



New Mexico Statistical Analysis Center



Covid-19, Bail Reform, and Felony Defendants

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Contents

Acknowledgements.....	i
Executive Summary	ii
Introduction	1
Reducing Admissions	1
Increasing Releases and Length of Stay	1
Variability in Practices.....	2
Current Study.....	2
Data and Methods	2
Results.....	3
Sample Description	3
Rates and Length of Detention	5
Posting of Bond for Release	15
Summary and Discussion	22
Data limitations	24
References	26
Appendix A: Methods and Variable Construction	27
Appendix B. Number of Cases in Each County by Time Period.....	29

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Executive Summary

This report builds on prior studies that explored the impact of bail reform on defendants detained for a new felony charge in six New Mexico counties. A prior study (Denman and Siegrist, 2020) found that defendants booked for a new felony offense posted bail less often after bail reform and, *if* they were detained, they spent a shorter amount of time in pretrial detention.

The current study examined whether the Covid-19 pandemic was associated with any additional changes in these release and detention practices. It confirmed prior findings indicating that after bail reform but prior to Covid-19, defendants were much less likely to be released with a bond and spent less time in pretrial detention but found no differences in detention rates (spent at least one day in detention after booking). Approximately 41% of felony defendants posted bond prior to bail reform; that declined to 16% after bail reform but prior to Covid-19. After the onset of Covid-19, felony defendants were released with bond even less frequently (about 9%) and spent slightly less time in detention on average.

These shorter detention times were also reflected in an increased proportion of those who spent a week or less in detention. For instance, prior to bail reform, 19% of individuals spent a single day detained; that increased to 30% after bail reform and increased further to 33% after Covid-19. Conversely, the proportion of felony defendants who spent over a month in detention decreased from 21% prior to bail reform, to 12% after bail reform, and declined further to 10% after Covid. At the same time, there were no differences in rates of detention; the vast majority (89%) of defendants charged with a new felony spent at least one day in detention after booking. While these findings indicate an association, the relative influence of bail reform, Covid-19, or their combined influence cannot be determined.

There are notable variations across county, offense type, and booking circumstance related to posting bond and length of detention, and to a lesser extent, detention rates, indicating that context does matter. Despite these differences, the patterns associated with bail reform continued with the onset of Covid-19.

Introduction

New Mexico's bail reform, enacted in 2016 and implemented in 2017, aimed to change the state's pretrial release system from a financially based approach to risk based. The goal was to ensure that defendants who do not pose a danger to the community or a flight risk are not detained simply because they cannot afford bail, while still allowing detention for those who do pose a risk.

Bail reform efforts were underway when the Covid-19 pandemic began. In response, the government and other agencies took steps to reduce transmission risk, particularly to those working and living in densely populated settings, including detention centers and prisons. These facilities are often overcrowded, unsanitary, and have limited access to medical care—conditions that increased the risk of Covid-19 transmission (Surprenant 2020; Vose, Cullen, and Lee 2020). Moreover, due to jail-community cycling, detention centers are potential vectors for spreading Covid-19 back out into the surrounding communities (ACLU 2020; Reinhart and Chen 2020; Suprenant 2020).

In response, jurisdictions implemented strategies to reduce detention populations by decreasing admissions, increasing releases, and reducing length of stay expanding on bail reform efforts which focused on reducing the use of bond and unnecessary detentions.

Reducing Admissions

During Covid-19, many police agencies adopted "cite and release" practices for certain offenses instead of making arrests. Some prosecutors also paused or limited prosecutions for low-level offenses to reduce admissions (Surprenant 2020; Miron and Partin 2020). Similar approaches were used in New Mexico. Some law enforcement agencies issued citations or summonses for individuals who did not pose a public safety risk and avoided arrests for "simple misdemeanors" (Fisher 2020). At the same time, the police continued to arrest those accused of more serious offenses (Kaplan 2020).

Increasing Releases and Length of Stay

Many jurisdictions attempted to mitigate Covid-19-related harm by releasing sentenced and unsentenced low-level offenders from jail (Surprenant 2020). In New Mexico, judges modified release conditions for medically vulnerable pretrial detainees and others eligible for release (Barnitz, 2020). These changes were expected to reduce both the number of detainees and average length of stay.

However, both bail reform and Covid-19 may have increased length of stay for some individuals. Kim et al. (2021) discovered that with bail reform, fewer people were detained on low-level charges pretrial while those deemed a public safety or flight risk were detained. Due to this change, the average length of time detained increased. During Covid-19, court operations slowed during the pandemic, and jury trials were suspended in some jurisdictions. Together, these created pretrial delays that extended detention for some defendants (Suprenant 2020), particularly those deemed higher risk.

Variability in Practices

Bail reform and Covid-19-related mitigation efforts may not have been consistently implemented over time or across jurisdictions. Prior studies in New Mexico indicate variability during the initial rollout of bail reform (Siegrist et al., 2020). Studies and reports on Covid-19 responses also suggest uneven efforts. For example, Kim et al. found that Covid-19 had a greater effect on jail populations in New York City than in other areas, likely due to higher infection rates relative to other areas. In some cases, reported changes did not result in meaningful reductions in detention center population. For instance, although media described reduced arrests for low-level offenses in Doña Ana County (Freudenthal, 2020), detention center staff reported little change in the population levels.

Current Study

Bail reform is expected to reduce reliance on monetary bail, lower detention rates, and influence length of stay. These changes may be amplified by Covid-19. Under bail reform, judges are expected to order bail less frequently, with the pandemic potentially contributing to additional, temporary reductions. Similarly, detention rates would be expected to decline following bail reform and may have decreased further during Covid-19 (e.g., Kim, Hood, and Connors). Length of stay may also be affected by both bail reform and Covid-19 disruptions, as described previously. Some of these changes, such as those driven by court slowdowns and case backlogs, are likely temporary with returns to pre-Covid-19 levels likely. The effects of bail reform, Covid-19, or both may also vary by geography, demographics, and case characteristics.

Accordingly, this study explores the following questions:

1. What are the rates and length of pretrial detention?
2. What proportion of detainees are released with bond?
3. Did bail reform influence the posting of bond or rates and length of detention?
4. Did the onset of Covid-19 and associated efforts to mitigate risk influence the posting of bond or rates and length of detention?

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 utilizes data from six New Mexico county detention centers: Doña Ana, Santa Fe, Chaves, Luna, San Miguel, and San Juan. These counties represent six of the 13 judicial districts in New Mexico, and include both urban (Doña Ana, Santa Fe, Chaves, and San Juan Counties) and rural (Luna and San Miguel Counties) areas. They are spread throughout the state. The prevalence of Covid-19 during the height of the pandemic also varied across these counties. Doña Ana and San Juan had the greatest number of Covid-19 cases outside of Bernalillo County, and Chaves and Doña Ana had some of the highest rates of Covid-19. Of the counties included, San Miguel had the fewest positive cases and reported deaths due to Covid-19.

Staff joined the detention center data with court data from the New Mexico Administrative Office of the Courts (AOC). The AOC data include all criminal court cases disposed in a calendar year at the metropolitan, magistrate and district court level. Each line of data corresponds to the charge in that case, and includes associated dates and disposition.

The sample includes bookings for new felony offenses that occurred between January 1, 2015 and December 31, 2022. While most defendants are booked for a single court case, some are booked for multiple court cases arising from different incidents, some of which have not yet been disposed. These cases are included in the study. The study includes individuals arrested at the time of an incident as well as those who have at least one case with an offense or filing date that is within 5 days of the booking date.

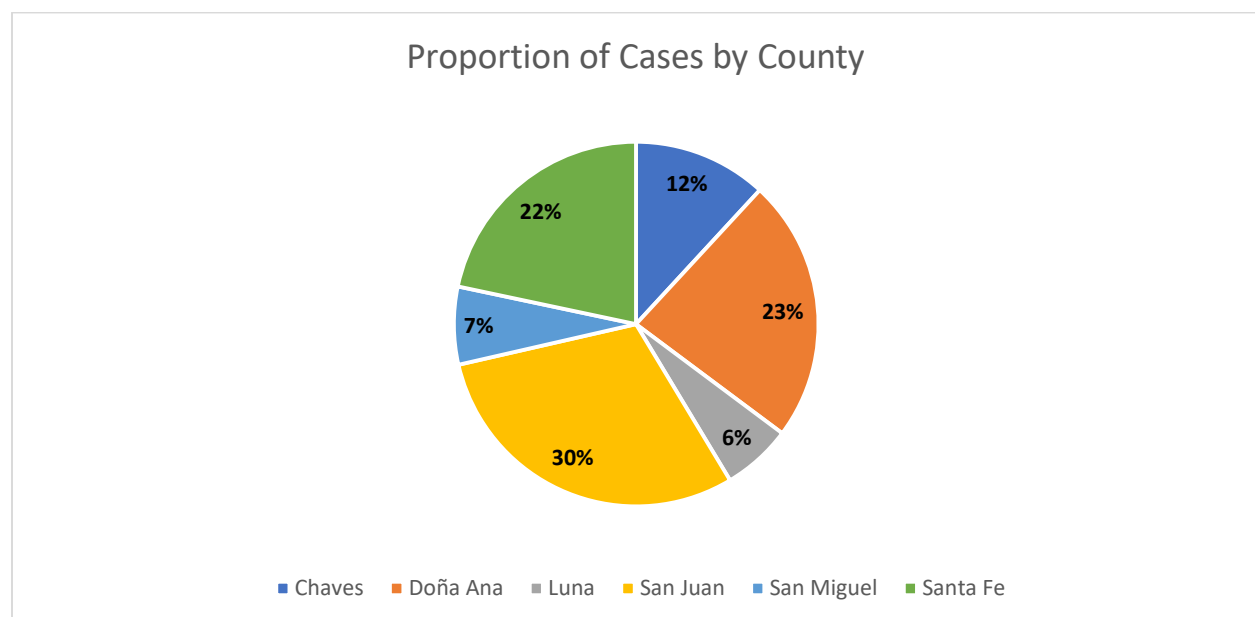
The study excludes detainees who are booked on one or more cases that were disposed before booking; serving a sentence for a previous charge; detained on municipal charges only, federal charges, a tribal warrant; slated for extradition to another county or state, or held for another jurisdiction; or detained for a probation/parole violation, failure to appear or failure to comply. It also excludes defendants whose arrest is related to a misdemeanor offense only or for whom we could not find an associated court case. Appendix A provides definitions and details about variable construction.

