

MINUTES OF THE NEW MEXICO JUVENILE JUSTICE ADVISORY COMMITTEE

Tuesday, June 16, 2020 10:00AM

Virtual Meeting via ZOOM

- I. Call to Order at 10:04 AM – Douglas Mitchell, Chair
- II. Roll Call for Quorum: Cindy Varela, Grants Management Unit Manager
A quorum was established with the following members present:

Members Present

Douglas Mitchell, Chair	Honorable Alan Kirk
Ron West	Jenavieve Salas
Tom Swisstack	Anna Marie Marshall
May Sagbakken	Albino Garcia, Jr.
Honorable Angie Schneider	Donna Bownes
Sarah Gettler	Keryl Work
Helen Cheromiah	Anthony Trujillo
Roshanna Toya	Ted Lovato
Ruben Barreras	Oscar Gonzalez

Members Unable to Attend

Michelle Torres

Guests in Attendance

Coordinators

Jay Amaro, Las Cruces
Desa Malina, Luna-Hidalgo Counties
Danielle Vanderpool, City of Raton
Jesus Romero, San Miguel County
Lucia Serrano, Chaves County
Carmela Romero, Bernalillo County
Jon Lund, Lincoln County
Kirstin Keller, City of Socorro
George Carrasco, City of Santa Fe
Lisa Zuhn, Los Alamos County
Cassandra Montano, Valencia County

Rebecca Armstrong, Torrance County
Jaylah Pendleton, T or C
Judy Lovato, Sandoval County
Bianca Padilla, Grant County
Ursula Bowe, Otero County

Others

Diane Irwin, Fiscal Agent Sandoval Co
Diane Good, Valencia Co Board Member
Kenneth Stowe, Title I Coordinator, NM
Public Education Department

Staff in Attendance

Nick Costales, Deputy Director JJS
William Romero, JJS Assoc. Deputy Director
William Kearney, Special Programs Manager
Steven Brooks, Statewide RRED Coordinator
Cindy Varela, Grants Management Unit Manager
Consuelo Garcia, Grants Manager
Louis Pacias, Grants Manager
Patti Vowell, Statewide JDAI Coordinator
Amanda Grey, Operations Research Analyst
Samantha Lucas, Compliance Coordinator
Kim Robinson, Executive Secretary/Admin. Asst.

III. **Welcome and Approval of Agenda: Douglas Mitchell, Chair**

Mr. Mitchell welcomed all in attendance and stated that per advisement of the State Attorney General's Office all items requiring a vote of the committee are to be conducted via voice roll call vote during virtual meetings of this type.

APPROVAL OF AGENDA: Motion made by Tom Swisstack, seconded by Judge Alan Kirk; approved by roll call vote conducted by Cindy Varela.

IV. **Approval of January 16, 2020 Minutes**

A motion was made by Judge Alan Kirk and seconded by Mr. Ron West, to approve the minutes of the January 16, 2020 meeting. They were approved by roll call vote conducted by Ms. Varela.

V. **Introduction of JJAC Board Members**

Slide show presentation provided by staff with brief professional biography of each Board member and what area they represent as part of the Justice Department requirements for the Board. Board members were asked at the end of their slide to share an item of interest about themselves of which the other Board members might not be aware.

VI. **JJAC Organizing Business**

- A. Vice-Chair Selection:** Mr. Kearney explained that the Chairman of the Committee is appointed by the Governor, according to the By-Laws, and that the Vice-Chair can be appointed by the Chair or by selection of the Committee as a whole.

Discussion of this included comments by Mr. Albino Garcia, Jr., who suggested that perhaps a younger member of the Board be considered for this position. Mr. Swisstack recommended that this be made an Agenda item for the next meeting to give new members the opportunity to express their interest in this position by sending their names to Mr. Kearney or to Chairman Mitchell.

Chairman Mitchell agreed with Mr. Swisstack and asked that Mr. Kearney put this on the next meeting's Agenda as an action item and asked that interested parties notify Mr. Kearney in order for consideration by the full Board.

Mr. Ted Lovato asked Mr. Kearney to provide a brief description of the Vice-Chair's responsibilities. Mr. Kearney stated it would be distributed to the Board members within the next week.

