

## Network Meeting Minutes – August 27, 2014

Attendees: 40 present and 3 on conference call  
Note Taker: Connie Monahan

**Please Note: Minutes are from the note taker and are NOT quotes or quotable from the speakers or candidates who presented at today's meeting.**

**TOPIC: Meeting details, Welcome, Short Announcements,**

Comments Anne covered the Network meeting logistics and agenda of the meeting. Carol White gave directions for the counselor/social worker CEUs. Members introduced themselves and their agencies. We also captured agencies represented on a large sheet of paper to affirm the multi-disciplinary representation at the Network: these are listed at the end of the minutes.

**TOPIC: Judicial Ethics: Judge Nan Nash**

Comments Judge Nan Nash and Judge Debra Ramirez introduced themselves. Judge Nash has been with the 2<sup>nd</sup> Judicial District Court in multiple capacities and last March was elected as chief judge of the 2<sup>nd</sup> Judicial District Court. Judge Nash spoke to the complexity of the system as well as some of the changes that have occurred over time. She understood her role today was to speak to a common question: Why can't judges participate more in DV/SA activities? She spoke to judicial standards and code of conduct, noting that if judges deviate from these, they can be removed from the bench. Key components of the judicial standards include judges' duty to **avoid impropriety** (both real and appearance). This includes breaking the law but also includes overarching concepts such as: judges are not to lend their authority except to the Court; judges do not want to appear as advocates; judges are discouraged from belonging to groups that discriminate. Judges are supposed to **do their job**, meaning they are required to impartially hear and decide cases and control their courtrooms. Judges (and their staff) are to avoid commenting on cases, criticizing juries or other judges' decisions. Judges are to **remove themselves from cases** when appropriate, when biased – yet they cannot remove themselves so often that they don't do their job. Judge Nash spoke to the challenges of staying informed and connected to the community while not being biased. Judge Nash's current docket is over 1000 cases, all of which take time to work through the system so while she might initially work a case, she suddenly realizes she knows the person involved – those pose challenges. Judges are also supposed to **manage extrajudicial activities** so that they do not interfere with judicial duties or call conduct into question. Judge Nash spoke how over time, it seems that the scrutiny seems to be harsher, more microscopic, and more focused on the appearances of bias. As DV judges, this becomes even more scrutinized.

Judge Ramirez spoke to a day in the life of a DV judge and her comments were specific to Bernalillo County. She averages 3000 hearings a year, starting at 8:30 a.m. plus paperwork as new petitions come in, many of which have a 10-day deadline. Additionally, there are emergency restraining orders that occur after hours. Her cases involve children, parenting, alcohol abuse, stalking, and DV, many of which are high

risk cases with a short turnaround. For Bernalillo County, there are three commissioners and one judge, collectively processing over 10,000 cases each year. Almost 60% of these cases are pro-se, meaning that the judges have to pay extra attention to the legal aspects. The balance is judges are allowed and most definitely need “personal fulfillment.” This is to recognize why judges are judges in the first place and highlights the challenges of how judges have to prioritize their time, whether to attend meetings or to work cases, all the while knowing that attending community events raises the risk of being accused of being biased/involved with advocacy. Judge Ramirez spoke to her passion to the community versus feeling isolated from her community.

**TOPIC:** Attorney General Candidate Forum: Hector Balderas (D) and Susan Riedel (R)  
**Comments:** Susan Loubet, with the NM Women’s Agenda, outlined the format for the Candidate Forums and moderated the two candidates. She gave a brief introduction, noted how the questions were recruited from Network members ahead of time, and offered each candidate a brief opportunity to outline their platform.

**Minutes are from the note taker and are NOT quotes or quotable from the candidates.**

### **Why are you running for this office?**

*Hector:* My lens of public service has always been from the rural, small town perspective, and having experiencing domestic violence growing up. I want to use my law degree to bring about change. My experience as State Auditor moved a small agency into a strong, watchdog agency. My passion to the AG’s office stems from the mindset: we can’t have prosperous community if we don’t have a safe community. I want to use the AG’s shield and sword to protect New Mexico citizens especially those living in small towns.

