

**THIRD JUDICIAL DISTRICT COURT
COUNTY OF DOÑA ANA
STATE OF NEW MEXICO**

**D-307-CV-2019-01611
(Miscellaneous)**

IN THE MATTER OF: THE CRIMINAL JUSTICE COORDINATING COUNCIL

**AGENDA
THIRD JUDICIAL DISTRICT
CRIMINAL JUSTICE COORDINATING COUNCIL**

**JULY 21, 2021
12:00 P.M. TO 1:00 P.M.**

Chief Judge Manuel I. Arrieta, Third Judicial District Court

AGENDA:

Roll Call

Agency	Member
<i>Third Judicial District Court</i>	Tiffany McMinn, David Borunda, Chief Judge Arrieta, Brandi Sanchez, Lindsey Saiz, Samantha Woodward
<i>Dona Ana Magistrate Court</i>	Jacqueline Douglas
<i>Anthony Municipal Court</i>	Antonio Cervantes
<i>Hatch Municipal Court</i>	Absent
<i>Las Cruces Municipal Court</i>	Judge Goldbaum, Dawn Schults
<i>Town of Mesilla Municipal Court</i>	Absent
<i>Sunland Park Municipal Court</i>	Maria Rubio
<i>Third Judicial District Attorney's Office</i>	Absent
<i>Law Office of Public Defender</i>	Kris Knutson
<i>Dona Ana Sheriff's Department</i>	Absent
<i>Las Cruces Police Department</i>	Lieutenant Peter Bradley
<i>New Mexico State Police Department</i>	Absent
<i>New Mexico State University Police Dept</i>	Absent
<i>Sunland Park Police Department</i>	Absent
<i>Anthony Police Department</i>	Chief Ordonez
<i>Mesilla Marshall's</i>	Absent
<i>Hatch Police Department</i>	Absent
<i>Dona Ana County Codes Enforcement</i>	Mary Lou Ward
<i>Dona Ana County Detention Center</i>	Brian Baker
<i>Dona Ana County Defense Bar</i>	Michael Stout
<i>Mesilla Valley Regional Dispatch</i>	Robert Milks
<i>CYFD</i>	Richard Johnson
<i>City of Las Cruces</i>	Absent

<i>Dona Ana County Compliance</i>	Chelo Guerrero
<i>Memorial Medical Center</i>	Absent
<i>Community Service Corps</i>	Mary Martinez White
<i>Behavioral Health</i>	Joel Diemer
<i>La Casa</i>	Absent
<i>Department of Finance & Administration</i>	Absent
<i>Adult Probation and Parole</i>	Absent
<i>VIVITROL/MAT</i>	Absent
<i>Aprendamos Intervention Team</i>	Absent
<i>Dona Ana County Health & Human Serv.</i>	Jamie Michael

1. Approval of June Minutes

- Joel Diemer: motions to approve minutes
- Krus Knutson: seconds the motion to approve
 - a. June minutes approved at 12:07 pm

2. Honorable Chief Judge Arrieta [10 minutes]

- Judge Arrieta asked Mr. Diemer if he had given any thought about developing a counsel for the mental health summit in October. Mr. Diemer hasn't made any movement on it, but he will have it done by the next meeting.
- Opening of In-Person Proceedings
 - Order from Supreme Court on June 28th allows for different kind of cases to be heard in person.
 - All parties have to wear a face mask, including judges and court personnel. The order requires that the court continue to have 6-foot social distancing. Participants can take their mask off for brief time periods to be identified or to breathe if they have medical issues.
 - All Civil and Criminal jury trials will proceed in person. All CR bench trials, any competency hearings, plea hearings, preliminary hearings, pre-trial detention, probation revocation, and sentencing hearings will be in person.
 - Civil Docket: kinship guardianship hearings, order of protection hearings, anything with a PQ case number, and termination of parental rights hearings will be held in person. Civil bench trials may be held in person at the discretion of the chief judge.
 - The presumption is that all other court hearings will be held remotely unless the parties consult with the chief judge. Even if a case/party doesn't fit within the in-person subset and they want to have an in-person hearing, then that party should talk to

the presiding judge so that they can get permission/consult with the chief judge for an in-person hearing.

- Judges will allow remote hearings upon motions where the social distancing requirements do not allow all participants to be present in court. The presiding judge will have discretion about who can appear remotely.
- If an agency notifies the presiding judge that they can't comply with the social distancing requirements or there are other extenuating circumstances then the parties can consult with the presiding judge, who can then work with the chief judge. This must be done in advance.
- If there are medical/transportation issues, talk to the presiding judge on those cases.