Results

Sample Description

This section describes the characteristics of the felony cases included in this sample. The greatest proportion of cases in this sample originate from bookings occurring in San Juan County (30%) followed by Doña Ana (23%) and Santa Fe (22%) Counties. The fewest originate in Luna County (6%). Figure 1 illustrates this.

Figure 1. Proportion of Cases by County



N= 32,812

Table 1 describes the demographics of those in the sample. Over one-third of individuals booked for a felony offense were between the ages of 25 and 34. While the proportion varies across counties from a low of 34% in San Miguel County to a high of 39% in Santa Fe County, this age group comprises the largest group of detainees by age. About a third of the detainees were between the ages of 35 to 44 years old, followed by the age group of 18 to 24 years having a proportion of about 20%. The majority of detainees were listed as male (76% overall). Like age, sex is similarly distributed across counties, with nearly one-third of detainees being female and nearly 75% or more being male. San Juan County recorded the lowest proportion of males (74%) and Doña Ana County the highest (79%).

Table 1. Demographics by County

		Chaves	Doña Ana	Luna	San Juan	San Miguel	Santa Fe	Total %	Total N
Age	18-24	23%	24%	21%	19%	18%	20%	21%	6,807
	25-34	35%	38%	36%	38%	34%	39%	37%	12,240
	35-44	25%	23%	23%	26%	24%	24%	24%	7,953
	45-54	11%	10%	12%	12%	13%	11%	11%	3,641
	55+	6%	6%	8%	7%	10%	6%	7%	2,156
	N	3,857	7,586	2,007	9,757	2,244	7,346	100%	32,797
	Female	25%	21%	22%	26%	22%	24%	24%	7,809
	Male	75%	79%	78%	74%	78%	76%	76%	24,947
	N	3,865	7,574	1,987	9,748	2,245	7,337	100%	32,756

N (total felony cases) = 32,812

Detainees are frequently booked on multiple charges, and in just under half (49%) of the bookings, those charge types differed.¹ The greatest proportion of individuals were detained for violent, property, drug, and other offenses. The proportion of individuals detained for violent offenses ranged from a low of 33% (Luna) to a high of 43% (San Juan, followed by San Miguel at 41%). Among those detained for property offenses, the lowest proportion was observed for San Miguel (30%), followed by San Juan (32%) while Santa Fe had the highest, around 48%. Chaves, Doña Ana, and Luna had a similar proportion, around 34%. The other offenses ranged from 34% to 43% across the counties; this includes weapons offenses, public order offenses such as traffic offenses and failures to appear, and other types of offenses that do not fit into the remaining categories. The next most common were drug offenses ranging from 26% (San Miguel) to 41% (Luna). Santa Fe and Doña Ana had the next highest rate of detention for drug-related offenses, at 37%. Across all counties, the proportion of individuals detained for DWI offenses was lowest, ranging from approximately 7% (Doña Ana and Luna) to 15% (San Juan).

¹ These charges represent those listed in the court case(s) associated with the booking, not the charges recorded in the detention center booking data.

Table 2. Offense Types by County

	Chaves	Doña Ana	Luna	San Juan	San Miguel	Santa Fe	Total	N
Violent ***	46%	47%	39%	53%	50%	47%	49%	15,903
Property***	30%	33%	32%	27%	30%	40%	32%	10,510
Drug***	23%	33%	42%	27%	25%	33%	30%	9,771
DWI***	17%	7%	7%	18%	14%	11%	13%	4,238
Public Order***	18%	18%	13%	20%	17%	19%	18%	6,038
Other***	44%	37%	44%	40%	49%	44%	42%	13,613
N	6,869	13,193	3,561	18,020	4,129	14,301		

***p < .001 across county comparison; Percentages sum to more than 100% and Ns exceed total number of cases as some cases involve multiple offense types; N of cases = 32,791

Overall, the majority (61%) of individuals detained on a new felony offense in this sample were booked on the same day that the incident occurred. This varied somewhat across counties, from a low of 54% in Chaves to a high of 69% in Santa Fe. This is displayed in Table 3.

Table 3. Time of Booking by County

	Chaves	Doña Ana	Luna	San Juan	San Miguel	Santa Fe	Total %	N
Booked day or more after offense	46%	39%	41%	41%	43%	31%	39%	12,788
Booked date of offense	54%	61%	59%	59%	57%	69%	61%	20,024
N	3,867	7,586	2,007	9,758	2,247	7,347		32,812

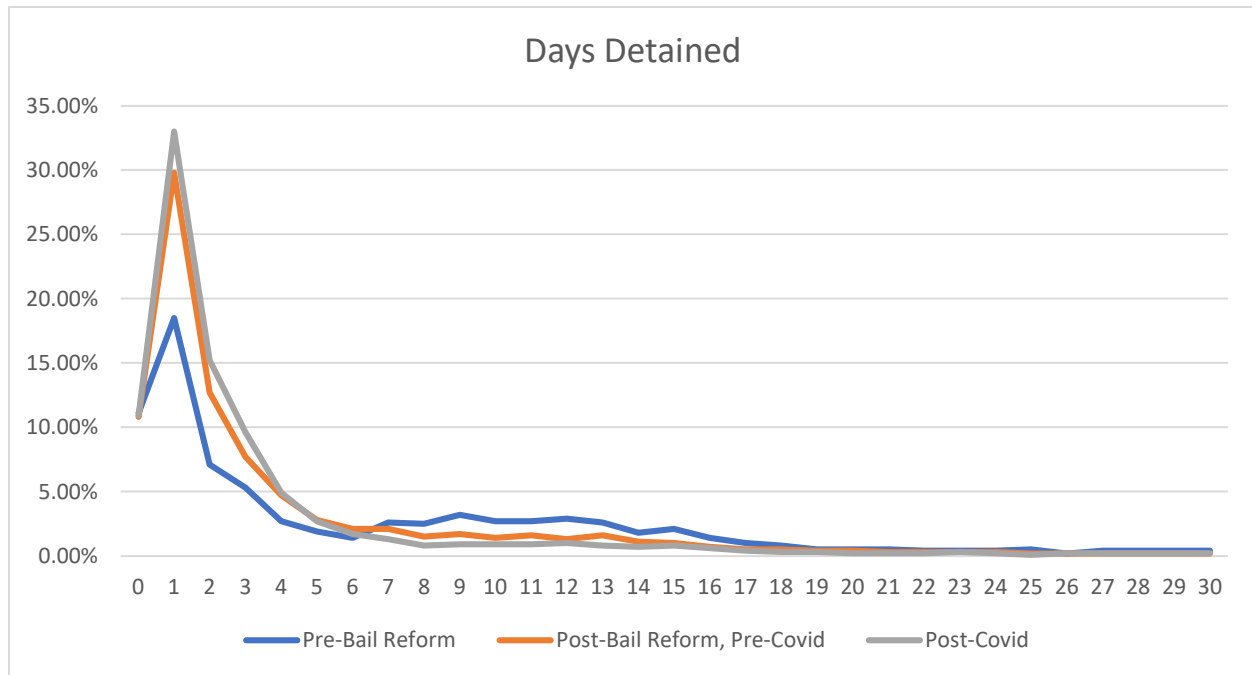
Rates and Length of Detention

Both post-bail reform and post-Covid-19-era restrictions may impact the frequency with which defendants are detained, as well as length of detention. This section begins by rates and length of detention overall. It then explores whether these differ by case characteristics, geography, or demographics as well as time.

Days Detained

Figure 2 illustrates the proportion of individuals detained by number of days detained prior to bail reform, after bail reform but before Covid-19, and after Covid-19.

