

● FAST FACTS ●

Bail Reform and Covid-19 in New Mexico

Impact on Detention Center Populations, Felony and Misdemeanor Defendants

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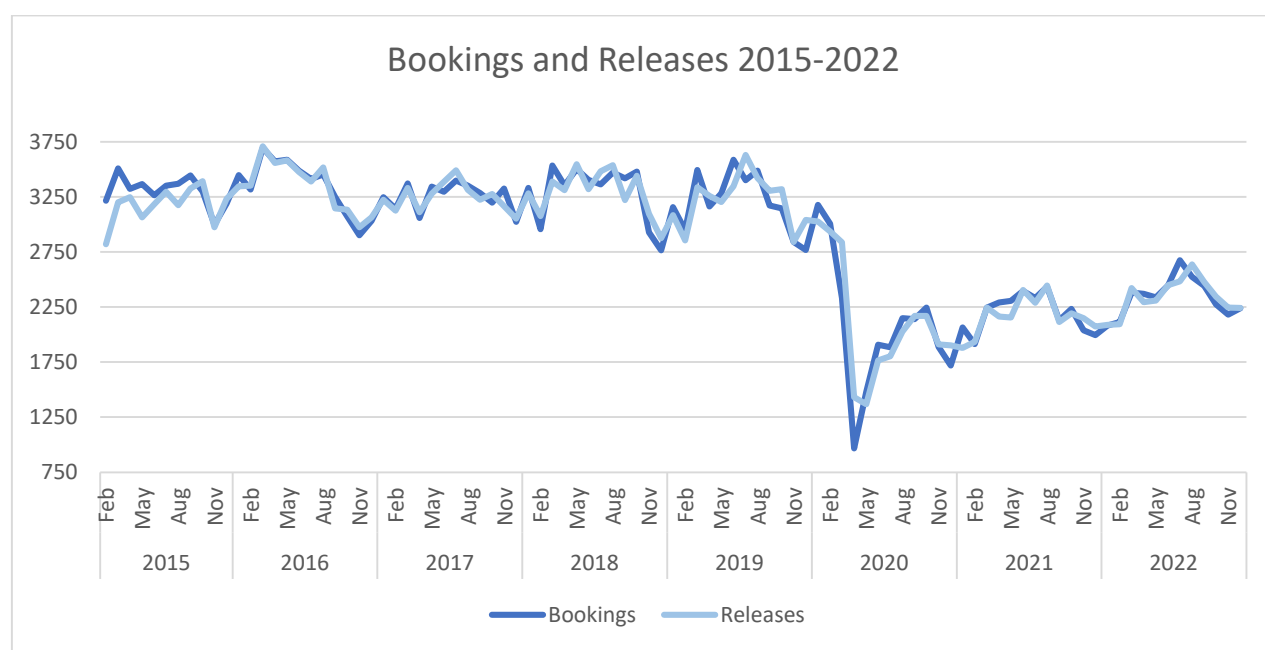
The NMSAC completed three distinct but related reports that examine the effects of bail reform and the Covid-19 pandemic on pretrial release practices and detention patterns in six New Mexico Counties. One report focuses on the impact of bail reform on misdemeanor cases, assessing changes in the use of bail to secure release, rates and length of detention, and plea bargaining, with attention to how the pandemic may have further influenced these trends. A second report extends our prior work on the impact of bail reform on felony defendants, exploring whether bail practices and detention patterns observed after bail reform were altered as a result of the Covid-19 pandemic. A third report moves beyond the focus on pretrial detention to examine bookings, releases, average daily population, and length of stay in detention centers before and after both bail reform and the onset of the pandemic. Taken together, these reports highlight how bail reform and the COVID-19 pandemic jointly influenced pretrial detention and release practices. This report highlights some of the findings from these three reports.

The data include defendants booked between 2015 and 2022 for new felony offenses (n=32,812), new misdemeanor offenses (n=58,919), and all detainees (N=276,025) at six NM county detention centers: Chaves, Dona Ana, Luna, San Miguel, Santa Fe, and San Juan.

Bookings and Releases

The figure below illustrates the total number of bookings and releases by month between 2015 and 2016. There is a precipitous decrease in both with the onset of Covid-19 increasing thereafter but not reaching pre-Covid-19 levels by the end of 2022.

- Bookings and releases followed seasonal patterns, increasing in the spring and summer months and declining in the fall.
- Bail reform does not appear to have influenced booking and release patterns.
- Bookings and releases declined with the onset of Covid-19 across all counties, but booking and release patterns both prior to Covid-19 and after varied by county.

