



## Administrative Office of the Courts

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### **Judiciary implements 24/7 alert system procedures for defendants with electronic monitoring devices**

SANTA FE – The New Mexico Judiciary announced a plan today for around-the-clock monitoring of an alert system for felony defendants wearing a GPS device that tracks their location while awaiting trial in Bernalillo County.

"This improvement supports public safety by helping courts and law enforcement respond promptly to alerts 24/7 when an electronic monitor indicates defendants violated court-imposed restrictions on their movement in the community," said Chief Justice Michael Vigil.

Newly hired pretrial services staff at the Administrative Office of the Courts (AOC) will oversee the alert system during the workweek at night (after 5 p.m. until 8 a.m.), on weekends and holidays. The Second Judicial District Court and Bernalillo County Metropolitan Court will continue to perform the monitoring during normal business hours, 8 a.m. to 5 p.m., Monday through Friday.

When a "high alert" is received, monitoring staff will:

- Investigate immediately, including calling the defendant to determine whether there has been a violation of the person's conditions of pretrial release.
- Request a bench warrant for the arrest of the defendant when there is an apparent violation of court-imposed restrictions. On-call judges in the District and Metro Courts will be available for issuing bench warrants after normal business hours.
- Email bench warrants to law enforcement, the District Attorney's Office and the defendant's lawyer.
- Call the crime victim and request a welfare check by law enforcement when appropriate.
- Provide law enforcement with the defendant's last known GPS coordinates when a bench warrant has been issued and the information is requested.

High alerts include when a defendant leaves a restricted area, such as a house arrest address or a treatment facility; travels to a prohibited area, known as an "exclusion zone;" violates a curfew by one hour; and when the GPS monitor has been tampered with, removed or the battery fails. Some alerts may be easily remedied, such as if a defendant passes through an "exclusion zone" while traveling for emergency medical assistance.

A contractor with Bernalillo County operates the system that sends alerts to court pretrial services programs about possible location violations by defendants with GPS devices. The after-hours monitoring of the alert system by AOC employees and new 24/7 procedures for responding to those alerts will begin in October.

The Judiciary will seek funding during the 2022 legislative session to continue the program. AOC implemented after-hour monitoring of the alert system with money allocated by the Legislature for expanding and improving pretrial services across the state.

When a person is charged with a crime – while presumed innocent under the law – judges determine the conditions that individuals must comply with until the charge is resolved by a trial, plea or dismissal of the case. In protecting the liberty interests of all individuals, including those accused of a crime, the federal and state constitutions favor the release of individuals awaiting trial except in limited circumstances.

"Courts are committed to working with justice system partners to promote the safety of our communities by improving pretrial practices while honoring the constitutional principles that protect all Americans," said AOC Director Artie Pepin

"We thank the Albuquerque Police Department and Bernalillo County Sheriff's Office for cooperating in our efforts to provide them with immediate notice of an arrest warrant issued for a high alert GPS violation at any time of the day or night. We also appreciate the support from the District Attorney and District Public Defender who will also receive immediate notice of high alert arrest warrants," Pepin said.

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