

New Mexico Parole Board Meeting Minutes  
July 31, 2024

Chairman Anaya called the second quarterly meeting of the Adult Parole Board to order at 10:28 AM on Tuesday, July 31, 2024.

Roll Call

Roll called by Director Roberta Cohen

**Board Members Present**

Abram Anaya, Chair  
Caryn Apodaca  
Dorothy Pouges  
Colleen McCartney  
Roberta Ortega-Lucero  
Kristine Ring

Janet Chandler  
Mary S. Jaramillo-Barraza  
Anne Murray  
Joann Morales  
Carol Slavens

**Agency Staff Present**

Roberta Cohen, APB Executive Director  
Lola Rael, APB Office Manager  
Victor Cornejo, APB Management Analyst

Melissa Herrera, APB Management Analyst (Via Zoom)  
Aiyana Chavez, Intern

**Special Guests**

Rebecca Guay, Assistant Attorney General, Department of Justice

Stephen Taylor, DeServing Life

Eva Buchwald, Behavioral Health Therapist on behalf of DeServing Life

The chair informed the board that the 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 Slavens, Second by member Apodaca. Passed unanimously.

## **Approval of Minutes –**

One correction was made to reflect the correct date for the minutes presented at the previously March 26, 2024, minutes to reflect the year 2023 instead of 2025 as mentioned in the approved minutes section of the last board meeting. Motion made to approve the minutes as corrected by Member Apodaca and seconded by Member Jaramillo-Barraza and passed unanimously.

## **Chairs' Report –**

### **Board Membership**

The chair welcomed two new members, Ms. Colleen McCarty and Ms. Joan “Joanie” Morales as well as the return of board member Kristine Ring.

## **Tax Update for Board Members**

The Chair reminded the board that each member will receive a miscellaneous 1099 form for reimbursements made by the state on behalf of the Adult Parole Board throughout the year. According to IRS regulations, these reimbursements are considered taxable income and must be reported on your tax return. Failure to report this income may result in consequences for misrepresentation. A copy of the 1099 form will be sent to the IRS, so it is essential that you claim it on your tax return.

Members should be aware that as they serve as a volunteer board, these reimbursements are not subject to additional gross receipts tax based on their income or earnings from the board. If the IRS or the New Mexico Department of Taxation and Revenue requests additional information, the Chairman asked members to contact him for the necessary documentation to expedite the process.

## **Rules Committee Update**

The Chair noted that Subcommittee Chair Ms. Lopez was unable to attend the meeting. However, the Rules Committee is diligently working on updating several rules and procedures that have not been reviewed for a long time. The update was previously initiated under a former director, but the work was not completed.

## **Parole Hearing Minutes Reminder**

The Chair reminded members about the importance of accurate record-keeping for parole hearing minutes. Information in the hearing minutes is public and subject to IPRA laws and information requests. Members should avoid making notes on the minutes during preparation or hearings, as much of the information in the parole packet is confidential (e.g., medical conditions, victim information, transitional planning). Once the minutes are completed and signed, they are sent to the PPO and the parolee. Members should aim to be as clear as possible and include their initials and a line through any errors.

Chairman Anaya emphasized that when setting conditions, the board should focus on the primary needs of the individual. Avoid overburdening parolees with excessive conditions, as this can set them up for failure. Conditions should be relevant to the parolee's primary issues. For example, a parolee with a DWI conviction should not be required to take anger management classes if their primary issue is alcohol abuse.

### **Sex Offender Conditions**

The Chair stressed the importance of adhering to appropriate protocols for sex offenders. If a parolee is released from prison on a sex offense, they must complete an SO1 form and be subject to sex offender treatment and monitoring. For individuals released for non-sex offenses, sex offender restrictions should not be imposed, even if they have a history of sex offenses. It is crucial to apply sex offender restrictions only when the current offense involves sex crimes.

Member Jaramillo-Barraza inquired about handling cases where an offender is released on a failure to register as a sex offender. The Chair confirmed that failure to register is not considered a sex offense, so standard conditions should be applied.

Member Jaramillo-Barraza also asked about offenders convicted of sex offenses prior to 2004. The Chair clarified that if the offense occurred before April 20, 2004, the parole term is two years. Offenders convicted after that date for offenses before 2004 will have terms under the old law.

