

Summary

- The JISC Consolidated Offender Query (COQ) provides essential, potentially life-saving information to 3,000 NM justice professional who make 200,000 requests per month.
- The SOMB recently published on-line its formal position paper on the implementation of residency restrictions for sex offenders.
- A law developed and shepherded to enactment by the NMSC, saves the state \$1.8 million each year.
- NMSC has provided the LFC with a *Controlled Early Release* report since 2006. This report enables LFC and DFA to make a cost/benefit analysis of the controlled early release of non-violent inmates versus increased prison beds.
- The NMSC provides input and analysis of all criminal and juvenile bills introduced each Legislative session.
- LFC and DFA analysts utilized studies done by the NMSC in making their FY08 budget recommendations.
- During FY2008, a CD-Rom of the Expanded Juvenile Justice Directory was distributed to schools throughout New Mexico.
- The Uniform Charge Code Table, produced and updated by the NMSC, lists all 5,000 traffic and criminal charges in New Mexico.
- The COQ is the only system that allows criminal agencies outside of the courts to see Juvenile information, Social Security Numbers and Domestic Violence Protective Orders.

Research Publications and Current Projects of the New Mexico Sentencing Commission

The New Mexico Sentencing Commission's mission is to provide information, analysis, recommendations and assistance from a coordinated cross-agency perspective so that our three branches of government and citizens have objective, accurate and practical information they need to make policy decisions that benefit the criminal and juvenile justice systems.

SEX OFFENDER MANAGEMENT BOARD (SOMB)

The NMSC also contains the New Mexico Sex Offender Management Board (SOMB). The mission of the SOMB is to develop and recommend to the New Mexico Sentencing Commission best practices in the management and treatment of both adult and juvenile sex offenders for the protection and prevention of current and future victims.

JUSTICE INFORMATION SHARING COUNCIL (JISC)

NMSC serves as administrative home for the Justice Information Sharing Council (JISC). The mission of JISC is to devise, develop, and maintain an integrated justice information system to support the efficient sharing and use of critical justice information at the municipal, county and state levels.

AGENCY PROJECTS

The list contained in this report serves as a sample of recent, current and upcoming NMSC, SOMB and JISC projects.

- NMSC completed "A Workload Assessment Study for the New Mexico Judiciary, District Attorneys and the

Public Defender Department." The study was presented to the Legislative Finance Committee in July 2007 and to the Courts, Corrections and Justice Committee in September 2007.

This is the first such study in the nation that simultaneously involves these three criminal justice entities and will enable legislators to accurately assess the resource needs of the D.A., P.D. and Judiciary. LFC and DFA analysts were able to utilize this study in making their FY08 budget recommendations for these three large entities. NMSC staff will refresh the resource needs information in this study on an annual basis.

- SOMB staff Randall Cherry founded and co-chairs the *National Sex Offender Management Symposium*. Many sex offender experts and criminal justice professionals, including representatives from twenty states and members of the federal government, now make up this group.

This provides coordination of resources and sharing of information between states and may help put New Mexico in the lead in the complex field of sex offender management. This organization fills a significant gap in information sharing among all of the states. It is also essential when making decisions that involve the cost and benefit of enacting certain federal sex offender legislation with the amount of federal Byrne grant dollars that the state may or may not receive.

- NMSC published *Analysis and Position on Criminal and Juvenile Bills Introduced during the 2008 Legislative Session* (published twice weekly during Legislative Session).

The NMSC bill analysis lists nearly every criminal and juvenile justice bill introduced each session and provides the NMSC position and rationale on those bills to legislators and legislative analysts.

- The NMSC Web site continues to average over 400,000 hits per month – most hits are related to use of adult and juvenile resource directories.
This web site enables juvenile and adult probation officers, as well as the public, to quickly locate treatment facilities, law enforcement, jails and related agencies.
- SB 21 (2006) developed and shepherded to enactment by the NMSC, authorized non-violent offenders to receive Earned Meritorious Deductions (“good time”) during their initial 60 days in the NM prison system. NMSC researchers estimated an annual savings to the state of \$1.8 million.
- HB 80 (2006) The Equitable Schedule of Offenses for Property Offenses legislation, which was also developed and shepherded through passage into law by the NMSC, standardized the misdemeanor/felony threshold for many property offenses and in many cases shifted non violent property offenses out of the NM Corrections system.
- NMSC was asked in House Bill 109 (2008) to convene a task force and study collateral consequences of arrest, conviction and incarceration.
- NMSC was asked in House Bill 49 (2008) to study the extent of use of de novo appeals from DWI cases tried in the magistrate courts.
- SOMB lobbied for and monitored NMDOH use of 2006 funding to fully staff the Sex Offender Treatment Program (“STOP”) in Las Vegas, New Mexico.
This increased government efficiency by fully utilizing all 24 STOP beds. This work increased public safety by increasing the availability of secure, residential treatment beds for sex offenders. This full use of the STOP facility continues to this day.
- At the request of LFC, researched and published *Diagnostic Evaluation: Alternatives to Current Law and Practice*.

