



**Minutes of the Meeting of the
New Mexico Sentencing Commission
August 7, 2025, 10:00 a.m.**

**UNM Science & Technology Park
Rotunda – 801 University Blvd.
Albuquerque, NM**

Members Present	Members Absent	Others Attending	NMSC Staff Present
Bob Cleavall, Chair (Governor)	Hon. Daniel A. Bryant (DMCJA)	Jose Moya	Douglas Carver
Martin Suazo, Vice Chair (Pro Tem)	Sheriff Mark Cage (House Minority)	Corey Rivas	Grace Cairo
Cindy Aragon (State Bar)	Hon. John Chavez (NM SCt)	Juan Busby	Jamie Goldberg
Bennett Baur (LOPD)	Claire Harwell (Governor)	Lancee Whetman (NMSC DOJ counsel)	Jeremy Gonzales
Ambrosio Castellano (Speaker)	Brady Horn (NM SCt)	Douglas Alsup (DOJ)	Nancy Shane
Ann Delpha (designee for April Land, UNMSOL)	Ramona Martinez (Pro Tem)	Scott Sanchez (LFC)	Keri Thiel
Mark Donatelli (Speaker)	Marissa Padilla (PED)	Diane McCash	
Aaron Holloman (AOC) (NM SCt)		(one attendee with illegible handwriting)	
Scot Key (Senate Minority)			
Krista Lawrence (Governor)			
Adolfo Mendez (DOJ)			
Anita Mesa (BHSD)			
Angela “Spence” Pacheco (Speaker)			
Hon. R. David Pederson (DMCJA)			
Amanda Romero (CYFD)			
Alisha Tafoya Lucero (NMCD)			

Octavian Valencia (DPS)			
Clint Wellborn, (AODA)			
Sydney West (Pro Tem)			

I. Welcome and Introductions. The meeting was called to order at 10:08 a.m. A motion was made to amend the agenda to add a discussion of the update of the Criminal Code. After discussion, it was determined that it was improper to amend the agenda on the day of the meeting, but that the Criminal Code Update could be discussed during the staff report as the Commission had requested an update on progress at its last meeting. The motion was withdrawn.

II. Approval of minutes for the May 1, 2025 and May 28, 2025 meetings. The minutes of the May 1, 2025 meeting were approved by unanimous vote. The minutes of the May 28, 2025 meeting were approved by unanimous vote, with one abstention.

III. Staff report.

Douglas Carver, Executive Director, New Mexico Sentencing Commission (NMSC), informed the members of the Commission that after a job posting and a round of interviews by the same panel that had conducted interviews for the Executive Director position, Staff Attorney Keri Thiel had been promoted to become the new NMSC Deputy Director. He congratulated her and said that he was looking forward to working with her in her new position. Deputy Director Thiel said that she was honored to accept the position and was excited about continuing her work with the Commission.

Executive Director Carver also informed the members of the Commission that there had been an orientation session for recipients of crime reduction grants on July 29, 2025, with a follow-up orientation on August 5. The orientation is to go over the requirements for submitting reimbursement requests and for collection of data so that grants can be evaluated. He also noted that grants reimbursements for FY24 and FY25 grants were finally flowing after significant backlogs, that he has learned a lot about the process of how grants monies get disbursed, and has accordingly implemented a series of changes in the process to ensure that payments to grantees are processed timely.

Executive Director Carver also noted that he and NMSC Director of Research Nancy Shane had continued their work with New Mexico Tech's Institute for Complex Additive Systems Analysis (ICASA) to re-launch the Justice Information Sharing Council (JISC) to better communicate needs for criminal justice data sharing across the state. Invitations to join JISC had been sent to many agencies that hold or use criminal justice data.

Executive Director Carver informed the members of the Commission that the University of New Mexico University Communications and Marketing (UCAM) office had written a story on the NMSC Prison Population Profile. The reporter interviewed Director of Research Shane and Executive Director Carver for the story. The story was posted on the UCAM website.

