Paying the Price

NEW MEXICO'S PRACTICE OF ARRESTING AND INCARCERATING PEOPLE FOR NONPAYMENT OF COURT DEBT

TECHNICAL APPENDIX

CONTENTS

Introduction

This technical appendix provides additional details about data sources and methods for the Vera Institute of Justice's (Vera's) 2024 research brief *Paying the Price: New Mexico's Practice of Arresting and Incarcerating People for Nonpayment of Court Debt*.

The findings from *Paying the Price* are based on interviews with 16 people who were issued a bench warrant for failure to pay fines and fees in New Mexico within the last 10 years as well as an analysis of a sample of more than 130,000 case-level records for all 46 New Mexico magistrate courts (spanning a two-week period in 2019), Bernalillo Metropolitan Court (2017 to 2022), and four of the state's 81 municipal courts (2019 to 2022). Additionally, Vera consulted with experts in New Mexico's criminal court proceedings.

In this technical appendix, Vera will describe the data sources and research methodologies used to arrive at the findings summarized in the main report. As a general note, percentages detailed in all tables may not exactly total 100 percent due to rounding and cell suppression for variables used in quantitative data analysis with fewer than five observations.

Methodology and data sources

INTERVIEWS

During October 2022, with support from New Mexico Voices for Children and the American Civil Liberties Union of New Mexico, Vera conducted interviews with 16 people who had been issued a bench warrant for failure to pay fines and fees within the last 10 years. The interviews explored participants' experiences being issued a failure-to-pay (FTP) bench warrant and how they navigated this process. Vera recruited the interview participants with assistance from Vera's Albuquerque-based partners using a combination of physical and digital flyers posted via public defender offices, reentry organizations, halfway houses, and other organizations working in the area. As a result, most interview participants were based in Albuquerque, with only two interviewees living elsewhere in the state (Las Cruces and Silver City). Vera paid participants between $25 and $50, depending on the length of the interview. Appendix Figure 1 shows demographic characteristics for all 16 interviewees.

The interviews focused on people's personal backgrounds and financial circumstances, their interactions with the criminal legal system generally, their experiences with and reflections about owing fines and fees, and how they navigated court processes related to nonpayment of those fines and fees. (See addendum on page 30 for the full list of interview questions, provided in both English and Spanish). Vera researchers conducted nine of the interviews in person in Albuquerque and seven over Zoom.

Interviews lasted between 30 minutes and two hours and were recorded using Zoom technology or a handheld recording device after obtaining consent from each participant. A professional service transcribed the interview recordings.

Participant demographic information

Variable	N	Percentage
Age	**16**	
18–24	1	6%
25–34	2	13%
35–44	3	19%
45–54	3	19%
55–64	0	0%
65+	0	0%
No response	7	44%
Gender	**16**	
Male	5	31%
Female	7	44%
Other	0	0%
No response	4	25%
Race	**16**	
Hispanic, Latino, or Spanish origin	5	31%
White (Caucasian or European origin)	4	25%
Black, African, or African American	0	0%
American Indian or Native American	3	19%
Asian or Asian American	0	0%
Native Hawaiian or other Pacific Islander	0	0%
Other	0	0%
No response	4	25%
Highest Level of Education Completed	**16**	
8th grade or less	0	0%
Some high school	2	13%
High school graduate	3	19%
High school equivalency degree (GED)	3	19%
Some vocational/technical training (after high school)	0	0%
Completed vocational/technical training (after high school)	0	0%
Some college	3	19%
Completed college (bachelor's degree)	1	6%
Some graduate school	0	0%
Completed graduate school	0	0%
No response	4	25%

Vera researchers employed a thematic approach to analyze interview data, using an inductive process to develop a codebook by reading through the data and allowing concepts to emerge from the text.[1] Vera staff conducted multiple rounds of transcript review, and the research team built on the codebook iteratively, discussing distinctions continuously until a final product was developed. On completion of the codebook, two researchers coded each interview transcript in Dedoose to ensure intercoder reliability. Vera staff resolved coding discrepancies through discussion among team members. When coding concluded, Vera grouped coded excerpts into major themes or patterns to better understand participants' experiences with fines and fees and their impacts. In the main report, Vera reported the majority of findings in the aggregate and did not attribute any isolated quotes for confidentiality purposes.

ANALYSIS OF ADMINISTRATIVE COURT DATA

Vera collected data corresponding with warrants issued by New Mexico's magistrate courts, Bernalillo Metropolitan Court (BMC), and a sample of four municipal courts (Española, Gallup, Las Cruces, and Rio Rancho). These data sources broadly capture information involving the administration and resolution of warrants, including warrants for failure to pay court costs. The data sources contain information for all warrants issued (including for reasons other than failure to pay) because courts were generally not able to produce records disaggregating warrants by type.

Using this data, Vera sought to answer the following research questions related to the courts' practice of using warrants to enforce payment of fines and fees:

- How often are people issued warrants for FTP court costs?

- Which qualities of a case or defendant are most associated with FTP warrants? Which communities are most impacted by FTP warrants?

- How much in outstanding court debt is generally associated with FTP warrants?

- How frequently are people arrested and/or incarcerated as a result of FTP warrants?

- How do people generally resolve their FTP warrants?

- Which qualities of a case or defendant are most associated with warrants being resolved through payment as compared to payment alternatives?

Given that New Mexico's courts are not required to report detailed, descriptive data about the administration of warrants to the state judiciary, Vera had to gather information from multiple sources in order to address these research questions. Vera requested information from the Administrative Office of the Courts and submitted individual requests to Bernalillo Metropolitan Court as well as to several municipal courts. Vera employed this sampling approach to ensure a sufficiently large sample of cases to represent the experiences of New Mexicans across the state.

The courts primarily provided responsive data in PDF format, which required Vera to scrape and/or manually transcribe information to retain as much data as possible for analysis in R (version 4.0.3). To the best of the author's knowledge, this analysis represents the first attempt to aggregate information about warrants, and specifically FTP warrants, across New Mexico's magistrate and municipal courts due to the challenges associated with data collection.

