

**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**

**JANUARY 17, 2024
12:00 P.M. TO 1:00 P.M.**

Chair: Judge Joel Cano, Doña Ana County Magistrate Court
Chief Judge Conrad F. Perea, Third Judicial District Court

AGENDA:

Called to order at 12:00 pm

ROLL CALL:

<i>AGENCY</i>	<i>MEMBER</i>
<i>Third Judicial District Court</i>	Chief Judge Perea, Brandi Sanchez, Jodie Delgado, Bernice Ramos, Samantha Woodward, Angelique Padilla
<i>Doña Ana County Magistrate Court</i>	Judge Cano, Jackie Douglas
<i>Anthony Municipal Court</i>	Miriam Munoz
<i>Hatch Municipal Court</i>	
<i>Las Cruces Municipal Court</i>	Judge Filosa
<i>Town of Mesilla Municipal Court</i>	
<i>Sunland Park Municipal Court</i>	Maria Rubio
<i>Third Judicial District Attorney's Office</i>	Gerald Byers
<i>Law Office of the Public Defender</i>	Kristofer Knutson
<i>Doña Ana County Sheriff's Department</i>	Sheriff Kim Stewart, Major Jon Day, Captain Richard Drake
<i>Las Cruces Police Department</i>	Chief Jeremy Story, Lieutenant Peter Bradley

<i>New Mexico State Police Department</i>	Captain Jesse Williams
<i>New Mexico State University Police Department</i>	Deputy Chief Justin Dunivan
<i>Sunland Park Police Department</i>	
<i>Anthony Police Department</i>	Chief Vanessa Ordonez
<i>Mesilla Marshal's Department</i>	
<i>Hatch Police Department</i>	
<i>Doña Ana County Codes Enforcement</i>	Bryan Hulsey
<i>Doña Ana County Detention Center</i>	
<i>Doña Ana County Defense Bar</i>	Michael Stout
<i>Mesilla Valley Regional Dispatch</i>	Robert Milks
<i>CYFD</i>	
<i>City of Las Cruces</i>	
<i>Doña Ana County Compliance Division</i>	Chelo Guerrero
<i>Memorial Medical Center</i>	
<i>Community Service Corps</i>	
<i>Behavioral Health</i>	Joel Diemer
<i>La Casa, Inc.</i>	Melissa Mata
<i>Department of Finance & Administration</i>	
<i>Adult Probation & Parole Office</i>	
<i>Juvenile Probation Office</i>	Richard Johnson
<i>Doña Ana County Health & Human Services</i>	Jaime Michael, Monica Chavira
<i>New Mexico Coalition Against Domestic Violence</i>	Flor Gonzalez
<i>New Mexico Sentencing Commission</i>	
<i>Other</i>	

