



**Minutes of the Meeting of the
Reform Committee
10:00 a.m.
August 6, 2020**

via Zoom

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Angela “Spence” Pacheco, Chair	Neal Bowen (BHSD)	Grace Philips (NM Counties)	Linda Freeman
Kim Chavez Cook (LOPD)	Karl Brooks (AOC)	Megan Dorsey	Douglas Carver
Bob Cleavall (NMSC)	Claire Harwell	Kandace Littlefoot (Bold Futures)	
Mark Donatelli	Alisha Tafoya Lucero (NMCD)	Monica Ault (Fines & Fees Justice Ctr.)	
Brittany DuChaussee (AGO)		Ellen Rabin (LFC)	
April Land (UNMSOL)		Dave Schmidt	
Mike Lilley			
Nina Safier			
Clint Wellborn (AODA)			

I. Welcome and Introductions. Angela Pacheco, Chair, called the meeting to order at 10:05 a.m. Everyone on the Zoom call introduced themselves.

II. Approval of Minutes for the July 23, 2020 meeting. The minutes for the previous committee meeting were approved by consensus.

III. Staff Report.

Linda Freeman, Executive Director of the New Mexico Sentencing Commission (NMSC), informed the committee that she, Chair Pacheco, and Douglas Carver, Deputy Director, NMSC, made a presentation on the Prison Population Forecast and the work of the Reform Committee to the Legislature’s interim Courts, Corrections, and Justice Committee (CCJ). She also gave CCJ an update on the Crime Reduction Grants Act spending.

IV. Possible Further Items for Committee Work in 2020.

Chair Pacheco opened the committee’s discussion of this topic by stating that it would be good for the committee to have a discussion of biases members might have around the issue of criminal justice reform,

as each member will be addressing the issue from their own personal and professional perspectives. She believes it would be useful to begin to air these philosophical differences now, as the committee begins to address its work.

Members of the committee discussed the Reform Committee, and the Sentencing Commission in general, as a place where different perspectives are brought together to develop compromise solutions; that there is a consensus that dollars spent on criminal justice are not spent wisely; and that many reforms that are discussed in the present day have been on the table for decades.

The committee then discussed the specific initiatives on the agenda.

Diversion programs

Concerning diversion programs, members of the committee discussed the specialty courts, principally the Drug Courts, which were believed to have been successful, but now are less utilized; the need to expand existing diversion programs, both geographically, to rural areas of the state, and by expanding the eligibility criteria; the need to focus on the criminogenic effects of incarceration; the possible job creation possibilities in expanding treatment programs for offenders and to catch people before they start offending; the need to better integrate findings regarding addiction into treatment programs, specifically regarding harm reduction models versus abstinence models; and the need to better understand the current use of diversion and treatment programs in the juvenile justice system.

Drug crimes

Concerning drug crimes, members of the committee discussed the criminalization of behaviors around addiction to drugs; the changing national conversation about criminalization of drug use, beyond the discussions around marijuana; possible legislative initiatives, including changing simple possession to a misdemeanor, the decriminalization of simple possession, and removing felony possession charges from habitual offender enhancements; collateral consequences of conviction; the balancing of medical needs surrounding addiction and public safety issues, including that it is a false dichotomy to think that these two issues are mutually exclusive; and the time it takes for the Legislature to be educated on the changing national conversation around drug issues.

Broad-based sentencing reform

Concerning broad-based sentencing reform, the committee discussed changing the present structure of felonies; defelonization of the Criminal Code; the need for more tiers in our criminal sentencing scheme; the need to examine mandatory sentencing; the time it would take for any project undertaking to restructure the Criminal Code; the feasibility of piecemeal reform to the Criminal Code; whether there was the political will, and the will among the people of the state, for any major reform of the Criminal Code; and the need to reach out to the legislative leadership and the Governor's office as the committee discusses possible reforms, including ensuring they know that the committee is a resource for them.

Baseline data of arrest, court, and prosecution by county

Concerning baseline data of arrest, court, and prosecution by county, Executive Director Freeman informed the committee that the NMSC was in the process of developing a county-level dashboard for its website. Members of the committee discussed their interest in how data can be used to inform any policy changes.

V. First Steps for Fines and Fees Work.

Members of the committee suggested that it might make sense to start narrowly rather than trying to undertake a wholesale revision of the system, especially as from the committee's prior discussions it seemed that there were a number of areas of consensus. The committee agreed to send issues surrounding fines and fees in the juvenile justice system to the NMSC Juvenile Committee for their discussion and proposals. Monica Ault of the Fines and Fees Justice Center (FFJC) informed the committee that FFJC would be happy to support the work on these issues for both NMSC committees. Members of the committee suggested discrete areas for reform, such as the issue of driver's license suspensions, pre-trial fees, point of incarceration fees, civil issues, and fines or fees tied to the coronavirus crisis.

Deputy Director Carver informed the committee that, based on their discussion, he would send a survey to committee members to assess whether there was consensus among committee members to address specific fines and fees and/or certain broad categories of fines and fees. He will compile the results of the survey for the committee's next meeting.

VI. Next Meeting. The committee scheduled its next meeting for 10:00 a.m., August 20, 2020.

VII. Adjourn. The meeting adjourned at 11:56 a.m.