

# EARLY RELEASE ROR PROGRAM

**Background  
Investigations  
Division**



## **Background Investigations Bernalillo County Metropolitan Court**

*ROR Program  
established  
over 40 years*

*Originally  
based inside  
the Detention  
Center*

**2004**  
Background  
Investigations began  
using video monitors  
which allowed for  
interviews/ROR's to be  
conducted via video  
with defendants who  
have been booked into  
custody nearly 18 miles  
away.

*The only 24/7  
ROR program  
in the State of  
NM*

## HISTORY

### Jail House Bonds

- Each charge had a set bond amount and were automatically placed on all open charges with the exception of murder.
- Arrestees who had the monetary means to pay the bond were released
- Arrestees who could not post bond remained in custody until they were seen in arraignments.

### July 1, 2017 Pretrial Rule 6-401 and Rule 7-401 Amended

- Magistrate Courts operate under Rule 6-401 and Metropolitan Courts operates under Rule 7-401.
- The Metropolitan Court's Chief Judge designates staff the release authority of arrestees at time of booking for all open charge misdemeanors and 3rd and 4th degree non-violent felonies. When rule 7-401 was amended this was changed to Rule 7-408 and included automatic release of certain charges, as long as certain criteria was met.

## **RULE 6-408 PRETRIAL RELEASE BY DESIGNEE**

**"This rule shall be implemented by any person designated in writing by the presiding judge of the magistrate court under Rule 6-401. A designee shall release a person from detention prior to the person's first appearance before a judge if the person is eligible for pretrial release under Paragraph B, Paragraph C, Paragraph D..."**

## AOC GRANT

*A technical grant from the National Center for State Courts was awarded to the Administrative Office of The Courts in 2017.*

*Grant allowed for contract positions to assist with out of county releases.*

*Pilot program was modeled after the Metropolitan Court's current ROR program.*

## OUT OF COUNTY RELEASES

### RULE 6-408

-An Order must be signed by the Magistrate Court designating staff to release an arrestee from detention prior to first appearance

-Designee is authorized to release Minor Offenses (misdemeanor and petty misdemeanor) as long as the following criteria is met:

1

Arrestee is not on probation or parole

2

Arrestee not on pre-adjudication supervision

3

Arrestee not pending trial, sentencing, appeal or violation hearing

4

With the exception of: battery, aggravated battery, domestic violence, stalking, abandonment, negligent use of a deadly weapon, enticement of a child, criminal sexual contact, violating a protection order, or driving under the influence.

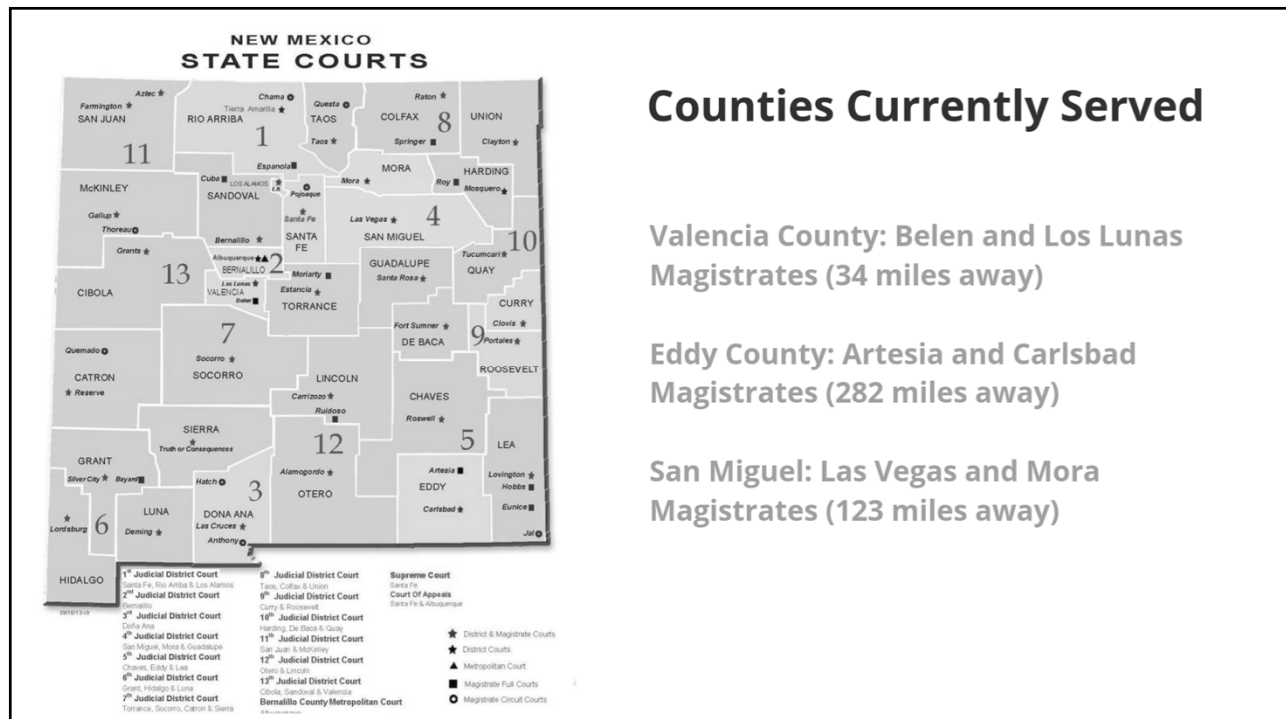
All "exception" charges and 3rd and 4th degree non-violent felonies may qualify through a release on recognizance program that relies on individualized assessments of arrestees and has been approved by the Supreme Court.

