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**Minutes of the Meeting of the  
New Mexico Sentencing Commission  
10:00 a.m., August 22, 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>
Martin Suazo, Vice Chair (Pro Tem)	Hon. Daniel A. Bryant (DMCJA)	Rebecca Guay (NMSC DOJ counsel)	Linda Freeman
Cindy Aragon (State Bar)	Sheriff Mark Cage (House Minority)	Scott Sanchez (LFC)	Amanda Armstrong
Bennett Baur (LOPD)	Ambrosio Castellano (Speaker)		Douglas Carver
Nick Boukas (BHSD, for Anita Mesa)	Bob Cleavall, Chair (Governor)		Jeremey Seymour
Justin Boyd (CYFD)	Gregory Gaudette (Senate Minority)		Keri Thiel
Hon. John Chavez (NM SCt)	April Land (UNMSOL)		
Mark Donatelli (Speaker)	Krista Lawrence (Governor)		
Claire Harwell (Governor)	Angela “Spence” Pacheco (Speaker)		
Aaron Holloman (AOC) (NM SCt)	Dr. Arsenio Romero (PED)		
Brady Horn (NM SCt)	Greer Staley (DOJ)		
Ramona Martinez (Pro Tem)			
Hon. R. David Pederson (DMCJA)			
Quentin Ray (for Clint Wellborn, AODA)			
Octavian Valencia (DPS)			
Jessica Vigil-Richards (NMCD)			
Sydney West (Pro Tem)			

**I. Welcome and Introductions.** The meeting was called to order at 9:13 a.m. Vice Chair Martin Suazo welcomed members, guests, and staff to the meeting. Vice Chair Suazo thanked NMSC Executive Director Linda Freeman for her years of work at the Commission, noting that she was one of a kind and had been a wonderful Executive Director for the Commission.

**II. Approval of minutes for the April 4, 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, as had been mentioned, she would be retiring, with her last day being September 30, 2024. She also informed the members of the Commission that Research Scientist Angelica Gurule had left the Commission to attend law school in Los Angeles; interviews for her replacement will take place in the coming week. Additionally, a new student employee has been hired by the Commission to help with the work of the research team.

Executive Director Freeman informed the members of the Commission that a delegation from the Commission had attended the annual conference of the National Association of Sentencing Commissions (NASC) in Raleigh, NC at the beginning of August. Staff who attended included herself, Deputy Director Douglas Carver, Director of Research Nancy Shane and Research Scientist Grace Cairo. Commissioners who attended included Chair Bob Cleavall, Juvenile Committee Chair Cindy Aragon, Mark Donatelli, and Krista Lawrence. Chair Cleavall and Mr. Donatelli both were presenters on panels at the conference; Chair Cleavall's concerned juvenile justice and Sentencing Commissions, while Mr. Donatelli's panel covered the benefits and possible drawbacks of having members serve long terms on sentencing commissions.

Mr. Donatelli spoke about his panel. He informed members of the Commission that he had learned a great deal from his fellow panelists and from the conference, especially about the numerous different structures for the sentencing commissions that exist across the country, including commissions with term limits for members. There appeared to be strong support for having members of commissions who have served for long periods, though there are valid arguments against long term members, as there can be a tendency towards rigidity, for example, though at times there may be reasons for rigidity. Additionally, having long terms of service allows for the development of professional relationships with other members of a commission. It is also important, however, that there be new faces on a commission. Mr. Donatelli concluded his remarks by encouraging other members to attend the NASC conference in the future. In answers to subsequent questions, Mr. Donatelli added that it is important to have members who have a sense of the history of their commission, who know the challenges their state has faced in the past, and what approaches to those challenges have worked, and what haven't. He also added that he was struck by the conference panel of formerly incarcerated individuals who serve on their state's sentencing commission; many states have a requirement in statute for there to be a formerly incarcerated member. The richness of their perspective was something New Mexico should consider.

Deputy Director Carver reflected that he always learns a great deal when attends the NASC conference. It is interesting to note that many states confront the same problems and challenges that are being faced by New Mexico. There are always panels that directly address issues that New Mexico is debating, like a panel at last year's conference that looked at reforms Virginia had made to their probation system.

