



**Minutes of the Meeting of the
New Mexico Sentencing Commission
10:00 a.m.
April 20, 2023**

UNM Continuing Education Conference Center, Albuquerque

Members Present	Members Absent	Others Attending	NMSC Staff Present
Bob Cleavall, Acting Chair	Cindy Aragon (State Bar)	David Jablonski (Project ECHO)	Linda Freeman
Bennett Bauer (LOPD)	Hon. Daniel A. Bryant (DMCJA)	Jessie Halladay (CJI)	Amanda Armstrong
Jason Bowie (DPS)	Sheriff Mark Cage (House Minority)	Vanessa Thomson (CJI)	Douglas Carver
Hon. John Chavez (NM SCt)	Mark Donatelli (Speaker)	Daniel Rowan (Project ECHO)	Angelica Gurule
Claire Harwell (Governor)	Gregory Gaudette (Senate Minority)	David Selvage (Project ECHO)	Jeremey Seymour
Brady Horn (NM SCt)	Michael Lilley (Pro Tem)	Ellen Rabin (LFC)	
Celina Jones (AOC)	David Schmidt (Pro Tem)	Philip Larragoite (LOPD)	
April Land (UNMSOL)	Greer Staley (AGO)	Karla Thornton (Project ECHO)	
Melanie Martinez (CYFD)	Hon. Fred T. Van Soelen (DMCJA)		
Anita Mesa (BHSD)			
Angela "Spence" Pacheco (Speaker)			
Sheriff Mike Reeves (NM Counties)			
Martin Suazo (Pro Tem)			
Alisha Tafoya Lucero (NMCD)			
Clint Wellborn (NMDAA)			

I. Welcome and Introductions. The meeting was called to order at 10:10 a.m. Acting Chair Bob Cleavall welcomed members, guests, and staff to the meeting.

II. Approval of minutes for the October 26, 2022 and December 15, 2022 meetings. The minutes of these meetings were approved by unanimous vote.

III. Staff Report.

Linda Freeman, Executive Director, NMSC, gave a report on the Crime Reduction Grants convening. She informed the Commission that approximately 80 people attended, representing 12 of the 13 Judicial Districts, and most of the grants that had been awarded. The morning was focused on data integration, including presentations from the Justice Counts initiative of the Council of State Governments, and from the Administrative Office of the Courts on the dataXchange. There was a lunchtime panel of current grantees. The afternoon saw presentations on the recently-published national standards for criminal justice coordinating councils, and small group discussions on the particular challenges communities face. She let the Commission know that the tentative plan is to hold a convening of grantees every year.

IV. Legislative Roundup.

Douglas Carver, Deputy Director, NMSC, informed the Commission that he and Keri Thiel, Staff Attorney, NMSC, reviewed 85 pieces of House legislation, including amendments and substitute bills, completing 68 FIRs; and 31 pieces of Senate legislation, including amendments and substitute bills, completing 21 FIRs.

He then gave a summary of the ultimate fate of the bills the Commission had sponsored for the 2023 Legislative Session. The geriatric and medical parole bill was passed and signed; the bill making changes to the Crime Reduction Grant Act was passed and signed; the fines and fees bill had some parts subsumed into the Court's fines and fees bill, which was passed and signed; the changes to the Commission's data collection statute never got any traction and did not progress after its first committee hearing; and the bill making changes to the Traffic Code was never introduced.

Deputy Director Carver then discussed some of the other key criminal justice legislation from the Session that was passed and signed:

- A bill concerning various election law changes that made changes to felon voting (HB 4).
- A bill removing the requirement for the Motor Vehicles Division to suspend a driver's license for failure to appear or failure to pay, which included a retroactivity provision (SB 47).
- A bill removing life without parole for juveniles, and setting up a system of parole review hearings for juveniles convicted as adults (SB 64).
- A bill creating a fund for medication-assisted treatment in county jails and state prisons, and requires state prisons to provide the treatment within the next three years (SB 425).
- A bill prohibiting straw purchases of firearms (HB 306).
- A bill regarding unlawful access to a firearm by a minor (HB 9).