*Susan:* I have too many years of experiences as a prosecutor and judge to be retired or to forsake leadership. With 30 years law experience, I have firsthand experiences with every type of violent crime, including child abuse, sexual cases, murders, and domestic violence. My passion is advocacy and to the work that all of us here in this room do to prevent these crimes. I can’t sit and watch. I have to stand up and work for change and take control.

### **How would your AG office assist Law Enforcement and the District Attorneys with investigating and prosecuting DV cases, especially when victims are victimized by law enforcement, or for hard to win sexual assault cases?**

*Susan:* As a prosecutor, I have experience with working with the AG. We can improve the interaction. Prosecuting attorneys work in the courtroom, balancing the passionate words said in court versus the cold words that the AG may read on transcripts. For law enforcement who commit DV, the AG can take a much stronger role. In local areas, the DA is close to law enforcement while the AG can bring expertise and distance; the AG can be a good external resource. The thing to keep in mind is that although the AG is top law enforcement, they can’t order the DA to do something. But with systemic coordination, assistance and technical knowledge, the AG can support the process. With my experience in violent crimes, I can reach out to DAs and offer my expertise.

*Hector:* I remember a former AG who had direct divisional support and a specialized DV division; I would recreate that immediately. Secondly, the AG can have a strong oversight role, the strongest executive voice. The AG can apply for federal grants and can be aggressive in training DAs and other professionals. As AG, I would gather data on the statistical issues of dismissal and be a clearinghouse on how DAs are doing. I would develop criteria for oversight and ways for there to be class actions for groups of people. I want to aggressively use the other tools in the toolbox, develop technical support and expertise in multiple areas. The AG can look at the effectiveness of DV programs and dollars. If users are not engaged in accountability, we're missing the core essence of the AG as oversight watchdog and as a voice for the systemic risks.

**Would you continue to support the current AG's work to address human trafficking (HT) and years back, the AG's Office had specialized units for child sexual abuse, would you consider rebuilding this expertise?**

*Hector:* Absolutely, I would continue the work. We're at the beginning of the spectrum of addressing the impact of HT – we're in the kindergarten stages. We still need to address the impact of HT on communities of color, immigration, and how to quantify the occurrence. We're just beginning to scratch the issue. The AG and DAs have shared responsibility on this issue. And absolutely, I would bring back the specialized units for two important populations, our children and the elderly. We only get one shot at protecting children. Those gaps need to be corrected. AG can be an executive leader for addressing child abuse. All we need is one impactful case that creates the momentum to build more.

*Susan:* Years ago, HT efforts used our prostitution laws which is why our current HT focus is on sex trafficking. But now, we have true footholds to address HT, not just sexual but also labor and other modes of HT. We have to work with the community to improve recognition. It's the community who will discover HT, proactively by both Law Enforcement, but also by social workers and service providers. Specific to child sexual abuse, I have extensive experience and I will share that and make that available. We have to recognize that the AG can't specialize in everything but they can have skilled staff with expertise. I bring the expertise of prosecuting child sexual abuse. I want to be careful to not just grow government. There has to be a balance where the AG can help the DAs do their job better.

**How do you propose to address the issues of mental health and substance abuse problems?**

*Susan:* Mental health and substance abuse issues come up through district court. Offenders need to be evaluated, not only for the causes but also for possible solutions. It's a balancing of the hard line criminal with appropriate resources to help. These types of interventions have to happen early on in the offender's criminal career. Ideally, the proactive step is to activate these services within the juvenile system so the juveniles in that system can become functioning adults. The AG can help with how the systems interact. The challenge is to recognize and intervene with the circular process of repeat offenders, compliance with medications, their mental health needs. We've got to work on and fix the broken mental health system. The AG can be active in getting the legislature to understand and create legislation.

*Hector:* I think of the role the AG played in the Santa Fe prison riots years ago. That authority still exists and can be implemented before the crisis, on behalf of protecting the interests of the State. People are acknowledging our current system is costly, ineffective, and non-comprehensive: we are failing. I would use the power of the AG to study the mental health system, not to wait until it gets to the appellate level but rather review the effectiveness of dollars and interventions. We can mandate a

review, create a report, and share it with the citizens in NM. We need to look at strengthening our systems and the inter-play between the judicial and education, health, and services. We need to look at risk statistically and demographically. The AG has authority to recognize the gap and can hold systems accountability by looking at where the risks are and what needs to be done first.

