

MINUTES OF THE NEW MEXICO JUVENILE JUSTICE ADVISORY COMMITTEE

Thursday, December 3, 2020 10:00 AM

Virtual Meeting via ZOOM

I. Call to Order at 10:00AM – 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	Helen Cheromiah
Ron West	Jenavieve Salas
Tom Swisstack	Keryl Werk
Honorable Alan Kirk	Roshanna Toya
May Sagbakken	Sarah Gettler
Albino Garcia, Jr.	Ted Lovato
Anthony Trujillo	Ruben Barreras
Moneka Stevens	Oscar Gonzalez
Honorable Angie Schneider	Anna Maria Marshall

Members Absent: Michelle Torres

Guests in Attendance

Desa Malina	Lisa Zuhn	Tyson Cospier
Cassandra Montano	Jesus Romero	Bill Wolf
Lucia Serrano	Diane Irwin	Kirstin Keller
Robert Nunez	Ann Edenfield	Bianca Padilla
Carmela Romero	Grace Telles	David Sherman
Judy Lovato	Susan Gonzalez	Rebecca Armstrong

Staff in Attendance

William Kearney, Special Programs Mgr/JJ Specialist
Cindy Varela, Grants Management Unit Manager
Consuelo Garcia, Grants Manager
Samantha Lucas, Compliance Coordinator
Patti Vowell, Statewide JDAI Coordinator
Louis Pacias, JCC Grants Manager
Samantha Rendon, Grants Manager
Amanda Gray, Operations Research Analyst
Corey Adams, JJS Associate Deputy Director
William Romero, JJS Associate Deputy Director

III. Welcome and Approval of Agenda:

Chairman Doug Mitchell welcomed all in attendance and introduced new Committee member Moneka Stevens. Ms. Stevens expressed she was happy to be here and looked to get down to work. Mr. Mitchell mentioned to Ms. Stevens she will have the opportunity to learn about JJAC subcommittees and identify subcommittee interest.

Mr. Mitchell called for a motion to approve the Agenda as drafted. Tom Swisstack so moved, seconded by Judge Alan Kirk. Roll call vote was conducted and motion passed unanimously.

IV. Approval of September 24, 2020 Minutes:

Mr. Mitchell called for a motion to approve the minutes of the September 24, 2020 meeting. Motion made by Mr. Tom Swisstack, seconded by Judge Alan Kirk. Roll call vote conducted and motion passed unanimously.

V. JJAC Subcommittee Updates:

a) Executive Subcommittee-Doug Mitchell, Chair

Mr. Mitchell reported that the Executive Subcommittee met prior to this meeting, received Subcommittee and Race Equity Work Group updates, and set agenda items for the meeting.

b) Planning & Legislative Subcommittee

Mr. Kearney reported that at the Subcommittee's first meeting on Wednesday, 12/02/2020, the members reviewed Subcommittee responsibilities. The group delved deeper into its planning, responsibilities, and assuming responsibility for the current work on the new three-year plan. Timeframes, data sources, and process for developing the plan were examined by the Subcommittee. More information will follow from the Subcommittee as timeframes are received from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), including setting up a virtual retreat for JJAC members to identify priorities, goals and objectives for the next three years.

In regards to legislation monitoring, Judge Schneider shared that she spoke with CYFD Cabinet Secretary Blaylock and received updates about two relevant pieces of legislation. First is the codification of the federal Indian Child Welfare Act (ICWA) in New Mexico State Statute. Judge Schneider explained this legislation would impact youth in both the child welfare and juvenile justice systems (JJS). Second is proposed amendments to the Fostering Connections legislation, creating another resource for JJS youth up to the age of 21. Judge Schneider noted that if a recommendation is going to be made with regard to any legislation, JJAC is going to have a special meeting, given the legislative session timeframes.

c) System Improvement Subcommittee- Albino Garcia, Jr.

Mr. Garcia reported that the Subcommittee is scheduled to meet on December 9th at 10:00 a.m. Mr. Garcia expressed interest in merging the Racial Equity Workgroup with the System Improvement Subcommittee.

Mr. Garcia reported the following statistics on detained youth in New Mexico: 78 males currently detained, 20 females, for a total of 98. Of those 98, 6 are Native American, 2 are African-American, 14 are white, 2 identified as multi-ethnic and 73 are Hispanic. Mr. Garcia stated in his opinion there is a great disparity there and reinforces the need for system improvement.

Mr. Garcia reported that the System Improvement Subcommittee plans to address questions of data transparency, play a role in offering advice toward development of the Strategic Plan, and network with the JDAI Leadership Team.