Members of the Commission asked questions about and discussed the Governor's vetoes of legislation, including of a bill reforming probation and parole and of a bill removing simple possession from the habitual offender statute; the role of the Commission in collecting data for probation and parole reform and habitual offender sentencing; the possible role of the Commission in facilitating conversations on probation and parole reform; and the how it is important for people to understand the difference between what the

Corrections Department is doing today with probationers and parolees compared to what they were doing ten years ago.

V. Report on Jail/Prison Task Force.

Jessie Halladay, Senior Policy Analyst, Crime and Justice Institute (CJI), gave the Commission an overview of the SM6/HM11 Task Force Report Regarding the Unification of Jails and Prisons, working through a PowerPoint presentation. The Memorials called for an evaluation of the costs, benefits, and feasibility of unifying the state's jail and prison systems. The task force met four times from April to October and reviewed unified state systems across the country, discussed opportunities and drawbacks of unification, identified challenges experienced by New Mexico justice partners, developed a shared vision for the New Mexico justice system, identified nine areas to prioritize prior to any restructuring, and developed clear recommendations to move forward.

Ms. Halladay informed the Commission that the drop in the state's prison and jail population preceded the pandemic, and there are not solid answers why, which poses a challenge to deciding what changes might be made to the system and how any changes would affect the system. She noted that six other states have in the past unified their prison and jail systems, though Maine recently re-bifurcated their system after ten years of having a unified system. While all of these states share problems that are similar to those in New Mexico – such as staffing shortages, lack of behavioral health treatment options, transportation challenges, and inconsistent data collection and data sharing – it is hard to compare one state to another.

Ms. Halladay touched on the six elements that make an efficient justice system:

- Sufficient and consistent staffing across the system, including for behavioral health practitioners;
- Sharing of system costs across partners and authorities;
- Using strong, multi-level channels of communication and systems for data sharing;
- Access to behavioral healthcare in the community, including opportunities for diversion;
- Establishing clarity of the roles and purposes of each agency and system partner; and
- Promoting public safety by prioritizing prison and jail space for high risk and high need individuals.

Ms. Halladay reported that the task force did not recommend unification of systems at this time, but offered recommendations in nine priority areas, as follows:

- Staffing and workforce development: This is a problem in all states. The task force recommended developing a plan to address staffing shortages and develop long-term staffing capacity. In addition, the task force recommended funding for retention bonuses, salary increases, tuition reimbursements and the like for the Corrections and detention professions. The task force also recommended making statutory amendments to implement return to work policies for Corrections and detention facilities.
- Training and unified practices across agencies: The task force recommended that a core training academy for detention staff be developed and funded through the existing Corrections Training Academy. New Mexico Counties expressed an interest in merging their training with Corrections training to have unified training across detention centers and Corrections facilities.
- Behavioral health resources in custody. The task force recommended that an internal guide be created for NMCD and New Mexico Counties that clarifies the skills needed for various clinical jobs; that consideration should be made for a certification for behavioral health professions across the Corrections and detention systems to ensure standard qualifications and training; that Corrections and detention systems partner with behavioral health agencies to create a workforce

development and incentive plan; and that the feasibility of regional behavioral health centers for jails and prisons be studied.

