

NEW MEXICO SENTENCING COMMISSION

June 27, 2008

MINUTES

NMSC FULL COMMISSION

NM Educator's Federal Credit Union, Albuquerque, NM

Commission Members Present	Commission Members Absent	Others	NMSC Staff
Joe Caldwell, Chair		David Jablonski	Michael Hall
Billy Blackburn		Ella Frank	Tony Ortiz
Cindy Aragon		Richard Beckwith	Banyat Adipat
John Bigelow		Charlene Knipfing	Dan Cathey
Bob Cleavall		Tasia Young	Randall Cherry
Inspector Scott Ford (for John Denko)			Linda Freeman
Debra Pritchard (for Dorian Dotson)			Paul Guerin
Mark Donatelli			Nancy Gettings
Ron Lucero (for Dr. Veronica Garcia)			LaDonna LaRan
Gary King/Mary Helen Baber			Jonathan Ochsankehl
	Gina Maestas (Proxy to John Pope)		Margie Lueras
Arthur Pepin			Alex Adams
	Lynn Pickard (Proxy to John Pope)		
John Pope			
Jerry Ritter			
	April Land (for Suellyn Scarnecchia) (Proxy to Angie Vachio)		
	David Schmidt (Proxy to Angie Vachio)		
	Melissa Stephenson		
Martin Suazo			
Angie Vachio			
Michael Vigil			
	Kent Waller (Proxy to Inspector Scott Ford)		
Lemuel Martinez			
Erma Sedillo (for Joe Williams)			

Welcome. John Bigelow called the meeting to order at 9:35 a.m. A quorum was established. Mr. Bigelow welcomed Attorney General Gary King. Mr. Bigelow also welcomed Mary Helen Baber, who will be serving as Attorney General King's designee on the Commission.

Approval of minutes for the March 28, 2008 meeting.

MOTION: Angie Vachio moved, and Martin Suazo seconded, that the minutes for the March 28, 2008 meeting be approved. The motion carried unanimously.

Staff Report.

Proposed NMSC budget for FY 10. Michael Hall presented the proposed budget for the New Mexico Sentencing Commission for FY 2010. Mr. Hall noted the proposed budget contains a \$150,000 increase to cover increases in travel expenses for Commission members, a rent increase requested by the University of New Mexico, salary and benefits increases for staff, and the addition of a half-time programmer for the Justice Information Sharing Council. The proposed budget has been reviewed and approved by the NMSC Budget Subcommittee.

MOTION: Angie Vachio moved, and Martin Suazo seconded, that the proposed FY 2010 budget be approved. The motion carried unanimously.

Proposed NMSC Strategic Plan for FY 10. Michael Hall presented the draft FY 2010 NMSC Strategic Plan, noting the Budget Subcommittee has reviewed and approved the Plan. The Plan contains information on ongoing NMSC projects, committees, publications and coordinated efforts with other agencies and entities.

MOTION: Martin Suazo moved, and John Pope seconded, that the NMSC FY 2010 Strategic Plan be approved. The motion carried unanimously.

Chairman Caldwell joined the meeting at this time, and John Bigelow yielded to the Chair to preside over the remainder of the meeting.

Type of notice to be used for NMSC meetings. Tony Ortiz reported that the Open Meetings Act requires ratification on a yearly basis of the type of notice the Commission uses to notify the public of NMSC meetings. The Commission currently publishes notice in the Albuquerque Journal and on the NMSC Website. Gary King offered to review the Open Meetings Act to ensure the Commission is in compliance with the Act and, if necessary, to draft a resolution addressing both the policy on notification of meetings and the policy on how an emergency meeting may be called. Chairman Caldwell directed that this item be placed on the agenda for the next Commission meeting. Arthur Pepin

requested that Mr. King also review the Open Meetings Act to determine whether the Commission's proxy policy should be included in the resolution.

Summary of NMSC research projects. Tony Ortiz provided a summary of research projects NMSC staff is currently conducting and upcoming projects, including:

- Annual determination of earned meritorious deductions for state inmates
- Collection and analysis of data used to distribute funds pursuant to the County Detention Facilities Reimbursement Act
- How good time is awarded to jail inmates on a county-by-county basis
- A refreshed resource needs assessment for the Judiciary, District Attorneys and the Public Defender Department. Tony Ortiz noted that the LFC has requested that, with regard to the Public Defender Department, supplemental information be provided to determine resource needs for areas of the state where no PDD offices are located.
- How domestic violence cases flow through the justice system
- Ethnicity, demographics and other information regarding inmates housed in the state prison system, prepared for the Courts, Corrections and Justice Committee
- Whether bias based policing is taking place in New Mexico
- Best practices for gender specific probation and parole models for adult women
- Disposition of de novo appeals from DWI cases initiated in magistrate and municipal courts
- The effect of arrest, incarceration and conviction on felony offenders
- Detailed analysis of all criminal law bills to determine the impact on Correction Department resources (SM 47). Mike Hall summarized meetings on this subject held with officials from LFC and DFA.
- Possible reasons for the recent decline in the state inmate population after 30 years of continual growth
- National literature review to determine best practices for training CYFD staff
- Evaluation of DWI and drug courts in Bernalillo and Dona Ana counties

Report regarding the Attorney General's Prison Oversight Task Force. Gary King reported the task force has toured the Los Lunas prison facility and the women's prison facility in Grants. The task force has kept its focus on prison oversight and is not addressing issues of prison reform, which are being developed by the Governor's Prison Reform Task Force. The Attorney General's Task Force has focused on the key issue of "golden key" access to prisons. The task force will present its report to the interim legislative Courts, Corrections and Justice Committee later this year.