Member Lucero Ortega-Lucero questioned what to do when a PPO recommends sex offender conditions for a parolee whose current offense is not related to a sex crime. The Chair confirmed that while PPOs may recommend sex offender conditions based on their department's policy, the board should apply conditions relevant to the current offense and not impose unnecessary restrictions.

### **Director's Report**

The meeting then moved to the Director's report.

### **Executive Director's Report**

#### **Agency Staff Update**

The Director began by updating the board on agency staff changes:

- **Ms. Bethany Sandoval**, our Records Manager, is currently on maternity leave after welcoming a baby girl a month and a half ago. She is expected to return on September 5th, and we wish her and her baby all the best.
- **Aiyana Chavez**, our summer intern, has made significant contributions by managing files, scanning documents, and assisting with offender hearings. She also participated in a lifer hearing with Chair Anaya and Ms. Apodaca to gain insight into the parole board processes. Aiyana's work has been invaluable, and she presented an impressive capstone project last week at the New Mexico History Museum. Her last day is Monday, and she will be greatly missed.
- **Mr. Victor Cornejo**, who joined our office a few months ago, will be leaving. His assistance in learning processes and working with Member Amy Lopez on the Rules Committee has been greatly appreciated. We are in the process of posting his position, which will close tomorrow. We hope to conduct interviews and fill the position within the next couple of weeks.

### **Administrative Logs**

The Director reminded members to submit documentation of any additional time spent outside of hearings to support the upcoming compensation bill. Members are encouraged to email these logs along with their monthly mileage and per diem notifications to the Director.

### **Improvement of Victim Notification**

The Director discussed the need to update the 2001 APB policy on victim notification. This policy, which is the most current one available, needs revision to reflect changes in state statutes. The Director, along with Ms. Garcia from the New Mexico Department of Corrections and other stakeholders, will work on updating APB policy number 2001-001. The policy currently under review is APB 2013-008, which requires updates due to changes such as the shift to virtual hearings.

The Director also mentioned a draft pamphlet from 2005 related to victim notification, which has not yet been adopted. Board members are invited to review this draft and provide feedback. The aim is to ensure that the notification process is effective and up to date for both victims and offenders.

### **Strategic Plan for FY25**

The Director presented the draft strategic plan for FY25, which will be submitted to legislators. Key highlights include:

The board conducted 2,544 hearings in FY 2024, with 95% being regular board hearings. Notable progress includes handling 39 deported offender hearings and two regular hearings, addressing the backlog effectively.

The Director, working with Chairman Anaya and board members, is addressing the implications of the Thompson ruling from the state Supreme Court. Efforts are ongoing to ensure compliance and manage the backlog.

**Juvenile and Youthful Offender Notifications:** Collaboration with the Department of Corrections is underway to improve notification processes for these offenders.

**Programming and Transitional Opportunities:** Discussions are ongoing to find additional programming and transitional opportunities, particularly for sex offenders.

**Legislative Efforts:** The Director is preparing a bill to address board members' compensation for administrative work outside of hearings. Insights from the APAI conference will inform this bill.

The Director also enrolled all board members in the Association of Paroling Authorities International (APAI) for a year-long subscription, providing access to resources, training, and collaboration opportunities.

### **Rulebook Updates**

The Director and Rosan Duran are updating the executive staff rulebook, including policies on parental leave and wellness, in coordination with the state personnel department. The updated rulebook will be presented at the next meeting.

### **Communication During Hearings**

The Director reminded board members to minimize non-hearing communications and ensure microphones are muted during hearings to avoid distractions and maintain confidentiality.

### **Closing Remarks**

The Director thanked the board for their support and looks forward to continued collaboration. Chairman Anaya expressed his appreciation for the Director's efforts and the work of the staff, acknowledging their significant contributions and dedication.

### **Questions and Comments**

- Member Chandler requested additional information on APAI membership. The Director advised checking emails for details from the association.

Chairman Anaya thanked Director Cohen and her team for their hard work.

### **Presentation of Geriatric Reasons and Denial Update**

**Presenter: Rebecca Guay**

Rebecca Guay presented an update on the revised policy for evaluating geriatric cases, which has been updated to reflect legislative guidelines and ensure consistency in decision-making.