- B. Subcommittees:** Mr. Kearney described the subcommittees that operated in the past (Executive Committee, Youth Subcommittee, Grants Subcommittee, and JDAI-RRED Subcommittee). He added that there are additional Subcommittees that could be considered including a Compliance Subcommittee, a Data Subcommittee, and a Strategic Plan Subcommittee. Mr. Kearney concluded by saying that these are the possibilities for Subcommittees as the Board begins the process of re-organizing itself. He also stressed the work done at the Subcommittee level.

Albino Garcia asked if there is any African-American and Asian-American representation on the Board. Mr. Mitchell noted that there was not at the current time. Mr. Garcia asked about the tenure of the Chair, how long Mr. Mitchell had been the Chair, and who served before him. Mr. Mitchell responded that the appointment of the Chair is done at the pleasure of the Governor and the Chair serves as long as the Governor wants them to serve. He noted he has served since 2018 and Sharon Stover served as Chair prior to his time. Mr. Garcia noted that as one of the Co-Chairs of the RRED Committee in Bernalillo County, they had been intentional about maintaining a balance of community stakeholder leadership and system leadership, as well as intentional with race and population on all Committees.

Mr. Mitchell suggested that if Board members have people in mind that would broaden the diversity of the Board, and that would be interested in serving on JJAC, they should encourage

them to apply through the Governor's office. Mr. Kearney stated that the Board is required to have between 15 and 33 members, and currently has 20 members. Additionally, one-fifth of the Board must be youth members at any time, and a youth member is defined as anyone 28 years old or younger on the day of appointment.

Mr. Swisstack then asked if data regarding current issues in the State of New Mexico could be provided to the Board members to help guide in the organization process. He went on to say that there are still youth that need help, but the question now is how the system can connect to them and provide the help they need.

Judge Kirk commented that one of the subcommittees to consider is to have a Legislative Subcommittee, with respect to informing and providing input to statutory change and new legislation. Mr. Mitchell agreed that a Subcommittee for this would be helpful, noting that in the past the Board has relied on CYFD staff to report, primarily JJS Deputy Director Nick Costales.

Ms. Sagbakken asked for data regarding gender-specific services and what types of programming is currently available to support girls in particular. Mr. Swisstack agreed with this suggestion.

Ms. Toya asked if reshaping of the Grant Subcommittee was completely open to how the Board would want to restructure it. Mr. Mitchell expressed the need for a standing Grant Subcommittee which could then take on an expanded role monitoring and mentoring some of the local program providers. Judge Kirk brought up the subject of reverted funds that has been an ongoing situation and suggested this be an area for the Grant Subcommittee to address. Mr. Mitchell then offered the reminder that this is an Advisory Board, not a Policy Board, so the role would be advisory.

Mr. Garcia then asked what the entire budget is in the State of New Mexico for Juvenile Justice, and if this is allotted per county, and is there a breakdown for how much money there is in the budget for Juvenile Probation, Public Defense, the Courts and Detention. He noted he posed this question previously to Mr. Kearney in an e-mail. He noted that this could inform the direction for the Board, as the Juvenile Justice Advisory Committee, to be fully informed as to the entire cost in light reduction of Juvenile Detention Centers to four now.

Mr. Mitchell shared that State agencies have budgets as part of the executive branch, and that Courts have a separate budget within the judicial branch. Mr. Mitchell also explained that the Detention Center budgets are through counties. Mr. Mitchell commented that the question Mr. Garcia is asking is an important one, about how the resources are allocated, but it is also a very complex question, noting that the Board can get information regarding the CYFD budget, but, for example, the Public Defenders have their own budget, District Attorneys have their own budget, etc. Mr. Mitchell agreed with Mr. Garcia that there are a lot of new Board members, many of whom, if they do not work in government positions, may not understand how the budget process works, so perhaps that would be a starting point for a future Board meeting to provide information around how the budget process works, how the LFC works, how things get appropriated and allocated, noting that there most certainly is information within CYFD regarding the monies that are allocated for Juvenile Justice. Mr. Kearney agreed to pursue this for a future meeting.

May Sagbakken referred back to data and potentially having a Juvenile Detention Alternatives subcommittee, which would relate to the Grant Subcommittee, because the discussion on reversion of funds would necessitate an understanding of the issues at hand or what is missing within the community. Mr. Mitchell explained that there is a JDAI Leadership Team which is chaired by the Senior Justice of the Supreme Court, and as chair of JJAC he sits on that committee along with CYFD staff members, the Association of Counties and the Public Education Department, so there is a structure in place to coordinate and promote JADI work.

