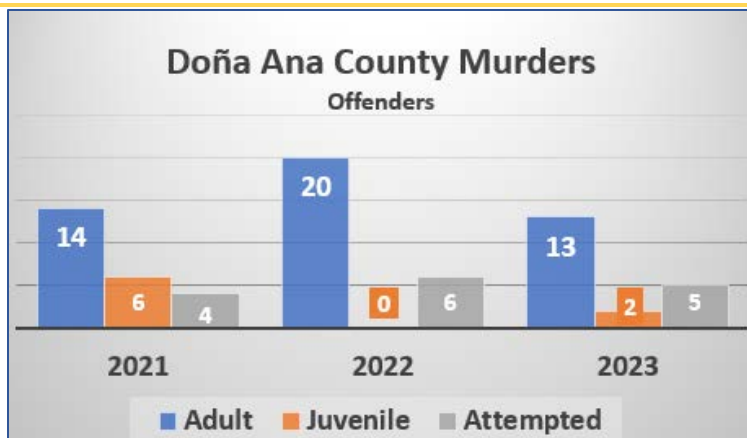


THIRD JUDICIAL DISTRICT ATTORNEY DOÑA ANA COUNTY GERALD M. BYERS

Our Commitment

In the pursuit of justice, our job is holding accountable those who commit harm and diligently working to support those who are victimized by crime. Included in that decision making process is what approach is appropriate for criminal trials, plea agreements and diversion programs. Justice requires that prosecutors continue to evaluate practices and examine policies that align with our commitment under the law to make our community safe.



Trends

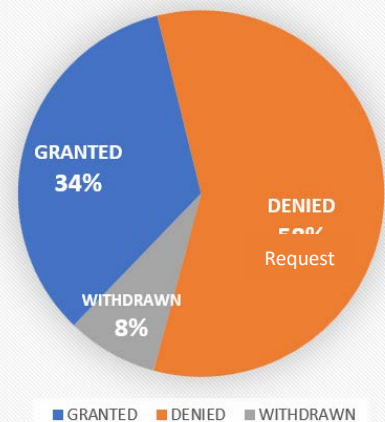
Homicides are down. Property & retail crime has escalated, cross-border drug-related crimes continue, gang and juvenile criminal conduct have increased in Doña Ana County. Arrest and charging data show a number of repeat offenders are responsible for continued criminal activity, perpetuated by Pre-Trial Detention release.

Fiscal year 2023, our office received over 6,000 cases from law enforcement. The trauma from these violent offences, both fatal and non-fatal harm entire families, neighborhoods, communities, and impact Economic Development. Cases that have been diverted to pre-trial services show that Mental Health resource infrastructure is inadequate to support the

growing number of defendants needing those services.

We have a genuine concern about public safety and for the impact on the marginalized communities we serve. It is our job to constantly perform the legal individual case analysis for sufficiency of evidence, even if the results are difficult and uncomfortable.

PRE-TRIAL DETENTION 2023



Juvenile Offenders

In fiscal year 2023, **251** juvenile cases were prosecuted in Doña Ana County. Delinquency cases encompassed misdemeanor offenses as well as serious felony offenses. Some examples of offenses the Juvenile unit handled included murder, criminal sex offender cases, carrying dangerous weapons on school grounds, rape, assault and battery.

Caseload Resolutions – NMSC LR3-303

The New Mexico Supreme Court implemented a case resolution “track” program (LR3-303) in the Third Judicial District, effective June 14, 2023, to address the backlog of cases that grew to a record-setting spike due to the COVID pandemic. Unfortunately, as a result of LR3-303, over 600 pending cases were dismissed by the District Court. The Third DA utilizes a systematic approach to thoroughly evaluate each case that is referred to the DA’s office. Once a determination by the DA has been made that there is sufficient evidence to proceed, charges are formally brought, then the District Court will assign the case to one of three tracks:

- 1) **Track 1** – low level, simple case which must be brought to trial within 210 days;
- 2) **Track 2** – intermediate complexity case which must be tried within 300 days; and
- 3) **Track 3** – serious and complex case which must be tried within 455 days. These timelines are part of an ongoing, collaborative effort to address court case delay.

➡ Arraignments are set by the court and currently are limited to 40/per day, 1 day a week.

Due to the strict nature of these timelines, cases are often held in intake status until all of the evidence has been received from the investigating agency.

3rd DA Criminal Justice Initiatives

- Support Border Related Anti-Trafficking efforts in collaboration with law enforcement & US Attorney’s office.
- Pursue additional resources to ensure Border Prosecution Unit support.
- Attorney & Staff reinvestment training.
- Explore prosecutorial Mental Health Alternatives.



Employee Retention

The help of the 2022 Legislative salary budget increase has significantly improved staff and prosecutor hiring and retention. With historically low pay, the vast majority of our prosecutors were making well below starting salary offered by private sector job opportunities. Many attorneys viewed our office as a training ground in which to gain experience and leave for more lucrative jobs. Today, we are still struggling hiring seasoned prosecutors, but the office has been able to recruit less experienced attorneys with higher entrance salaries. We have continued to hire, train, and equip prosecutors and support staff in the ever-changing criminal justice landscape.

Technology Investment for the Modern Prosecutor to launch in February 2024

The ProsecutorbyKarpel software is launching February 5, 2024. This essential modern prosecutorial software will assist with workflow needs and processing case management swiftly and efficiently. This state-of-the-art Case-Centric software will assist our prosecutorial team with tracking every data point to improve our ability to manage multiple cases, court events and staff/electronic filing updates. It will also allow for custom data tracking, reporting and is Cloud based with unlimited storage capabilities. This program has been customized and will integrate with our current CMS system as well as systems implemented by our law enforcement partners.

January 2024