It is important to note that the available data varies by court, which limits its capacity to address all research questions uniformly. For instance, the study periods differ across sources: the magistrate court data spans a two-week period in 2019, while the Bernalillo Metropolitan Court data captures 2017 to 2022 and the municipal court data covers several years from 2019 to 2022. These differences (mainly, having considerably less data for the magistrate courts) are due to data availability constraints and the practicality of manual transcription, which is a time-intensive process. Regarding the varying study periods, the extent to which a two-week period in 2019 is representative and generalizable remains an open question. The larger time frame of the data from

Bernalillo Metropolitan Court and municipal courts may additionally reflect pre- and post-COVID changes and how circumstances may have evolved over time. Vera's analysis generally takes a holistic approach, averaging observations over the years, which Vera acknowledges as a limitation. This technical appendix provides additional, detailed information about each data source and support for data points cited within the main report.

Magistrate court records

Vera requested and received information for all warrants issued across New Mexico's 46 magistrate courts over a two-week period in 2019 (August 29 to September 12, 2019). Vera selected this time frame so that data would predate the onset of the COVID-19 pandemic, which was likely to have strong confounding effects on case processing and warrant administration. The information that Vera reviewed and compiled for analysis includes warrant records furnished by the Administrative Office of the Courts and their corresponding case-level information, which Vera manually transcribed from New Mexico's State Judiciary Case Lookup (Case Lookup). In total, Vera's final magistrate court dataset contains information corresponding with 2,575 unique warrants/dockets.

The variables available or constructed for Vera's warrant-level analysis include:

1. Case number

2. Warrant number

3. Court of warrant origin (warrants data was available for all 46 magistrate courts except for Harding County, which issued zero warrants during the study period)

4. Top charge type for underlying conviction (felony—unknown class, first-degree felony, second-degree felony, third-degree felony, fourth-degree felony, capital felony, misdemeanor, petty misdemeanor, unknown)

5. Top charge description for underlying case

6. Date of warrant issuance

7. Date of fines and fees adjudication or latest adjustment to fines and fees amount owed

8. Amount in fines and fees owed[2]

9. Warrant type (failure to pay; failure to appear [FTA]; failure to comply [FTC]; arrest warrant; unclear; no information provided)

10. Number of other FTP warrants issued on the underlying case

11. Warrant service outcome (not served: direct compliance via self-surrender or transfer from custody; not served: release order indicates jail time waiting for hearing; served: direct compliance via self-surrender; served: release order indicates jail time waiting for hearing; served: unclear if jail time served/ person may already be in custody at time of warrant)

12. Date of warrant service

13. Date of hearing

14. Resolution (payment in full; jail in lieu of payment; community service in lieu of payment; combination of community service and jail in lieu of payment; combination of community service and payment; no resolution; unclear)

15. Date of fines and fees resolution

16. Length of jail sentence

17. Length of community service sentence

Vera derived variables one through four from records provided by the Administrative Office of the Courts and the remainder from case information available on Case Lookup. If a particular warrant was not an FTP warrant, Vera only collected information for variables one through eight.

Vera constructed some of the variables using existing information included in the Administrative Office of the Courts records or Case Lookup. For example, Vera created the variables related to top charge based on a review of all charges associated with the underlying conviction. To ensure correct interpretation of

any unclear or shorthand information used in Case Lookup, Vera received assistance from a legal expert and former public defender based in New Mexico. Vera collected information for all variables where available, but full information was not available in all cases. For example, Case Lookup did not consistently report amounts owed in fines and fees.

Despite receiving guidance from legal experts, Vera acknowledges that there may still be issues with integrity resulting from errors or inconsistencies within the data itself, impacting Vera's ability to draw accurate conclusions. For example, Vera's review of warrants issued in Bernalillo Metropolitan Court during the study period using Case Lookup yields an outcome of zero FTP warrants issued, while data provided directly from BMC (which will be described in the next section) for the same period shows 48 FTP warrants issued.

In general, Vera deferred to the information that was explicitly listed in Case Lookup. Wherever educated assumptions had to be made, Vera made the conservative choice. For example, when it came to marking the date on which fines and fees were adjudicated (so that it would be possible to calculate the number of days that payment was delinquent), Vera typically used the date corresponding with the action marked in the Case Lookup register of actions as "adjudication." When there appeared to be an adjustment to the amount in fines and fees owed that occurred after fines and fees were initially assessed, Vera used the date of the latest adjustment.

One departure from this general rule includes the interpretation of warrant type. There were several instances when a warrant was not explicitly marked as an FTP warrant within Case Lookup, but Vera coded the warrant as such. This would occur when the surrounding context suggested that the warrant was indeed issued for failure to pay court costs. For example, sometimes the register of actions would show that a criminal summons for FTP was issued several days before an unmarked bench warrant was issued. Vera would code such a warrant as an FTP warrant.

It is important to note that although the primary unit of Vera's analysis is the warrant that was issued within the two-week study period for the magistrate courts, some of the information that Vera collected is associated with other aspects of the underlying case, including information for other warrants that were issued outside of the two-week period. Meaning, while the warrant the court issued within the study period was the basis on which Vera created the dataset and sought additional information from Case Lookup, Vera took a holistic view of the case when coding certain variables. This is especially relevant for variables 13–16, which are associated with the resolution. Here, "resolution" does not necessarily refer just to the resolution for the particular warrant being investigated (the warrant that was issued within the two-week period), but rather captures the resolution for all warrants or the outstanding fines and fees or the case in its entirety. For example, consider an instance in which the warrant Vera investigated was actually the second FTP warrant issued on the case. Say that the person partially resolved the first FTP warrant issued through community service but failed to complete the full community service sentence, which led the court to issue another FTP warrant (the one that occurred within the two-week time period Vera investigated). Say then that the person resolved this second warrant by eventually making full payment. Vera would code the resolution for this case as a combination of community service and payment.

