



**Minutes of the Meeting of the  
Juvenile Committee  
11:00 a.m.  
December 12, 2019**

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

<b>Committee Members Present</b>	<b>Committee Members Absent</b>	<b>Others Attending</b>	<b>NMSC Staff</b>
Bob Cleavall (NMSC), Chair	Cindy Aragon (State Bar)	Denali Wilson (UNMSOL)	Linda Freeman
Catherine Begaye (for Judge Ward)	Hon. Marci Beyer (DMCJA)	Eva Buchwald (NMCFSY)	Douglas Carver
Traci Neff (NMAC)	Sec. Brian Blalock (CYFD)	John Schoeppner	Amanda Armstrong
Hon. William Parnall	Diana Garcia (NMDAA)	George Davis	
Jason Rael (LOPD)	Sheriff Manuel Gonzales III (NMAC)		
Hon. John J. Romero, Jr.	April Land (UNMSOL)		
David Schmidt (Pro Tem)	Angela “Spence” Pacheco (Speaker)		
	Ron West		

**I. Welcome and Introductions.** Bob Cleavall, Chair, called the meeting to order at 11:15 a.m.

**II. Approval of Minutes for the October 24, 2019 meeting.** The minutes for the previous committee meeting were approved by consensus.

**III. Staff Report.**

Douglas Carver, Deputy Director of the New Mexico Sentencing Commission (NMSC), informed the committee that the Legislature’s interim Courts, Corrections, and Justice Committee (CCJ) only endorsed three bills for the upcoming Legislative Session, none of which concerned juvenile justice issues. It was unclear from CCJ’s hearings over the interim whether there will be much, if any, juvenile justice issues brought to the fore this Session.

#### **IV. Continued Closure of Juvenile Detention Centers.**

Traci Neff, Juvenile Services Administrator, San Juan County, updated the committee on the status of closures of juvenile detention centers in the state, and discussed a proposed solution to the challenges these closures are causing. She noted that in addition to the centers that have already closed recently, Chavez and Luna Counties are officially closing, and Santa Fe County is considering closing. In Santa Fe the debate on whether to close their facility centers around the annual \$2.1 million cost to operate it. The only remaining juvenile detention centers in the state will be in Bernalillo, Curry, Dona Ana, Lea, and San Juan Counties. The state has gone from 13 facilities to five.

Ms. Neff noted that her concern was not with the closing of the centers per se, but the effect of these closures on the juveniles. She is part of a task force addressing these issues along with New Mexico Counties, the Bernalillo and Santa Fe County detention centers, the Children, Youth, and Families Department (CYFD), the Law Offices of the Public Defender (LOPD), and Justice Barbara Vigil; the task force is working on finding a possible solution to the challenges posed by the closure of juvenile detention centers. The task force has started discussing what a regional concept for juvenile detention centers would look like. Looking at the map of New Mexico, the task force has considered how there might be juvenile detention centers that would cover the northern, central, and southern parts of the state. It is contemplated that the Dona Ana County center would work for the southern center, Bernalillo County for the middle part of the state, and the San Juan detention center for the northern. Under the concept being discussed, each regional facility would house juveniles from specific counties, a standard rate would be charged across the state, and a transportation team would be responsible for transporting juveniles to their facility.

The task force is also examining the use of video hearings. She discussed a recent case out of Cibola County where a juvenile was charged with the injury, ultimately resulting in death, of his younger sister. The juvenile was being held in Ms. Neff's facility in San Juan County. The San Juan facility has the ability to communicate court-to-court, and thus it was possible for the juvenile to have a video hearing. Ms. Neff worked with the LOPD so that the juvenile had a public defender with him at the San Juan facility while that attorney consulted with the contract attorney that had been retained for him in Cibola County, who was at the Cibola County courthouse. A pilot program along these lines is going to be launched with Cibola County juveniles.

The plan is to draft a memorial to get this concept in writing in front of the Legislature. There is a question of how to ask for funding. The task force believes that it would cost \$7,000 to \$10,000 for equipment in each facility. Additionally, there would be a need for funding for LOPD staff to have a juvenile defender always appear with youth in these kinds of hearings in the region. Ms. Neff noted that they were trying to honor the ethical standard that a juvenile defendant should always have counsel present.

Three takeaways going forward are:

1. The development of a pilot program for video hearings for out-of-county youth held in another county;
2. Passing a memorial endorsing the concept as a pilot program; and
3. Figuring out the transportation issue.

On that final point, there is some discussion of transportation being provided by CYFD employees.

Members of the committees discussed and asked questions about the location of the three regional facilities; the memorial; family visits to detained children in the regional facilities; whether the state needs to detain all of the children it is at present detaining; whether there is a need for all of the hearings that are scheduled for

detained youth; whether detained youth have adequate representation; length of stay for detained children; CYFD overrides of detention recommendations; CYFD transportation teams; the use of compliance monitors; the use of and availability of holding facilities for juveniles; the use of specialty court holds; the need for data on the use of holds; different juvenile justice cultures in different parts of the state; and a county's responsibilities towards its juvenile offenders after it closes a facility, especially given the cost savings in the county due to the closure.

Ms. Neff made a motion, seconded by Chair Cleavall, that the Juvenile Committee support the memorial proposing examination of the use of statewide juvenile detention centers. The committee elected to defer a vote on the memorial until a draft was presented to them.

#### **V. Possible Legislation Related to Juvenile Justice Issues.**

Chair Cleavall said that he had spoken with CYFD Secretary Brian Blalock about possible juvenile legislation in the upcoming Legislative Session. There might be some introduced, principally around the use of federal funds, including Title IV-E funds.

#### **VI. Potential Items for 2020 Work Plan.**

Chair Cleavall reviewed the 2019 work plan for the committee, noting that most of the items on it had been addressed. Members of the committee discussed the following items as potential 2020 work plan items:

- The sentencing of juveniles to imprisonment that is effectively life without parole;
- Direct filing of first degree murder charges against a juvenile in adult court;
- The age of juvenile jurisdiction, as other states have raised the age under which a person should be considered a juvenile;
- Extension of the requirement to use amenability hearings for juvenile offenders;
- Whether there are any inequities in recommendations for prosecution in different parts of the state, including whether there is a racial or ethnic relationship with who is referred for diversion versus prosecution; and
- What alternatives to incarceration are available to juveniles in the state, and how it might differ from area to area.

**VII. Next meeting.** The committee scheduled its next meeting for January 24, 2020, to discuss any pending legislation related to juvenile justice issues introduced in the Legislative Session.

**VIII. Adjourn.** The meeting adjourned at 12:51 p.m.