

VALENCIA COUNTY BOARD OF COMMISSIONERS

Workshop

September 10, 2001

The Meeting was called to order by Chairman Alicia Aguilar.

PRESENT	ABSENT
Alicia Aguilar, Chairman	
Aurelio H. Padilla, Vice-Chairman	
S. T. Frank Pando, Member	
Gary Daves, Member	
Helen Baca, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Presentation & Discussion on Alternative Sentencing Issues.....Cornell Companies, Inc.

Electronic Monitoring-Adult Detention Facility

Matthew Lange, Program Director for Cornell, told the Commission he operates the program for Santa Fe County and has been operating that program for two years and the program has done well. Mr. Lange furnished letters of support for the program to the Commissioners. Letters came from the Magistrate Court Judges in Santa Fe County, Michael Vigil who is the Chief Judge of District 1, and Judge Steven Pfeffer who is the 2<sup>nd</sup> District Judge. According to Mr. Lange, this is a win situation for everybody. This is a win situation for Judges and individuals behind the bench as they have another tool to use as far as sentencing someone to incarceration. A lot of times individuals shouldn't be incarcerated or in jail, but that gives Judges another option. This is a win situation for the County and taxpayers of the County as it saves money in incarceration costs. Incarceration costs can get very high especially in the situation with Valencia County as the jail is at a maximum. When that happens, the County needs to send inmates some place else and pay whatever that jail charges. This is beneficial for the offenders, as a lot of them don't need to be locked up such as people who owe child support, failure to pay fines, and probation violations.

Screening Matrix

This is a mechanism that Cornell came up with and use in Santa Fe County and that they believe is a very good system as far as identifying who is appropriate for this type of program. When Cornell started this, they came up with a list of crimes that would not be appropriate to place in the community. Cornell evaluates individuals on several different factors. The first factor is a risk factor or flight risk. Cornell is looking at what type of crime this individual is accused of committing. Prior record is scored on their previous activity of the individual. Supervision History is based on if the individual was on probation before or released on bond. Substance/Alcohol abuse plays a big factor as far as individuals recommitting these crimes. Home and telephone is another category that is very important because without those, Cornell cannot hook somebody up to the program. Employment/Treatment/Education is also a factor as far as a flight risk. These individuals are evaluated on a case-by-case basis. Case Managers evaluate individuals and note any comments. Mr. Lange reviews that evaluation and approves or denies all the clients on the program.

This comes from the Court, so they or the Attorney make a referral for somebody to come into this type of program. What Cornell does is they score them on the NCIC and some background that the Judge may not have opportunity to review from the bench. This is done as a back up mechanism. Ultimately, this is the Judge's authority. The screening matrix is done to support both the Judge and Cornell to cover the basis. Once somebody is accepted into the program, the equipment is issued to the individual and hooked up at their residence. The box is hooked up to a telephone line, as the equipment will not work without a telephone. The transmitter is hooked on to the individual's ankle. With that transmitter the individuals can take showers, baths, or go swimming and it will not interfere with the transmission. When the individual comes in, there is a Case Manager Checklist that is done. Mr. Lange considers this program in Santa Fe County as the most extensive program in the State of New Mexico as Cornell is the most stringent based on the reporting requirements and everything they do as far as the program and it's integrity. When someone comes into the program, Cornell evaluates, does assessments, sets up a schedule, and checks their background. Once that file is put together, the individual will receive a handbook and the participation agreement. Basically everything in the agreement is also covered in the handbook. The Case Manger sits and reads through the participation agreement with the offender so that they understand all the rules and regulations of the program and the circumstances if they do not follow through with the rules and regulations. The agreement covers everything from what the individual is going to be allowed to do, the equipment, and visitors to their residents. As far as requirements, Cornell has different options as they run two separate programs. One program is a level 3 program for the adult offenders in Santa Fe County

and a level 1 for Children Youth & Families and that's for the juvenile offenders on the program. In level 3, the individuals report once a week, in person, to Cornell and report by telephone daily. Every office visit the individual goes to, they are subject to a random urinalysis or breathalyzer test. There is a random monthly check out to the community on these individuals at their residents, place of employment, or education place. Cornell does a monthly progress report to the Judges and County to evaluate the individual and update the progress of the individual per month. Cornell also does a weekly assessment. They start off with an initial assessment and then on a weekly basis they update that.

The juveniles are on a less stringent program as basically, Cornell does an initial assessment, hooking them up, and basically the authority figure is probation and parole. In Santa Fe there is a warrant procedure so anybody that comes into the program they have a standing bench warrant for these individuals. If the individuals violate the program, Cornell makes notification to the District Attorney's Office and to the Presiding Judge. The Judge has the authority to activate that warrant at which time the warrant is made active. A lot of times in the program if there is an alcohol or drug offense Cornell activates that warrant, goes to the residence or place of employment of the individual, and arrest that individual on site. Cornell is working with the Child Enforcement Division, as these people are "big" on individuals who fail to pay child support. Mr. Lange doesn't think it's a good idea to lock up people who fail to pay child support because it costs the County money and the individuals are just sitting in jail and not accomplishing anything. Mr. Lange believes this is would be very beneficial to the County.

