

Prepared by: Kristine Denman, Drew Medaris, and Prakat Bhatta
Assistance from: Addison Gerber, Karla Poblano-Rodriguez

April 2026

New Mexico Statistical Analysis Center, Kristine Denman, Director

This project was supported by 15PBJS-21-GK-00025-BJSB from the State Justice Statistics program. The State Justice Statistics program is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

Contents

Acknowledgements.....	ii
Executive Summary.....	iii
Introduction	1
Current Study.....	2
Data and Methods	3
Results.....	3
Sample Description	3
Rates and Length of Pretrial Detention	6
Pretrial Detention Rates and Length of Stay by County	8
Pretrial Detention Rates and Length of Stay by Case Characteristics.....	10
Detention Rates and Length of Stay by Demographics	13
Posting of Bond for Release	17
Posting of Bond by County.....	17
Posting Bond by Case Characteristics	18
Use of Bond by Demographics.....	21
Use of Bond by Detention.....	21
Guilty Pleas.....	22
Summary and Discussion	23
Data limitations.....	25
References	27
Appendix A: Methods and Variable Construction	28

Acknowledgements

We wish to thank the Chaves, Doña Ana, Luna, Santa Fe, San Juan and San Miguel County Detention Centers and the Administrative Office of the Courts for the data used for this report. We also want to thank the New Mexico Sentencing Commission for providing data. Finally, we wish to thank the Bureau of Justice Statistics for supporting the State Justice Statistics Program.

Executive Summary

This report examines the impact of bail reform and the Covid-19 pandemic on pretrial release and detention practices for defendants charged with new misdemeanor offenses in six New Mexico counties. Bail reform aimed to reduce reliance on cash bail to secure release from pretrial detention. This study indicates that the bail reform influenced release and detention practices beyond a simple reduction in detention.

After bail reform, misdemeanor defendants were significantly less likely to post bond. Prior to bail reform, around 40% of misdemeanants in this study posted bonds to secure release. This declined to 18% after bail reform, further decreasing after Covid-19 to 14%. While less likely to post bond, misdemeanants were also less likely to be immediately released after booking. While short-term detention (1 to 3 days) increased, there was a simultaneous decrease in those offenders experiencing longer stays (4 or more days). The rate of misdemeanants who were booked and released the same day decreased after bail reform from 32% to 26%, with a slight increase after Covid-19 to 30%. In other words, rates of detention increased with the onset of bail reform. Overall, this means *more* misdemeanants spent short stays in detention, but bail reforms seem to have ensured *fewer* misdemeanants have extended stays in holding.

There are notable variations in these trends across counties, offense types, booking circumstances, and, to a lesser extent, demographics, indicating that local practices influence implementation. Despite this, the overall trends are clear: misdemeanants posted bond less frequently than before bail reform, spent less time detained on average but were also less likely to be released immediately.

Case outcomes also changed. Prior to bail reform, individuals who were detained were more likely to plead guilty than those who were not detained. After bail reform, guilty plea rates increased overall and became more similar between detained and non-detained individuals. Following Covid-19, plea rates remained similar across groups but occurred less frequently.

These results both align with those found for new felony defendants and differ. Prior studies (Denman and Siegrist, 2022) found that new felony defendants were less likely to be released with a bond following bail reform. Detention rates, though, remained the same with the vast majority of felony defendants remaining in jail for at least one day, both pre- and post-bail reform (Denman and Siegrist, 2022; Denman et al., 2026). These trends continued after Covid-19 (Denman et al., 2026). Like misdemeanor defendants, however, a greater proportion of defendants were released more quickly, and the average length of time detained declined over time (Denman and Siegrist, 2022; Denman et al., 2026).

Introduction

Jurisdictions across the country have adopted bail reform efforts, responding to evidence indicating that unnecessary pretrial detention can cause significant harm. Although most research has focused on felons, recent studies have explored the experiences of misdemeanor defendants, who make up a large portion of the criminal justice population (see, e.g., Baughman, 2018; Heaton, Mayson and Stevenson, 2017; Peterson, 2019). In New Mexico, one study found misdemeanants account for an average of 63% of jail bookings across nine New Mexico counties (Denman, 2017); in some counties, that number is even higher. Moreover, in many jurisdictions, misdemeanants are treated the same as felons with respect to bail decisions (Baughman, 2020).

New Mexico adopted a constitutional amendment to revise bail practices, which went into effect in 2017. While the amendment outlines release conditions for felony defendants, it does not explicitly include misdemeanants. However, both the rules governing pretrial release in the magistrate and metropolitan courts (NMRA 6-401, NMRA 6-409, NMRA 7-401, NMRA 7-409) and judicial practice apply the same release criteria to misdemeanants as to felons.¹ Thus, bail reform efforts may have similar effects on both misdemeanants and felons.

When detained, misdemeanants, like felons, are subject to serious negative consequences, such as exposure to disease and criminogenic influences, social and economic consequences, and harsher case outcomes (Kohler-Haussman, 2018; Natapoff, 2018; Peterson 2019). Researchers have found that misdemeanants who are held pretrial are more likely to plead guilty (Peterson, 2019), or be convicted and serve jail time (Phillips, 2007), even after controlling for factors such as criminal history, offense type and severity, geography and demographics (Heaton et al., 2017; Phillips, 2007). Detaining misdemeanants, however, may be particularly unnecessary. Some authors note that misdemeanants have relatively low incentive to abscond (Heaton et al., 2017) and are unlikely to pose a danger to any one individual or to the community, though this does vary by offense charged (Baughman, 2018).

Given the significant personal and societal costs of pretrial detention for misdemeanants, it is important to understand whether and how bail reform efforts have affected this group. Despite the growing national attention to bail practices, there has been little research on the impact of bail reform on misdemeanants, and - to our knowledge - no research has been conducted examining the impact of bail reform on misdemeanants in New Mexico.

Covid-19

Bail reform efforts were well underway when the Covid-19 pandemic occurred. Those working and living in densely populated settings, including detention centers and prisons, were at increased risk of contracting and spreading the virus. These facilities are often overcrowded, unsanitary, with limited access to medical care—conditions that increased the threat of Covid-19 transmission (Surprenant 2020; Vose, Cullen, and Lee 2020). Moreover, due to jail-community cycling, detention centers are potential

¹ Throughout this report, we refer to magistrate and metropolitan court collectively as “lower courts.”

vectors for spreading Covid-19 back out into the surrounding communities (ACLU 2020; Reinhart and Chen 2020; Suprenant 2020).

In response to this risk, jurisdictions across the country implemented reforms intended to decrease the detention center population. These strategies include reducing admissions, increasing releases, and decreasing length of stay, all of which can help lower the number of people detained. In particular, there were efforts to reduce the number of low-risk defendants detained in jail. For instance, Kim et al. (2021) discovered that with bail reform, fewer people were detained on low-level charges pretrial. Those who are detained may spend a longer average length of time if considered a greater risk.

Some research suggests that reductions in the pretrial detainee population should coincide with bail reform and intensify with the Covid-19 (e.g., Kim, Hood, and Connors 2021). This may influence case outcomes. Based on their observations of declines in the sentenced jail population, Kim et al. (2021) surmise that as pretrial detention decreased, the likelihood that misdemeanants would plead guilty in exchange for release also declined (Kim et al., 2021). However, during Covid-19, defendants who were detained may have been even more motivated to plead guilty in exchange for time served in order to get out of jail. As a result, we may see greater disparities in time to disposition among those detained pretrial compared to those released with the onset of Covid-19. Additionally, the proportion of individuals who plead guilty among pretrial detainees may increase relative to those who are not detained.

Current Study

Since New Mexico's constitutional bail reform went into effect in 2017, there have been no studies specifically assessing its impact on misdemeanants. Judges in the lower court may be especially likely to adhere to the presumption of release in misdemeanor cases, especially to avoid the collateral consequences of detention. Covid-19 may have further increased the effort to release individuals. However, this has yet to be assessed. Furthermore, our prior research indicates the implementation of bail reform varies across districts (Siegrist et al., 2020), suggesting that decisions regarding pretrial release for misdemeanants may also differ across jurisdictions. The current study seeks to address these gaps.

Specifically, this study explores the following:

1. Has there been a change in the proportion of misdemeanor defendants ordered to pay bond coinciding with bail reform?
2. In what ways, if any, has bail reform influenced the rates and length of pretrial detention among misdemeanor defendants?
3. Are there differences in guilty and/or no contest pleas among those detained, and if so, does bail reform influence this?
4. Did the onset of Covid-19 and associated efforts to mitigate risk influence the posting of bond, rates and length of detention, and/or rates of guilty/no contest pleas?

We compare each measure over time and assess whether any of these outcomes vary by jurisdiction, demographics, or case characteristics.

Data and Methods

This study includes data from six county detention centers as well as information from the New Mexico Administrative Office of the Courts. The counties include Doña Ana, Santa Fe, Chaves, Luna, San Miguel and San Juan.² Doña Ana, Santa Fe and San Juan hold some of the highest numbers of detainees in New Mexico after Bernalillo County. Further, Doña Ana, Santa Fe, Chaves, and San Juan Counties are home to four of the five most populous cities in New Mexico (Las Cruces, Santa Fe, Roswell, and Farmington respectively). Conversely, San Miguel and Luna Counties are in rural areas. San Miguel is in the northern part of New Mexico while Luna is in the southwest. The counties represent six of the 13 judicial districts in New Mexico.

The sample includes bookings for new misdemeanor offenses that occurred between January 1, 2015 and December 31, 2022. Both individuals arrested at the time of an incident as well as those who were cited and released but later failed to appear at a court hearing are included. While most defendants are booked for a single court case, some are booked for multiple court cases arising from different incidents that have not yet been disposed. These cases are included in the study.

The study excludes detainees who are booked on one or more cases that were disposed before booking; serving a sentence for a previous charge; detained on municipal charges only, federal charges, a tribal warrant, slated for extradition to another county or state, or held for another jurisdiction; or detained for a probation violation. It also excludes defendants whose arrest is related to a felony offense. Appendix A provides definitions and details about variable construction.