Mr. Swisstack asked if Mr. Mitchell, or whomever, could take a look at the subcommittee structure

to see what could occur and then present that to the Board, or would there be some other method. Mr. Mitchell then asked if there was interest on the part of a few Board members to work with staff to have this discussion. Judge Kirk volunteered, as well as Ted Lovato, Tom Swisstack, Albino Garcia and Roshanna Toya. Mr. Mitchell then asked Mr. Kearney to facilitate that. Mr. Kearney responded that yes, he would follow up with these members, and thanked them.

VII. Three Year Strategic Plan

Mr. Kearney noted that development of the next JJAC Three-Year Strategic Plan was one of the key reasons for today's meeting, with the deadline for having the Plan in place tied to CYFD's federal fiscal year 2021 Title II Formula Grant application, typically submitted during the late fall. Mr. Kearney explained that the process for developing the Three-Year Strategic plan and then went over each phase of the plan development process.

Mr. Kearney requested that a Strategic Plan work group be set up to manage the process and provide recommendations to the full Board. Mr. Kearney estimated the members of this work group would be committing to a one hour to 90- minute call every two weeks until the plan is shaped sufficiently to present to the Board. Mr. Kearney stated the optimum size of the group would be four minimum and seven maximum. Mr. Mitchell then asked for volunteers for this work group. Mr. Garcia suggested that broad representation from all backgrounds. Mr. Ruben Barreras, volunteered to be part of this Subcommittee as well as Mr. Anthony Trujillo, Donna Bownes and Ms. Keryl Work. Ms. Sagbakken stated that she was interested but would confirm after reviewing the previous plan. Mr. Mitchell then asked Mr. Kearney if non-Board members would be allowed to participate in this process. Mr. Kearney pointed out that Mr. Mitchell, as Chair, has the ability to appoint people to this workgroup. Judge Kirk suggested reaching out to the Coordinators, and Mr. Mitchell agreed that this was a good suggestion and asked Mr. Kearney to facilitate that.

VIII: Virtual Compliance Visits-Samantha Lucas

Mr. Kearney explained that the State has to be compliant with the federal deinstitutionalization of status offenders, jail removal, and sight and sound separation core requirements, which is done by going out to all law enforcement, courts, prisons and jails in the State. He mentioned Samantha Lucas has taken over these responsibilities in the past year, but in the current situation with COVID-19, she is unable to complete those visits, from a universe of 262 sites visited over a three-year period. Ms. Lucas then explained that all other states are experiencing the same difficulties with respect to COVID-19 restrictions and that OJJDP has left it up to the States. Ms. Lucas went on to explain that the compliance visits involve adult facilities as well as juvenile facilities, to confirm that juveniles are not held in an adult facility. Ms. Lucas stated that everything is basically on hold, but facilities are submitting logs when they hold a juvenile securely. So information is still being sent to her and she is logging that into the newly revamped database. Ms. Lucas described that the process would move forward as things slowly start to open up for being able to complete these visits. Until then, a virtual visit can be done that is preferable to try to contain the spread of COVID-19, but if not, it will have to be an in-person visit.

Ms. Lucas explained that the virtual visits would be targeted more toward law enforcement such as sheriff's departments, police departments, State Police facilities, court holding facilities, adult jails and adult prisons, but does not include her separate responsibilities to do annual juvenile detention center inspections. Mr. Kearney described that to do these virtual visits in a way that staff feel would be compliant, they would revise the Compliance Handbook that is provided to all of the facilities within the state, adding a category on virtual visits.

Mr. Mitchell asked if a facility was previously noncompliant, they would actually get a visit and if they have a history of compliance, they would get a virtual visit. Ms. Lucas confirmed that would be the case. Mr. Mitchell asked for clarification that virtual visits were only being proposed at this

time due to the COVID-19 situation. Ms. Lucas responded that Mr. Mitchell was correct.

Mr. Kearney thanked the Board for their input.

IX. Re-Opening Considerations

Mr. Kearney explained that Ms. Patti Vowell has been leading the Special Programs team in supporting Chief and Supervising Juvenile Probation Officers with training and professional development resources during this time when people have been working from home, providing resources on JDAI and on system improvement. She has also led conversations with Chief and Supervising JPOs and Continuum Coordinators about the steps to re-opening down the road with regard to keeping previous community supports in place that are assisting young people in the community. Mr. Kearney then asked Ms. Vowell to share the highlights and solicit Board input.

