

NEW MEXICO SENTENCING COMMISSION

November 8, 2017 SOMB MINUTES

Nusenda Credit Union
4100 Pan American Freeway NE
Albuquerque, NM

SOMB Members Present	SOMB Members Absent	Others	Staff
Regina Chacon (for DPS)	Daniel Barela (PPD)	Jim Brewster (NMCD)	Linda Freeman, NMSC Executive Director, Acting Chair
Jennifer Hughes (for AGO)	Kim Chavez-Cook (for LOPD)	Ricky Dean (LJC)	Douglas Carver
Sec. David Jablonski (NMCD)	Sec. Monique Jacobson (CYFD)	Sandy Dietz (Adult Parole Board)	Conner Tuttle
Officer Glenn Metzger	Dr. Troy Rodgers	Megan Foster (DPS)	
Donna Richmond (by phone)	Sec. Christopher Ruskowski (PED)	Dan Montoya	
Hon. Kea W. Riggs (D&MCJA)	Sec. Suzette Shije, Indian Affairs	JoAnn Martinez (Adult Parole Board)	
Gabrielle Sanchez-Sandoval (for DOH)	Rick Tedrow (NMDAA)	Renée Martinez	
Chaplain Jose Villegas			

Welcome. Linda Freeman, Acting Chair, called the meeting to order at 9:30 a.m. She welcomed SOMB members, guests and staff and asked them to introduce themselves.

Approval of minutes. The minutes of the July 20, 2016; November 9, 2016; April 12, 2017; and July 12, 2017 meetings were approved.

Staff report. Acting Chair Freeman informed the SOMB that the organizing of future Board meetings would devolve to Douglas Carver, NMSC Deputy Director. She also noted how most of the vacancies on the Board have been filled, with the exception of two of the positions to be appointed by the Governor.

General Discussion:

Use of Risk and Needs Assessments Throughout Sex Offender Treatment

Acting Chair Freeman led an open discussion around the use of risk and needs assessments throughout sex offender treatment – in the pre-adjudication and sentencing phase, while incarcerated, during an offender’s supervision, and for parole hearings. She

discussed how the Law Offices of the Public Defender will at times pay for an independent risk and needs assessment, which can prove to be costly. She initiated an SOMB discussion on whether there was any way for the assessment used at the conclusion of treatment under supervision could be used at the parole hearing.

Conner Tuttle, Research Scientist, NMSC, discussed the various instruments used to assess sex offenders.

Secretary Jablonski, NMCD, discussed the uses of assessments by the Corrections Department, and that contract changes might be required if changes were made in the use of their assessments.

Sandy Dietz, Board Chair, Adult Parole Board, discussed how the Parole Board uses assessments and the process of reviewing a sex offender's prognosis. She also discussed the desire of the Parole Board to have an independent assessment.

Members of the SOMB then engaged in a wide-ranging discussion of the uses of assessments, the mechanics of parole and parole revocation, and the use of dynamic versus static assessments.

At the conclusion of the discussion, Acting Chair Freeman outlined three action items for NMSC staff:

- 1) To provide a review of assessments for sex offenders from the SMART office;
- 2) To provide to the SOMB a summary of the past five-years' legislative changes to sex offender statutes; and
- 3) To provide an overview of the cases involving sex offenders under consideration by the United States Supreme Court.

Acting Chair Freeman then discussed the scope of work for the SOMB, working from the items approved at the April 2017 SOMB meeting. These items included:

- to review the provisions of the state Sex Offender Registration and Notification Act (SORNA) and develop recommendations to achieve compliance with federal SORNA requirements;
- to invite representatives from tribes in New Mexico and have a discussion regarding how the state works with tribes on SORNA issues;
- to request a briefing from staff at the Sex Offender Treatment Program, Otero County Prison;
- to request a briefing from staff at the Sex Offender Treatment Program, in Las Vegas;
- to ask NMSC staff to publish a 3.0 version of the sex offender recidivism study;
- to develop an inventory of treatment and reentry options (half-way houses or transitional living facilities) for sex offenders upon discharge from prison;
- to continue the discussion regarding use of risk/needs assessments for sex offender parole hearings by the Adult Parole Board;
- to continue the effort to find a home for the proposed adult sex offender treatment standards developed by the SOMB; and

- to invite Lori McPherson to a SOMB meeting, with a focus on achieving substantial compliance with federal SORNA requirements and state-tribal issues.

Regina Chacon, DPS, discussed the bills that had been introduced in prior legislative sessions to bring New Mexico into full compliance with Federal requirements regarding sex offenders. DPS is in preliminary discussions to bring that bill forward again in a future legislative session. Mr. Carver mentioned that perhaps such a bill could be incorporated with the ongoing criminal justice reform efforts being contemplated by the Legislature.

Chaplain Jose Villegas discussed issues surrounding his work as a former chair of the state's Counseling and Therapy Practice Board to ensure that those putting themselves forward as treatment providers for sex offenders have the necessary expertise.

Acting Chair Freeman asked the members of the SOMB if there were any additional areas on which NMSC staff could focus its efforts on behalf of the Board. A number of members were interested in learning more about recidivism.

Public comment. Ricky Dean asked about the guidelines given to the Counseling and Therapy Practice Board, and about juvenile SORNA registration.

Next meeting. The next SOMB meeting will be held on April 4, 2018.

Adjourn. The meeting adjourned at 11:05 a.m.