- Judge Arrieta asked Brian Baker with DACDC if they're having problems with transporting inmates.
- **Brian Baker:** inmates have to quarantine when they return to DACDC from court hearings. The detention center has the least amount of quarantine space that they've had throughout the entire pandemic. They have had 2-3 cases where inmates who appeared for in-person hearings tested positive for COVID during their subsequent quarantine.
- **Judge Arrieta:** How would you propose that we deal with the issue?
- **Brian Baker:** Doesn't really have an answer, but the detention center doesn't have an issue transporting vaccinated individuals. Anybody who has not been vaccinated has to return back into quarantine and restart their quarantine time.
- Judge Arrieta will discuss these issues with the other judges; asks Kris Knutson if he foresees any issues with sending staff to these hearings or if they are comfortable sitting in arraignments.
- **Kris Knutson:** Are we moving arraignments in person any time soon?
- **Judge Arrieta:** The PDs might have to work with the DA to see if they're both good with proceeding with these hearings remotely.
- **Kris Knutson:** does consider arraignments a critical stage and it doesn't make sense to have arraignments and docket calls in person until COVID is more under control. Mr. Knutson would rather his lawyers and himself are not exposed to large gatherings and that they should work with the detention center. They need to proceed with caution.

- **Judge Arrieta:** the problem is that we have a Supreme Court order that requires specific cases to be done in person, but the court does have a lot of discretion. There is an understanding that arraignments will continue remotely, and Jacquez will probably be doing them through mid-September and then they'll be distributed to all the judges.

3. *David Borunda, CEO Third Judicial District Court [10 minutes]*

- Budget Updates
 - Judiciary started its unified budget process. They proposed an 11.5% budget increase, which means about 1.26 million for the Third Judicial District.
 - Asked for 10th judge that will primarily take on CV / DM matters; the budget committee did vote unanimously, but the budget still has several hurdles to jump through for budget approval
 - They wanted money to fund five existing positions and 8 expansion positions, to include the Pre-Trial Services program – it is currently funded by AOC and they are asking that we take it on full time through the general fund
 - Our district has the highest caseload per judge for the entire state; all of our judges carry 1200 cases each.

4. *Kristofer Knutson, Public Defender [10 minutes]*

- LOPD's Representation in Veteran's Court
 - a. The Public Defender's Office doesn't have the ability to staff the program anymore. They are shorthanded and have heavy caseloads. Mr. Knutson is hoping this discussion can get forwarded or directed to whoever can help him with this.
 - b. David Borunda: In conversation with Sylvia Herrera and Judge Martin about keeping an eye on this year's budget and being able to supplement or move some money around. They might be able to seek supplemental money in FY23 and seek full funding in FY25 and use a contract attorney in all problem-solving courts.
 - c. Judge Arrieta: in the mean time, they will visit with somebody to handle the docket on an interim basis until hopefully they can hire a contract attorney with the budget.
 - d. Kris Knutson: The PDs are willing to do their party, but they were told that they want somebody there for the whole process and they don't have a lot of resources.

5. *Jamie Michael, Public Defender [10 minutes]*

- Crisis Triage Center Updates
 - a. The provider is RI international and they are fully staffed and open 24/7 for the past several weeks. There is an operational crisis triage center in the community and it is designed for people experiencing a mental health emergency. Everyone is welcome.
 - b. Law enforcement typically does referrals.
 - c. They are working with the triage center to partner with law enforcement diversion program so that law enforcement officers can identify people that qualify for the diversion program and the triage center can be a drop off center for those people as well.
 - d. Judge Arrieta: what are the limits for the what the triage center can and cannot do?
 1. Jamie Michaels: licensed for 23 or fewer hours (individuals there for less than a day); most of the time people are able to be de-escalated and referred out to services; most of the time they are connected to out-patient services or can be connected to a hospital for in-patient services; it is a place for somebody to de-escalate in a safe place and then be connected to resources
 2. 2 criteria: adult only, and only able to accept voluntary positions.

Michael Stout: discovery is an issue as can be seen by the state Supreme Court staying the case with Judge Driggers; it's an example of the issue that needs to be addressed somehow and might be good to have a discussion about that with the members of this group

Next Meeting August 18, 2021