Juvenile Committee Chair Aragon discussed how she had been struck at the conference by the fact that so few sentencing commissions have a juvenile component, especially as there are so many issues involving juveniles in the criminal justice system, especially surrounding how to handle violent juveniles.

Executive Director Freeman told the members of the Commission that she had attended the American Sociological Association meeting immediately after the NASC conference, and it made her reflect on the role of research in sentencing commissions. The chances of research performed in a sentencing commission context having an impact on policy-making is much greater than the more academic research that often is conducted around criminal justice issues. On sentencing commissions, there are people in the room who are more aware of the potential for unseen consequences in a policy proposal, which is of great value to the state.

Concerning the NASC conference, members of the Commission asked questions about and discussed the importance of long-serving members on a sentencing commission; and the reasons the New Mexico Sentencing Commission was created.

Members of the Commission also engaged in a discussion of what process would be used for replacing Executive Director Freeman when she stepped down from her position. There were concerns expressed that it was unclear what the employee status of Commission staff at the University of New Mexico (UNM) was, and who would have input on selecting the new Executive Director. Vice Chair Suazo informed the members of the Commission that these matters would be discussed when Chair Cleavall returned.

#### **IV. Commission Budget for FY 2026 (voting item).**

Executive Director Freeman made a presentation on the budget request for FY 2026. She presented a handout detailing the budget for FY 2025, and where the FY 2026 budget would differ. She informed the members of the Commission that NMSC staff had met with the Executive Committee to discuss the budget proposal. The FY 2026 budget largely follows the FY 2025 budget, with the exception of two expansion items: a request the budget be adjusted slightly to reflect the raises that had been given statewide in FY 2025, and a request for two additional FTEs: a staff attorney, and a grants administrator to oversee the crime reduction grants. Additionally, the Commission will be asking for a \$5 million special appropriation for crime reduction grants, an increase to the \$2.5 million special appropriation that the Commission received for FY 2025 budget.

Members of the Commission and others attending asked questions about and discussed the length of time of the request for the special appropriation; the crime reduction grant fund; the need for extension language on current monies for grants; that there was a need for the two FTEs; the need for crime reduction grants funds to span two fiscal years; the amount set aside for evaluation of the grants; the evaluation process for the grants; and the status of Commission staff as UNM employees.

Upon a motion by Judge R. David Pederson, seconded by Judge John Chavez, the proposed budget was approved unanimously.

#### **V. Commission Strategic Plan for FY 2026 (voting item).**

Executive Director Freeman presented the FY 2026 Strategic Plan to the members of the Commission. She noted that the Strategic Plan was the same as the prior year's, with the exception that the performance measures section had been updated. Deputy Director Carver gave a brief recap of how the present Strategic Plan had been developed: a working group of the Commission had been created to rewrite the Commission's Strategic Plan, which had not undergone any changes in many years. The working group worked with a mediator to develop the present document. He suggested that it might be time for the Strategic Plan to be reviewed again.

Members of the Commission asked questions about and discussed that the Strategic Plan should probably be reviewed every two years; and that the list of performance measures should better track with the goals in the Strategic Plan.

Upon a motion by Judge R. David Pederson, seconded by Chief Public Defender Bennett Baur, the proposed Strategic Plan was approved unanimously.

#### **VI. Open Meetings Resolution for FY 2025 (voting item).**

Deputy Director Carver presented the updated Open Meetings Resolution to the members of the Commission. He noted that Assistant Attorney General Rebecca Guay, the Department of Justice's (DOJ) assigned counsel to the Commission, had reviewed the resolution and had made one suggestion, that the time for publication of notice for meetings of the Commission be ten days instead of one week, as that is the current recommended best practice advised by the DOJ. The members of the Commission approved that change. There was some discussion concerning whether the ten days were calendar days or working days; Ms. Guay confirmed that it was working days. It was also note that the agenda heading was incorrect, and that it should have read "Open Meetings Resolution for 2024".