Executive Director Carver requested, at the direction of Chair Cleavall, that members of the Commission who were interested in serving on any of the Commission's subcommittees should inform Chair Cleavall or himself.

Executive Director Carver finished his remarks by discussing the update to the felony structure in state statute. He directed the members of the Commission to the provided handout discussing the proposal. He informed the members of the Commission that when NMSC staff had begun work on updating the Criminal Code, they had retained the services of Kelly Mitchell, the then-Director of the Robina Institute of Criminal Law and Criminal Justice at the University of Minnesota, one of the foremost experts in criminal law in the country heading one of the premier criminal justice research institutes in the nation, to analyze New Mexico's Criminal Code. One issue that was flagged in her report was that New Mexico had in recent years passed new criminal statutes that fell outside of the nominal structure of four felony levels that were in Section 31-18-15 NMSA 1978, distorting the rationality of New Mexico's Criminal Code. For example, there were now four different penalties for what is styled a second degree felony. A working group had been established to address this concern, and upon reviewing all of the criminal statutes in New Mexico law, it was determined that the felony criminal penalties in New Mexico's statutes (both those in the Criminal Code and the criminal penalties that are in other statutes), fell into a regular pattern of three-year steps, with two exceptions. The proposal was to change the felony statute so that there would be eight levels of felony, plus capital felonies, with penalty levels of 18 months, 3 years, 6 years, 9 years, 12 years, 15 years, 18 years, and life. The two exceptions were crimes involving sexual exploitation of children, which would need to have their penalties adjusted so that they fit into the new scheme. Executive Director Carver informed the members of the Commission that he had spoken with Shawna Casebier, Director of Legislative Council Service (LCS), and Monica Ewing, LCS Assistant Director for Drafting Services, and they had informed him that rather than doing a bill by reference to change the designation of felonies in New Mexico statutes, all of the statutes would have to be amended in what would be one extremely large bill. Conversations had begun with the leadership in the Legislature and in the Governor's office to see whether they would support such a bill. Executive Director Carver added that a number of working groups that had been formed as part of the Criminal Code update process had completed their work, depending on acceptance of the new felony framework. Angela Pacheco, Reform Committee Chair, added that there was a need for the Criminal Code to be made clearer.

Nancy Shance, NMSC Director of Research, informed the members of the Commission that the next evaluation of crime reduction grants was nearing completion. She and her research staff have been working on a series of analysis of various crimes to provide more thorough information to the Legislature and other policy makers during the Legislative Session. The research team is also working on the Prison Population Forecast, the Prison Profile, the Earned Meritorious Deductions Report, and two literature reviews, one on the mental health of corrections officers, one on juvenile crime issues. The team is also in the beginning of the process to collect data necessary for the County Detention Reimbursement Act, and is slowly working on a study of the use of probation in New Mexico.

In addition, Director of Research Shane has been working with ICASA on creating the criminal justice data dashboard that they presented at the last Commission meeting, working on planning around JISC, doing training on the Snowflake data management platform, and working on the quarterly sex offender recidivism analysis.

IV. Working Group on Policies and Procedures for the Commission.

Chair Cleavall informed the members of the Commission that the discussions surrounding the renewal of the Commission's Intergovernmental Agreement with UNM made clear that it was time for the Commission to consider adopting formal bylaws and policies around its customary practices. He said that to that end, he was forming a working group to draft bylaws or policies for the Commission. If any members were interested, they should email him or Executive Director Carver.

V. Commission Budget for FY 2027. *(voting item)*

Executive Director Carver went through a detailed line-item overview of the Commission's FY2027 budget request that had been provided to the Commission members. The total budget request is \$2,015,300 for the Commission's base budget, and \$7,000,000 in special appropriations. The base budget request includes a request for three new FTEs – a grants administrator, a staff attorney, and an additional researcher. It also includes \$69,000 to cover staff salary and benefits increases from the last two fiscal years, which the Commission has to absorb whenever the state gives pay raises. The special appropriations are \$2,000,000 over two years to continue data integration work, and \$5,000,000 for crime reduction grants (\$500,000 of that appropriation would be to cover administrative costs for the grants).

