



## Minutes of the Meeting of the Juvenile Committee

**11:00 a.m.**  
**July 10, 2020**

via Zoom

| Committee Members Present         | Committee Members Absent           | Others Attending   | NMSC Staff     |
|-----------------------------------|------------------------------------|--|----------------|
| Bob Cleavall (NMSC), Chair        | Sheriff Manuel Gonzales III (NMAC) | George Davis   | Linda Freeman  |
| Cindy Aragon (State Bar)          | Hon. William Parnall               | Bette Fleishman (Pegasus)                                | Douglas Carver |
| Hon. Marci Beyer (DMCJA)          | Jason Rael (LOPD)                  | Eva Buchwald (NM Coalition for Fair Sentencing of Youth) |                |
| Jim Cowan (for CYFD)              | Hon. Marie Ward                    | Lindsey Jones (Juv. Treatment Court)                     |                |
| Diana Garcia (NMDAA)              |                                    |  |                |
| April Land (UNMSOL)               |                                    |  |                |
| Traci Neff (NMAC)                 |                                    |  |                |
| Angela "Spence" Pacheco (Speaker) |                                    |  |                |
| Hon. John J. Romero, Jr.          |                                    |  |                |
| David Schmidt (Pro Tem)           |                                    |  |                |
| Ron West (Senate Minority)        |                                    |  |                |
|                                   |                                    |  |                |
|                                   |                                    |  |                |

**I. Welcome and Introductions.** Bob Cleavall, Chair, called the meeting to order at 11:04 a.m.

**II. Approval of Minutes for the January 24, 2020 meeting.** The minutes for the previous committee meeting were approved by consensus.

**III. Staff Report.**

Linda Freeman, Executive Director, New Mexico Sentencing Commission (NMSC), informed the committee that she and Douglas Carver, Deputy Director, NMSC, had met with the Commission's Legislative Finance Committee and Department of Finance and Administration analysts to discuss revisions to the Commission's performance measures. The proposed new performance measures will more accurately

reflect the work done by the Commission, including the Reform Committee's work and the Commission's role in advising the Executive and the Legislature.

She also noted that the Commission is awaiting the appointment of a new Chair, that at present there was no plan for Commission staff to return to their offices on the University of New Mexico (UNM) campus because of Covid-19, and that there was going to be a 4 percent cut to the Commission's budget through the statewide budget cuts necessitated by the present economic crisis. She gave an overview of staff changes and some of the projects on which staff was working, including a study of the use of competency evaluations. She added that due to the Covid-19 crisis, the Commission staff no longer had access to UNM student employees. She concluded by informing the committee that the NMSC had applied, in conjunction with the First Judicial District Attorney's Office, for funding for a diversion program for young adult offenders; the NMSC is the evaluator for the project, along with Dr. Andrew Hsi.

Members of the committee asked questions about and discussed the use of competency in juvenile justice proceedings, focusing particularly on the shortage of providers for these evaluations.

#### **IV. Possible Work Plan for 2020.**

Chair Cleavall opened this topic for committee discussion. Committee members discussed the importance of staying focused on the education and service needs of juveniles detained in facilities, particularly in light of coronavirus school closures; the issues surrounding juveniles sentenced to adult criminal sentences, discussed at the end of 2019; whether there might need to be changes to the Delinquency Act, especially surrounding mental health issues; whether there were adequate resources provided to the Children, Youth, and Families Department for their work with juveniles in the delinquency system; and the need to reconcile the statutes regarding serious youthful offenders and youthful offenders with the Court Rules.

Chair Cleavall decided, with the committee's assent, to form a work group to look at issues concerning the Delinquency Act.

#### **V. Update on the Status of the Juvenile Facilities.**

Traci Neff, Juvenile Services Administrator, Juvenile Services Facility, San Juan County, gave the committee an update on the status of juvenile detention facilities in the state. She noted that the state was now down to four facilities – in Bernalillo, Dona Ana, Lea, and San Juan Counties. The Covid-19 crisis had forced the issue of conducting court proceedings by video to the fore. The system has been working well, with collaboration between the judges, the Juvenile Parole Office, the Juvenile Defenders, and the Juvenile District Attorneys. The one area of delay remains transportation if someone is released by the judge. She added that due to the coronavirus crisis, they have had to stop allowing families into the facilities for visits; to compensate, telephonic visitation has been increased. She concluded by informing the committee that the pilot project on video proceedings that had been envisioned last year had been interrupted by the Covid-19 crisis. A missing element to the video proceedings, because of coronavirus, was having an attorney at the side of the child during the proceeding, which raises a number of issues. The Public Defender Commission has created a Juvenile Task Force, which is addressing these issues.

Members of the committee discussed and asked questions about the mechanics of the video proceedings; the need for an attorney to be present with the child; ensuring that children do not fall through the system's cracks, particularly due to the disruptions of the present crisis; and the fact that there were no monies dedicated to resolving these issues in the Legislative Session.

**VI. Discussion to Get a Snapshot of the Present State of the Juvenile Justice System.**

Chair Cleavall noted that there had been a drop in referral numbers throughout the juvenile delinquency system, which could mean that children were falling through the cracks. He will gather information and present to the committee at our next meeting concerning the referral numbers. Committee members noted that the Covid-19 crisis will have an impact on these figures.

**VII. Next Meeting.** The committee scheduled its next meeting for six to eight weeks hence.

**VIII. Adjourn.** The meeting adjourned at 12:03 p.m.