

Board Meeting Minutes

March 26, 2024

Chairman Anaya called the second quarterly meeting of the Adult Parole Board to order at 9:08 AM on Tuesday, March 26, 2024.

Roll Call

Roll called by Director Roberta Cohen

Board Members Present

Abram Anaya, Chairman
Caryn Apodaca
Brandi Castillo
Janet Chandler
Amy Lopez
Roberta Ortega -Lucero

Mary Jaramillo-Barraza
Dorothy Pouges
Carol Slavens
Ann Murray
Van Rocco

Agency Staff Present

Roberta Cohen, APB Executive Director
Lola Rael, APB Office Manager
Rosan Duran, APB CFO, CPO
Melissa Herrera, Management Analyst

Brittany Roembach, Public Information
Officer, New Mexico Department of
Corrections (NMDOC)

This Meeting is conducted in person, public meeting conducted in accordance with the public meetings Act, NMSA 1978 Sections 10-15-1 to 10-15-4. The chair requested that board members raise their hand when requesting to speak and to identify themselves when speaking. All votes will be through a roll call vote. Any members of the public that want to speak were asked to state their name and affiliation.

Approval of Agenda –

Motion to adopt and approve the agenda by member Chandler, Second by member Apodaca. Passed unanimously.

Approval of Minutes –

Director Cohen has distributed the minutes from the last two meetings, July 25, 2023, and November 28, 2025, were distributed and everyone should have had an opportunity to review have minutes, Chair Anaya asked if anyone had any changes or corrections to the minutes. Seeing none, member Apodaca motioned to approve the minutes, second by Castillo.

Chairs' Report –

• Board Membership Updates, Board Chair

The Chair welcomed two new members present today, Van Rocco and Roberta Ortega-Lucero. Board members and staff went around and introduced themselves to the new members.

Chairman Anaya gave an update on Senate Bill 64, which is the state statute 31-21-10 involving giving serious youthful offenders' an opportunity for parole. As of the first week of April 2024, we are now in compliance with identifying and reviewing all 37 individual candidates that were affected by this new requirement. The chairman would like to thank members Amy Lopez, Caryn Apodaca, and Brandy Castillo for their assistance. Chair Anaya was able to meet the first four parolees affected by the new statute this year at the legislature. He described the experience as a refreshing and a truly inspired experience.

• **Open Meeting Act 24-01- Board Chair**

A copy of the board's policy regarding the open meetings act was included in the board's materials. A couple of noteworthy points of the policy are about meetings. Due to staffing issues and a lack of members on the board we missed a couple of meetings due to the failure to have a quorum of members available for meetings. However, things have much improved, and we back up and running strong.

Members are reminded that when responding to a group they are effectively creating an open meeting subject to state OMA/IPRA laws. Members are encouraged to utilize the equipment given to them by the state rather than using their personal cell phone or other electronic equipment. The Chair really wants everyone to be cognizant that usage of personal equipment does make their equipment open to being subpoenaed and searched as part of the state IPRA's laws. Also, if you send or reply to any type of group text or electronic message to more than a few members of the Board that message is now open to be included as public information and may be subject to a rolling quorum. Chairman Anaya goes into a few more specifics of the Boards Open Meeting Policy and with no additional question pushes to move to approve of the Boards official open meetings policy. A motion to adopt and approve the revised policy is made by member Apodaca and seconded. A roll call vote is taken and passed unanimously by the adult parole board.

• **Certificate conditions and edits- Board Chair**

Certificates of Parole of Conditions. Everyone received a copy of the most updated information regarding certificates of parole and conditions. Because we have so many new members on the board, the chairman opens this portion of his report to more of a roundtable discussion.

The chair reminds the group that their parole hearing minutes are public information and so subject to IPRA laws and information requests. Members are informed not to make any notes on the minutes during their preparation or during the actual hearings. Much of that information provided in their parole packet is confidential such as: medical conditions, victim information and transitional planning. Once completed and signed, minutes from the hearing go to the PPO and the parolee. Try to be as clear as possible. If members are seeking a specific direction they are encouraged to write them clearly in the minutes. Member Apodaca additionally requests for members to put their initials and a line through any errors, as it can sometimes be hard to understand the intention during their final review.

Chairman Anaya added when setting conditions, we try to be an intuitive board, please read the file to understand the history and try to set the needs on what is best for that individual. Members are reminded to set the conditions on what are the primary needs of the individual for that charge. If too much is set on their plate, then we are setting them up for failure.

