



## State of New Mexico Office of the State Auditor

CONSTITUENT SERVICES  
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November 20, 2019

Via E-mail ([metrrpl@nmcourts.gov](mailto:metrrpl@nmcourts.gov))

Mr. Robert L. Padilla  
Court Executive Officer  
Bernalillo County Metropolitan Court  
401 Lomas Blvd NW  
Albuquerque, New Mexico 87102

***Re: Special Audit of the Bernalillo County Criminal Justice System***

On May 23, 2018, then State Auditor Wayne Johnson designated a special audit of seven (7) different entities within the Second Judicial District. Former State Auditor Johnson indicated the objective of the designation was to identify weaknesses in the processes from arrest to confinement, which potentially reduce the overall effectiveness of the criminal justice system in Bernalillo County. The original concept for the designations was to have each of the seven (7) entities reviewed independently and, upon completion, the Office of the State Auditor (OSA) was to consolidate the findings into one (1) comprehensive report. This original concept has been re-evaluated and based on the circumstances, the OSA has determined consolidating the results will not provide readers with the comprehensive understanding initially contemplated.

In response to the designation, on June 26, 2018, the Second Judicial District Court requested an opinion from the New Mexico Office of the Attorney General (NMAG) regarding whether the OSA's designation for this purpose exceeded the OSA's constitutional authority. Despite that request, five (5) of the engagements were completed and the reports are available on the OSA's website. The Bernalillo County Sheriff's Office and the Metropolitan Detention Center reports were combined and OSA has released four (4) separate reports. The two (2) remaining entities designated for the special audit, the Law Office of the Public Defender and the Albuquerque Police Department have not complied with the special audit designation pending receipt of an opinion from the NMAG. As of this date no opinion has been issued.

In this instance the special audit of the criminal justice system in Bernalillo County did not have a sufficiently defined scope to properly analyze the system in its entirety. Instead the scope emphasized process and did not sufficiently consider the complexity of the criminal justice system as a whole and the many nuances relating to the protection of defendants' constitutional rights, victims' rights, and adherence to statutes and rules of criminal procedure. Despite these issues, recommended actions presented in each of the reports and observations from other evaluations are intended to improve the best practices of each of the agencies involved.

At the time of the designation of this special audit by former State Auditor Johnson, the Legislative Finance Committee (LFC) was in the final stages of completing its own evaluation of the Bernalillo County criminal justice system. Initiated in late 2017, the LFC sought to assess trends and the current situation of crime and the justice system as a whole. That report, #18-05, was published on July 19, 2018 and is a comprehensive 123 page evaluation with recommendations and responses.

After thorough review and in light of the contemporaneous evaluation of the Bernalillo County Criminal Justice System made by the LFC it was found that the special audit initiated by former Auditor Johnson was superfluous. Moreover, taken together the completed reports from the special audit and the LFC amount to a comprehensive review of the Criminal Justice System in Bernalillo County.

Therefore, it has been determined that the OSA will not enforce the designation of the final two (2) engagements as the information and data presented in the LFC report in conjunction with those contained in the completed special audit reports together provide a sufficient basis to evaluate the system. At this time the OSA is concluding the Criminal Justice Special Audit and encourages all entities to consider the recommendations to improve the Bernalillo County Criminal Justice System.

Respectfully,



Brian S. Colón, Esq.  
New Mexico State Auditor



**REPORT OF INDEPENDENT ACCOUNTANT'S  
CONSULTING PROCEDURES**

**BERNALILLO COUNTY METRO COURT – SPECIAL AUDIT**

**JANUARY 15, 2019**

**BERNALILLO COUNTY METROPOLITAN COURT  
CONSULTING PROCEDURES FOR SPECIAL AUDIT  
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## REPORT OF INDEPENDENT ACCOUNTANT'S CONSULTING PROCEDURES

To the Bernalillo County Metropolitan Court (BCMC) and  
The Honorable Sandra Engel, Chief Judge  
Albuquerque, New Mexico and  
Mr. Brian Colòn Esq., New Mexico State Auditor  
Santa Fe, New Mexico

**Subject: Consulting Services re: Bernalillo County Metropolitan Court Special Audit**

Dear Chief Judge Engel and Mr. Colòn:

Thank you for the opportunity to work with you on this special audit regarding Bernalillo County Metro Court (BCMC or the Court), intended to assess issues regarding crime and recidivism in Albuquerque, New Mexico<sup>1</sup>. This report summarizes our procedures, findings, and recommendations as it relates to our assistance to BCMC.

We have performed the consulting procedures enumerated below, which were written by the NM Office of the State Auditor (OSA) and agreed to by BCMC, solely to assist you in completing the special audit engagement required by OSA. OSA has designated multiple agencies for this special audit engagement. The period used for case file testing was July 1, 2017 through October 15, 2018.

This consulting engagement was conducted in accordance with Standards for Consulting Services established by the American Institute of Certified Public Accountants. The scope of this engagement is outlined in the body of our report. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the consulting procedures described below either for the purpose for which this report has been requested or for any other purpose. The Court remains responsible for their accounting records, funds, fraud prevention and detection, and for maintaining effective internal controls over financial statements and compliance.

### BACKGROUND

#### OSA Designation of BCMC for Special Audit

OSA is charged with the constitutional and statutory duty to examine the financial affairs of governmental agencies within New Mexico that receive public money. Pursuant to Section 12-6-3 (C) NMSA 1978 ("Audit Act"), in addition to the agency's annual financial audit, the State Auditor "may cause the financial affairs and transactions of an agency to be audited in whole or in part." In accordance with Section 2.2.2.15 NMAC ("Audit Rule"), the State Auditor may initiate a special audit engagement regarding financial affairs and transactions of an agency or local body based on information it receives.

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<sup>1</sup> State of New Mexico Bernalillo County Metropolitan Court's RFP No. 18-003 State Fiscal Year 2019  
4700 Lincoln Rd NE Albuquerque NM 87109 [www.JAGnm.com](http://www.JAGnm.com)

To the Bernalillo County Metropolitan Court (BCMC) and  
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Former State Auditor, Wayne Johnson, has designated, along with BCMC, six other agencies involved in the criminal justice system in the Second Judicial District for special audit<sup>2</sup> in order to *“identify weaknesses in the [criminal justice] system from arrest to confinement which [the State Auditor believes] are reducing the overall effectiveness of criminal justice activities by each agency”*<sup>1</sup>:

Second Judicial District Court (SJDC)	Albuquerque Police Department (APD)
Law Offices of the Public Defender (LOPD)	Metropolitan Detention Center (MDC)
Bernalillo County District Attorney (BCDA)	Bernalillo County Sheriff’s Office (BCSO)

The scopes of the special audits were tailored to fit each agencies’ unique roles and duties. The scope of BCMC’s special audit is detailed later in this report.

Milieu Prompting the Special Audit

The New Mexico Legislative Finance Committee (LFC) summarized<sup>3</sup> the core issues well: “Crime is expensive and Albuquerque has among the highest crime rates in the nation. Victims pay the highest price, but taxpayers also bear the financial burden of enforcement, prosecution, incarceration, prevention, and intervention. Communities also pay, through lower property values, underperforming schools, broken families, and numerous other social costs. This LFC review of crime and criminal justice in Bernalillo County where high crime has attracted local concern and national attention, finds *a system that suffers from critical gaps between reality and best practices of law enforcement, jurisprudence, and incarceration.*

“The high incidence of crime in Bernalillo County and the state as a whole prompted the courts and criminal justice agencies to seek significant increases [of funding] during the 2018 legislative session....As social conditions deteriorated [since 2011], the criminal justice system held fewer and fewer people accountable while crimes continued to increase....Jurisprudence agencies – courts, district attorney’s and public defenders – must focus on timeliness of case resolution and diversion to treatment programs....if reform efforts and cooperation are not improved and maintained, and system performance is not monitored, the potential for failure remains.”

