

NEW MEXICO SENTENCING COMMISSION

May 3, 2017 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	Martin Suazo	Monica Ewing	Linda Freeman
Bob Cleavall, Vice Chair	Ben Bauer	Sonya Abeyta	Tony Ortiz
Regina Chacon, (for DPS Secretary Scott Weaver)	Artie Pepin		Conner Tuttle
Anjenette Torrez, (for PED Sec. Hanna Skandera)	Hon. Jerry Ritter		
Sharon Pino, (for AG Hector Balderas) (on phone)	Amy Orlando		
Cindy Aragon	Hon. Joel Garnett		
Spence Pacheco (on phone)	Clint Wellborn		
Mark Donatelli (on phone)	Judge J. Miles Hanisee		
Jim Brewster, (for David Jablonski, NMCD Secretary)	April Land		

Jim Cowan, (for CYFD Secretary Monique Jacobson)	Sheriff Louis Burkhard		
Michael Lilley (on phone)			
David Schmidt			
Mary Ellen Garcia, for Frank Zubia)			

Welcome. Marron Lee, Chair, welcomed members, guests and staff to the meeting.

Approval of minutes. The minutes for the December 7, 2016 meeting were approved by consensus.

Staff Report.

Linda Freeman introduced Conner Tuttle, recently hired as a Research Scientist 3 for the New Mexico Sentencing Commission (NMSC). Chairwoman Lee and several commission members welcomed Conner.

Next, Linda Freeman briefed the members on the NMSC’s operating budget for FY18. The budget, set forth in the 2017 General Appropriation Act, is \$499,000.

Ms. Freeman then summarized efforts on the following research projects:

- Prison population forecast.** NMSC staff is working on this annual analysis and will soon schedule a meeting to discuss a draft report with the New Mexico Corrections Department;

- Evaluation of the Law enforcement assisted diversion (LEAD) program.** Staff has obtained approval from the Independent Review Board (IRB) at the University of New Mexico and is conducting interviews with LEAD clients and stakeholders. Also, staff is working on a preliminary study that will analyze the cost of bookings in the Santa Fe county jail. This work is on schedule and a final report will be published in April 2018.

-Men's and Women's Recovery Academies. Staff will build on the work already published regarding operations of the Men's and Women's Recovery Academies.

-Disposition of justice-related legislation during the 2017 session. Set forth below is a summary of the Governor's actions on justice-related bills that passed both chambers:

HB 31: Driver's License for Some With Only One Prior DWI Conviction (Chapter 17, Laws of NM)

HB 75: Limit School Use of Restraint or Seclusion (Chapter 33, Laws of NM)

HB 110: Bench Warrant Jurisdiction (Chapter 27, Laws of NM)

HB 175: Isolated Confinement Act (Vetoed)

HB 261: Additional Court Funding (Chapter 5, Laws of NM)

HB 277: Lactation Policies for Female Inmates (Pocket veto)

HB 306: Interventions for Some Non-Violent Offenders (Vetoed)

HB 370: Opioid Overdose Education (Chapter 59, Laws of NM)

HB 428: Revise Certain Criminal Penalties (Vetoed)

SB 45: Termination of Certain Parental Rights (Chapter 121, Laws of NM)

SB 47: Further Overdose Assistance Immunity (Vetoed)

SB 78: Private Employer Conviction Inquiries (Vetoed)

SB 81: Wildlife Trafficking Act (Pocket veto)

SB 91: Childhood Sexual Abuse Damage Limits (Chapter 77, Laws of NM)

SB 136: Driver's License for Some With Only One Prior DWI Conviction (Chapter 79, Laws of NM)

SB 149: Crime Victim and Witness Confidentiality (Pocket veto)

SB 245: Confidential Substitute Address Act (Pocket veto)

SB 259: No Firearms for Order of Protection Subjects (Vetoed)

SB 277: Alternative Sentencing for Pregnant and Lactating Females (Pocket veto)

SB 292: Uniform Collateral Consequences of Conviction Act (Pocket veto)

SB 293: Lactation Policies for Female Inmates (Pocket veto)

SB 474: DPS to Assist with Rape Kit Testing (Chapter 98, Laws of NM)

SB 475: Require Rape Kit Policies (Chapter 99, Laws of NM)

2017 National Association of Sentencing Commission's Conference to be held in Santa Fe (August 27th-29th). The New Mexico Sentencing Commission will host the 2017 conference, which will be held at The Lodge in Santa Fe. The Crime Victim Reparations Commission has been a great help with preparation and logistics for the conference. More information will be provided as the conference dates draw closer.

Report from the Legislative Committee. In the absence of the committee chair, Tony Ortiz briefed the commission members. The Legislative Committee met five times during the 60-day, 2017 legislative session. During those meetings, the

committee reviewed and provided comments on 105 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, Chair, briefed the commission members.

She provided a progress report on the creation of a criminal records database and provision of criminal history information to the Judiciary by the Department of Public Safety (DPS). DPS has identified data field requirements for the system and a pilot project is underway in the First Judicial District. In the near future, DPS will begin to provide criminal history information to courts in San Miguel county and Guadalupe county.

