



**Minutes of the Meeting of the  
Juvenile Committee  
10:00 a.m.  
August 18, 2020**

via Zoom

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Bob Cleavall (NMSC), Chair	Hon. Marci Beyer (DMCJA)	Eva Buchwald (NM Coalition for Fair Sentencing of Youth)	Linda Freeman
Cindy Aragon (State Bar)	Sheriff Manuel Gonzales III (NMAC)	Monica Ault (Fines & Fees Justice Center)	Douglas Carver
Jim Cowan (for CYFD)	Traci Neff (NMAC)	Javier Rojo (NM Voices for Children)	
Diana Garcia (NMDAA)	Hon. William Parnall	Susana Regalado De Corral (CCIC)	
April Land (UNMSOL)	Hon. John J. Romero, Jr.	Robert Mitchel (AOC)	
Angela "Spence" Pacheco (Speaker)	David Schmidt (Pro Tem)		
Jason Rael (LOPD)			
Hon. Marie Ward			
Ron West (Senate Minority)			

**I. Welcome and Introductions.** Bob Cleavall, Chair, called the meeting to order at 10:05 a.m.

**II. Approval of Minutes for the July 10, 2020 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 Governor had appointed a new Chair of the Commission, former Supreme Court Justice Edward Chavez, with whom she and Douglas Carver, Deputy Director, NMSC, had worked on the bill that created the Crime Reduction Grant Act and gave the Commission its data integration responsibilities.

#### **IV. Changes to the Serious Youthful Offender and Youthful Offender Statutes.**

Diana Garcia, Deputy District Attorney, Juvenile Division, co-chair of the working group on this issue (along with Jason Rael of the Law Offices of the Public Defender), informed the committee that the working group had met to discuss different options for possible legislation. These included blended or dual sentencing to give flexibility in sentencing options, with the caveat that this variation in sentencing would only apply to a narrow list of crimes; examination of the utility of a required 90-day supervised release for juvenile offenders; and consideration of the development of a new scheme for addressing young adults, those in the 18 to 25 year old range, given what has been learned in recent years about the development of young adult brains. Other members of the working group discussed these issues with the committee.

#### **V. The Use of Fines and Fees in Juvenile Justice.**

Chair Cleavall proposed to the committee that a working group be formed to address the issue of the use of fines and fees in the juvenile justice system; the working group is to present its findings at the committee's October meeting. April Land, University of New Mexico School of Law, and Dave Schmidt will co-chair the working group. Members of the committee discussed how they were not aware of funds from juvenile fines and fees being used to fund anything; that it was bad public policy to assess these costs on juveniles; that the Children, Youth, and Families Department (CYFD) would likely support such a proposal; and that it appeared that these fines and fees, while in statute, were not being collected.

#### **VI. Status of Juvenile Referrals to Continuum Programs and Specialty Courts.**

Chair Cleavall noted that over five years, data from CYFD shows that statewide referrals are down 5,000. He also noted that presentations in recent years to the committee have shown that the use of specialty courts has declined dramatically. He invited Judge Marie Ward and Robert Mitchell, Administrative Office of the Courts, to comment further. Judge Ward noted that there were challenges across the system due to the Covid-19 crisis, that there was an uptick in referrals for juvenile treatment court programs and for services right now that were not available, that her Court has been working on implementation of national guidelines, and that there was work being done to keep kids out of facilities where appropriate. Mr. Mitchell noted that what Judge Ward had discussed had been seen across the state; that there were now only six juvenile drug courts, which are struggling; and that while the Covid-19 crisis may be having an impact, the declining numbers are reflective of the trends for the past five years.

#### **VII. Possible Changes to the Delinquency Act.**

Chair Cleavall asked the members of the committee if anyone had any specific recommendations for changes to the Delinquency Act, as in committee discussions it was often suggested that changes to the Act were required. No members had specific recommendations at this time.

**VIII. Next Meeting.** The committee scheduled its next meeting for Tuesday, October 13, 2020, at 11:00 a.m.

**IX. Adjourn.** The meeting adjourned at 10:56 a.m.