### **Key Changes and Updates:**

#### **1. Reason for Denial Updates:**

- **Page 35 of the Policy Sheet:** New revisions highlighted in red.
- **Condition #22:** Clarified that chronic or debilitating conditions present before incarceration cannot be considered for geriatric parole eligibility.
- **Condition #23:** Emphasized that evidence of irreversible physical incapacity must be substantial and well-documented by the Department of Corrections. Inadequate or unclear medical documentation will not be considered.
- **Incurable Condition:** Added the requirement that there must be evidence of an incurable condition with a prognosis of death within six months for eligibility.

**Documentation Issues:** The need for clear and thorough documentation of medical conditions was stressed. Offenders should provide detailed medical records and treatment plans to support their claims for geriatric parole.

**Application for Geriatric Parole:** Janet inquired if case managers were involved in writing reports for geriatric cases. Rebecca clarified that once an individual reaches age 55, they automatically receive an application for geriatric medical parole, regardless of meeting the need requirements.

### **Action Taken:**

- **Approval:** A motion was made by Member Chandler seconded by Member Apodaca and passed unanimously to adopt the updated reasons for denial as presented.

## **Presentation of Sex Offender SO-1 Form Condition Changes**

**Presenter: Chair Anaya**

Chair Anaya discussed updates to the SO-1 form conditions for sex offenders, addressing concerns about overly broad or impractical requirements.

### **Key Changes and Updates:**

#### **1. Definition of Immediate Family:**

- **Page 28 of the Packet:** Changed the term “family” to “immediate family” to avoid overly broad interpretations. Immediate family includes spouses, children, parents, brothers, and sisters, but excludes extended relatives like cousins or great aunts.

#### **2. Sex Offender Treatment and Supervision:**

- **Maintenance Program:** Due to difficulties in retaining sex offender therapists, offenders may now be placed on a maintenance program with less frequent treatment visits. The new rule allows for advancement to a maintenance status with the approval of their PPO and treatment provider.
  - **Section 3 Update:** Details adjustments to treatment visit requirements under sex offender supervision.
3. **Parole Plan Investigation Report:**
- **Proximity Issues:** Addressed the issue of parolees being denied due to residing within 1,000 feet of a bus stop. The new rule retains requirements related to schools, playgrounds, and daycares but modifies the distance restriction related to bus stops to better reflect practical considerations.
4. **Action Taken:**

The Board Motioned to adopt the changes to the SO-1 Form

Motion by Member Apodaca, Seconded by Member Chandler- Vote was taken and was unanimously approved

## **Presentation of Board Legislative Compensation Proposal**

**Presenter: Denali Wilson**

Denali Wilson briefly addressed the board on the legislative compensation proposal, emphasizing collaboration and legislative support.

### **Key Points:**

1. **Legislative Goals:** Focused on ensuring board members are compensated for administrative work outside of hearings. This proposal aims to rectify the existing compensation structure and secure necessary legislative support.
2. **ACLU and Partner Contributions:** Acknowledged the contributions of ACLU staff and other partners in advocating for fair compensation and working on legislative changes related to life sentences.

### **Discussion:**

- **Collaboration:** Wilson expressed commitment to working with Director Cohen, Chair Anaya, and board members to advance this proposal. Highlighted the importance of adequate resources for effective and timely board operations.

### **Action Taken:**

- **Informational Only:** No formal action required at this time; discussion was intended to ensure board awareness and support for upcoming legislative efforts.

## **Solutions to Compensation Issues and Parole Statute Updates**

## Primary Issue: Compensation for Parole Board Members

1. **Clarify and Expand Compensation Structure:**
  - **Current Limitation:** Members are only compensated for meeting attendance, not for preparation, review, or administrative work.
  - **Proposed Solution:** Amend the statute to include compensation for all time spent on board-related activities, including preparation for hearings, reviewing files, and engaging with victims.
2. **Implement a Flexible Compensation Model:**
  - **Model Overview:** Introduce a flexible compensation model that includes hourly rates or stipends for administrative and preparatory work.
  - **Benefit:** Ensures that members are fairly compensated for the full scope of their responsibilities and helps attract and retain qualified individuals.
3. **Legislative Support and Advocacy:**
  - **Engage Lawmakers:** Collaborate with bipartisan champions like Senator Leo Jaramillo to support the proposed changes.
  - **Education and Awareness:** Conduct briefings and share data on the board's work to demonstrate the need for updated compensation structures.

