



**Minutes of the Meeting of the  
New Mexico Sentencing Commission  
10:00 a.m., April 4, 2024**

**Children, Youth, and Families Complex, Indian School Rd., Albuquerque**

<b>Members Present</b>	<b>Members Absent</b>	<b>Others Attending</b>	<b>NMSC Staff Present</b>
Bob Cleavall, Chair (Governor)	Bennett Baur (LOPD)	Aaron Trujillo (Vertice Advocacy)	Linda Freeman
Martin Suazo, Vice Chair (Pro Tem)	Jason Bowie (DPS)		Douglas Carver
Cindy Aragon (State Bar)	Hon. Daniel A. Bryant (DMCJA)		Angelica Gurule
Ambrosio Castellano (Speaker)	Sheriff Mark Cage (House Minority)		Jeremy Seymour
Hon. John Chavez (NM SCt)	Teresa Casados (CYFD)		Nancy Shane
Mark Donatelli (Speaker)	Gregory Gaudette (Senate Minority)		Keri Thiel
Claire Harwell (Governor)	April Land (UNMSOL)		
Aaron Holloman (AOC) (NM SCt)	Ramona Martinez (Pro Tem)		
Brady Horn (NM SCt)	Angela “Spence” Pacheco (Speaker)		
Krista Lawrence (Governor)	Hon. R. David Pederson		
Melanie Martinez (NMCD)	Dr. Arsenio Romero (PED)		
Anita Mesa (BHSD)			
Greer Staley (AGO)			
Clint Wellborn (NMDAA)			
Sydney West (Pro Tem)			

**I. Welcome and Introductions.** The meeting was called to order at 10:06 a.m. Chair Bob Cleavall welcomed members, guests, and staff to the meeting.

**II. Approval of minutes for the November 9, 2024 meeting.** The minutes of the meeting were approved by unanimous vote.

**III. Staff Report.**

Linda Freeman, Executive Director, New Mexico Sentencing Commission (NMSC), informed the Commission that in the recent Legislative Session, the Commission had requested two staff positions – for a staff attorney and a grants administrator – and had requested monies to compensate the Commission for raises in recent years that were not accounted for in the Commission’s budget. The Commission received the monies to make the Commission whole for raises, and also received budget language to extend the time that funds that were given to the Commission for the update of the Criminal Code could be used. Additionally, the Commission received \$2.5 million for crime reduction grants as a special appropriation; these monies were not put into the statutory fund for the crime reduction grants.

Executive Director Freeman also informed the members that the annual conference of the National Association of Sentencing Commission would be held from August 6 to 8, 2024, in Raleigh, NC. She requested that members who wished to attend the conference inform her, Deputy Director Douglas Carver, or Chair Cleavall.

She further informed the Commission that, corresponding to Goal 1 of the Strategic Plan, to advise the Executive, Judicial, and Legislative branches, she, Chair Cleavall, and Deputy Director Carver had met with Speaker of the House Javier Martinez and Majority Leader Gail Chasey, and their staff, to discuss the proposal to expand the felony sentencing structure. In addition, she and Deputy Director Carver attended the 50-state conference regarding Justice Reinvestment Initiatives in December, in Atlanta.

She further informed the Commission that, corresponding to Goal 2 of the Strategic Plan, to conduct analyses to support policy decisions, Commission staff had completed the Prison Population Profile, the Earned Meritorious Deductions report, and the County Detention Reimbursement Act report. Staff was working to finish the Prison Population Forecast, and was working on multi-site Law Enforcement Assisted Diversion (LEAD) data collection with the Behavioral Health Services Division. Additionally, Commission staff attended meetings on Second Chance Pell with the University of New Mexico and the Corrections Department.

Corresponding to Goal 3 of the Strategic Plan, serving as a clearinghouse of information, the Commission has been working with the Valencia County Detention Center to get their detention data onto the dataXchange.

Finally, corresponding to Goal 4 of the Strategic Plan, managing the Crime Reduction Grant Act, the Commission hosted its second convening of Criminal Justice Coordinating Councils and recipients of crime reduction grants. She informed the Commission that grant applications for Round 1 had closed, with 45 applications to be reviewed at the April meeting of the Grants Committee, representing \$4,727,218 in funding requests. Additionally, NMSC staff conducted a site visit in March to observe the Bernalillo County Metropolitan Recovery Court, one of the recent grant recipients.

Members of the Commission asked questions about and discussed the convening; inviting members of the Grants Committee and other Commission members to the convening; the progress of the research on grants that had been awarded; crime reduction grants and juvenile programs; and how the Inspection of Public Records Act related to the information that Commission staff obtains to prepare the Prison Population Forecast.

#### **IV. Legislative Session Roundup.**

Deputy Director Carver gave the members of the Commission a brief overview of the nine bills and one joint resolution concerning criminal justice that had been passed during the recently completed 30-day Legislative Session. He also noted that there was a pocket veto of one bill. He further informed the Commission that the Governor had been discussing that she might call a Special Session focused on public safety, with possible topics to include unsafe panhandling, increasing penalties for felons with firearms, a reworking of the criminal competency process, and the establishment of a civil competency process.