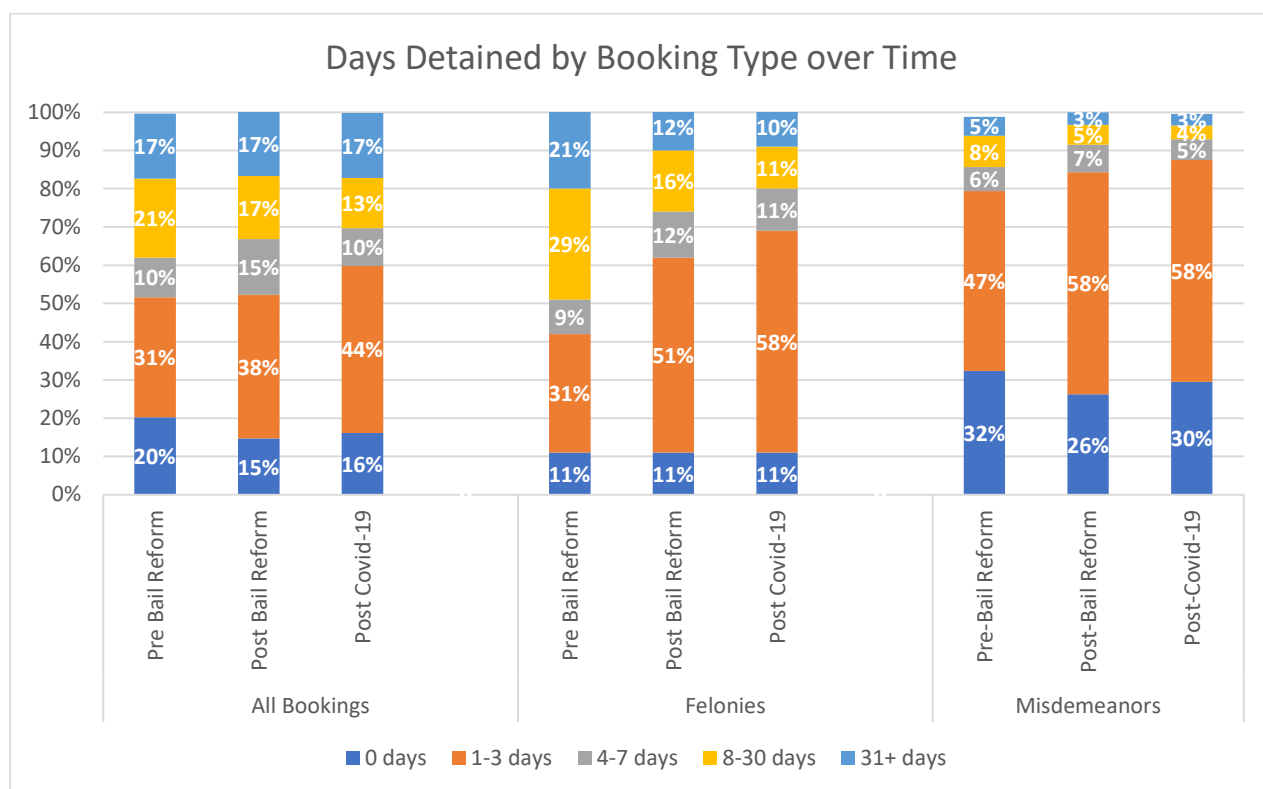


N=276,025

Detention Rates

The figure below illustrates the number of days individuals were detained grouped into categories.¹ Rates of detention varied by group and by time. Those charged with a new misdemeanor offense were least likely to be detained. While not illustrated below, detention rates varied significantly by county for bookings overall and for misdemeanors bookings, but not new felony bookings.

- After bail reform, the proportion of detainees who were booked and released (0 days detained) decreased for the population overall and for misdemeanants; there was no change for felony defendants; this rate increased slightly after Covid-19.
- Most detainees were held between one and three days.
- The proportion of those detained between 1 and 3 days increased after bail reform for all three groups, and either remained the same or increased after Covid-19
 - The increase for felony defendants was especially notable, from 31% pre-bail reform to 51% after bail reform.
- The proportion detainees for 30 days or more overall did not change but declined for both felony and misdemeanor defendants.