# ROR

If the charge does not fall under the automatic release under 6-408; the arrestee may still be released under the full ROR standards (approved by the Supreme Court).

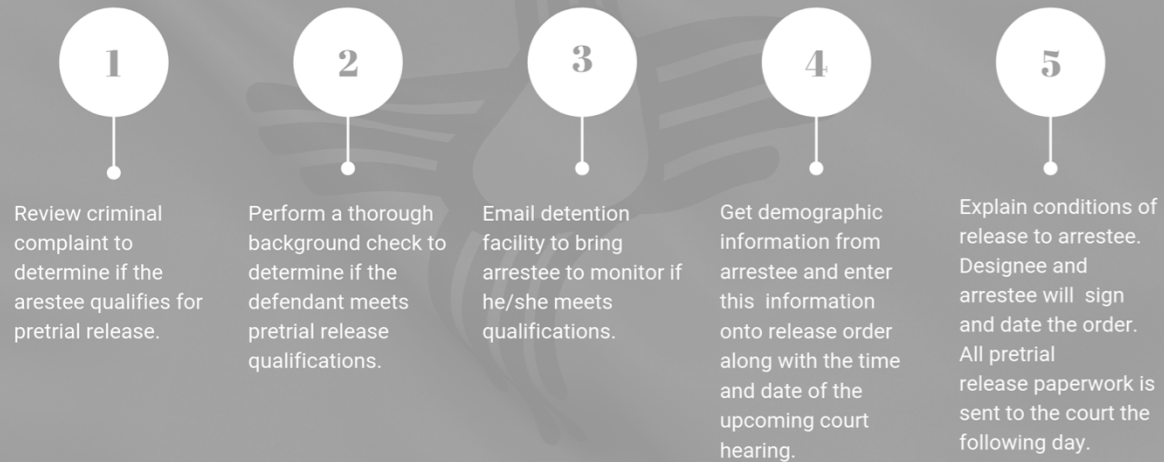
A full interview is conducted (community ties, work history, reference), a full triple III (NCIC) check is completed, and Odyssey (court case management) check is completed. We will look at failure to appear history, verifiable community ties, and criminal history.

Conditions of release and a court date is given to the arrestee. All documents are sent to the Magistrate Court the following morning.

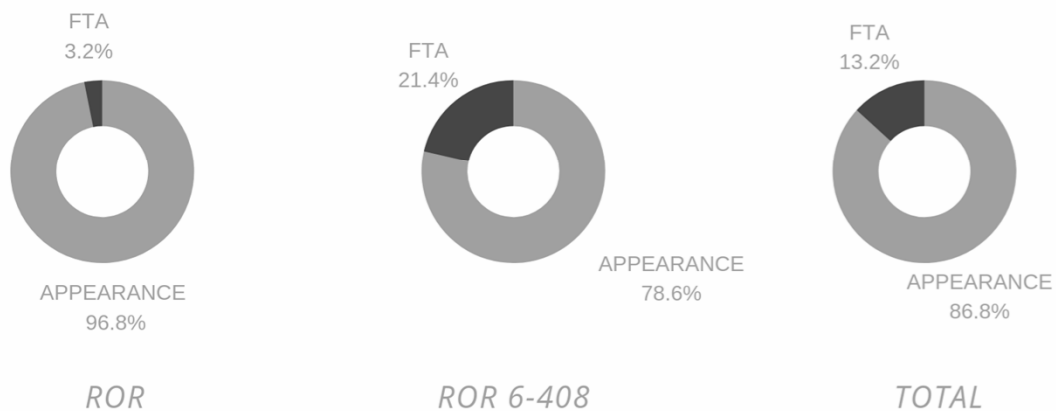


## OUT OF COUNTY PRETRIAL RELEASE PROCEDURES

Detention facility will upload the criminal complaint into the shared Google Drive and notify designee via email. Designee will:



## AUGUST 2018 - MARCH 2019



# Challenges

## Magistrate Courts

- Coordination
- Availability to answer questions
- Each county has different requests.

## County Facilities

- Coordinating with staff
- Communication
- Building relationships



# FUTURE

FULL  
FUNDING

INTERVIEW  
ALL  
DEFENDANTS

NOTICES OF  
NEW  
CHARGES  
STATE WIDE

TECHNOLOGY  
TO HAVE  
DOCUMENTS  
SIGNED VIA  
SIGNATURE  
PAD OR IPAD

ACCESS TO  
ALL  
DETENTION  
FACILITY  
BOOKING  
SYSTEMS