**Does the AG have a role in implementing federal laws with firearms related to DV violations?**

*Hector:* Yes, the AG has a role. We can do this without expanding government but rather looking at current resources and match with statute. NM has to comply with certain federal mandates. The problem is we are not in compliance and there is no accountability. The AG can tighten the loophole by enforcing the regulations. The AG has authority, we have tools in the toolbox, we can work with our State's interest doctrine, and we can focus on the biggest risks.

*Susan:* Offenders are given appropriate warning, what rights they are giving up. Those are written in the sentence. The AG has oversight and can work to improve compliance but we cannot demand actions from the DA. The AG has a limited number of people and resources. We don't need to assess if parts are broken, we know parts are broken. Rather, we need to increase awareness and training about compliance with the rules among those on the front line. The AG needs to support those on the front line to do their job better.

**What do you see as the role of alcohol in interpersonal violence?**

*Susan:* Alcohol plays huge role, as well as substance abuse, and we need to address those problems proactively. Criminal justice system is generally reactive. We have the specialized courts for drugs, alcohol, and substance abuse. We need to make sure we have adequate resources to support these and we need to identify gaps. We don't need to have the specialized courts in every county – it's costly – but the AG can help ensure there is access to the programs. The AG can also ensure that the programs are good.

*Hector:* The past role has been “we have to be tough on crime” versus now, where we recognize the value of prevention and resources. We also have to recognize who has the authority and resources to work with communities. Alcohol starts at a young age, for both rural and urban youth, but the resources are different. Alcohol is also an issue that is part of larger systemic problem on how we rehabilitate and educate, and how we allocate resources to the youngest populations. These are interrelated to the oversight that can be provided by the AG.

**Closing statements**

*Hector:* My two lenses are small town and public service. As State Auditor, I got more done with less and citizens know two things: they can get an independent evaluation and there will be accountability. As State Auditor, I worked with embezzlement, fraud, waste, and abuse. I want to do that as AG. I want to focus on the biggest risks, and I want the community involved so when the AG leaves, the community has a stakeholder role.

*Susan:* I will bring my experience and expertise to the office. I will work with the people who are already doing the work. I am not going to figure out what the biggest risk is: everybody has their own biggest risk. The AG doesn't have to measure risk but rather be proactive and involved. I'm not going to fix your problem but rather I'm going to help you find the solution.

## **Open questions:**

### **In the 1970s, mental health institutions were closed and jails have now become the repository for most of the MH problems. How to bring resources into the jails?**

*Susan:* The first people who are dealing with MH people are police officers who are not adequately trained in de-escalating the problem. Their response is to admit them into the civil commitment system or jails. Jails must have what is needed: trained psychologists for evaluations, separate areas for MH detainees – they may have committed a crime and the jail may be the safest place for that person and community – but they may also need to be referred to nearest facility to address their MH issues. It is a monetary issue.

*Hector:* The social cause for much of the abuse was there was opportunity to enact embezzlement and fraud. There was also a lack of oversight and accountability. The AG has the authority to intervene. The intervention is one step. Just as important, we need to enforce the systemic gaps and breakdowns. The AG can help address the resource and policy gaps. It's not just the community.

### **Service providers don't know what to do or how to identify Human Trafficking (HT) without moving into profiling or focusing on prostitution.**

*Hector:* My personal experience is that the first phase is "gaining an understanding." We need to gather the stakeholders to better understand what the real dangers are. It is a complicated set of issues. We need to look at how embedded HT is for many groups, minors as well as those in prostitution. The AG can play the role in convening the right people, and showing how targeting and profiling is not the right approach. We also need to look at the unintended consequences.

*Susan:* Before we had the HT statute, the state worked with the prostitution rules as one way to reach out on this topic. We do not want to only use profiling but we do want to identify risk. The nature of the offense itself – people aren't in chains – there has to be outreach and increased awareness to all the social service providers who encounter human trafficking. This includes neighbors and individuals who suspect it is happening. Law enforcement is probably not the first agency to identify the problem, especially the labor aspects of human trafficking. The AG can be active in prosecution, especially in rural areas and when HT victims are moved around.

