

# NEW MEXICO SENTENCING COMMISSION

April 11, 2018 MINUTES

Nusenda Credit Union  
 4100 Pan American Highway  
 Albuquerque, NM  
 10:00 AM

Members Present	Members Absent	Others Attending	NMSC Staff Present
Marron Lee, Chair	Mark Donatelli (Speaker)	Amir Chapel (LFC)	Linda Freeman
Bob Cleavall, Vice Chair	Sheriff Manuel Gonzales (AOC)	Jon Courtney (LFC)	Douglas Carver
Cindy Aragon (State Bar)	Hon. Miles Hanisee	Monica Ewing (LCS)	Conner Tuttle
Bennet Baur (LOPD)	Hon. Cristina Jaramillo (DMCJA)	Travis McIntyre (LFC)	
Hon. Marci Beyer (by phone) (DMCJA)	Amy Orlando (Governor)	Theresa Rogers (LFC)	
Jim Brewster (for NMCD)	Christopher Ruszowski (NMPED)		
Regina Chacon (for DPS)	Frank Zubia (Governor)		
Nick J. Costales (for CYFD)			
April Land (UNM SOL)			
Michael Lilley (by phone) (Pro Tem)			
Clara Moran (for AGO)			
Angela "Spence" Pacheco (Speaker)			
David Schmidt (Pro Tem)			
Martin Suazo (Pro Tem)			
Clint Wellborn (NMDAA)			
Chris Vigil (for AOC)			

**I. Welcome:** The meeting began at 10:05 a.m. Chair Marron Lee welcomed members, guests, and staff to the meeting.

**II. Approval of Minutes:** The minutes of the December 7, 2017 meeting were approved.

**III. Staff Report:**

NMSC Deputy Director Douglas Carver gave a brief overview of the Legislative Session, noting that NMSC staff completed almost 50 bill analyses for Legislative Finance Committee (LFC) Fiscal Impact Reports. Staff attended the Session almost every day that the Legislature convened.

NMSC Executive Director Linda Freeman discussed the NMSC budget for FY 19. She stated that the Commission had a flat budget for the new fiscal year, but received the requested BAR authority.

Executive Director Freeman gave updates on certain NMSC projects:

- The evaluation of the Santa Fe LEAD project is in its final stages, with a contract date of the end of June. A draft of the report will be completed in May;
- Conner Tuttle, NMSC Research Scientist, is revising the Prison Population Forecast; the Commission staff has adopted a new forecast methodology, necessary as predicting the female population has proven to be particularly challenging;
- Commission staff will participate in a webinar of a national association of information technology professionals about the kinds of data used for prison population forecasts;
- Commission staff met with New Mexico Appleseed to discuss the Commission's experience as a data repository and with data sharing;
- Work continues on the evaluation being conducted for the Alternatives to Violence Project (AVP). AVP has been working in the New Mexico prison system for over twelve years, initially working with the female population. Commission staff is working with AVP to analyze their surveys;
- Commission staff have re-established the annual meeting with the New Mexico Corrections Department information technology staff;
- Commission staff attended the Department of Transportation conference on autonomous vehicles, which, if the technology is implemented, would have a significant impact on court caseloads.

Deputy Director Carver discussed Commission staff attendance at the Bernalillo County Criminal Justice Coordinating Commission meetings. Commission staff also attended the Crime Victims Reparation Commission annual conference. He mentioned that Commission staff will continue to work on getting empty slots on certain commission committees filled.

**IV. Recent Criminal and Juvenile Justice-Related Evaluations:**

Dr. Jon Courtney, Program Evaluation Manager with the LFC, gave a presentation on recent evaluation work conducted by the LFC on certain criminal and juvenile justice programs. Dr.

Courtney first gave some background to the LFC's evaluation work. He stated that the LFC had ten researchers, who work in teams of two or three. The goal is to make concrete recommendations to the Legislature. Much of the LFC's work is spent where a large portion of state money is spent, with education and public safety.

Dr. Courtney noted that the costs associated with recidivating offenders are substantial. Approximately 95 percent of incarcerated offenders will be released back in to the community, and 50 percent of offenders will return to prison within three years.

Dr. Courtney gave an overview of the 2018 Legislative Session. Due to spiking crime rates, there were increases in monies given to public safety agencies, though there were also vetoes of some equipment costs as well as funding for Law Enforcement Assisted Diversion programs. He gave an overview of the various pieces of legislation addressing crime and recidivism that were passed, focusing particularly on HB 19, a package of criminal justice-related bills; and HJM 16, which created a criminal justice and public safety task force.