Report regarding the Governor's Prison Reform Task Force. John Bigelow reported the Governor's Prison Reform Task Force report is now available on the Governor's Website and the NMSC Website. The report is entitled "Increasing Public Safety in New Mexico Before, During and After Incarceration: New Directions for Reform in New Mexico Corrections". The report proposes a comprehensive reform package to increase public safety, control prison population and decrease recidivism rates. The task force also recommends structural changes to create a council to ensure resources are readily available for reentry reforms. Additionally, the task force recommends that the Corrections Department create a Reentry Division to coordinate programming and ensure inmates are given the best possible opportunity to succeed.

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

Cindy Aragon reported the Data Committee has decided to meet on a quarterly basis to address policy issues.

Michael Hall reported that JISC has requested from the Commission a formal vote in support of the concept of the use of electronic documents in the criminal justice system.

MOTION: Arthur Pepin moved, and John Bigelow seconded, that the New Mexico Sentencing Commission supports in principal the concept of the use of electronic documents in the criminal justice system, including the juvenile justice system. The motion passed by consensus. Scott Ford noted strict guidelines should be developed for the appropriate use of electronic documents. Cindy Aragon noted the importance of training staff to maintain confidentiality when using electronic documents.

Banyat Adipat reported that use of the Consolidated Offender Query (COQ) has doubled since the same period last year. JISC has increased system speed by 30 to 40 percent by installing a new server and has added ignition interlock alert and domestic violence tabs. JISC is waiting for approval by the New Mexico Supreme Court of a streamlined Emergency Order of Protection form. JISC continues to work with the New Mexico Attorney General's office on a pilot project to implement a web-based Emergency Order of Protection system. The system is 95 percent complete. JISC is also working on a request for non-recurring funding to incorporate Motor Vehicle Division data and District Attorney data into the COQ.

JISC is also working on enhancements to the juvenile justice resource directory for the Children, Youth and Families Department.

Michael Hall reported that the NMSC has converted the New Mexico Children's Code into a Word document to facilitate the efforts of the 2008 Children's Code Revision Task Force.

Report from the Sentencing Reform Committee. John Bigelow presented the Sentencing Reform Committee's proposed legislation amending Section 31-18-15.1 to provide for a jury determination of aggravating circumstances as the basis for a judge's decision to impose an upward departure from a basic sentence. The Sentencing Reform Committee recommended by an 8-1 vote that the legislation be approved by the Commission. A copy of the legislative proposal is in the member's files.

MOTION: Martin Suazo moved, and Billy Blackburn seconded, that the SRC-proposed legislation be approved by the Commission.

Arthur Pepin spoke in opposition to the recommendation and spoke in favor of an alternative approach, giving judges authority to impose a sentence within a one-third range up or down from the basic sentence. After a lengthy discussion, the Commission approved the SRC-proposed legislation by a 15-6 vote.

Report from the Sex Offender Management Board. Randall Cherry reported that Judge Vigil was unable to attend the meeting. A subcommittee of the SOMB that has been reviewing proposed supervision guidelines for sex offenders met and determined it supported the original version of the guidelines. The subcommittee rejected proposed revisions regarding sex offender's contact with family members. The SOMB is scheduled to meet in July, at which time it will act on several issues, including the subcommittee's recommendation regarding supervision guidelines, treatment guidelines for juveniles, and GPS requirements for sex offenders. Randall Cherry also provided the Commission members with a summary of recent activity regarding the federal Adam Walsh Act.

Report from the Juvenile Committee. Bob Cleavall, Chair, reported the Juvenile Committee has visited Desert Hills treatment facility in Albuquerque, Area One in Springer, and the J. Paul Taylor Juvenile Detention Center and the Mesilla Valley treatment facility in Dona Ana county. The committee has focused on provision of treatment services for juveniles, including problems with the 14-day reauthorization of treatment required by ValueOptions. Members of the Juvenile Committee and NMSC staff will be involved in the work of the 2008 Children's Code Revisions Task Force.

Report from the Legislative Committee. Martin Suazo reported the Legislative Committee plans to meet later this summer to discuss its scope, votes and reporting of votes.

At this time, Chairman Caldwell announced his resignation as Chair of the NMSC and thanked the Commission and staff for their hard work during his tenure. John Bigelow will assume the position of Chairman of the Commission, effective July 1, 2008. The Commission presented a token of appreciation to Chairman Caldwell and wished him the best of luck in his future endeavors.

Plan for next meeting. The next NMSC meeting is scheduled for Friday, October 3, 2008 at 9:30 a.m. The location will be determined.

Adjourn. The meeting adjourned at 12:25 p.m.