

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

Thursday, October 18, 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 at 2:05pm by Justice Ed Chavez, chair of the BCCJCC. A quorum of members was present.

The following members were present: Chief Judge Nan Nash (SJDC), Adolfo Mendez - proxy for Raúl Torrez (SJDA), Jeff Rein (LOPD), Commissioner Maggie Hart Stebbins (BernCo), Phil Snedeker (NMPPD, Chief Deputy Sheriff Brian Lindley (BCSO) – proxy for Manuel Gonzales, Matthew Coyte (NMCDLA), Deputy Chief Harold Medina – proxy for Chief Geier.

Members Absent: Sarita Nair (COA), Judge Edward Benavidez (Metro), Linda Freeman (NMSC).

Other individuals present (according to sign in sheet): Julie M. Baca (Bern Co.), Gabriel Nims (BernCo), Kelly Bradford (SJDC), Lucy Bartel (SJDA), Kelly Waterfall, Gilbert Jaramillo (SJDC), Zach Grant (BernCo), Joy Willis, Jennifer Barela (LOPD), Jason Weeks, Dan Weeks (BernCo) Judge Charles Brown (SJDC), Sean Foran (CABQ-City Council).

**II. New and Ongoing Activities**

**A. Approval of Minutes and Agenda**

Minor amendments were discussed to be made to the 9.20.18 CJCC meeting minutes. Justice Chavez asked for a motion to approve the minutes. Judge Nash made the motion and Matthew Coyte, seconded the motion to approve the minutes. None opposed and minutes as amended were approved.

**B. Subcommittee Updates**

Justice Chavez requested to hear comments from MDC Chief Rees regarding efforts to examine the timing of releases from the jail.

**b. Diversion and Reentry:**

Gabe Nims summarized concerns raised by stakeholders and others regarding the timing of releases. The issues have been discussed many times previously at the CJCC and Working Group meetings. Some efforts have been undertaken over the years to examine the problem and identify solutions.

Chief Greg Rees addressed the Council and attendees regarding release orders from the Court. Chief Rees said that release time has always been an issue especially when MDC is releasing 2,000 inmates a month. Chief Rees said he had a meeting and pulled data regarding the releasing of inmates and said that MDC released 98 inmates in just one day. The Chief reminded those present that timely releases are further complicated when MDC must go on lock down for a minimum of six hours a day during shift changes, to administer the headcount, preventing escapes and ensure safety of the facility.

The security staff is now in discussion with everyone involved with the process. The captain that oversees the division is involved in these discussions on how to change the workflow. MDC has a few challenges due to a large rotation of staff. MDC wants to recruit enough staff to release inmates in a timely manner. Chief Rees is all for release and reentry and is on board with changes and improvements. When MDC is going to release an inmate staff must check if there are any holds, such as psychiatric or medical hold, on the inmate. MDC has a pharmacy on site to make sure that the inmate gets his/her medication. A medical or psychiatric hold will delay the releasing process. MDC has communicated with medical contractors about these types of issues. Medical staff was not aware that their response in clearing medical holds is delaying the releasing time. Security staff and medical staff are aware that releasing inmates from the facility as soon as possible is important.

Justice Chavez asked who is notified of release. How long does the Order take to get to MDC from the Court? Chief Rees explained that at midnight the EJS database automatically populates everybody scheduled to be the released. Graveyard staff will start the processing the paperwork. He cited no issues with getting the orders from the court.

Gabe stated some release orders require going back to the courts for additional information or clarification.

Judge Nash asked when shift change is and can it be changed. Chief Rees indicated that shift change is at 3pm and it is contractual.

Matt Coyte asked how the orders were received in the past and what has changed with getting the orders. Gabe mentioned that prior to implementation of Odyssey orders were faxed over to MDC Records from the courts. The current communication of orders between Metro and MDC records has some complications that need to be addressed. Chief Reese said getting the orders is not an issue.

Matt Coyte asked is there a way to track release time Chief Rees stated that they are doing it.

Robert Padilla asked about the Metro Court bonding clerk's part of the process Gabe said he does not have any information on the process from Metro court. Gabe asked if Metro court staff could review and look for any problems with the orders before being sent to MDC.

Chief Rees explained the daily process. An inmate goes to court, gets released, has to wait for all other inmates to be done with their hearings, then goes back to MDC, processes out (medical, psych and release of personal property), then is transported back downtown, possibly in rush hour traffic. The inmate also has to wait for other inmates to process out. This whole process can take at least six hours. It is an 18-mile trip from MDC to Metro/District Court each way.

Justice Chavez asked how the Orders are getting to District Attorney's Office, victims and victim advocates.

Judge Nash asked if Chief Rees was suggesting a change in process such as setting up a downtown release center. Chief Rees said no but wanted to let everyone know that the jail is 18 miles away and that distance has a lot to do with getting transport officers and transport vans from MDC downtown and back to MDC for processing. He has given a lot of thought on how to get property back to inmates but has developed no solutions as of this date.

County Manager Julie Morgas Baca acknowledged Chief Rees's retirement (November 2, 2018) and commended him for the great job he has done at MDC. County Manger Baca also introduced Ralph Fernandez as new Chief of Corrections starting November 3, 2018. The Council applauded Chief Rees and welcomed Chief Fernandez.

Phil Snedeker acknowledged that MDC has a tough task and that everyone is doing a great job in working together as a team to make strides and commended Chief Rees.

#### **a. Working Group**

Gabe briefed the Council on the monthly report, which was distributed prior to the meeting. MDC population has increased during the first nine months of 2018. At the beginning of 2018, the population was 1,155 and as of September 30, 2018, the population had increased 15.7% to 1,336.

