

NEW MEXICO SENTENCING COMMISSION

August 2, 2012

NM Educator's Federal Credit Union,
 4100 Pan American Highway NE
 Albuquerque, NM

10:00 AM

Commission Members Present	Commission Members Absent	Others	NMSC Staff
Marron Lee, Chair		Jo Roberts	Tony Ortiz
	Cindy Aragon	Jim Brewster	Linda Freeman
Billy Blackburn		Aurora Sanchez	Nancy Gettings
	Bob Cleavall	Joe Booker	Renee Cordova
Sheriff Raymond Cobos (via teleconference)			
Ben Bauer (for Chief Public Defender Jacqueline Cooper)			
Edna Reyes-Wilson (for CYFD Sec. Yolanda Berumen-Deines)			
Mark Donatelli			
DPS Sec. Gorden Eden Jr.			
Judge Joel Garnett			
David Pedersen (for Attorney General Gary King)			
	Ricky Madrid		
NMCD Sec. Gregg Marcantel			
District Attorney Amy Orlando (via teleconference)			

Steve Prisoc (for Artie Pepin)			
	Judge Jerry Ritter		
David Schmidt			
Ron Lucero (for PED Sec. Hanna Skandera)			
Martin Suazo			
Judge Michael Vigil, (COA)			
Michael Vigil, Citizen			
Max Minzner (for Kevin Washburn) (via teleconference)			
Rep. of a victim organization (vacant)			
District Court Judge (vacant)			

Welcome: Marron Lee, Chair, called the meeting to order at 10:10 a.m. Committee members, guests and staff introduced themselves.

Approval of minutes for the April 12, 2012 meeting: The minutes for the previous committee meeting were approved by consensus.

Staff Report:

--Testimony at legislative Courts, Corrections and Justice Committee hearing held on July 26, 2012: NMSC staff presented the prison population forecast report to the interim legislative Courts, Corrections and Justice Committee. The following trends were featured in the presentation:

--In New Mexico, the total state prison population has been growing at a slow rate. Since 2005, admissions to prison have been trending downward, while releases from prison have been on an upward trend. The convergence of admissions and releases has slowed the growth of the total prison population.

--New admissions for serious violent offenses continue to trend upward. This is significant, as serious violent offenders are required to serve not less than 85% of their sentence.

--The female inmate population has recently been trending upward. Preliminary findings suggest that the impetus for the population increase is due to the following: 1) the number of females incarcerated for violent crimes has been increasing; 2) the number of women incarcerated for drug trafficking offenses has increased while admissions for drug possession

offenses has decreased; and 3) the number of women serving their parole “in-house” has been increasing.

--The forecast for the male and female prison populations is for continued slow growth.

--Summary of work with Legislative Finance Committee staff and NM Corrections Department staff on a program evaluation model: Legislative Finance Committee staff, working with the Pew Center, have been working on the implementation of a program evaluation model. The model requires criminal justice data and NMSC staff have been collaborating with NM Corrections Department staff to provide needed data to the LFC. NMSC staff also attended a regional meeting in Denver, hosted by the Pew Center, that provided additional information and training on implementation of the evaluation model.

--Study regarding length of stay in county detention facilities: The draft report has been completed and is being reviewed by the NM Association of Counties. The report will be widely distributed and will be presented to the interim legislative Courts, Corrections and Justice Committee in October. Supplemental information regarding competency procedures and mental health issues will be addressed in a subsequent report.

--Collection of surveys for the County Detention Facilities Reimbursement Act: This is an annual, statutory duty for the Sentencing Commission. The surveys have been completed by county detention administrators and we are in the process of gathering custody lists that are used to validate the survey responses. We provide data to the Department of Finance and Administration no later than December 1st and that data informs the formula used to distribute money from the County Detention Facility Reimbursement Fund.

--Resource needs for the Judiciary, District Attorneys and Public Defender Department: The deadline for the Judiciary, District Attorneys and Public Defender Department to submit their data to NMSC staff is August 8, 2012. NMSC staff will calculate updated resource needs and distribute that information no later than September 1, 2012.