1. Approval of October Minutes

- a. **Judge Cano** request motion for approval for October 2023 Minutes as presented
- b. **Gerald Byers** doesn't have motion to approve as presented; Has question & follow up points; Format of minutes has been materially changed in sense that now reflect synopsis if statements made by members of CJCC at meeting; Would like opportunity to correct some of what appears to be incorrect in summary attributed to Byers's representations at last meeting; Request guidance from Chair
- c. **Judge Cano** invites Gerald Byers opportunity to clarify towards material misrepresentations
- d. **Michael Stout** hasn't studied minutes & understands concerns; There is a lot of detail about things that might or might not be accurate; None of actual verbiage is necessary to the approval of minutes; All minutes need to state is discussion had & no action taken; Proposes to do simplest thing possible not tit for tat on what was actually said or not
- e. **Gerald Byers** appreciates Mr. Stout's effort; Disagrees that none of the verbiage necessary to the approval of minutes; CJCC notice is under District Court miscellaneous case number with caption; Will be memorialization to recall at later day & public statements should be as accurate as possible; Agrees no intention or desire to relitigate or reargue things spoke of last meeting; Would like opportunity to clarify with statements attributed to self with the Chair's permission in short order
- f. **Judge Cano** invites Gerald Byers opportunity to clarify
- g. **Gerald Byers** reviews page three (3) item number two (2) subsection a paragraph fourteen (14) where it states "States regarding the consideration of the responsibility of District Attorney to make a decision as to which charging source will be followed he will not advocate that"; It is unclear & that's the difficulty with a synopsis versus a verbatim record; Unsure what writer is intending to convey that Gerald Byers; Proceeds to review "States will not entertain or engage in discussions that will erode the authority or capability of the District Attorney's office"; Possibly should be erode; Unsure what preferred method of this body to make corrections; Requests either it be corrected to be verbatim or stricken
- h. **Judge Cano** elects not to go verbatim; Reminds minutes are to encapsulate or capture the thrust of discussion; Agrees shouldn't go with verbatim account; Questions Mr. Byers on friendly amendment requests
- i. **Gerald Byers** requests amendments as follows:
 - i. "States regarding the consideration of the responsibility of District Attorney to make a decision as to which charging source will be followed he will not advocate **either way**"
 - ii. "States will not entertain or engage in discussions that will **erode** the authority or capability of the District Attorney's office"
 - iii. Paragraph fifteen (15) "States as far as a pilot project we're experiencing the **throes** of the pilot project called Case Management Rule"
- j. **Michael Stout** motions minutes as presented be approved with exception; Request first segment titled Discussion on Probable Cause Proceedings & Discovery be limited to that and remainder be excluded as part of the minutes; Remainder of minutes be approved starting with paragraph three (3) with Judge Martin, Judge Duffin, and other parts be approved; Minutes be approved absent verbiage in paragraph two (2) except to say there was a discussion on probable cause proceedings & discovery with comments by Michal Stout & Gerald Byer; Motion to simplify, leave out verbiage, and still have as part of record

- k. **Michael Stout** clarifies moving to approve minutes absent the verbiage in paragraph segment one (1)
- l. **Sheriff Kim Stewart** seconds
- m. **Judge Cano** asks if any opposition; No opposition; Minutes approved unanimously as motion by Mr. Stout
 - i. **Approved at 12:17 pm**

2. Jamie Michael, Doña Ana County Health & Human Services

a. Discussion on Assisted Outpatient Treatment (AOT)

- i. Requested to present briefly about Assisted Outpatient Treatment commonly known as AOT; Present at meeting also is Chelo Guerrero with Doña Ana County Office & Monica Chavira with Doña Ana County Office who coordinates program for Doña Ana County
- ii. AOT is part of New Mexico state statues related to commitment procedures; Under Chapter 43- Section 43-1B-2, called Assisted Outpatient Treatment
- iii. Civil process that allows a District Court to enter into a court order similar to inpatient commitments, but for outpatient; Court order requiring individual to engage in outpatient treatment for behavioral health services
- iv. Tool available in judicial district to help address services related to people with mental health disorders when individual not willingly able to participate in their treatment, do not meet criteria for inpatient commitments, or already discharged from inpatient hospital & not healthy to be in community without support
- v. Court order; Some criteria necessary to petition Court is as follows:
 - 1. For adults only, ages eighteen (18) & over
 - 2. Individuals who live in Doña Ana County
 - 3. Individuals who have primary diagnosis of a mental health disorder; does not include a primary diagnosis of substance use but can be co-occurring
 - 4. Lack of adherence to treatment plan; Provides example, If in the last four (4) years the lack of adherence to a treatment plan has resulted in hospitalizations or admission into a forensic or other type of mental health facility or jail, If within same time period if engaged in serious violent behavior towards self or others that has resulted in interaction with law enforcement
- vi. Population of individuals who need wrap around services & additional supervision; One goal is to stop revolving door
- vii. Process for making referral for AOT; Referrals can be made by family member of individual, hospital, or treatment provider; Referrals make to department documenting and/or asking if individual meets specific criteria; Coordinate with local service providers to have psychiatric evaluation completed; Evidence presented to District Court Judge
- viii. If court order entered for AOT then team works with local treatment providers to provide treatment plan, wrap individual in services & report to Court on progress; Models Kendra's Law from New York; Law has evidence that shows court orders are successful in helping individuals engage better in treatment resulting in change in behavior; Leads to increase in public safety for individual & community
- ix. Having behavioral health services held accountable to individual & treatment plan coupling with "black robe effect" having judge check in on individual, check in

