

NEW MEXICO SENTENCING COMMISSION

JUVENILE COMMITTEE

11:00 p.m.
June 13, 2019

John E. Brown Juvenile Justice Center, Conference Room B
5100 Second St. NW, Albuquerque, NM

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)	April Land (UNMSOL)	Lindsey Jones (Juv. Treatment Court)	Amanda Armstrong
Hon. Marci Beyer (DMCJA)	Traci Neff (NMAC)	Gary Elzey	Douglas Carver
Jim Cowan (for CYFD)	Angela "Spence" Pacheco (Speaker)	Brian Blalock (CYFD)	
Diana Garcia (NMDAA)			
Hon. William Parnall			
Jason Rael (LOPD)			
Hon. John J. Romero, Jr.			
David Schmidt (Pro Tem)			
Hon. Marie Ward			

I. Welcome. Bob Cleavall, Chair, called the meeting to order at 11:29 a.m.

II. Approval of Minutes for the April 4, 2019 meeting. The minutes for the previous committee meeting were approved by consensus.

III. Staff Report. Executive Director Linda Freeman mentioned that Deputy Director Douglas Carver attended the PACT overview provided by the Administrative Office of the Courts. She also let the committee know that the Sentencing Commission was part of a group who had applied for a William T. Grant Foundation grant to start an exploratory analysis of a young adult diversion program run by the First Judicial District Attorney's office.

Chair Cleavall discussed the new members to the Commission, and the membership of the newly-formed Reform Committee subcommittee of the Commission. He also let the committee know that he had reached out to the Governor's office to offer the Commission's knowledge and assistance to the Governor's crime advisory committee.

Executive Director Freeman discussed the new hires made to the Commission staff, and the Crime Reduction Grant Act process that the Commission staff will be implementing. Chair Cleavall discussed a second new subcommittee of the Commission, the Grants Committee, which will work with Commission staff in the grants process.

IV. Discussion of Issues Surrounding the Sealing of Juvenile Records. Judge Marci Beyer and Judge Marie Ward led the discussion of this issue. Judge Beyer said that the Court worked for a year and a half before publishing Rule 10-166. There was a strong negative reaction from the press. The committee convened by the Court continued work for another six months to try to address concerns before finishing its work without the new rule being implemented. The problem that the Court was hoping to resolve was confusion concerning what records were included under the umbrella of confidentiality under present statute and rule. Judge Beyer noted that when the rule was initially written, data mining was not an issue.

Judge Ward said that there was room to suggest changes in legislation. Data mining needs to be addressed, and there needs to be protection for some Children, Youth, and Families Department (CYFD) records, and records of victims. The rule was trying to balance the needs of the courts and the public interest; the concern was that a child's future should not be determined by an incident.

Judge Beyer mentioned that a survey was done and it was learned that different clerk's offices were interpreting the existing rule differently, and that the statutory language itself was confusing. Judge Beyer and Judge Ward then discussed the differing interpretations of the rule in some detail, noting that there were inconsistencies between sealing and confidentiality, and that the Court had suggested the need for legislative action.

Members of the committee discussed and asked questions about the need for legislation; the conflicting pressures from the media and their needs versus the needs of children; the desire of district attorneys for transparency; the need for consistency around the state; and the work CYFD was doing to keep personal information from unnecessary public exposure.

Chair Cleavall suggested that a subcommittee of the Juvenile Committee might be formed to see if there could be an agreement on possible statutory changes.

V. Meeting with New Children, Youth & Families Secretary Brian Blalock. New CYFD Secretary Brian Blalock spoke to the committee about his plans for the department. He noted that some junior bill dollars had been put into community corrections, and that the Children's Cabinet was focused on that initiative. He then discussed the strategic plan for the department, including more appropriate placements, working with juvenile justice services and protective services; kinship care; community-based mental health services; changing internal processes in the department, including use of a new data system and data-informed screening tools; and addressing staffing shortages.

Members of the committee asked about communication issues within CYFD; and concerns surrounding dual-adjudicated kids, those in the child welfare system and involved in a juvenile justice case.

Next meeting. The committee scheduled its next meeting for August 15, 2019; the committee also scheduled a meeting for October 24, 2019.

Adjourn. The meeting adjourned at 1:07 p.m.