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**Minutes of the Meeting of the  
New Mexico Sentencing Commission  
10:00 a.m.  
August 17, 2022**

via Zoom

<b>Members Present</b>	<b>Members Absent</b>	<b>Others Attending</b>	<b>NMSC Staff Present</b>
Bob Cleavall, Acting Chair	Sheriff Mark Cage (House Minority)	Ellen Rabin (LFC)	Linda Freeman
Marit Andrews (for PED)	Mark Donatelli (Speaker)	Amber Farrell (FFJC)	Douglas Carver
Cindy Aragon (State Bar)	Gregory Gaudette (Senate Minority)	Monica Ault (FFJC)	Jamey Cook
Bennett Baur (LOPD)	Sheriff Glenn Hamilton (NM Counties)	Diego Jimenez (DFA)	Nancy Shane
Jason Bowie (DPS)	Anne Kelly (AGO)	Dennica Torres (LOPD)	Keri Thiel
Hon. Daniel A. Bryant (DMCJA)	Anita Mesa (BHSD)		
Hon. John Chavez (NM SCt)	Martin Suazo (Pro Tem)		
Jason Clack (AOC)	Hon. Fred T. Van Soelen (DMCJA)		
Claire Harwell (Governor)			
Brady Horn (NM SCt)			
April Land (UNMSOL)			
Alisa Lauer (CYFD)			
Michael Lilley (Pro Tem)			
Angela "Spence" Pacheco (Speaker)			
David Schmidt (Pro Tem)			
Alisha Tafoya Lucero (NMCD)			

Clint Wellborn (NMDAA)			
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**I. Welcome and Introductions.** The meeting was called to order at 10:05 a.m. Acting Chair Bob Cleavall welcomed members, guests, and staff to the meeting.

**II. Approval of minutes for the June 16, 2022 meeting.** The minutes of the meeting were approved by unanimous vote.

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

Acting Chair Cleavall told the Commission that ten people from the Commission had attended the National Association of Sentencing Commissions (NASC) conference in Portland. He added that it was great to get to know the Commission's research staff, and said that he hoped they could be on a future meeting agenda so that other members of the Commission could meet them and hear about what they do. He also thanked Amanda Armstrong, Business Operations Manager, New Mexico Sentencing Commission (NMSC), and Jamey Cook, Accountant, NMSC, for all of the work they did to organize the trip.

Linda Freeman, Executive Director, NMSC, informed the Commission that there will be a second round of grant funding through the Crime Reduction Grant Act. There is approximately \$650,000 remaining to be disbursed. Applications are due October 28, 2022; the Grants Committee will meet November 9, 2022 to consider the applications. Commission staff will reach out to the criminal justice coordinating councils (CJCCs) to help to advertise this second round; particular outreach will be made to the CJCCs for the Third, Fifth, Seventh and Tenth Judicial Districts as no applications were received from those districts in the first round.

Executive Director Freeman told the Commission that Scott Patterson, Statewide Behavioral Health Manager, Administrative Office of the Courts (AOC) joined the Commission members and staff at the NASC conference. One panel of particular interest concerned drugs and behavioral health. The materials from that panel will be shared with Commission members.

She also discussed the current projects of the Research staff. The length of stay in county detention facilities study is almost finished, and will be presented to the task force looking at jail and prison unification and related issues. Additionally, the research staff is working on the annual report on earned meritorious deductions, the survey of detention centers required under the County Detention Facility Reimbursement Act, and the evaluation of the Rio Arriba County Re-Route program. Research staff are also working in conjunction with the Bureau of Business and Economic Research at the University of New Mexico (UNM) with AOC data to assess the impact of fines and fees in the criminal justice system.

She added that the research staff attended the recent Crossroads for Women conference, where they heard from a national expert on gender-specific programming. She concluded by discussing the data integration work being done in association with New Mexico Tech's Institute for Complex Additive Systems Analysis (ICASA); NMSC and ICASA are working with the First Judicial District Attorneys Office on a proof of concept for data sharing.

Douglas Carver, Deputy Director, NMSC, let the Commission know that he participated in a plenary session on "Curbing Extreme Sentences" at the NASC conference; his presentation concerned the medical and geriatric parole bill that the Commission had introduced, and the attempts made by advocates to get accelerated parole review for juveniles sentenced as adults. He also informed the Commission that Commission staff and Reform and Criminal Code Update Committee Chair Angela Pacheco would be

presenting to the New Mexico Legislature's interim Courts, Corrections, and Justice Committee (CCJ) on September 1, 2022 on the criminal code update process, hoping to get a sense of the Legislature's support for the changes that the working groups formed for the Criminal Code update might propose. They will be joined by Kelly Mitchell, Executive Director, Robina Institute, University of Minnesota, who will give the presentation she gave to the Reform Committee analyzing the structure of and problems with New Mexico's Criminal Code. Deputy Director Carver finished by informing commissioners that the new Criminal Code books were in and that he would get them to commissioners who needed them soon.

