

NEW MEXICO SENTENCING COMMISSION
FULL COMMISSION
August 3, 2007
MINUTES
9:30 a.m.

State Bar of NM Professional Development Center, 5121 Masthead NE, Abq., NM

Commission Members Present	Commission Members Absent	Others	NMSC Staff
Joe Caldwell, Chair			Michael Hall
Billy Blackburn		Ranada Perry-Galon	Randall Cherry
	Cindy Aragon – proxy to Angie Vachio	Bill O’Neil	Julie Frendle
John Bigelow – by teleconference			Nancy Gettings
	Bob Cleavall – proxy to John Bigelow		Paul Guerin
	John Denko/Scott Ford		Jonathan Ochsankehl
	Dorian Dodson/Roger Gillispie		Tony Ortiz
	Mark Donatelli – proxy to Billy Blackburn or David Schmidt		
	Veronica Garcia		
Steve Suttle attending for Gary King			
Gina Maestas			
Clint Wellborn			
Arthur Pepin			
Lynn Pickard			
	John Pope – proxy to Jerry Ritter		
Jerry Ritter			
April Land attending for Suellyn Scarnecchia			
David Schmidt			
Melissa Stephenson			
Martin Suazo			
Angie Vachio			
	Michael Vigil		
Kent Waller			
	Joe Williams/Nick D’Angelo		

Welcome. Joe Caldwell, Chair, called the meeting to order at 9:30 a.m. Steve Suttle was introduced and will be replacing Michael Cox to represent the Attorney General’s Office.

Approval of Minutes from the May 11, 2007 meeting. The minutes were approved by consensus.

Staff Report:

- **Proposed NMSC Operating Budget for FY09.** Michael Hall presented the FY09 Operating Budget. He stated that this is the first year that we have asked for a flat budget and it is exactly the same as last years' budget with the total budget being \$848,000. Mr. Hall will be going to the LFC and DFA to ask for a cost of living increase. The NMSC doesn't receive cost of living increases due to being housed at UNM and UNM doesn't give it to us because the NMSC is a special agency account for UNM.

Motion: A motion was made to adopt the FY09 Operating Budget. Motion passed by consensus.

- **Proposed NMSC Strategic Plan.** Michael Hall presented the FY09 Strategic Plan. Mr. Hall stated that he has completely has rewritten the strategic plan. The question was raised if the NMSC will have the funds to complete all of this work since a flat budget was requested. Mr. Hall stated that some of the projects are independently funded. Mr. Hall went on to state that the NMSC performance measures will change and that the web site hits will no longer be a performance measure. He stated that the web site hits have leveled off to about 400,000 per month and that 80% of the hits are to the Adult and Juvenile Directories and that the JISC web site gets over a 100,000 per month hits now. Members of the NMSC recognized how far the NMSC has come in the last few years and thanked the staff for their dedication.

Motion: A motion was made to adopt the FY09 Strategic Plan. Motion passed by consensus.

- **HB738 – relating to juveniles: providing that information concerning arrests, delinquency proceedings and social records relating to a child not be disclosed on a public access web site maintained by a state of local agency.** Tony Ortiz reported on this matter and stated that the Courts have issued a companion piece to this. Arthur Pepin reported that felony offenders that are juveniles have been removed from the courts web site and state. This Act was made retroactive to anyone who was sentenced as a juvenile and all of this information was removed from web sites. It was reported that the JISC Consolidated Offender Query (COQ) has a limited audience that can access this information.
- **Workload Measurement Study for the Judiciary, District Attorneys and the Public Defender Department.** Mr. Ortiz reported on the recently completed study. The NMSC shared the report during the LFC hearing in Ruidoso. Mr. Ortiz stated that the report was done on schedule at a fair price and will have an on-going value for the next 4-5 years. Copies of the report have been distributed to the LFC and DFA as well as to many others. The Executive Summary of the report is posted on the front page of the NMSC web site. Mr.

Ortiz reported that the contracted experts, APRI and NMSC were thrilled at the level of participation from the three entities studied, that the participation was way beyond the expectations and that this should give the report even report even more creditability.