Figure 2. Days Detained by Time Period



N=32,718

Regardless of the time period, days detained peaks at one day. However, the trend lines indicate that the cumulative proportion of individuals released within 0-1 days is lower for those detained prior to bail reform compared to after bail reform, and that a slightly higher proportion were detained a day or less post Covid-19. Additionally, the line steadily decreases over time, and mostly smooths out at about the seven-day mark for those detained after bail reform was implemented. Prior to bail reform, though, there is a slight increase in the proportion detained for seven days to about 16 days, after which the line smooths out.

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

	Pre-Bail Reform	Post-Bail Reform, Pre-Covid-19	Post-Covid-19	N
Zero days	11%	11%	11%	3,580
One day	19%	30%	33%	9,127
Two days	7%	13%	15%	3,933
Three days	5%	8%	10%	2,518
4 to 7 days	9%	12%	11%	3,456
8 to 30 days	29%	16%	11%	5,784
31 days or more	21%	12%	10%	4,414

(N=32,812)

Table 4 (above) further illustrates the proportion of days individuals were detained in each era. There was no difference in the proportion of individuals booked and released over time- this was consistently 11%. However, the proportion of defendants detained one, two, or three days increased with bail reform and again with Covid-19-related restrictions. Conversely, the proportion of individuals detained for four to seven days increased after bail reform, then decreased slightly. Those detained for eight days or more decreased after bail reform, and again after Covid-19.

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

Days Detained	Pre-Reform	Post Reform	
		Pre Covid-19	Post Covid-19
Average (SD) days detained***	36 (96)	22 (80)	21 (81)
Median days detained	7	2	2
Range of days detained	0-2,119	0-2,010	0-1,364
N	8,480	13,877	10,361

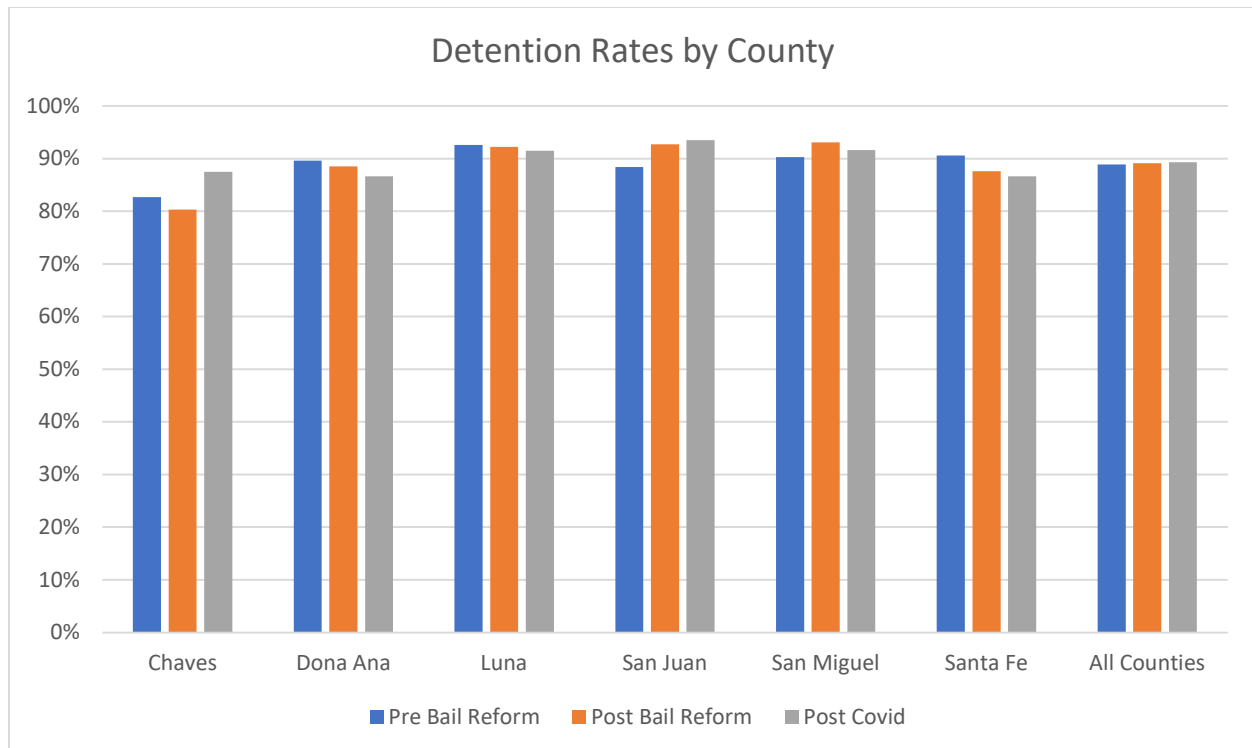
p < .001 N=32,812

Detention Rates and Length of Stay by County

Regardless of county, the majority of individuals booked for a new felony spent at least one day in detention. These rates vary somewhat prior to bail reform, with the lowest rates observed in Chaves County (83%) and the highest in Luna County (93%). Post bail reform, the proportion of individuals detained at least one day declined slightly in Chaves County (from 83% to 80%), Doña Ana County (from

90% to 89%), Luna County (from 93% to 92%) and Santa Fe County (from 91% to 88%). The rates increased somewhat in San Juan County (from 88% to 93%) and San Miguel County (from 90% to 93%). After Covid-19, detention rates increased in Chaves County (to 88%) and slightly in San Juan (to 94%). Rates remained the same or slightly declined in the remaining counties.

Figure 3. Detention Rates by County and Time Period



All counties saw a decline in detention days after the bail reform was in effect. San Juan, Luna, and Chaves saw the highest decrease in length of detention from pre to post reform. All counties saw a significant decrease in median from pre to post reform. Before the bail reform, Luna county had the highest median days of detention (14) which reduced to 4 days in pre Covid-19 after the bail reform was implemented.

Table 6. Length of Detention by County and Time Period

	Mean (SD) Days Detained			Median Days Detained			Maximum days detained		
	<i>Pre Bail Reform</i>	<i>Post Bail reform</i>	<i>Post Covid-19</i>	<i>Pre Bail Reform</i>	<i>Post Bail reform</i>	<i>Post Covid-19</i>	<i>Pre Bail Reform</i>	<i>Post Bail reform</i>	<i>Post Covid-19</i>
Santa Fe	20 (65)	16 (74)	19 (93)	3	2	1	1,198	1,616	1,274
Chaves**	50 (126)	30 (100)	28 (88)	6	1	2	1,248	1,208	1,154
Doña Ana***	39 (95)	28 (97)	13 (67)	5	2	1	1,199	1,604	1,364
Luna***	47 (118)	26 (92)	43 (122)	14	4	3	2,119	2,010	1,304
San Juan***	43 (106)	20 (69)	18 (65)	9	3	2	1,107	1,223	1,229
San Miguel	18 (37)	24 (82)	33 (84)	8	6	4	323	1,696	926
All counties***	36 (96)	23 (83)	21 (82)	7	2	2	2,119	2,010	1,364