Results

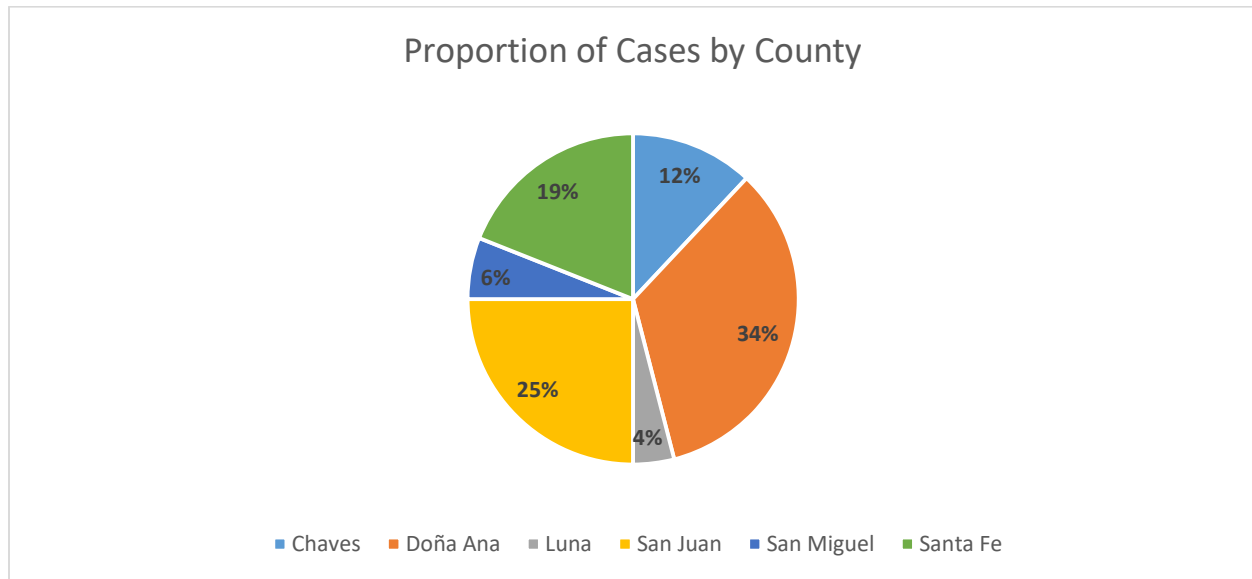
This section begins with a description of the sample, followed by a summary of rates of detention and length of stay. Next is a section summarizing the posting of bond for release. This section ends by exploring case outcomes by detention status.

Sample Description

The proportion of new misdemeanor cases included in this study considerably varies by the originating county, as shown in Figure 1 below. The greatest proportion of cases here (34%) originated in Doña Ana County, followed by San Juan and Santa Fe Counties. The smallest proportion of bookings originated from Luna County, representing only 4% of cases here.

² The study originally included data from Luna County.

Figure 1. Proportion of Cases by County



N=58,919

Table 1 below displays the demographic information of the sample. Over one-third of individuals booked for a misdemeanor offense were between the ages of 25 and 34, with a median age of 32. While the proportion varies across counties - from a low of 34% in Luna and San Miguel Counties to a high of 39% in San Juan County - this age group comprises the largest group of detainees by age. Around a quarter of all detainees were between the ages of 18 and 24, and around 21% were 35 to 44 years old. The majority of detainees were listed as male (73% overall). Like age, sex is similarly distributed across counties, with San Juan County recording the lowest proportion of males (71%) and Luna County the highest (78%).

Table 1. Demographics by County

		Chaves	Doña Ana	Luna	San Juan	San Miguel	Santa Fe	Total %	Total N
Age	18-24	24%	26%	24%	19%	19%	20%	23%	13,180
	25-34	35%	37%	34%	39%	33%	35%	37%	21,313
	35-44	23%	21%	23%	24%	25%	24%	23%	13,429
	45-54	11%	10%	11%	11%	13%	14%	11%	6,636
	55+	7%	6%	8%	6%	10%	8%	7%	3,823
	N	6,855	19,945	2,550	14,817	3,391	10,823		58,381
Sex	Female	27%	25%	23%	30%	27%	28%	27%	15,752
	Male	73%	75%	78%	71%	73%	73%	73%	43,126
	N	6,861	19,941	2,539	14,804	3,395	11,338		58,878

Table 2 below illustrates the types of booking offense types by county as recorded in the court cases at filing. Individuals could be booked for multiple types of offenses, thus the percentages displayed here sum to more than 100%. For all counties, public order offenses are the most frequent offenses, noted in 64% of bookings. Public order offenses include a wide array of ‘victimless’ crimes, ranging from public intoxication, loitering, and disorderly conduct to traffic offenses like speeding. Violent offenses are the second most common, accounting for 32% of all offenses, followed by DWI offenses (21%). Misdemeanants were booked least frequently for drug and property offense.

There is some fluctuation between counties. The proportion of individuals booked for a public order offense, for instance, varies from a low of 59% in San Juan County to a high of 71% in San Miguel. Despite this, the proportion of offenses types within counties follow the same patterns, with drug and property crimes being least common and violent and public order offenses being most frequent.

Table 2. Offense Types by County

	Chaves	Doña Ana	Luna	San Juan	San Miguel	Santa Fe	Total %	N
Violent ***	33%	34%	30%	36%	22%	29%	32%	19,110
Property***	10%	7%	8%	9%	10%	12%	9%	5,385
Drug***	6%	6%	9%	9%	8%	9%	8%	4,417
DWI***	17%	18%	22%	24%	24%	22%	21%	12,289
Public order***	63%	66%	64%	59%	71%	64%	64%	19,877
N	6,867	19,947	2,550	14,819	3,397	11,339		

Offense N exceeds total N, and percentages sum to more than 100% because some cases involve multiple offense types;

***p<.001 across county comparison

Finally, Table 3 below displays when the offender was booked after an arrest. Just over half of the defendants were booked on new misdemeanors one or more days after the offense occurred. The remaining 49% were arrested ‘on the scene’ or later that day, and then formally processed with charges and pending court dates. This varies somewhat by county. While 59% of bookings for new misdemeanors occurred on the same day as the offense in Luna County, just 46% did in Doña Ana County. The others fall somewhere between these two values.

Table 3. Time of Booking by County

	Chaves	Doña Ana	Luna	San Juan	San Miguel	Santa Fe	Total
Booked day or more after offense	51%	54%	41%	49%	48%	50%	51%
Booked date of offense	49%	46%	59%	51%	52%	50%	49%
N	6,867	19,947	2,550	14,818	3,397	11,339	58,918

Rates and Length of Pretrial Detention

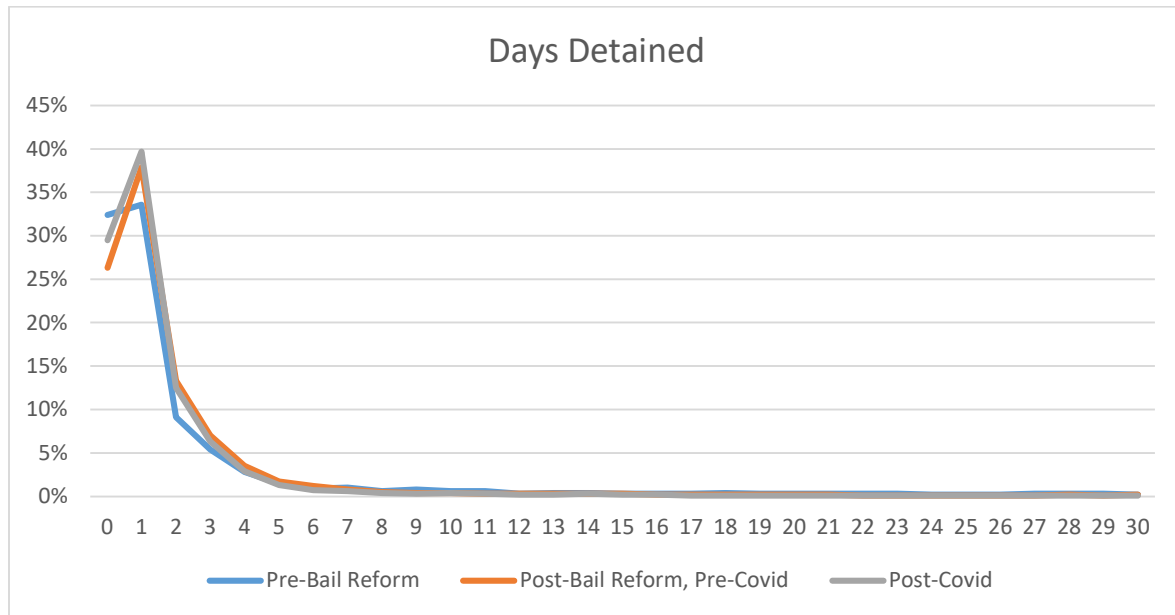
Both bail reform and Covid-19-era restrictions may impact the length of pretrial detention as well as the frequency with which defendants are detained. This section begins by examining days detained. It explores cumulative days to release, followed by days to release, and the average and median days detained to understand whether time detained has increased, decreased, or remained the same over time. Next, it focuses on rates of detention and length of stay by case characteristics, geography, and demographics.

Individuals booked for a new offense may be released the same day or held for some portion of the pretrial period. This indicates the rate at which individuals are detained. Similarly, once booked, the length of stay could range from zero days to a year, or more. Detention can have significant impacts on the lives of defendants, and can be detrimental to them, their families, and the community.

Figure 2 (below) shows the number of days misdemeanor offenders were detained prior to bail reform, after bail reform but before Covid-19, and after Covid-19 restrictions. Overall, the vast majority of misdemeanor offenders spent less than three days in holding. Across all eras, most misdemeanor offenders were released from detention soon after release. Despite this, there are some differences over time.