Albuquerque crime rates rank in 2016 (among the 30 largest United States cities): 1<sup>st</sup> in all crime, 5<sup>th</sup> in violent, 1<sup>st</sup> in property, 14<sup>th</sup> in murder, and 2<sup>nd</sup> in motor vehicle theft<sup>4</sup>. Furthermore, Albuquerque is ranked: 1<sup>st</sup> in increases in all crime (26%), 4<sup>th</sup> in increases in violent (26%), 1<sup>st</sup> in increases in property (26%), and 1<sup>st</sup> in increases for murder (102%), while on average over the same period, crime decreased in the 30 largest cities by 2.8%. This, understandably, has triggered growing public alarm.

Certain other factors and attempted reforms in the Bernalillo County judicial system environment include: Federal Department of Justice (DOJ) Settlement Agreement with APD (November 2014), Case Management Order (CMO) of SJDC (February 2015), Bernalillo County imposes 1/8% gross receipts tax for behavior health services (February 2015), a Constitutional Amendment/Bail Reform (November 2016), and Updates to the Rules of Civil and Criminal Procedure and Forms (effective for all cases pending or filed on or after December 31, 2017).

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<sup>2</sup> Letter from State Auditor Wayne A. Johnson to Honorable Edward L. Benavidez, Chief Judge of BCMC, May 23, 2018

<sup>3</sup> LFC’s Review of the Criminal Justice System in Bernalillo County, Report #18-05, July 19, 2018

<sup>4</sup> FBI UCR, Brennen Center for Justice; UNM Institute for Social Research noted in LFC’s Status Report of their Review, January 15, 2018

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Regarding the CMO, it is the position of the Law Offices of the Public Defender that the CMO is working as intended. While some problems like overcrowding at the jail and years-long delays between indictment and trial are largely a thing of the past, other issues like non-provision, detrimentally-late provision of discovery, and high number of *nolle prosequis* are still a feature of the Bernalillo County judicial landscape<sup>5</sup>.

After receiving proposals and allowing a public comment period, the Supreme Court adopted revised rules to govern the pre-trial release and detention of criminal defendants. Those rules became effective July 1, 2017. They are to ensure that pre-trial release practices conform to requirements of a voter-approved amendment to the New Mexico Constitution, longstanding federal and state constitutional law, and principles in place since 1977 when pre-trial release rules for the state courts were initially promulgated. Like the Federal Bail Reform Act of 1966, the New Mexico rules have always required that a person charged with a crime – who has not been adjudicated guilty – should be released pending trial on the least restrictive conditions necessary to minimize flight risk and assure public safety. The rules also have always instructed judged that money bonds may be imposed only if nonfinancial release conditions are inadequate to ensure a defendant’s return to court<sup>6</sup>.

Meanwhile, new cases have declined steadily over the years from 109,000 to 53,000; corresponding with the decrease in APD traffic stops, calls for service, and misdemeanor arrests.

There are existing experts in criminal justice, court processes, and state and federal constitutional and statutory rights who are already at work on the crime and justice issues in Bernalillo County. There are boards, councils, committees, and consortiums such as:

Bernalillo County Criminal Justice Review Commission (BCCJRC) – Predecessor to the BCCJCC <sup>7</sup>	NM Supreme Court’s Ad Hoc Bernalillo County Criminal Justice Review – Predecessor to the BCCJCC <sup>8</sup>	Bernalillo County Criminal Justice Coordinating Council (BCCJCC) – City and County’s joint data collection and analysis – includes subcommittees and work groups <sup>9</sup>
Criminal Justice and Public Safety Task Force – see also HJS/HJM 16	NM Legislative Finance Committee – Review of Bernalillo County Crime Statistics in 2017 and Criminal Justice Review in 2018	Second Judicial District Court – Local Rule LR2-308, formerly LR2-400, Case Management Order (CMO) <sup>10</sup> , February 2015
Law Offices of the Public Defender	NM Criminal Defense Lawyers Association	Bernalillo County Addiction Treatment Advisory Board
Bernalillo County Detention Facility Management Oversight Board	Bernalillo County DWI Planning Council	Albuquerque Bernalillo County Government Commission – includes steering committee and four subcommittees

<sup>5</sup> Official Report of the Law Offices of the Public Defender on the SJDC Memorandum regarding the CMO, September 28, 2017.

<sup>6</sup> See generally *State v. Brown*, 201-NMSC-038, 338 P.3d 1276; Excerpt from NM Judiciary’s website.

<sup>7</sup> BCCJRC was created in 2013, by NM Legislature’s HB 608, to review the criminal justice system in Bernalillo County; its existence ended June 30, 2015 per NM Laws 2013, ch. 199 § 1.

<sup>8</sup> On recommendation of the Administrative Office of the Courts, the NM Supreme Court established this to continue the work of the BCCJRC; its term ended June 30, 2016 and on Dec 14, 2016, the NM Supreme Court ordered it terminated.

<sup>9</sup> Supreme Court issued an order requiring establishment of Local Criminal Justice Coordinating Councils in each judicial district in NM. BCCJCC on October 26, 2016. On November 15, 2016, an MOU was executed for the formation and operation of BCCJCC. On December 14, 2016, the Supreme Court officially recognized it with an order (No. 16-8110).

<sup>10</sup> Case Management Order (CMO) in District Court established deadlines and timelines for case adjudication intended to conserve stakeholder resources and promote efficiency.

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City of Albuquerque (COA) Civilian Police Oversight Agency	COA Community Policing Councils (six total)	COA Forensic Intervention Consortium,
NM Supreme Court's Ad Hoc Committee on Pre-Trial Rules and the Data Justice Initiative	COA Mental Health Response Advisory Claims	COA Police Oversight Board

Former State Auditor Johnson wrote<sup>11</sup> that those groups have policymaking goals and are largely made up of stakeholders who work within the system. He asserted the [special] audit intends to "look quite simply at the various processes and look at weaknesses within the system that reduce the effectiveness of the agencies' missions." He applauded existing efforts and hoped to build on them, but recent crime statistics suggest "something is not working as it should.

"The Special Audit designated by this office provides something that no other review has provided - an independent audit by trained professionals whose specialty is the review of policies and analysis of systems," Johnson wrote. "Finding waste, fraud, and abuse is a statutory mandate of this office, and nothing is more wasteful and harmful to New Mexicans than a dysfunctional criminal justice system."

The LFC verily indicates the same about the groups, concluding<sup>3</sup>, "Data sharing, coordinated planning, and working toward common solutions continue to be issues across the [criminal justice] system.... Across agencies there is an inability to pull data quickly and efficiently from multiple systems."

It appears OSA anticipated identifying weaknesses by reviewing the flow of data in/out/between the seven entities designated for special audit, as another catalyst to promulgate solutions.

*BCMC's Role in the Second Judicial District's Criminal Justice System*<sup>12</sup>

The New Mexico State Legislature established the Bernalillo County Metropolitan Court in 1980. It consolidated the functions of Albuquerque Municipal Court, Bernalillo County Magistrate Court and Small Claims Court into a single court operation. It is the only court of its kind in the state of New Mexico.

The Metropolitan Court is a court of limited jurisdiction. That means it handles petty misdemeanor and misdemeanor crimes that carry a maximum jail term of 364 days and fines of up to \$1,000. The Civil Division presides over cases in which the amount in dispute does not exceed \$10,000, subject to the other jurisdictional limits of the court. The judges at Bernalillo County Metropolitan Court also conduct Felony First Appearances and Preliminary Examination Hearings.

