

# NEW MEXICO SENTENCING COMMISSION

April 27, 2016 MINUTES

Nusenda Credit Union  
 4100 Pan American Highway  
 Albuquerque, NM  
 10:00 AM

Commission Members Present	Commission Members Absent	Others	NMSC Staff
Marron Lee, Chair	Cindy Aragon	Douglas Carver	Linda Freeman
Bob Cleavall, Vice Chair	Hon. Michael Vigil, (COA)		Tony Ortiz
Martin Suazo	Artie Pepin		Amir Chapel
Annjenette Torres, (for PED Sec. Hanna Skandera)	Hon. Jerry Ritter		Amanda Armstrong
Sharon Pino, (for AG Hector Balderas)	CYFD Secretary Monique Jacobson		
Robin Brassey, (for Frank Zubia)	Hon. Joel Garnett		
Sal Barragiola, (for Sheriff Louis Burkhard)	Clint Wellborn		
Jim White	Dave Sidhu		
Gail Armstrong	Amy Orlando		
Regina Chacon, (for Acting DPS Sec. Scott Weaver)			
Jim Brewster, (for NMCD Sec. Gregg Marcantel)			
Mark Donatelli (designee for Michael Lilley)			
David Schmidt			
Ben Bauer, Acting Chief Public Defender			

**Welcome.** Marron Lee, Chair, welcomed members and guests to the meeting. She asked members, guests and staff to introduce themselves.

**Approval of minutes.** The minutes for the December 9, 2015 meeting were approved by consensus.

## **Staff report.**

**NMSC Leadership Succession Plan:** Marron Lee and Linda Freeman briefed the members on the succession plan. Effective March 1, 2016, Linda Freeman began serving as the Executive Director for the NM Sentencing Commission (NMSC). On that same date, Tony Ortiz began serving as the Deputy Director. Linda and Tony will continue to work together, as they have for the past five years, until Mr. Ortiz retires in June 2017.

**Summary of 2016 Legislative Session:** Staff referred the members to a document in their files regarding justice-related bills passed during the 2016 session. The following measures were reviewed and discussed by the members: HB 65, regarding child pornography; HB 72, regarding use of juvenile dispositions as evidence in a subsequent judicial proceeding; HB 336, regarding creation and maintenance of a criminal records database by the Department of Public Safety; SB 118, regarding increased sentences for homicide by vehicle while DWI and an eighth or subsequent DWI conviction; and SJR 1, regarding a proposed constitutional amendment that addresses provision of bail to defendants.

**FY 17 Budget.** Staff briefed the members on the NMSC budget for fiscal year 2017. All agencies, with a few exceptions, had their budgets “sanded” by 4%, to address an acute revenue shortfall. Consequently, the NMSC’s budget for FY17 was reduced by \$23,100.

**NMSC Research Projects.** Staff summarized work on the following research projects:

**Earned meritorious deduction study.** This report provides calculations of the average proportion of time served by male inmates released in fiscal year 2015 (July 1, 2014 - June 30, 2015) who earned deductions to their sentences under the Earned Meritorious Deductions (EMD) statutory policy.

**Adverse childhood experiences study.** NMSC staff, faculty from the University of New Mexico (UNM) School of Law and the UNM School of Medicine, and New Mexico's Children, Youth and Families Department (CYFD) initiated a joint project to look at the prevalence of Adverse Childhood Experiences (ACEs) nationally and in New Mexico. The study was intended to better establish the association between early childhood trauma and delinquency, as well as to explore the role that law and medicine can play in ensuring better health and juvenile justice outcomes for children who have experienced ACEs.

**A third “length of stay” analysis regarding county jails in New Mexico.** NMSC staff has published two prior length of stay studies that look at median length of stay in New

Mexico county detention centers. Staff is currently working on a third iteration of this study, with a goal of publishing by the end of 2016.

**A prison population forecast for the NM Corrections Department.** NMSC staff is working on a sixth prison population forecast for the NM Corrections Department. This analysis will be completed by early July 2016.

**Cost analyses for criminal justice bills, authored during the 2016 legislative session.** Linda Freeman published cost analyses for several high-profile criminal justice measures, including an analysis for HB 56, regarding proposed amendments to the “3-strikes” statute.

**Report from the Legislative Committee.** Martin Suazo, Legislative Committee Chair, briefed the Commission members. The Legislative Committee met three times during the 30-day, 2016 legislative session. During those meetings, the committee reviewed and commented on 71 legislative proposals. Those comments, via the NMSC Bill Tracker, were systematically distributed to policy makers throughout the session.

**Report from the Justice Information Sharing Council.** Regina Chacon, JISC Chair, briefed the Commission members. During the legislative session, the Department of Public Safety (DPS) received funding for the preparation of criminal history reports for the use of the Judiciary. Information in the criminal history reports will be provided to judges for bond determinations and sentencing decisions. The Consolidated Offender Query (COQ) will be one of the data bases used to prepare the criminal history reports. It was also noted that the timely provision of comprehensive criminal history reports to the Judiciary will be an integral element of the proposed constitutional amendment regarding bail reform that will be presented to the voters in November 2016.

**Report from the Juvenile Committee.** Bob Cleavall, Juvenile Committee Chair, briefed the Commission members. He summarized the following topics: presentation of the adverse childhood experiences study to the Juvenile Committee; an application filed with the Council of State Governments for technical assistance with juvenile justice issues, filed jointly by the NM Supreme Court, NM Association of Counties and Children, Youth and Families Department (CYFD); an ongoing CYFD project to inventory juvenile-related programs and services on a county-by-county basis; and the enactment of SB 137, regarding establishment of protocols to treat suspected concussions that occur during organized sporting events.

**Report from the Sex Offender Management Board.** Tony Ortiz, Acting Chair for the SOMB, briefed the Commission members. The SOMB developed a scope of work for the 2016 interim and it includes the following topics: ongoing issues regarding HB 65; the state Sex Offender Registration and Notification Act; use of risk/needs assessments by the Adult Parole Board during parole hearings for sex offenders; and the inclusion of

treatment standards in NM Corrections Department contracts with individuals who provide treatment to adult sex offenders.

**Public comment.** There was no public comment.

**Schedule next meeting.** The next NM Sentencing Commission meeting will be held on August 17, 2016, at 10.00 a.m.

**Adjourn.** The meeting adjourned at 11.30 a.m.