

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

Thursday, June 28, 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. A quorum of members was present.

The following members were present: Chief Judge Nan Nash (SJDC), Chief Judge Edward Benavidez (Metro), Adolfo Mendez - proxy for Raul Torrez (SJDA), Richard Pugh (LOPD), Sgt. Michael D. Loftis for Chief Mike Geier (APD), Commissioner Maggie Hart Stebbins (Bern.Co.), Phil Snedeker – proxy for Angela Gieri (NMPPD), Molly Schmidt-Nowara (NMCDLA) and Councilor Pat Davis for Sarita Nair (CABQ).

Member Absent: Manuel Gonzales III (BCS).

Other individuals present (according to sign in sheet): Patricia M. Galindo (AOC), Kelly Waterfall, Asra Elliott (SJDC), Douglas Carver (NM Sentencing Comm.), Sidney Hill (SJDC), Ken Martinez (Bern.Co.), Ben Bauer (LOPD), Maria Gloria Lujan (MDC), Amir Chapel (LFC), Elise Furguson (UNM ISR), Meghan Ellsworth (MDC), Joy Willis (SJDC), Gilbert Jaramillo (SJDC), Kelly Bradford (SJDC) and Peter Cuba.

II. New and Ongoing Activities

A. Minutes

Richard Pugh made a motion to approve the agenda for the meeting, Adolfo Mendez seconded the motion. The agenda was unanimously approved.

Richard Pugh made a motion to approve the minutes, as amended, from the last meeting, Adolfo Mendez seconded the motion. The amended minutes were unanimously approved.

Discussion ensued about a conflict with the July 19, 2018 meeting date since it is at the same time as an LFC hearing. It was decided that the July meeting would be moved to Thursday, July 26, 2018 (same time and place).

Since the chair was running late to the meeting, Judge Nash suggested the Council begin the meeting with Agenda Item D, Working Group Updates.

D. Working Group Updates

Gabriel Nims distributed the most recent MDC population reports. Mr. Nims reported on the following:

- Working group met to discuss the preliminary results of the PSR. Since this has only been in place for about six months, it is too early to make any conclusions on how the PSR is working.

- Re-Entry Resource Center has been operating for three weeks. They handled the 800th release today. About 40% of the individuals released stick around the Center and are receiving additional resources. Feedback has been extremely positive. There are plans to phase in additional staff services in the upcoming months. Joy Willis asked if the Center helps connect individuals with PTS? Mr. Nims indicated that during regular work hours this is happening, some individuals have even been walked over to PTS. Most MDC releases take place in the early to late evening. There is an effort to try to get MDC to release earlier in the day, during regular business hours, to increase the availability of staff and services. Peter Cubra indicated that he thinks the time between when a judge orders a defendant released (at court) and when MDC actually releases the defendant is problematic. Mr. Cubra stated that the delay is an undue deprivation of liberty. Mr. Sims responded that a sub-committee was formed to address this issue but has not yet met. He hopes the sub-committee can identify what changes need to occur to help reduce the time between when a judge orders a release and MDC actually releases an individual. Deputy Chief Meghan Ellsworth, from MDC, stated that there are multiple reasons for delays in release. She stated that MDC is willing to work with others to identify changes to the current system. Ken Sanchez (Bern.Co.) added that another significant issue is the defendant's property, which is taken at booking, is still at MDC. In addition, MDC must often arrange for an inmate to have a medical review and medications dispensed prior to being released. Mr. Sanchez wanted the Council to know that MDC tries to release inmates in an efficient manner but approximately 50-70 releases occur each day and about 40% need psychiatric services while incarcerated. A sub-committee that includes Richard Pugh, Gabriel Nims, Peter Cubra, Meghan Ellsworth and Joy Willis will meet to discuss this issue further.
- Safe Surrender is currently being planned later this summer at Metro Court. Judges will be available (on call) to process various warrants.
- Data Driven Justice (DDJ) Initiatives – has not convened yet.
- LEAD program – Momentum is growing over developments in the last several months. Most recent meeting focused on next steps for implementation (i.e. what types of charges should be eligible for diversion and what services are currently available). Bernalillo County has applied for a couple of grants that would provide some good seed money for the program. Commissioner Hart Stebbins indicated that the Drug Policy Alliance is willing to provide considerable technical assistance. Ben Bauer indicated that there must be buy-in from law enforcement and the DA's office for this program to be successful.