The Court was designated as a court of record in 1994 for domestic violence (DV) and driving while intoxicated (DWI) cases. It is also a court of record for Civil cases. That means that on appeal, the defendant does not get a new trial, but the case record is reviewed by a District Court judge to determine if a legal error was made.

In 1997, the Court established a DWI/Drug Court. Since then, the court has established ten additional specialty court programs; Behavioral Health DWI Court, Community Veterans Court, Competency Court, Courts to School, Domestic Violence Early Intervention Program, Domestic Violence Solutions Treatment Education Program, Outreach Court, Mental Health Court, Pre-Adjudication Animal Welfare Court and the Urban Native American Healing to Wellness Court.

<sup>11</sup> Albuquerque Journal, "Court seeks AG's opinion on state auditor's plan", June 26, 2018.

<sup>12</sup> <https://metro.nmcourts.gov/history-of-the-courthouse.aspx>



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BCMC has 19 judges: 16 in the Criminal Division and 3 in the Civil Division. Unlike other courts of limited jurisdiction in New Mexico, all Metropolitan Court judges are attorneys who have practiced law for at least three years. The Court is staffed by about 340 full-time employees and has the following Divisions:

Administrative*	Background Investigations*	Case Preparation & Records*
Civil Unit	Self-Help	Courtroom Support & Pleadings*
Customer Service*	Compliance & Close-Out*	Facility Management
Finance & Purchasing*	Information Technology*	Mediation
Office of the General Counsel*	Communications & Public Outreach*	Probation – Standard Supervision & Specialty Court Programs*

\* Indicates a Division that contributed information and staff to complete the special audit.

BCMC’s jurisdiction does not cover federal cases or these state functions<sup>13</sup>, which are handled by the Second Judicial District Court:

- Domestic relations (e.g. divorce, annulment, separation, custody, support, guardianship, dependency of children or adoption)
- Malicious prosecution, libel or slander
- Title to land or boundary disputes
- Specific performance for the sale of land
- Misconduct by public officers
- Restraining order, habeas corpus, extraordinary writs or injunctions
- Name changes
- Any civil matter where the amount in controversy is greater than \$10,000
- Any felony matter (with the exception of felony first appearances)
- Any criminal matter involving a juvenile (child under the age of 18) with the exception of traffic court

The DA may initiate felony charges in either BCMC or the SJDC. In any event, the New Mexico Constitution requires that under most circumstances, no person shall be held to answer for a felony “unless on a presentment or indictment of a grand jury or information filed by a district attorney or attorney general or their deputies.”<sup>14</sup> A criminal action can be generally initiated in BCMC with the filing of a criminal complaint<sup>15</sup>.

Rule 7-201 (A)(1) NMRA. In most cases, a felony complaint will be filed in BCMC and will be governed by Rule 7-201. The Court has jurisdiction over preliminary examinations in any criminal action, and if the action otherwise exceeds the Court’s jurisdiction, the Court may “commit to jail, discharge or recognize the defendant to appear before the district court as provided by law.”<sup>16</sup>

Rule 7-202 (A)(1) NMRA, which has been in place since 1992 requires a preliminary examination to take place within 10 days if a defendant is in-custody and 60 days if a defendant is out of custody. This is commonly referred to as the “10-day rule”. In the SJDC however, cases rarely proceed from a BCMC complaint through preliminary examination in BCMC. Instead, complaints are filed and then re-indicted or re-filed in the district court within the time period for the preliminary examination.

<sup>13</sup> <https://metro.nmcourts.gov/what-metropolitan-court-doesnt-do.aspx>

<sup>14</sup> NM Const. Ar. II, § 14

<sup>15</sup> Second Judicial District Court Case Management Order: A 2016 and 2017 Functional Assessment

<sup>16</sup> NMSA 1978, § 35-3-4(A), (C) (1985); NMSA 1978 § 35-8A-3 (2001)

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A simplified flow through the criminal justice system starts when law enforcement gathers evidence on a crime, makes an arrest, and the defendant is placed in detention. The SJDA then initiates prosecution in Metro Court, potentially offering an early plea deal, a defense attorney is assigned, and the court sets the conditions of release from the detention facility. The defendant is placed on pretrial services, who monitor compliance with conditions of release and report violations. The SJDA collects initial evidence from police, shares it with the defense, and determines the strength of the case. The SJDA will then attempt to indict the defendant on the charges that it can prove with probable cause to have been committed and makes a plea offer to the defendant based on the strength of the case and the potential penalties caused by the indicted charges. If the plea is rejected, the case proceeds to trial, where deadlines are imposed on collecting and sharing further evidence and additional plea negotiations can commence. If the defendant is found guilty by a jury beyond a reasonable doubt, they are sentenced by a judge in the case and could be sent to incarceration or conditional probation, where they are monitored by the Department of Corrections for compliance<sup>3</sup>.

The mission of the Judiciary is to protect the rights and liberties of the people of New Mexico guaranteed by the Constitution and laws of the state, to resolve legal disputes fairly, and to ensure justice for all. Fundamentally, BCMC is a lower court jurisprudence agency, for more minor disputes and crimes, with a high volume of cases.

## EXECUTIVE SUMMARY

### *Summary of BCMC's Special Audit Results*

The special audit procedures indicate that, largely, BCMC has very well-documented policies and procedures, low turnover of employees (both in management and staff), clean external audits with no findings<sup>17</sup> over their internal controls of finances or compliance, and efficient and effective processes. We also noted proactive use of information technology and a customer-focused culture that, while disciplined, is open to our procedures and recommendations.

We have two recommendations on matters which are primarily in BCMC's direct control but do not appear to form significant weaknesses in the system from arrest to confinement which are reducing the overall effectiveness of criminal justice activities. These recommendations are:

1. Use BCMC case and MDC booking numbers instead of personal identifiable information in emails sent from background investigators to the jail.
2. Continue to address the large backlog of archiving and destroying old case files in accordance with BCMC's requirements for record retention.

Additionally, we have recommendations to improve the overall effectiveness of criminal justice activities, which would require collaboration with other entities and/or an increase in funding:

3. Ensure the video conferencing works well in the building at 400 Roma to ensure interviews may be performed as planned and on-schedule.
4. Explore changing laws relating to original paperwork being required, such as County warrants and paperwork from the jail. With technology advances, there could be a way to verify documents are approved as originals electronically so that runners do not have to waste time physically picking up and delivering paperwork by hand.

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<sup>17</sup> [https://www.saonm.org/media/audits/244\\_Bernalillo\\_County\\_Metropolitan\\_Court\\_FY2017.pdf](https://www.saonm.org/media/audits/244_Bernalillo_County_Metropolitan_Court_FY2017.pdf)

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5. Ensure that courtrooms have complete information on-hand at the necessary time, such as status/location of inmates and the 10-day rule date, so the attorneys and judges can make fully informed decisions.

Finally, our procedures confirmed other recommendations, which BCMC and other stakeholders may already be addressing:

6. Increase referrals to specialty courts so they are better utilized.
7. Increase staffing in areas such as Behavioral Health and Supervision.
8. Maintain supporting data tracking recidivism and specialty court effectiveness so it is readily available to stakeholders and to facilitate management decisions. Tracking performance measures for unique defendants across BCMC and SJDC, with two separate pre-trial services programs with different conditions, is difficult to do.
9. Continue to monitor the effectiveness of the Arnold Foundation tool (including the FTA rate) and the impacts of the Constitutional Amendment regarding bail reform and initiate changes.