Next, Ms. Chacon summarized a presentation to the JISC by Tom Starke and Dr. Tom East. Dr. East is the Director for the New Mexico Health Information Collaborative, which enables health information sharing through the NM Health Information Exchange. Mr. Starke works with the Santa Fe Behavioral Health. Their goal is to get people with mental illness and co-occurring disorders out of the criminal justice system. Mr. Starke and Dr. East would like to use the New Mexico Health Information Exchange, and its information sharing capability, to inform treatment providers and service agencies of each client's justice-imposed conditions of release. Currently, behavioral health system case managers and managed care organization care coordinators can't effectively guide their clients if they don't know the justice conditions. Consequently, Mr. Starke and Dr. East would like to get access to the Consolidated Offender Query for health care professionals. Their primary interest is in current justice information regarding offenders, not criminal histories. In the future, the hope is that information can flow in both directions and health care information can be made available to justice agencies, including jail and prison officials. The Justice Information Sharing Council (JISC) will take their request for access to the COQ under advisement and vote on it at a future meeting.

Report from the Juvenile Committee. Bob Cleavall, Chair, briefed the commission members. He noted the formation of a task force that will review the

juvenile justice system and develop policy changes to improve that system. The reform effort will be largely data driven and task force members will receive technical assistance from staff for the Council for State Governments (CSG). NMSC staff has had two meetings with CSG staff and will be available to help with data requests. Also, the Juvenile Committee meeting scheduled for July 13th will be coordinated with a site visit by CSG staff, so that they can have a conversation with Juvenile Committee members.

Next, Chairman Cleavall summarized subjects for the committee's scope of work during the 2017 interim, including the following:

- convene a Juvenile Committee meeting on July 13th, so that staff from the Council for State Governments (CSG) can meet and talk with committee members. The CSG folks are providing technical assistance to a task force charged with facilitating juvenile justice reform in New Mexico;

- NMSC staff to provide data that will help inform the work of the juvenile justice reform task force;

- request a briefing on the work of the Juvenile Justice Advisory Committee (JJAC) and the Juvenile Community Corrections (JCC) program;

- request a briefing on the roll-out of the JDAI pilot program in San Juan county;

- request a briefing from CYFD on provision of behavioral health services for youth in the juvenile justice system;

- invite managed care providers to brief the committee on treatment services provided to youth and hold at least one meeting at a treatment center in Albuquerque; and

- invite relevant parties to discuss the pros and cons of sequestering youth during abuse and neglect hearings.

Report from the Sex Offender Management Board. Tony Ortiz, Acting Chair, briefed the commission members.

At their most recent meeting, the SOMB members discussed the disposition of sex offense-related legislation introduced during the 2017 session, including:

HB 43: Sexual offense definitions (assigned to the Senate Judiciary Committee when the session adjourned)

HB 71: Communication of certain images to children (assigned to the Senate Judiciary Committee when the session adjourned)

HB 159: Expand crime of voyeurism (assigned to the House Consumer and Public Affairs Committee when the session adjourned)

HB 339: College sexual assault training (assigned to the House Judiciary Committee when the session adjourned)

HB 353: Sex offense permanent no contact orders (assigned to the House Judiciary Committee when the session adjourned)

HB 443: Sex offender definitions and offenses (assigned to the House Consumer and Public Affairs Committee when the session adjourned)

HB 491: Sexual assault survivor's rights (assigned to the House Judiciary Committee when the session adjourned)

SB 7: Sexual assault exam kits (assigned to the Senate Finance Committee when the session adjourned)

SB 45: Termination of certain parental rights (Chapter 121, Laws of NM)

SB 91: Childhood sexual abuse damage limits (Chapter 77, Laws of NM)

SB 149: Crime victim and witness confidentiality (Pocket veto)

SB 160: Enticement of children penalties (assigned to the Senate Judiciary Committee when the session adjourned)

SB 423: Rape kit tracking database (assigned to the Senate Finance Committee when the session adjourned)

SB 474: DPS to assist with rape kit testing (Chapter 98, Laws of NM)

SB 475: Require rape kit policies (Chapter 99, Laws of NM)

Next, the SOMB developed a scope of work for the 2017 interim, including the following topics:

- review the provisions of the state Sex Offender Registration and Notification Act (SORNA) and develop recommendations to achieve compliance with federal SORNA requirements;
- invite representatives from tribes in New Mexico and have a discussion regarding how the state works with tribes on SORNA issues;

- request a briefing from staff at the Sex Offender Treatment Program, Otero County Prison;
- request a briefing from staff at the Sex Offender Treatment Program, in Las Vegas;
- ask NMSC staff to publish a 3.0 version of the sex offender recidivism study;
- develop an inventory of treatment and reentry options (half-way houses or transitional living facilities) for sex offenders upon discharge from prison;
- continue the discussion regarding use of risk/needs assessments for sex offender parole hearings by the Adult Parole Board;
- continue the effort to find a home for the proposed adult sex offender treatment standards developed by the SOMB; and
- invite Lori McPherson to a SOMB meeting, with a focus on achieving substantial compliance with federal SORNA requirements and state-tribal issues.

Public comment. There was no public comment.

Finally, Linda Freeman advised the members that there will be a retirement party for Tony Ortiz on June 23rd. Additional details will be provided as the date draws closer. Several members expressed their thanks to Mr. Ortiz for his service with the Sentencing Commission.

Next meeting. The next NM Sentencing Commission meeting will be held in Albuquerque on August 23, 2017, at 10.00 a.m.

Adjourn. The meeting adjourned at 11.25 a.m.