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## Minutes of the Meeting of the New Mexico Sentencing Commission

December 3, 2019, 10:00 a.m.

Nusenda Credit Union  
4100 Pan American Highway  
Albuquerque, NM

Members Present	Members Absent	Others Attending	NMSC Staff Present
Shammara Henderson, Chair	Sheriff Manuel Gonzales (NM Counties)	Michael Stout	Linda Freeman
Bob Cleavall, Vice Chair	Paul Kennedy (NM Supreme Court)	Cisco McSorley (Adult Parole Board)	Douglas Carver
Cindy Aragon (State Bar)	Angela "Spence" Pacheco (Speaker)	Jonathan Gardner (AGO)	Zach Grant
Bennet Baur (LOPD)	Ryan Stewart (NMPED)	Regina Chacon (DPS)	Angelica Gurule
Hon. Marci Beyer (DMCJA)	Martin Suazo (Pro Tem)	Aaron Cruz (DPS)	
Hon. John Chavez		Angela Martinez (DPS)	
Jim Cowan (CYFD)		Melanie Martinez (NMCD)	
Mark Donatelli (Speaker)		Josh Brown (APD)	
Claire Harwell (Governor)		Damon Martinez (APD)	
Hon. Cristina Jaramillo (DMCJA)		Gilbert Ramírez (COA-FCS)	
Celina Jones (for NM SCt)		Neal Bowen (BHSD)	
Anne Kelly (AGO)		Antonio Maestas (State Rep.)	
April Land (UNM SOL)		Danita Gomez (NMT ICASA)	
Michael Lilley (Pro Tem)			

Alisha Tafoya Lucero (NMCD)			
Nina Safier (Governor)			
David Schmidt (Pro Tem)			
Mark Shea (DPS)			
John Sugg (House Minority)			
Clint Wellborn (NMDAA)			
Ron West (Senate Minority)			

**I. Welcome.** The meeting began at 10:14 a.m. Chair Shammara Henderson welcomed members, guests, and staff to the meeting.

**II. Approval of minutes for the August 27, 2019 meeting.**

The minutes of the meeting were approved by voice vote.

**III. Staff Report.**

Linda Freeman, Executive Director of the New Mexico Sentencing Commission (NMSC), informed the committee that staff were providing research to the Reform Committee, including literature reviews. A report on Probation and Parole non-custody sanctions was almost completed, and staff has performed data collection on sanctions in other states.

In addition, NMSC staff was working on the following:

- The law enforcement assisted diversion program in Pojoaque Pueblo;
- A study of the use of competency examinations in the state;
- The law enforcement assisted diversion program in Rio Arriba County, known as Re-Route;
- Research into the status of the County Detention Reimbursement Fund.

Douglas Carver, Deputy Director of the NMSC, informed the Commission that he had made a presentation to the Criminal Justice Reform Subcommittee of the Legislature's interim Courts, Corrections, and Justice Committee concerning how certain jurisdictions were revising their statutes to amend sentences for the young adult (those aged 18 to 25) populations in their criminal justice systems, given that their psychological makeup was not that of a child, but not yet that of an adult.

Zach Grant, Data Integration Program Manager, NMSC, gave the Commission an update on the crime reduction grants and the other monies the NMSC has to disburse for data integration efforts. He said that for the crime reduction grants, the Grants Committee had received approximately \$784,000 total in applications for the program, but had only \$377,000 available to disburse. These funds went to seven projects. With these projects and the other monies NMSC has available, there are now twelve projects on information flows being developed in the state. The grants have their intergovernmental agreements completed and their projects should be started soon. Mr. Carver added that the grants have funded projects in all of the Judicial Districts in the state aside from the Fifth and the Seventh. Ms. Freeman added that the crime reduction grant monies for this year were included in the Junior Bill and were specific for data

sharing, which meant that there were purposes under HB 267 that were not funded. NMSC will be watching for the Department of Finance and Administration and Legislative Finance Committee recommendations to see how much support the crime reduction grants have in the upcoming budget.

Members of the Commission asked questions about and discussed whether the competency study also included juveniles, what research has been done or might be done concerning the Community Corrections Act, the state of research on the brain development of the 18 to 25 population, how Commission members might help with budget deliberations, and NMSC involvement with Uniform Crime Reporting.

#### **IV. Criminal and juvenile justice proposals likely to be introduced during the 2020 legislative session.**

Representative Antonio Maestas introduced a bill, for which he is the principal sponsor, to reform Probation and Parole in the state. He noted that it was a long bill – 81 pages – because it needed to be. He informed the Commission that the main policy changes were that there would be no probation or parole fees; an independent probation agency would be created, the principal reason for the length of the bill; the Parole Board would be attached to the Department of Finance and Administration; the definition of absconding would now have a burden of proof making it easier to prove; and technical violations would be defined, distinguishing between a standard violation, which would mean breaking the law, and a technical violation, which would mean breaking a rule. He noted that the bill is still a draft and that it would be amended, possibly a few times, before it is introduced for the Legislature's consideration. He noted, in response to questions, that it was important that Probation be independent from the Corrections Department (NMCD); and that part of the reasoning behind the bill was that NMCD did not have the concept of unsupervised probation, which this bill creates.