## ACRONYMS/DEFINITIONS

**AOC** – Administrative Offices of the Courts  
**APD** – Albuquerque Police Department  
**BCCCJCC** – Bernalillo County Criminal Justice Coordination Council  
**BCCJRC** – Bernalillo County Criminal Justice Review Commission  
**BCSO** – Bernalillo County Sheriff’s Office  
**BH** – Behavioral Health  
**CMO** – Case Management Order  
**DOJ** – Department of Justice  
**FBI** – Federal Bureau of Investigation  
**FTA** – Failure to Appear  
**LOPD** – Public Defender  
**MDC** – Metropolitan Detention Center (Bernalillo County)  
**NIJ** – National Institute of Justice  
**NMCD** – New Mexico Corrections Department (state prisons)  
**NMSC** – New Mexico Sentencing Commission  
**NMSP** – New Mexico State Police (see PDS)  
**PSA** – Pre-trial Services Assessment  
**PTS** – Pre-trial Services  
**SJDA** – Second Judicial District Attorney  
**SOP** – Standard Operating Procedures

**Adjudication** – whether or not the case was processed through the court system.

**Conviction** – whether or not the individual was convicted.

**Incarceration** – whether or not the arrest resulted in a jail or prison sentence.

**Imprisonment** – whether or not the arrest resulted in a prison sentence.

**Return to Prison** – whether or not the individual was returned to prison for either a parole or probation violation or for a new arrest.

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**Recidivism** – a relapse into criminal behavior.

**LFC** – New Mexico Legislative Finance Committee

**Nolle** (*nolle prosequi*) – Charges against a defendant can be dismissed either by the Court or by the DA’s Office. Generally, a *nolle* is a statement by the prosecutor that it is choosing not to prosecute the case and it results in a dismissal of criminal charges with the ability to bring those charges again in a new proceeding. Dismissals can either be with or without prejudice.

**Dismissal without Prejudice** – this means a case can be filed again, and is often advantageous for both parties. Dismissal of the case without prejudice is generally viewed as a less harsh sanction than the exclusion of a witness who has not been interviewed or disclosed to the other party. Exclusion of a necessary witness requires the party to proceed to trial without all the available or necessary evidence, while dismissal without prejudice permits one party additional time to secure the evidence and the other party sufficient time to review and test that evidence.

**Waste and Abuse** – *NM State Audit Rule 2.2.2.15 SPECIAL AUDITS, ATTESTATION ENGAGEMENTS, PERFORMANCE AUDITS AND FORENSIC AUDITS: A. Fraud, waste or abuse in government reported by agencies, IPAs or members of the public: (2) Definitions of waste and abuse: Waste is the act of using or expending resources carelessly, extravagantly, or to no purpose. Abuse involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary operational practice given the facts and circumstances. This includes the misuse of authority or position for personal gain or for the benefit of another. Waste and abuse do not necessarily involve fraud or illegal acts. However, they may be an indication of potential fraud or illegal acts and may still impact the achievement of defined objectives. (GAO-14-704G federal internal control standards paragraph 8.03).*

**Internal Controls** – Effective internal controls require independent and ethical oversight with integrity, accountability and ongoing risk assessment in order to provide reliable indicators of an entity’s performance. The U.S. Governmental Accountability Office, in Section OV1.01 of the Green Book, defines internal control as “a process effected by an entity’s oversight body, management, and other personnel that provides reasonable assurance that the objectives of an entity will be achieved ...” Without the appropriate design and implementation of these controls, entities are more susceptible to fraud, waste and abuse. JAG recommends the District adopt the US GAO Green Book as the basis for its internal controls, guiding the ongoing development of its policies and procedures. These policies and procedures need to ensure transparency and risk assessment and monitoring are occurring.

**External Auditing Standards** – Auditing standards provide that it is the responsibility of management to ensure that agencies have sound internal structure. Statement of Auditing Standards (SAS) Codification (AU) Section 110, paragraph .03 explains that it is management’s responsibility to adopt sound accounting policies and to establish and maintain internal control that will, among other things, initiate, authorize, record, process, and report transactions (as well as events and conditions) consistent with management’s assertions embodied in the financial statements.

SAS AU 316 paragraph .04 states that "Management, along with those charged with governance, should set the proper tone; create and maintain a culture of honesty and high ethical standards; and establish appropriate controls to prevent, deter, and detect fraud. When management and those charged with governance fulfill those responsibilities, the opportunities to commit fraud can be reduced significantly."

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SAS AU 325 paragraph 3 provides that "internal control is a process – effected by those charged with governance, management, and other personnel – designed to provide reasonable assurance about the achievement of the entity's objectives with regard to reliability of financial reporting, effectiveness and efficiency of operations, and compliance with applicable laws and regulations."

Each agency should evaluate the internal controls by reviewing and testing internal controls to ensure they are properly designed and implemented. Any violation of law or good accounting practice, including instances of noncompliance or internal control weaknesses, must be reported as an audit finding per Section 12-6-5 NMSA 1978.

Pursuant to GAGAS 4.23, "Auditors should communicate in the report on internal control over financial reporting and compliance, based upon the work performed: significant deficiencies and material weaknesses in internal control; instances of fraud and noncompliance with provisions of laws or regulations that have a material effect on the audit and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements that has a material effect on the audit; and abuse that has a material effect on the audit."

## **CONSULTING PROCEDURES**

JAG has performed the following procedures to identify weaknesses in the system from arrest to confinement which are reducing the overall effectiveness of criminal justice activities:

- 1. Review process for setting up defendant case file and assigning case numbers.**
- 2. Examine a sample of cases.**
  - a. Walk through a sample of cases that are handled by Metro Court (BCMC).
  - b. Determine how cases are "tracked" or kept under control and examine whether any of the tracking or control processes are contributing to weaknesses in the process.
  - c. Determine data available during the processes. Determine whether all agencies involved are receiving the same data or have the same data available.
  - d. Determine how "cases" are handed off to the next entity or department and assess whether the transfer of cases from one entity or department to another is the source of any weaknesses in the process.
  - e. Determine how "case numbers" are handled during transfers from one agency to another and assess whether the assignment of case numbers by different agencies or departments is a source of any weaknesses in the process.
  - f. Determine if the name of the accused is used as an identifier and whether the use of names as an identifier is causing any weakness in the process.
  - g. Determine reasons and procedures for "dismissal" of a case.
- 3. Review the policies of various organizations.**
  - a. Determine efficacy (recidivism) rates, cost savings, and use of specialty courts and assess underlying reasons if specialty courts are found to be underutilized.
  - b. Determine what reports are generated by each entity and whether those reports are contributing to efficiencies in the process, or whether there are reporting processes which are a source of weaknesses in the system.
  - c. Provide an assessment of any weaknesses in the process or interface between entities or departments which are identified by the IPA, but not listed in this scope of work.

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- d. Determine efficacy of pre-trial release programs including GPS monitoring, failure to appear (FTA) rate, and the rate of re-offense in the pre-trial services population.
- e. Test risk assessment tools used by the agencies for accuracy of predicted outcomes and determine failure rate.
- f. Assess staffing levels of each agency to determine impact on caseflow and determine if staffing levels are contributing to weaknesses in the system.

## DETAILS OF PROCEDURES

We analyze the below based on the consulting procedures above, with limited information. If we had other information available to us, our analysis may have been different.

### 1. Set up of Case Files and Assigning Case Numbers

We observed the Case Preparation and Records Division's processes and have summarized the information below.

#### Assigning Case Types:

Case numbers begin with the agency's identifier. "T4" is BCMC's identifier and "D202" is SJDC's. It is followed by the case category and a case number. After the case number, there may be -01 or -02 or -03, indicating the number of warrants the defendant has. The agency identifier assists entities in the judicial system to know which agency a case is at. BCMC runs statistics using their case file number ranges and issue them in numerical order, which assists in internal controls over files and procedures. Entities with access can easily retrieve case numbers out of the Odyssey software.

