

NEW MEXICO SENTENCING COMMISSION

REFORM COMMITTEE

10:00 a.m.
August 19, 2019

Administrative Office of the Courts,
Conference Room
237 Don Gaspar
Santa Fe, NM 87501

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Angela "Spence" Pacheco, Chair	April Land (UNMSOL)	Megan Dorsey	Linda Freeman
Karl Brooks (AOC)	Alisha Tafoya Lucero (NMCD)		Douglas Carver
Kim Chavez Cook (LOPD)	Clint Wellborn (AODA)		
Mark Donatelli			
Anne Kelly (AGO)			
Mike Lilley			

I. Welcome and Introductions. Angela Pacheco, Chair, called the meeting to order at 10:05 a.m.

II. Staff report. There was no Staff Report given.

III. Review of Reform Duties of the New Mexico Sentencing Commission in Section 9-3-10(D) NMSA 178.

Chair Pacheco opened the meeting by noting that the members of the Reform Committee were selected due to their thorough knowledge of the criminal justice system in New Mexico. There have been many legislative initiatives concerning the criminal justice system introduced recently, but some of these initiatives seem to reflect that there might not be a thorough understanding of how the system works. Among the initiatives recently mooted by the Legislative includes rewriting the Criminal Code; and revisions to the Probation and Parole system, a version of which was vetoed by the Governor after the 2019 Legislative Session. The hope is that the work of the Reform Committee will help to focus and inform the Legislature in its work.

Chair Pacheco invited those in attendance to let the committee know what their background was, and to express their views on the committee's potential work.

Karl Brooks of the Administrative Office of the Courts (AOC) stated that it would be useful to keep the ball rolling on reforms to the Probation and Parole system, and that the courts see themselves as implementers of what the Legislature does. He noted that Carl Reynolds of the Council of State Governments Justice Center (CSG) was still working with the state on these issues. Additionally, the AOC is working on pre-trial reforms, trying to get the right services to people, and exploring how mental health and behavioral health issues are dealt with in the system, while recognizing that the courts are one player in a complex system.

Anne Kelly from the Office of the Attorney General (AGO) noted that the AGO was keeping track of the criminal justice reform process presently underway.

Kim Chavez Cook from the Law Offices of the Public Defender (LOPD) stated that the LOPD had been involved with criminal justice reform efforts in the Legislature for a number of years. She noted that there was a need to make a behavioral health system that is health-oriented, not based on county jails. She noted that law enforcement diversion seems to be a successful approach, though those efforts require significant training. She would be interested in the committee examining sentencing discretion and reductions in mandatory sentencing. In a broader vein, she would like to see movement away from criminalizing conduct rooted in other issues, like poverty, and that there be a focus on increasing economic opportunity. She also asked whether the Public Education Department needed to be included in the conversation to address issues connected to the school-to-prison pipeline.

Megan Dorsey noted that she agreed with the topics expressed already, adding that there was a need to talk with the people in charge of funding. There is a critical need as there are too few treatment programs, and those that exist have long waiting lists. A new way to fund these programs needs to be created. She noted that law enforcement assisted diversion programs show progress, as do programs in other states where mobile integrated health offices are run by the fire department. She added that there is possible forthcoming legislation requiring probation officers to be trained as social workers, and that she anticipates movement on bail reform, gun violence, and assessment tools.

Mike Lilley noted that to prevent recidivism, the state needs to start when someone first comes into the system – more could be done in prison and while someone is under supervision. He echoed that there was a need for services when someone is out of prison.

Mark Donatelli noted that he has been working on these issues since the prison riot, and that the committee's role should be to ensure the Legislature does not repeat mistakes of the past. There have been many reform efforts in the state throughout the years, yet the fact remains that states around us are reducing their prison populations while New Mexico is considering building a new women's prison. After the riot, the state built new prisons and now we are saddled with an expensive prison system that props up the economy in rural areas, though those prisons are having challenges finding staff. The committee's role might be to slow the Legislature down, and ensure that a data-driven, methodological approach is taken. He also noted that the committee needs to look at how, and whether, community corrections laws are implemented. The prison system needs to focus better on housing violent offenders. Additionally, while there is a belief that jails need to be community-based, jails cannot afford to have the kind of programming necessary to help those incarcerated. The necessary changes might not require new legislation, but a change in focus in the system.

Linda Freeman, Executive Director of the New Mexico Sentencing Commission (NMSC), noted that the Commission interfaces with executive branch agencies, the Legislature, and the Legislative Finance Committee, as well as outside entities working with the state like CSG. She stated that in discussions with legislators they have expressed the need for the work the committee might undertake as legislators are part-time and have no staff. She noted that Probation and Parole seems to be a legislative priority and that the committee can help by providing research to inform legislative efforts.

Douglas Carver, Executive Director of the NMSC, stated that the committee has the opportunity to think big, envision larger-scale reforms to the system than the often small bore reforms that have taken up so much of the discussion. There was an opportunity to change the Overton window in criminal justice reforms. He added that there was a need to re-insert the Sentencing Commission into conversations around criminal justice reforms as that mandate to the commission had not been exercised in recent years. The Reform Committee is uniquely positioned to provide a service to the state in these matters.

Members of the committee discussed the probation and parole issue, contact with the Governor's office; interactions with the Criminal Justice Reform Subcommittee of the Legislature's interim Courts, Corrections, and Justice Committee; and the need for better information being inserted into the criminal justice reform process.

Chair Pacheco stated that the committee should meet frequently, and that the members would likely have to undertake a significant amount of research and work.

IV. Next meeting. The committee scheduled its next three meetings for September 9, September 23, and October 7, 2019.

V. Adjourn. The meeting adjourned at 11:47 a.m.