This study reviews the continuing need for the New Mexico Corrections Department to perform diagnostic evaluations, including an assessment of the results of existing evaluations, actual costs incurred by the department, other financing options, and alternative settings for the evaluation-- such as county detention facilities.

- The expert and public members of the NMSC, SOMB and JISC meet numerous times each year (over 50 meetings held in FY08).

These meetings provide an essential forum of coordination among and between all three branches of government and all New Mexico agencies involved in the adult or juvenile justice systems. They include short and long term planning on adult and juvenile justice issues.

NMSC DATA UPDATE

- NMSC has produced and published a CD ROM of the *Expanded Juvenile Justice Inventory* for CYFD and the Public Education Department in addition to our on-line version for all state agencies and the public. We have merged the NMSC resource directory and the CYFD juvenile justice program resource directory information into one complete directory. During FY2008, this CD was distributed to schools throughout New Mexico.

The distribution of this comprehensive juvenile justice information will help teachers, counselors and juvenile justice professionals find services for youth perhaps before situations rise to the level of crisis or criminality.

- NMSC annually updates and publishes an on-line *Directory of Adult Criminal Justice Programs*.

These directories are now web based and searchable and show what service programs are available in detail (name, telephone, location, e-mail address) and by location (county and city) and subject (Corrections, courts, law enforcement, public services, etc.) We annually verify each entry for accuracy, which provides a trustworthy source available to New Mexico agencies looking for help with the needs of their clients.

- NMSC Published *Time Served in New Mexico Prisons FY2007: Analysis of the Impact of EMD*. This statutorily-required report is published each year and requires NMSC staff to hand collect, enter and review good time figuring sheets. This report provides policy makers with a detailed look at how

SEX OFFENDER MANAGEMENT BOARD

Residency Restrictions

The SOMB recently published on-line its formal position paper on the implementation of residency restrictions for sex offenders. The SOMB concluded that it is not in the best interest of New Mexico to place legal restrictions on where convicted sex offenders may reside. The SOMB believes that offenders are safer when they have jobs, homes, friends and family, and access to treatment. Imposing blanket restrictions has had a destabilizing impact in every jurisdiction where it has been implemented and most experts (including law enforcement) believe that it is dangerous and counterproductive.

Sex Offender Treatment

Randall Cherry regularly attends monthly meetings with juvenile sex offender treatment professionals. They brief him on current issues and concerns which he relates to the SOMB members. He continues to work with them to develop standards for the treatment and supervision of offenders, which he is currently working on with CYFD personnel.

Randall Cherry is currently meeting with personnel from the treatment community, Value Options and CYFD to determine how to best utilize limited treatment and supervision resources.

Adult Parole Board and GPS Monitoring

Randall Cherry meets regularly in person and by telephone with Parole Board personnel to discuss sex offender supervision issues, including the cost versus effectiveness of recently-mandated GPS monitoring.

SOMB Treatment and Guidelines Subcommittees

SOMB subcommittees meet monthly to develop treatment standards, risk assessment tool and supervision guidelines.

An SOMB subcommittee is currently meeting to analyze new federal laws regarding sex offender registration and to recommend amendments to New Mexico law as it deems appropriate to comply with or reject the federal guidelines.

NMSC and SOMB staff were asked by the Legislature to study the Feasibility and Appropriateness of Including the Crime of Aggravated Stalking when the Victim is Less Than Sixteen Years of Age as a Sex Offense for Purposes of the Sex Offender Registration and Notification Act.

This SOMB has studied this issue and will report to the legislature on the need (or not) of including Aggravated Stalking when the Victim is Less Than Sixteen Years of Age.

Updating the Legislature

NMSC staff, including Randall Cherry, Mike Hall and Tony Ortiz annually present SOMB updates to the Courts, Corrections and Justice Interim Committee.

long offenders are serving for several categories of crime.

Such information helps criminal justice agencies adjust processes in the present as well as plan for the future. Specifically, providing feedback on the percentage of their sentences served for both violent and non-violent offenders ensures maximum efficiency in the system.

- NMSC produces annual updates and maintains the *Uniform Charge Code Table*. This table, which lists all 5,000 traffic and criminal charges possible in New Mexico, is now incorporated into District Attorney's central database and by the Department of Public Safety in its Automated Fingerprint Identification System, the CYFD case management system and will be incorporated into the judiciary's case management system in the FY08-FY09 roll out. It is also utilized in the TraCs automated traffic citation system.

Use of the same charging code among all agencies will increase accuracy of data and tracking of criminals.

- NMSC published *Cost of Housing Arrestees Held on Felony Charges*.