--Summary of the 2012 National Forum on Criminal Justice and Public Safety, held at the Santa Ana Pueblo on July 30-31: Department of Public Safety Secretary Gorden Eden, Jr. briefed Commission members on the national forum. He noted that more than 40 states sent representatives to the conference. Governor Susanna Martinez delivered the keynote address for the forum. The conference featured a number of tracks, including tracks regarding juvenile justice, detention issues, federal issues concerning sex offenders, and mental health issues.

--Adoption of FY13 resolution regarding notice of public meetings: On an annual basis, the NM Sentencing Commission reviews and adopts a resolution regarding notice of public meetings. An electronic copy of the proposed notice was sent to members in advance of the meeting. The resolution sets forth procedures, required by the NM Open Meetings Act, for providing legal notice of regular, special and emergency meetings. During a discussion of the resolution, it was suggested that the resolution should also expressly reference sub-committee meetings.

MOTION: A motion was offered to amend the draft resolution to expressly indicate that language in the resolution is applicable to meetings of Sentencing Commission sub-committees. The motion was adopted unanimously.

MOTION: A motion was offered to adopt the resolution, as amended. The motion was adopted unanimously.

--FY13 proposed operating budget: As directed by the Department of Finance and Administration, the Sentencing Commission will submit a flat, proposed operating budget for Fiscal Year 2014. The proposed operating budget will be in the amount of \$559,800.00.

MOTION: A motion was offered that the New Mexico Sentencing Commission's proposed operating budget in the amount of \$559,800 be adopted. The motion carried unanimously.

Report from the Justice Information Sharing Council: Steve Prisoc announced that this will be his final report as Chair for the Justice Information Sharing Council. Mike Hall has been elected to serve as the new Chair and Tony Ortiz will serve as the Vice Chair. Mr. Prisoc then reported that the Administrative Office of the District Attorneys applied for and received a grant to enhance security for the Consolidated Offender Query. Also, JISC members met with Leora Jaeger, who represents a group called SHARE NM. Ms. Jaeger described an effort by SHARE NM to build an electronic resource directory specific to New Mexico. She is interested in the adult and juvenile justice services inventory maintained by the Sentencing Commission. NMSC staff agreed to meet with Ms. Jaeger to further discuss how the Sentencing Commission can participate in this effort.

Report from the Juvenile Committee: Bob Cleavall could not be present for this meeting. The committee report was presented by NMSC Chair, Marron Lee. She advised the Commission members that the Juvenile Committee held a meeting at Hogares, Inc. in Albuquerque. Committee members were briefed on a new treatment program offered by Hogares for individuals dependent upon opiates. The program administers the drug Suboxone as part of the treatment regimen. The program will begin on a limited basis and will be offered to individuals between 18 and 24 years of age.

The Juvenile Committee also held a meeting at the Youth Services Center in Bernalillo County. Staff from the Youth Services Center briefed the committee on programs and services offered at the center. During a tour of the center, it was noted that an increasing number of young people referred to the center are dependent upon opiates.

Report from the Sex Offender Management Board: Tony Ortiz summarized a presentation before the SOMB regarding operations at the Sex Offender Treatment Program (STOP) in Las Vegas, NM. The number of treatment beds at the STOP program has been reduced from 24 to 8 and the term of treatment has been reduced from 12 months to 6 months. Dr. Paul Bagwell, Chief Administrator for the Forensic Division at the Behavioral Health Institute in Las Vegas, advised the SOMB that the bed reduction for sex offender treatment is due to an increased need for beds to treat criminal offenders back to competency. SOMB members expressed their concerns to Dr. Bagwell about the bed reduction, shortened treatment term and staffing vacancies at the STOP program.

NMSC staff have nearly completed a draft report regarding recidivism rates for convicted sex offenders. When the draft report is finalized, it will be sent to the NM Corrections Department for review. NMCD data is used for the report.

Finally, Tony Ortiz briefed the Commission members on an upcoming meeting of the SOMB. In early October, the SOMB will dedicate an entire day to federal Adam Walsh issues. Representatives Moe Maestas and Yvette Herrel will be invited to the meeting for the purpose of presenting their respective SORNA legislative proposals. Also, NMSC staff have invited Lori McPherson of the federal SMART office to participate in the meeting.

Next meeting: The next meeting is scheduled for Tuesday, December 4, 2012.

Adjourn: The meeting adjourned at 12:15 p.m.