Following the agency identifier in the case number, the Court uses five different case categories or types for criminal cases. These are used for organizational reasons and to make decisions about what kind of record a case will have. The acronyms are as follows:

- CR (Criminal)
- DV (Domestic Violence)
- DW (Driving While Intoxicated)
- PR (Parking)
- TR (Traffic)

The Court has excellent, detailed guidance, Standard Operating Procedures (SOPs) and charts<sup>18</sup> we highly recommend consulting for further particulars on the categories.

#### Misdemeanors:

A listing of charges is hand delivered to BCMC from the MDC (jail). The booking number is assigned by the jail when offender is booked into the jail. The employee who receives the listing and paperwork from the jail verifies that all necessary paperwork has been provided for the cases listed.

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<sup>18</sup> "Choosing a Case Type for Criminal Cases" prepared by BCMC Office of the General Counsel (dc) 2-21-14; Revised 3/9/15 to add updated DV/CR charts.

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MC employees are assigned to process one of the three types of charges for a time period of one week. The employees are rotated through processing each type of charge weekly. Once all cases are entered into the courts system, a listing is then printed of all cases on the docket for that particular day. Five copies are made: one copy goes to APD, one to security (front-of-house), one to the jail, one goes with the case files (passed off to another employee handling warrants), and the last copy (endorsed copies) goes to the Supervisor of Case Preparation and Records Division.

The case file folders are pre-printed with case numbers, and the name of the offender is handwritten by the MC employee inputting the case into the system. A criminal complaint, citation, domestic violence questionnaire (if necessary), and a federal firearm finding form (as applicable) are added to the folder.

Observed Case Numbers: T-4-DV-2018-002617, T-4-DW-2018-001969, T-4-DW-2018-001971

#### Custody Arraignments (CA):

In Odyssey, the BCMC employee who receives paperwork from the MDC (jail) early in the morning, will look at the disposition tab to see if there is a hold or not on the offender. If there is no hold, the case will automatically go to a custody arraignment hearing. The jail gives the booking sheet, a listing of open charges, and a copy of the warrant to the court. The employee responsible for processing CAs checks the list of warrants of which a 3-day history is retained. Hold orders or cases where the offender needs to see a specific judge (judge previously assigned) are designated as "TOT".

Once the hearing is set in Odyssey, the employee inputting the cases will tell whoever has the open charges that he/she is done "setting." Whoever has the open charges will then print the listing of scheduled arraignments for the day. Copies of the warrants are kept by the team lead/supervisor for an unknown amount of time in case the jail calls the court and questions why a defendant was not "set."

Case files are kept on the fourth floor, and if need be, the case preparation/processing employees have access to the file room and can pull the case file as needed. Once finished, the BCMC employee cross-checks the stack of case files with the listing printed from the employee handling open charges to verify that all cases on the listing are included.

#### Felonies:

The endorsed copies of the listing of cases on the docket are sent to the agency responsible for the arrest along with a copy of the booking sheet. Typically, felonies are new cases, so the case file will not contain a copy of a warrant unless there is a warrant pending on another case for repeat offenders.

An employee splits up the paperwork being distributed to agencies/recipients such as APD, BCSO, District Attorney's Office, etc. The listing of cases is cross-checked with the stack of case files. A check mark on the listing denotes that the file is included in the stack. The letter "R" indicates that the case is reset. Lastly, if the defendant is a fugitive, this is written on the listing as well.

#### BCSO Warrants:

BCSO Warrants maintains the original warrants at an off-site location that is not affiliated with BCMC. An employee of BCMC obtains the warrants for the cases being set from BCSO Warrants in the morning prior to the setting of those cases.

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## 2. Examine a Sample of Cases.

We sampled 40 random BCMC felony case files from the period July 1, 2017 through June 30, 2018. Supervision of felony pre-trial began October 1; prior to that, District Court was responsible for supervision. We tested the following attributes, which agree to the scope of work in the procedures section above.

- A Walk the case through the process from beginning to current.
- B Tracking of the case was kept under control and the processes were efficient, no weaknesses noted.
- C All outside agencies had the same data available on this case.
- D If the case was handed off to another entity such as 2JDC, it was efficient, no weaknesses noted.
- E Case number used throughout the process was consistent and if handed off, new case number did not cause a weakness in the process.
- F Name of the accused was not used as an identifier (or IF it was, mark with tick marks and state if any weaknesses resulted.)
- G Determine reports generated throughout the process, no weaknesses in reporting noted.
- H Risk Assessment tool (Arnold Foundation PSA Score Matrix) predicted the outcome (did not fail).
- I Staff levels did not impact this case flowing, no weaknesses noted.

## 3. Review the Policies of Various Organizations.

### Key Points of Testing Results:

**Case Tracking** – Tracking of the files is handled within Odyssey from case preparation, through hand-off to SJDC, and the information remains available to all parties even after the transfer. Our sample of 40 included 11 transferred cases where the SJDC assigned a new case number which was properly linked in Odyssey with BCMC's case number.

As mentioned above, different agencies use different case numbering systems for the same actual case. Higher level users (law enforcements, courts) have access to features that link one case number to another, but this system reportedly results in additional manual hours for researchers searching criminal histories and the inability to automatically track how multiple cases progress in the legal system at once<sup>19</sup>. Although New Mexico is in the minority of states that do not have a unique state identification number for defendants<sup>20</sup>, BCMC management reports that the current process is efficient and effective.

**Data Availability** – All outside agencies have the same data available through Odyssey. The Court switched to Odyssey in 2014 and most case data was transferred; however, there are still some very old files which require lookup in the old system. This did not become necessary in our testing or our walkthroughs and, per discussion with BCMC employees, it does not cause ineffectiveness of operations.

**Case Transfers** – Our sample of 40 felonies contained 11 cases transferred to SJDC. Of these, there were no inefficiencies noted.

**Interface Between Agencies and Divisions** – Data and information appears to flow well between divisions within BCMC. It seemed that information between the jail and BCMC could be improved. We understand Bernalillo County and a Public Safety and Criminal Justice Task Force (convened by the state legislature) are exploring ways to automate and connect databases across systems.

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<sup>19</sup> LFC Review of the Criminal Justice System in Bernalillo County Report #18-05, July 19, 2018

<sup>20</sup> Council of State Governments



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**Case Assignment** – In one unusual case, there was a warrant issued on 5/10 for the defendant failing to report to PTS. The case was nolle'd on 5/17. The defendant was booked on a SJDC case as well as a BCMC case, which kept him in custody for a few extra days. No inefficiencies were noted.

