



**Minutes of the Meeting of the
Juvenile Committee
11:00 a.m.
October 13, 2020**

via Zoom

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Bob Cleavall (NMSC), Chair	Hon. Marci Beyer (DMCJA)	Eva Buchwald (NM Coalition for Fair Sentencing of Youth)	Linda Freeman
Marit Andrews (PED)	Jim Cowan (for CYFD)	Robert Mitchel (AOC)	Douglas Carver
Cindy Aragon (State Bar)	Hon. John J. Romero, Jr.	Alison Pauk (LOPD & CCIC)	
Diana Garcia (NMDAA)	Hon. Marie Ward	Lindsey Lucero (Juvenile Drug Court Program, BernCo)	
Sheriff Manuel Gonzales III (NM Counties)			
April Land (UNMSOL)			
Traci Neff (NMAC)			
Angela "Spence" Pacheco (Speaker)			
Hon. William Parnall			
Jason Rael (LOPD)			
David Schmidt (Pro Tem)			
Ron West (Senate Minority)			

I. Welcome and Introductions. Bob Cleavall, Chair, called the meeting to order at 11:01 a.m.

II. Approval of Minutes for the August 18, 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 the Governor had appointed a new Chair of the Commission, former Supreme Court Justice Edward Chavez. She also discussed the limited time there was for the committee to approve any possible

legislation to be proposed before the November meeting of the full NMSC. Douglas Carver, Deputy Director, NMSC, informed the committee that the possible juvenile legislation regarding fines and fees was mentioned to the Criminal Justice Reform Subcommittee (CJRS) of the Legislature's interim Courts, Corrections, and Justice Committee when he, Executive Director Freeman, and Reform Committee Chair Angela Pacheco presented to CJRS the week prior.

IV. Report from the Juvenile Fines and Fees Working Group.

April Land, University of New Mexico School of Law, co-chair of the working group, informed the committee that the working group had been meeting every two weeks and would be reviewing a draft of a bill to eliminate fines and fees from the juvenile justice system at its meeting on Wednesday, October 14, 2020. Dave Schmidt, the working group's other co-chair, added that he was concerned with the burden restitution placed on families, and that the working group hoped to amend the purpose section of the Children's Code to bar fines and fees on children. Deputy Director Carver added that the working group was working in conjunction with the Children's Court Improvement Committee on a survey on the use of fines and fees in the juvenile justice system that was going to be sent to practitioners and courts throughout the state; he also added that now that the working group was examining the statutes closely, it turned out that fines and fees were more intricately written into the Children's Code than was first believed, and that addressing traffic offenses posed another level of difficulty. Professor Land informed the committee that there would be a draft bill presented for the committee's consideration at the committee's next meeting.

Members of the committee asked questions about and discussed restitution, as restitution concerns paying back victims; traffic offenses and community service; and how the juvenile fines and fees work intersected with the Reform Committee's fines and fees work.

V. Report from the Serious Youthful Offender/Youthful Offender Working Group.

Jason Rael, chair of the working group, informed the committee that the working group had narrowed its immediate focus to amenability hearings, using as a template Senate Bill 7 from the 2009 Legislative Session that was passed by the Legislature but vetoed by the Governor. The working group will meet again the week following this meeting, and hoped to have a bill ready for the committee's consideration. He mentioned that there were other areas on which the working group hoped to work in the future.

VI. Status of Juvenile Referrals to Continuum Programs and Specialty Courts.

Robert Mitchell, Senior Statewide Manager for Problem Solving Courts, Administrative Office of the Courts (AOC), informed the committee that with the Covid-19 crisis, numbers have dipped in all specialty courts in the state, as courts in general are operating at a slower rate, and there is a reluctance to jail anyone. Despite Covid-19, juvenile treatment courts have been struggling in recent years. Mr. Mitchell noted that since he last presented to the committee about a year ago, one more juvenile treatment court had closed, in the 12th Judicial District, though it may re-open as a family treatment court incorporating a juvenile element. The remaining six juvenile treatment courts are overall operating at 27 percent of their putative capacity. He added that in the last two fiscal years, the AOC had been paying for the PACT 2.0 screening tool, with the hope to transition to the IMPACT screening tool. Initially it was anticipated that the courts would be the heaviest user of the screening tool, but as the tool was rolled out it became evident that Juvenile Probation Officers were the ones most utilizing it. It could be that the use of the screening tool was resulting in fewer referrals to juvenile treatment courts, although it is still too early to assess whether there is a cause and effect. He concluded by informing the committee that the National Council of Juvenile Family Court Judges had invited representatives from New Mexico to speak to the National Conference on Juvenile Justice on juvenile peer review; the screening tool came out of the juvenile peer review process.

Chair Cleavall discussed referrals to nonprofits and other providers, noting that there was a concern that their referral numbers had also been dropping. He noted that in the coming calendar year he intended to have the committee meet with individual providers to try to discover why they felt there was a drop in referral numbers. He also intends to discuss the matter with committee member Sheriff Manuel Gonzales of Bernalillo County.

Members of the committee discussed and asked questions about whether there had been a drop in referrals from juvenile probation or the Children, Youth, and Families Department in general; concerns regarding the possibility of losing programs that have been designed as alternatives to incarceration for juveniles; concerns the Law Offices of the Public Defender had with juvenile treatment court programs; the fact that all programs that put themselves forward as specialty courts are not necessarily the same, and some of them do not follow best practices; the AOC's management system for specialty courts that has recently become available; and the updated standard for specialty courts that are soon to be submitted to the Supreme Court;

Other Issues

The committee also briefly discussed the issues surrounding the closure of most of the juvenile detention facilities in the state, and how these issues were then compounded by the Covid-19 crisis. Concerns were expressed about the children in the remaining facilities; whether these children were getting appropriate amounts of contact with their families; issues surrounding brain development of the children; gaps in education for children, especially with the compounding effect of school closures because of the crisis; and how hearings via video conference were working. It was noted that hearings for these children have become more efficient, and that it seemed that the shift to better access to these children via video had resulted in greater contact between attorneys and their clients. Chair Cleavall stated that this item would be on the committee's work plan in the coming year.

VII. Next Meeting. The committee will schedule its next meeting shortly, for a time before November 2, 2020.

VIII. Adjourn. The meeting adjourned at 12:17 p.m.