Prior to bail reform, around 32% of misdemeanor defendants were booked and released; this decreased to 26% after bail reform but increased after Covid-19 to about 30%. Conversely, while 34% of misdemeanants spent a single day in holding prior to bail reform, after bail reform but before Covid-19, this number slightly rose to 38%. After Covid-19, this slightly rose again to around 40% of all misdemeanor offenders spent a single day in holding. In all three eras, the proportion of people detained more than one day declines rapidly, followed by a continued decline with a flattening of the curve beginning around 7 days. In other words, prior to bail reform, detainees were more likely to be booked and released, but in all three years, over half of detainees are released within a day.

Figure 2. Days Detained by Time Period



Truncated at 30 days; total N =58,905, n to 30 days = 56,763

Table 4 below further explores the number of days misdemeanor offenders are detained in more detail. Some interesting trends emerge in the breakdown of days offenders spent in holding. As noted above, fewer misdemeanor defendants were released immediately following bail reform, while the percentage of offenders who spend one day in holding increased.

While there was also an increase in the proportion of defendants who remained in detention between two and seven days after bail reform, the proportion declines slightly after Covid-19. On the back end of the scale, however, there is a general decrease in the percentage of defendants who experience relatively longer stays. Those spending between eight and thirty days decreased over time, beginning with bail reform and continuing after Covid-19. For instance, those spending over a month detained decreased from 5% to 3%.

Table 4. Proportion Detained by Number of Days Detained and Time Period

	Pre-Bail Reform	Post-Bail Reform	Post-Covid-19	N
Zero days	32.4%	26.3%	29.5%	17,095
One day	33.6%	37.9%	39.7%	21,963
Two days	9.1%	13.3%	12.5%	6,994
Three days	5.4%	7.0%	6.3%	3,735
4 to 7 days	6.2%	7.2%	5.4%	3,719
8 to 30 days	8.2%	5.2%	3.6%	3,257
31 days or more	5.0%	3.2%	3.0%	2,142

N=58,905

Table 5 below shows the median, average, and maximum number of days defendants were detained. The average number of days detained before bail reform was five, which dropped to four days after the reforms. Although the median number of days detained remains the same (1 day), the average number of days detained is higher in the pre-reform era (five days to four) because defendants were being detained for longer in greater numbers than after the bail reforms.

Table 5. Average, Median and Maximum Days Detained by Time Period

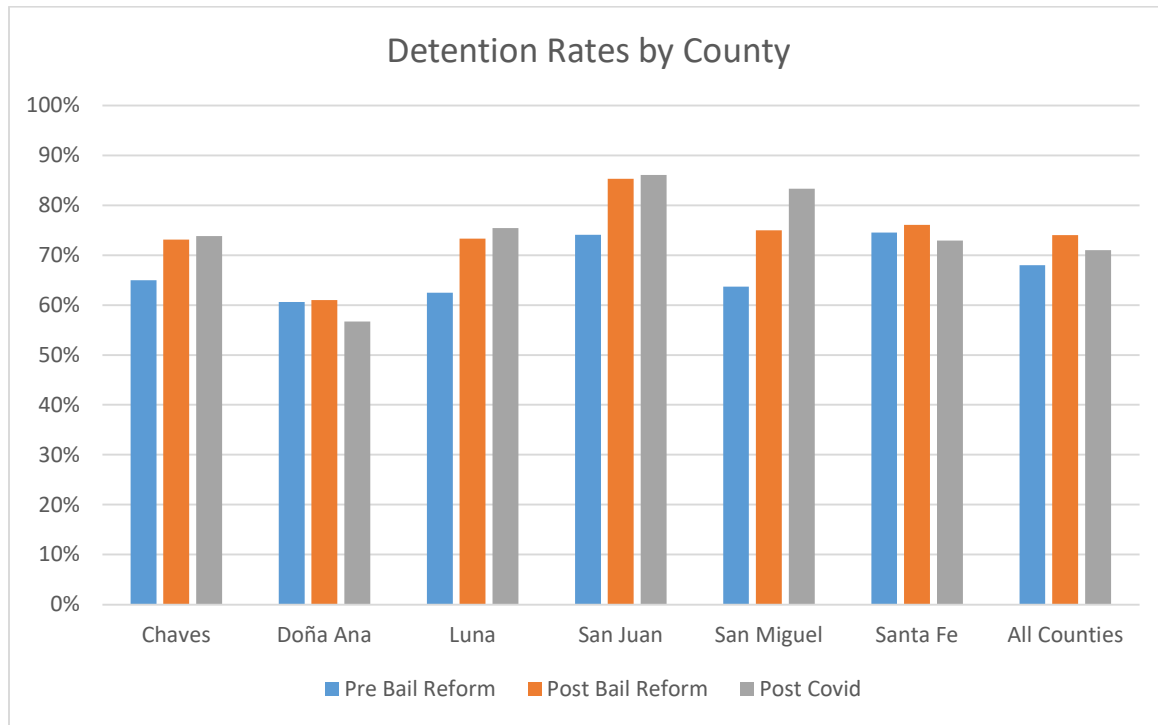
Days Detained	Pre-Reform	Post-Bail Reform	Post-Covid-19
Average (SD) days detained***	5.3 (15.57)	4.0 (13.40)	4.0 (16.34)
Median days detained	1	1	1
Range days detained	0-523	0-362	0-425
N	16,295	23,165	19,445

p < .001, N=58,905

Pretrial Detention Rates and Length of Stay by County

Regardless of county or era, over half of those booked into county detention centers remained in detention for at least one day – displayed in Figure 3 below. Prior to bail reform, rates of detention were highest among those in San Juan (74%) and Santa Fe (75%) Counties, and lowest in Doña Ana County (61%). After bail reform, the proportion of defendants detained on a new misdemeanor charge increased in all counties except Doña Ana, where it remained the same. However, the amount of increase varied from 1% higher in Santa Fe to 11% higher in San Juan and San Miguel. San Juan had the highest rates of detention for one or more days post bail reform (85%). The rate at which individuals were detained for one or more days after Covid-19 decreased slightly in Doña Ana and Santa Fe, and increased in the remaining counties. San Miguel experienced the greatest increase to 83%, about 19% higher than prior to bail reform.

Figure 3. Detention Rate by County and Time Period



N=58,919

Length of detention also varied by county, both prior to and after bail reform. Table 6 below displays the average days detained by county.

Table 6. Length of Detention by County and Time Period

	Mean (SD) Days Detained			Median Days Detained			Maximum Days Detained		
	Pre Bail Reform	Post Bail Reform	Post Covid-19	Pre Bail Reform	Post Bail Reform	Post Covid-19	Pre Bail Reform	Post Bail Reform	Post Covid-19
Chaves	6 (22)	7 (21)	7 (19)	1	1	1	523	304	241
Doña Ana	3 (10)	2 (8)	1 (8)	1	1	1	303	266	282
Luna	9 (24)	9 (24)	12 (39)	1	1	1	236	210	425
San Juan	7 (16)	5 (12)	3 (10)	1	2	1	225	362	216
San Miguel	8 (22)	8 (21)	12 (30)	1	1	2	271	222	249
Santa Fe	6 (14)	3 (10)	2 (9)	1	1	1	227	344	300
All Counties	6 (17)	5 (15)	5 (19)	1	1	1	523	362	425

** p <.01, ***p <.001, N=58,905

The average number of days detained either decreased or remained the same post bail reform for all counties except Chaves where there was an increase. The average number of days detained was greatest in Luna County at 9 prior to the introduction of the bail reform; this did not change after bail reform. The average number of days detained in each county after Covid-19 varied. Some counties, like Doña Ana, San Juan, and Santa Fe, experienced a decrease in the average days detained. Conversely, the average days detained increased in Luna and San Miguel, while Chaves remained the same.

Notably, the median days detained across all counties was consistent at one day except for Luna and San Miguel Counties. Prior to bail reform, the median number of days detained in Luna County was two; this decreased to one day post reform. Conversely, in San Miguel County, the median days detained increased to 2 days after Covid-19.

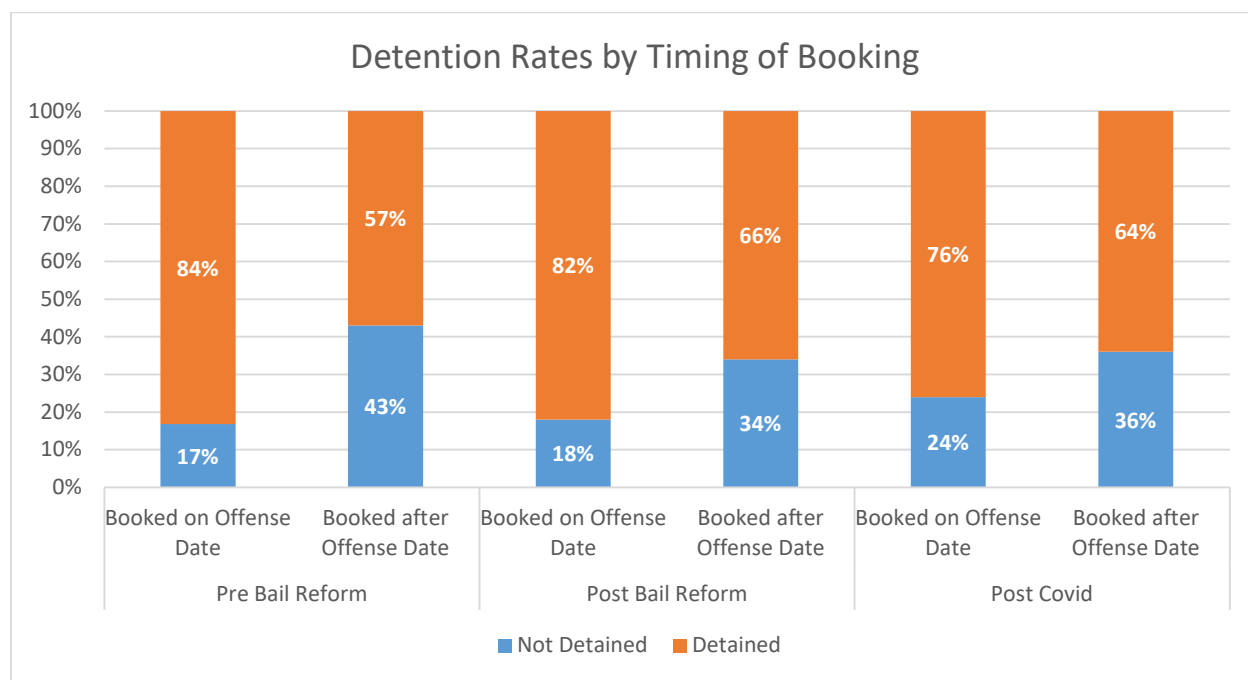
Pretrial Detention Rates and Length of Stay by Case Characteristics

Figure 4 displays the proportion of misdemeanants released the same day versus those detained for one or more days by the timing of the booking. Regardless of timing of booking or era, most defendants remained in detention at least one day. Detention rate trends over time differ for those booked and released versus those who remain in detention at least one day, however.

