



**Minutes of the Meeting of the
Juvenile Committee**

**10:00 a.m.
April 26, 2022**

via Zoom

| Committee Members Present | Committee Members Absent | Others Attending | NMSC Staff |
|--------------------------------------|-----------------------------------|--|----------------|
| Bob Cleavall (NMSC), Chair | Cindy Aragon (State Bar) | Greg Rees (NM Counties) | Linda Freeman |
| Marit Andrews (PED) | Angela “Spence” Pacheco (Speaker) | Hon. John Romero (retd.) | Douglas Carver |
| Diana Garcia (NMDAA) | Hon. Fred Van Soelen (DMCJA) | Eva Buchwald (NM Coalition for Fair Sentencing of Youth) | Jamey Cook |
| Sheriff Glenn Hamilton (NM Counties) | Ron West (Senate Minority) | Lindsey Jones (2 nd District Court) | Keri Thiel |
| April Land (UNMSOL) | | | |
| Jeanne Masterson (CYFD) | | | |
| David Schmidt (Pro Tem) | | | |
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I. Welcome and Introductions. Bob Cleavall, Chair, called the meeting to order at 10:04 a.m.

II. Approval of Minutes for the March 2, 2022 meeting. The minutes for the previous Committee meeting were approved by consensus.

III. Staff Report.

There was no staff report given at the meeting.

IV. Snapshot of Referrals in Certain Juvenile Probation Districts.

Chair Cleavall introduced the topic by discussing how referrals to programs have been dropping and programs for juveniles have been reverting money; this has affected the Juvenile Justice Advisory Councils (JJAC), AMIkids, Juvenile Community Corrections, and the Specialty Courts. Programs. Chair Cleavall noted that he has spoken with the presenter about these issues, and that there may be statutory language that needs to be changed to widen the scope of referrals in Section 9-2A-14.1 NMSA 1978, concerning the juvenile continuum grant fund, and in Section 33-9A-3, concerning the juvenile community corrections grant fund. Diana Garcia, District Attorney, Second Judicial District Children’s Court, noted that there had

been a move in recent years towards less restrictive conditions for juveniles; community corrections used to be considered a harsh program for kids. She added that there was high turnover at her office and in the Juvenile Probation office and that it is possible that people do not know of many of the options for referrals. She suggested that meetings could be set up by these organizations to inform people of their services. There is the additional problem that given the restrictions on some of these programs, many juveniles might not qualify for them.

Jeanne Masterson, Regional Administrator for Juvenile Justice, Children, Youth, and Families Department (CYFD), discussed her experience with referrals with the Committee. She noted that she was a juvenile probation officer (JPO) 27 years ago. She provided the Committee with the numbers of delinquent referrals, non-delinquent referrals, and probation violations for FY19 through FY22 for five counties – Doña Ana, San Juan, Sandoval, Bernalillo, and Chavez Counties – noting that there had been a decline in referrals in all of these areas. She said that in her region there had not been much turnover in JPO staff, but there was a question around what programs were operating and available; there was a need to present and rejuvenate what options were out there. There needs to be a balance between the least restrictive form of program with the need to not jeopardize public safety, she added. Additionally, while there had been a decline in referrals, the severity of cases was not following the same trend.

She informed the Committee that there had been some repurposing and retooling of certain positions, with the hiring of behavioral health clinicians, or staff put in other positions around the state with CYFD. The upside of lower caseloads for JPOs was that they can develop a better relationship with the community.

Addressing the closure of detention homes, she informed the Committee that even if there was a contract in place for a facility to take juveniles from a particular county, there was no guarantee that there will be a bed or that the facility would accept the particular child. As a consequence, there are kids with egregious charges being released, though in general, she added, risk assessment does a good job.

Members of the Committee asked questions about and discussed whether the state should consider state-run juvenile detention centers; that the decline in referrals from the numbers Ms. Masterson provided seemed principally to be in delinquent referrals and probation violations; that from JJAC reports there appeared to be an overall decline in arrests of juveniles; that the declines seen in New Mexico were reflected as well in national trends, and that the decline in referrals might reflect better ways of handling delinquent youth; and whether there needs to be statutory changes so that referrals can come from multiple sources, not just the juvenile justice system.

V. Law Enforcement and Juvenile Justice.

Sheriff Glenn Hamilton, Sierra County and NMSC Commissioner, informed the Committee that he had spoken with sheriffs and officers in various areas around the state, high population communities and low, including Bernalillo County Las Cruces, Lordsburg, Hildalgo County, Luna City and Union City. He said that every agency reported that the number of juvenile referrals had gone down, but that there had been an uptick in serious or violent juvenile offenders. Some agencies reported steady numbers, and some reported an overall reduction in juvenile cases.

He posed four questions to those with whom he spoke. First, whether there was a reason for any decline in juvenile cases. Many believed that it was a result of the utilization of other programs, such as JJAC or Teen Specialty Courts. He noted that there are many delinquency referrals from school settings through school resource officers (SROs), but utilization of the community school program, which provides support for students and their families, meant that many incidents do not go through law enforcement. Additionally, many JJAC programs have been turned over to school districts, which was the best placement as the

programs could be in direct contact with students. Second, he asked how juvenile cases were generated. Most come from schools, though the bulk of the serious cases come from 911 calls and the like. Shoplifting, theft, assault, battery, and criminal damage to property formed most of the JPO referrals. The third question concerned the impact of limited bed space and the closure of facilities. This was a huge concern with sheriffs, as often when detention is approved there are no beds close. If detention hearings are ordered there is 24 to 48 hours of continued incarceration, which puts a huge strain on police departments. The sheriff department is required to transport the child, which can often be long distances. Doña Ana County, for example, sends their juveniles to Albuquerque. The fourth question concerned the types of dispositions for less serious offenses. Most indicated that less serious offenses utilized deferral programs, and that petitions for these usually were not sought by the district attorney.

Sheriff Hamilton shared comments from some of those with whom he spoke. One sheriff said that he wondered whether there even was a juvenile justice system in the state. Others mentioned that it was hard on counties who lose their JPO. Some noted that reforms had created new issues, especially around transportation, which impacts the child directly, especially concerning visitation of family members. Another sheriff noted that there was a rise in serious violent offenses in his jurisdiction, where there was a detention center; if this rise is mirrored in the rest of the state, it could create a problem. He also noted that many sheriffs, when discussing these issues with their SROs, noted that there was an issue with follow up; the kids and their parents might make one or two meetings, and then stop attending – communication between the program and the JPO seemed to be lacking. If the JPO knew that the family had stopped attendance, then perhaps a petition would be filed.

Members of the Committee asked questions about and discussed that it was good to hear opinions on these issues from across the state, and what role school attendance had on these issues.

VI. Next Meeting. The Committee scheduled its next meeting for late June 2022.

VIII. Adjourn. The meeting adjourned at 11:03 a.m.