B. Discussion on New Chair

The Council learned that retired Supreme Court Justice Edward Chavez was approached about serving as the next chair for the Council. There was agreement that Justice Chavez was very knowledgeable on the issues facing the Council. Justice Chavez seemed receptive to the idea but he indicated that he would need to have dedicated staff in order to be able to move the agenda items forward. There was discussion about the County and

City sharing the costs for staffing the Council. Judge Nash also mentioned that a new independent web page for the Council could serve as a historical receptacle for documents and to have a strong online presence. After lengthy discussion on the issue, Richard Pugh made a motion to move the chair election from January 2019 to the July 2018 meeting. Phil Snedeker seconded the motion. The motion passed unanimously. Richard Pugh made a motion to appoint a vice-chair at the July 2018 meeting. Phil Snedeker seconded the motion. The motion passed unanimously.

Mr. Pepin thanked the Council for the pleasure of serving as chair for the last five years.

F. Additional Issues of Interest

1. Electronic Traffic Tickets - Sgt. Loftis, from APD, gave the Council an update on electronic traffic citations in Albuquerque. He stated that there is a problem with the transfer of data. Metro Court wants supervisors to approve the citation prior to it being transmitted to the court. APD's position is that a traffic citation is a charging document and officers have a limited amount of time while at a traffic stop. In addition, having a supervisor's signature would require that the signature be scanned into TRACs which is currently not an available function. APD is working on getting this feature on TRACs. Mr. Pepin indicated that this process has worked extremely well in Doña Ana County. After electronic traffic tickets are implemented in Bernalillo County, the next justice partner to implement this process would be the State Police.
2. Peter Cubra discussed getting Medicaid match dollars for mental health treatment.
3. Joy Willis told the Council that she is working to educate the DA's office on diversion programs available at the SJDC. Mr. Nims agreed to try to schedule a meeting the third week of July (in place of the working group session) to get the discussion going on pre-trial diversion.
4. Commissioner Hart Stebbins will ask a representative from BHI if they could attend Council meetings and give a report to members.
5. Judge Nash reported that representatives from the SJDC recently traveled to Las Cruces to learn more about their AOT program. Las Cruces officials mentioned that having a housing navigator made the biggest impact in the AOT cases.
6. Richard Pugh asked that an update on the LEAD program be placed on next month's agenda. Mr. Nims indicated he was not certain if there would another LEAD meeting before the next Council meeting in July.
7. Artie Pepin discussed an inaccurate news story that stated how a murder was committed while a defendant was on conditions of release. The DA's office filed a nolle prosequi so the defendant was not released by a judge. The inaccuracy of this reporting fuels the public distrust of the pre-trial release system. Mr. Pepin is preparing a press release that clarifies the inaccuracies of the news story.

Discussion on educating the media on court process and procedures was discussed. Councilor Davis invited the courts to participate in a press training sponsored by the City of Albuquerque and County of Bernalillo in July.

8. Discussion on producing informational material on the criminal justice process and having it available on the BCCJCC's website. Molly Schmidt-Nowara indicated that the NM Criminal Defense Lawyers Association would be willing to partner to produce this material.
9. Joy Willis announced that as the number of jury trials increases this summer, this will likely result in moving judges away from the pre-trial detention rotation. Ms. Willis urged everyone to advise the judge of a pending plea or dismissal as early as possible.

III. Next Meeting – RESCHEDULED to Thursday, July 26, 2018, 2:00 pm – 4:00 pm, Second Judicial District Court, third floor conference room