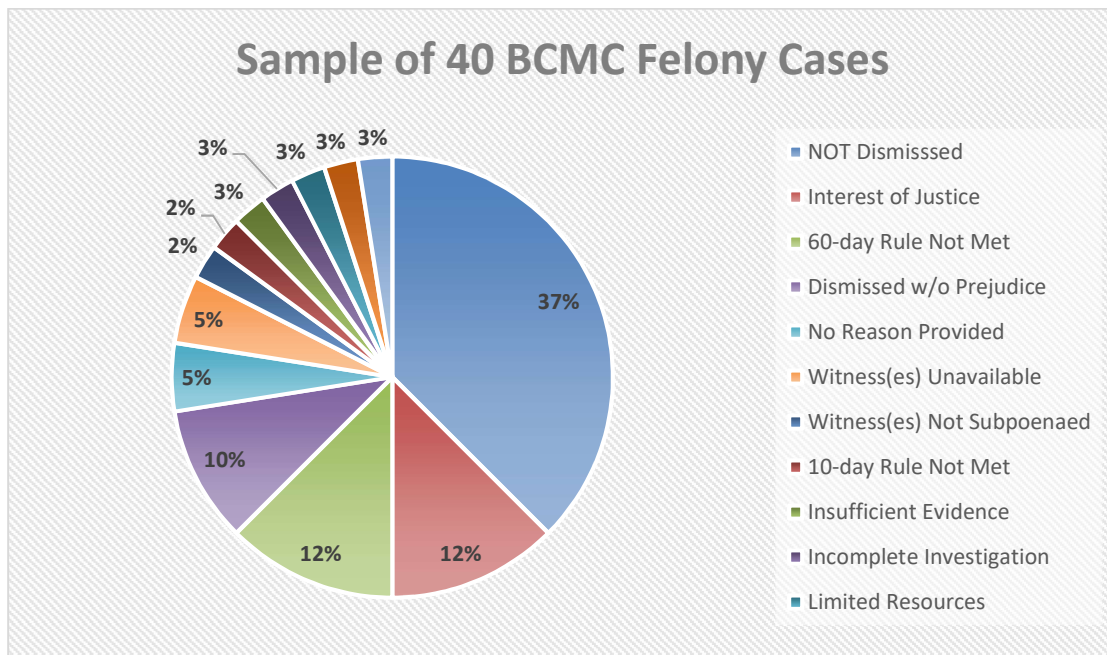
**Personal Identifiers** – Names of the accused were available; however, in our sample all cases had a case number. In one instance, the name on the casefile was “Doe, Jane” and the law enforcement officer or the DA never updated the defendant’s name. We did note that background investigators sometimes use defendant names in communications with the jail.

**Risk Assessment Tool Outcomes** – BCMC utilized the Arnold Foundation Tool, implemented in June 2017 from committee work (BCMC, SJDC, SJDA, SPD, Bernalillo County, and Law Enforcement). Judges are not bound to the PSA score and may supplement their decision making with other criteria. Within our sample of 40 felonies, 10 Arnold Foundation PSA scores did not accurately predict the outcome, as these defendants Failed to Appear (FTA). This tool is not utilized at the Court for misdemeanors. Reassessment of this tool is recommended.

Our interviewees listed many reasons why they believe the Arnold Tool may not be accurate. These include factors such as the low indictment rate in New Mexico and that not all defendants have high rates of violent felonies, Bernalillo County is paying for an assessment of the tool; outsourced to UNM ISR.

**Staffing Levels** – Our walkthroughs and inquiries indicate that Supervision and Behavioral Health are underfunded and understaffed. For example, for high risk/high needs defendants, best practices are 20 defendants to 1 Probation Officer. If BCMC had more staff, their programs could be expanded and more effective. Currently, the Court is restricted and selective in who they target for services. Additionally, there has been a momentous increase of felonies pled to misdemeanors, which started with felony pre-trials held at BCMC. Standard Supervision needs additional staffing.

**Dismissals** – Our sample yielded a 63% rate of dismissals (25 cases) in the following categories:



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**Use of Specialty Courts** – Our research and interviews indicate there has been a significant decrease in utilization of these programs. Some of the reasons for the decreases are: changes in criminal justice procedures in recent years, concerns with the fidelity and effectiveness of the courts, financial burden for participants, and decreased time in jail. It used to be that defendants were held longer in jail until they posted bond. This created better circumstances where they may have sobered up off substances and family members were there to support them – these factors encouraged them to seek help. Now, many defendants are released within 12 hours of booking and do not volunteer for programs.

None of the 40 casefiles tested were referred to a specialty court and were not required if not reduced to a misdemeanor. Any pleas taken with referrals would be burdensome; as BCMC’s caseload is 170 on average when the standard is less than 100. This is likely due to the offender not meeting the baseline requirements for entry into the Specialty Court Program, the severity of the crime, or a combination of the two. For example, to be referred to the Behavioral Health DWI Court per BCMC’s website, offenders must have been charged with misdemeanor DWI offenses, *volunteer* to join the specialty court, and have a diagnosis or a co-occurring substance use disorder and mental illness, or be developmentally disabled. Several of the specialty courts require the offender to volunteer prior to obtaining a referral to the program/court.

AOC does track information about specialty courts; however, they only collect data for four of BCMC’s eleven courts. For the courts AOC does track (throughout the criminal justice system in Bernalillo County), they illustrate a significant decrease in the use of the courts: 272 graduates in 2012, down to 173 in 2017. Bernalillo County courts are some of the largest in the state with some of the lowest recidivism rates (less than 8% overall for the adult drug courts in fiscal year 2017). In 2012, they were at or above capacity and then decreased to only 68% capacity in 2017, despite have slightly increased funding over that time period.

BCMC’s specialty courts count on federal grants. The Court has recently been awarded a new five-year, nearly \$2 million grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) to enhance seven of its Specialty Court Programs. The grant will allow the Court to offer recovery support services and recovery housing to specialty court participants for the first time. It will also provide funding for Medication-Assisted Treatment services, additional sobriety and GPS monitors, increased access to lab-validated drug testing, and will allow the court to hire an additional case manager to coordinate services and a program specialist to oversee the grant requirements. The additional funding will also be used to enhance the Specialty Courts’ outcome evaluation process, which examines the demographics, completion rates, and recidivism rates of each program. The grant will provide about \$400,000 each year for the court’s Behavioral Health Court, Behavioral Health DWI Court, Community Veterans Court, Domestic Violence Solutions Treatment Education Program, DWI Recovery Court, Substance Abuse and Treatment Options Program, and Urban Native American Healing to Wellness Court. This latest grant comes two years after the Metropolitan Court was awarded \$974,000 from SAMHSA for its Behavioral Health Court, Community Veterans Court, and DWI Recovery Court<sup>21</sup>.

**Cost Savings** – This testing could not be completed as BCMC does not currently compile and track this information.

**Availability of Reports** – Many reports and incidences in Odyssey are generated and available to all parties (criminal complaint, booking sheet, background paperwork, etc.). No inefficiencies were noted.

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<sup>21</sup> <https://cms.nmcourts.gov/Metro/the-metro-beat.aspx?7bcb01b8b6064a388e556c0941aebbacblogPostId=27c63381f68543179302a98fc19f1a09#/BlogContent>

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The following tables<sup>22</sup> show New Mexico cost savings results from first initiative, evidence-based program/practice analysis, presenting an expected ROI of \$4 for every \$1 spent on drug courts when functioning properly:

**Table 11. Courts and Attorneys**

Program	Estimated Cost	Benefits to Taxpayers	Total Benefits	Return on Investment (ROI)	Likelihood of a Positive ROI
Drug court	\$4,944	\$9,099	\$18,323	\$3.71 to \$1	99%
DUI courts	\$15,463	\$4,754	\$9,711	\$63 to \$1	10%
Mental health court	\$31,111	\$3,144	\$7,937	\$2.55 to \$1	91%
Restorative justice conferencing	\$1,112	\$1,591	\$3,242	\$2.92 to \$1	63%