Prior to bail reform, 17% of those booked the same day as the criminal incident spent zero days in holding, compared to 43% of those who were arrested later. This gap narrows somewhat after bail reform. Those booked the same day as the offense were released the same days slightly *more* often (17% pre-bail reform versus 18% afterwards), while those arrested a day or more after the incident were released the same day *less* often (43% pre-bail reform vs 34% after bail reform). After Covid-19, the difference between these two groups is even more modest, but now both those booked the same day as

the criminal incident and those booked later are slightly more likely to be released than detained compared to after bail reform. Moreover, the overall detention and release trends differ for the two groups. The percentage of those detained for a day or more among those booked the same day as the offense declines at each phase. Conversely, those booked a day or more after the offense were more likely to be detained after bail reform, but this declined slightly after Covid-19.

Figure 4. Detention Rate by Time of Booking and Time Period



N=58,919

Table 7 below explores the average days detained, and how this differs by the timing of the booking relative to the offense, and whether this differs by era. While the average number of days detained declines after bail reform for both those who were booked the same day as the offense and for those who were not, those booked the same day spent a slightly higher average number of days detained. The average increased somewhat post-Covid for those who were booked on a different day, while it declined slightly for those who were booked on the same day. The median number of days, regardless of the timing of the booking or the era, was one day.

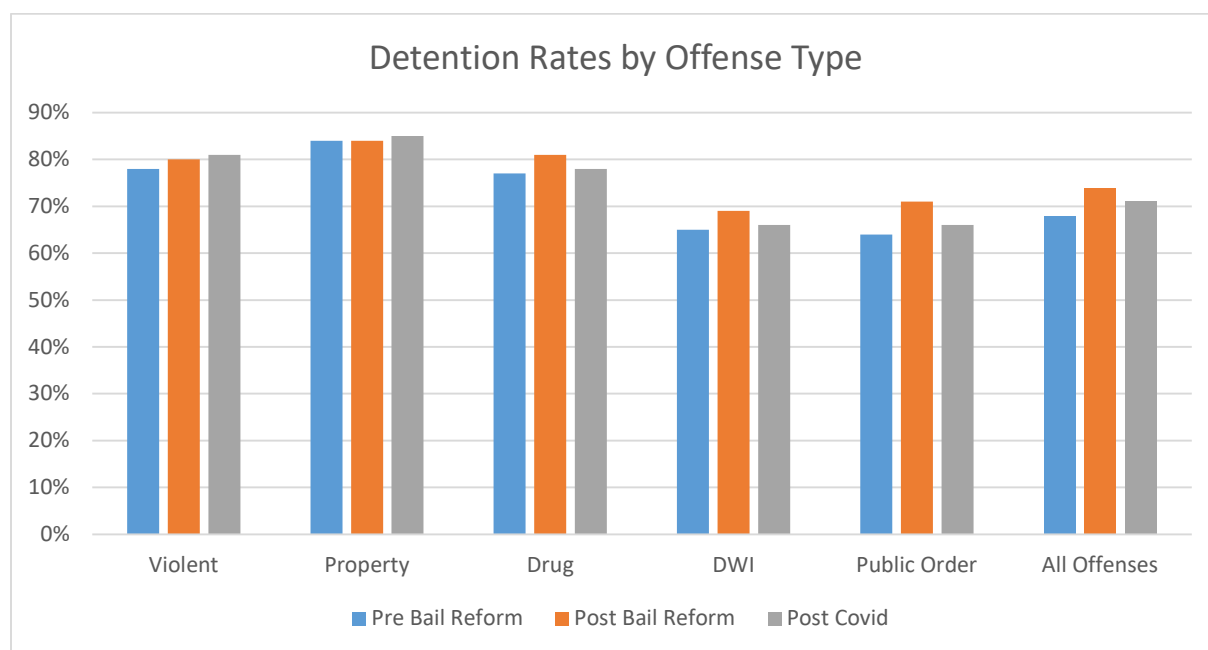
Table 4. Length of Stay by Time of Booking and Time Period

	Pre-Bail reform		Post-Bail, Pre-Covid		Post Covid-19	
	Not Booked Same day	Booked Same day	Not Booked Same day	Booked Same day	Not Booked Same day	Booked Same day
Average length of stay	4.7 (14.2)	6.2 (17.3)	3.9 (13.1)	4.3 (14)	4.3 (18.2)	3.7 (14)
Median days detained	1	1	1	1	1	1
Maximum days detained	290	523	362	304	425	415
N	5,451	5,560	11,502	10,093	8,819	12,196

Note: the median length of stay is 1 for all categories and all time periods

The highest rates of detention for one or more days occurred for those who had violent offenses, property offenses, or drug offenses, regardless of era, with the highest for those with a property offense. The rates of detention increased post bail reform for all but those with property offenses, which remained the same at 84%. Post-Covid-19, those with misdemeanor violent or property offenses were detained for at least one day increased slightly, while those with all other offenses decreased slightly. Post-Covid-19, the lowest rates of detention were observed for those detained for either a DWI or public order offense (66% each). These results are displayed in Figure 5 below.

Figure 5. Detention Rate by Offense Type and Time Period



N=58,919

Next, this section examines how pretrial detention varies across different types of offenses. Table 8 displays the average (mean) and median number of days detained both before and after bail reform.

Table 8. Length of Stay by Offense and Time Period

	Average Days Detained (SD)			Median Days Detained			Maximum days detained		
	Pre Bail Reform	Post Bail Reform	Post Covid-19	Pre Bail Reform	Post Bail Reform	Post Covid-19	Pre Bail Reform	Post Bail Reform	Post Covid-19
Violent***	8 (21)	5 (17)	4 (16)	1	1	1	523	344	415
Property***	10 (19)	8 (19)	8 (22)	2	1	1	203	216	309
Drug***	8 (19)	6 (14)	6 (18)	1	1	1	271	150	193
DWI***	6 (17)	3 (11)	3 (13)	1	1	1	227	218	300
Public Order***	5 (14)	4 (13)	4 (17)	1	1	1	290	362	425

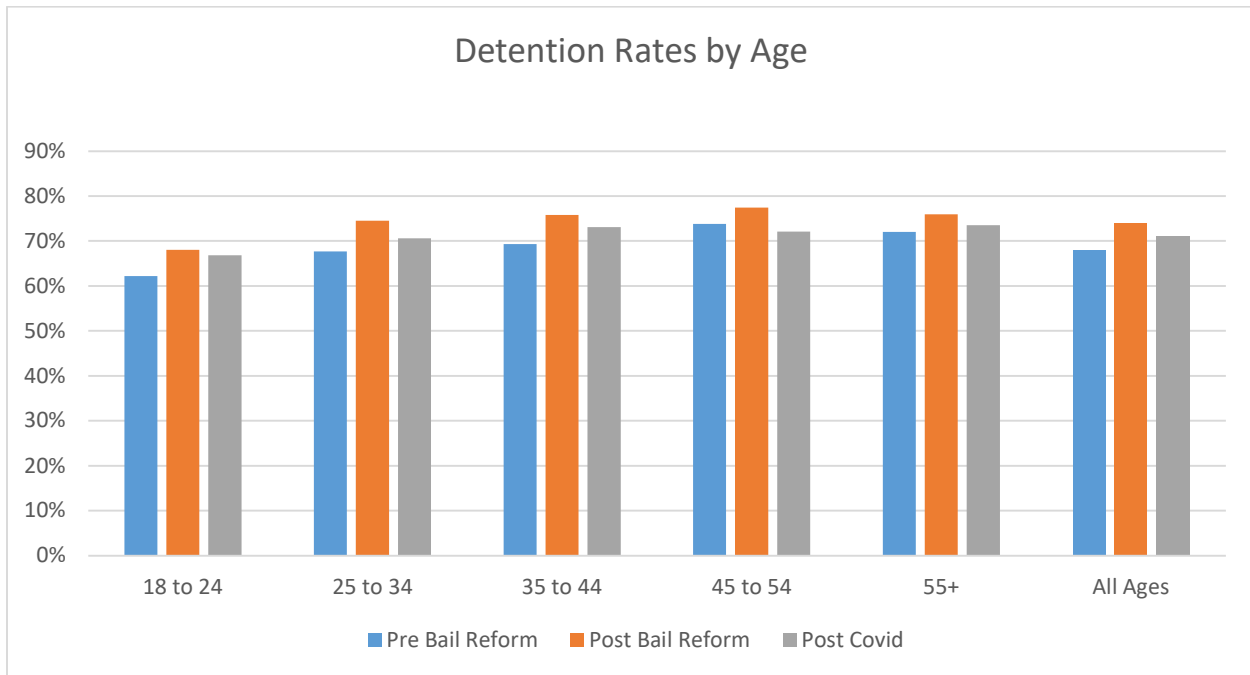
***p <.001

The average length of pretrial detention decreased post reform for each offense type. Pre-reform, the length of pretrial detention varied from a low of five days for public order offenses, to a high of ten days for property offenses. After bail reform, the average number of days detained ranged from a low of three days for DWI to a high of eight days for property offenses post-Covid-19, the average number of days detained decreased slightly to four days, while the average remained the same for the other offense types.

