

NEW MEXICO SENTENCING COMMISSION
FULL COMMISSION
MINUTES

January 13, 2006

9:30 a.m. – John Brown Juvenile Justice Center – Albuquerque, NM

Commission Members Present	Commission Members Absent	Others	NMSC Staff
Joe Caldwell, Chair		John Wheeler	Michael Hall
	Billy Blackburn, Vice Chair (proxy to Angie Vachil)	Regina Chacone	Tony Ortiz
	Cindy Aragon (proxy to Bob Cleavall)	George Davis	Randall Cherry
John Bigelow		Tom Swisstack	Julie Frendle
	Bill Gregoricus		Linda Freeman
Bob Cleavall			Chris Miller
Major Scott Ford			Jonathon Ochsankel
	Mark Donatelli		LaDonna LaRan
Roger Hatcher			Banyat Adipat
	Constance Keegan		
Michael Cox			
Gina Maestas			
Lemuel Martinez			
	Antonio Ortega (proxy to Martin Suazo)		
Honorable Lynn Pickard			
Honorable John Pope			
Honorable Jerry Ritter			
	Elizabeth Rapaport		
	David Schmidt		
Martin Suazo			
Melissa Stephenson			
Angie Vachio			
	Joe Williams/Nick D'Angelo		

- I. **Welcome:** Joe Caldwell, Chair, called the meeting to order at 9:35 a.m. Chairman Caldwell introduced new member, Melissa Stephenson.
- II. **Approval of minutes for the August 26, 2005 meeting.** The minutes were approved by consensus.
- III. **Staff Report:** Mike Hall reported on the accomplishments of the NMSC for 2005:
 - The staff completed eleven separate reports in the first six months of the year which is the requirement for the entire year. Chairman Caldwell called attention to the reports and basis of the reports.

- NMSC has two bills on the Governor's call.
- The results of the external audit were excellent, there were zero audit findings. As a general rule, small agencies generally have problems with their audits. NMSC met or exceeded all of its annual requirements. Our requirement on the web site is 90,000 hits per month and the actual is well over that figure. Juvenile officers utilize our web site almost hourly to look for facilities to put the juveniles.
- We were thanked by many analysts during the legislative session for our report of how we voted on each bill.
- Mr. Hall took the opportunity to compliment LaDonna LaRan on the great job that she is doing as NMSC Budget Analyst and to report that we are currently just under 50% of our budget. The LFC has recommended that the JISC budget go into the NMSC budget. This is significant because it will put the NMSC total budget at just over one million. The JISC monies will be tracked separately.
- The First Annual Town Hall meeting which was held in December at Highlands University in Las Vegas, N.M. He reported that that it was a really good first session. The morning was an overview of the criminal and juvenile justice system and the afternoon was broken into more specific sessions. Mr. Hall pointed out the display boards that were created for the meeting. Chairman Caldwell added his thoughts that the Town Hall meeting was very good.
- Chairman Caldwell pointed out that NMSC was able to successfully negotiate a better rate with UNM.

Tony Ortiz gave an update on the Workload Measurement Study. This study was requested by the Supreme Court Justice Task Force Committee. He reported that as of this week we now have a signed contract. Senator Levell is going to introduce a bill to cover the rest of the costs of the study. One of the members reported that the Governor is very excited about this study and is supportive that this will be the first of such studies. Mr. Ortiz reported that Roger Bargas has been very involved in this and that the Criminal Defense lawyers will have a seat on the advisory board of the study.

Mr. Hall reported that he and Mr. Ortiz will be working hard to see that the NMSC bills will be introduced early in the legislative session. **The bills to be presented are: Tony, could you please fill this in?**

IV. **Report from the Sex Offender Management Board:** Randall Cherry reported that the Guidelines Workgroup has been working on surveying and that a draft of the guidelines will be put into final form and presented for a vote during the March Full Commission meeting. This group is also putting together the associated costs. He reported that resources in NM are concentrated in the metro areas and that Sex Offenders are in all areas of that state making it important to cover the rural areas also.