- behavioral health providers & seeking information about progress & goals;
Shown to motivate providers & individuals to engage in treatment
- x. In process of identifying attorney to assist with petitions; District Attorney's office assisted in starting program; Need to find attorney to represent petitioner in process; Elliot Mohler currently represents respondents in process; Department coordinates with behavioral health providers
 - xi. Collaboration among behavioral health providers & district court; Will begin accepting referrals in about three (3) weeks
 - xii. Advises there is a way to go from Competency Hearing to AOT Hearing; If individual found not competent during criminal proceeding there is a way to transition into civil proceeding requesting AOT order; Tool that can help wrap individual in services versus releasing individual & expecting behavior to change on its own
 - xiii. Jaime Michael is part of state's commission on mental health & competency; Update that under direction of Justice Brianna Zamora third judicial district selected as one (1) of four (4) districts to pilot Pre-Competency Diversion Program; Aware in misdemeanor cases an individual commits crime then competency is questioned, then competency evaluation, individual found not competent & released; Data shows individuals move through system rapidly & repeatedly; Piloting program so that if there is a questions of competency program will divert individual; This will avoid competency evaluation process & individual going through revolving door; Allows to quickly connect individuals to services; Resulting in engagement in services, change in behavior & increased public safety
 - xiv. Advises pilot competency diversion program set to begin in March 2024; AOT will be ready in a couple weeks
 - xv. **Judge Cano** asks if there are any questions for Jaime Michael
 - xvi. **Samantha Woodward** asks about referrals; Asks if PTS can make referrals if defendant may have mental health concerns if no SI cases opened
 - xvii. **Jaime Michael** states unsure if court staff qualify as petitioner; Possibly can connect with previous behavioral health providers, previous hospital, or family member; Advises Monica Chavira will follow up with Samantha Woodward after meeting; Unable to be part of criminal proceedings
 - xviii. **Sheriff Kim Stewart** questions what the turnaround time expected for individuals to go to providers for assistance
 - xix. **Jaime Michael** advises there are contracts with agencies to do specific work; Able to set timelines & impose; After submission of affidavit shot turnaround for completion of evaluation; Advises if individual in hospital completed within 48 hours; Advises if individual in community can take a little longer; Hold behavioral health providers accountable to respond quickly to complete evaluation; Once court order in place individual immediately accepted into treatment providers program & services begin immediately; Individuals in AOT do get quicker/easier access to services
 - xx. **Sheriff Kim Stewart** questions if individual not in custody or unsure of location is warrant issued
 - xxi. **Jaime Michael** advises much easier & more successful when part of hospital discharge planning; Some success doing stepping up from community outpatient; Finding individuals in community can be difficult; Language in state statute (43-1-10) that allows law enforcement to pick up individual & take to facility for psychiatric

evaluation; Need to coordinate with law enforcement; Need clear direction & understanding on both sides

- xxii. **Judge Cano** asks if any questions for Jaime Michael; if not, Chelo Guerrero may proceed to next item on agenda
- xxiii. **Jaime Michael** thanks CJCC members for supporting application to Crime Reduction Act Grant (CRAG); Grant funded again & will be bringing results related to grant work soon

3. Chelo Guerrero, Doña Ana County Compliance Division

a. Request Letter of Support from CJCC for Local DWI Annual Grant Application

- i. Advises requesting letter of support for Local DWI program; Housed under Doña Ana County Health & Human Services Department; Major components funded are Prevention, Compliance, Treatment, Coordination Planning & Evaluation, and Screening; Other components funded are Law Enforcement & Alternative Sentencing
- ii. Amount is about \$1.4 million in distribution; Provide about \$500,000 of in-kind match through program fees; Requesting competitive grant for \$100,000 & will provide in-kind match of about \$10,000
- iii. **Judge Cano** advises letter drafted pending signatures; Available for viewing via email attachment; Advises request similar to last year's request for continued support program that increase & maintain quality of life as best as possible professional speaking
- iv. **Judge Cano** asks if any opposition; No opposition; Acclamation unanimously to continue supporting program; Approved letter of support
- v. **Brandi Sanchez** will distribute for signatures & email to Chelo Guerrero upon completion
- vi. **Chief Judge Perea** indicates will sign letter of support today
- vii. **Judge Cano** advises moving on to agenda item number four (4)