Mr. Ortiz stated that we are close to getting the FY07 data and will have it to Renada Perry in the next 3-4 weeks. Chairman Caldwell asked how we're going to sell the report. Mr. Ortiz replied that the reports are it into the hands of the people who need to have it. There was discussion regarding doing a press release on the report. Chairman Caldwell stated that it is the responsibility of the NMSC members to sell this report, that each person has spheres of influence and should speak to them about the study. He stated that this study addressed a crisis situation three years ago. Chairman Caldwell went on to say that we also need to continue to see where we are in the needs of the State Police and Corrections. Mr. Hall said that he will write a press release and send it to the committee members next week.

- **Schedule of meetings for the interim legislative Courts, Corrections and Justice Committee and planned presentations to that committee by NMSC staff.** Tony Ortiz pointed out the schedule for the Courts, Corrections and Justice Committee. Mr. Ortiz, Michael Hall and Linda Freeman will be making several presentations on the Workload Measurement Study in the next several months. Randall Cherry will be making presentations on Sex Offender issues and Banyat Adipat will be making presentations on the COQ. In September or October the CCJ will be presented with the Workload Measurement Study. Chairman Caldwell requested Mr. Adipat to demonstrate the COQ at the next Full Commission meeting.
- **Executive Summary from an audit performed by the LFC on inmates.** Mr. Ortiz reported that the Sentencing Reform Committee worked on this. He stated that some of the recommendations are: develop a ten year strategic plan; give further thought for financing or leasing correctional facilities; directive to LFC to use private vendors in order to save money; and provisions for medical care for inmates. Mr. Ortiz stated that in the full audit there were questions raised concerning if the Las Lunas facility should continue performing the diagnostic evaluations of all incoming inmates. The NMSC will be studying this in the future.

Report of the Juvenile Committee: Tony Ortiz reported for Bob Cleavall, Chair. Mr. Ortiz stated that the juvenile committee has held three meetings since the last Full Commission meeting held in May, two meeting held at Sequoyah and one at the Children's Psychiatric Hospital (CPH) to check out the female juvenile program. CPH has financing for six beds and have the desire to make this program sustainable and to incorporate step-down programs. Melissa Stevenson has brought up giving timely notification to victims about court dates. The next Juvenile Committee will be held next Friday, August 10, 2007 at the Eagle's Nest Integration Center. One issue that the committee is working on is the

mandatory parole for juvenile commitments. The chief concern is that the kids get savvy and do nothing to work on behavior changes and then they are released after doing their time. Bill O'Neil expressed concern that the driving principles be that the kids are ready to go back home and there should be some flexibility in the release dates. A sub-committee has been formed to address this and it was reported that the problem seems to be resolving itself after the sub-committee met.

Report from the Data Committee and the Justice Information Sharing Council:

Chairman Caldwell stated that Michael Cox has requested to be relieved of the Chair of the Data Committee and that he is willing to accept applications. He stated that the Data Committee has accomplished more for this State than any other committee and that the Chair should be a NMSC Commission Member. Michael Hall reported for both committees. Mr. Hall stated that the Data committee now has a mass data base and Paul Guerin oversees five graduate students who analyze these data bases. Mr. Hall reported that Banyat Adipat is leaving his position as JISC Program Manager at the end of the calendar year and that they have already started to look at possible replacements. Mr. Hall stated that Mr. Adipat will be difficult to replace because he is both technical and has developed great people relationships. Currently Mr. Adipat is at a tribal data conference in Phoenix and next week Mr. Adipat and Mr. Hall will be attending a conference in Chicago. They have been asked to present to an international data conference. The latest development is that we now can see domestic violence and [REDACTED] information from the Zuni pueblo. The COQ will show offender records from both the reservation and from the State.

Mr. Hall then reported on the Adult and Juvenile directories. He stated that the NMSC is producing 1,000 CD's of juvenile directory and that they will be distributed to all of the NM education system. He stated that the NMSC is working with Doug Nelson at Children Youth and Families to add fields to the juvenile directory to match needs with availability. It was requested that this also be done by gender.