### **Specific to working with immigrants, a past AG (Patricia Madrid) had a special cooperation with AGs in Mexico.**

*Susan:* There needs to be cooperation with other AGs not just in Mexico but also our border states. Past AG Madrid had an effective program. I would consider resurrecting that coordination. The immigration issue keeps victims in the shadow, and there are a lot of things we can watch for. Citizen status is not the issue, they have protections. Rather it's an issue of increasing awareness and outreach and building on the good work that is being done.

*Hector:* We need to protect the citizenry of the four borders of our state, and build strong relations with our international, federal, and state partners. The AG can intervene and protect citizens from a particular community who are not receiving certain rights or if government is failing. The AG has powers, authority, and expertise to get involved. The Utah AG provides a good example of how to be effective. Economic security is important. We cannot have a prosperous community if we don't have a safe community.

**TOPIC**

Comments

**Agency Spotlight: City of Albuquerque Resources for DV/SA**

As Director for the Office of Diversity, Human Rights, and ADA, Gabe Campos spoke to the services offered by the city of Albuquerque. While his office's focus is primarily antidiscrimination, he spoke to how interpretation can include and address discrimination issues specific to DV victims. For example, DV victims indicate that they lose their jobs as a result of DV and the City can help. He gave other creative examples that are listed in his powerpoint presentation, including examples specific to domestic abuse leave, pay equity, and housing protections.

As Planner for the City of Albuquerque Family and Community Service, Thea Guerin spoke to her department's programs and funding streams, noting that the City recently recognized DV as high priority for their strategic plan. Thea looked to the members of the Network as potential new partners in focusing services for the City. She outlined some of the interventions that the City has funded and spoke to how the City looks for service gaps where the City can step in and support. She outlined their funding cycle noting that they focus their services to city limits, it is best if requests are written and based on needs, and that there is data to support the request. She recommended to start thinking now, to submit requests in April 2015, for funding decisions beginning in September.

Some of the Q&A included: yes, other towns around the state have comparable offices but they might not be as big and maybe under a different name, but the process is the same. Both Gabe and Thea spoke to not waiting for an RFP to see if you fit but rather, inform your city programs of the needs/gaps in services and that government is designed to listen to the needs of their community and are receptive in figuring out how to make it work. Women's Southwest Law Center asked about advocacy and how to promote awareness, especially regarding the issue of DV victims and the barriers/penalties they face when they need to end a lease due to unsafe housing and the dialogue was to coordinate efforts among the various offices involved.

**TOPIC**

Comments

**Open Discussion: Action Groups?**

Anne raised the question from our last spring survey which asked "how can the Network improve?" Some of the feedback was to create working/action groups. The steering committee members felt it would be too much to DO the work but the Network could certainly create the forum and opportunity for work groups to take on new issues. Anne wanted to check in with the larger group if this was something to explore more. Members of the Network did not actively respond except to notice that the larger group had diminished by this point of the day.

**TOPIC**

Comments

**Lunch and Networking**

Members wrapped up the meeting and enjoyed lunch and networking.

Next Meeting – October 29, 2014

## **Agencies represented at the August 27<sup>th</sup> Network Meeting**

- Safe House
- Enlace Comunitario
- Haven House
- Catholic Charities
- NM Women's Agenda
- City of Albuquerque
- RCC of Central NM
- NM Legal Aid
- UNM Continuing Education
- Southwest Women's Law Center
- SAPR – Navy
- Kirtland AFB
- Aging and Long Term Services Division
- IMPACT
- NM National Guard
- Solace Crisis Treatment Center
- DVRC
- NM Commission for the Blind
- NM Asian Family Center
- UNM CARS
- Resource Center for Victims of Violent Death
- CVRC
- 13<sup>th</sup> Judicial DA's Office
- NM Coalition of Sexual Assault Programs
- Rio Rancho Public Schools
- NM DOH Office of Injury Prevention
- Sexual Assault Services of NWNM
- Taos Community Against Violence