Vice Chair Martin Suazo informed the members of the Commission that the NMSC had been understaffed for a while, even though their workload and responsibilities had increased. The work on the crime reduction grants was particularly onerous. The request, he added, corresponds to the needs of the Commission. Executive Director Carver noted that at one point the Commission had ten FTEs, and that he would love if the Commission were to return to that level of staffing. He added that the budget request was due on September 2, 2025. Members of the Commission discussed that members of the Legislature have been requesting that the Commission do more, but have not provided the funding for additional staff.

Upon a motion by Vice Chair Suazo, seconded by Judge R. David Pederson, the budget recommendation was accepted unanimously.

VI. Commission Strategic Plan for FY 2027. *(voting item)*

Executive Director Carver informed the members of the Commission that the Strategic Plan was the same as the Commission had adopted for the last two years. He noted that when he reviewed the copy provided for the Commission, some edits needed to be made to the list of Commission members. Members of the Commission asked questions about and discussed the large number of meetings held in FY2023 (Executive Director Carver noted that was the year the working groups for the Criminal Code Update were meeting); and when the Commission might accomplish its goal of periodic retreats.

Upon a motion by Vice Chair Suazo, seconded by Judge R. David Pederson, the strategic plan for FY 2027 was approved, with amendments to the membership list, unanimously.

VII. 2025 Open Meetings Resolution. *(voting item)*

Executive Director Carver informed the members of the Commission that although the draft of the Open Meetings Resolution that had been sent to them was the same as they had approved last year after suggested changes from the Department of Justice (DOJ), Lancee Whetman, the new DOJ counsel for the Commission had informed him just before the meeting began that they recommended certain additional changes this year. Executive Director Carver went over those changes, which mostly concerned the language concerning Special Meetings and Emergency Meetings.

Upon a motion by Vice Chair Suazo, seconded by Judge R. David Pederson, the Open Meetings Resolution for 2025 was approved, with amendments as requested by DOJ, unanimously.

VIII. Evaluation of Crime Reduction Grants.

Director of Research Shane gave a presentation covering the findings to be published in the Annual Report on Outcomes for the Crime Reduction Grant Act, including fiscal outcomes for FY2023 grantees and

beneficiary outcomes for FY2023, FY2022, and FY2021. The two organizing schemes for the report were the Funding Category, which had five subcategories: direct service, hiring and retention, training professionals, data and data-sharing, and outreach; and Target Population, which was broken down as follows: public safety, at-risk, pretrial, pre-prosecution diversion, treatment courts, incarcerated, re-entry, probation and parole, and competency. She then discussed a table showing the funding and spending of grants over the period by funding categories, followed by a discussion of a table showing the funding and spending by target population categories. She then moved to discussions of tables concerning outcomes of the eight grants that were awarded for training of professionals, listing the topics and the number of trainees; and the seven grants that were awarded for the hiring or retaining of professionals, showing the agencies that had received these grants and whether the individuals who received the hiring or retention bonuses were still working at the same agency or were working somewhere else in the state's public sector.

Director of Research Shane then discussed what she termed the most complicated, and important, part of her evaluation of crime reduction grants, the grants for direct services. She covered 22 different grants, 14 from FY2023, three from FY2022, and five from FY2021. She examined four categories for these grants: their demography, their reference case descriptions, their reference case outcomes, and recidivism. She led the members of the Commission through tables discussing the demography of beneficiaries; the most serious offense with which clients of grant-funded programs had been charged; court compliance for reference cases; dispositions of reference cases; and recidivism of the clients of the funded programs. One slide gave a brief overview of the methodology used. She noted that for the court compliance for reference cases, there is a missing category of competency as NMSC does not have access to the needed information. She noted that the recidivism data shows a marked improvement for clients of programs in all but the at-risk population.

