

**MEETING MINUTES OF THE BERNALILLO COUNTY
CRIMINAL JUSTICE COORDINATING COUNCIL**

Thursday, July 26, 2018

2:00 pm – 4:00 pm

Second Judicial District Court, Third Floor Conference Room
Lomas NW, Albuquerque

I. Introductions and Announcements

The meeting was called to order by Artie Pepin, chair of the BCCJCC, at 2 pm. A quorum of members was present.

The following members were present: Joy Willis – proxy for Chief Judge Nan Nash (SJDC), Chief Judge Edward Benavidez (Metro), Adolfo Mendez - proxy for Raul Torrez (SJDA), Richard Pugh (LOPD), Commissioner Maggie Hart Stebbins (Bern.Co.), Harold Medina - proxy for Chief Mike Geier, Phil Snedeker – proxy for Angela Gieri (NMPPD, and Molly Schmidt-Nowara – proxy for Matthew Coyte (NMCDLA).

Members Absent: Manuel Gonzales III (BCS) and Sarita Nair (COA).

Other individuals present (according to sign in sheet): Patricia M. Galindo (AOC), Joshua Campos (Bern.Co.), Gabriel Nims (Bern.Co.), Kelly Bradford (SJDC), Judge C.W. Brown (SJDC), Gilbert Jaramillo (SJDC), Candace Hopkins (Bern.Co.), Kelly Waterfall, Douglas Carver (NMSC), Linda Freeman (NMSC), Jon Courtney (LFC), Peter Cubra, Patrick Trujillo (NMC), Sam Howard (Bern.Co.) and Sidney Hill (SJDC).

II. New and Ongoing Activities

A. Approval of Minutes and Agenda

Judge Benavidez made a motion to approve the agenda for the meeting, Joy Willis seconded the motion. The agenda was unanimously approved by the council.

Judge Benavidez made a motion to approve the minutes from the last meeting, Joy Willis seconded the motion. The minutes were unanimously approved by the council.

B. Discussion of management change

Mr. Pepin, the current chair of the council, was scheduled to remain as chair until January 2019. There was discussion at the last meeting to move the date of the election of new chair to August 2018 and it was agreed that this issue would be voted on at the next meeting. The following discussion ensued on this issue.

1. Council Resolution Regarding Date Adjustment for Election of New Chair

Commissioner Maggie Hart Stebbins made a motion to move the election of a new chair to today's meeting. Adolfo Mendez seconded the motion. The motion was unanimously approved by the commission. The council can now proceed to open nominations for a new chair.

2. Election of New Chair - Commissioner Hart Stebbins nominated retired Justice Edward Chavez for chair of the BCCJCC, Joy Willis seconded the motion. There were no other nominations for chair. The motion passed unanimously.

Vice Chair Election – Richard Pugh nominated Judge Nash to serve as the vice-chair of BCCJCC, Commissioner Hart Stebbins seconded the motion. There were no other nominations for chair. The motion passed unanimously.

3. Transfer of Email Distribution List to Bernalillo County – see agenda item B5.

4. Location of Future Meetings – commission previously met at the State Bar and the members were asked to consider alternating meeting at member's offices. Discussion on whether to change the meeting location took place with all council members agreeing to continue to have the meetings at Second Judicial District Court.

5. Transfer of Administration and Possibly Historic Paper Files to Bernalillo County – Bernalillo County agreed to handle staffing of the council on a short-term basis. The City of Albuquerque and Bernalillo County are waiting to finalize an agreement as to how the council will be supported on a long term basis. Gabriel Nims was identified as the initial point of contact for the council and will provide administrative support until a long term solution can be implemented.

6. Host for BCCJCC website location – this issue will be discussed at future meetings. For now, the website will remain at the current location on the New Mexico Court website.

C. LFC Report, July 19, 2018, Review of the Criminal Justice System in Bernalillo County

Presentation was made to LFC last Thursday, July 19, 2018. Jon Courtney and Travis McIntyre attended the meeting on behalf of LFC. Mr. Courtney thanked everyone for their time in helping LFC understand the criminal justice system in Bernalillo County. Mr. Courtney's presentation last week lasted about one hour but he provided a general overview of the report for the council. The report concentrated on seven agencies that participate in the criminal justice system in Bernalillo County. The report discusses trends and potential reasons for the crime increase in Bernalillo County from 2010 through 2017.

The report identified a series of reasons for the rise in crime including: deteriorating social economic conditions in Bernalillo County, more families living in poverty, increased homelessness, increased drug use and increased gun use. The criminal justice system as a whole processed fewer defendants during this time frame. The report looked at the entire criminal justice system, from arrest to prosecution to convictions.