Ms. Vowell explained that shortly after the stay-at-home order was issued, planning began for “re-opening”. Ms. Vowell noted that the numbers in detention admissions and overall crime has decreased significantly during this time period and that the goal is to maintain these lower numbers moving forward. Ms. Vowell noted that she and Ms. Cindy Varela have been working together with some of the most impacted parties, JPO Chiefs and Supervisors and Continuum Coordinators, and whomever fits into this conversation about pre-planning for post-pandemic life and what that will look like. Ms. Vowell then opened the discussion for considerations and questions on this. Ms. Vowell asked Ms. Varela if she had overlooked anything and Ms. Varela responded that she had not, that she had covered everything beautifully. Mr. Mitchell asked for comments from the Board. Mr. Mitchell congratulated this team for being proactive in this endeavor so as not to lose ground as things programs

X. Coalition for Juvenile Justice Membership

Mr. Kearney explained that the Coalition for Juvenile Justice is the collective for all of the State Advisory Groups nationwide. Mr. Kearney went on to explain that it is not only for the JJAC members but also for the Juvenile Justice Specialists, Compliance Monitors, and Reducing Racial and Ethnic Disparities Coordinators. Mr. Kearney shared that Steve Brooks serves on the CJJ Western Regional Advisory Committee, so there are staff members who are active in CJJ, but technically the State and JJAC as a whole are no longer members. Mr. Kearney stated that this is being presented to the Board as the new SAG (State Advisory Group) to ask their level of interest in joining this group, which communicates regularly with Mr. Mitchell, Ms. Lucas, Mr. Brooks and himself on a regular basis, sharing information from other states and CJJ members. Mr. Kearney noted that the membership dues are \$5,000.00 per year for full SAG and staff membership to be part of the Coalition for Juvenile Justice, and that the membership dues would come from the allocation of annual federal funds and that funding is available for payment of this membership.

Mr. Mitchell then asked Mr. Kearney if it was correct that CJJ also advocates at the federal level in Congress. Mr. Kearney responded that they do advocate on juvenile justice policy on the federal level as well as holding an annual conference with regional participation and monthly calls.

Judge Kirk moved to approve joining CJJ. Mr. Mitchell acknowledged the motion on the floor to approve this membership and asked if there was a second. Mr. Swistack seconded the motion. Mr. Mitchell then asked for further discussion. There was none, so Mr. Mitchell asked Ms. Varela to conduct the rollcall vote. The motion passed by unanimous rollcall vote.

XI. Updates:

Written reports were submitted by staff prior to this meeting for the following:

- Federal Update– Bill Kearney, Special Programs Manager
- Juvenile Detention Alternatives Initiative– Patti Vowel, Statewide JDAI Coordinator

- Juvenile Detention Data through COVID-19– Amanda Grey, Operations Research Analyst
- Detention and Compliance Monitoring Update– Samantha Lucas, Compliance Coordinator
- Reducing Racial & Ethnic Disparities Update- Steven Brooks, Statewide RRED Coordinator
- Grants Management Unit Update- Cindy Varela, Grants Management Unit Manager

Mr. Mitchell noted that all of these reports were provided to the Board members prior to the meeting and then asked Mr. Kearney if he had received any questions or comments pertaining to these. Mr. Kearney replied that a question he had received from Mr. Garcia had already been addressed in the meeting in terms of understanding the finances of juvenile justice system-wide as it relates to the data. Mr. Kearney then asked Mr. Garcia if he was comfortable with the written response; Mr. Garcia stated that yes, he was comfortable with those responses.

Mr. Kearney noted that he had received questions from Ms. Sagbakken with respect to gender-specific programming being used and that he had sent her a written response. Mr. Kearney asked Ms. Sagbakken if she was comfortable with his response. Ms. Sagbakken asked for confirmation that this is a statewide Board and Mr. Kearney confirmed that it was. Ms. Sagbakken then noted that she has encountered some of the same types of issues where things are locally decided and asked if there was a statewide overview of best practices on how to support or work with young girls or women in the juvenile detention system. Mr. Kearney noted that due to Senate Bill 58, CYFD funding is for programs using evidence-based, research-based, and promising programs and practices, and that CYFD uses and promotes the Results First Clearinghouse Database to local Continuums and other funded service providers to identify and implement best program practices.

State Executive and Legislative Update- Nick Costales, Deputy Director JJS

Mr. Costales informed the Board that Juvenile Probation staff they were brought out of their offices several months ago, and there are no immediate plans for them to return to those offices. At the same time, they suspended in-person visits to their clients but increased the number and quality of virtual contacts with these youths and their families.