This report provided the Legislature – for the first time - with actual and unbiased information about the cost of housing felony offenders in county jails.

JUSTICE INFORMATION SHARING COUNCIL (JISC)

- NMSC is the host of the Justice Information Sharing Council (JISC) - obtained recurring base budget for JISC (\$150.0) during the 2007 Legislative Session. *Base budget ensures the continuation of the JISC and Consolidated Offender Query (COQ) and will also make possible:*
 - Enhancements to the system by adding an Interlock alert and Domestic Violence Tab
 - Revamped internal filtering flow process to be more efficient for future enhancements
 - Developing of e-data transfer from the Judiciary to the District Attorneys
 - Developing e-data transfer from District Attorney's DPS Crime Lab

- During FY2008, JISC staff upgraded the JISC COQ server and added the base version of Secure Socket Layer (SSL).

Use of SSL maintains the security of the COQ and is the first step in including police data on the COQ.

- The JISC Consolidated Offender Query (COQ) is now being used by almost 3,000 state justice personnel, including DPS, Bernalillo Sheriff, Dona Ana sheriff and Las Cruces PD, municipal courts, all DA offices, all Public Defender offices, some Native American law enforcement officers, APD investigator and narcotics units, CYFD and Corrections Department and others. During FY2008, Child Protective Services Division of CYFD began using the COQ to conduct immediate investigations of protective placement locations for abused or neglected children.

The COQ gives a full picture of all New Mexico offenders (including actual pictures) to all justice personnel. The COQ is the only system that allows criminal agencies outside of the courts to view the juvenile justice information and Domestic Violence Protective Orders. This system increases the efficiency of the police officers and dispatchers.

- Enhanced COQ now includes Domestic Violence Tab and DWI interlock order alert. This allows DWI Ignition Interlock orders by judges and DWI cases to be seen by officers together in one place. This will improve public safety.
- JISC staff have completed the victim notification process for the District Attorney's to share information between parole boards and the DA Victim Advocacy group.
- JISC includes Native American representation and is working on sharing data with Acoma, Isleta, Laguna and Zuni pueblos, thus making New Mexico the first state to initiate tribal-state data sharing. Zuni and Acoma are the first two pueblos to share DWI and Domestic Violence data with the State through the COQ. Inclusion of tribal DWI and Domestic Violence on the COQ will increase public safety by giving prosecutors the full picture of a defendant's DWI and criminal history.

Other JISC Activities:

- Working with NM Attorney General, CYFD and State Police on automated abuse and neglect case tracking.
- JISC staff is working with the NM Attorney General's Office on a Violence Against Women

Act-funded project to automate the process of Emergency Protective Orders.

This will be the beginning of the victim and petitioner notification process for the State of New Mexico.

- The main benefit for the JISC and COQ is to have a single URL for police officers, Probation, Parole, DAs and other justice personnel to use for their input and Query.

NMSC RESEARCH PROJECTS

NMSC is currently:

- Studying the Bernalillo County Metropolitan Court DWI-Drug Court and Dona Ana County Magistrate DWI-Court.
This study will help the LFC and DFA determine the effectiveness of these DWI drug courts.
- Updating its *Controlled Early Release* report. This report, first produced at the request of LFC in 2006, indicates how many Corrections Department inmates would be eligible for controlled early release.
This report enables LFC and DFA to make a cost/benefit analysis of early release of non-violent inmates versus increased prison beds.
- Conducting a Sex Offender Treatment Literature Review and Recidivism study of the STOP program in Las Vegas.
This study will give law and policy makers direct outcome data on the effectiveness of the STOP (Sex Offender Treatment) Program in Las Vegas and will provide the most accurate and current information available on this complex public safety issue.
- Conducting a study to determine how Domestic Violence cases flow through the justice system and where problems may be occurring.
This study, funded with federal Violence Against Women Act funds, will help New Mexico police, DAs and courts determine if process improvement is needed in Domestic Violence felony cases.
- Completed a study of Probation and Parole (HJM 61, 2007): caseloads for Adult Probation and Parole Officers, starting salaries for Adult Probation and Parole Officers, competing salaries for similar employment in New Mexico, retention of Adult Probation and Parole Offices, vacancy rates, and national standards for caseloads.

This study, delivered to the LFC and DFA in early 2008, provided key fiscal and policy-making information. As prison populations continue to grow and judges look to non-prison options, New Mexico must have a Probation and Parole Division that can handle the increasing numbers and scope of duties.

- *EMD Study and Report* Each year the NMSC is required by statute to review NM Corrections Department Good Time Figuring Sheets for released inmates to determine to what extent violent inmates are completing 85% of their sentences and non-violent inmates are completing 50% of their sentences.

This mandated study informs lawmakers of the compliance with and effectiveness of Serious Violent Offender laws (“Truth in Sentencing”).