**Table 12. Behavioral Health and Incarceration**

Program	Estimated Cost	Benefits to Taxpayers	Total Benefits	Return on Investment (ROI)	Likelihood of a Positive ROI
Brief cognitive behavioral intervention for amphetamine users	\$211	\$703	\$8,921	\$42.28 to \$1	99%
Community-based correctional facilities	\$8,377	-\$350	-\$883	-\$0.11 to \$1	Less than 1%
Correctional education (basic or post-secondary in prison)	\$1,198	\$4,330	\$10,927	\$9.12 to \$1	99%
Electronic monitoring (parole)	-\$1,138	\$36	\$95	\$1,233 to \$1	99%
Electronic monitoring (probation)	-\$1,138	\$85	\$228	\$1,366 to \$1	99%
Housing supports for offenders returning to the community	\$2,976	\$2,765	\$5,837	\$1.96 to \$1	84%
Inpatient intensive outpatient drug treatment (community)	\$888	\$312	-\$649	-\$0.73 to \$1	40%
Matrix Intensive Outpatient Treatment for people with stimulant use disorder	\$1,281	\$197	\$4,825	\$3.77 to \$1	56%
Methadone maintenance for opioid use disorder	\$3,762	\$795	\$17,116	\$4.55 to \$1	99%
Outpatient/non-intensive drug treatment (community)	\$767	\$5,591	\$12,376	\$16.14 to \$1	99%
Outpatient/non-intensive drug treatment (incarceration)	\$749	\$1,853	\$5,004	\$6.68 to \$1	98%
Serious and Violent Offender Recidivism Initiative (SVORI)	\$14,522	\$14,926	\$35,019	\$2.41 to \$1	99%

<sup>22</sup> Pew-MacArthur Results First Initiative Results First Model; LFC Review of the Criminal Justice System in Bernalillo County Report #18-05, July 19, 2018

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Supervision with Risk-Need responsivity principles (high and moderate risk)	\$1,370	\$5,294	\$11,738	\$8.57 to \$1	99%
Therapeutic communities for chemically dependent offenders (community)	\$3,781	\$1,841	\$7,619	\$2.02 to \$1	82%
Therapeutic communities for chemically dependent offenders (incarceration)	\$2,195	\$1,838	\$7,313	\$3.33 to \$1	89%
Therapeutic communities for offenders with co-occurring disorders	\$5,109	\$3,119	\$10,026	\$1.96 to \$1	78%
Violence reduction treatment	-\$3,954	\$446	\$1,209	\$.23 to \$1	20%
Vocational education in prison	\$1,496	\$3,092	\$8,361	\$5.59 to \$1	96%
Work release	-\$504	\$710	\$1,923	\$2,427 to \$1	99%

**Recidivism of Pre-Trial Release Programs** – Recidivism reduction is one of the most common performance measures used to evaluate programs that serve criminal justice populations. Reduced recidivism results on societal benefits like lower criminal justice related expenses and increased public safety. It also yields better outcomes for previously incarcerated individuals such as recovery from addiction, improved coping skills, and employment preparation. Typically, it is measured in 3-year increments. The broadest measure of recidivism is arrest—when an individual is rearrested for either a new charge or for a violation during their term of supervision<sup>23</sup>.

This testing could not be performed on GPS monitoring, failure to appear (FTA) rate, and the rate of re-offense in the pre-trial services population, as the Court only recently began collecting performance data internally (and this data is not yet published or shared with key stakeholders). BCMC has an in-house assessment tool for all pre-trial misdemeanor and in supervision; however, the Court does not calculate the recidivism rates on new criminal charges. The Background Investigations Division did collect raw numbers from July 2017 to October 2018. Each month there were 250 arraignments. Of those 4,000, approximately 100 (2.5%) have been re-arrested on new violent felonies.

Additionally, because there are two separate pre-trial services programs, defendants go from one set of conditions from BCMC to a different set from SJDC when they are indicted. This makes tracking performance measures for unique defendants across both courts difficult to do. The Court did provide the following statistics<sup>24</sup>, which we could not independently verify without supporting documentation:

Specialty Court	Re-offended Rate – Exited the Program	Re-offended Rate - Graduated	Overall Recidivism Rate	Rate for Domestic Violence (DV) Crimes
Recovery Court/ Healing to Wellness	6.7%	7.7%		
Behavioral Health Courts	52%	26.7%		
DV Step	20.27%	6.25%		
DV EIP			3.5%	1.5%

<sup>23</sup> New Mexico Sentencing Commission, <http://nmsc.unm.edu/reports/index.html>

<sup>24</sup> Email from Chief Specialty Courts Officer, September 27, 2018

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The LFC has recommended: BCMC continue working with AOC, LOPD, SJDA, and SJDC to re-evaluate the fidelity and need for all specialty courts and increase utilization of evidence based court programs including drug court and mental health court as appropriate. BCMC should explore specialty court options that could increase utilization of these courts including pre-plea (pre-prosecution specialty court such as DV Early Intervention Program). BCMC consider including a universal screening tool in their pre-trial services process and better connect clients to services to increase likelihood of success based on needs. BCMC improve implementing their pre-trial assessment based on best practices including all recommended performance measures and universal screening. BCMC implement a pre-trial services performance management system using a core set of performance metrics and report quarterly to BCCJCC to guide policy and management decisions.

In Bernalillo County, only 40% of all criminal cases receive a risk assessment for pre-trial services. Universal screening is a best practice; misdemeanor defendants are more numerous and receive no assessment.

GPS services for across board for general supervision or pretrial misdemeanors (mainly DV cases if not on felony pre-trial or on specialty court) are referred out because they are self-pay. BCMC refers these to Rocky Mountain Offender Management Systems RMOMS at 4<sup>th</sup> and Mountain because they are better priced. However, since these are self-pay programs, defendants may choose another company. RMOMS monitors the ankle bracelets and lets BCMC know if a defendant enters an exclusion zone (such as an area specified in a restraining order).

For felony pre-trial, the County CCP provides bracelets to BCMC in inventory. Behavior Intervention (BI) is the company used in these situations and there is a charge to put them on (BCMC provides the exclusion zone) and to set up the system. County is paying for these bracelets. BI monitors 8am – 5pm and sends exclusion zone notifications right away to the County and BCMC. A CCP Tracker Officer monitors them at night 5pm - 5am.

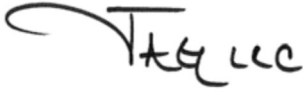
Lastly, Southwest Monitoring is utilized for in-home sobriety. The portable device has a routine schedule and it notifies the defendant to randomly blow to see if the defendant has had any alcohol. BCMC has a grant for funding the GPS DC, or Cam Bracelet (alcohol monitoring every hour). In specialty courts pre-trial supervision, the defendants are still set up through Southwest Monitoring.

Our recommendations from testing described above are presented above in the Executive Summary section of the report.

We were not engaged to, and did not conduct an audit examination, the objective of which would be the expression of an opinion on the accounting records of the Court under attestation standards. Accordingly, we provide no opinion, attestation or other form of assurance with respect to our work or the information upon which our work is based. The procedures performed do not constitute an examination in accordance with generally accepted auditing or attestation standards. Had we performed additional procedures, other matters might have come to our attention that would have been reported to BCMC. This report is intended solely for the information of the parties specified above, BCMC management, and parties identified by OSA