- Behavioral health resources in community: The task force recommended that a strategic plan be developed to increase the state's competitiveness for attracting skilled professionals; that the expansion, staffing, and funding of Crisis Triage Centers be supported; that the possibility of regional mental health facilities be studied; that a gap analysis of provider access be conducted; and that housing be recognized as a critical component to criminal justice rehabilitation.
- Connectivity and internet bandwidth: The task force recommended support for the Judiciary's efforts to establish clear guidelines and standards for conducting remote hearings; that New Mexico Counties and NMCD be supported to implement the Court's guidelines for remote hearings; that broadband funding be set aside specifically for criminal justice entities to improve connectivity for detention facilities and prisons; and that guidance be provided to counties applying for bandwidth expansion funds for public safety functions on how to develop their requests to include the specific needs of justice partners.
- Cross-agency collaboration and communication: The task force recommended that the membership, mission, and structure of the Commission be reviewed, especially whether different voices from the counties, such as jails, be included; and that the working relationship between county detention centers and NMCD be strengthened, perhaps through NMCD participation in the annual meeting of detention centers.
- Information systems and data-sharing: The task force recommended that the statutes surrounding the role of the Commission in managing the statewide criminal justice data integration process be clarified; that the Justice Information Sharing Council be expanded; and that data governance policies be finalized.
- Population tracking and trend analysis: The task force recommended support for future research efforts and continued data analysis to uncover the context of New Mexico's prison and jail population trends; and that work be done by existing research entities to identify gaps in research, better promote and disseminate work that is done, and utilize research for decision-making.
- Funding and resource allocation: The task force recommended that a close look be taken at cost drivers for detention services, so that all users of these services, including municipalities, should cover the cost of detention; that an accurate and reliable billing system be developed that reduces the complexity and inconsistency of recovering costs for incarcerating, treating, supervising, and transporting individuals; that the funding challenges of the present Corrections system be thoroughly assessed; and that a more effective tool be developed for tracking county expenses and developing budgets, and requiring counties to report funding and budgetary information annually.

Ms. Halladay noted that a larger group of stakeholders than were represented on the task force would need to be brought to the table to implement many of these ideas.

She concluded by making the following recommendations for a process to move forward:

- Cross-jurisdictional analysis;
- An assessment of drivers of the system's incarcerated and detained populations;
- Involvement of a work group with a broader range of in-state stakeholders and experts;
- Continued discussion on areas of opportunity in the state's criminal justice systems;
- Support by experienced consultants and technical experts;
- A data-driven approach; and
- Funding from a combination of in-state resources and other grant dollars.

VI. Project ECHO's Work with Incarcerated and Released Populations.

Dr. Karla Thornton; Daniel Rowan, Senior Program Manager, and David Selvage made a presentation to the Commission about Project ECHO's work, working through a PowerPoint presentation. They noted that New Mexico has one of the highest rates of hepatitis C in the country, and that around 30 percent of the state's prison population has hepatitis C. New Mexico is a large state with low population density, with a shortage of healthcare providers. Project ECHO created its model to provide needed mentoring and teaching, with the motto, "Moving Knowledge Instead of People".

The Project ECHO model has four tenets: Using technology to leverage scarce resources (in this instance, the knowledge of how to treat hepatitis C); sharing best practices to reduce disparities; applying case-based learning to master complexity; and evaluating and monitoring outcomes. Since 2004, Project ECHO has held weekly 2-hour community training sessions, and since 2005 weekly 1-hour training sessions with NMCD. These training sessions help providers to learn how to treat hepatitis C. In 2020, the Legislature gave NMCD money to treat hepatitis C, which has allowed a more intense collaboration with between Project ECHO and the department, resulting in an increase in treatment numbers to 600-800 a year.

Project ECHO also has a peer education project in the prisons. The motto for this work is, "We believe that redemption is the solution; that time spent incarcerated should be an opportunity to regain a healthier and more productive life." The peer education program is in all eleven facilities. It requires 40 hours of in-person training, and then someone is considered ready to take information to their peers. The principle underlying this work is that community plus service equals purpose. The peer education program works to provide new purpose to those who are incarcerated. The program has expanded from the incarcerated to include programs working with formerly incarcerated citizens in the community. Mr. Rowan spoke of his time as a peer educator, and the opportunities it created for him when released from incarceration.

The presenters also spoke about Project ECHO's outreach to Federally Qualified Health Centers (FQHCs), also known as community health centers. These centers provide underserved areas and populations with primary care— medical, behavioral, and dental – regardless of a patient's ability to pay, working on a sliding scale fee mechanism. There are 19 FQHCs in New Mexico, with over 216 clinic sites statewide. They are especially important in rural areas, which might not have other health care options. They do considerable work with returned citizens. Project ECHO works with the FQHCs to ensure that they are educated about the latest hepatitis C testing and treatment guidelines, and provides information on other Project ECHO programs.