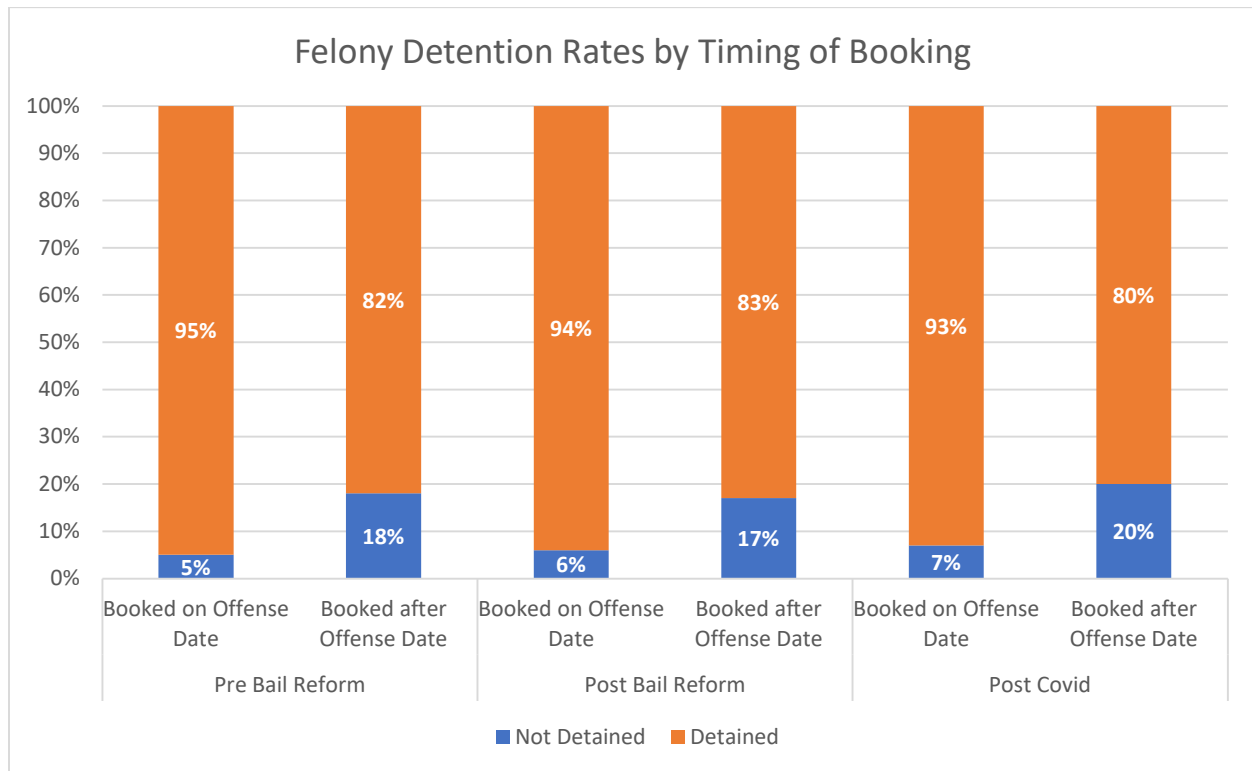
** p < ., ***p < . N = 32,812

Rates of Detention and Length of Stay by Case Characteristics

This section explores rates of detention and length of stay for new felony bookings by various case characteristics. These include whether the individual was booked at the time of the offense, the booking county, and offense types.

Although the vast majority of individuals booked for a new felony offense were detained at least one day, this varies somewhat by whether they were booked on the same day as the offense. Specifically, those booked on the same day the offense occurred were detained at higher rates than those who were booked on a later date. The proportions were similar over time: 95% of those booked on the offense date were detained at least one day prior to bail reform, decreasing slightly to 94% after bail reform, and again to 93% after Covid-19. Among those booked after the offense, 82% were detained at least one day prior to bail reform; this increased slightly to 83% after bail reform, then decreased slightly to 80% after Covid-19. Figure 4 illustrates these results.

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



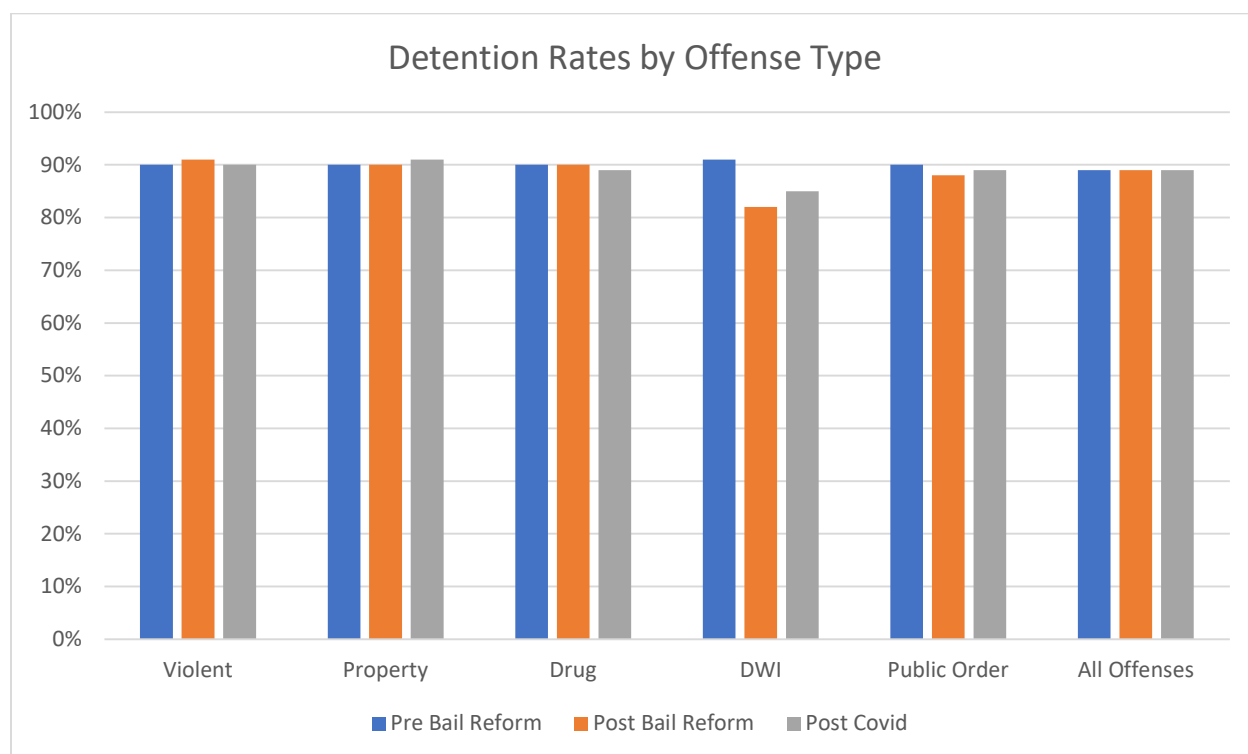
While the rates of detention do not vary notably by the timing of the booking, both the average and median days detained do change over time. The average number of days detained is about the same for both those booked on the same day as the offense and those who were not. The average decreases for both groups after bail reform, though it is slightly lower for those booked on the same day. Post- Covid-19, the average increases for those who were not booked on the same day, but declines for those booked the same day. The median number of days, though was lower for those not booked on the same day, though post bail reform and post-Covid-19, the median days detained declined to two.

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

	Pre-Bail Reform		Post-Bail Reform		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 LOS	37 (111)	36 (83)	24 (97)	22 (71)	27 (110)	18 (68)
Median days detained	6	8	2	2	2	2
Maximum days detained	2,119	1,107	2,010	1,388	1,364	1,229
N	3,747	4,753	5,711	7,406	3,330	7,865

There are almost no differences in the rate of detention by offense type, either across categories or over time. The one exception to this is for DWI offenses. Prior to bail reform 91% of individuals booked on a new felony offense that involved DWI were detained for at least one day; this declined to 82% after bail reform, but increased slightly to 85% after Covid-19. Figure 5 illustrates these results.

Figure 5. Detention Rate by Offense Type and Time Period



Across all offense types, the implementation of the bail reform showed a substantial reduction in the length of pretrial detention. For example, average days for violent offenses decreased from 46 (pre-reform) to 29 (post-reform). Similarly, median days also saw a sharp decline from pre-reform to post. The number of cases were also higher in pre and post-Covid-19 era than the pre-reform period.

Table 8. Length of Pretrial Detention by Current Offense

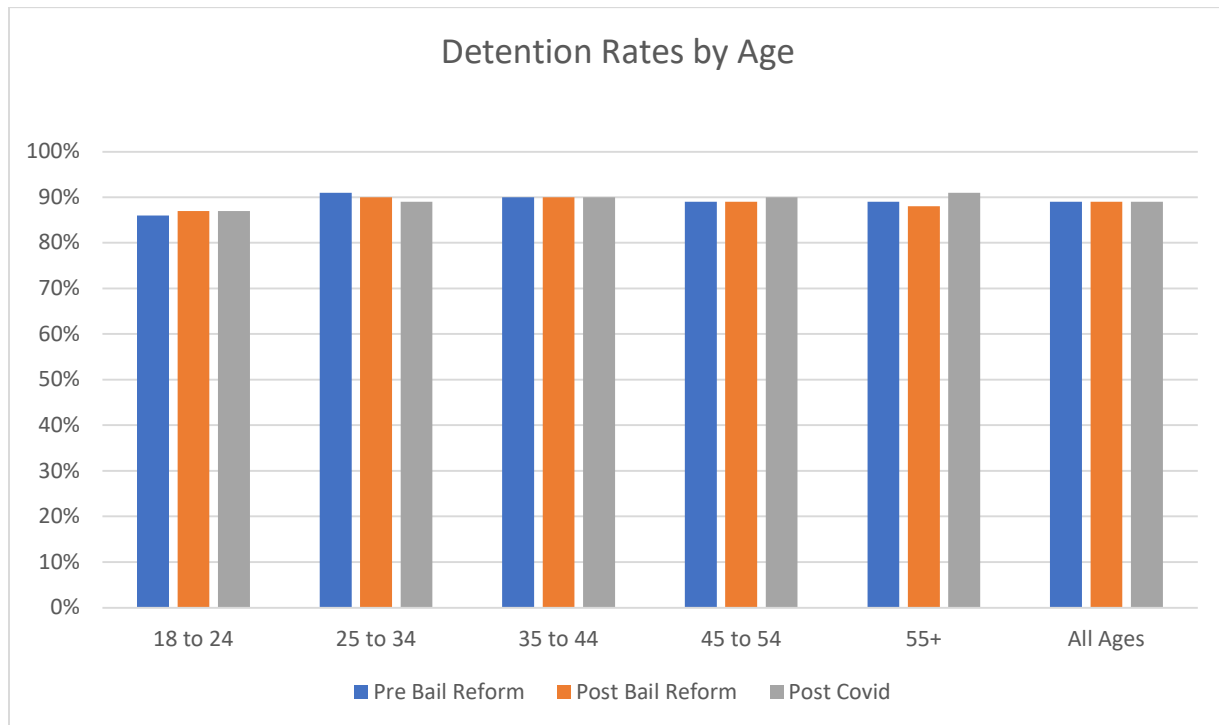
	Mean Days Detained (SD)			Median Days Detained			Maximum days detained		
	<i>Pre Bail Reform</i>	<i>Post Bail Reform</i>	<i>Post Covid-19</i>	<i>Pre Bail Reform</i>	<i>Post Bail Reform</i>	<i>Post Covid-19</i>	<i>Pre Bail Reform</i>	<i>Post Bail Reform</i>	<i>Post Covid-19</i>
Violent***	46 (123)	30 (107)	29 (106)	8	3	2	2,119	2,010	1,364
Property***	35 (86)	23 (70)	23 (81)	9	3	2	1,198	1,389	1,304
Drug	31 (78)	17 (59)	18 (57)	7	2	2	1,198	1,223	1,154
DWI***	38 (75)	18 (62)	14 (58)	9	2	2	693	1,155	1,174
Other	30 (80)	20 (83)	26 (91)	8	2	2	1,107	2,010	1,304