She closed by noting that in FY2023, \$1.7 million was spent on 30 grants. There were 1,712 unique justice-involved participants. Fifty percent of funding was spent on direct services to clients, 40 percent on hiring and retention, and ten percent on training. Court compliance for reference cases improved in pre-prosecution diversion and treatment court programs, but not at-risk and pretrial programs. Recidivism, however, improved for pretrial, pre-prosecution diversion, and treatment court grants, but not for at-risk programs. Some limitations of the evaluation of this set of crime reduction grants were that there were no comparison groups; the coding of dispositions is problematic, as the data does not distinguish reasons for a dismissal; the recidivism measure does not account for incarceration; programs that target the same population might vary significantly in their methods; effects from participation in other programs cannot be accounted for; and the crime reduction grants often provide only partial funding for existing programs.

Members of the Commission asked questions about and discussed that there were not going to be recruitment and retention grants going forward; whether the term "at risk" included people before they interacted with the justice system; the relatively high age of many of the clients served by grant programs; whether the numbers in the tables distinguished between failures to appear or failures to comply; which categories of target populations seem to most benefit from the grants; and that many of these programs might not survive if it weren't for the crime reduction grants.

IX. Grants Committee.

Vice Chair Suazo, Grants Committee Chair, noted that Director of Research Shane's presentation demonstrates that the NMSC staff monitor the crime reduction grants closely and consistently. He informed the members of the Commission that the Grants Committee had met on May 13, 2025 to consider 58 applications for crime reduction grants, totaling \$8.5 million. As no new monies were appropriated for crime reduction grants in this fiscal year, the committee only had \$675,000 to disburse, which it granted to 19 projects. Given the limited funding, no projects were funded in full. He said that conversations were in

progress to see whether grants funding could be restored to appropriate levels. Commission Chair Cleavall and Grants Committee Vice Chair Cindy Aragon both informed the members of the Commission that the NMSC staff and members of the Grants Committee put a tremendous amount of work into reviewing all of the grant applications and presenting the information to facilitate review of the applications.

X. Legislative Committee.

Vice Chair Suazo, Legislative Committee Chair, informed the members of the Commission that he appreciated the efforts of NMSC staff to make the Commission more visible in the last Legislative Session, and that he anticipates with Deputy Director Thiel being on board that the Commission will have even greater visibility in the next Legislative Session.

XI. Juvenile Committee.

Cindy Aragon, Juvenile Committee Chair, informed the members of the Commission that the committee has met twice since the last Commission meeting, on May 2, 2025 and July 17, 2025. During the May meeting the committee discussed what had occurred during the Legislative Session around juvenile justice legislation, including the fate of HB 255, the Commission's bill amending the Juvenile Community Corrections Act. The committee supports continuing to work on that bill. The committee discussed the creation of two working groups at the May meeting, one to look at how to educate members of the Legislature and other policy makers on juvenile justice issues, and one to examine amenability in the juvenile justice system. During the July meeting, the committee had a presentation from the Juvenile Justice Services Division of the Children, Youth, and Families Department. The committee also heard a presentation from NMSC Research Scientist Grace Cairo on reports that had been issued in the past by the NMSC on juvenile justice issues. A copy of Ms. Cairo's handout detailing those reports was provided to the members of the Commission. Executive Director Carver informed the members of the Commission that all of the reports listed in Ms. Cairo's handout were available on the Commission's website, and he thanked Ms. Cairo for the work she was doing researching juvenile justice for the NMSC.

XII. Public Comment.

A guest mentioned to the members of the Commission that his organization provided security services to the state, helps first responders, and works to reduce the crime statistics in New Mexico. He also commended the reports that the Commission provided.

XIII. Next Meeting.

The next meeting of the Commission will be held on October 30, 2025.

XIV. Adjourn.

The meeting adjourned at 12:17 p.m.