

# NEW MEXICO SENTENCING COMMISSION

September 20, 2017

MINUTES

JISC

## JUSTICE INFORMATION SHARING COUNCIL

10.00 a.m.

Justice Information Division  
2905 Rodeo Park East, Building #5  
Santa Fe, New Mexico

JISC Members Present	JISC Members Absent	Others Attending	NMSC Staff
Regina Chacon (DPS) Chair	Jaime Flores (LOPD)	Megan Foster (DPS)	Linda Freeman
Glen McNeilley (NMCD)	Genevieve Grant (JID)	Steve Harrington (AOC/JID)	Douglas Carver
Brandy Toward (for AODA) (on phone)	Jeremy Howard (CYFD)	Tamara Roybal (DPS)	Conner Tuttle
	Gregory Saunders (JID)	Matthew Mitchell (DPS)	
		Johnathan Peña (DPS)	

**Welcome:** Regina Chacon, Chair, called the meeting to order at 10:09 a.m. Committee members, guests, and staff introduced themselves.

**Approval of minutes for the April 26, 2017 meeting.** Lacking a quorum, approval of the April minutes was postponed until the next JISC meeting.

**Staff report.** There was no staff report. Linda Freeman indicated that NMSC would be providing information on a later agenda item.

**Demonstration of DPS Criminal History Check Pilot.** Matthew Mitchell, Johnathan Peña, and Tamara Roybal of the Department of Public Safety's (DPS) Criminal History Clearinghouse (CHC) gave an explanation and demonstration of the CHC. Mr. Mitchell explained that the mission of the CHC is to provide the New Mexico judicial system with accurate and up to date criminal history reports, adhering to the highest standards of objectivity and confidentiality to preserve the Constitution of New Mexico, promote public safety, and protect the rights of the accused. The CHC seeks to develop innovative best practices that will serve as a scalable national model for more

effective coordination between law enforcement agencies, correctional facilities, and the courts. The CHC grew out of the desire, after the constitutional amendment and subsequent court rule change modifying how bail decisions would be made, to provide comprehensive criminal histories for defendants up for arraignment. The reports are intended to be used by judges as a risk-assessment tool for bail and bonding decisions. The CHC hopes to create a model that can be rolled out statewide and be used as a model across the nation.

The CHC begins its work soon after an individual is arrested. When someone is arrested and booked into a detention facility, the detention center sends the person's name, date of birth, and Social Security number to the CHC. The CHC then completes its report on the arrested individual in a quick turnaround in order that the judge on the case has the report prior to the person's arraignment.

To create a person's report, the CHC checks the Interstate Identification Index (the National Crime Information Center rapsheet), the New Mexico Criminal Justice Information Service computerized criminal history, the New Mexico secure court case access (the Odyssey system), the New Mexico Courts case lookup, the United States Department of Justice National Sex Offender public website, New Mexico Corrections Department data, and the Law Enforcement Information Exchange. The CHC seeks to build a story about the individual, connecting the arrest to other case histories and dispositions.

Mr. Peña then walked the committee in detail through an example of one individual's CHC report, and how the CHC gathered the bits of data represented in the report and pulled them together for the court.

Members of the committee asked about how the CHC handles felonies, especially when a first offense might be in a magistrate court and then is transferred to a district court. The CHC staff noted that both entries will appear on the report and showed the committee an example of how this looked in the report. Members of the committee also asked about the use of juvenile records. Chair Chacon stated that the CHC does not access Children, Youth and Families Department records, and that CYFD would have filtered out records that had been sealed. The CHC does get instances when juveniles have been arrested and fingerprinted, as well as incident reports. Members of the committee also asked about the security of the records. CHC staff informed the committee that the records are sent to the courts by means of a secure email through the Department of Information Technology, and that secured links are sent, not files. CHC staff also stated that the searches that are conducted are audited to ensure the access to various databases is not being abused. When asked how the courts dispose of the data, Chair Chacon stated that it is up to the courts, but that in general the CHC reports are sealed in the case file and subject to discovery.

Members of the committee also asked about the length of time it took to prepare a report, and how the pilot program was being received by judges. Reports take roughly 30 minutes on average to prepare, but for longer records it could take up to an hour and a half. Chair Chacon stated that the feedback from judges has overall been very positive, with some judges who were initially skeptical now fully on board. The program is planning on adding three more courts on October 1, and hopes by January to have three quarters of the state covered. The big gaps will be Bernalillo County and Las Cruces as the volume of reports that would be required for those jurisdictions is well beyond the current capacity of the CHC to cover.

Chair Chacon added that the long term goal is to build a consolidated offender query that is so robust that the Judicial Information Division staff will just have to do quality assurance and quality control checks on the data.

Members of the committee also discussed the use of the Secure Odyssey Public Access (SOPA) application and open source databases. Chair Chacon noted in reply to a question about the use of sealed cases that no one sees the sealed cases.

**Discussion of New Mexico Sentencing Commission Project, Fingerprint Supported Arrest Data.** Linda Freeman, Executive Director of the New Mexico Sentencing Commission, discussed the NMSC's use of fingerprint supported arrest data for various projects. She noted that in the past year the NMSC has been asked to use that data in different ways, which poses concerns as the NMSC is struggling with how to determine when a data set is complete. The NMSC receives a quarterly upload of data, but these uploads always include data from a previous quarter. Additionally, the NMSC has learned that the detention centers sometimes do not use their fingerprint machines. The NMSC often does retrospective reports, and in these cases there is greater confidence that the data is complete. But more recently the NMSC has been getting requests for reports involving 2016 and 2017 data, which is more problematic.

The NMSC would like to do a meta-analysis to assess data completeness, which would identify holes in the data. Ms. Freeman asked the members of the commission for any advice they might have for how to conduct the analysis. She noted that she has looked at bigger units, such as district-level data, and will look at trending data. She also noted that in general arrests should number more than court cases, though some arrests do not ever go to court. She wondered whether there were some milestones that committee members might think are important to track.

Brandy Toward of the Administrative Office of the District Attorneys added that when she compared the Administrative Office of the Courts and the District Attorneys' systems that they were generally consistent, but that the data from

DPS differed.

Ms. Freeman noted that she would be updating DPS on this matter. Chair Chacon suggested that updates on this issue be a continuing JISC topic.

**Other Matters.** Glenn McNeilley from the Corrections Department noted that the department had just started implementing a new offender management system, the CORIS system from Abilis Solutions. The implementation has just started, with a \$7.3 million appropriation, but more funding will be needed. The department is using a modular approach to roll out the new system. Jerry Brinegar, Deputy Chief Information Officer for the Corrections Department, will be giving a full report on CORIS to JISC at a future meeting.

**Next meeting.** The next JISC meeting will be held on January 10, 2018, at 10:00 a.m.

**Adjourn.** The meeting adjourned at 11:19 a.m.