4. Honorable Joel Cano, Doña Ana County Magistrate Court

a. Writs of Eviction at Doña Ana Magistrate Court- Anthony Circuit

- i. Advises change in judge at the Doña Ana Magistrate Court- Anthony Circuit; Previously Judge Kent Wingenroth until December 2023; Currently Judge Bryan Gelecki
- ii. Judge Gelecki requested item to be placed on CJCC agenda due to a discovery upon conducting civil proceedings involving landlord/tenant matters & if individual wants DASO to execute a Writ of Eviction
- iii. Explains party prevailing usually is property manager in civil suit can request assistance from DASO with small fee of forty dollars (\$40); DASO will conduct eviction on behalf of party whom prevailed; In this case Judge Gelecki advises parties who prevailed in Anthony to go next door & request assistance
- iv. Parties and Supervisor, Nohemi Ronquillo both advised Judge Gelecki that Anthony substation for DASO is not equipped to complete these request; Parties who live south of Las Cruces are required to travel to main station in Las Cruces to handle those requests
- v. Some individuals in Anthony, NM are of very limited means, do not have reliable or have zero transportation; Advises it is a challenge for individuals to travel to Las Cruces for that service
- vi. Judge Gelecki is requesting DASO to possibly develop those processes in southern party of county to accommodate

- vii. **Sheriff Kim Stewart** advises all monetary fess must be processed through Treasurer's Office; DASO does not handle
- viii. **Major Jon Day** advises on process; When subject/property owner receives eviction through Magistrate Court they go to the main County building to pay fee at Treasurer's Office then provide DASO with documentation & receipt to start process of eviction; Resources are not setup in southern end of county to go in that direction
- ix. Understand difficulty for travel that can occur; Public bus service transportation that runs from Anthony substation where Magistrate Court is located to Las Cruces main station; DASO served seven hundred sixty-nine (769) evictions throughout Doña Ana County; Scheduling is done as evictions come into DASO through communication with property owner & the officers whom serve evictions through legal division
- x. **Sheriff Kim Stewart** advises unsure if answers questions; Advises somewhat constrained by other services; Part of a system
- xi. **Judge Cano** bringing before entire CJCC body & DASO on behalf of Judge Gelecki to start conversation; Possibilities as it relates to payment like if payment can be made online or via other payment services & then other auxiliary services of scheduling eviction at substation; Start conversation to see if machinery can be put in place to come to fruition
- xii. **Sheriff Kim Stewart** advises good to have conversations, look for new avenues, look for new ideas, and look for new opportunities in a variety of areas; Advises will speak with Treasurer about matter; Possible Judge Gelecki can attend a meeting
- xiii. **Judge Cano asks if any questions** for Judge Cano or Sheriff Kim Stewart; No questions

Judge Cano reminds CJCC next meeting is February 21, 2024

Judge Cano asks CJCC Members if any announcements

Gerald Byers: Advises on February 5, 2024 District Attorney will be going live with Prosecutor by Carpel; It will be a means to take computer base services to next level; Anticipate being able to streamline Case Management System (CMS); Appreciate Court's cooperation, agreement & support for staff to train in preparation; In December 2023 met with members of school system; Event geared towards educating students about numerous things; Collaboration between Department of Homeland Security Investigations, DEA, FBI, New Mexico National Guard & Third Judicial District Attorney's Office; First event held at Mayfield High Scholl today, January 17, 2024 at 12:00 pm; It will be held at all schools in district; Initiative & role is alerting juveniles to hazards of guns

Major Jon Day moves for adjournment

Chief Vanessa Ordunez seconds

- **Adjourned at 12:48 pm**