Dr. Courtney discussed that crime in New Mexico is up while crime nationally continues to fall. The crime in the state is driven by select hot spots. While cities across the state have had varying increases or decreases in their individual crime rates in the 2010 to 2016 period, often small populations in these cities can mean a large fluctuation in rates, and many cities that have seen decreases still have unusually high crime rates. For example, although Belen, Espanola, Gallup, and Taos all have decreased crime rates, the crime rates in those communities are all higher than Albuquerque's.

Dr. Courtney reviewed performance-based measures for the criminal justice system in the state, noting that reported violent and property crime are up, while arrests and case filings are down. Participation in the state's Drug Courts is down, and recidivism for state inmates is up. He noted that the New Mexico prison population is growing while the state prison population nationally is shrinking. This is of particular interest to the LFC as incarceration of a prisoner costs \$104 a day. More than 12.5 percent of the general fund is dedicated to public safety in FY 19, an increase – in both share and absolute dollars – from 10 percent in FY 15.

Dr. Courtney gave an overview of recent LFC criminal justice studies since 2011. He noted that standing LFC recommendations concerning the criminal justice systems were to:

- bolster swiftness and certainty in the system;
- address root causes of crime, coupled with the use of validated risk needs assessments;
- make better use of data;
- invest funding in effective programs, shifting away from ineffective ones; and
- eliminate operational inefficiencies.

He discussed the results of the LFC's 2016 evaluation of juvenile justice facilities and community-based service, their 2017 evaluation of domestic violence programs for victims and batterers, and their 2017 evaluation of drug courts in some detail.

He gave some preliminary results and thoughts on the 2018 review of crime in Bernalillo County, due to be completed in July. The objectives of that report are to describe the current situation of crime and the criminal justice system in the county; to identify potential causes responsible for driving an increase in crime; and to evaluate potential solutions to the current increase in crime. He discussed Albuquerque's high crime rates compared to national benchmarks, and noted that while reported crime has increased, the number of people in the criminal justice system has remained consistent or decreased. He emphasized that at this point there was not yet any evidence that patterns in the criminal justice system are related to the Albuquerque crime rate; or whether rates, such as arrest rates or incarceration rates, are high or low. The LFC has been working with the Pew MacArthur Results First Initiative for seven years to perform analysis on what programs and policies work and provide return on investment; these tools will be incorporated into the review. The report will also consider what factors influence crime, both traditional factors such as economic conditions, substance abuse, or gang activity; and system related issues such as diversion and treatment, the revolving door theory, police practices and procedures, funding and staffing levels, pretrial services, sentencing and incarceration, and reentry from jail or prison.

#### **V. Report from the Legislative Committee:**

Martin Suazo, Chair of the Legislative Committee, updated the Commission on the work of the Committee. He noted that the Committee met three times during the Legislative Session, analyzing 108 pieces of legislation. Nine pieces passed, of which three were vetoed. Five memorials or joint memorials were passed and signed by the respective chamber. Ninety-one pieces of legislation did not make it through the legislative process.

#### **VI. Report from the Justice Information Sharing Council:**

Regina Chacon, Chair of JISC, updated the Commission on the work of the Council. She noted that JISC met once since the prior Commission meeting, hearing a presentation from the New Mexico Corrections Department on their new data system. She invited any other agency to present to JISC on their data systems to aid in JISC's information-sharing mission

#### **VII. Report from the Juvenile Committee:**

Bob Cleavall, Chair of the Juvenile Committee, updated the Commission on the work of the Committee. He noted that the Committee met in March, with two new judges in attendance. The Committee heard a presentation from Rob Mitchell of the Administrative Office of the Courts concerning problem-solving courts in the state; one notable piece of information was that the use of Juvenile Drug Courts was declining, and we were now down to 12 statewide. The next Committee meeting will be held in May, when the Committee will hear about Juvenile Community Corrections.

**VIII. Report from the Sex Offender Management Board:**

Deputy Director Carver updated the Commission on the work of the Board. The Board met earlier in April. At that meeting the SOMB worked on developing its 2018 work plan. In addition, the SOMB heard a report from Conner Tuttle, Research Scientist with the NMSC, entitled “Review of Assessments for Sex Offenders from the SMART Office”, which was well-received by the Board members and elicited a fruitful discussion.

**IX. Public Comment:** There was no public comment.

**X. Next Meeting:** The next meeting was set for August 20, 2018 at 10 a.m. at the Nusenda Credit Union.

**XI. Adjourned:** The meeting adjourned at 11:32 a.m.