

**MINUTES
of the
FOURTH MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**September 21-22, 2004
Roswell Correctional Center
578 Chickasaw Road
Hagerman, New Mexico**

The fourth meeting of the Corrections Oversight, Courts and Justice Committee was called to order by Representative W. Ken Martinez, co-chair, on September 21, 2004 at 10:20 a.m. at the Roswell Correctional Center (RCC) in Hagerman.

PRESENT

Rep. W. Ken Martinez, Co-Chair
Rep. Thomas A. Anderson
Rep. Joseph Cervantes
Sen. Richard C. Martinez

ABSENT

Sen. Michael S. Sanchez, Co-Chair
Sen. Carroll H. Leavell
Sen. William H. Payne

Advisory Members

Rep. Gail C. Beam
Sen. Gay G. Kernan (9/21)
Sen. Cisco McSorley
Rep. Jane E. Powdrell-Culbert
Sen. Lidio G. Rainaldi
Rep. Sheryl Williams Stapleton

Sen. Ben D. Altamirano
Sen. Mary Jane M. Garcia
Rep. Al Park
Sen. Shannon Robinson
Sen. H. Diane Snyder
Rep. Mimi Stewart
Rep. Thomas E. Swisstack
Rep. Joe Thompson
Sen. Leonard Tsosie
Rep. Peter F. Wirth

(Attendance dates are noted for members not present for the entire meeting.)

Staff

John Yaeger
Evan Blackstone
Elizabeth Holmes

Guests

The guest list is in the meeting file.

Tuesday, September 21

Committee Business

Representative Martinez welcomed committee members and guests.

The committee approved the minutes from the August 25-26, 2004 meeting.

Report from the New Mexico Corrections Department

Secretary Joe Williams, Deputy Secretary Jolene M. Gonzales and Deputy Secretary Erma Sedillo, all of the New Mexico Corrections Department (NMCD), provided the committee with a report on the NMCD's 2004-2005 strategic plan, major goals, critical issues and strategies to lower costs. Secretary Williams also discussed the Consultants' Report on Prison Operations in New Mexico Correctional Institutions (IBI Report). The report for improvement was submitted by corrections experts in response to escalating violence at NMCD facilities in the summer of 1999. Secretary Williams requested that the committee and the legislature bring closure to the IBI Report's analysis because its recommendations are no longer relevant to operations at NMCD.

Secretary Williams told the committee that the vision and mission plan has remained unchanged from 2003. While the NMCD inmate population continues to grow, especially with the 1999 truth-in-sentencing legislation beginning to impact New Mexico's inmate population, the governor remains committed to not building more prisons. NMCD will continue to develop plans to control the prison population and seek alternatives to incarceration. Rehabilitation is also a focus of the department's program initiatives.

Secretary Williams said NMCD is developing an emergency preparedness system to ensure the safety of correctional officers, inmates and communities. According to the secretary, officer safety is a core value and the department wants its officers to defend themselves in a decisive and effective way. Correctional officers will be required to wear light-weight vests and carry a chemical agent for protection. Secretary Williams also informed the committee that all NMCD facilities are now tobacco free, except Guadalupe Correctional Facility, which is scheduled to become tobacco free in October 2004.

Secretary Williams provided the committee updated information on visitation issues, crime victims services and the department's "good time" initiatives. The secretary also referred to the department's progress on facilitating certifications of completion between NMCD and felons that are required to restore voting rights of felons.

Charles King, addictions services bureau chief, briefed the committee on DWI initiatives. A 72-bed residential treatment program for DWI offenders at the RCC was completed on May 10, 2004. The unit uses the therapeutic community model.

Irma Lucero, deputy director of female offender services, discussed implementing an effective classification program for female inmates that is designed to score females differently than their male counterparts. She provided information on the proposal to house female inmates at Camino Nuevo in Albuquerque. Camino Nuevo was vacated at the end of June 2004, and NMCD's goal is to open the facility in 2006. Ms. Lucero also discussed programs at La Entrada in Los Lunas.

George Drake, deputy director of probation and parole, and Sherry Helwig, community corrections, briefed the committee on NMCD's continued efforts to improve probation/parole programs. These include good time for parolees programs, transitional offender programs and parole plans that are developed as soon as an offender enters the system. Ms. Helwig discussed the work of the task force created by House Joint Memorial 53 during the 2004 legislative session to study barriers to successful reintegration of parolees into their communities. Mr. Drake said the report will be completed on or before November 1, 2004.

