

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

**August 27, 2008  
Springer Correctional Center  
201 Highway 468  
Springer**

**August 28, 2008  
Northeast New Mexico Detention Facility  
185 Dr. Michael Jenkins Road  
Clayton**

The fourth meeting of the Courts, Corrections and Justice (CCJ) Committee was called to order by Senator Cisco McSorley, co-chair, at approximately 10:35 a.m. on Wednesday, August 27, 2008, at the Springer Correctional Facility in Springer, New Mexico.

**Present**

Sen. Cisco McSorley, Co-Chair  
Rep. Al Park, Co-Chair (Aug. 27)  
Sen. Rod Adair  
Rep. Thomas A. Anderson  
Rep. Gail Chasey (Aug. 27)  
Sen. Clinton D. Harden, Jr.  
Sen. Richard C. Martinez (Aug. 27)  
Sen. Lidio G. Rainaldi  
Rep. William "Bill" R. Rehm  
Rep. Eric A. Youngberg (Aug. 28)

**Advisory Members**

Rep. Jane E. Powdrell-Culbert  
Rep. Mimi Stewart

**Absent**

Rep. Joseph Cervantes  
Sen. Carroll H. Leavell  
Rep. Antonio "Moe" Maestas  
Rep. Peter Wirth

Rep. Elias Barela  
Sen. Kent L. Cravens  
Rep. Daniel R. Foley  
Sen. Mary Jane M. Garcia  
Sen. John T.L. Grubestic  
Sen. Gay G. Kernan  
Sen. Linda M. Lopez  
Rep. W. Ken Martinez  
Sen. William H. Payne  
Sen. John C. Ryan  
Sen. Michael S. Sanchez  
Rep. Sheryl Williams Stapleton

Rep. Thomas E. Swisstack  
Sen. James G. Taylor  
Rep. Teresa A. Zanetti

### **Guest Legislators**

Rep. Brian K. Moore (Aug. 28)

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

### **Staff**

Maha Khoury  
Aldis Philipbar

### **Guests**

The guest list is in the meeting file.

### **Wednesday, August 27**

#### **Tour of the Springer Correctional Center**

The meeting began with committee member introductions. Joe R. Williams, secretary, New Mexico Corrections Department (NMCD), then introduced NMCD staff. Secretary Williams said that over 40 families are employed by the correctional facility. The department then played a short movie that showed how the correctional center at Springer came to be and the work and changes that occurred. Committee members then inquired about the correctional center in Springer and discussed related issues with members of the NMCD.

Secretary Williams and NMCD staff then led the committee and members of the public on a tour of the Springer Correctional Center.

#### **State of the State on DWI: Success and Future Challenges**

Rachel O'Conner, DWI coordinator, Office of the Governor, briefed the committee on the success of current DWI programs as well as the future challenges. She said that in 2007, there were 177 alcohol-involved fatalities (both pedestrian and DWI). As of August 2008, there were 83 fatalities, making 2008 the fourth year in a downward trend. She noted that in 2006, New Mexico moved from number five to number eight in the nation in alcohol-involved fatalities per 100,000. She said that the governor's office has contracted with the University of New Mexico to see what is working well and what needs improvement. She noted that a cooperative between local and state law enforcement has worked well in Dona Ana County. Ms. O'Connor also discussed Native American issues with regard to DWI. She said that they are working on Native American initiatives, including task forces in McKinley and San Juan counties. She showed the committee samples from the We Care Campaign, which features Native American celebrities, calling it the most successful campaign the department has ever seen. She said that they have received overwhelming support from the Native American community. She touched on the

Drunkbusters hotline, saying that it received 800 contacts that resulted in 300 arrests and then proceeded to discuss ignition interlock devices. She said that 8,500 interlocks have been installed as of June 2008. Ms. O'Connor said that 65,000 drunk driving incidents have been prevented by interlock devices. She discussed alternatives to ignition interlocks, including some other form of electronic monitoring. Ms. O'Connor discussed drugged-driving. She said that of the 2,818 blood specimens received in 2007, 93 percent of those with a BAC below .08 tested positive for other drugs. She added that 14 percent of those who tested positive had no alcohol in their systems.

David Mills, director, Scientific Laboratory Division, Department of Health, added that marijuana, cocaine, and methamphetamine are the most popular drugs. He said that positive drug tests have risen since 2001 in car fatalities. Mr. Mills noted that some states have per se laws for drugs because drug-driving cases are more complex since there is no way to test on the spot such as with a Breathalyzer. Drugged-driving cases usually require expert testimony from toxicologists.

Ms. O'Connor and Mr. Mills then answered questions from the committee.

### **Possible Reasons for Decline in New Mexico's Prison Population**

Tony Ortiz, deputy director, New Mexico Sentencing Commission (NMSC), attributed the decline in New Mexico's prison population to several factors, including management practices, legislation and the increase and success of drug courts. Mr. Ortiz noted that while the prison population has declined in New Mexico, the jail population has increased. He said that from May 2006 to June 2008, there was a steady decline in the prison population; however, since July 2008, there has been an increase. He added that the 85-percent rule for violent offenders still applies, as well as mandatory sentences for DWI and sex offenders. Mr. Ortiz encouraged everyone to remain aware and remember that recession puts stress on people and families and could cause an increase in criminal behavior.