Chairman Anaya noted that in his discussions with violators the primary reason they abscond from their parole is due to them receiving too many required terms being placed on them for parole. Additionally, it should be noted that many of the requirements must be paid for by the parolee in addition to the other fees they are assessed and charged. Members are reminded to be cognizant of the financial limitations of the parolees due to the type of jobs available to them.

Members are encouraged to continue using their professional judgement when setting the terms of the release and selecting programming. While keeping in mind that programming should focus on the primary issue. Examples were given where an inmate was given a parenting class when they had no children, or a 7-time DWI inmate that was given an anger management programming when his problem was with alcohol not with anger.

Member Lucero-Ortega brought to the discussion that in situations where female offenders often return to their families after being released, the opportunity to take a parenting class might be a very valuable resource to aid them with coping to life when they gain the additional pressures of reuniting with their families. Charmain Anaya complemented the perspective and encouraged the usage of that type of programming in those situations. Member Slavens wanted to address a previously mentioned example, where an offender was given an anger management class based off a domestic violence charge in his priors from 10 years earlier. She is also of the belief that it is not fair to be punitive of something they have done in the past. We should focus on the charges they are serving time for now. Member Chandler discussed the opportunities where she had discussed with the offender, the advantages of a parenting class and that many times the offender agreed as to the benefit from that type of training. Member Castillo continued the discussion that often when she makes the recommendation for parenting. It's because the offender did not have a parenting model themselves and they could benefit from the examples and exercises provided in that class. She wants them to know what good parenting looks like because many did not have an example of it in their past.

APB Staff Manager Rael joins the discussion and agrees with the added benefit of making offenders take a parenting class to aid in their healing and their transition back to their families. Rael reports that based off her experiences listening in on the hearings is that you get a lot more of the offenders on board when you have a discussion with them as to their needs upon release. Additionally, she mentioned a noticed shift in the way many offenders have been reacting to the board during hearings. Rael has observed them looking to their board members more as an elder with knowledge to share and after a discussion of their terms, by the end of the hearing the inmate is usually onboard with the plan. Member Lopez commented that in recent months she has changed the way she handled her cases by eliminating a hard lined zero tolerance focus on certain requirements and began engaging with the inmate more on how we can best serve them by involving them and utilizing their feedback back in developing their parole plan.

Chairman Anaya liked the idea empowering the inmate through engaging their participation in developing the plan by encouraging them to take ownership and provides a buy-in on the plan. Member Chandler added that another thing she does is tell her people if they can think of anything they may need to before going in for their assessment, they should tell their PO when they go in for processing. She doesn't want to make it a term but if they feel it will help them, they should mention it at that time. Member Castillo tells her people that they should make use of their time while in prison to take these types of classes as they will count for credit for their future hearings.

- **Open Discussion –**

Chairman Anaya encourages the Board to be mindful when using the term, zero tolerance. In their conditions. We have had recent communications with the new PPOs and learned that they are very exact in following whatever is included in the minutes to be enforced. For example, if you write zero tolerance for number 6 and they come in with a dirty urine test for something light like marijuana, they will be revoked and brought back in. Recognizing the problems faced with addictions, it may be better idea to write in an emphasis to try and keep themselves clean and utilize some type of graduated sanctions be put in place before returning them to prison. The exceptions to this rule are offenders with victims and/or weapons.

Member Ortega-Lucero commented that since being on the board she has noted a lack of formality between the facilities and the Board. Additionally, she feels it would be very helpful to have some input from the classification officer prior to setting these conditions as they are typically more aware of a variety of knowledge that isn't in the packet and/or the inmate may forget to communicate to the board.

Chairman Anaya shared his recent experience with the youthful/juvenile offenders' cases and remarked on how you could easily see the difference in having representation made in packet preparation. He noted a more complete packet that included all their paperwork from their training, in-house behaviors, and programming. It was a more complete offender file given to reviewing members a much more complete perspective than what is currently provided by NMDOC. The chair further encouraged members to talk to their offenders and see if they can get some additional information out of them regarding what might not be included in their packet. He noted that the packet from NMDOC used to be more complete but has noticed changes to their system.

APB Office Manager Rael added that she agrees with member Ortega-Lucero that there has been a change in the way the NMDOC works with the board. Given her history with the department, she sees the problem coming from a reorganization in the classification system to bringing everything under a unit manager that oversees everything. She and Director Cohen have begun to take steps to try and better educate classification officers by attending their recent training. Later this year they plan to continue to meet with a variety of NMDOC directors, unit managers and the wardens to discuss why the Parole Board needs to put back on their priorities and how best to provide them with the information they need to provide the Board.