Deputy Director Carver informed the members of the Commission that he and Staff Attorney Keri Thiel had completed a total of 47 Fiscal Impact Reports during the Session, 26 for House legislation 21 for Senate Legislation.

#### **V. Victim Services in New Mexico.**

Jacqueline Sanchez, State Investigator Supervisor, New Mexico Crime Victims Reparation Commission (CVRC), gave the Commission an overview of the work of the CVRC. The CVRC, she informed the Commission, assists victims of violent crimes with expenses incurred as a result of their victimization. The CVRC also administers funding to provide victim services statewide. There is state and Federal compensation funding with a 75% match; 15% of inmate wages are also a source of funding. The removal of fees from statute had a budget impact of \$1 million, she said.

To receive compensation the person has to be a victim of a violent crime that occurred in New Mexico and was reported to law enforcement, or a licensed medical, mental health, or tribal health provider. In addition, a resident of New Mexico who has travelled to another country can be supported. Under the statute, a victim has two years from the date of the incident to report it. If there is a delay in reporting beyond those two years, the CVRC will review the case to determine whether there was good cause for the delay. Ms. Sanchez informed the members of the Commission that there were a lot of cold case applications.

Ms. Sanchez said that undocumented individuals are eligible for compensation. Incarcerated victims are not eligible, as services for those victims are available through the Corrections Department.

Ms. Sanchez elaborated on eligibility determinations. The report of the incident has to be documented. The CVRC will determine if the incident is eligible for reparation compensation, and if the services needed are a result of the crime. The CVRC will look at any contributory behavior on the part of the victim, for example, if the crime to the victim was the result of a drug deal gone bad. The CVRC can fully deny an application, or make reductions in any award in 25% increments. The CVRC will also look to see whether there are other sources of compensation for the victim, such as insurance payments or donations for funeral expenses. Ms. Sanchez noted that the cap on funds for funerals is \$6,000. Ineligible expenses include pain and suffering, attorney fees, or the cost of a criminal investigation.

There are 18 crimes enumerated in statute that are potentially eligible for victim compensation. Most are felonies, but there are some misdemeanors. The CVRC encourages people to apply for reparations even if a incident does not seem to fit squarely in the list of crimes as they will work to see if the incident fits in somewhere. There is a statutory cap of \$20,000 in compensation, but there are cases, such as domestic violence, where someone can apply multiple times. There is also a catastrophic injury cap of \$30,000. Catastrophic injury can include injuries such as the loss of a limb, paralyzation, or loss of eyesight. While victims of many of these kinds of injuries can have other ways to get necessary monies, such as Social

Security benefits or Medicaid, the CVRC can help to fill in any gaps, for example, making accessibility improvements to the home of someone who has lost a leg.

The top CVRC payouts are for funeral expenses, which is a priority area that can receive an expedited decision (within 72 hours). Other eligible expenses are lost wages, starting with the first two weeks after the date of the incident; medical and counseling expenses; and relocation and rent expenses, but only for domestic violence, sexual assault, and human trafficking. There is a subset of related expenses, such as modifying bathrooms for someone who suffered a serious injury, that are eligible. Ms. Sanchez noted that generally 100% of the reimbursement goes to the victim of the crime. The CVRC also works with other state agencies to get funds for victims. The CVRC will pay 65% to medical providers, but will work with medical providers to get any balance written off.

The funding options available to the CVRC include direct compensation; emergency assistance funds, which is a quicker way to get immediately necessary funds to a victim; human trafficking crisis stabilization funds, for a victim to get stabilized and find temporary house and employment; sexual assault emergency funding; and funding for missing and murdered persons.

Ms. Sanchez closed her presentation by walking Commission members through the CVRC website, so that they could see what resources were available there, including the application page.

Members of the Commission asked questions about and discussed funeral homes and Veterans Administration benefits; assistance for victims to pull together necessary documents; difficulties in working with dental and therapy providers in the context of CVRC's work; how often payments hit the statutory caps; how the CVRC handles fraudulent claims (they work with the state Department of Justice); whether the CVRC accepts donations (they do); how victims learn about the CVRC; the disbursal of funds throughout the state; how long the reparations process takes (it is generally 30 days, down from four to six months in prior years); and the portion of inmate checks that are taken by the CVRC.

## **VI. Research Update – Crime Reduction Grant Evaluation.**

Nancy Shane, Research Director, NMSC, gave an update on the work of the NMSC research team and on the evaluation process for the crime reduction grants. Recent research projects include a literature review of peer support workers, issued in the summer of 2003; the 2023 Prison Population Forecast; a project concerning the crime codes and crime hierarchy, to sharpen research that uses these codes, completed in the autumn of 2003; a presentation display at the American Society of Criminology Meeting in autumn 2003; the first of what will be an annual crime reduction grant report, issued in the autumn of 2003; work with five LEAD projects on a data collection project, which has continued into the spring of 2024; the Earned Meritorious Deductions report, issued in the spring of 2004; and the Prison Population Profile report, also issued in the spring of 2004.