Members of the Commission asked questions about and discussed the timeline for introducing the bill; county compliance; why Probation was going to be placed outside of the traditional Executive authority of the Governor; why Probation was not going to be placed under the Judicial Branch; whether creating a new bureaucracy was the best way to fix perceived problems with Probation; the different kinds of supervision that exist under the current Probation and Parole system; the good collaboration already evidenced in the Reform Committee discussions of Probation and Parole reform; whether it was a problem to take away Probation and Parole's present ability to arrest someone, which could have a public safety impact; and the problems that could be posed if authority is taken away from judges.

Chair Henderson asked that the subsequent versions of the bill be submitted to the Reform Committee and the Legislative Committee.

Douglas Carver, NMSC Deputy Director, noted that the Courts, Corrections and Justice Committee had endorsed three bills from the Administrative Office of the Courts (AOC). Celina Jones, General Counsel, AOC, informed the Commission that one bill creates new judgeships in the First, Second, Third, and Twelfth Judicial Districts; one allows persons 75 years of age or older to be exempted from jury service without the requirement of submitting an affidavit; and the third bill relates to issues surrounding the traffic citation process. This bill, which is similar to one vetoed in 2013, would see all citations go to the courts, rather than some going to the Motor Vehicles Division as under present law, and would make citations a summons.

Members of the Commission asked questions about and discussed whether the extra monies given to the Judicial Branch were being matched by greater resources being provided for indigent defense, whether there was consideration of the fiscal needs of the Law Offices of the Public Defender (LOPD) and the state's District Attorneys with this expansion of the judiciary, and the workload studies that used to be performed for LOPD and the District Attorneys.

## **V. City of Albuquerque Violence Interruption Program.**

Damon Martinez, Chief Policy Advisor, Albuquerque Police Department (APD), Josh Brown, Acting Commander, Violence Intervention Division, APD, and Gilbert Ramirez, Deputy Director, Family and Community Services Department, discussed a possible legislative initiative to support the implementation of a Violence Interruption Program (VIP) in the state. The VIP is an evidence-based program intended to interrupt cycles of violence, with a focus on services to those who are at the highest risk of perpetrating violence and to those at the highest risk of becoming a victim of violence. The VIP is a proactive program keyed to preventing violent crime. The idea is to have groups in the community apply for VIP grants so that different communities can tailor grants to their particular needs. The funding would flow through either the Department of Health or the Department of Public Safety, and the grantees would need to collaborate with area agencies and their local Criminal Justice Coordinating Council. Twenty percent of the funds are earmarked for Albuquerque. Albuquerque's initiatives would include a Violence Interdiction Division at APD; social services; and work with domestic violence issues.

## **VI. Report from the Legislative Committee.**

Mr. Carver informed the Commission that the Committee would start meeting the second Tuesday of the Legislative Session, and every Tuesday thereafter until the Tuesday after the bill introduction deadline.

## **VII. Report from the Justice Information Sharing Council.**

Regina Chacon, Chair, noted that she would be stepping down as Chair of JISC, as the committee was now going to be focused on overseeing the crime reduction grant projects and the other data sharing projects with which NMSC is involved. The Department of Public Safety, however, will still be working with JISC. Ms. Freeman added that JISC is being retooled to develop consensus-building among the partners who will be involved in the various data sharing initiatives with which NMSC is involved.

## **VIII. Report from the Juvenile Committee.**

Bob Cleavall, Chair, informed the Commission that the Committee had full agendas at its meetings. The most recent meeting had a presentation from AMI Sandoval, which was in the process of becoming a treatment center for state children involved in the criminal justice system. The Committee had also discussed two bills that Sen. Bill O'Neill was considering introducing during the Legislative Session: one would involve establishing a process for early parole review for juvenile offenders who have been sentenced as adults, the other is a proposal to re-establish the old Juvenile Parole Board. In addition, the Committee has spent a fair amount of time addressing the various issues that have arisen with the closure of numerous juvenile detention centers in the state.

## **IX. Report from the Sex Offender Management Board.**

Mr. Carver, Acting Chair, noted that the SOMB is still awaiting its appointments by the Governor, and thus has not been able to meet. He added that as the Board will be made up of entirely new members, the Board's direction will likely be different than it has been in recent years.

## **X. Report from the Grants Committee.**

Ms. Freeman stated that the work of the Grants Committee was covered in the Staff Report.

## **XI. Report from the Reform Committee.**

Ms. Freeman stated that the work of the Reform Committee was essentially covered in the discussion of the Probation and Parole reform bill, which has been the focus of the Committee's work.

**XII. Public Comment.**

Dr. Neal Bowen, Director, Behavioral Health Services Division of the Human Services Department, introduced himself to the Commission.

**XIII. Next meeting.**

The committee tentatively scheduled its next meeting for 10:00 a.m., March 24, 2020.

**XIV. Adjourn.** The meeting adjourned at 11:52 a.m.