***p < N=32,812

Detention Rates and Length of Stay by Demographics

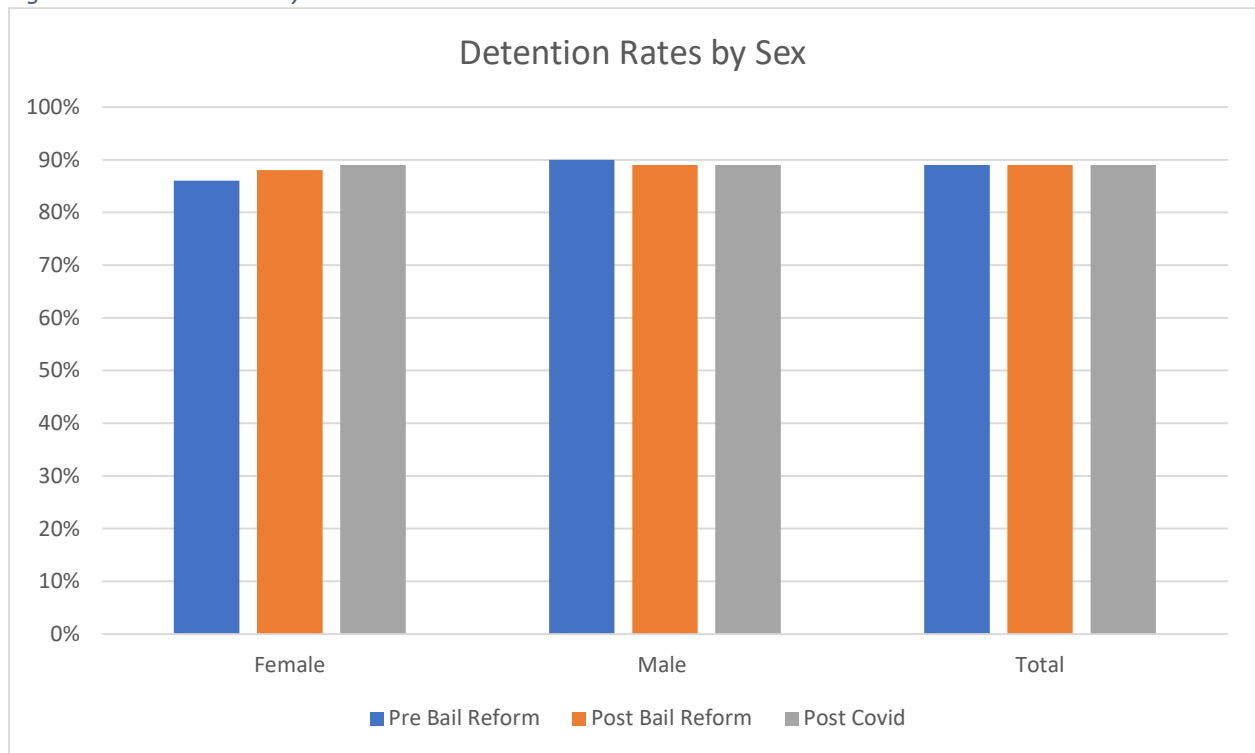
Few differences were noted in detention rates by age, except that detention rates were slightly lower for those in the age 18 to 24-year-old age group relative to the other groups. While there were some differences over time in detention rates for some age groups, this was minimal.

Figure 6. Detention Rate by Age



Like age, rate of pretrial detention was similar for both males and females, though females were detained at slightly lower rates prior to bail reform (86% versus 90%, respectively). Those rates increased slightly after both bail reform and Covid-19, such that males and females were detained at the same rate (89%) after Covid-19 restrictions.

Figure 7. Detention Rate by Sex



Across all age groups and sex, the mean length pretrial detention was higher compared before the implementation of the bail reform. Post bail reform, the length of detention days reduced significantly. The median days were also lower post bail reform.

Table 9. Length of Pretrial Detention by Demographics, in Days

		Mean (SD) Days Detained			Median Days Detained			Maximum days detained		
		Pre Bail	Post Bail	Post Covid	Pre Bail	Post Bail	Post Covid	Pre Bail	Post Bail	Post Covid
Age***	18-24	31 (90)	19 (77)	22 (93)	4	2	2	1,199	1,388	1,304
	25-34	37 (98)	23 (85)	22 (83)	8	2	2	1,248	1,696	1,364
	35-44	39 (102)	25 (90)	19 (73)	8	2	2	2,119	2,010	1,264
	45-54	38 (97)	22 (75)	22 (86)	8	2	2	1,137	898	1,246
	55+	34 (88)	23 (80)	18 (78)	5	2	2	693	674	1,018
Sex***	Female	22 (81)	11 (47)	12 (51)	3	2	2	2,119	1,353	1,174
	Male	40 (100)	26 (92)	21 (76)	9	2	2	1,248	2,010	1,154

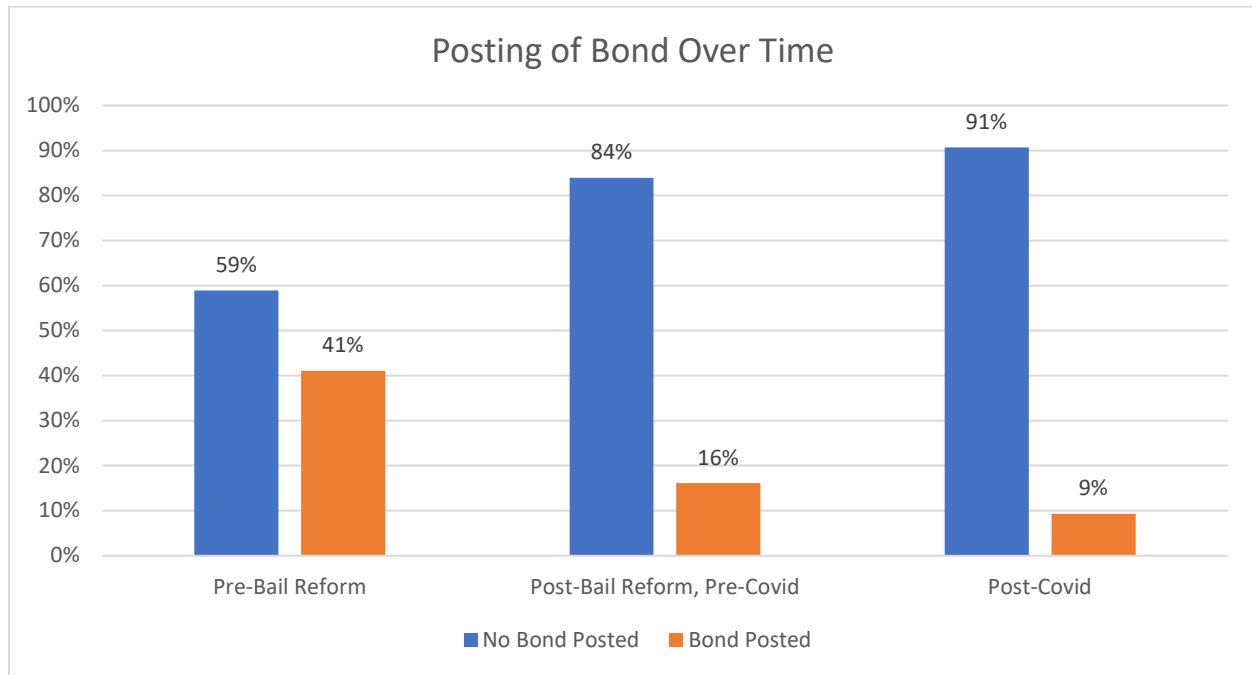
***p < .001 N(age)= 32,797; N(sex)= 32,756

Posting of Bond for Release

Bail reform is associated with a decrease in the proportion of felony defendants released from detention centers by posting bond. This section explores whether the Covid-19 pandemic is associated with the posting of bond among defendants booked for a new felony.