Detention Rates and Length of Stay by Demographics

Detention length and rates can also vary by demographics – displayed in Figure 6 below. While there are some differences in detention rates by age, the rate at which misdemeanor defendants were detained for at least one day increased for all age categories. Following Covid-19, there was a decrease in detention for all age categories. Notably, after Covid-19, the detention rate for those in the 45-54 age group was slightly lower than prior to bail reform (72% versus 74%, respectively). In all other age categories, the rate was slightly higher compared to pre-bail reform.

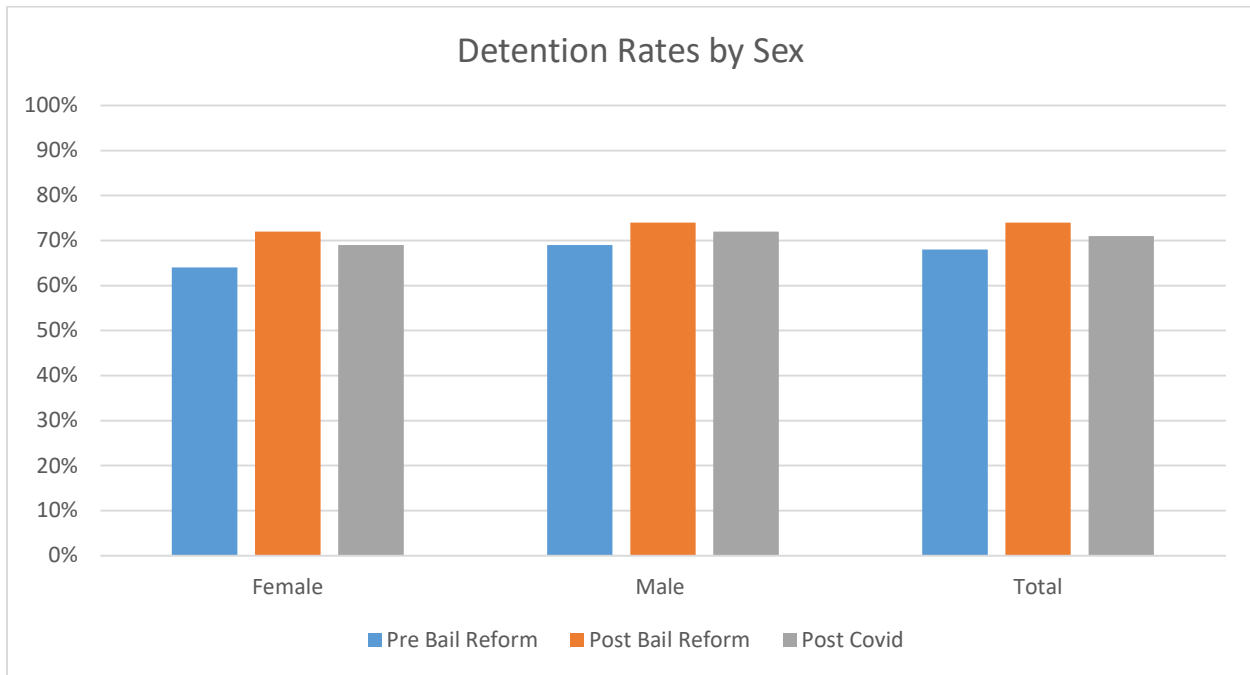
Figure 6. Detention Rate by Age



N=58,919

Figure 7 below displays the rates of one or more days of detention by sex over time. Regardless of era, females were detained at lower rates than males. For both sexes, the rates of detention increased post bail reform, but were greater for women, whose rates increased from 64% to 72% after bail reform, an 8% increase. The rates for men, on the other hand, increased by 5% after bail reform. Post-Covid-19, rates of detention decreased for both sexes, though neither decreased to pre-bail reform rates.

Figure 72. Detention Rate by Sex



N=58,919

Table 9 below shows the average and mean number of days detained by age and sex.

Prior to bail reform, the average number of days detained ranged from four days (those aged 18 to 24) to six days (those aged 35-54). After bail reform, there is an observable decrease in the average days spent detained across all age groups after bail reform that either further decreases or remains the same after Covid-19.

Table 9. Length of Stay by Demographics and Time Period

		Average (SD) Days Detained			Median Days Detained			Maximum Days Detained		
		Pre bail reform	Post-bail reform	Post Covid-19	Pre bail reform	Post-bail reform	Post Covid-19	Pre bail reform	Post-bail reform	Post Covid-19
Age***	18-24	4 (15)	3 (12)	4 (18)	1	1	1	303	218	425
	25-34	5 (16)	4 (14)	4 (16)	1	1	1	523	304	372
	35-44	6 (16)	4 (14)	4 (17)	1	1	1	209	344	415
	45-54	6 (16)	4 (11)	3 (11)	1	1	1	227	222	218
	55+	5 (15)	4 (16)	3 (13)	1	1	1	198	362	216
Sex***	Female	3 (11)	3 (9)	3 (12)	1	1	1	227	228	193
	Male	6 (17)	4 (15)	4 (17)	1	1	1	523	362	425

***p <.001, N=58,919

However, the age 18-24 demographic had the lowest average number of detention days prior to reform at four days, which further decreased to three days post-reform, but then ticked back up to four by the end of Covid-19. The greatest observed decrease occurred among those aged 55 or more, with a mean five days detained pre-reform that decreased to three days both post bail-reform and post-Covid-19.

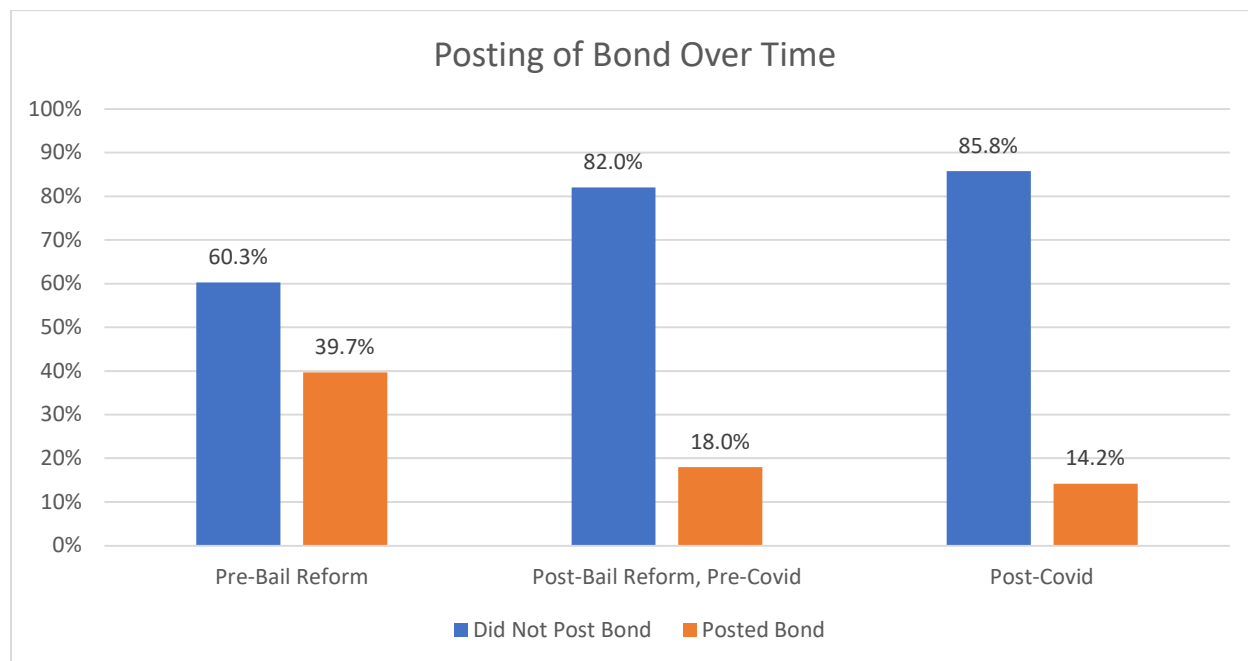
In regard to sex, men spend more time on average in pretrial detention than women do. This difference is more pronounced prior to bail reform, where men spent on average six days in pretrial detention to compared to the three days on average for women. After bail reform, men now spent four days on average in pretrial detention while women stayed steady at three days.

The median number of days was consistently 1 day, regardless of age category, sex, or time. This difference between the average days detained and median days detained indicates that individuals in some groups have irregular longer stays than others.

Posting of Bond for Release

This section explores the use of bond among those booked for a misdemeanor offense. Figure 8 below illustrates the use of bond among all misdemeanor cases in this sample before and after the bail reform amendment took effect, as well as after Covid-19 restrictions were implemented.