Other details to note include that donations to nonprofit organizations are sometimes accepted by courts as satisfactory fulfillment of fines and fees payment. Vera would capture such donations in its data as payment in full. Additionally, people's state tax refunds are sometimes intercepted by the court for the purpose of fulfilling their debt obligations. Vera would also represent tax intercepts in its data as payment in full.

Summary statistics for select categorical variables within magistrate court dataset[3]

Variable	N	Percentage
Court of warrant origin	**2,575**	
Bernalillo County Metropolitan Court	539	21%
Chaves County Magistrate Court (Roswell)	64	2%
Cibola County Magistrate Court (Grants)	50	2%
Colfax County Magistrate Court (Raton)	23	1%
Colfax County Magistrate Court (Springer)	16	1%
Curry County Magistrate Court (Clovis)	84	3%
Doña Ana County Magistrate (Anthony)	70	3%
Doña Ana County Magistrate (Las Cruces)	246	10%
Eddy County Magistrate Court (Artesia)	46	2%
Eddy County Magistrate Court (Carlsbad)	88	3%
Grant County Magistrate Court (Bayard)	6	0%
Grant County Magistrate Court (Silver City)	76	3%
Guadalupe County Magistrate Court (Santa Rosa)	8	0%
Hidalgo County Magistrate Court (Lordsburg)	41	2%
Lea County Magistrate Court (Hobbs)	65	3%
Lea County Magistrate Court (Lovington)	58	2%
Lincoln County Magistrate Court (Carrizozo)	20	1%
Lincoln County Magistrate Court (Ruidoso)	32	1%
Luna County Magistrate Court (Deming)	40	2%
McKinley County Magistrate Court (Gallup)	88	3%
Mora County Magistrate Court (Mora)	8	0%
Otero County Magistrate Court (Alamogordo)	105	4%
Quay County Magistrate Court (Tucumcari)	10	0%
Rio Arriba County Magistrate Court (Española)	41	2%
Roosevelt County Magistrate Court (Portales)	24	1%
San Juan County Magistrate Court (Aztec)	110	4%
San Juan County Magistrate Court (Farmington)	58	2%
San Miguel County Magistrate Court (Las Vegas)	73	3%
Sandoval County Magistrate Court (Bernalillo)	56	2%
Sandoval County Magistrate Court (Cuba)	17	1%
Santa Fe County Magistrate Court	191	7%
Sierra County Magistrate Court (Truth or Consequences)	46	2%
Socorro County Magistrate Court (Socorro)	17	1%
Taos County Magistrate Court (Taos)	27	1%
Torrance County Magistrate Court (Moriarty)	17	1%
Valencia County Magistrate Court (Belen)	38	1%
Valencia County Magistrate Court (Los Lunas)	61	2%

Top charge type for underlying conviction	2,575	
Felony—unknown class (F)	30	1%
1st degree felony (F1)	6	0%
2nd degree felony (F2)	31	1%
3rd degree felony (F3)	88	3%
4th degree felony (F4)	239	9%
Misdemeanor (M)	1,012	39%
Petty misdemeanor (PM)	1,164	45%
Warrant type	**2,575**	
Failure to appear (FTA)	864	34%
Failure to comply (FTC)	103	4%
Failure to pay (FTP)	452	18%
Arrest warrant	152	6%
Unclear	312	12%
No information provided	692	27%
Warrant service outcome	**452**	
Warrant not served: direct compliance via self-surrender or transfer from custody	265	59%
Warrant served: release order indicates jail time waiting for hearing	46	10%
Warrant served: unclear if jail time served person may already be in custody at time of warrant	130	29%
Resolution	**452**	
Payment in full	265	59%
Jail in lieu of payment	76	17%
Community service	15	3%
Combination of community service and payment	6	1%
No resolution	23	5%
Unclear	63	14%

APPENDIX FIGURE 3

Summary statistics for numeric, non-datetime variables within magistrate court dataset

Variable	N	Mean	Std. Dev.	Min	Pctl. 25	Pctl. 75	Max
Amount in fines and fees owed	157	$353	$199	$25	$200	$441	$900
Number of other FTP warrants issued on the underlying case	217	2.1	1.6	1	1	3	8

Bernalillo Metropolitan Court records

Vera collected information for warrants issued by Bernalillo Metropolitan Court for the years 2019–2022. The BMC data was provided to Vera in different sheets with varying units, which

resulted in Vera being able to calculate certain analyses only at the warrant level, case level, or charge level. The BMC dataset contains information corresponding with 116,518 people, 227,385 charges, 78,256 warrants, and 116,517 payment resolutions.

In general, the variables available or constructed for Vera's analysis include:

1. Case number

2. Race of defendant (Asian, Black, Hispanic, White, Indian, not known, two or more races, Native Hawaiian or Other Pacific Islander)

3. Charge type (petty misdemeanor, misdemeanor, fourth-degree felony, felony—unknown class, third-degree felony, penalty assessment—noncriminal adjudication, second-degree felony, first-degree felony, capital felony, unknown)

4. Charge description

5. Citation date

6. Warrant number

7. Warrant issue date

8. Warrant type (failure to appear, failure to pay, failure to comply/other)

9. Warrant status date

10. Amount in fines and fees assessed[4]

11. Amount in fines and fees addressed[5]

12. Resolution (fully resolved: payment; fully resolved: jail in lieu of payment; fully resolved: payment and jail; fully resolved: payment and community service; fully resolved: community service in lieu of payment; fully resolved: payment, jail, and community service; fully resolved: jail and community service; partially resolved: payment; partially resolved: jail in lieu of payment; partially resolved: payment and jail; partially resolved: payment

Summary statistics for categorical variables within Bernalillo Metropolitan Court dataset

