

NEW MEXICO SENTENCING COMMISSION

April 4, 2018 SOMB MINUTES

CYFD Conference Room
PERA Building
Santa Fe, NM

SOMB Members Present	SOMB Members Absent	Others	Staff
Jim Brewster (for NMCD)	Regina Chacon (for DPS)	Ricky Dean (LJC)	Douglas Carver, Deputy Director, Acting Chair
Kim Chavez-Cook (for LOPD)	Sec. Monique Jacobson (CYFD)	JoAnn Martinez (Adult Parole Board)	Conner Tuttle, Research Scientist
Dr. Kenneth Gilman (for Dr. Troy Rogers) (Governor)	Marron Lee (NMSC Chair)	Erik Bernal (Adult Parole Board)	
Officer Glenn Metzger (Governor)	Hon. Kea W. Riggs (D&MCJA)	Alice Benson (Titus House Ministries)	
Clara Moran (AGO) (by phone)	Sec. Christopher Ruskowski (PED)	Don Johnston (Titus House Ministries)	
Donna Richmond (Governor) (by phone)	Sec. Suzette Shije, Indian Affairs	Monica Ewing (LCS)	
Aaron Rodriguez (for PED)	Rick Tedrow (NMDAA)		
Gabrielle Sanchez-Sandoval (for DOH)			
Chaplain Jose Villegas (Governor)			
Carl Wilken (for PPD)			

Welcome. Douglas Carver, Acting Chair, called the meeting to order at 10:03 a.m. He welcomed SOMB members, guests and staff and asked them to introduce themselves.

Approval of minutes for the November 8, 2017 meeting. The minutes for the previous meeting were approved by consensus.

Staff report. Acting Chair Carver noted that there was very little legislation during the recent Legislative Session that would impact the work of the Board, and what little there was did not pass. It is anticipated that with a new Governor coming into office and a 60-day Legislative Session coming in 2019, the next session will see more activity in areas of interest for the Board.

Development of 2018 Work Plan

Acting Chair Carver led a discussion of the 2018 work plan for the Board, using the 2017 scope of work as a base. The preliminary scope of work for 2018 is:

1. Consider legislation for the Board to sponsor for the 2019 Legislative Session.
2. Review the provisions of the state Sex Offender Registration and Notification Act (SORNA) and develop recommendations to achieve compliance with federal SORNA requirements;
3. Invite representatives from tribes in New Mexico and have a discussion regarding how the state works with tribes on SORNA issues, including having a briefing on whether New Mexico is achieving substantial compliance with federal SORNA requirements and state-tribal issues;
4. Request a briefing from staff at the Sex Offender Treatment Program, Otero County Prison;
5. Request a briefing from staff at the Sex Offender Treatment Program for juveniles, in Las Vegas;
6. Work with NMSC staff on the 3.0 version of the sex offender recidivism study;
7. Develop an inventory of treatment and reentry options (half-way houses or transitional living facilities) for sex offenders upon discharge from prison;
8. Continue the discussion regarding use of risk/needs assessments for sex offender parole hearings by the Adult Parole Board;
9. Continue the effort to find a home for the proposed adult sex offender treatment standards developed by the SOMB;
10. Invite Lori McPherson to a SOMB meeting, with a focus on achieving substantial compliance with federal SORNA requirements and state-tribal issues;
11. Provide to the SOMB a summary of the past five-years' legislative changes to sex offender statutes; and
12. Provide an overview of the cases involving sex offenders under consideration by the United States Supreme Court.

Discussion of legislative options (No. 1 on the work plan) included revisiting a 2015 bill on indeterminate parole, the relatively new changes concerning pornographic images of children, and moving New Mexico to be better aligned with national standards on sexual offense statutes. The Board agreed that this discussion would continue at the next SOMB meeting.

The Board discussed what a possible inventory of treatment and reentry options (No. 7 on the work plan) would look like, and how this topic linked to the drive to get find a home for the proposed adult sex offender treatment standards (No. 9 on the work plan). Acting Director Carver said he would spearhead the work on this item.

Review of assessments for sex offenders from the SMART office.

Conner Tuttle, Research Scientist with the New Mexico Sentencing Commission, gave a presentation, "Understanding Sex Offender Assessments", working through a handout presented to the Board. He noted that the information in the presentation was based on the work of the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), supplemented by other research.

An "evaluation" in the presentation is considered to be the entirety of tests and assessments, and clinical judgments. The focus is on male adult sex offenders.

Mr. Tuttle gave some general background numbers to set a framework – including rates of rape reporting, victimization, and statistics concerning perpetrators and victims. He then discussed offender typologies, looking at the profiles of child sexual abusers, rapists, and internet offenders. He continued with a discussion of the use of actuarial tests, which, while they may not reflect an individual, do reflect the population that individual belongs to as a whole.

Mr. Tuttle moved to a discussion of the five types of assessments – unguided clinical, guided clinical, research guided, pure actuarial, and adjusted actuarial. He noted that empirical evidence supports the use of actuarial assessments, and that actuarial assessment coupled with dynamic tools are showing promise as the optimal way forward.

Mr. Tuttle then discussed how to define recidivism in this population. It is important to understand how long any risk level is valid for, as certain offenders may be more likely to commit crimes in the first few years. That rate, however, can diminish over time. It is also important to know whether recidivism is being measured by any kind of conviction or offense, or specifically a sexual crime. Furthermore, it is important to know the base level for the general population having a new conviction rate for the same crimes.

Mr. Tuttle discussed the predominant tests used to assess sexual crime recidivism – RRASOR, Static 99, Static 2002, MnSOST-R, Risk Matrix 2000 Sex, and SVR-20. He then discussed the principal tests for violent recidivism – VRAG, SORAG, Risk Matrix 2000, SIR, and LSI-R. Two or three tests are generally used. Mr. Tuttle then walked the Board through the RRASOR and the Static 99. He noted that in addition to the need to use multiple tests, it was important to keep in mind the population base used to develop the studies. As an example, the MnSOST-R, developed using a population in Minnesota, had poor results when used in Arizona, which has a very different demographic makeup. Similar poor results could possibly occur if such a test were used in New Mexico.

Members of the Board asked about who could administer the assessments, their use in treatment versus sentencing, and the differences in how the tests perform in different populations.

Public comment. Ricky Dean raised the fact that the Board has never met eight times a year as required by statute. Acting Chair Carver said that he would look at the work levels of the Board, noting that until recently the Board had failed to muster a quorum.

Next meeting. The next SOMB meeting will be held on July 11, 2018, at 1:30 p.m.

Adjourn. The meeting adjourned at 11:32 a.m.