Figure 8. Posting of Bond by Time Period



N = 58,914

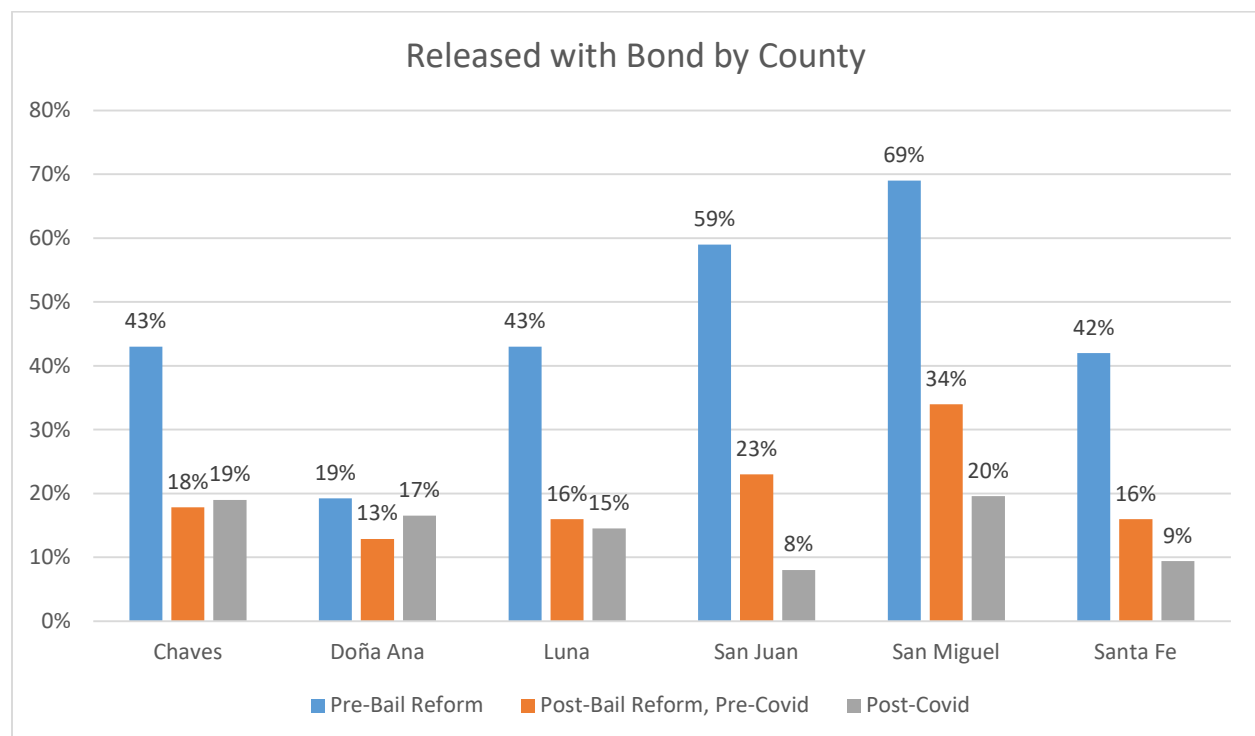
The proportion of individuals booked for a new misdemeanor offense who posted bond to secure release decreased substantially over time. Prior to bail reform, 38% of misdemeanor cases posted bond, which dropped to only 18% after bail reform, and then to 14% after Covid-19-related policy changes.

Posting of Bond by County

Figure 9 below illustrates the prevalence of release with bond by county.

Prior to bail reform, the greatest proportion of defendants released with bond were from San Miguel County (69%) and the fewest from Doña Ana County (19%). After bail reform, all counties experienced a significant decrease in the proportion of defendants who posted bond for their release. Notably, just 13% of defendants released from Doña Ana and 16% from Santa Fe County posted bond after bail reform, while the highest proportion was still in San Miguel at 34%. The greatest decrease occurred in San Juan County, where 59% of defendants posted bond for their release prior to bail reform compared to 23% post-reform.

Figure 9. Rates of Misdemeanor Defendants Released with a Bond by County and Time Period



N= 58,914

The post-Covid-19 changes are less uniform. In Chaves and Doña Ana Counties, the proportion of misdemeanor defendants who posted bail slightly increased. Chaves, for example, saw an increase from 18% of misdemeanants posting bond to 19% after the onset of Covid-19. On the other hand, San Juan, San Miguel, and Santa Fe Counties once again saw substantial decreases. Prior to bail reform, San Juan County had the second highest rate of misdemeanants posting bond (59%), but by the end of Covid-19 had dropped to the lowest (8%). Overall, the general trend is a remarkable reduction in misdemeanants posting bond.

Posting Bond by Case Characteristics

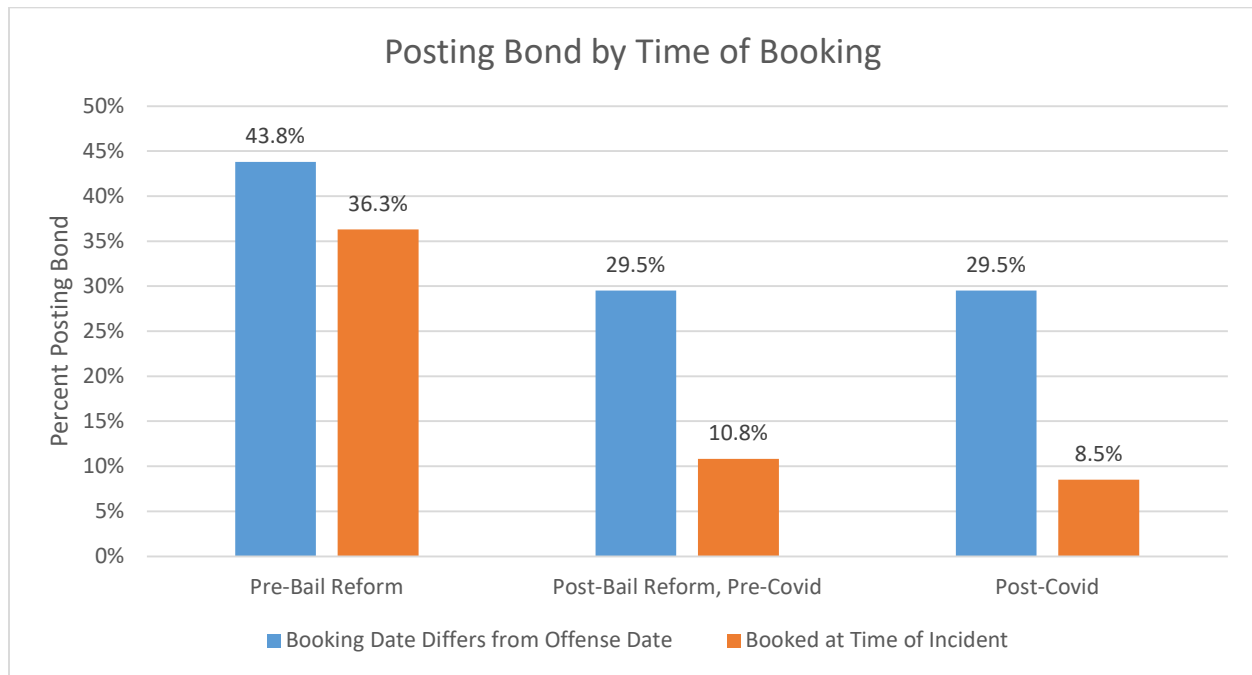
Defendants accused of a misdemeanor may be 1) arrested and booked, 2) cited and released at the time of the incident, or 3) issued a summons after an incident occurs. If defendants are not arrested at the scene, they may not be detained in the pretrial period. If they fail to show up for a court appearance or do not comply with conditions of release, however, a judge may order a warrant for their arrest. These violations may result in detention for defendants who likely would not have been detained otherwise. Whether booked immediately or at a later date, defendants may secure release by posting bond.

As Figure 10 shows, the rate of defendants released on bond varies by whether the person was booked at the time of the incident. People booked after the date of the criminal incident were more likely to post bond, regardless of time period.

Prior to bail reform, 36% of those arrested the day of the incident posted bond, compared to 44% who were booked later. This disparity between these two groups increases after bail reform, when 30% of

those booked later posted bond, compared to only 11% of those arrested at the scene of the crime. These proportions remain the same after the implementation of Covid-19 reforms.

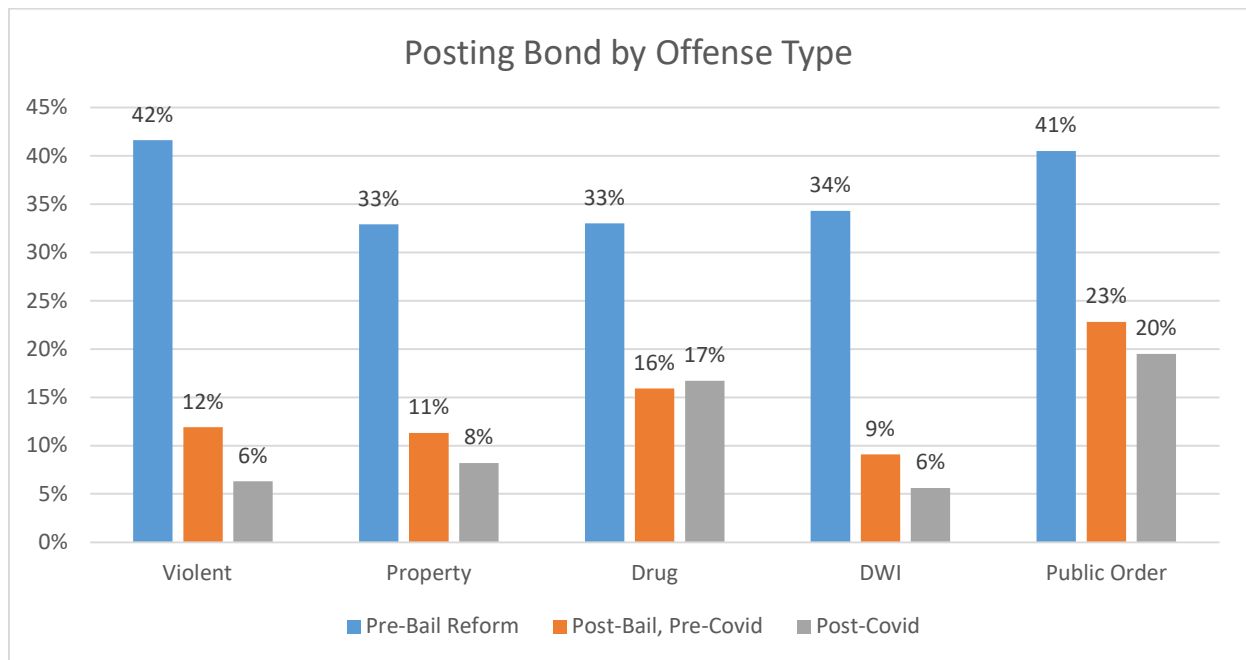
Figure 10. Rates of Misdemeanor Defendants Released with a Bond by Time of Booking and Time Period



N (bond posted) = 15,313; N (same day) = 4,747; N (later day) = 10,566

Figure 11 illustrates the use of bond across different types of offenses, pre- and post-reform and post-Covid-19.