Variable	N	Percentage
Race of defendant	**116,518**	
Not known	58,635	50%
Hispanic	28,164	24%
White	19,242	17%
Indian	5,859	5%
Black	4,167	4%
Asian	226	0%
Two or more races	160	0%
Native Hawaiian or other Pacific Islander	65	0%
Charge type	**227,385**	
Petty misdemeanor	170,373	75%
Misdemeanor	43,766	19%
4th degree felony	5,591	2%
Felony	5,346	2%
3rd degree felony	1,253	1%
Penalty assessment—noncriminal adjudication	650	0%
2nd degree felony	310	0%
1st degree felony	37	0%
Capital felony	32	0%
Unknown	27	0%
Warrant type	**78,256**	
Failure to appear (FTA)	72,158	92%
Failure to pay (FTP)	6,098	8%
Resolution	**116,517**	
Fully resolved: community service	456	0.39%
Fully resolved: jail	23,381	20.07%
Fully resolved: jail + community service	71	0.06%
Fully resolved: payment	69,963	60.05%
Fully resolved: payment + community service	1,267	1.09%
Fully resolved: payment + jail	7,188	6.17%
Fully resolved: payment + jail + community service	279	0.24%
Partially resolved: community service	14	0.01%
Partially resolved: jail	718	0.62%
Partially resolved: payment	1,381	1.19%
Partially resolved: payment + community service	36	0.03%
Partially resolved: payment + jail	308	0.26%
Partially resolved: payment + jail + community service	12	0.01%
Unpaid	11,441	9.82%

and community service; partially resolved: community service; partially resolved: payment, jail, and community service; unpaid)

It is important to note that race classifications within this dataset were not self-reported. According to the BMC data administrator, they obtained race information in the BMC data from booking sheets provided by the Bernalillo Metropolitan Detention Center. It is especially important to acknowledge this because there is a large share of people (40 percent or 46,293 out of 116,518) with information reflected within the dataset that is associated with people of race "not known." Additionally, "Hispanic" is listed as a category for race within the BMC dataset when it is typically used as a classification for ethnicity. As such, it is not possible to determine whether a person who is identified as Hispanic may also be white or some other race(s). Additionally, something important to consider is that the topic of race and ethnicity in New Mexico is especially complex because of a long history involving both Spanish and U.S. colonialism, sovereign Indigenous nations, and a surge within the last half-century of Latino immigration and settlement, resulting in many people within the state identifying as having multiple racial and ethnic identities that are difficult to distill into a single classification. For these reasons, although case-level information about defendant race is included within the BMC dataset, Vera refrained from implementing analysis using BMC race data.

Although Vera reported all BMC warrants data for the study period in the aggregate, it should be noted that the volume of FTP warrants and warrants overall decreased substantially beginning in 2020. Although Vera cannot confirm the exact cause of this decline, Vera suspects that this outcome is closely correlated to changes in case processing that may have occurred in response to the COVID-19 pandemic. As previously explained, Vera's analytic approach involves averaging data from pre- and post-COVID years. It is important to recognize this as a limitation, as it can potentially impact meaningful interpretation of the findings and trends over time.

Summary statistics for numerical variables within Bernalillo Metropolitan Court dataset

Variable	N	Mean	Std. Dev.	Min	Pctl. 25	Pctl. 75	Max
Amount in fines and fees assessed	116,517	$176	$167	-$100	$90	$200	$6,700
Amount in fines and fees addressed	116,517	$161	$166	$0	$0	$66	$6,500

Note: Negative values may exist as a reflection of adjustments or waivers applied by the court.

Municipal court records

Vera collected data from a sample of four municipal courts across the state of New Mexico: Española, Gallup, Las Cruces, and Rio Rancho. Vera selected these municipalities to achieve relative diversity in sampling with respect to geography and population size and to collect information for regions of particular interest for Vera's partner organizations.

The municipal court data sources encompassed all types of warrants issued, including those related to failure to pay court costs, within specific years. Information for all municipal courts spanned the years 2019, 2021, and 2022, with the exception of Española Municipal Court, which provided data for the years 2019, 2020, and 2021. Española and Gallup municipal courts made data available in the form of Excel files, while Las Cruces and Rio Rancho furnished information in the form of PDFs, which Vera scraped individually using R.

Noting some variations in the data available for each court, the variables used for Vera's analysis broadly include:

1. Person ID

2. Case number

3. Warrant number

4. Year warrant was issued

5. Warrant type (failure to appear, failure to pay, failure to comply, other)

6. Resolution type (payment in full, jail in lieu of payment, community service in lieu of payment, deceased, no resolution)[6]

For data provided by Gallup and Rio Rancho Municipal Courts, Vera interpreted the variable "warrant type" by cross-referencing information from "failure type" and "charges" within the files. As explained by a court clerk, if failure to pay was not explicitly listed under "failure type" but appeared under "charges," it was still considered an FTP warrant. Such distinctions indicated instances where people failed to appear in court for an FTP hearing due to nonpayment. Warrant type marked as "other" within Española data corresponds with warrants issued for some reason other than FTP, including a combination of failure to appear and failure to comply. "Other" within Las Cruces data corresponds with initiating arrest warrants that are unrelated to FTA, FTP, or FTC. For Española, there were a few instances in which multiple reasons were listed under "warrant type." Where reasons included failure to pay, Vera coded the final category as "FTP." Where they did not, Vera coded the final category as "other."

Data regarding the "amount of fines and fees still outstanding by the end of a given year" was exclusively available for Las Cruces Municipal Court. This data was based on a court clerk's description of the "fines/costs" data fields within the PDFs. Specifically, a dollar amount for fines/costs indicated that a cleared warrant had not been paid or otherwise addressed, resulting in unresolved outstanding debt by year end. Conversely, fines/costs marked as zero dollars implied that the person had ultimately resolved the total outstanding debt linked to their FTP warrant. Importantly, this data did not reveal the initial amount owed before the balance was reduced to zero, nor did it detail how people cleared their debt, whether through payment or an alternative method. Additionally, this data was only available for analysis at the individual level, further complicating Vera's ability to interpret findings. Given the nuanced and often unknown nature of fine and fee resolution, Vera primarily focused its analysis in the main report on the number and frequency of warrants issued.

It is important to note that Las Cruces Municipal Court did not issue any FTP warrants in 2022. The reasons for this are unclear and could be related to the COVID-19 pandemic and/or may represent an ongoing pattern. Once again, it is important to acknowledge that Vera's analytical approach involved averaging data from both pre- and post-COVID years, potentially affecting the meaningful interpretation of trends and findings over time.