#### **IV. Commission Budget for FY 2024 (*voting item*).**

Executive Director Freeman informed the members of the Commission that the total appropriation request was \$3,440,600. That includes an expansion request of \$2,000,000 for the crime reduction grants, bringing the total monies for grants to approximately \$2,300,000; \$22,000 for the Commission's annual memorandum of understanding with the New Mexico Corrections Department; and \$30,000 for the County Detention Facility Reimbursement Act work. She noted that the grants expansion request was approved by the Commission's Executive Committee. Acting Chair Cleavall informed the Commission that the Executive Committee had discussed the importance of keeping the new Commission staff on board as regular FTEs.

Upon a motion by Claire Harwell, seconded by Magistrate Judge John Chavez, the Commission budget for FY 2024 was approved by unanimous vote.

#### **V. Commission Strategic Plan for FY 2024 (*voting item*).**

Executive Director Freeman told the members of the Commission that the strategic plan was extensively revised for FY 2023. The plan presented to the Commission is the same as the prior year's, with updated performance measure numbers and Commission membership. She also informed the Commission that a working group made up of Acting Chair Cleavall, Mark Donatelli, Reform Committee Chair Pacheco, Deputy Director Carver, and herself had started meeting to review and further revise the strategic plan, with the idea of integrating it better into Commission operations as a living document; this could result in changes to the present agenda format for Commission meetings.

Claire Harwell requested that the strategic plan reflect the work that is being done on the Criminal Code update. Chief Public Defender Baur requested, if it was appropriate, that something mentioning the staffing crisis in county detention centers be included.

Upon a motion by Judge Chavez, seconded by Chief Public Defender Baur, the Commission strategic plan for FY 2024 was approved by unanimous vote.

#### **VI. Open Meetings Resolution for FY 2023(*voting item*).**

Deputy Director Carver informed the committee that the resolution was the same as was presented to the Commission the prior year, when the resolution was drastically re-worked to ensure that it was compliant with the Open Meetings Act.

Upon a motion by April Land, UNM School of Law (UNMSOL), seconded by Marit Andrews, Public Education Department (PED), the Open Meetings Resolution for FY 2023 was approved by unanimous vote.

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

Acting Chair Cleavall, Chair of the Juvenile Committee, referred the Commission members to the draft minutes that were sent with the meeting materials. He informed the Commission that most of the meeting involved a presentation by Marit Andrews, PED, and her colleagues on the Attendance for Success Act. Ms. Andrews let the Commission know that the Attendance for Success team was happy to have the opportunity to present to the Juvenile Committee and will update the committee if requested. Chair Cleavall informed the Commission that the next Juvenile Committee meeting would be September 20, 2022, and that Scott Patterson, AOC was be on the agenda to discuss his behavioral health work.

## **VIII. Report from the Reform and Criminal Code Update Committees.**

Chair Angela Pacheco updated the Commission on the work of the combined committees. She informed the Commission that there are seven working groups formed for the Criminal Code update process— three covering specific areas of law; four with a broader focus. The working groups focusing on specific areas of law include one on child abuse statutes, chaired by Kim Chavez Cook, Law Offices of the Public Defender; one on criminal sexual penetration, chaired by Claire Harwell; and one looking at the homicide statutes, chaired by Megan Dorsey. The working groups focused on broader areas of law include behavioral health, chaired by April Land, UNMSOL; sentencing structure, also chaired by Ms. Chavez Cook; *mens rea*, chaired by Anne Kelly, Office of the Attorney General; and one on the collection of race and ethnicity data, chaired by Deputy Director Carver. She noted that all of the working groups have members from across the criminal justice spectrum, as well as Commission staff, and all were working on a consensus basis. She thanked everyone for their commitment and hard work on the working groups.

She also informed the Commission that the Reform Committee would meet in September to reconsider the medical and geriatric parole bill and the fines and fees bill that it had recommended the past two years, as well as a bill looking at removing the possibility of incarcerated sentences for minor traffic offenses from the Traffic Code, brought to the committee by Judge Chavez. She also let the Commission know that she, Executive Director Freeman, and Deputy Director Carver had met with Rep. Gail Chasey, who sponsored the appropriation for the Criminal Code update, to inform her of the work being done, and that the working groups were working on a consensus basis towards what is best for our community.

## **IX. Public Comment.**

There was no public comment offered.

## **X. Next Meeting.**

Acting Chair Cleavall asked for recommendations for agenda items for the next meeting. Bennett Baur, Chief Public Defender, asked the Commission to consider discussing the chronic shortages of staff at the state's detention centers. Acting Chair Cleavall noted that there would be some bills to consider from the Reform Committee, including bills the Commission had included in the past – medical and geriatric parole and the fines and fees legislation.

The committee scheduled its next meeting for October 19, 2022.

## **XI. Adjourn.**

The meeting adjourned at 11:01 a.m.