There are several ranges of equipment, from high range to a low range. Cornell can set someone up for a 300 range in a 3 or 4-bedroom house down to an apartment. The radius is about a 300-foot radius on these boxes. Basically 10 feet is taken off for every wall inside of a residence. The boxes are hooked up in the middle of the home. For a standard residence, the areas that these individuals can go is to the front yard and back yard. Anything outside of that parameter will generate alert and immediate notification to Cornell. Under the level 3, its immediate notification, so in 6-7 minutes Cornell will get alert. Cornell will then call the individual and find out what's going on. On a busy night, that alert can take up to 30 minutes to get to Cornell. Mr. Lange explained that wherever the person goes, Cornell could cover their radius.

Cornell will set up a schedule for an offender as to times leaving to work and when they get home. Cornell gives these individuals a half hour travel time in Santa Fe. For someone that is approved to go to work, they will submit a schedule to Cornell and a letter from their employer stating their hours and days they work and how much they get paid. Once Cornell receives that, they call the employer to verify that. Cornell will call the employer at least once a month. Mr. Lange encourages his staff to make relationships with these people in the community. Cornell has a drive by unit and staff who goes inside to see the individual to check on the individual.

Cornell works with misdemeanors from Magistrate Court, who are basically individuals who have failed to pay crimes. This program also works with individuals for domestic violence. This program deals with adjudicated and pre-adjudicated people.

Commissioner Daves asked if people could only be monitored at their house. Mr. Lange said that is correct. The drive-by unit uses a hand held device where they can drive by a location where the individual is supposed to be, to check if they are there. On the drive by unit, with the number that is assigned to each individual, that number shows up on the unit wherever the person is at.

Commission Chair Aguilar had concerns that if the Commission grants the Jail Administrator authority, the Jail Administrator can allow people to be released under certain criteria. Commission Chair Aguilar also had concerns that if Cornell is making the decision, how is the District Attorney and Judge being informed, so they would have a say so before this person gets out. Lawrence Barreras, Jail Warden, said that in Santa Fe County, the Judges have to approve everything. Commission Chair Aguilar asked if the individual is tied up in District Court for one crime and in Magistrate Court for another crime, but under Magistrate, he can get released, how do you coordinate that with the District Judge? Mr. Lange said that Cornell couldn't go in and find people to qualify for this program and release them for electronic monitoring. If the Judges supported that way of evaluating individuals, those individuals would have to be brought back in front of the Court. Commission Chair Aguilar asked, if they're doing all this, what's the liability on the County because now they're accepting policy and what if this person goes out and commits a crime? Mr. Lange said there is no liability to the County as Cornell has insurance for this type of happening, and for the most part it's a release order from the court.

Magistrate Judge Tody Perea thinks its important that the Commission have a meeting with all the Public Defenders in Valencia County. Commission Chair Aguilar said that as Commissioners, that would be part of policy and one would not approve anything unless there was something to protect and answer questions.

Commission Chair Aguilar brought up the ten beds that would be for INS or for federal prisoners, and said the County already has a contract signed with Isleta Pueblo and those are the federal prisoners. Mr. Barreras said their contract allows for 10% of the beds in the new facility to be used for federal inmates. Commission Chair Aguilar stated "we would have a minimum of 8 clients at \$19.00 a day. So that would equate to about \$55,480.00 of a cost to the County to just implement the program for 8. The contract we have with you paying \$260,000.00 every month is for the 130 beds, so even if you bring it down by 30-40 beds, we still pay that. The only thing we would save is the \$6.30 a day. Now

we get to the contract on federal prisoners, we already have a contract with Isleta; those are Federal prisoners, so where are you getting these INS, if we already have Federal prisoners in the facility. And we're saying all you can have is 10 prisoners, so how are you going to generate for the County \$250,000.00 if there's already a cost and we're paying the \$260,000.00 a month?" Mr. Barreras said with the count the County is using for federal inmates, is 9 in the new facility, and there are no restrictions in the old facility. Also, Cornell has been holding the federal inmates and they're put under a federal designation, but they're basically County inmates. Commission Chair Aguilar said, "So you're not really looking at the new facility, you're saying that can house the Isleta prisoners and those other federal prisoners." Mr. Barreras said he is working through the process and doesn't have a definite answer on where to put them. Cornell has been looking at the inmates from Isleta as County inmates. Commission Chair Aguilar said, "I asked our Attorney at the last meeting, I also checked with Mr. Fernandez, as far as the revenues that are coming in and where the money goes, I specifically asked our Attorney and he said those are Federal prisoners because that's a sovereign nation." Commissioner Pando said the County just signed a Joint Powers Agreement with Isleta for \$82.00 a person, which is what Belen and Los Lunas, are being charged. Mr. Fernandez said those are indicated as Federal prisoners and it shows "tribal" to indicate that it's coming from tribes. Commissioner Pando said that Mr. Barreras is referring to INS prisoners and not Isleta. Commission Chair Aguilar said that at the last meeting, the Attorney said that Isleta prisoners are federal, so that on the new facility, Isleta can go in there.