Summary statistics for categorical variables within municipal courts dataset

Variable	Española		Gallup		Las Cruces		Rio Rancho	
	N	Percentage	N	Percentage	N	Percentage	N	Percentage
Year warrant was issued	**913**		**3,040**		**23,701**		**6,223**	
2019	341	37%	1,587	52%	3,586	15%	1,965	32%
2020	351	38%	-	-	-	-	-	-
2021	221	24%	746	25%	17,795	75%	2,681	43%
2022	-	-	706	23%	2,320	10%	1,577	25%
Warrant type	**913**		**3,040**		**23,701**		**6,223**	
FTA	593	65%	1,932	64%	5,228	22%	4,296	69%
FTP	267	29%	1,077	35%	18,336	77%	1,820	29%
FTC	30	3%	31	1%	41	0	107	2%
Other	23	3%	0	0	96	0	0	0
Resolution type	**913**		**-**		**-**		**-**	
Payment in full	95	10%	-	-	-	-	-	-
Jail in lieu of payment	141	15%	-	-	-	-	-	-
Community service in lieu of payment	5	1%	-	-	-	-	-	-
No resolution	670	73%	-	-	-	-	-	-

Additional Information Regarding Vera's Quantitative Research Findings

In the main research brief, Vera synthesizes findings from analyses of the six datasets described in the previous sections. Although all combined datasets contain information for a total of 114,708 case records, which Vera reviewed in their entirety, Vera's analysis is primarily focused on the issuance of warrants for failure to pay.[7]

The combined datasets contain information for a total of 28,050 FTP warrants. (See Appendix Figure 7.)

Information regarding FTP warrants reflected within each dataset

Dataset/court type	Number of courts represented	Time period	Number of FTP warrants reflected within dataset
Magistrate courts	46	2 weeks (August–September 2019)	452
Bernalillo Metropolitan Court	1	2019–2022	6,098
Municipal courts	4	2019–2022 (exact years vary per municipal court)	267 (Española); 1,077 (Gallup); 18,336 (Las Cruces); 1,820 (Rio Rancho)
Total	**51**	**NA**	**28,050**

EARLY STAGE

Top charges

In the main report, Vera notes that most cases associated with FTP warrants were low-level, traffic-related offenses. Support for this point primarily comes from analyses of Vera's magistrate court and Bernalillo Metropolitan Court data for top charge and charge type, respectively. (See Appendix Figures 2 and 4.) Additional support for this same point comes from a review of the statute descriptions

most frequently associated with the underlying cases for FTP warrants issued in the magistrate courts, Bernalillo Metropolitan Court, and Española Municipal Court. Appendix Figures 8 through 10 show the distribution of top charges associated with FTP warrants within Vera's sample data where such information is available.

Distribution of the top 10 charges associated with underlying cases with FTP warrants issued (magistrate courts)

Top offense	Count
Driving while license suspended	40
No driver's license	36
Battery (household member)	30
No proof of insurance	19
Expired registration of a motor vehicle	17
Speeding (over by 1–10)	13
Use or possession of drug paraphernalia	12
DWI driving while under the influence of liquor and/or drugs (.08 or above) (1st offense)	11
No seat belt	11
Speeding (over by 16–20)	11

Together, these top 10 offenses comprise 44 percent of all cases in the magistrate court sample data.

Distribution of the top 10 charges associated with underlying cases with FTP warrants issued (Bernalillo Metropolitan Court)

Top offense	Count
No proof of insurance	1,983
No driver's license	918
Evidence of registration	889
Driving while license suspended	675
Improper display of registration plate	649
No insurance	572
Speeding (over by 16–20)	499
Speeding (over by 11–15)	420
Expired registration of a motor vehicle	358
Failure to register or title a vehicle as required	307

Together, these top 10 offenses comprise 55 percent of all charges captured in the Bernalillo Metropolitan Court sample data.

Distribution of the top four charges associated with underlying cases with FTP warrants issued (Española Municipal Court)

Charge offense	Count
Shoplifting	344
Unlawful use of a license	51
Criminal trespass	39
Disorderly conduct	21

Together, these top four offenses comprise 50 percent of all charges captured in the Española Municipal Court sample data.

FTP warrant frequency

In the main report, Vera estimates that within a given week courts issue at least 393 FTP warrants across New Mexico. Vera derived this estimate—which is notably an underestimate given that only four out of 81 municipal courts are included—as follows:

- During the two-week period represented in the sample magistrate court data, courts issued 452 FTP warrants. Four hundred and fifty-two divided by two is **226**.

- Bernalillo Metropolitan Court data for the same two-week period shows 49 FTP warrants issued. Forty-nine divided by two is approximately **24**.

- Española Municipal Court data for the same two-week period shows 12 FTP warrants issued. Twelve divided by two is **six**.

- Gallup Municipal Court data shows 1,077 FTP warrants issued over three years. To approximate the amount issued during the average week, Vera divided 1,077 by the number of weeks within three years (156) to get **seven**.

- Las Cruces Municipal Court data shows 18,336 FTP warrants issued over three years. To approximate the

amount issued during the average week, Vera divided 18,331 by the number of weeks within three years (156) to get **118**.

- Rio Rancho Municipal Court data shows 1,820 FTP warrants issued over three years. To approximate the amount issued during the average week, Vera divided 1,820 by the number of weeks within three years (156) to get **12**.

Within the main report, Vera notes that FTP warrants are the second most frequently issued warrant type within New Mexico's criminal courts. Support for this point comes from an analysis of both the magistrate courts and Bernalillo Metropolitan Court datasets. (See Appendix Figures 2 and 4.) In the main report, Vera excludes warrants that are issued for reasons that are not apparent based on Vera's review of case records, as well as warrants that, for some reason, no longer had any corresponding information available for review within Case Lookup. Appendix Figure 2 shows the full distribution of magistrate court warrant types, with no exclusions. Notably, 39 percent of magistrate court warrants were unclear or had no information provided.

