

NEW MEXICO SENTENCING COMMISSION

November 9, 2016 SOMB MINUTES

PERA Building
5th Floor, CYFD Conference Room
1120 Paseo De Peralta
Santa Fe, NM

SOMB Members Present	SOMB Members Absent	Others	Staff
Tony Ortiz, Acting Chair	Honorable Abigail Aragon	Sandra Dietz, Adult Parole Board	Amir Chapel
Coralie Whitmore, for the Secretary of Indian Affairs	Clara Moran, for the Attorney General	Sherry Stephens, Adult Parole Board	
Kim Chavez-Cook, for the Chief Public Defender	Marron Lee, NMSC Chair	Renee Martinez, Southwest Family Guidance Center and Institute	
Jim Brewster, for the Secretary of Corrections	Chaplain Jose Villegas	Robin Troncoso, Southwest Family Guidance Center and Institute	
Donna Richmond (via teleconference)	Secretary Hanna Skandera, PED	Monica Ewing, Legislative Council Service	
Regina Chacon, for the Secretary of Public Safety	Rick Tedrow, District Attorneys Association	Rick Dean	
	Dr. Troy Rogers	Lloyd Schwartz	
	Helen Quintana, for the Secretary of CYFD	Megan Moreno, Adult Parole Board	
		Glenn Metzger, Bernalillo County Sheriffs Office	

Welcome. Tony Ortiz, Acting Chair, called the meeting to order at 1:30 p.m. He welcomed SOMB members and guests.

Approval of minutes. Since a quorum was lacking, the minutes for the July 20, 2016 meeting will be reviewed and approved at the next SOMB meeting.

Staff report. Tony Ortiz advised the members that Amir Chapel recently accepted another position and will soon be leaving the NM Sentencing Commission. Several members thanked Amir for his professionalism and service on behalf of the SOMB.

Next, staff reminded the members that the 2017 legislative session will be a 60-day session and all substantive topics will be germane. The Department of Public Safety is currently working on proposed amendments to the state Sex Offender Registration and Notification Act (SORNA), for introduction during the 2017 session.

Summary of briefing before the interim legislative Courts, Corrections and Justice Committee on August 18, 2016. Kim Chavez-Cook and Tony Ortiz briefed the legislative committee on the work of the SOMB, including:

- the role of the SOMB, working with Representatives Moe Maestas and Yvette Herrall, that led to the enactment of amendments to the state SORNA in 2013;
- the publication of two studies regarding recidivism rates for convicted sex offenders; and
- the development and implementation of proposed standards for individuals who provide treatment to adult sex offenders.

Ms. Chavez-Cook and Mr. Ortiz also had a dialog with the legislative committee members regarding recent amendments to the statute (Section 30-6A-3 NMSA 1978) regarding sexual exploitation of children.

Review of substantive areas in which New Mexico has not met federal SORNA standards. In October 2013, the federal Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) reviewed New Mexico laws, rules, policies and practices with regard to management of sex offenders. The SMART Office review found that New Mexico has not substantially implemented federal SORNA requirements. Areas of non-compliance remain in two of fifteen sections outlined by the federal SMART Office: 1) registration of juvenile sex offenders; and 2) required registration information on the public sex offender web site. The federal government will continue to withhold a portion of federal Byrne Grant money until New Mexico is found to have substantially implemented federal SORNA requirements.

Use of risk/needs assessments by the Adult Parole Board for sex offender's parole hearings. Sandra Dietz and Sherry Stephens briefed the members. Since 2012, the Adult Parole Board has held eighty-four parole board review hearings for convicted sex offenders. Twenty offenders were discharged from parole supervision, twenty-three offenders were deported to their country of origin, thirty-six offenders were continued on supervision, and the remainder have passed away. There has been an increase in the use of risk/needs assessments for these parole hearings, but the assessments are not done for all sex offenders. When the risk/needs assessments are performed, they are paid for by the Law Offices of the Public Defender (LOPD). Dr. Moss Aubrey performs the majority of assessments for the LOPD. Ms. Dietz noted that it would be optimal to have the assessments performed by an independent entity. Also, the assessments are expensive, costing approximately \$6,000.00 per assessment.

Public comment. Renee Martinez briefed the members on the work of the Southwest Family Guidance Center and Institute. Ms. Martinez and other staff at the institute work with adolescents who present significant high-risk behaviors, including high-risk sexual behaviors. Ms. Martinez expressed an interest in serving on the Sex Offender Management Board.

Next meeting. The next SOMB meeting will be held on April 12, 2017.

Adjourn. The meeting adjourned at 3.15 p.m.