Mr. Ortiz and Paul Guerin, Ph.D., senior research scientist, NMSC, answered questions from the committee.

### **Thursday, August 28**

The committee was welcomed to Clayton by Representative Moore, Mayor Jack Chosvgr and Union County Commission Chair Richard Arguello.

### **NMCD New Facilities; 10-Year Plan; Public and Private Prisons; Response to the Prison Reform Task Force**

Secretary Williams welcomed the committee to the Northeast New Mexico Detention Facility and gave a brief history of the new prison. Secretary Williams discussed some issues related to corrections and prisons in New Mexico. He said that severe overcrowding led to the "county jail solution". He said that Camino Nuevo opened with 107 female offenders, but closed with only 22, who were moved to the facility in Grants. The NMCD then entered into a memorandum of understanding with the Children, Youth and Families Department (CYFD) for

24 months and, in two years, hopes to reopen the facility as gender-specific with daycare. Secretary Williams briefly touched on the department's 10-year plan, saying that it has had many changes since drafted. He said that the state penitentiary is the highest-level (level 6) facility in the state and that New Mexico does not have a huge need for a level 5 facility. He said that if the Grants facility were renovated, it could be used to house level 5 inmates. Secretary Williams added that the southern facility is in need of renovation. The central facility should be renovated after the southern facility. He said that this would help with growth.

Gail Oliver, deputy secretary of re-entry and reform, discussed New Mexico prison reform plans. She said there is a focus on individual barriers for offenders in the education programs. She stressed that re-entry begins upon arrival and that a risk/needs assessment is conducted at reception and diagnosing. She said that they look at pre-incarceration issues such as employment history to help determine possible barriers. She said that gender-responsive programming should be continued and she would like to see nurseries added to women's facilities and daycare and Girl Scout programs implemented. Ms. Oliver said that they have linked with the community college to address the specific needs of each offender and launched an entrepreneurial pilot program called Transition Accountability Plan (TAP). She said that the NMCD is requesting a study on the need for halfway housing and looking at ways to decrease barriers to employment, education and housing. Recommendations for decreasing these barriers include "ban the box", providing driver's licenses, identification cards or social security cards upon re-entry. Some of the programs already implemented by the department include risk and needs assessments, TAP, motivational interviewing, domestic violence programs, vocational training, gender-responsive programming and a relational inquiry tool that looks at the strengths and weaknesses of an offender in terms of family (part of TAP). Ms. Oliver said that there are several more programs for FY 2010 that may need legislative approval, including community behavioral health treatment, six more restorative justice panels, substance abuse treatment, success for offenders after release, the La Bodega Model, a faith-based re-entry coordinator and community behavioral health staff. Ms. Oliver said that they would also need legislative approval to expand halfway housing in 2011.

### **Report from the Probation and Parole Division**

Charlene Knipfing, director, said that the goal of the Probation and Parole Division (PPD) is to ensure effective coordination and supervision of offenders as they are released back into the community. Ms. Knipfing said that success requires balanced caseloads, a well-trained work force, specialized caseloads to meet risks and needs, outpatient and residential treatment services and access to community resources, employment opportunities and housing. She then discussed some probation and parole highlights. Transitional reporting centers were created to serve as reception and diagnostic centers in the community of release to inform the PPD. In addition, in 2002 a federal grant was awarded that created an infrastructure to ensure treatment flowed from prison to parole and an officer was assigned to each region to ensure linkage with community resources. Some additional highlights include a reduction in caseloads and workloads, creation of a response center, video-conferencing implementation, job readiness seminars and financial assistance for recently released offenders. She said that there are specific barriers to re-entry that require a variety of specialized treatment options, community

involvement, jobs skills and access to benefits. The current caseload has been reduced to 92 per officer (previously 132), there were 500 early discharges in FY 2008 and the offender employment rate is 74 percent. Ms. Knipfing then discussed some of the challenges still being faced. She said that barriers to offender success include trouble accessing resources, an ongoing need for substance abuse and/or mental health treatment, limited services in rural areas and lack of employment and job skills, among others. She then discussed some best practices and considerations for the offender population. Ms. Knipfing then discussed the division's current initiatives which include:

- a health care specialist in the Albuquerque probation-parole office to work closely with staff on needs cases and facilitate community referrals;
- gender-specific special programs caseload;
- development of a gender specific curriculum for officer basic and refresher courses;
- relocation of the New Mexico women's recovery academy residential program for Los Lunas to Turquoise Lodge in Albuquerque;
- relocation of Fort Stanton men's residential program to Los Lunas;
- pilot with ValueOptions and county jail diversion programs around data sharing; and
- GPS installation for sex offenders.

Ms. Knipfing, Ms. Oliver and Secretary Williams then answered questions from the committee.

#### **Tour of the Northeast New Mexico Detention Facility**

Timothy Hatch, warden of the Northeast New Mexico Detention Facility, led the committee, staff and members of the public on a tour of the facility.

There being no further business, the committee adjourned at 1:45 p.m.