Appendix Figure 4 outlines the distribution of different warrant types within the Bernalillo Metropolitan Court dataset for all warrants issued during 2017–2022. The BMC data shows a considerably larger proportion of FTA warrants issued (92 percent of warrants were for FTA as compared to just eight for FTP).

Appendix Figure 6 outlines the distribution of different warrant types within the four municipal court datasets for all warrants issued during 2019–2022. As highlighted in the main report, Las Cruces Municipal Court notably issued majority FTP warrants (77 percent). It is important to note, however, that the court issued zero FTP warrants during 2022, the most recent year for which data was available.
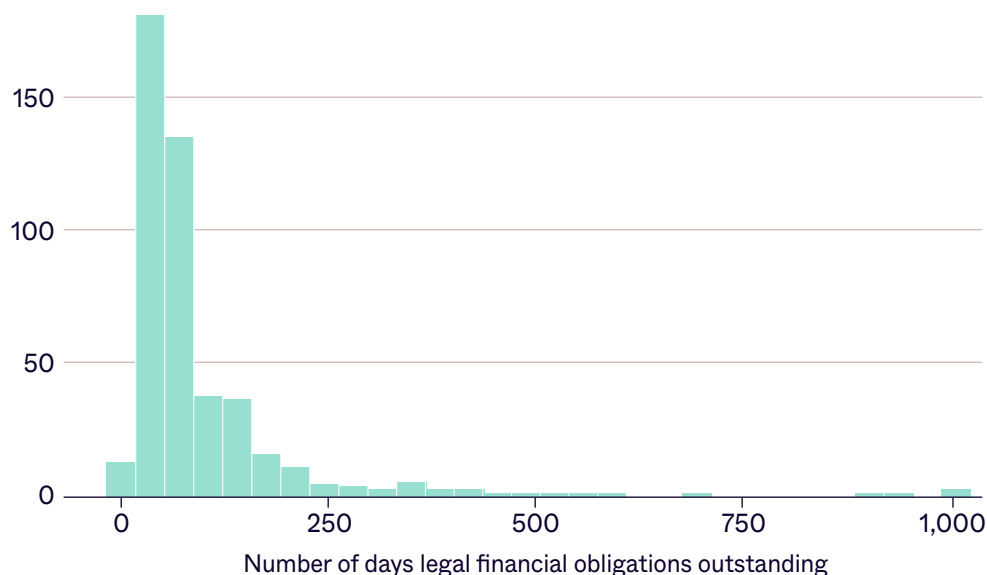
Within the main report, Vera writes that the average amount in outstanding fines and fees associated with FTP warrants is approximately $350 ($353, precisely) excluding warrant fees and approximately $450 including warrant fees.[8] To calculate the latter

figure, Vera first determined the average number of warrants issued per case, based on the magistrate court sample data, which is one. Given that the average case is associated with one warrant and the warrant fee is $100, Vera simply added $100 to the $350 estimate. Vera determined these values using its data for magistrate court warrants.

Payment delinquency

Vera additionally writes in the main report that, on average, fines and fees payments were delinquent for an average of three months (105 days) and, in some instances, as long as 11 years (4,047 days) out from sentencing. Vera calculates delinquent payment in the magistrate courts by taking the difference between the date on which a court issued an FTP warrant and the date on which a court adjudicated fines and fees. Note that this is a conservative calculation because in instances in which courts adjusted fines and fees amounts at any point following adjudication, Vera takes the difference from the latest adjustment. Appendix Figure 11 depicts the distribution of cases based on the amount of time that payment is outstanding, in the form of a histogram. Note that observations greater than 1,000 are binned together or treated as 1,000 for ease of interpretation.

FIGURE 11

Distribution of cases based on number of days that fines and fees payment is delinquent (magistrate courts)

Number of days legal financial obligations outstanding

MIDDLE STAGE

Warrant service outcomes

In the main report, Vera writes about the share of people with FTP warrants who self-surrender to the court as compared to the share of people who are arrested by law enforcement. Vera determined these outcomes based on its interpretation of magistrate court information provided within Case Lookup. Vera identified self-surrender when the FTP warrant was never served, but some activity related to the outstanding fines and fees occurred (for example, either a resolution or a new payment expectation was set) following the issuance of the FTP warrant. Vera identified an arrest if police served the FTP warrant. It is possible that people for whom the warrant was never served were already in custody, making their appearance coerced rather than a true self-surrender. It is not possible to make that distinction based on the way that Case Lookup reports information. Appendix Figure 2 offers a breakdown of these outcomes, but uses cell suppression. Appendix Figure 12 outlines the full scope of observations.

Distribution of FTP warrants based on warrant service outcome (magistrate courts)

Warrant service outcome	N	Percentage
Warrant not served: direct compliance via self-surrender or transfer from custody	265	59%
Warrant not served: release order indicates jail time waiting for hearing	3	1%
Warrant not served: still outstanding	4	1%
Warrant served: direct compliance via self-surrender or transfer from custody	4	1%
Warrant served: release order indicates jail time waiting for hearing	46	10%
Warrant served: unclear if jail time served person may already be in custody at time of warrant	130	28%

Also in the main report, Vera writes about people spending time in jail waiting for an FTP hearing to resolve their warrants and outstanding debt. Vera determined jail time based on its interpretation of magistrate court information provided within Case Lookup: Vera assumed that a person's jail stay was related to their FPT warrant when the researchers were able to locate a confinement release date some time shortly following the service

of a warrant. It could be the case that some of this group had been arrested on another charge or had additional warrants; however, the close proximity of a release date to an FTP court hearing is strong evidence that the FTP was the sole, or most serious, reason for the person's incarceration. Of those for whom Vera was able to locate a warrant served date and a confinement release date, four in five people (78 percent) spent at least one night in jail before their FTP hearing. Vera derived the average of three nights spent in jail reported in the main brief using the magistrate courts data, while the two-week jail stint described comes from Vera's interviews with impacted people.