Project ECHO is also playing a role in alleviating New Mexico's shortage of health care workers. The New Mexico Health Care Workforce Committee 2022 Annual Report compares New Mexico to national benchmarks. According to the report, the state needs 5,863 registered nurses, 334 primary care providers, 59 OB/GYNs, 227 certified nurse practitioners, 14 certified nurse midwives, 281 physician's assistants, and 88 dentists, among other providers. These shortages are anticipated to worsen given the aging of current providers. The remaining workforce needs more knowledge and support managing patients with complex medical and behavioral health needs. Project ECHO provides an evidenced-based approach to provide training and expert consultation via tele-mentoring to help support the state's current healthcare providers and create knowledge networks.

The presentation concluded by discussing Project ECHO's work to alleviate the opioid crisis, one of their newest projects. There are 15 opioid treatment provider clinics statewide concentrated along the I-25 corridor; two of the clinics also treat hepatitis. There are national models for opioid treatment provider clinics to use, but there has been limited adoption of those models in New Mexico. Project ECHO has

conducted outreach to medical directors at these clinics to identify partnership opportunities for hepatitis treatment as there is much overlap in these populations. The recently-enacted federal Mainstreaming Addiction Treatment Act removed the requirement of what is known as the Drug Enforcement Administration's X-waiver and eliminated the limits on the number of patients to whom a provider can prescribe buprenorphine. Project ECHO is providing training to primary care providers and providing support through the Medication for Opioid Use Disorder (MOUD) ECHO.

Members of the Commission asked questions about and discussed treatment and approaches for newer drugs on the street and among incarcerated populations, like fentanyl and tranq.

VII. Juvenile Committee.

Chair Cleavall, Chair of the Juvenile Committee, informed the Commission that the Juvenile Committee had set its work plan for the coming year and intends to look at the Juvenile Parole Board, the problems surrounding evaluations for juvenile offenders, particularly the lack of doctors willing to perform evaluations; transportation issues for juvenile offenders brought about by the close of juvenile detention facilities; the juvenile community corrections grant fund; and the confidentiality provisions surrounding juvenile delinquency records.

VIII. Legislative Committee.

Martin Suazo, Chair of the Legislative Committee, complimented Ms. Thiel and Deputy Director Carver for their work for the committee. He informed the Commission that the committee reviewed 146 total pieces of legislation, as follows:

- House Bills – 83 (of which 11 were signed by the Governor, one vetoed)
- House Memorials – 2
- House Joint Memorials – 1
- House Joint Resolutions – 0

- Senate Bills – 56 (of which 13 were signed by the Governor, three vetoed)
- Senate Memorials – 2
- Senate Joint Memorials – 1
- Senate Joint Resolutions – 1

Legislative Committee Chair Suazo also informed the Commission that the Committee might hold a meeting before the Session in the coming year to better prepare for the Legislative Session.

IX. Grants Committee.

Martin Suazo, Chair of the Grants Committee, informed the Commission that the number of grant applications had grown significantly since the Crime Reduction Grant Act was passed, with approximately 50 applications to be considered when the Grants Committee meets in May. He will give a full report of the Committee's actions at the next Commission meeting.

X. Reform Committee.

Angela Pacheco, Chair of the Reform Committee, informed the Commission that the Reform Committee will meet in the coming weeks for a reorganization meeting, as many people who had been involved in the

working groups from state agencies have moved to other roles or left state employment. The immediate focus of the committee's work would be the reclassification of the felony structure, expanding the structure to eight felony levels, which more accurately reflects the sentencing levels that are in our present Criminal Code. In the coming months meetings will be arranged with members of the Legislature to explain what the reclassification bill will be, stressing that it is to simplify and clarify the present sentencing in our statutes.

Professor April Land, University of New Mexico School of Law, chair of the behavioral health working group of the Reform Committee, said that the working group had been discussing the connections between behavioral health and criminal justice. The working group heard presentations on and made suggestions for the medication-assisted treatment bill before the Legislative Session, stressing particularly concerns about potential unintended consequences of the legislation.

XI. Public Comment.

There was no public comment offered.

XII. Next Meeting.

The Commission set its next meeting for August 24, 2023.

XIII. Adjourn.

The meeting adjourned at 12:04 p.m.