- *New Mexico County Jail Research for DFA* This annual study provides accurate and unbiased data of the number of felony offenders housed in county facilities and is used to annually provide DFA with the distribution formula for the \$5 million funding in House Bill 2.
- *Biased Based Policing Study (HB 942)* This study will help New Mexico determine if there is any pattern of biased policing taking place and, if so, what steps might be taken to prevent it.
- *Gender Specific Probation and Parole Models Study (HB 527)* Experts agree that women have different avenues into the criminal justice system and different needs while incarcerated and after release.

This study will provide New Mexico with the current “best practices” in the area of probation and parole for women.

- *Services and Programs that Support Offender Rehabilitation and Reintegration and Reduce the Incidence of Recidivism Research (HM 68)* This study, delivered to the LFC and DFA in Spring 2008, provides New Mexico policy makers with a list of alternatives to incarceration, as the first step in determining and possibly creating a range of offender rehabilitation and reintegration programs.
- NMSC conducts both ad hoc and ongoing analysis of data sets from DPS, CYFD, DA’s, and AOC.

- NMSC conducted extensive research for the Courts, Corrections and Justice Interim Committee, working in collaboration with the NMCD, to develop a profile of inmates committed to the NMCD. This report was delivered to Legislative Counsel Service in March 2008.
- NMSC staff provides narrative information, data and analysis to LFC performance auditors.
- Assisted in training session on research methodologies for LFC audit staff.

CONCLUSION

The above represent a sampling, not a complete list, of the work of the New Mexico Sentencing Commission, Sex Offender Management Board and Justice Information Sharing Council members and NMSC staff. NMSC staff members respond routinely to requests for information, expertise and input from the Legislative, Executive and Judicial branches of New Mexico government as well as from the public. The work of the NMSC promotes public and officer safety and has and will continue to provide service that can help this state utilize its limited resources more efficiently. ■

TASK FORCE AND COMMITTEES SERVED BY NMSC STAFF

NMSC staff members are also members of and/or provide key data, analysis and service to several state and local criminal justice task forces such as:

- Governor's Prison Reform Task Force
- Attorney General's Corrections Oversight Task Force
- Several Domestic Violence task forces and working groups
- The Association of Counties Detention Center Affiliate
- State Traffic Records Executive Committee
- Mid-Region Council of Governments Methamphetamine Task Force

APPENDIX A

Usage data report to support that JISC Consolidated Offender Query (COQ).

The COQ has become a mission-critical tool for criminal justice agencies. Usage jumped in July 2007 due to the legislation that prohibited youth information on any public web site (the COQ is not a public web site). Public Defender and District Attorneys immediately switched to COQ for offender lookup.

The graphs below show how usage of the COQ has gone from an average 90,000 hits per month in 2007 to nearly 200,000 hits per months in 2008.

2007 usage:

Summary by Month (Old System)										
Month	Daily Avg				Monthly Totals					
	Hits	Files	Pages	Visits	Sites	KBytes	Visits	Pages	Files	Hits
Jan 2008	5	3	1	0	20	753	22	37	117	178
Dec 2007	776	485	80	21	579	86039	620	2328	14089	22511
Nov 2007	4312	2509	441	120	2130	429944	3623	13236	75270	129380
Oct 2007	4554	2711	434	132	2415	475334	4118	13469	84043	141189
Sep 2007	3866	2423	297	127	2066	400776	3811	8933	72697	115982
Aug 2007	3768	2351	293	132	2203	375966	4118	9111	72904	116821
Jul 2007	3421	2209	261	120	2200	378792	3722	8113	68508	106068
Jun 2007	2962	1902	238	112	2006	273776	3377	7148	57082	88872
May 2007	2917	1865	238	115	1948	281053	3582	7405	57823	90445
Apr 2007	3088	1966	280	117	2003	265939	3535	8426	58982	92655
Mar 2007	2956	1903	253	116	2044	271382	3610	7849	59009	91637
Feb 2007	3263	2108	293	120	1966	312978	3386	8208	59050	91390
Totals						3552732	37524	94263	679574	1087128

2008 usage to mid- May:

Summary by Month										
Month	Daily Avg				Monthly Totals					
	Hits	Files	Pages	Visits	Sites	KBytes	Visits	Pages	Files	Hits
May 2008	4965	3168	597	190	1155	356079	2476	7763	41188	64545
Apr 2008	6129	3978	661	215	2528	1038870	6472	19855	119350	183884
Mar 2008	4778	2999	590	176	2348	818625	5486	18294	92969	148121
Feb 2008	5245	3315	671	189	2218	774284	5481	19470	96146	152114
Jan 2008	5000	3213	641	182	2262	605268	5642	19874	99612	155027
Dec 2007	4129	2678	496	132	1375	358269	2912	10933	58922	90854
Totals						3951395	28469	96189	508187	794545