



**Minutes of the Meeting of the  
Reform Committee  
10:00 a.m.  
November 19, 2020**

via Zoom

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Angela “Spence” Pacheco, Chair	Neal Bowen (BHSD)	Rikki-Lee Chavez (NMCDLA)	Linda Freeman
Kim Chavez Cook (LOPD)	Clint Wellborn (AODA)	Paul Haidle (NMCDLA)	Douglas Carver
Jason Clack (AOC)		Fernando Trujillo (Bold Futures)	
Bob Cleavall (NMSC)		Eric Harrison (NMCD)	
Megan Dorsey		Kandace Littlefoot (Bold Futures)	
Claire Harwell		Luz Hilda	
Brady Horn			
April Land (UNMSOL)			
Mike Lilley			
Melanie Martinez (NMCD)			
Mark Probasco (AGO)			
Nina Safier			

**I. Welcome and Introductions.** Angela Pacheco, Chair, called the meeting to order at 10:01 a.m.

**II. Approval of Minutes for the November 5, 2020 meeting.** The minutes for the previous committee meeting were approved by consensus.

**III. Staff Report.**

Linda Freeman, Executive Director, New Mexico Sentencing Commission (NMSC), informed the committee that the Commission’s budget hearing was short, and that there was no feedback for what might be in the budget. She added that the NMSC was one of the few agencies that submitted a budget with the requested 5% reduction due to the pandemic crisis, but nonetheless the Commission was in a strong financial position.

Douglas Carver, Deputy Director, NMSC, informed the committee that the bills sponsored by the Commission were with the Legislative Council Service for drafting; final drafts were expected soon.

#### **IV. Rewrite of the Criminal Code.**

Chair Pacheco invited members of the committee to offer their opinions on the proposed rewriting of the state's Criminal Code. Members of the committee discussed that as there were so many potential issues, it was good to be able to address them in a comprehensive manner; that there would be many sticking points; that adequate funding would be necessary; that it would be good to include the Traffic Code in such a project; that it would be better for a smaller, more focused group to address the project; the importance of the appellate divisions of the Office of the Attorney General and the Law Offices of the Public Defender in such a project; the importance of it being an evidence-based and data-informed process; and that it would be an opportunity to address the state's approaches to issues of drugs and habitual offenders.

#### **V. Draft Bill on Collection of Race and Ethnicity Data.**

Deputy Director Carver gave an overview of the problems nationally and in New Mexico with the collection of race and ethnicity data for people who are involved with the criminal justice system. He then discussed the preliminary draft bill he wrote that would mandate collection of racial and ethnic data by actors in the state's criminal justice system. He informed the committee that the proposal was based on a bill that had recently passed in Colorado. He reminded the committee that this issue had been prompted by Senator Antoinette Sedillo Lopez, though other legislators have also expressed interest in the issue. Under the draft bill, state police and local law enforcement agencies would have to collect demographic information – defined as race, ethnicity, gender, and approximate age – for all persons contacted by a law enforcement officer, as well as information relating to the reason for the contact. The same information would have to be collected for all instances of unannounced entry into a residence with or without a warrant. The Department of Public Safety (DPS) would be required to create an annual report including the information reported, and to maintain a public, searchable website for the information collected. The Corrections Department would have to collect the same information on intake, and the Uniform Traffic Citation statute would be amended to require that this information be collected there as well.

Members of the committee asked questions about and discussed the feasibility of digitizing the necessary records; what the status of electronic records was at present in the state's criminal justice system; the different policy choices, and research ramifications, for using officer-identified information versus self-identified information; the need to have proper data on race and ethnicity; the need for this data to be connected to the state identification number used in the criminal justice system; the need for this information to be collected at the point of first police contact; whether there had been blowback from elements of the criminal justice system in Colorado or other jurisdictions that had passed similar legislation; the need to ensure gender data is collected as well; the probable need for a delayed effective date in the bill to allow time for processes to be established; the need to get DPS and local law enforcement involved; and the need to continue conversations with Sen. Sedillo Lopez about this issue.

A motion was made and seconded to have the committee address this matter in the coming year. The motion passed unanimously.

#### **VI. Committee Work Plan Going Forward.**

Chair Pacheco opened the discussion by thanking members of the committee for their work over the past few months. She then invited committee members to discuss what their vision was for the committee in the coming year. Members of the committee discussed examining treatment for substance abuse disorder versus

incarceration, as studies at the Bernalillo County jail had shown that it led to a reduction in future crime, demonstrating an economic benefit to this policy change; the efficiency and balance of the committee; the need to collect racial and ethnic data on criminal justice involved individuals; the intersections between poverty and crime; whether the committee could address issues surrounding the state's reliance on private prisons; examination of alternatives to incarceration, and the shifts in funding that would be required to effectuate such policy changes; examination of collateral consequences of a conviction in New Mexico; proportionality and disparities in sentencing, especially geographically across the state and by race or ethnicity; and working more intentionally with sentencing data.

**VII. Next Meeting.** The committee decided its next meeting would be sometime in 2021.

**VIII. Adjourn.** The meeting adjourned at 12:10 p.m.