Research Director Shane informed the members of the Commission that the Crime Reduction Grant Act requires a report to the Legislature by October 1 of each year. The report is organized by aggregating grants by their target population. The report has three sections: Part I is spending; Part II covers perception of successes and challenges, utilizing the quarterly and final reports from each grantee; and Part III looks at the impact on beneficiaries, especially when the grants cover the justice-involved population.

Research Director Shane presented an overview of the history of crime reduction grant awards. In FY 2020, there were seven grants awarded, totaling \$377,175, mostly focused on data collection. FY 2021 and FY 2022 each saw only \$178,000 in grants awarded, five grants in FY21, four in FY22. The crime reduction grants program expanded significantly in FY 2023, with 30 grants awarded for a total over \$2.3 million,

representing 2,249 justice-involved individuals impacted, 118 professionals retained, and 307 professionals trained. Growth continued in FY 2024, with 36 grants awarded for over \$3.5 million.

The impact of each grant varies, as different outcomes are expected by different programs. Elements that are being examined include court compliance for someone's current case, incarceration for the current case, court compliance in the future, and recidivism. Research Director Shane walked the members of the Commission through charts breaking down for each fiscal year the target populations for the grants, the number of awards for each target population, the corresponding amounts awarded and spent for each target population, and the number of justice-involved beneficiaries. She also walked the members of the Commission through a table she provided that appears in the report that examines the warrant analysis for court compliance with a person's current case.

She closed with the successes she and her team have noted and the challenges that have occurred. Successes include that monies have been spent as intended; grantees have reported overall positive experiences with the process; grants have been used to share information, reduce jail overcrowding, and have helped to provide alternatives to incarceration; the standing up of a new treatment court; and a marked improvement in court compliance for people's current case. Challenges include that cross-jurisdictional coordination remains difficult; there is trouble hiring and retaining staff; there is less improvement in court compliance for other cases; and many pretrial and treatment court participants commit new offenses in their first year.

Members of the Commission asked questions about and discussed whether grantees revert money; extensions to the grants; the timeline of grant awards; the challenges in studying training grants; the difficulties with the crime reduction grant fund due to the language required by the Legislature; how the Commission receives the monies to be awarded through the grants program; and the good work that the Commission staff is doing following the grants.

## **VII. Juvenile Committee.**

Cindy Aragon, Chair of the Juvenile Committee, informed the members of the Commission that the committee had been receiving good overviews of the state of juvenile justice in New Mexico. She said that she hopes to have representatives of the Law Offices of the Public Defender and juvenile prosecutors address the committee on their views of where juvenile justice in the state stands. She also hopes to have someone present on rural issues in juvenile justice. Dr. Bronwyn Neeser, with the Behavioral Health Services Division, gave the committee a thorough overview of issues surrounding competency and amenability. She also hopes to have the committee look at what other states are doing; Texas, for instance, has interesting initiatives regarding programming. The committee will also work to stay abreast of bills that might be introduced during the 2025 Legislative Session touching on juvenile justice issues, especially the sex offender bill that was introduced but not passed during the 2024 Session.

Members of the Commission asked questions about and discussed the relatively large number juveniles that had been recently detained for firearms offenses; the automatic holds ordered for these juveniles; the large number of juveniles being held for murder; the number of juveniles being held for exceedingly long periods (600 to 800 days) in youth detention, which is supposed to be a holding facility; and the low number of juvenile detention centers.

## **VIII. Legislative Committee.**

Vice Chair Suazo, Chair of the Legislative Committee, informed the Commission that the committee met throughout the Session. The committee has a good balance of members, representing different perspectives on the criminal justice system. During the Session the committee reviewed 64 pieces of House legislation: 61

bills, 2 memorials, and a joint resolution; and 52 pieces of Senate legislation: 46 bills, one memorial, one joint memorial, and four joint resolutions.

**IX. Grants Committee.**

Vice Chair Suazo, Chair of the Grants Committee, referenced the report from Research Director Shane to make clear to the members of the Commission how much the work of the Grants Committee had grown. He noted that Executive Director Freeman and the rest of the Commission staff had done a stellar job monitoring the grants. Good work has been done thanks to the grants the Commission has awarded. He informed the Commission that the next grants would be awarded on April 9; there are typically two award dates each year.

**X. Reform Committee.**

Deputy Director Carver informed the members of the Commission that the working groups for the Criminal Code update were still plugging away. These include the working group looking at criminal sexual contact and penetration, which had expanded its work to include sexual exploitation of children; and the working group looking at behavioral health issues. The felony restructuring project was still active, and there had been a request from Rep. Christine Chandler, Chair of the House Judiciary Committee, for the Commission to look at issues concerning probation and parole.

**XI. Public Comment.**

There was no public comment offered.

**XII. Next Meeting.**

The Commission set its next meeting for August 22, 2024.

**XIII. Adjourn.**

The meeting adjourned at 11:47 a.m.