The proportion of cases in which bond is required to secure release decreased substantially with bail reform. Prior to bail reform, 41% of the defendants in our sample posted bond for their release; this decreased to just 16% after the reform went into effect.

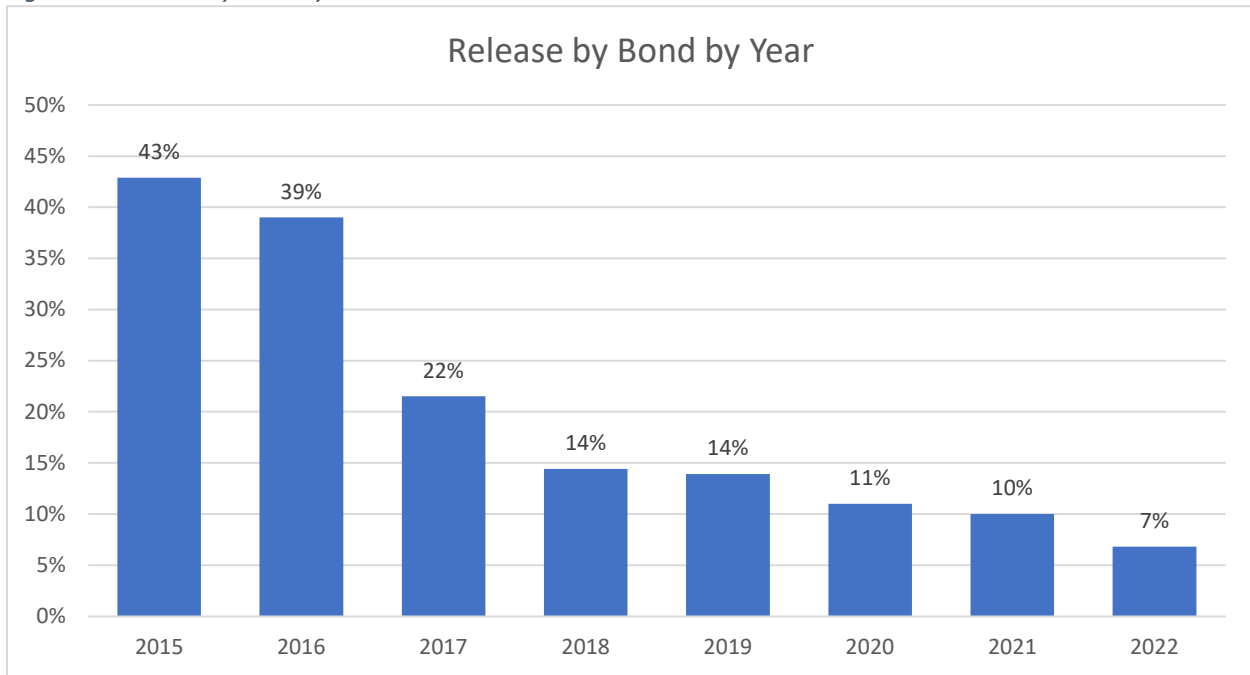
Figure 8. Posting of Bond by Time period



N=32,809

Figure 9 further demonstrates the changes in the posting of bond over time. Prior to bail reform, the proportion of defendants who posted bond was significantly higher compared to post-bail reform implemented in 2017. In 2015 and 2016, the proportions of posted bond were around 43% and 39% respectively. The impact of bail reform changed this dynamic substantially. After bail reform, the proportions followed a decreasing trend with 22% in 2017 and declining to 14% in 2018 and 2019. This trend continued, with only 7% posting bond by 2022.

Figure 9. Released by Bond by Year

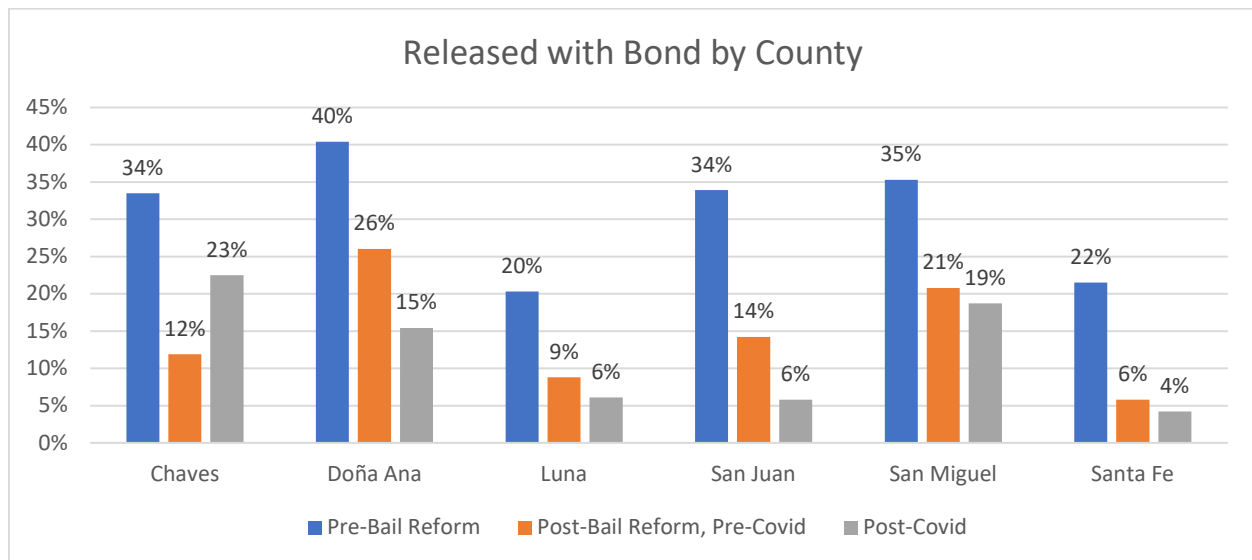


N= 32,809

Use of Bond by County

Prior to bail reform, the greatest proportion of defendants released with bond were from Doña Ana County (50%) and the fewest from Luna County (21%). After bail reform all counties experienced a significant decrease in the proportion of defendants who posted bond for their release. Notably, just 8% of defendants released from Santa Fe and 9% from Luna County posted bond after bail reform, while the highest proportion was still in Doña Ana at 27%. The greatest decrease by 33% was observed in Chaves County after the bail reform.

Figure 10. Rates of Felony Defendants Released with a Bond by County and Time Period



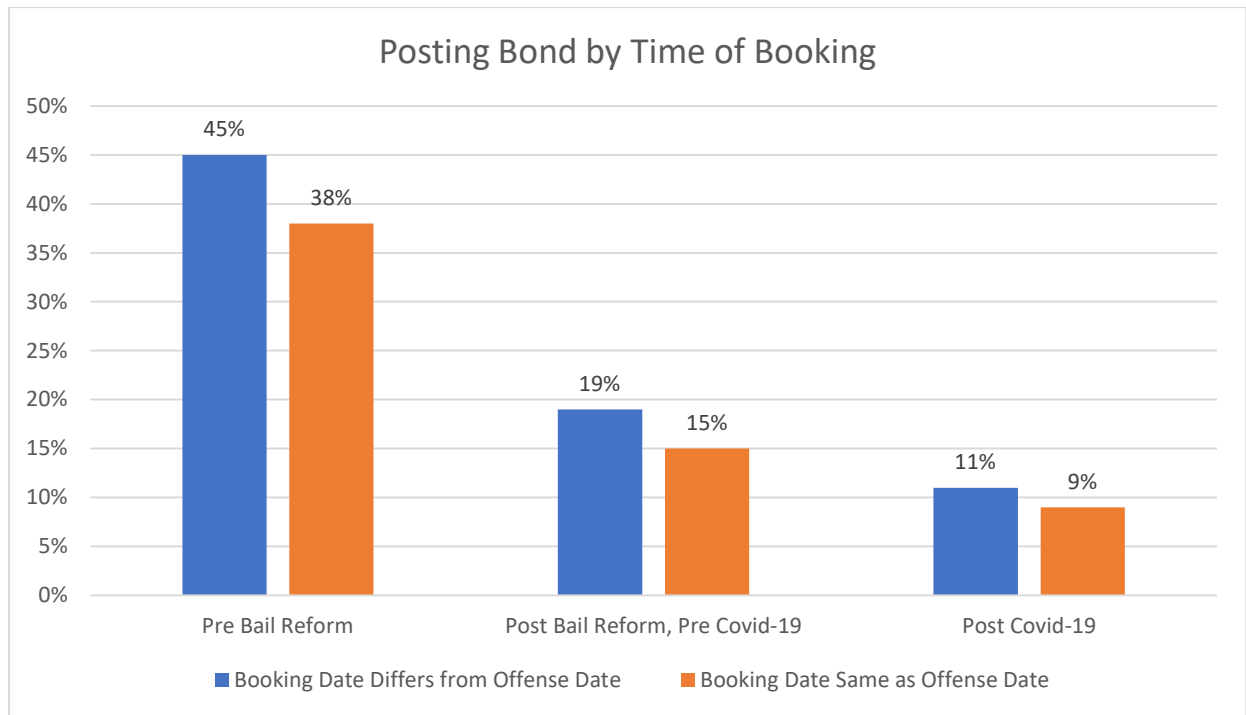
N=32,809; significant differences at $p < 0.001$ for all counties pre-bail reform, post-bail reform, and post Covid-19 except San Miguel, where pre/post-bail reform was significantly different but not post-bail reform and post Covid-19²

Use of Bond by Case Characteristics

Figure 11 (below) illustrates release by bond for those booked on the same day as the incident versus those booked later; this is separated by era. Regardless of the time period, those booked on the same day as the incident were less likely to post bond for their release than those booked sometime after the offense date. The rate at which individuals posted bond for their release declined for both groups, both after bail reform and even more after Covid-19. After Covid-19, the rate at which bond was posted to secure release was more similar between these two groups.