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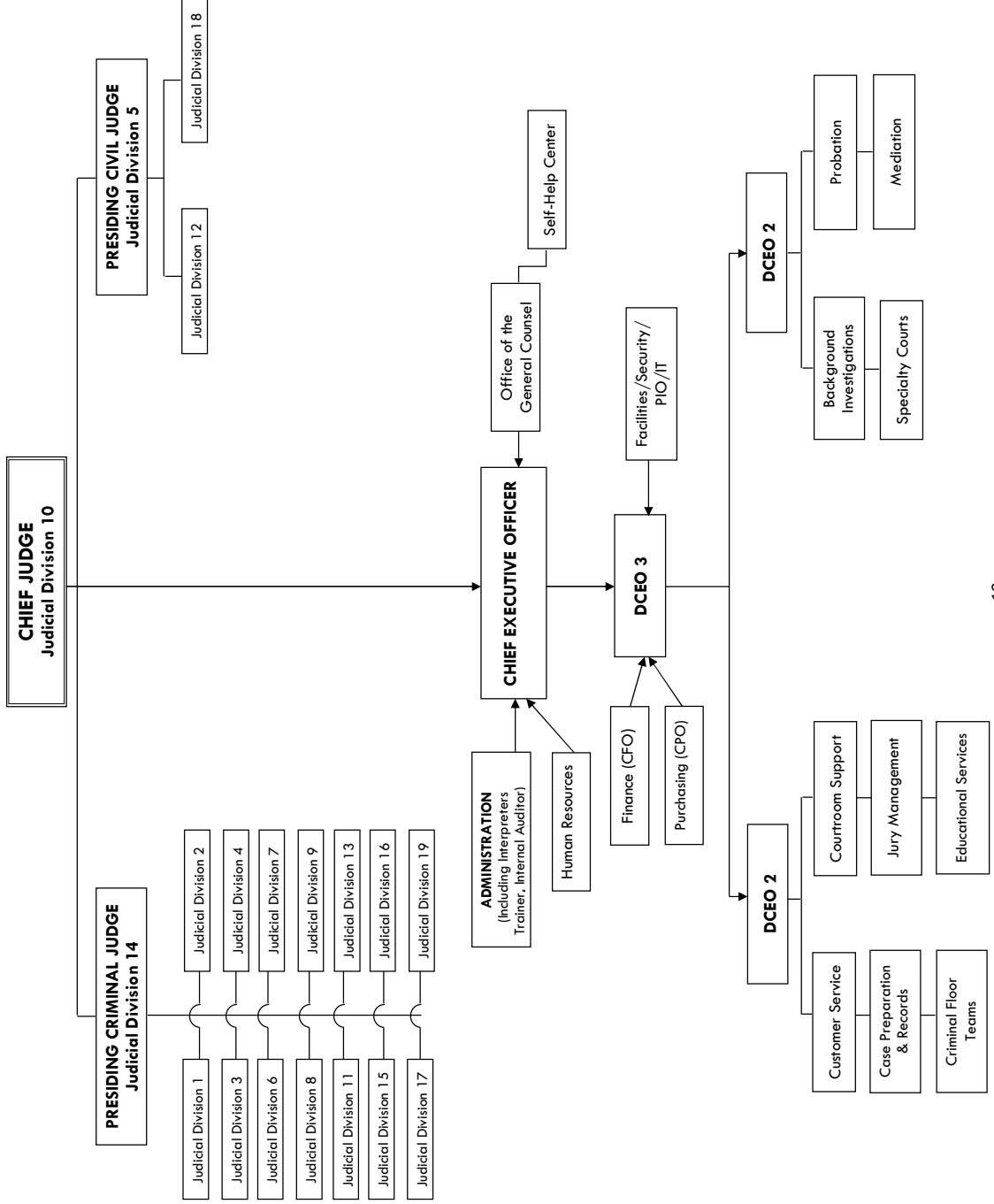
We appreciate the opportunity to assist you. Please do not hesitate to call if you have any questions or need further assistance regarding this important matter. JAG would like to sincerely thank Mr. Robert L. Padilla, Court Executive Officer, and Mrs. Teresa Hauge, Deputy Court Executive Officer, as well as the Court's other administrators and staff for their full support in assisting us with our procedures.

A handwritten signature in black ink that reads "JAG LLC". The letters are stylized and connected, with a large, sweeping flourish at the beginning.

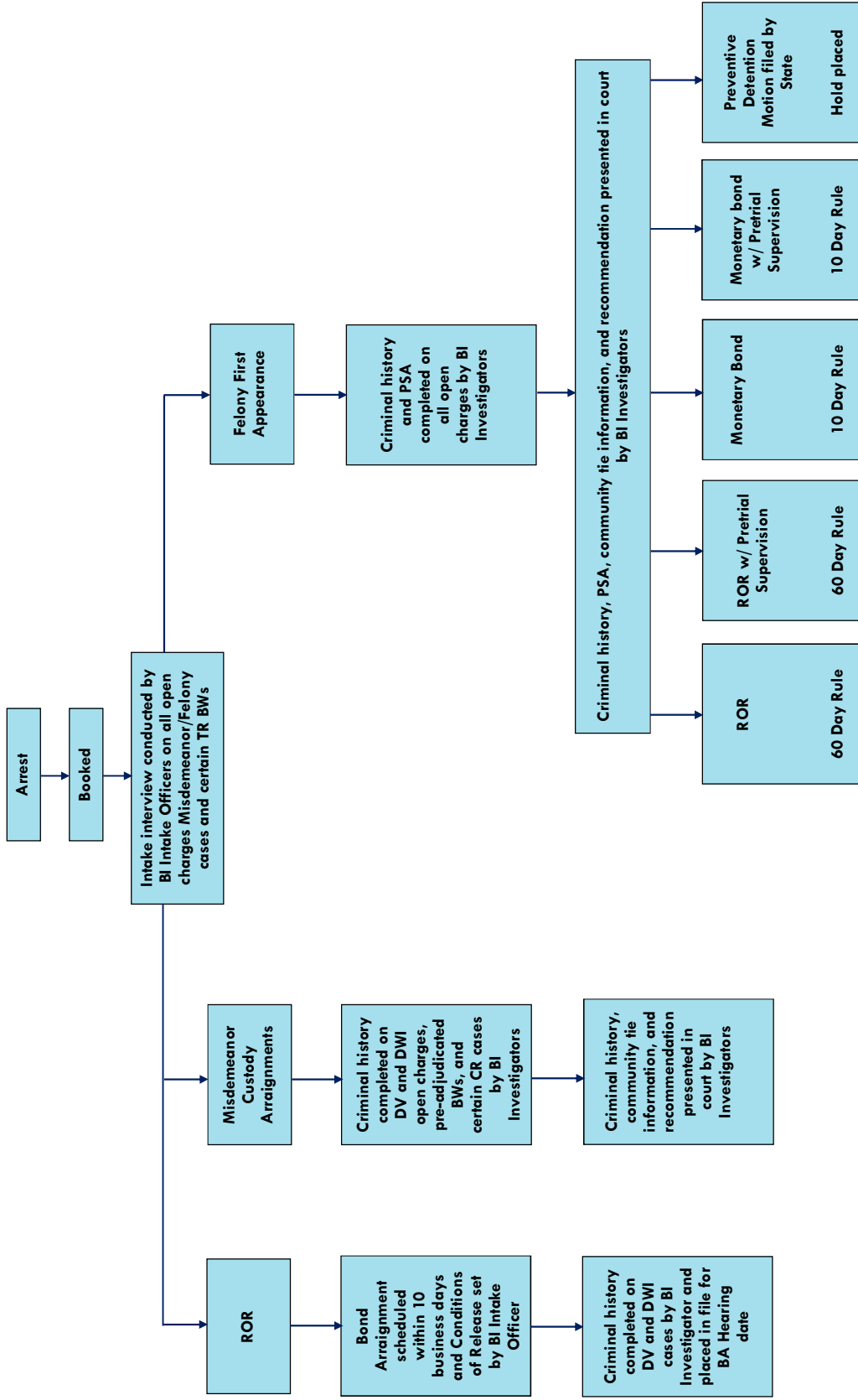
Jaramillo Accounting Group LLC (JAG)  
Albuquerque, New Mexico  
January 15, 2019

EXHIBIT 1

**BERNALILIO COUNTY METROPOLITAN COURT**  
**Organizational Chart**  
**June 30, 2017**



**BERNALILLO COUNTY METROPOLITAN COURT  
EXHIBIT 2**





**BERNALILLO COUNTY METROPOLITAN COURT  
EXHIBIT 3**

