



**Minutes of the Meeting of the
Juvenile Committee
10:00 a.m.
December 6, 2022**

via Zoom

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Bob Cleavall (NMSC), Chair	Sheriff Glenn Hamilton (NM Counties)	Dayna Jones (DA 12 th)	Linda Freeman
Cindy Aragon (State Bar)	Angela “Spence” Pacheco (Speaker)	Hon. William Parnall	Douglas Carver
Diana Garcia (NMDAA)	Dennica Torres (LOPD)	Hon. Angie Schneider	Keri Thiel
April Land (UNMSOL)	Hon. Fred Van Soelen (DMCJA)	Camella Rosenberg (UNM, CARA-ISR)	
Alisa Lauer (CYFD)		Zoe Psiakis (LOPD 12 th)	
Scott Patterson (AOC)		Louis Pacias (CYFD)	
David Schmidt (Pro Tem)		Hon. John Romero (ret’d.)	
Hon. Marie Ward		Richard Lindahl	
		John Schoeppner (La Placitas)	
		Albino Garcia (La Placitas/JJAC)	
		Lindsey Jones (2 nd Juvenile Drug Treatment Court)	
		Eva Buchwald (NM Coalition for Fair Sentencing of Youth)	
		Denali Wilson (ACLU)	

I. Welcome and Introductions. Bob Cleavall, Chair, called the meeting to order at 10:02 a.m.

II. Approval of Minutes for the September 20, 2022 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 Grants Committee had met to award the second round of funding for the crime reduction grants. She also informed the Committee that she had been part of a panel for the Legislature's interim Legislative Health and Human Services Committee to discuss the jail and prison task force recommendations; the task force will be presenting to the interim Courts, Corrections, and Justice Committee (CCJ) in the coming week. Douglas Carver, Deputy Director, NMSC, informed the Committee that he would be presenting two times to CCJ in the coming weeks; first on the possible new felony sentencing structure that is being discussed in the sentencing structure working group of the Reform Committee, and then on the NMSC bills that were being presented to CCJ for endorsement.

IV. Juvenile Community Corrections Programs Update.

Louis Pacias, Juvenile Community Corrections (JCC) Manager, Children, Youth and Families Department (CYFD) discussed JCC programs that were available in the state. He said that there were programs in every county. The matrix allows for 274 children, but only 129 children were using their programs. With the pandemic, some of the bigger programs were lost, as were many of the providers. CYFD will be issuing an RFP soon to get some providers re-established in Bernalillo County, Sandoval County, Valencia County, and the southeast part of the state. He informed the Committee that the Community Corrections budget was around 2.5 million dollars, but that almost a million of that will be reverted if referrals continue at the present pace. The reverted funds, however, go into a fund that supports navigator programs for children in Juvenile Community Corrections and for supportive housing.

V. Proposed Statutory Amendments (Section 9-2A-14.1 and Section 33-9A-3 NMSA 1978).

Chair Cleavall opened discussion of this topic but discussing the conversations he has had with multiple people concerning programs not getting referrals. Some of these conversations pointed towards whether there was a need to amend Section 33-9A-3 NMSA 1978, the statute concerning Juvenile Community Corrections, and whether it needs to be amended as its present language makes these referrals eligible only to adjudicated youth. There were similar questions concerning Section 9-2A-14.1 NMSA 1978, which concerns the Juvenile Justice Advisory Committee (JJAC). He then opened the discussion to members of the Committee and other meeting attendees.

CYFD informed the Committee that they supported changes to the statute so that it might apply to non-adjudicated youth. A number of members of the Committee agreed that this was something that the Committee should examine, adding that it would be important to get input from providers, clients, the Judiciary, District Attorneys, the Law Offices of the Public Defender, and any other affected parties. Chief Judge Angie K. Schneider, Twelfth Judicial District, urged that any conversation about these statutes include JJAC, as they are tasked with an advisory and supervisory role for juvenile justice. She noted that JJAC was looking at the continuum statute as well as Section 33-9A. The "at risk" language was, to her thinking, quite broad, though others disagreed. She informed the Committee that the continuum dollars were governed by rules and policies that were not developed by JJAC, which has caused issues.

Members of the Committee and others attending asked questions about and discussed that it was important not to have children referred at all, as that begins enmeshing them in the system; that the lower number of referrals might actually be a good thing; that it was important to have a broad discussion when considering changes to these statutes; whether CYFD could amend the polices supported by these statutes instead of going through the rigors of passing a bill through the Legislature; the need to make the grant process less onerous; the importance of investing dollars in the community directly; the need to look at NMAC 8.14.13.7(F), which defines the "at risk" language as part of this discussion, as that would be easier to change than a statute; that it was better for children to have the least amount of contact possible with the juvenile

justice system; the importance for the Committee to have JJAC included in its discussions; and whether the Committee should form a working group in 2023 to examine this issue.

VI. Juvenile Concerns from the Behavioral Health Working Group.

Professor April Land, University of New Mexico School of Law (UNMSOL), Chair of the Behavioral Health Working Group, informed the Committee that there was a wide representation of providers on the working group. At the working group's last meeting there was a discussion about the availability and efficiency of treatment, an examination of Medicaid parity issues; and how to fund a diversionary system. There were also preliminary discussions of whether there should be special consideration for people in the 18 to 25 age range. Deputy Director Carver informed the Committee that the Behavioral Health Working Group was likely going to be folded into the main line of the Reform Committee's work, outside of the Criminal Code update process.

VII. Juvenile Leave Without Parole Reform.

Professor Land, UNMSOL, informed the Committee that for many years, there has been concern for children who are sentenced as adults for long terms. A bill will be reintroduced in the coming Legislative Session as part of the longstanding effort to set up a system for parole review for these children after they are convicted and sentenced. Denali Wilson, American Civil Liberties Union - New Mexico, informed the committee that the bill would 1) ban life without parole as a sentencing option for children; and 2) require parole hearings for these children 15 years into their sentence. There are 25 states, as well as the District of Columbia, who have passed similar legislation. She noted that she provides direct legal services to children sentenced as adults, and has worked with the Parole Board on rue changes. She has worked with Dr. George Davis on educating the Parole Board on the brain science supporting reviews of sentences for children sentenced as adults. The bill will be introduced by Senator Antoinette Sedillo Lopez, who has carried it in the past, and Rep. Gail Chasey. Ms. Wilson has been in conversations with the Association of District Attorneys on changes to prior versions of the bill that might enable the legislation to move forward. She hopes that the NMSC Legislative Committee will support the bill this year. She is working to get updated data on these children from the NMSC.

Members of the Committee and asked questions about and discussed amenability hearings; changes between last year's version of the bill and the one to be introduced this year (there are none at present, but there might be some small changes before the bill is introduced); and how many offenders would be impacted by these changes (it would be somewhere in the neighborhood of 75 people).

VIII. Next Meeting. The Committee will schedule its next meeting for after the 2023 Legislative Session.

IX. Adjourn. The meeting adjourned at 11:19 a.m.