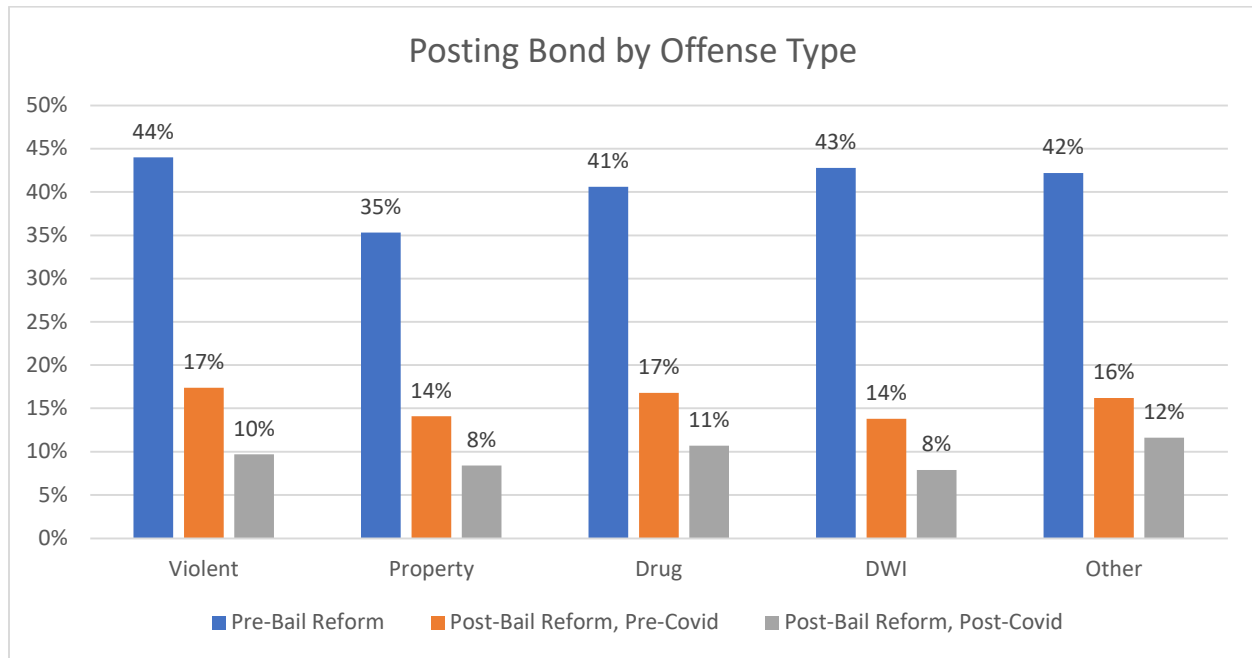
² Pre-bail reform percentages differ for some counties compared to prior reports because 1) there are additional cases included here that were not included previously; 2) prior errors in coding of the posting of bail were reconciled here (e.g., paid cash fine for release erroneously coded as posted bond)

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



Release with bond significantly decreased across all offense types following bail reform, and even more after Covid-19. Violent offenders, for example, were released with bond 44% of the time before bail reform and only 17% after the reform. This decreased to 10% after Covid-19. Notably, while there was some variation in release with bond by offense type prior to bail reform from 35% for property offenders to 44% for violent offenders, these differences decreased after bail reform. Post-bail reform, the rate at which individuals posted bond for release varied from 14% to 17%, and post Covid-19, from 8% to 12%. These results are illustrated below.

Figure 12. Rates of Felony Defendants Released with a Bond by Offense Type and Time Period



p < 0.001 for all pre/post comparisons within offense type

Use of Bond by Demographics

This section examines whether the posting of bond varies across demographic categories and over time. Table 10 (below) explores how and whether the posting and issuance of bond varies by age and/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-Reform		42% (855)	41% (1,298)	43% (774)	38% (376)	41% (187)	43% (869)	41% (2,621)
	Post Reform	Pre-Covid-19	15% (441)	17% (877)	17% (553)	16% (239)	15% (137)	15% (505)	17% (1,743)
		Post-Covid-19	10% (183)	10% (367)	10% (276)	8% (87)	7% (49)	8% (184)	10% (779)

p < 0.001 for all pre/post comparisons within age groups

After bail reform was in effect, the percent of those released on bond significantly decreased across all age groups. This decreased further after Covid-19 restrictions were enacted. While there are some

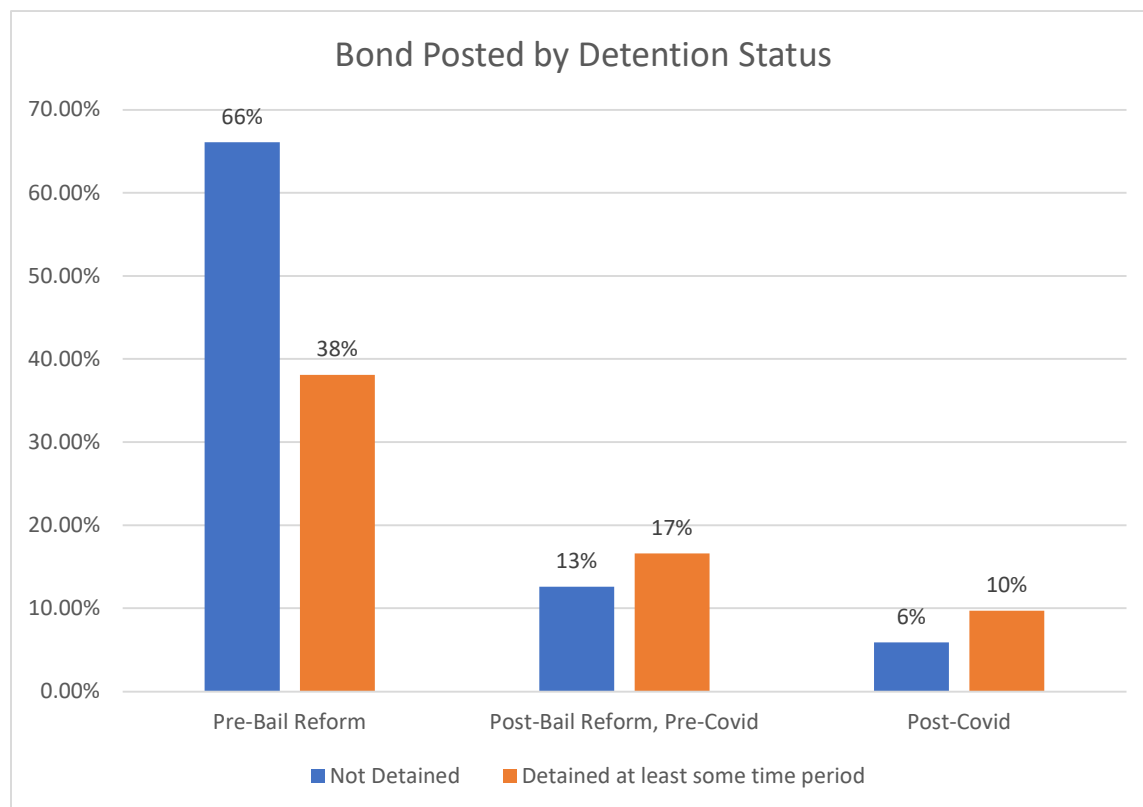
differences across age groups within each time period, these differences are only statistically significant for post-Covid-19 due to the lower rates of posting bond among those 45-54 and those 55 and over.

Similarly, pre-reform, males and females were released on bond at nearly the same rates (41% and 43% respectively). Post-reform, the proportion significantly decreased for both sexes to 17% (male) and 15% (female), and further still after Covid-19.

Use of Bond by Detention

Prior to bail reform, a significantly higher proportion of individuals (66%) who were not detained (were booked and released the same day) posted bond for their release compared to those detained for some amount of time (38%). Following bail reform, a significantly smaller proportion of individuals (13%) were booked and released after posting bond compared to those detained for some time (17%). Following Covid-19, those patterns remained the same, but even fewer posted bond the same day as booking (6%) compared to those detained for at least one day (10%). This is illustrated in Figure 13 below.

