



**Minutes of the Meeting of the  
Juvenile Committee  
10:00 a.m.  
September 20, 2022**

via Zoom

<b>Committee Members Present</b>	<b>Committee Members Absent</b>	<b>Others Attending</b>	<b>NMSC Staff</b>
Bob Cleavall (NMSC), Chair	Marit Andrews (PED)	George Davis	Douglas Carver
Cindy Aragon (State Bar)	Diana Garcia (NMDAA)	Hon. William Parnall	Linda Freeman
Sheriff Glenn Hamilton (NM Counties)	Angela “Spence” Pacheco (Speaker)		
April Land (UNMSOL)	David Schmidt (Pro Tem)		
Alisa Lauer (CYFD)	Hon. Fred Van Soelen (DMCJA)		
Scott Patterson (AOC)			
Hon. Alma C. Roberson			
Dennica Torres (LOPD)			

**I. Welcome and Introductions.** Bob Cleavall, Chair, called the meeting to order at 10:08 a.m.

**II. Approval of Minutes for the June 28, 2022 meeting.** The minutes for the previous Committee meeting were approved by consensus.

**III. Staff Report.**

Douglas Carver, Deputy Director, New Mexico Sentencing Commission (NMSC), informed the Committee that the work of the Criminal Code working groups was proceeding apace. He also informed the Committee that he, Angela Pacheco, Chair of the Reform and Criminal Code Update Committee; Keri Thiel, Staff Attorney, NMSC, and Kelly Mitchell, Executive Director, Robina Institute of Criminal Law and Criminal Justice, University of Minnesota, presented on the Criminal Code update to the Legislature’s interim Courts, Corrections, and Justice Committee (CCJ) on September 1, 2022. The members of CCJ expressed approval of the work that had been done for the Criminal Code update to date. He also informed the Committee that the study concerning length of stay in county detention centers was nearing completion; that the work of the jail and prison task force on which the NMSC sat was also nearing completion; and that most of the NMSC staff and some of the commissioners had attended the recent National Association of Sentencing Commission meeting in Portland, OR, where he was part of a panel and discussed the NMSC’s

geriatric and medical parole bill and the attempts in New Mexico to obtain accelerated parole review for juveniles convicted of adult offenses.

#### **IV. Juvenile Mental Health Services.**

Scott Patterson, Statewide Behavioral Health Manager, Administrative Office of the Courts (AOC) discussed efforts being made by the AOC to help make the court system more trauma responsive. He informed the Committee that the New Mexico Supreme Court had set up its Commission on Mental Health and Competency in April to address these issues in the courts. The commission has a subcommittee concerned with juvenile and youth issues. The commission is looking at leveraging services and cross-system collaborations. The Court is working from the idea that criminal justice work and behavioral health work are not two separate systems and that the conversations in these two areas need to intersect. He let the Committee know that the Court is hosting a behavioral health summit in October that will have representatives from all counties, to give them exposure to state and national experts. Areas of focus include increased mental health training for law enforcement officers; court navigation officers who will help people with how to file and how to connect with the proper services; and how to connect with people younger than 18, as so much of the focus of the courts is on adults.

In response to a question about gaps in services, Mr. Patterson noted that many available services are not utilized, and that there is a tendency in the juvenile justice system to focus on a few particular services. Residential treatment centers, for example, tend to see solutions in obtaining more bed spaces, but if treatment is not working in the community, and with parents, the kids end up back in the system. There is also the issue that many treatment providers do not want to engage with justice-involved individuals. He added that while there are holes in services available, there is also the issue of a failure to recognize informal supports, for example something like a mom-and-pop store that becomes a place for a child to work on homework.

Members of the Committee asked questions about and discussed how residential treatment centers are used; the availability of services; whether legal changes are needed so that justice-involved juveniles can better access services; the fact that some children are languishing in court proceedings because there are no doctors who can do evaluations; the trouble in getting assessments; the use of informal conditions and the principle of least restrictive means; the need to get school participation; the issues surrounding competency evaluations for children; and issues surrounding Medicaid reimbursement

#### **V. Confidentiality in Juvenile Justice Proceedings.**

Professor April Land, University of New Mexico School of Law, informed the Committee that there were two areas where reforms might be considered to the present law around the confidentiality of juvenile justice proceedings. The first is sealing of records under Section 32A-2-26 NMSA 1978, where there are both automatic and discretionary elements of sealing, and where it is unclear whether judges have independent discretion to seal a file. The other area is confidentiality, where there is a tension between the confidentiality provisions and the measuring of outcomes of programs designed to help juveniles.

Members of the Committee asked questions about and discussed the sealing process and the difficulties presented, and whether the process was automatic or should be automatic; the issues presented in sealing by the fact that many different agencies might have the records that need to be sealed; concerns with the opening up of medical, especially behavioral health, records; whether there should be a working group, either this year or next, to examine whether changes should be made to Section 32A-2-26; the disconnect between the rules concerning sealing and the statute; and the impact on New Mexico's statute around confidentiality of juvenile justice records in light of the recent 10<sup>th</sup> Circuit case *Peck. v. McCann*.

**VI. Next Meeting.** The Committee tentatively scheduled its next meeting for December 6, 2022.

**VIII. Adjourn.** The meeting adjourned at 11:26 a.m.