Upon a motion by Vice Chair Suazo, seconded by Judge R. David Pederson, the Open Meetings Resolution for 2024 was approved, with the notice provision in the draft in Section II(2) changed from one week to ten days.

#### **VII. Juvenile Committee.**

Cindy Aragon, Chair of the Juvenile Committee, informed the members of the Commission that earlier in the week the Juvenile Committee had had a tour of the Youth Diagnostic Development Center. The Committee was working to take the pulse of the juvenile justice arena. An earlier meeting had seen a presentation on EMT training that is given to juvenile justice-involved youth. The Committee's October meeting will involve a discussion of the long- and short-term goals of the Committee and strategic planning. Deputy Director Carver will also give a presentation on what juvenile bills from the past Legislative Session might be presented in the upcoming long Session, for example the changes around juveniles and the sex offender registry. Juvenile Committee Chair Aragon also informed the members of the Commission that Chair Cleavall was working on pulling a working group together to examine changes to the Juvenile Community Corrections Grant Act.

#### **VIII. Grants Committee.**

Vice Chair Suazo, Chair of the Grants Committee, informed the members of the Commission that the grants program had grown from \$378,000 dollars awarded to five or six grants, to the present \$3.6 million awarded, with 36 grants open. The awards meeting will be October 22, 2024. Every Judicial District in the state has received at least one grant, with the exception of the Seventh; NMSC staff continue to reach out to the Seventh Judicial District in the hope of getting them to apply for a grant. Staff Attorney Keri Thiel informed the members of the Commission that the application deadline for this round of grants was October 4, 2024. Vice Chair Suazo also informed the Commission that the Committee had agreed upon a list of priorities for grants for the upcoming round of grant awards, which have been posted on the website and provided to potential applicants.

Members of the Commission asked questions about and discussed whether there was a database where members could see what grants have been awarded (they were informed it is available on the Commission's

website); and what results the grants have shown (a report is in progress and will be available in the autumn).

### **IX. Reform Committee.**

Deputy Director Carver informed the members of the Commission that the behavioral health working group and the criminal sexual contact/criminal sexual penetration/sexual exploitation working group were still meeting and developing proposals. He also informed the members of the Commission that legislators have been inquiring about the Commission's proposal to restructure the present felony structure in the state, asking when it would be brought before the Legislature.

Members of the Commission asked questions about and discussed whether the felony restructuring would be brought back to the Full Commission for discussion. Deputy Director Carver replied that the plan was to continue to solicit feedback from leadership and other members of the Legislature, then bring the proposal back to the Reform Committee for discussion, and then present it to the Full Commission.

### **X. Public Comment.**

During the Public Comment portion of the meeting, members of the Commission again raised the issue of the process for the replacement of Executive Director Freeman. Concern was expressed about delays in the process. It was also suggested that Assistant Attorney General Guay be involved in the discussions. Members also discussed that it was important to clarify the relationship of the members of the Commission to the Commission's Executive Director. Vice Chair Suazo indicated that the discussion of the process will be deferred to the Chair of the Commission.

Scott Sanchez, the NMSC analyst for the Legislative Finance Committee (LFC), noted that the request to add two FTEs represented a 20% increase in the NMSC budget. There is a movement at the LFC to be cautious about such large budget increases. Additionally, the LFC is considering moving to two-year budgets for smaller agencies, so the NMSC should consider what a two-year budget would look like going forward, presuming there is a willingness to give the Commission one or both of these FTEs for the coming year.

Vice Chair Suazo thanked Executive Director Freeman again for all she had done for the Commission over the years, and expressed the hope that she would remain available as a resource for the Commission. Executive Director Freeman said that she would of course be willing to remain as a resource for the Commission; she expressed the importance of the continuity of staff at the Commission to ensure that the Commission continues to execute its mission in the strongest way possible.

### **XI. Next Meeting.**

The Commission did not set a date for its next meeting, pending consultation with the Commission Chair.

### **XII. Adjourn.**

The meeting adjourned at 10:33 a.m.