Figure 13. Rates of Misdemeanor Defendants Released with a Bond by Detention Status and Time Period



Summary and Discussion

Bail reform efforts began in New Mexico in 2017. Prior research found that bail reform in New Mexico was related to changes in pretrial release and detention practices. Specifically, researchers (Denman and Siegrist, 2020) found that defendants booked for a new felony offense posted bond less often after bail reform and spent a shorter amount of time in pretrial detention.

Bail reform efforts were well underway when the Covid-19 pandemic began. In response to the pandemic, a statewide stay-at-home order took effect on March 25, 2020 and restrictions remained in place until July 1, 2021. During this time, criminal justice officials adopted strategies to reduce the detention center population to mitigate the spread of Covid-19. The current report expands on prior studies by exploring whether Covid-19 influenced the trajectory of bail reform for defendants charged with a new felony offense.

The results indicate that following the onset of Covid-19, trends initially observed in the post-bail reform era continued. There were slightly lower rates of bond posting after Covid-19, and a slight decrease in the average amount of time accused felons spend in detainment. Overall rates of detention, that is, whether a defendant was booked and released or detained at least one day, remained the same over time. Pretrial detention rates and length, as well as the use of bond did vary over time by jurisdiction. There were also some differences by case characteristics and demographics.

Length of Stay

This study examined length of stay using multiple measures, including total number of days detained, average and median length of stay, and categorical length of detention. Each measure summarizes length of stay differently, but together, provides a comprehensive view of detention patterns. The total number of days detained describes the distribution of detention stays. Average (arithmetic mean) length of stay is a summary measure of all detention days, but is influenced by outliers, especially by very long periods of detention. The median represents the number of days above and below which half of the population remains in detention. Categorical length of stay describes the proportion of the population detained for specific periods of time. Each measure allows comparisons over time, across jurisdictions, and by other characteristics.

Overall, these measures indicate that length of stay decreased dramatically after bail reform and continued to decrease somewhat after Covid-19. Post Covid-19 differences are modest, however, compared to the pre-Covid but post-bail reform trends. For instance, prior to bail reform, felons spent an average of 36 days in detention, which decreased to 22 days on average after bail reform, then decreased again to 21 days after Covid-19. Furthermore, while the proportion of individuals booked and released for a new felony did not change over time, the proportion detained for one or two days increased from 26% prior to bail reform, to 43% after bail reform and 48% after Covid-19.

There was some jurisdictional variation both in terms of number of days detained and observed changes over time. There was a decrease in the median length of stay for all counties and in the average length of stay for most counties after bail reform. Additional decreases in median length of stay occurred after the onset of Covid-19 in most counties, but average length of stay increased in three counties after Covid-19. Decreases in average length of stay indicate the number of people with shorter stays increases, very long stays are less common, or both, while decreases in the median indicates the half of the population is released sooner. This suggests that the impact of bail reform on length of detention

was similar for nearly all counties with both a decrease in the number of days most people remain detained and overall length of detention except San Miguel County. In that county, the average number of days detained increased after bail reform, but median days detained decreased. The impact of Covid-19 varied, though, with some counties experiencing an increase in average days detained though median days detained decreased for all counties except Chaves County.

Average days detained for all offense types decreased after bail reform and remained similar after Covid-19 for most offense types. The most notable exception was DWI, where the average length of stay decreased by four days (18 to 14) after Covid-19. Median days detained, though, declined after bail reform and declined further or remained the same after Covid-19 indicating that half of the individuals were released sooner.

Similar results were found by demographic variables. Both average and median length of stay decreased after bail reform for both males and females and for age groups. Median days remained steady for each group after Covid-19, though there was some variation in average length of stay.

Rate of Detention

The rate of detention indicates the proportion of individuals who are detained for at least one day. Rates of detention did not change over time for this population; 89% of individuals booked for a new felony spent at least one day in jail. There were some variations in detention rates within and across counties, though. Rates of detention declined slightly in four counties after bail reform, but increased slightly in San Juan and San Miguel Counties. Rates of detention decreased after Covid-19 in four counties but increased in two (Chaves and San Juan). Still, the vast majority were detained at least one day.

Rates varied somewhat by the timing of the booking relative to the date of the offense. Those booked on the date of the offense were more likely to be detained. The rates of detention among those booked the same day as the offense did not vary much over time (from 95% pre-bail reform, to 94% after bail reform, further declining to 93% after Covid-19). While those booked after the offense date were less likely to be detained, the rates remained high. Prior to bail reform, 82% of those booked after the offense date were detained; this increased to 83% after bail reform but decreased to 80% after Covid-19.

Rates of detention by offense type are similar for most offenses overall and over time. Those charged with DWI, though, were detained at lower rates after bail reform (from 91% to 82%) with rates increasing slightly after Covid-19 restrictions to 85%. Detention rates hovered around 88%-90% for the remaining offense types, changing little over time.

Rates of detention were similar by age group and over time, though those between the ages of 18 and 24 were detained at slightly lower rates than those in any other age group. Although it is a small change (3%), it is interesting to note that rates of detention increased at each time period for women, such that their rates were equal to men after Covid-19 (89%).

Use of Bond

Overall, posting bond by new felony defendants declined significantly after bail reform and continued to decrease modestly after Covid-19. Prior to bail reform, these defendants posted bond 41% of the time; this declined to 16% after bail reform, with the rate at 9% after Covid-19.

While the rates at which individuals posted bond varied by county, rates declined across all counties after bail reform. Furthermore, in most counties, it continued to decline after the onset of Covid-19. Bond posting increased in Chaves County after Covid-19, however, from 13% after bail reform to 21%. Still, this was lower than prior to bail reform (34%).

Felony defendants booked on the same day as the offense were less likely to post bond compared to those booked later. While bond posting declined in both groups after bail reform and Covid-19, those booked on the same day as the offense continued to post bond at lower rates. The differences between these two groups, though, declined over time. It is not clear why those booked the same day as the offense posted bond at different rates. Overall detention rates were also higher among this group. Further research is needed to determine why this occurred.

There was little variation in the posting of bond by offense type prior to bail reform by offense type, except that those charged with a property offense posted bond less often. Similarly, prior to bail reform, there was little difference in posting bond by age group, except those between the ages 45 and 54 were slightly less likely to post bond for release than those in other age groups. Regardless of offense type or demographics, there was a decrease in the posting of bond both after bail reform and Covid-19.

Overall, the results indicate that within these six counties, bail reform greatly impacted length of stay, and Covid-19 was associated with further declines in the length of stay. Similarly, posting of bond declined over time. Neither bail reform nor Covid-19 were associated with changes in overall rates of detention.

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: booking and release data from six county detention centers, and court case filing and disposition data from the New Mexico Administrative Office of the Courts (AOC). 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 felony 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. Some bookings do not match because there was no court case filed but some do not match for other reasons.

Length of stay analyses are limited to the known initial detention period. Individuals released and later returned to custody at a future time related to the offense prompting the initial detention are not included. Consequently, the total pretrial detention period is underestimated for some defendants. Relatedly, the study includes only those booked for the first time for a new felony offense. Thus, this study does not represent release and detention practices for all felony defendants.

Additionally, while this study examines whether an individual is detained (rates of detention), this measure does not differentiate between those detained for some period of time and those detained for the entire pretrial period. Prior research suggests that there are changes in the rates of detention for these groups (see Denman and Siegrist, 2022). The current study did not differentiate between these groups due to insufficient data.

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. In other words, bonds are 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.

Despite these limitations, this study provides some insight into pretrial detention and release practices among new felony defendants both after bail reform and after Covid-19. Furthermore, this study illustrates notable variations across county, offense type, and booking circumstance related to posting bond and length of detention, and to a lesser extent, detention rates, illustrating the importance of contextual factors.

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. 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>
- 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 \(harvard.edu\)](#)
- 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. (2020). 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>

Appendix A: Methods and Variable Construction

Methods

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 felony 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 related to the district court case. 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.

The data in this study differed from earlier studies in two important ways. First, we found court cases that we had not found previously, either because the court case dataset we were working with had only disposed cases (and these had not yet been disposed) or because the merge was incomplete. This added a number of cases, especially to the pre-bail reform era for several counties. Second, in this study we used more restrictive criteria to define bookings for new felony cases. For example, if any of the court cases associated with the booking had been disposed previously, even if there was also a new court case, it was excluded. By applying these criteria, we created a more uniform “new felony” sample, reducing confounding factors. Table A.1. summarizes the key variable and measures used in this study.

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.
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

Appendix B. Number of Cases in Each County by Time Period

Figure B.1. Number of cases per county by Time Period

Pre Bail Reform		Post Bail Reform	Post Covid-19	Total
Chaves	963	1684	1220	3867
Doña Ana	1707	2905	2974	7586
Luna	515	593	899	2007
San Juan	2690	4193	2875	9758
San Miguel	544	827	876	2247
Santa Fe	2081	2915	2351	7347
Total	8500	13117	11195	32812