Mr. Cherry reported that the Treatment Workgroup has been working on assessment tools. These tools are to assess the risks of moving sex offenders to parole. This group is hoping to present the following during the March meeting:

- Juvenile
- Adult
- Concentrating of what sex offenders can do to get off the registration

Mr. Cherry stated that they will be focusing on treatment for both offenders and victims. He stated that they have reviewed the Governor's package on sex offenders. John Wheeler shared more details on this.

Next Mr. Cherry stated that the provisions the SOMB agreed to support are:

- 1) Creation of new crime – CBS. Beyond first degree. Victims under nine years old instead of 13 years old.
- 2) Or done with a depraved mind or intent to kill
- 3) Or commits a first degree CSP and continues to be a threat to the community
- 4) Crime carries lifetime sentence. Top crime will be aggravated criminal sexual penetration
- 5) Recommending lifetime parole (now 20 year parole)

Motion – A motion was made to support the concept to strengthen CSP, understanding that there may be further issues. Concept is supported based upon the elements described by John Wheeler, that victims under nine years old, or that commit first degree and support the lifetime parole, with the understanding that there may be changes made. Motion passed with 8 pro votes, 8 opposed votes, 2 abstain votes and the chair voting in favor. Mike Hall and Tony Ortiz will present as “NMSC supports in favor with a 9 to 8 vote.”

After considerable discussion another motion was made:

Motion – A motion was made to direct the NMSC staff to report to the legislature that it was an evenly divided vote. Motion failed.

Motion – A motion was made to support fully funding the STOP program which brings it to full capacity of 24 beds. Motion passed by consensus.

- V. Report from the Juvenile Committee:** Bob Cleavall reported that the committee met in November and discussed legislation to be presented at the 2006 Session. He reported that the committee is looking at Camp Sierra Blanca. Mr. Caldwell stated that we have very little support in juvenile justice even though this is the year of the child. He then reported that there has been discussion on the salary level for juvenile probation officers. Mr. Cleavall stated that gender specific treatment is the number one issue for the juvenile committee.

Tom Swisstack recognized the diversity of the NMSC Board and said that he would like to see the integrity continue. He reported that Dr. George Davis is working on mental health facilities for kids. His group is working on options for judges. He is recommending that the legislature fund the regular detention bill and is asking for funding to be reoccurring. Mr. Swisstack reported that they are moving toward regionalization of facilities. Some of the issues are:

- Making a plan for children who are in institutions that will be closing.
- We spend a substantial amount of money on adult issues and very little money on juvenile issues. Resources are not pooled, an infrastructure needs to be in place.

Dr George Davis gave some background of female juvenile treatment issues. He stated that there are about 30 girls in the system now with at least 50% of them coming from a hospital or treatment center. That the girls have a higher degree of mental health issues and more complications than the boys do. He also stated that the outcome of the girls is worse than that of the boys. He stated that the real issue with all juveniles is reintegration, getting them back into the community with some skills to survive there. This requires social, functional, family and education issues.

Motion – A motion was made for NMSC to support and endorse any program to treat and educate gender specific treatment programs. Motion passed by consensus.

- VI. Report from the Sentencing Reform Committee:** John Bigelow asked John Wheeler to report on the Governor's package. Mr. Wheeler summarized:

- Create a substitute _____
- Enhancement for domestic violence – set minimum
- 2 gang bills – recruitment, to punish recruitment.
- Sex offender
- Registry of meth offender property
- Fix glitches in drug free school zone, adding meth to trafficking – degree felony.
- Animal something - Bob Swartz's dog
- Child abuser registry

Motion – A motion was made to support the Governor's proposal to fund three million dollars for counties undertaking programs like the San Juan County project. Motion passed by consensus.

John Bigelow reported that Gail Evans and others are proposing, and have presented, to the Supreme Court Task Force Committee, to create/appoint the Director of Public Defenders.