Gabe then briefed the Council on the UNM Institute for Social Research's (ISR) report on the Public Safety Assessment tool. ISR has conducted a preliminary analysis that relied on 6 months of data during which the PSA was not fully implemented. This time period is not long enough to conduct a reliable study however ISR will issue a Phase 1 report using this data prior to the 2019 Legislative session. ISR's Phase 2 Report will analyze one year of data and past years to compare the PSA to the Risk Assessment Instrument (RAI). (Information on these ISR's research plan was distributed.) The reports will provide information on how the PSA is working. Any questions should be emailed to Gabe.

Joy Willis explained how data is collected and how ISR must rely on mostly manual processes to prepare the data to be analyzed. The Council discussed what we could do to track data better and whether adding an additional event code to help run reports would be helpful.

Justice Chavez questions how the data points were determined and collected.

Robert Padilla asked how and when the data would be available for review. Gabe said that Phase 1 of the report would be ready prior to the Legislative session.

**c. Diversion and Reentry**

Gabe discussed release issues with Chief Rees. Gabe stated that communication between MDC and the Reentry Center needs improvement. Transport is not communicating with the Reentry Center to advise when they are coming downtown and who was being transported. Maybe a phone call before transport or other form of communication from the release supervisor could help. Chief Rees will look into this issue and work with staff to communicate with the Reentry Center.

Gabe mentioned opportunity for MDC and the AODA to share information from their respective systems to help provide more timely information about cases and individuals who are in custody. Meaghan Ellsworth at MDC is working on a MOU with AODA.

Gabe briefed the Council on the advancement of establishing a county LEAD program. The Steering Committee of the Behavioral Health Initiative approved a proposal from the County Department of Behavioral Health Services (DBHS) to start a LEAD program. The proposal will be considered by the ABCGC then go before the County Commission in November for funding approval. The proposal requests more than \$200,000 in recurring funding for up to three case managers at MATS. Bernalillo County is collaborating closely with the Santa Fe LEAD program. Sam Howarth with DBHS is taking the lead on developing the program in partnership with the LEAD working group under the Diversion and Reentry Subcommittee.

Justice Chavez addressed Peter Cubra's October 17, 2018 Email wherein Mr. Cubra asked about authorized release of information. Justice Chavez asked for any questions or comments. There were none.

**d. Data and Technology**

The Data & Technology Subcommittee is moving along well. Tyler Technologies are scheduled to demonstrate different packages to work with Odyssey. Susanne Windsor with the Judicial Information Division has been helpful with problem solving and data sharing. Odyssey and CMS can be mutually helpful with data sharing. Several questions were posed: Should IPRA be factored into data sharing? Who is the responsible for data? The Subcommittee is on pace to meet a couple times a month to help with data sharing.

**C. CJCC review of County Legislative Priorities relating to Criminal Justice**

Dan Weaks distributed a draft handout to the members and went through in detail each legislative proposal that Bernalillo County is supporting. The County is seeking the Council's endorsement of these legislative initiatives.

1) Amend the Mental Health Code – To allow for mental health data more to be shared appropriately. This legislation may require the Attorney General’s office look into how the confidentiality of HIPAA & IPRA information is protected.

2) Appropriations - LEAD funding. Legislature should add additional funding.

3) Pretrial Services – Statewide pretrial services is included in the Judiciary’s Unified Budget. Ken Martinez would like to join in pushing for pretrial services statewide. Pretrial is cheaper than incarceration.

4) Court & DA Self Sufficiency - This proposal seeks a coordinating council of DA, LOPD and Court staff to do data integration and be a hub for all data. Joy Willis stated that there should be a designated person to interpret and input the data. LFC said the Legislature would look into this. Commissioner Stebbins suggested a meeting with the LFC Chair before the legislative session to present a solid justification for funding

5) Appropriation for LOPD - Adolfo Mendez stated that the DA is not on the same level as the LOPD as LOPD has more attorneys than the DA. He acknowledged that the DA does not send Bernalillo County ADAs to other parts of the State. The LOPD often sends attorneys in 2<sup>nd</sup> District to other areas of the State. Adolfo did not agree with the word “similar” in the recommendations.

6) Appropriation for Data Integration Project. Gabe said that an organizational structure with data analysis would be helpful. Joy Wills mentioned that an analyst would have a difficulty in getting data. Bernalillo County will review other counties such as McKinley County and maybe get NM Tech in Socorro involved with setting something up.

7) Statutory Authorization of the CJCC. Joy asked about the purpose of the statutory authorization. Dan said is to come forward with more statutory authority and enforcement.

The Council discussed who would be included in a statutorily authorized CJCC. Judge Nash made a motion to include the members that currently sit on the BCCJCC in any legislation. The Council discussed whether UNMH should be invited to join as a member and whether the “bylaws” need to be amended. Commissioner Stebbins would like to reach out to UNM before considering amending the “by laws”. Commission Stebbins asked whether Bernalillo County is the going to vote on these proposals at the Commission meeting in December The motion was seconded by Matt Coyte.

Justice Chavez asked Gabe on about finalizing the draft before the November meeting and suggested that members make updates to draft on Google Docs then discuss/finalize at the November meeting.

Justice Chavez asked for any further discussion. Zach mentioned the Mission Statement on Google Doc and gave instructions on how to access it.

Judge Nash and several members asked about the pending motion relating to the 2019 Legislative Policy (approve/not approve) regarding items 1-7 and editing on 4 & 5. Commissioner Stebbins seconded the motion.

During further discussion, Robert Padilla wants to include on item #3 ROR statewide program and Kelly Waterfall has concerns about item #1 with legislative draft.

Adolfo moved to table the motion. The motion was tabled.

No more discussion Justice Chavez adjourned the meet at 4:06 pm.

**III. Next Meeting** – November 15, 2018, Second Judicial District Court, third-floor conference room, 2:00pm.