The report broke up the criminal justice system into three agencies: 1. Law Enforcement, 2. Jurisprudence (District Court, Metro Court, Public Defender and District Attorney), and 3. Incarceration/Corrections (Metropolitan Detention Center and Corrections Department). The LFC looked at best practices for all three agencies and saw lots of improvements since 2010. The criminal justice system today looks substantially better than it has but there is still room for improvement.

After Mr. Courtney's overview, attendees had several questions.

Peter Cubra asked Mr. Courtney if he would be willing to have a conference call with BCCJCC to discuss the recommendations in the report. Mr. Courtney is willing to work with the council in the future.

Mr. Pepin directed the council members to look at the key recommendations of the report, located on pages 2 and 3.

Peter Cubra highlighted that one of the LFC's recommendations on page 51, involves a statewide taskforce to look at mental and behavioral health reforms.

Judge Nash asked Mr. Courtney if the BCCJCC should have data analysis? Mr. Courtney indicated that data would help the council members with a variety of issues.

DA's Office (Adolfo Mendez) asked Mr. Courtney how LFC calculated figures about the various costs of crime. Mr. Courtney stated that the LFC has worked with the Pew-MacArthur Foundation and has a model they use to calculate costs. Their model has developed costs for a felony murder charge, for example.

Ben Bauer (PD) urged the council members to read the entire report. Mr. Bauer indicated that the LFC's findings validate a lot of the work the district court has done to improve the criminal justice system. This document also trumps a lot of the media's arguments about what is causing the rise in crime. He appreciates a scientific look at the various causes for the increase in crime.

Mr. Pepin asked the council to review pages 18 to 20 which focus on strategies to reduce crime.

D. Working Group Updates

1. MDC Report – Gabriel Nims

Working Group met earlier this week. MDC report and SJDC Probation Violation Hearing Report were distributed at the meeting. There is a report on the jail population which is a longer format. Dr. Paul Guerin (ISR) and Elise Ferguson are working hard to getting this data together on a monthly basis. Mr. Nims indicated that it's a heroic accomplishment to gather data to produce these reports. Population has increased about 10% from this time last year with the population at approximately 1,300 right now. Uncertain if this trend will continue with all the system changes.

SJDC – plan to sit down with Elise and County to come up with one master Preventive Detention Hearing chart that ISR can compile versus the two reports from the SJDC and one report ISR produce on a monthly basis.

Judge Nash indicated that preliminary hearings should be held with a Preventive Detention Hearing but the DA's office has opposed this suggestion. One significant issue with Preventive Detention Hearings is that the DA is withdrawing either the day before or the day of the hearing. These late withdrawals are having a significant impact on the court's resources.

Mr. Pepin asked if the ad hoc committee can address how to improve the Preventive Detention Hearings? There was a consensus that the ad hoc committee had not resulted in much agreement about this issue.

Commissioner Hart Stebbins heard the DA (Raul Torrez) state that a Preventive Detention Hearing is automatically requested for any case involving a gun. Mr. Mendez stated that the DA's office looks at a variety of issues. If a firearm is used during a crime, the DA's office will file for a Preventive Detention Hearing but each case is looked at on a case-by-case basis. Judge Brown stated that it is legal to have a loaded gun in your vehicle so there appears to be a disconnect with the DA's policy. The Preventive Detention Hearing process may actually create a new class of individuals that will re-offend because they were detained if otherwise they would have been classified as a low risk offender and released from custody.

2. PV Report – will be produced every six months. Discussed this at the working group.

3. Progress being made at SJDC at implementing an e-court reminder system for pre-trial clients. The court would send text messages and email reminders for court dates and appointments.

4. Diversion and Re-Entry subcommittee meeting held yesterday. The next meeting will be held on Aug. 15th. Good diverse group of attendees. The sub-committee will be focused on the following issues: LEAD program, Re-Entry Resource Center and

jail release times. Mr. Nims urged all members to participate to make the sub-committee as efficient as possible.

E. Commission Members – Additional Issues of Interest

Judge Nash asked whether additional groups should formally be included to be a part of this council. The current council bylaws allow for an expansion if a potential new member regularly attends meetings. Judge Nash believes the New Mexico Sentencing Commission should be added as member since they have regularly attended BCCJCC meetings. Judge Nash moved for the council to vote to add the New Mexico Sentencing Commission as a member of the council. Commissioner Hart Stebbins seconded. The motion passed unanimously. Since this is an action item, this issue will be added to next month's agenda as voting item.

Judge Nash recognized Richard Pugh as a significant contributor to the BCCJCC and that his future participation will be sorely missed. She wanted the council to acknowledge his commitment to this reform process.

III. Next Meeting – August 16, 2018, Second Judicial District Court, third floor conference room, 2:00 pm