¹ The length of stay for those booked on new felonies or misdemeanors includes only the pretrial period; length of stay for all bookings captures their entire time in the detention center. Rates of detention refer to whether individuals remained in custody for one or more days: not detained is 0 days, and detained is one or more days.

Median and Average Length of Stay

The median and average length of stay varied for each group and over time.

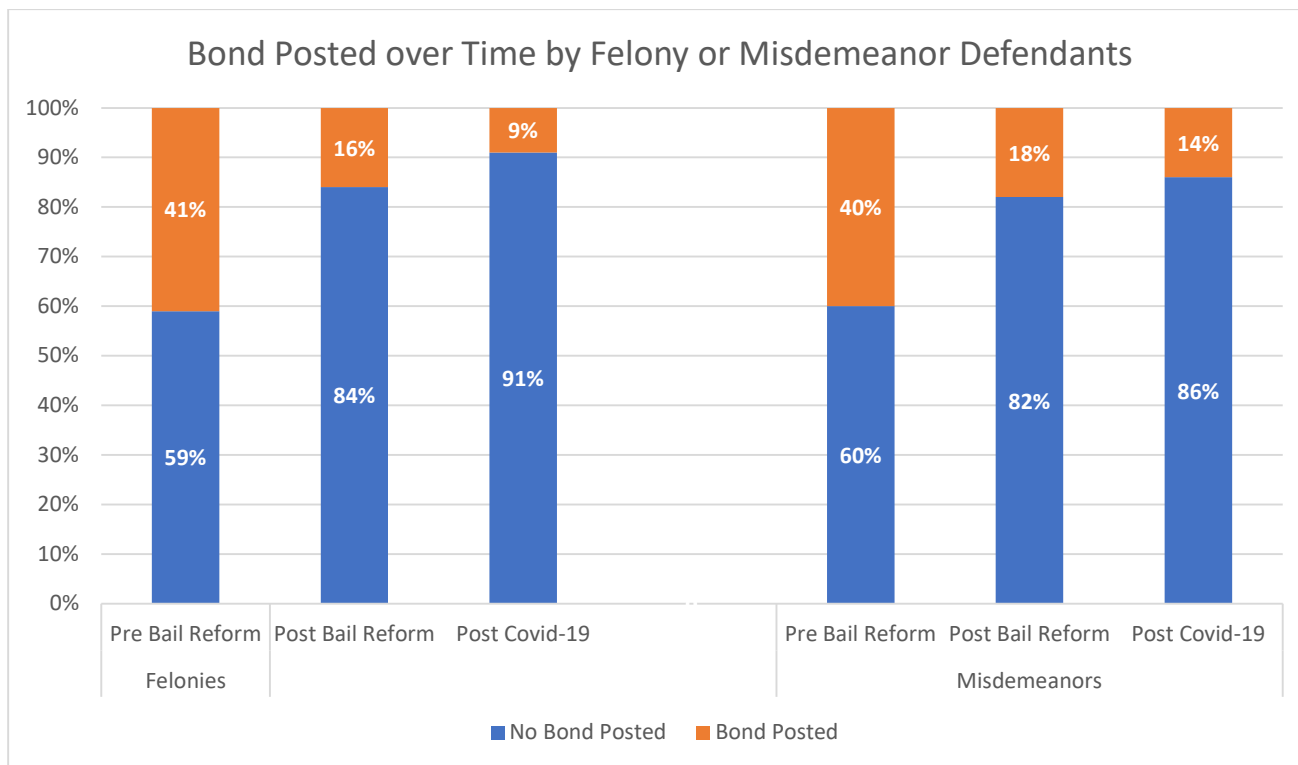
- The average and median days detained for all bookings remained the same after bail reform but decreased following Covid-19 (from 3 both pre-bail reform and after bail reform to 2 days)
- Both average and median days detained declined after bail reform (from 36 days to 22 days, and from 7 days to 2 days, respectively) for those booked on new felony offenses, and remained about the same after the onset of Covid-19
- The average days detained decreased slightly after bail reform for misdemeanor defendants, but the median days detained (1 day) remained the same.
 - There were no differences for this group after Covid-19.

	Pre bail reform		Post bail reform		Post Covid-19	
	Mean (std. dev.)	Median	Mean (std. dev.)	Median	Mean (std. dev.)	Median
All bookings	24 (63)	3	24 (69)	3	28 (78)	2
Felony defendants	36 (96)	7	22 (80)	2	21 (81)	2
Misdemeanor defendants	5 (16)	1	4 (13)	1	4 (16)	1

Release with Bond

The rate at which individuals in this sample posted bond, whether booked for a new felony or misdemeanor, was similar at each period. Both groups posted bond significantly less often after bail reform, with rates decreasing even more after Covid-19 restrictions.