Receiving multiple FTP warrants

Vera describes in the main report that courts often issued multiple FTP warrants for each case. This comes in part from Vera's analysis of magistrate court data, which reveals that, during the two-week study period, nearly half (46 percent) of all cases that had FTP warrants were issued an FTP warrant more than once. Based on the format of the magistrate court dataset, it is difficult if not impossible to quantify this at the individual-person level. (This is because, although each case is typically associated with just one person, one person may be associated with multiple cases.)

Additionally, Vera excluded cases with no resolution to conduct this analysis because additional FTP warrants may still be issued in the future. The period for FTP enforcement for all cases is not uniform based on the way that Vera collected and analyzed data (the enforcement period would be the time between fines and fees adjudication and resolution, which varies across cases but is at least four years).

LATE STAGE

Time to final resolution

In the main report, Vera notes the time to final resolution for FTP warrants and outstanding debt for cases with debts that were ultimately settled and where the type of resolution is known. Vera

calculated the time to resolution by taking the difference between the date on which satisfaction of payment or a payment alternative to address all outstanding debt is complete and the date on which fines and fees are adjudicated.

Appendix Figure 13 depicts the distribution of cases based on the amount of time to final resolution in the form of a histogram. It is important to note that these observations may be misleading because these calculations are based on a conservative estimate of the date when courts assessed fines and fees. Again, Vera determined this date using the most recent fines and fees adjustment preceding the issuance of the warrant, which may have occurred well after the true date of fines and fees assessment.

FIGURE 13
Distribution of cases based on number of days to final resolution (magistrate courts)

Number of days legal financial obligations outstanding
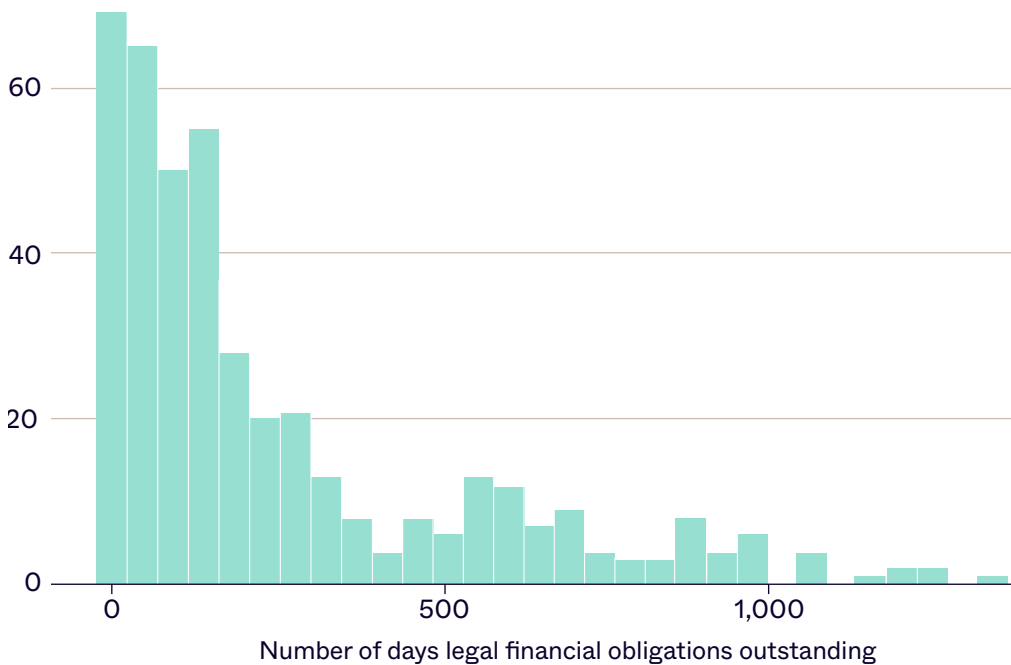
Payment resolutions

Also in the main report, Vera includes information about how outstanding debt is ultimately resolved. Vera researchers use shorthand in the main brief to prioritize ease of interpretation;

however, at least some people resolve their debt using a combination of both payment and payment alternatives. In the main report, Vera also excludes cases in which the warrant outcome is unknown and no resolution had yet been achieved by the time Vera reviewed case information within Case Lookup. Appendix Figures 2, 4, and 6 offer a breakdown of these outcomes within the magistrate courts, Bernalillo Metropolitan Court, and Española Municipal Court, but some use cell suppression for small values. Appendix Figures 14–18 outline the full scope of observations for each court, respectively.

Distribution of cases based on payment resolution (magistrate courts)

Payment resolution	N	Percentage
Combination of jail and community service	3	1%
Combination of payment and community service	6	1%
Combination of payment and jail	1	0%
Community service in lieu of payment	15	3%
Jail in lieu of payment	76	17%
No resolution	23	5%
Payment in full	265	59%
Unknown	63	14%

Distribution of cases based on payment resolution (Bernalillo Metropolitan Court)

Payment resolution	N	Percentage
Fully resolved: Community service	456	0%
Fully resolved: Jail	23,381	20%
Fully resolved: Jail + Community service	71	0%
Fully resolved: Payment	69,963	60%
Fully resolved: Payment + Community service	1,267	1%
Fully resolved: Payment + Jail	7,188	6%
Fully resolved: Payment + Jail + Community service	279	0%
Partially resolved: Community service	14	0%
Partially resolved: Jail	718	1%
Partially resolved: Jail + Community service	2	0%
Partially resolved: Payment	1,381	1%
Partially resolved: Payment + Community service	36	0%
Partially resolved: Payment + Jail	308	0%
Partially resolved: Payment + Jail + Community service	12	0%
Unpaid	11,441	10%

Distribution of cases based on payment resolution (Española Municipal Court)

Payment resolution	N	Percentage
Payment in full	95	10
Jail in lieu of payment	141	15
Community service in lieu of payment	5	1
Deceased	2	0
No resolution	670	73