Commission Chair Aguilar went on to say, "if you're going to reduce the facility by 40, reducing it at 8 clients on a level 3 is a cost of \$55,480.00, so then if you multiply that by 3, we're at roughly \$160,000.00-\$170,000.00. It doesn't reduce the initial debt of almost \$3,000,000.00 that we're already paying Cornell. So whether there are 40 inmates in the facility or whether there are 96 inmates, we pay that almost \$3,000,000.00 a year regardless. So that's a cost to the County. Now we're saying there's going to be a new program for INS and what you can do is remodel the old facility and put some of these out so now you can bring INS, what I'm saying is it's two different things, the cost remains the same at 96 so if you're going to do any remodeling, what you're basically saying is we have room for 96 and if we can bring in another 30 here and remodel it to bring in another 40, we're really going to be housing roughly 160 almost 170 prisoners." Mr. Barreras said that has not been what Cornell has said and basically what he is saying is the facility is full. As a partner to the County, Cornell said instead of trying to send these inmates to another jail where the County's cost is going to be \$60.00-\$70.00, to try and look at something like this to try and generate some revenue to the County. Commission Chair Aguilar said that as far as the purpose of this workshop, she didn't think they we're going to go into INS or whether the facility is at capacity. She asked, what is the County going to do with those prisoners, what does it cost, where are you taking them, and what's it going to cost the County? Commission Chair Aguilar wanted to know what the next step is, not with the long term of INS. Mr. Barreras recommended that the County look into this program.

The cost per day for a person being on electronic monitoring is about \$19.00. Commissioner Pando asked how the County got into the deal of paying for 126 inmates whether there are 126 in the facility or there is less. Mr. Barreras explained that the County is not paying by the bed; it is paying for the management fee for the operation of the facility. There have been a few cases where the facility has gone over capacity and during that time, Cornell placed those inmates in Santa Fe and have not charged the County for that. Mr. Barreras estimated the County would bring in \$65.00 a day for a federal inmate.

Mr. Lange said the subsistence will offset some of the costs of the \$19.00, and that is based on how the County wants to set it up. In order to house juveniles it costs \$100.00-\$125.00 to house juveniles.

Lemuel Martinez, District Attorney, believes that electronic monitoring starts at the front end and at the very latest at sentencing. Mr. Martinez said it would be inappropriate for Cornell to hand a list to the Judges to put the individuals on the electronic monitoring. Mr. Lange doesn't believe that it will work to go into the jail and evaluate 20 people to get them out of jail, as it did not work in Santa Fe.

Sheriff Juan Julian also believes this is something that needs to be looked at, at the front end. When there is a violation of the monitor, there is a set procedure that is followed. There is an incident form in which they write all the incidents on. On the circumstance that Cornell receives a cut bracelet alert or a positive alcohol or drug test, Cornell will notify the District Attorney's office and let them know there is a positive test. At that time, they need to develop a working relationship so Cornell could call the Sheriff's Department to activate the warrant on him and tell the Deputy where the individual is.

Carleton Liggins, from Juvenile Probation, asked Mr. Barreras how many in person contacts they have with the juveniles. Mr. Lange said that Probation is still the authority, so Probation is still doing their job and this is an added security.

Mr. Lange explained the standing bench warrant in Santa Fe for violating this program is a no-bond warrant so when they're picked up they're held with no bond and sit in jail until their court date. Most of the time when an individual goes in front of the Judge for an arraignment, they set them up with trial dates or pre-trial and then an actual trial date. If those individuals fail to show up for that the District Attorney's Office will request a warrant and that warrant will be activated at that time and then it's a matter of the process for law Enforcement to pick up that warrant and find that individual.

Mr. Barreras said that any revenue that is generated and any contract would have to be approved by the Commission.

Commissioner Daves believes this is an additional tool that would be good for the judicial system and has the potential of cutting costs. Commission Chair Aguilar had concerns of the contract, as she sees it as being two different contracts and not an amendment to the existing contract. Mr. Fernandez would have to check with the Attorney on that. Commission Chair Aguilar asked Mr. Fernandez to put this on the agenda for Tuesday as far as the Attorney. Commissioner Daves would appreciate the Commission working towards implementing the program and would trust Mr. Fernandez to keep in mind the potential costs or benefits to the County.

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 18, 2001 at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

## **ADJOURNMENT**

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the September 10, 2001 Workshop (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

### **VALENCIA COUNTY BOARD OF COMMISSIONERS**

**ss/  
ALICIA AGUILAR, CHAIRMAN**

**ss/  
AURELIO H. PADILLA, VICE-CHAIRMAN**

**ss/  
S. T. FRANK PANDO, MEMBER**

**ss/  
GARY DAVES, MEMBER**

**ss/  
HELEN BACA, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: October 2, 2001**