## Secondary Issue: Updating the Parole Statute

1. **Incorporate Evidence-Based Practices:**
  - **Review and Revise Statute:** Update the statute to reflect evidence-based practices for parole decisions, such as considering rehabilitative efforts, educational achievements, and personal growth.
  - **Examples:** Include factors like engagement in therapy, educational programs, and compliance with institutional rules.
2. **Reflect Modern Practices in Statute:**
  - **Dynamic Factors:** Amend statutory language to include dynamic factors currently used in decision-making, ensuring these practices are codified and consistent across boards.
  - **Standardization:** Develop guidelines that align with current best practices, enhancing transparency and consistency.
3. **Expand on Successful Programs:**
  - **Model Programs:** Use successful programs like Be Serving Live as models for statutory updates. These programs have demonstrated effectiveness in preparing individuals for reintegration and could inform statutory revisions.
  - **Integration:** Integrate best practices from these programs into the statutory framework to support evidence-based decision-making.
4. **Regular Updates and Feedback:**
  - **Continuous Improvement:** Establish a mechanism for regular review and updates of the statute to incorporate new evidence-based practices and lessons learned.
  - **Member Input:** Create channels for board members to provide feedback on practical challenges and improvements needed.

## Next Steps and Implementation

### 1. Draft Legislation:

- **Collaboration:** Work with stakeholders, including legislators and advocacy groups, to draft comprehensive legislation addressing both compensation and statutory updates.
- **Review:** Share drafts with board members and other stakeholders for feedback before introducing them to the legislature.

### 2. Set Legislative Priorities:

- **Scheduling:** Plan to introduce the legislation during the upcoming legislative session, ideally aligning with the session's schedule and priorities.
- **Advocacy:** Engage with legislative champions and prepare advocacy materials to support the proposed changes.

### 3. Engage and Educate:

- **Training:** Provide training for board members on new policies and procedures once updates are implemented.
- **Public Awareness:** Increase public and stakeholder awareness of the changes to garner support and understanding.

By addressing these issues with practical solutions and ensuring that both compensation and statutory updates reflect modern practices, the board can enhance its effectiveness and ensure fair compensation for its members.

The Chair expressed gratitude to Ms. Wilson for her insights and contributions. He highlighted the positive impact of the De Serving Life Program, noting how it humanizes offenders and provides valuable context for parole decisions.

The Chair commended the efforts of Ms. Wilson, her team, and the De Serving Life Program for their role in preparing offenders for reintegration.

Emphasis was placed on the importance of thorough preparation for parole hearings. The Chair noted the difference that detailed, individualized reports make in understanding the offender's background and current status.

The approach of working closely with offenders to help them prepare for their hearings was praised. This preparation includes identifying weaknesses and providing feedback to ensure that offenders are as prepared as possible.

It was noted that a follow-up program for those who are not granted parole is in place. This program aims to provide ongoing support and preparation for future opportunities, a practice that is considered innovative and beneficial.

## Agenda Change

The Chair proposed moving the Delancey Street presentation to after new business and comments to end the meeting with the presentation and tour.

**Motion made by Member Apodaca Seconded by Member Lucero-Ortega:** Approve the agenda change to move the Delancey Street presentation to follow new business and comments.

## **5. Board Member Comments and Concerns**

The Chair inquired if there were any additional comments or concerns from board members. There was a question about using a search message, indicating a potential need for further clarification or training on that topic.

The meeting faced technical issues with the web server and microphone placement, which affected the clarity of some information. It's important to address these issues to ensure effective communication in future meetings.

### **Public Comments:**

Comments made by Shiela Lewis regarding meeting with the Board for further discussion on collaboration on Parole Lifer reform. Chair Anaya advised to work with Director Cohen for a future meeting to discuss

Comments made by Attorney Doreen McKnight, Ms. McKnight advised of several cases of offenders remaining in custody pending a bed at La Posada and the need to take a look at what the Parole Board can do to try to assist these offenders in getting out of prison as the only thing holding them there is the home plan availability. Chair Anaya advised that the policy of NMDOC requires a plan of supervision for offenders to release to, with the transitional housing crisis specifically for sex offender's having the ability to parole to the community has become cumbersome. He also welcomed Ms. McKnight to set up a meeting to discuss the specific offenders and look at how we may be able to collaborate on some options that may be beneficial in the future.

### **Delancey Street Tour**

The Delancey team provided the New Mexico Parole Board an overview of the program and new updates the program and looking into.

Upon the completion of their discussion the Board

Motion for Adjournment: Motion by Member Apodaca Seconded Member Lucero-Ortega

**Adjourned 1:30pm**