Figure 11. Rates of Misdemeanor Defendants Released with a Bond by Offense Type and Time Period



N=58,914 ***p < .001 for all pre/post comparisons within offense type

Prior to bail reform, those charged with misdemeanor violent charges posted bond most often at 42% of the time. This dropped substantially after bail reform in 2017 to only 12% and then halved in the wake of Covid-19 mandates to 6%. This pattern holds for misdemeanor property and DWI charges as well. Each saw quite substantial declines in bond posting over time.

Misdemeanor drug offenses, however, saw a more mixed result. Whereas 33% of defendants posted bond for drug-related offenses prior to bail reform, and dropped to 16% after bail reform, increasing slightly to 17% after Covid-19-related changes. A similar trajectory is demonstrated for misdemeanor public order charges as well. There is a drop to 23% in bond posting after bail reform, though this is the highest rate compared to other offense types, and remains relatively high even after Covid-19.

Use of Bond by Demographics

This section examines the variation in bond posting across demographic categories. Table 10 explores how and whether the posting and issuance of bond varies by age or sex.

Table 10. Release by Bond by Demographics and Time Period

		Age Group					Sex	
		18-24	25-34	35-44	45-54	55+	Female	Male
Released with bond	Pre-Bail Reform	39.4%	40.3%	40.9%	37.1%	38.6%	42.5%	38.7%
	Post-Bail Reform, Pre-Covid-19	17.3%	19.0%	18.0%	15.0%	15.7%	18.9%	17.7%
	Post-Covid-19	17.1%	14.3%	14.6%	10.8%	8.8%	13.5%	14.4%
Total N		13,180	21,313	13,429	6,636	3,823	15,752	43,126

***p < .001 **p<.01 *p<.05

Overall, rates of posting bond has substantially decreased across all categories. All age and sex categories demonstrate the cumulative effects of bail reform: posting bond is much rarer for all misdemeanants regardless of age or sex.

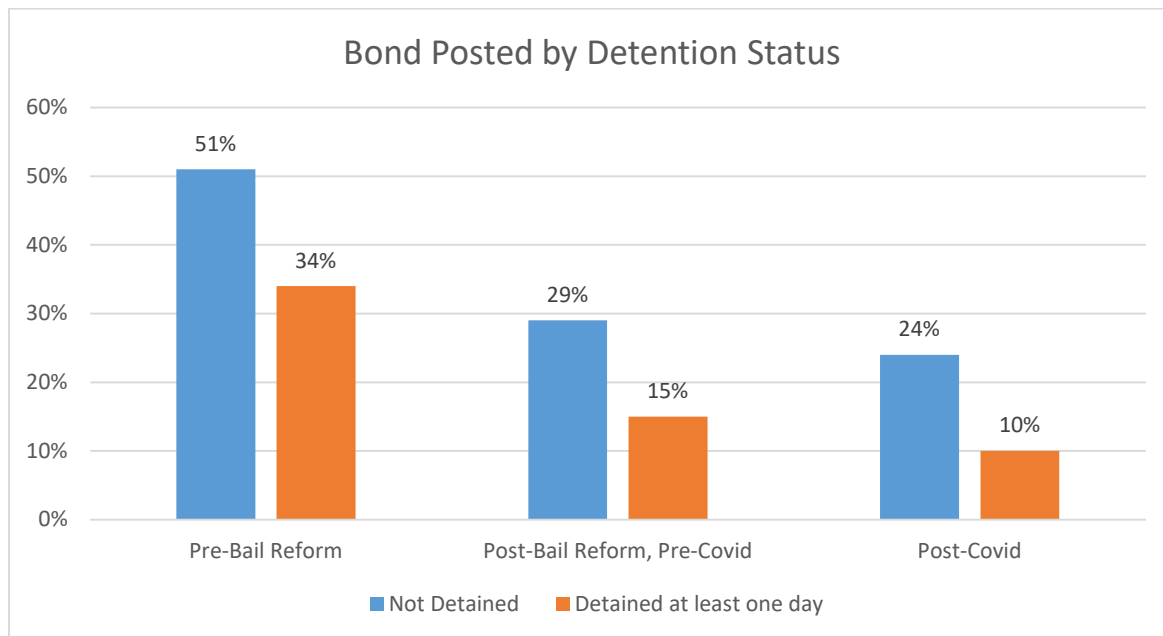
Each demographic category does have its own distinct trends, however. Prior to bail reform, all age categories post bond at rate that hovers around 40%. In the post-bail reform but pre-Covid-19 era, those over 45 posted bond at noticeably lower rates, around 15% of the time compared to 19% of those aged between 25 to 34. After Covid-19, the age difference is even more distinct. Now, those over 45 posted bond around 10% of the time compared to the 17% of those aged 18 to 24.

Prior to bail reform, women posted bond more often than men, 43% of the time compared to men's 39%. This difference narrowed after bail reform to 19% of the time compared to men's 18%. Finally, after Covid-19, both sexes post bond around 14% of the time.

Use of Bond by Detention

Defendants who were not detained were more likely to post bond for their release compared to those who were not detained. While this remained true over time, the rate at which they posted bond declined from 51% to 29% post bail reform, with a further reduction to 24% after Covid-19. Those detained at least one day posted bond at a rate of 34% prior to bail reform, declining after bail reform, and further reducing to 10% after Covid-19.

Figure 12. Rates of Misdemeanor Defendants Released with a Bond by Detention Status and Time Period



N=58,919

Guilty Pleas

This final section explores the relationship between pretrial detention and guilty and no contest pleas over time. Research suggests that individuals who spend a greater amount of time in detention are more likely to take a plea to expediate their release; this may be especially true for those charged with misdemeanors.

Table 11 below displays the proportion of those who pled guilty or no contest by whether they were detained. Overall, 35% of those who were not detained pled guilty, compared to 38% of those who were detained. There were some differences by era. Prior to bail reform, 39% of those detained at least one day pled guilty or no contest compared to 31% of those who were not detained. Post bail reform, the proportions of those who pled guilty increased, but there was little difference by whether the individual was detained (40% versus 41%). After Covid-19, these rates declined overall, but again, little difference is observed (34% versus 33%).

Table 11 also illustrates pleas by average days detained. This paints a slightly different picture, indicating that regardless of era, those detained for a greater average number of days were more likely to plead guilty. However, the median number of days was 1, regardless of plea or era.

Table 11. Percent of Offenders who Pled Guilty by Detention Status and Time Period

		Not Detained	Detained	Average Days Detained (Std. Dev.)	N
Pre Bail Reform	Did not plea	69%	62%	4.0 (13.9)	10,139
	Pled guilty	31%	39%	7.3 (17.7)	5,754
Post Bail Reform	Did not plea	60%	59%	3.1 (11.70)	12,416
	Pled guilty	40%	41%	5.5 (15.7)	8,572
Post Covid-19	Did not plea	66%	67%	3.2 (13.4)	13,394
	Pled guilty	34%	33%	5.5 (19.7)	6,783
Total	Did not plea	65%	62%	3.4 (13.0)	31,052
	Pled guilty	35%	38%	6.0 (19.7)	26,006

Summary and Discussion

A constitutional amendment to change bail practices for felony defendants was approved by voters in 2016, enacted in 2017, and the initial rules published on July 1, 2017 guiding release practices. These rules have been revised to improve release decisions. While the amendment is specific to felony cases, parallel rules guide release decisions for judges in both the district courts (which have jurisdiction over felony cases) and the lower courts (which handle misdemeanor cases and initiate most felony cases).

The primary purpose of this report was to assess whether and how bail reform affected pretrial practices for misdemeanor defendants. The findings reveal shifts in how and when individuals are detained and released, rather than a simple reduction in detention.

The results indicate that bail reform significantly influenced bond posting rates, detention rates, and length of stay. Specifically, after bail reform, misdemeanor defendants were significantly less likely to post a bond to secure release. They were also less likely to be booked and released, however. These findings lend support to an early criticism that some defendants were unnecessarily detained because release by bond was no longer available (Siegrist et al., 2021). While we did find that the proportion of defendants detained short-term increased after bail reform, there was a concurrent decrease in longer length of stay.

Bail reform was underway when the Covid-19 pandemic began. In New Mexico, a statewide stay-at-home order became effective March 25, 2020 and restrictions remained in place until July 1, 2021. During this time, actors in the criminal justice system reportedly made efforts to reduce the detention center population to stem the spread of Covid-19. Thus, the secondary purpose of this report was to explore whether Covid-19 bail reform era changes altered the trajectory of bail reform efforts, and if so, in what ways.

The data indicates that with Covid-19, there were additional, modest changes. The posting of bond decreased slightly, while immediate release after booking increased slightly, but did not return to pre-bail reform levels. Average detention lengths remained mostly stable, though there were some modest declines in the proportion of individuals detained more than four days.

The study also points to notable variations in pretrial release and detention practices by county, timing of booking, and offense type, and, to a lesser extent, demographics. Prior to bail reform, bond posting rates varied significantly by county, ranging from a low of 19% to a high of 69%. Although all counties experienced a decline in bond posting rates after bail reform and those rates became more similar across counties, there was still variation. Following Covid-19, bond-posting rates declined in some counties but increased in others. Detention rates and average length of stay also varied by county and across time periods.

Booking timing played a role as well. Although individuals booked after the offense date remained more likely to post bond after bail reform compared to those booked on the same day, rates declined for both groups. Following Covid-19, rates declined slightly for those booked at the time of the offense but remained the same for those booked later. Rates of detention declined at each phase for those booked the same day as the offense. Conversely, those booked a day or more after the offense were more likely to be detained after bail reform, but this declined slightly after Covid-19. This may be due to the reasons misdemeanants are booked if not detained at the time of the incident. Likely scenarios are either because the defendant left the scene and was later arrested, because the defendant was issued a summons to appear at court and failed to do so, or because the defendant violated some other condition of release.