Sex Offenders

Now we are going to get to sex offenders. If we have someone leaving prison under a sex offender crime then we must have them complete a behavioral contract the SO-1 Form, transition to a group housing, and receive counseling as part of their terms. Where this becomes a little muddy is when an offender is brought in for a new crime. As the offender exits prison on the unrelated charge, they are not to be sent to sex offender facility for supervision. Members are reminded that the offender requires only the supervision fitting their current offense. The Chair recognizes that it is the policy of probation and parole and NMDOC to continue to classify these offenders as sex offenders. However, that is not the policy of the Parole Board as our policy comes directly from the state statutes on the subject. Also, if they have an offender return on a failure to register as sex offender charge, that charge is not a punishable sexual offense. If you strongly feel that additional supervision is necessary, that is entirely within your limits to assign to the offender.

Member Lopez would like to receive a copy of the complete state statutes on sex offenders. She describes a situation where an offender had a previously charged sexual offense and their parole officer recommended them to La Pasada as opposed the planned family residence down in

Southeastern New Mexico. The Chair informs the board that there are exceptions to the rule for example kidnapping. Those are classified as sex offenders for life. He reminds the board to use the J&S form to ensure they know what exactly the offender has been charged with. APB Office Manager Rael mentioned that from her experience a lot of this may also depend on the facilities they are going to. In her experience as a classification officer, she had previously arranged for the transfer of an offender to a half-way house. The facility then looked up the inmate in the corrections system and after seeing a previous sexual offense they were denied and flagged as a La Pasada candidate.

Member Jaramillo-Braza would like to discuss a rumor that offenders can buy their way to the top of the list and guarantee a bed at La Pasada. APB Office Manager Rael informed the group of previously used loophole where the offenders were jumping up the wait list by self-paying the first month's charges. However, she informed the board she believed that had stopped. APB Director Cohen then commented that another way this was happening was through payments received from other states via interstate compact or coming in for a short term stay until their permanent supervised location becomes available. She believed that had stopped. This was in opposition to what the Chair reports he was told the week prior at a meeting with the PPOs in Albuquerque.

Regarding the sex offender behavioral contract (SO-1) term number 21. As previously mentioned, this new generation of PPOs are extremely literal in their interpretation of our orders. Several offenders are being violated for going to a hardware store within 1000 feet of a park; or a laundromat in the same strip mall as a day care; or offender working for a plumbing company that dropped off materials in a public park as they were asked to do by their employer. We have been asked to look at our condition and see if we can change the language up to help solve this problem of PPO revoking our offenders erroneously. They have suggested removing the words "visit" or "be within" 1000 feet of places where individuals under 18 years of age congregate such as... The Chairman is asking the board to come up with any new language and to send it to Director Cohen and she will funnel it through our AG contact for approval. Member Lopez requests a deadline for the articulation of order number 21 of the Board's SO-1Form. It was selected as April 8, 2024.

The chair informed the board there is some discussion regarding sex offenders being released to other states. Releasing an offender to another state is an option if they are unable to get into La Pasada. All they must do is apply to a facility in another state, once approved an interstate compact will be created and a transfer will be arranged for the offender. The chair shared information from the Thompson cases showed that people can wait as long as two years for a bed at La Pasada and that PVs can wait as long as 7 years for another chance at a bed at the facility. Member Jaramillo-Barraza inquired how we should they go about informing denied offenders of this opportunity. The Chair suggests contacting him or Director Cohen with the offenders name they and they will contact Haven and she will contact to have their parole plan case reopened or rereviewed.

The Chair informed the Board of a new program for sex offenders where they will be allowing two offenders to live in an approved apartment together after serving out at least 3 months successfully in La Pasada. Member Castillo would like further clarification on Member Jaramillo-Braza's question on how they should approach out of state options for an unapproved plan. The chair replied that a request that their plan be reopened to explore the option of them looking into another state to expedite their transition. APB Manager Rael then announced that if at any time a board member did not feel comfortable with communicating this type of request, they are encouraged to just contact her, and she would facilitate the request. Member Ortega-Lucero inquired if we had a list of States that were possible. Director Cohen informed her that unfortunately they do not. It's been more of a case-by-case basis when they apply. As an example, we had an offender that was accepted to an Oklahoma program where the participants were expected to live in tents.