Follow-Up Questions from New Mexico Women's Justice Project From the August Meeting

Janet Winchester-Silbaugh, board chair of the New Mexico Women's Justice Project (NMWJP), and Angie Vachio, board member of NMWJP, summarized the statutory barriers facing female inmates and answered questions from the committee. Ms. Winchester-Silbaugh and Ms. Vachio stated that NMWJP supports gender-specific treatment at the Camino Nuevo facility, a parole violator's unit for women, housing initiatives and improving the process to restore voting rights for felons.

Report From the GEO Group, Inc., on Savings to the State, Visitation Policies and Inmate Telephone Rates

Les Houston, lobbyist for the GEO Group, Inc., reported on the telecommunications commissions collected by private corporations from inmates' phone calls. Mr. Houston informed the committee that the previous contracts have expired; therefore, the companies no longer have an arrangement to collect the commissions.

Mr. Houston provided the committee with information on the annual cost savings per year to the state by GEO. Based on fiscal year 2003 actual department expenditures, GEO saves the state money per inmate. Mr. Houston said that GEO facilities house two inmates per cell while the public facilities accommodate one inmate per cell, which creates part of the difference in operational expenses, and spoke about other factors to explain the difference.

Mr. Houston introduced Jason Gash and Nina Kim, both of Smith's Detection. Smith's Detection developed the IONSCAN 400B, a narcotics trace detector, which is used to scan all visitors at the New Mexico Guadalupe Correctional Facility, New Mexico Lea County Correctional Facility and Santa Fe County Detention Center. The machine is also used in random scans of NMCD employees at the facilities. NMCD would like to install trace detectors in all facilities and will request capital outlay funds to purchase them in the 2005 session. The

IONSCAN 400B costs approximately \$46,000 per machine.

Update on the Drive Insured Program (HJM 72)

Larry Kehoe, director of the Motor Vehicle Division (MVD), and Kenneth Ortiz, program director of the MVD, updated the committee on the Drive Insured Program and the insurance identification database. Mr. Kehoe and Mr. Ortiz informed the committee that the uninsured rate in New Mexico has dropped from a national high of 33.02 percent to 15.19 percent, amounting to an additional 318,000 vehicles that have become insured since the first letters were sent out to uninsured motorists in December 2002. Mr. Kehoe and Mr. Ortiz said the goal of the Drive Insured Program is the continued decrease of the uninsured rate in New Mexico by notifying and suspending uninsured vehicles' registrations. The MVD will continue to review alternatives to provide affordable insurance to low-income vehicle owners.

Proposals for Reducing the Number of Uninsured Motorists, Including a Proposal for a Task Force

Andres Valdez and Steve Pilon, both of New Mexico Vecinos United, provided the committee with statistics and data on low-income drivers and proposed possible solutions to the uninsured motorist problems in New Mexico. They suggested the state introduce legislation similar to that of Oregon and Texas, which allows insurance to be purchased on a "per-mile" basis, known as pay-as-you-drive. Mr. Valdez acknowledged that the uninsured motorist issue is complicated and requested that the committee convene a task force to study these issues.

The committee recessed at 5:30 p.m.

Wednesday, September 22

The committee reconvened at the RCC in Hagerman. The meeting commenced at 9:30 a.m.

Electronic Recordings of Custodial Interrogations

Michael Stout of the New Mexico Criminal Defense Lawyers Association presented proposed legislation that would require electronic recording of custodial interrogations. Mr. Stout emphasized the need to have an accurate recording whenever an individual is being interrogated in a custodial setting. The legislation would require the recording be kept until the final disposition of the case. The committee raised several issues about the proposed legislation, including the cost of electronic recording equipment and potential conflicts with current statutory law.

Presentation on a Single Unit Bracelet Tracking Device

James Arieno of the National Corrections Rehabilitation Corporation briefed the committee on a single unit bracelet tracking device that is being used as an alternative to incarceration for offenders in Florida. The unit uses a global positioning system that tracks the location of an offender. Mr. Arieno said the cost of the unit is \$10.50 per unit per day. Mr. Drake told the committee that NMCD supports the bracelet tracking device technology but that New Mexico may not have the resources to respond to the monitoring.

Site Tour of RCC

The committee accompanied correctional officers on a site visit of RCC.

The committee adjourned at 1:00 p.m.