- Prior to bail reform, approximately 40% of detainees in both the felony and misdemeanor samples posted bond.
- After bail reform, 16% of felony defendants posted bond and 18% of misdemeanor defendants posted bond.
- After Covid-19, bond posting rates declined for both groups, with misdemeanor defendants posting bond at slightly higher rates than those booked for a new felony offense (14% and 9%, respectively)



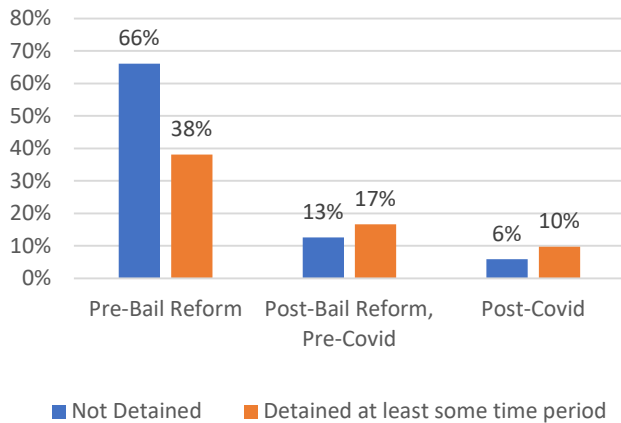
Felony N= 32,809 Misdemeanor N =58,914

Release with Bond by Detention Status

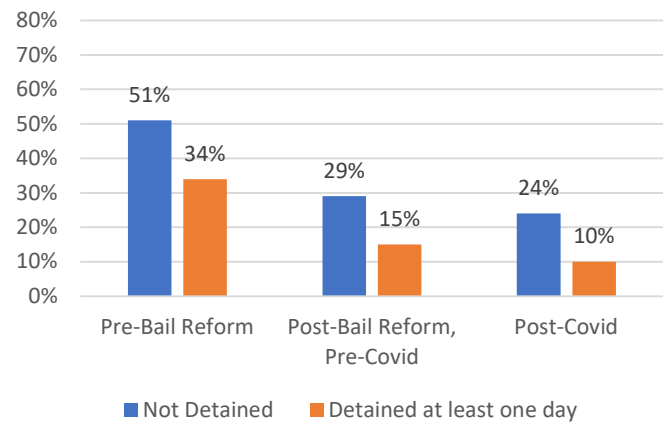
The two charts below illustrate bond posting by detention status, comparing felony defendants to misdemeanor defendants. The rate at which individuals posted bond varied by detention status and whether booked for a new felony offense or new misdemeanor. These rates declined for all groups after bail reform, and even more after Covid-19.

- Prior to bail reform, individuals who were booked and released (not detained) posted bond at higher rates than those detained.
- After bail reform, individuals booked and released on felony charges were significantly less likely to post bond than prior to bail reform, and less likely to post bond than those detained on felony charges.
- Individuals booked and released on misdemeanor charges posted bonds at much lower rates after bail reform, but continued to post bond at higher rates than those detained for a misdemeanor and those booked for a felony, whether detained or not.
- After Covid-19, all groups posted bond at lower rates, with post-bail reform patterns continuing.

Bond Posted by Detention Status:
Felonies



Bond Posted by Detention Status:
Misdemeanors



Key Takeaways

- Overall, bookings and releases fluctuated until Covid-19, then declined sharply after the pandemic, indicating Covid-19 had a greater impact on the detention population overall than bail reform.
- Bail reform was associated with a greater proportion of people detained overall, but this varies by offense severity. Defendants booked for a new misdemeanor were detained more often after bail reform, but detention rates remained the same for new felony defendants.
- All groups experienced shorter periods of detention after bail reform.
- Both new felony and misdemeanor defendants posted bond at significantly lower rates after bail reform, a pattern that continued after the onset of Covid-19.
- Prior to bail reform, both felony and misdemeanor defendants posted bond at higher rates when they were released the same day as booking. While both groups posted bond at lower rates after bail reform, the patterns for misdemeanor and felony defendants varied by detention status. It is unclear from these data why that would occur, but it is a finding that would benefit from further research.

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

New Mexico Statistical Analysis Center
Email: nmsac@unm.edu
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