

**MINUTES
of the
THIRD MEETING
of the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**September 14, 2020
Video Conference Meeting**

The third meeting of the Courts, Corrections and Justice Committee was called to order by Representative Gail Chasey, co-chair, on September 14, 2020 at 9:02 a.m. by video and audio conference via an online platform.

Present

Sen. Joseph Cervantes, Co-Chair
Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Deborah A. Armstrong
Sen. Gregory A. Baca
Rep. Karen C. Bash
Sen. Jacob R. Candelaria
Rep. Dayan Hochman-Vigil
Sen. Linda M. Lopez
Rep. Antonio Maestas
Rep. William "Bill" R. Rehm
Sen. Sander Rue
Sen. Antoinette Sedillo Lopez

Absent

Rep. Zachary J. Cook

Advisory Members

Rep. Alonzo Baldonado
Sen. Daniel A. Ivey-Soto
Rep. Georgene Louis
Rep. Tara L. Lujan
Sen. Richard C. Martinez
Sen. Bill B. O'Neill
Rep. Patricia Roybal Caballero
Sen. Mimi Stewart
Rep. Christine Trujillo

Sen. William F. Burt
Rep. Brian Egolf
Rep. Doreen Y. Gallegos
Sen. William H. Payne
Rep. Andrea Romero
Sen. Peter Wirth

Guest Legislators

Rep. Kelly K. Fajardo
Rep. Sheryl Williams Stapleton

Staff

Elisabeth Johnson, Staff Attorney, Legislative Council Service (LCS)
Erin Bond, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are available in the meeting file and are posted on the legislature's website.

Monday, September 14**Approval of Minutes**

Upon a motion made and seconded, and without any objections, the committee approved the minutes of the August 17-18, 2020 meeting.

Law Enforcement Use of Force (9:15 a.m.)

Representative Chasey, Representative Roybal Caballero, Senator Sedillo Lopez and Matt Baca, chief counsel, Office of the Attorney General, provided the committee with a presentation regarding law enforcement use of force.

Committee members commented that it is important to consider prosecutorial discretion when dealing with law enforcement officer hearings.

Law Enforcement Training (10:14 a.m.)

Representative Chasey, Representative Hochman-Vigil, Senator Sedillo Lopez, Steve Hebbe, chief, Farmington Police Department, and Sheila Lewis, director, Santa Fe Safe, provided the committee with a presentation regarding law enforcement training.

Comments from committee members included the following:

- the state should look at how many lateral transfers occur in each law enforcement jurisdiction; and
- the New Mexico Law Enforcement Academy has experienced a decrease in staff members who train law enforcement officers.

The CROWN Act (10:53 a.m.)

Senator Lopez; Representative Williams Stapleton; Sheryl Felecia Means, Ph.D.; Aja Brooks, president, New Mexico Black Lawyers Association; Malia Luarkie, Indigenous Women Rising; and Devont'e Watson, Watson & Associates International, LLC, provided the committee with a presentation regarding the CROWN Act. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/14/2020&ItemNumber=3>.

Comments from committee members included the following:

- it is unclear how the proposed law applies to the wearing of hijabs; and
- it may not be necessary for the proposed legislation to amend both the Public School Code and the Human Rights Act.

Update from the Corrections Department (1:00 p.m.)

Alisha Tafoya Lucero, secretary, Corrections Department, provided the committee with a presentation regarding the Corrections Department. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20091420%20Item%204%20NMCD%20Overview.pdf>.

Comments from committee members included the following:

- there is concern about Dismas House losing funding through the Corrections Department;
- it seems that the number of technical violations is still too high;
- there seems to be a dramatic difference in the COVID-19 response between the public and private prisons;
- the Corrections Department should explain its position on the comments from the last presentation that it was not following performance guidelines;
- there is an indication that the Corrections Department would not issue a certificate of completion to a person who had an outstanding fee with the department; and
- there is data indicating that inmates have lower rates of recidivism when they have established connections with family members.

Probation and Parole (1:46 p.m.)

Secretary Tafoya Lucero and Melanie Martinez, director, Adult Probation and Parole Division, Corrections Department, provided the committee with a presentation regarding probation and parole. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20091420%20Item%205%20Probation%20and%20Parole.pdf>.

Comments from committee members included the following:

- committee members need an explanation of what "absconding" is;
- the Corrections Department should try to find a better definition that determines whether an individual is actually trying to abscond or is just dealing with difficult circumstances;
- the state is limited in behavioral health service providers; and

- some of the mandatory overrides in the probation and parole system should be reexamined.

Probation and Parole: Comments from the New Mexico Sentencing Commission (NMSC) (3:23 p.m.)

Linda Freeman, executive director, NMSC, and Douglas Carver, deputy director, NMSC, provided the committee with a presentation regarding probation and parole.

Probation and Parole: Public Defender Department (PDD), New Mexico Criminal Defense Lawyers Association (NMCDLA) and American Civil Liberties Union of New Mexico (ACLU-NM) (3:32 p.m.)

Bennett J. Baur, chief public defender, PDD; Kim Chavez-Cook, attorney, PDD; Jonathan Ibarra, attorney, PDD; Rikki-Lee Chavez, owner, Capitol Counsel & Consulting; Paul Haidle, executive director, NMCDLA; and Barron Jones, senior policy strategist, ACLU-NM, provided the committee with a presentation regarding probation and parole. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/14/2020&ItemNumber=7>.

Probation and Parole: Administrative Office of the District Attorneys (AODA) and New Mexico District Attorney Association (4:09 p.m.)

Marcus J. Montoya, district attorney, Eighth Judicial District, and Henry Valdez, director, AODA, provided the committee with a presentation regarding probation and parole.

Public Comment

The committee heard public comment from the following individuals:

- Karla Flowers;
- William Zunkel, Safe*Treat; and
- Kandace Littlefoot, policy associate, Bold Futures New Mexico.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:20 p.m.