Finally, Vera writes in the main report that reliance on payment alternatives to address debt is associated with higher amounts of debt owed. Support for this point comes from both the magistrate court and Bernalillo Metropolitan Court data. As demonstrated in Apppendix Figures 17 and 18, cases with lower amounts charged or assessed (up to $200 in the magistrate courts; up to $90 in Bernalillo Metropolitan Court) are generally associated with more payment outcomes, while cases with higher amounts charged or assessed ($441 to $900 in the magistrate courts; $200 to $6,700 in Bernalillo Metropolitan Court) are associated with more resolutions through payment alternatives.[9]
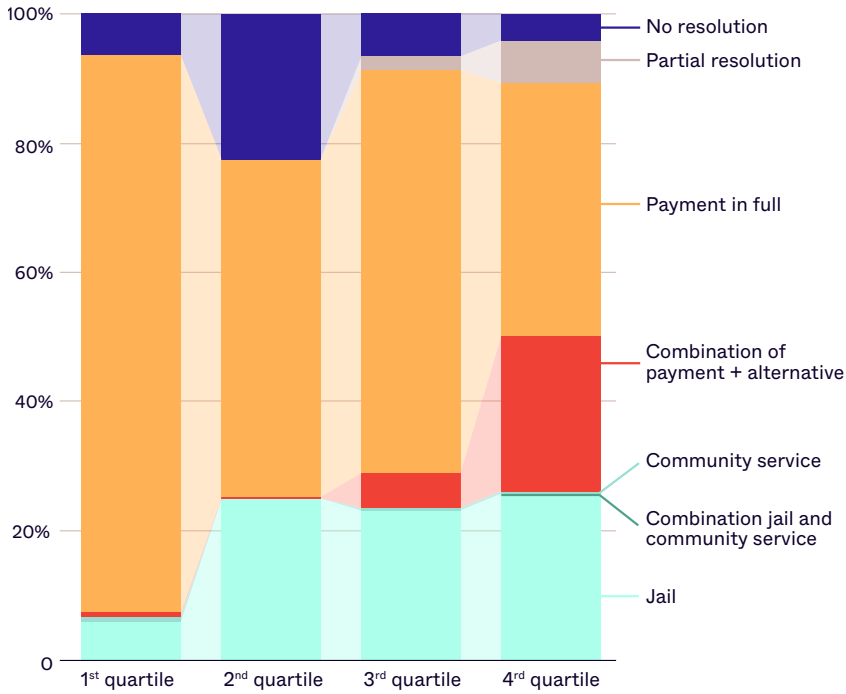
Legal financial obligations assessment amounts (displayed in quartiles) and outcomes (magistrate courts)
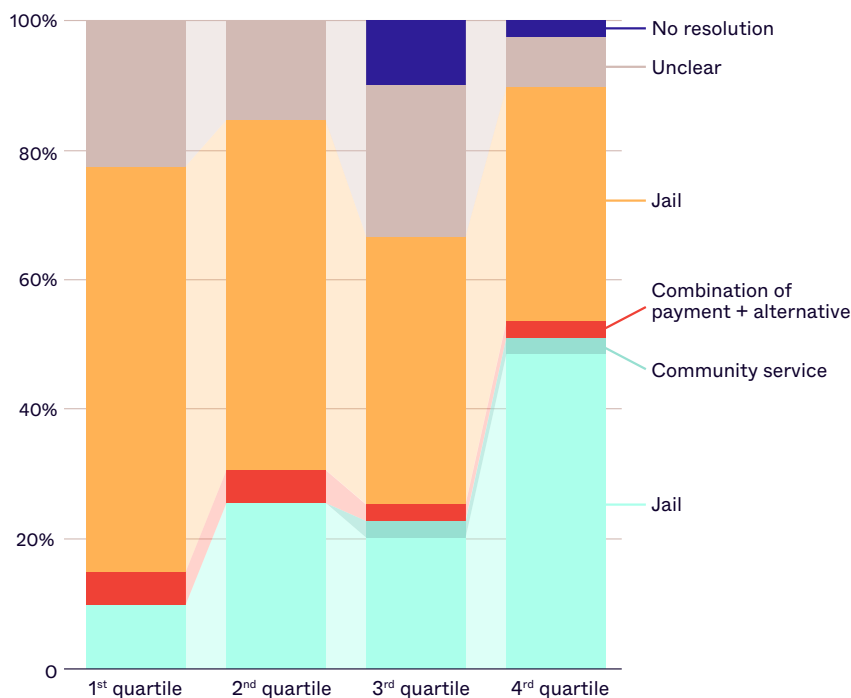
Legal financial obligations assessment amounts (displayed in quartiles) and outcomes (Bernalillo Metropolitan Court)

ADDENDUM

Intake questionnaire (English)
Intake questionnaire (Spanish)

Interview questionnaire (English)
Interview questionnaire (Spanish)

ENDNOTES

1   Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (Thousand Oaks, CA: Sage, 2021).

2   Vera reports fines and fees as a sum; they cannot be disaggregated by type. There is no way to discern fines and fees associated with a conviction as compared to other kinds of fees (for example, fees associated with pretrial services or probation).

3   Vera researchers exclude the top offense variable from this table due to the high volume of observations.

4   This variable factors in any adjustments (waivers or credits applied by the court), making the number a net assessment.

5   This variable is labeled "addressed" rather than "paid" because the amount may have been resolved not through payment but instead through some payment alternative(s) or through the combination of payment and some payment alternative(s).

6   This variable is only available for Española.

7   Notably, Vera's analysis does not provide information on the total number or proportion of cases with fines and fees levied or the likelihood that receiving a fine or fee will result in a particular outcome.

8   As a reminder, fines and fees amounts owed are not reported for all FTP warrants within the magistrate court dataset.

9   Note that the amounts assessed are not consistently reported for all magistrate court cases. Fines and fees amounts owed are not reported for 65 percent of FTP warrants analyzed.

CREDITS

Cover image: Alex Nabaum

The Vera Institute of Justice is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit vera.org.

For more information about this report, contact Maria Rafael, senior research associate, at mrafael@vera.org.

SUGGESTED CITATION

Maria Rafael, *Paying the Price: New Mexico's Practice of Arresting and Incarcerating People for Nonpayment of Court Debt: Technical Appendix* (New York: Vera Institute of Justice, 2024).