There were also variations by offense type. Prior to bail reform, bond posting was highest for violent and public order offenses, but declined across all categories afterward, with additional decreases during Covid-19 for most offenses except drug-related cases. After bail reform and Covid-19, the bond posting was highest for public order offenses. This may be because these offenses include charges like failure to appear, which may indicate the individual is a flight risk, prompting judges to impose a bond.

Detention patterns varied as well. Those with DWI or public order offenses were detained less often than those with other offenses prior to bail reform; this remained true over time. Further, those with property offenses had the longest average and median lengths of stay prior to bail reform, but all offense categories experienced reductions in average detention time after bail reform, with little additional change following Covid-19.

Differences by age and sex were relatively modest, though women remained slightly more likely to post bond after reform until rates converged following Covid-19. Younger defendants were the least likely to be detained prior to reform, but their detention rates increased slightly afterward. Women were somewhat less likely to be detained and had shorter lengths of stay before reform; however, these differences largely disappeared following bail reform and Covid-19, resulting in more similar detention outcomes across sex.

Finally, case outcomes also changed. Prior to bail reform, individuals who were detained were more likely to plead guilty than those who were not detained. After bail reform, guilty plea rates increased overall and became more similar between detained and non-detained individuals. Following Covid-19, plea rates remained similar across groups but occurred less frequently. While these patterns correlate

somewhat with increases in the proportion of individuals detained, further research is required to determine whether this is a causal relationship.

Taken altogether, bail reform is associated with a decrease in rates of posting bond, general increase in detaining misdemeanor defendants short-term (1-7ish days) with a concurrent decrease in longer length of stay. Covid-19 is associated with further declines in bond posting rates, and even shorter average detention periods though detainees were less likely to be booked and released post-bail reform and post-Covid-19. Still, variation across jurisdictions and case characteristics persisted. These continued differences by county and case characteristics indicate that bail reform is influenced by local practices, at least for misdemeanants.

These results both mirror those found for new felony defendants and differ in important ways. Prior studies (Denman and Siegrist, 2022) found that new felony defendants were less likely to be released with a bond following bail reform. Detention rates, though, remained the same, with the vast majority of felony defendants remaining in jail for at least one day, both pre- and post-bail reform (ibid). These trends continued after Covid-19 (Denman et al., 2026). Like misdemeanor defendants, however, a greater proportion of defendants were released more quickly, and the average length of time detained declined over time (Denman and Siegrist, 2022; Denman et al., 2026).

These results underscore the importance of research to understand the long-term impact of bail reform on pretrial detention and release practices.

Data limitations

This study is part of a multi-phase assessment of bail reform that began in 2017. As with any research, there are several limitations that need to be considered when interpreting the results.

The study utilized two primary sources of data. First is booking and release data from six county detention centers. These data include information like dates, reasons for booking, and ordering and release by bond or other release type. Second is court case filing and disposition data from the Administrative Office of the Courts. These data include information about charges and dates important to this study, including offense and disposition dates. Court data was used to determine offense type, timing of booking, and length of stay. These datasets were merged for this study.

Both detention center data and court data are administrative data, not generated or designed for research. Detention center data are maintained in different systems in each county, and the fields available and values recorded in each differ somewhat. For instance, while some counties record both race and ethnicity, others record only race. This limitation led us to exclude any analyses based on race/ethnicity. Likewise, while the data from the AOC uses a centralized system, there may be differences in the way the data are recorded across counties and over time.

In addition to source data limitations, there are methodological limitations that should be noted. First, the sample includes only misdemeanor bookings that could be linked to a corresponding court case (or cases) in the AOC data. Thus, bookings without a matched court record are excluded.

Length of stay analyses are limited to the known initial detention period. Individuals released and later returned to custody at a future time not related to the initial detention are not included. Consequently, the total pretrial detention period may be underestimated for some defendants.

Accurate measurement of the rates of posting bond is challenging. For this study, we used data from each detention center to determine whether an individual posted bond to secure release. There is some degree of error associated with this measure. For instance, prior analyses indicate that the posting of bond was sometimes overstated in the detention center data, with unsecured bond conflated with secured bond. Conversely, comparisons with court data indicate that bond posting may be underestimated in other cases. We estimate that the error rate for the absolute values is between 5%-10%, but that the trends seen here are consistent with all known measures. That is, bond is posted with less frequency after bail reform.

Finally, the current study includes data on six of New Mexico's 33 counties, representing six of the 13 judicial districts in New Mexico. As seen here and as revealed in prior studies (Siegrist et al., 2020), there is variation across counties, indicating the results here may not reflect either other judicial districts or statewide patterns. Importantly, this study does not include Bernalillo County, which is both the most populous state and has the highest volume of cases.

References

- Baughman, S.B. (2018). The History of Misdemeanor Bail. *Boston University Law Review*, 98(837), 837-882. <http://dx.doi.org/10.2139/ssrn.3197305>
- Baughman, S.B. (2020). Dividing Bail Reform, *Iowa Law Review*, 105(3) Rev. (947-1025).
<https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2023-02/Baughman.pdf>
- Denman, K., & Siegrist, E. Impact of Bail Reform in Six New Mexico Counties. (2022). New Mexico Statistical Analysis Center, Institute for Social Research.
<https://isr.unm.edu/reports/2022/impact-of-bail-reform-in-six-new-mexico-counties.pdf>
- Denman, K., Bhatta, P., and Medaris, D. (2026). Covid-19, Bail Reform, and Felony Defendants. New Mexico Statistical Analysis Center, Institute for Social Research.
- Heaton, P.S., Mayson, S.G., & Stevenson, M. (2017). The Downstream Consequences of Misdemeanor Pretrial Detention. *Stanford Law Review*, 69. <http://dx.doi.org/10.2139/ssrn.2809840>
- Jorgensen, I., & Smith, S.S. (2021). The Current State of Bail Reform in the United States: Results of a Landscape Analysis of Bail Reforms Across All 50 States. HKS Faculty Research Working Paper Series RWP21-033. [RWP21-033 Smith.pdf \(harvard.edu\)](https://www.hks.harvard.edu/faculty/wp-content/uploads/2021/03/RWP21-033_Smith.pdf)
- Kohler-Hausmann, I. (2019). *Misdemeanorland: Criminal Courts and Social Control in an Age of Broken Windows Policing*. Princeton University Press.
- Natapoff, A. (2018). *Punishment without crime: how our massive misdemeanor system traps the innocent and makes America more unequal*. Basic Books.
- Peterson, A. (2019) The Future of Bail in California: Analyzing SB 10 Through the Prism of Past Reforms. 53 Loy. L.A. L. Rev. 263
- Phillips, M.T. (2007). Bail, Detention, & Nonfelony Case Outcomes. CJA Research Brief. 14.
<https://www.ojp.gov/ncjrs/virtual-library/abstracts/bail-detention-nonfelony-case-outcomes>
- Siegrist, E. J., Dole, J. L., Denman, K., Maus, A., Robinson, J., & Dorsey, C. (2021). Implementing bail reform in New Mexico. New Mexico Statistical Analysis Center, Institute for Social Research.
[http://isr.unm.edu/reports/2020/implementing-bail-reform-in-new-mexico.pdf](https://isr.unm.edu/reports/2020/implementing-bail-reform-in-new-mexico.pdf)

Appendix A: Methods and Variable Construction

The study utilizes both booking data and court case data. The booking data originated from six county detention centers, provided at different times between 2017 and 2025 and includes bookings from 1/1/2015 to 12/31/2022. Staff standardized the data from each of the detention centers and merged it together. The court data originates from the New Mexico Administrative Office of the Courts, and includes court cases filed and/or disposed between January 1, 2015 and December 31, 2023.

Study staff merged the booking data to the automated dataset of court cases. Some counties provide the court case number(s) that are associated with the booking, and others do not. Staff merged the booking data with the court data to find associated court cases that were not provided. Then, they merged the data from the associated court cases for all counties to the merged booking data.

Next, study staff identified bookings with new misdemeanor cases. In some instances, a court case number was associated with multiple bookings. In that case, we selected the first booking associated with that court case. We excluded cases involving court cases that had been disposed prior to booking (suggesting that a new event, like a failure to pay, was associated with the booking). Some bookings were associated with multiple court cases involving different incidents. To determine the length of detention, we used the most recent disposition date. In some instances, the defendant was charged with a new offense after they were booked. These post-booking cases were not used to calculate length of detention.

Table A.1. Key Variables

Variable	Definition	Data source(s) (detention center or court)
County	County in which the individual was booked	
Length of pretrial detention	Difference in days between release date and booking date or disposition date to booking date, whichever is shortest	If there are multiple cases associated with the booking, the first disposition date was selected
Detained pretrial	Detained at least one day	Uses length of pretrial detention to determine
Bond posted	Whether an individual was released with a bond as noted by the detention center	Throughout the report, we use the terms “bail” and “bond” interchangeably. While there are notable differences between the two, here we mean that the defendant paid some cash amount to secure release, or someone, like a bondsman, did so on their behalf.

Variable	Definition	Data source(s) (detention center or court)
Age	Age at booking	Days between booking date and date of birth; some counties provide only the year of birth. In that instance, the month and year was January 1.
Sex	Biological sex as recorded by the detention center or courts	This likely represents perceived sex rather than reported sex or gender.
Offense	Offense type constructed from court data. Depending on the dataset used, this may be the initial charged filed or may be the charges as they appear at disposition	<i>Current offense</i> is categorized into five types: violent, property, drug, DWI, and public order (traffic offenses, disorderly conduct, concealing identity, including failures to appear, and all other offenses not captured in the remaining four categories. Analyses include all offense types in the case regardless of most serious offense.
Pre-bail reform	2015-2016	
Post-bail reform, pre-Covid-19	1/1/2017 to 3/24/2020	Bail reform was approved by voters in 2016 and began January 1, 2017. The rules governing release were effective July 1, 2017.
Post-Covid-19	3/25/2020 to 12/31/2022	Stay at home orders were issued March 25