

# NEW MEXICO SENTENCING COMMISSION

May 1, 2019 MINUTES

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

Members Present	Members Absent	Others Attending	NMSC Staff Present
Bob Cleavall, Acting Chair	Hector Balderas (AGO)	Ronald Schranz (Burt & Co. CPA)	Linda Freeman
Cindy Aragon (State Bar)	Mark Donatelli (Speaker)	Misty Schuck (Burt & Co. CPA)	Douglas Carver
Bennet Baur (LOPD) (on phone)	Hon. Miles Hanisee	Jason Rael (LOPD)	Shari Houk
Hon. Marci Beyer (DMCJA)	Hon. Cristina Jaramillo (DMCJA)	Regina Chacon (DPS)	
Karl Brooks (for NM SCt)	Angela "Spence" Pacheco (Speaker)	Ed Chavez	
Jim Cowan (CYFD)	Karen Trujillo (NMPED)		
Sheriff Manuel Gonzales (AOC)			
April Land (UNM SOL)			
Michael Lilley (Pro Tem)			
David Schmidt (Pro Tem)			
Mark Shea (DPS)			
Martin Suazo (Pro Tem)			
Alisha Tafoya Lucero (NMCD)			
Clint Wellborn (NMDAA) (by phone)			

**I. Welcome and Introductions:** The meeting began at 10:02 a.m. Acting Chair Bob Cleavall welcomed members, guests, and staff to the meeting.

**II. Approval of minutes for the August 20, 2018 meeting:** The minutes of the meeting were approved by consensus.

### **III. Staff Report:**

- Summary of the 2019 Legislative Session: (The summary of the 2019 Legislative Session was deferred to the Legislative Committee report.)
- FY 20 Budget: Executive Director Linda Freeman noted that the Commission received an additional \$50,000 in the FY 20 budget, which would fund half of an FTE, and additional monies from contracts will enable the Commission to add a full FTE to staff.
- NMSC research projects: Executive Director Freeman informed the Commission that Commission staff is working on evaluations of the Rio Arriba Law Enforcement Assisted Diversion (LEAD) program and a LEAD program in the Pueblo of Pojoaque. She also noted that Commission staff has joined a team that has applied for a William T. Grant Foundation grant to create a juvenile and young adult pre-trial diversion program in the First Judicial District.

Finally, Ms. Freeman noted that the National Association of Sentencing Commission's annual meeting was occurring in August, and that there was funding available for five Commissioners to attend.

### **IV. FY 18 Audit Report:**

Ronald Schranz and Misty Schuck of Burt & Co. CPA gave a presentation on the FY 18 audit of the Commission. Mr. Schranz discussed the accounting standards to which the Commission was being held, and the role of the auditing team. He stated that the Commission received a clean report. He also stated that there were no findings in the separate required report examining internal controls and structures. He discussed the Commission's financial position, noted the cooperation from the Commission's staff, and that there were no material weaknesses or deficiencies.

The Commission moved to accept the audit report with no opposition to the motion.

### **V. Discussion of additional NMSC responsibilities (passage of HB 267 and HB 324):**

Douglas Carver, Deputy Director, discussed the fiscal impact statements for criminal justice bills required by HB 342, one of the two large criminal justice reform bills passed during the 2019 Legislative Session; Executive Director Freeman noted that the legislation includes a provision whereby if the Commission does not have sufficient information to project a fiscal impact, the fiscal impact statement can simply note that fact.

Mr. Carver gave an overview of the elements of HB 267, the other major criminal justice reform bill passed during the 2019 Legislative Session. Ed Chavez, former Justice of the New Mexico Supreme Court, discussed the creation of and the work of the Criminal Justice and Public Safety Task Force he chaired, which provided the framework for HB 267. The bill focused on the need for data sharing, particularly the need to break down silos between criminal justice entities; that the Sentencing Commission required additional staff support; the creation of crime reduction grants, to be awarded through criminal justice coordinating councils (CJCCs) in each

judicial district; the coordinating role of the Commission; support for the Department of Public Safety in ensuring there are automated fingerprint machines throughout the state; and support for the Association of District Attorneys to increase prosecutors's discretion in the use of pre-trial diversion.

Executive Director Freeman noted that the Commission staff has been working hard since the legislation was signed looking at the monies provide and staffing needs. She stated that one FTE will be added to Commission staff to manage this process. She discussed the funding that was provided through the junior bill to fund the data sharing and crime reduction grants processes, and the initial steps that have been taken. She also discussed the need for a subcommittee of the Commission to review the grants, and that ideally this subcommittee would meet following the Commission's August meeting so grants could be awarded in September or October. She also informed the Commission that the initial work on data sharing will focus on the dissemination of the biometrically-generated state identification number across criminal justice systems

Members of the committee asked about the establishment and activity of the CJCCs; support for the CJCCs; the financing of the various proposals; how the state identification number is generated; whether there will be a focus on juvenile justice issues in the state's various criminal justice reform efforts; the RFP process; how the needs of rural communities are being met; funding for pre-trial services; and the role and responsibilities of a grants subcommittee.

It was decided to establish the Grants Committee.

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

Martin Suazo, Chair of the Legislative Committee, updated the Commission on the work of the Committee. He noted that House Bills 267 and 342 were the most significant bills to come out of the Legislative Session. He informed the Commission that the Legislative Committee tracked 196 pieces of legislation – 38 were passed and signed by the Governor; three were vetoed by the Governor; five memorials or joint memorials were passed and signed by their respective chamber; no joint resolutions were passed; and 150 pieces of legislation did not make it through the legislative process. He also informed the Commission that the Legislative Committee had resumed the practice of voting approval or non-approval on certain pieces of legislation.

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

Regina Chacon, Chair of the Justice Information Sharing Council (JISC), stated that while JISC has not met often, there has been significant work on the Consolidated Offender Query; a Memorandum of Understanding was signed with New Mexico Tech. This effort will be a large part of JISC's work in the coming year.

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

Bob Cleavall, Chair of the Juvenile Committee, updated the Commission on the work of the Committee. He informed the Commission that the Juvenile Committee met on April 4 and established a work plan for the year; the committee will meet in June, August, October, and

December. Work plan items include a look at Juvenile Drug Court closures and the lack of referrals to Drug Courts; issues surrounding the closure of Juvenile Detention Centers and transportation of juveniles ; restoration of the old Juvenile Parole Board; adult sentences for juveniles that are effectively sentences of life without parole; confidentiality and sealing of juvenile records; and out of home placements.

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

Deputy Director Carver, Acting Chair of the SOMB, updated the Commission on the work of the Board. He noted that the Board had not met recently as the Governor's appointees had left the Board. He also noted that when the treatment standards for sex offenders that the Board had approved some years prior were presented again to the Board, many objections were raised. Once the Governor has made her appointments to the Board, the Board will resume its meetings.

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

***Other Matters:***

Acting Chair Cleavall informed the Commission that the Commission had a subcommittee dedicated to justice reform in past years. Members of the Commission discussed the past efforts of the reform subcommittee. It was decided to re-establish this subcommittee.

Executive Director Freeman and Deputy Director Carver discussed efforts to reach out to appointing authorities for the Commission so that all Commission slots are filled.

**XI. Next Meeting:** The next meeting was set for August 27, 2019 at 10 a.m. at the Nusenda Credit Union; the Commission's budget will be approved at that meeting.

**XII. Adjourned:** The meeting adjourned at 12:01 p.m.