

Discussion July 25, 2014

Present: NM Representative Rick Miera
Andy Vallejos
Art Marshall
Kelly Bradford
Barri Roberts
Jean M. Klein

Discussion: Interactions with the Court Systems

Kelly reviewed with Andy the City and Criminal Justice Jail Management Initiatives.

Three main items came out of the meeting:

1. Warrants:
 - Fines attached to warrant- behavioral health/homeless population – no money to pay and therefore time needs to be served in jail for the fine.
 - Judge that has issued the warrant needs to hear the warrant
 - Warrants stop defendants from securing housing, id's , their license is suspended as a result of the warrant. Employment cannot be secured without a license or identification card.
2. Statutes:
 - Amend statutes for misdemeanor charges to have defined jail days.
 - Examples of charges: Pan Handling, Disorderly Conduct, Urinating in Public, Drinking in Public.
 - Bench warrants would not have to be issued, fee would not be attached to the case and the case could be closed.
 - Rural areas could still collect their fines.
3. Competency:
 - Discussion regarding Evaluations at Metro, Full Evaluations at District Court/Metro.
 - Do statutes need to change? If the Evaluation comes back competent and the attorney is not in agreement, the attorney may request for another evaluation/evaluator or a full evaluation. This takes time and if the defendant is still in custody, additional jail time associated with the case.
 - If the defendant is found incompetent, the case is closed and the defendant is not referred to services. Can time be lengthened under supervision?
 - Is there a way to still have judicial oversight to address referral to services?
 - With Felony cases the stakes are higher.
 - The criminal evaluation is to address if the defendant understands the charges and the civil evaluation is to see if the defendant can take care of his life.
4. Dangerousness- Can the jurisdiction be extended when the defendant is not dangerous? Can the statute be changed for extenuating circumstances?