Mr. Hall then reported on the Charge Code Table. It has been rolled into the District Attorney's system and into the [REDACTED] databases. There is a drop down menu for officers to choose from. Mr. Hall reported that this is the first time that we'll have apples to apples data.

Mr. Hall next reported on enhancements of the COQ. He stated that the District Attorney's office is required to notify victims when someone is released from prison. He stated that the COQ is used by 2,000 people and that the list will continue to grow. Currently abuse and neglect cases are faxed to local law enforcement and that no one knows what happens to these once they are faxed. We are working with CYFD to make this information immediately available to those law enforcement agencies and to include a feedback loop. Sheriff Kent Waller stated that this will stop the duplication of efforts.

Mr. Hall reported that representatives from several tribes attend the JISC meetings. He stated that we need to build a trust level and hope that it creates a critical mass among the tribes. Tribes are in beginning efforts of building a case management system.

Paul Guerin, PhD, reported on the NMSC research plan. He stated that some of the research projects are funded by the legislature, some are not and that some are funded by outside sources. He stated that more money would help to get more bodies to do the work. The current projects are listed on the research plan in each meeting folder.

Report from the Sex Offender Management Board: Randall Cherry reported for Judge Michael Vigil, Chair. Mr. Cherry reported that the Governors' office is working to fill the two open appointments on the SOMB from treatment and from law enforcement. Work is still being done on the guidelines and the supervision guidelines for juveniles is on hold because it has to interface with the adult guidelines. He reported that the adult treatment recommendations still needs a lot of work but should be finished this fall. Mr. Cherry reported that the funding for the STOP program had been stuck but has now been distributed. He reported that the STOP program beds are all full as of last week and that they have hired their fourth treatment provider. SOMB is going to coordinate Aug 16 an 17th in Taos and there will be a national leader present.

Presentation of the proposed SOMB Probation and Parole Guidelines for Sex Offenders: Randall Cherry stated that thanks to Angie Vachio the SOMB will revisit the issue of relationship between offender and families. The Board is still very concerned about the crossover of offenders.

Mr. Cherry reported on important issues in the sex offender field:

- Residency restrictions, this will be an upcoming issue at the next legislative session. The SOMB is not taking a stance on this issue.
- Adam Walsh bill. The SOMB is looking at the Adam Walsh bill and have agreed to put off any compliance legislation until 2009. He stated that juvenile registration of sex offenders continues to be a major issue. Last week the House voted to extend the deadline. NM is fully compliant now with the current law and about 65% compliant with the Adam Walsh.
- GPS systems for sex offenders. Mr. Cherry reported that a law was recently passed that all sex offenders will wear GPS devices. He stated that there isn't any research that finds that this is effective. California is doing pilot program and the cost to them so far is \$2.4 million for staff and \$1.6 million for the GPS units. NM Corrections wants to put GPS tracking on offenders as they get released but not on already released offenders. The cost of this is estimated to be \$4-5 million per year and the sex offender system didn't receive any additional money to do this so it's putting additional pressure on Probation and Parole. Currently NM has five people on GPS and has had to pull five Probation and Parole officers to monitor them 24 hours a day.

Michael Hall reported that Randall Cherry and his partner in Colorado have formed a National Sex Offender Board.

Report from the Sentencing Reform Committee: Tony Ortiz reported for John Bigelow, Chair. Mr. Ortiz reported that the committee met 10 days ago. During the meeting Jacqueline Cooper presented alternative sanctions available in some parts of the state however some of the statistics she presented weren't necessarily agreed with. These alternatives are all component parts of what Chairman Caldwell envisions the NMSC doing. The SRC members also were given the VERA report which was published in 2003. The committee will be looking at ways to reduce sentencing. The committee will revisit Blakely and Cunningham cases at the next meeting and double jeopardy issues will also be looked at.

Steve Suttle representing Gary King, Attorney General, will join the SRC committee.

Report from the Legislative Committee: Martin Suazo, Chair stated that there is no report at this time.

Plan for next meeting. The next meeting will be held November 30, 2007, location to be determined.

Adjourn. The meeting adjourned at 12:10 p.m.