Next Mr. Bigelow reported that the Sentencing Reform breakout session during the Town Hall meeting resulted in interesting discussion. He asked participants in discussion if any laws on books should be removed. They answered no. He then asked if any penalties on books should be removed. This was also given a no response. There was further discussion that the legislative process shouldn't enact new legislation without knowing how something was going to be funded. It was suggested that the SRC propose legislation on this

Mr. Bigelow then stated that the expected results of the Workload Measurement Study should address the needs of the public defenders and the defense.

Tony Ortiz reported that the NMSC Data report will be presented to the legislators on Monday. He stated that each component has factoids in the left hand column that are highlighted. He stated that he hopes that this will start information, with facts, flowing. Mr. Ortiz pointed out that actually costs of running criminal and juvenile programs in NM are in the report. NMSC plans to replicate this information on a yearly basis therefore we will be able to identify trends in on-going years.

Please check this to make sure that I got the motion correct. I got confused here but my notes are in the 2nd highlighted paragraph.

- o **Motion** - A motion was made to support the Governors' proposal to fund three million dollars for counties undertaking programs like the San Juan County project. Motion passed by consensus.

Data report – written and will be presented to legislatures on Mon. Each component has factoids in left hand column that are highlighted. Hope that this will start information, with facts, flowing. How much is actually costs running criminal and juv justice program in NM. Plan to reciprocate info on a yearly basis. Be able to see trends in on-going years.

JB – will be able to provide legislature with “real” information. He thinks it's a good idea for NMSC to take a position on _____. The commission recommends that _____ (printed on handout).

Motion -

Passed by consensus.

VII. Report from the Data Committee and the Justice Information Sharing

Council: Michael Cox reported that this is the year of the Data Committee. He stated that this is the first time a global report, the Data Report, has been attempted and he feels that the report will become the bible for legislatures. He then reported on the EMD report. Mr. Cox stated that the addition of JISC and the value of getting information on a real time basis. Tony Ortiz reported that Dave Abby

requested a projected rate of inmates being up for release which we were able to provide in about two weeks time due to us having the data.

Below are my notes, is there anything here that I have missed?

Banyat Adipat, JISC Project Manager, was introduced.

60 day EMD report - real answers in a reasonable amount of time. Hoping to turn these out on a regular basis. Additional of JISC and ability to do this stuff on a real-time basis. Now data comm. Will be able to answer questions from the legislature. TO – dave abby asked to and rc for a projected rate of inmates being up for release. MH – this report is the corner-turn. Report was turned around in 2 weeks due to us having the data.

Introduced Banyat. Combination of JISC and Data Comm is a wonderful marriage. AODA is now going to give us access to their data. In next few months the consolidated ... inquiry will be used throughout the system.

JISC just got the certification of the

JC – charged in is to adopt a regulation of has to go through a state regulation approval process.

- VIII. **Report from the Legislative Committee:** Martin Suazo stated that the size of the legislative committee has been discussed in previous meetings. The committee needs to be decreased in size. He reported that last year four bills were introduced during the session and that none of them went through. He said that we will re-strategize getting these bills through this year. Mr. Suazo stated that the NMSC staff has put together a great form to track the bills during the session.

Mr. Suazo stated that the legislative committee will meet on Tuesdays during the session with the exception of the January 23rd meeting which is on a Monday.

Chair Caldwell stated that everyone did a great job last year and the NMSC tried to make sure that every group was represented on the legislative committee. He stated that everyone has the ability to present to the legislative committee, that the meetings are open and anyone can attend even if they don't have a vote.

- IX. **Plan for next meeting:** It was suggested that our next meeting be a retreat held the end of April or early May in Taos – May 5th was suggested.

Chair Caldwell stated that the Town Hall meeting was great and that we would plan for additional Town Hall meetings during the retreat.

- X. **Adjourn:** The meeting adjourned at 12:23 p.m.