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KOB-4 Interviews Sonia Gipson Rankin and Joshua Kastenberg on the use of the Arnold Tool is setting bail

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UNM legal experts break down judge's decision to hold alleged rapist in pretrial detention

By Joy Wang

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ALBUQUERQUE, N.M.— A genealogy website helped APD solve a rape case more than four years after a woman was raped while jogging along the bosque.

Angel Gurule, 23, has been charged with criminal sexual penetration. He will be held in custody before going to trial.

KOB 4 spoke with law experts to determine how Judge Cindy Leos came to that decision.

Judges often rely on the "Arnold Tool" to decide bail or if someone should be released.

"The Arnold instrument is a tool that the judges have at their disposal and what you'll notice from the order that the judge released today is she did use it as a tool and as a recommendation, but what she did take into account was the seriousness of the new criminal charge that has been filed," said UNM Professor of Law, Sonia Gipson Rankin.

The Arnold Tool measures mainly two factors.

"The previous charges that might be against the person, previous failure to appear in court—these are factors based on the person's age, kind of some of their historical things they've done," Gipson Rankin said.

The seriousness of the charge is up for the judge to analyze, not the Arnold Tool.

"Let's say that you have a person who's loitering and they're charged with possession of methamphetamine and let's say that they're a methamphetamine addict and they've been arrested and charged five times in misdemeanor court. Under the way the Arnold Tool works here, they'd be more likely to be held pending trail in jail and deprived of their liberty than a premeditated murder who had a clean wrap sheet," said Joshua Kastenberg, a UNM law professor.

Gurule only scored a 1.1 on the Arnold Tool. According to the matrix, that recommendation would be to released him pending trial.

Judge Leos disagreed with that decision.

"There has to be some ability to assess the cases through a human lens rather than an algorithmic lens on a case-by-case basis and in this instance the judge did just that and determined that Mr. Gurule would be held behind bars pending trial," Kastenberg said.

Legal experts said the Arnold Tool helps when it comes to decision making based on facts and eliminates discrimination because the tool doesn't account for race or gender.

However, based on Judge Leo's decision, the tool does not constrain judges