Mr. Costales commented that the previous comments and questions with regard to budget were very good and that the Special Session of the Legislature is scheduled to start in two days with regard to the State budget and that most agencies have been requested to submit recommendations for 4% cuts in their respective budgets and what that would look like in general, but noted some agencies such as PED had been given a lower percentage number for reducing their budgets. Mr. Costales stated that JJS's Budget Office had done a great job preparing a plan that would not affect any funding and programming whatsoever, so it does not appear this would impact Juvenile continuum Grant funds, Youth Mentoring, Juvenile Community Corrections or any of the other things provided by Juvenile Justice Services.

Federal Update– Bill Kearney, Special Programs Manager/Juvenile Justice Specialist

Mr. Kearney stated that he hoped everyone had an opportunity to look at the minutes from the last meeting, noting that at the last meeting the Federal funding was discussed, particularly requesting a waiver with the funding to enable the State to use 85% of Federal funds for statewide activities like training on the different evidence-based models being used by Continuums. Mr. Kearney reported that approval of this waiver was received in the past week.

Mr. Mitchell asked Ms. Lucas if it would be possible to get a list of what counties the four juvenile detention centers are each serving through contracts. Ms. Lucas responded that she would request the information from the four juvenile detention centers.

Continuum Coordinator Update- Presented by Javier Amaro, Continuum Coordinator, Las Cruces.

Mr. Amaro introduced himself to the Board. Mr. Amaro shared that Gerri Bachicha, the Bernalillo County Continuum coordinator, and important member of the Coordinator Leadership Team, had

taken a new job with the city of Albuquerque. Due to this change, the Leadership Team has had to regroup. The Coordinator Leadership Team is now comprised of six people: Lisa Zuhn from Los Alamos, Kirsten Keller from Socorro, Cassie Montano from Valencia County, Judith Lovato from Sandoval County, Carmela Romero from Bernalillo County, Bianca Padilla from Silver City, as well as himself. Mr. Amaro reported that at that meeting they finalized the roles and tasks to pick up and revamp things with respect to the current pandemic situation. He noted that they are also working on finalizing the Coordinator Manual. Mr. Amaro then invited new JJAC members to attend one of their upcoming meetings, and concluded by saying that they appreciate all the assistance provided to Coordinators during the current pandemic situation.

Judge Kirk requested that the Board send a letter of appreciation to Ms. Bachicha for her leadership over the last several years, noting that she played a big role in organizing the Coordinators. Mr. Mitchell agreed that this was a good idea and asked Mr. Kearney if he could draft that letter.

Mr. Mitchell asked for a motion, made by Judge Kirk and seconded by Donna Bownes. Mr. Mitchell requested the rollcall vote be taken by Ms. Varela. The motion passed unanimously. Mr. Mitchell directed Mr. Kearney draft this letter for signature. Mr. Kearney responded that he will do so.

XII. Public Comment:

Mr. Albino Garcia commented on the protest that occurred in Albuquerque the previous evening in which someone was shot and activities nationally over the past weeks. Mr. Garcia offered that perhaps the Board should consider formulating and presenting a public position against racism of any type and to support nationally and local issues with respect to the Black Lives Matter movement, or at least publicly support some type of position and perhaps convey that in some way to the Governor, but he was unsure how that process would work. Mr. Mitchell noted that in order to take a vote on something like this it would have to be an action item on a future Agenda to be in compliance with the Open Meetings Act.

Mr. Mitchell asked Mr. Garcia to notify Mr. Kearney to add it as an Agenda item for the next meeting. Ms. Sagbakken noted that there was some racial disparity data in the reports provided to the Board and asked if that could be addressed at the same time, to take a closer look at this data. Mr. Mitchell commented that this information was in Mr. Steven Brooks' report.

With no further comments offered, Chairman Mitchell entertained a motion to adjourn.

XIII. Adjournment

Motion to adjourn was made by Tom Swisstack and seconded by Mr. Ted Lovato. Rollcall vote was requested by Mr. Mitchell. Motion approved by rollcall vote conducted by Ms. Varela. The meeting was adjourned at 12:39 PM.

**The next proposed meeting to be held on Tuesday, August 11, 2020 at 10:00AM
Via ZOOM, based on COVID-19 Restrictions**

Minutes Approved by:



Douglas Mitchell, Chair

10/9/20
date approved