Additionally, the chair informed the Board that regarding interstate compacts, it was determined that offenders can parole out to another state without knowing anyone in that state or location. Ideally, they prefer having someone stable and responsible onsite, but if no one is available it is still possible to arrange for that state without family. Regarding offenders from rural areas where they may have a home that fits the requirements but no one to live with them or provide supervision. The NMDOC is open to looking into approving or reexamining these types of offenders on a case-by-case basis. The Chair informed the Board that when sending an offender to another state they should note that that we will be following the rules of another state.

Parole Board Code of Conduct. Members were given a copy of the parole boards code in their materials. The chair asked the board to review it and sign their copy and return it to Director Cohen for her files.

Geriatric Medical Hearings

Regarding state statute 31-21-17, The chairman informed the board of recent legislative change in the statute changing the age of eligibility to begin at 55 from 65 years old. With the knowledge we need to make a change to the official board rule to reflect the change. The chair informed the board that the change will require the board to follow the rules for making a change which include, posting the changes for public review, giving a 30-day notice for a public hearing, hold the hearing and then bring it back to the board for a vote. Member Ortega-Lucero wanted some clarification Geriatric-Medical as it seems things have changed from her time working for corrections. Director Cohen went over the current process for the hearing. The facility gives every eligible offender the application, the application then goes up to Department of Corrections Secretary for review, which is delegated to the Director for probation and parole. The chair gave a few examples from more than 200 cases they heard last year.

Rules Subcommittee

Subcommittee Chair Apodaca formally asked for someone else to take the lead in overseeing the subcommittee. She nominates Member Lopez to lead the subcommittee and she accepted. Director Cohen gave the board a little bit of background information, by including the current nine administrative rules that were included in their packet. The subcommittee will need to review the rules to ensure they follow the state statute. Chairman Anaya confirmed that the new subcommittee will be led by Member Lopez with Members Chandler, Murray, Jaramillo-Barraza, and Ortega-Lucero Members of the subcommittee are encouraged to recommend changes or additions to the rules.

End of Chairs' report.

Directors' Report-

Director Cohen reports on her 4 months as her role director. Cohen informed the Board of a staffing update on the hiring of the final member of their team. As part of her effort to provide the legislature with data on the administrative time necessary for our Board, Director Cohen has included a timesheet so the Board can record how much administrative time is being utilized during the week. She asks members to please take the time to complete and return the timesheet to her weekly.

Director Cohen transfers her remaining time to APB Office Manager Rael for her series on trainings and discussions. Rael is taking the questions she has received from the Board and is preparing a

series of training reviews for the board. She has sent out previous training reviews on the docket, SO Minutes, and Consecutive and Concurrent Sentencing. Today Rael presented the board on the background on the RPP Program currently being housed at the Southern facility. Additionally, she gave the board information on the DWI program and the penalties. Rael informed the Board that she and staff will begin to utilize both the NMCD number and the Offender Number to identify offenders. She asked if members could assist us the staff in utilizing both once we begin.

Rosan Duran, presented information on the APB's successful financial audit findings. The APB received a clear audit in all areas but one. The office was found not in compliance due to the lack of a Chief Purchasing Officer overseeing purchasing. As a result, Duran completed a weeklong course, and now will serve the APB as its CFO and CPO. Chairman Anaya motioned to approve the audit findings, Seconded by Apodaca. Passed by a roll call vote by the board.

End of Director Report.

Boards comments and concerns

Member Jaramillo-Barraza opened this section to discuss access to the VPN after 7:00 PM. Director Cohen informed her that IT just did an update to the VPN and has produced a new guidebook. Members experiencing a problem may need just an update. Members having issues with the VPN are asked to contact the director.

Member Chandler asked for assistance getting her board email put on to her personal cell phone. Director Cohen said she would follow up with her on that, but due to the previously mentioned IPRA concerns, Cohen would not recommend it.

Director Cohen will follow up with Member Chandler and Slavens on their Odyssey requests.

Member Ortega-Lucero has experienced offenders not having access to their IPPO information. Rael will follow up on that.

Member Ortega-Lucero inquired into community corrections and its availability. Board members can request if needed. Some modifications are made based on locations and availability. A list was requested of community corrections locations will be sent.

No further discussions.

No Public comment.

Next meeting will be in either in June or July. We will be looking at scheduling a tour in conjunction. Please reach out to the Chair or Director Cohen if you have anything you want to add to the next meeting.

Motion to adjourn was made and seconded and passed.

Meeting Adjourned 12:25