Mr. Garcia made a recommendation that JJAC members receive "Undoing Racism" training, provided by a professor at UNM. Mr. Garcia explained that the training dives into colonization, white supremacy, white privilege, structural racism, institutional racism, and all the related language issues. He stated that it is a critical starting point for everyone to be on the same page when it comes to undoing racism. Mr. Mitchell stated the training sounds like a good opportunity and the Committee looks forward to learning more.

d) Board Development Subcommittee

Mr. Kearney shared that Sarah Gettler has assumed chairperson responsibilities for the Subcommittee, and past Chair Anna Maria Marshall will continue on the Subcommittee. Ms. Gettler reported that the Subcommittee's next meeting will be December 8th, and items the Subcommittee is focusing on include: development of a Youth Member packet, to support and retain youth members; development of a New JJAC Member Orientation and onboarding process; reducing racial and ethnic disparities training and resources for JJAC members. Ms. Gettler further shared discussion about a possible JJAC Fall retreat, based on the status of COVID-19. The Subcommittee will also review available training and webinar opportunities and share them with JJAC members, like the recently shared State Advisory Group (SAG) 101 webinar.

Mr. Mitchell encouraged the Subcommittee to examine JJAC composition to help ensure a balance of racial/ethnic, gender and geographic representation, along with compliance to Juvenile Justice Reform Act of 2018 (JJRA) requirements.

e) Grants & Programs Subcommittee- Judge Alan Kirk

Judge Kirk thanked Subcommittee members and the Grants Management Unit staff in putting together an interim funding cycle, with up to \$525,000 available, providing a process for Continuums to apply for these funds for use before June 30, 2021. Judge Kirk also reported that there is \$20,000.00 of Native-American funding available that has not been expended. Judge Kirk made a motion on JJAC approval of the interim funding cycle, seconded by Mr. Mitchell.

Mr. Mitchell called for discussion. Mr. Garcia how asked about Continuum notification of the funding, and availability of funding to organizations currently not funded. Judge Kirk explained that the fiscal agents of local units of government currently receiving funds and Continuum Coordinators would be notified, for the local Continuums to apply for the funding. Funding to local organizations, currently funded or not funded, would be through the fiscal agency and their procurement process, and by the local JJ continuum board's needs assessment and plan.

Mr. Garcia asked about the capacity of some Continuums that are not expending their funds and how to help build their capacity to do their work. Judge Kirk noted that this is not a new issue, and will require various Subcommittees and JJAC as a whole to address. Judge Kirk shared his commitment to pursuing any avenues to get the funding to address the needs of kids that need services.

Roshanna Toya asked how community service providers become familiar with and pursue local Continuum funding, as well as best timing for them to pursue funding. Mr. Mitchell and Ted Lovato responded and Cindy Varela confirmed the importance of local providers understanding local youth needs, continuum funding priorities and processes as set by the local continuum board, and the ability to meet procurement requirements of local fiscal agencies. Participating in local board meetings and getting to know the local funding priorities at any time of the year would help local providers learn about and be prepared for when funding opportunities become available through the local fiscal agency. Judge Kirk explained that this proposal was for interim funding through June 30, 2021, and that the Continuums are in the first year of a four-year contract, so as of June 30, 2021, they will have three remaining years of contract, for which there will be potential amendments to adjust/change services to address local needs. Moneka Stevens stated she appreciated Ms. Toya's comments about the partnership and research done with Continuums, especially to expand opportunities in rural communities.

Ted Lovato recommended that local continuums be encouraged to reach out to currently non-funded providers to engage them and seek service enhancements for adolescents and families. Mr. Mitchell stated his interest in seeing local Continuums reach out beyond current funded providers and engage in broader spectrums of the community, and he encouraged the Grant and System Improvement Subcommittees to have discussions around the feasibility and means to encourage local Continuums to engage new local providers, within the JJAC grant processes.

Judge Kirk restated his motion that the JJAC Board approve interim cycle funding up to \$525,000.00 and in addition up to \$20,000.00 for Native-American funding between now and June 30, 2021, be expended, and encourage each Continuum to reach out to local service providers. Mr. Mitchell seconded the motion, and with a roll call vote, the motion passed unanimously.

Judge Kirk next called the Board's attention to the Continuum funding expenditures to date. He reported 3.3 million dollars in reverted funds that have not been expended and the need to put together a plan to draw this down in the next few years to insure that funding is placed out in the State where youth need it. Judge Kirk expressed to Mr. Mitchell that he believed this was more of an Executive Subcommittee discussion rather than JJAC as a whole. Judge Kirk also stated that he believed this issue needs to be addressed aggressively because the funding could be lost.

Mr. Mitchell asked Judge Kirk to briefly identify the obstacles to using these funds. Judge Kirk explained that under the Continuum Act, every year funds allocated to Continuums but not expended revert to a dedicated fund. He noted that in the past there had been a cap on the amount of the reverted funds that could be used (\$200,000 for a number of years, \$400,000 in 2020 and \$600,000 in 2021, set by the Department of Finance and Administration). Judge Kirk encouraged work on a plan on how to draw down the fund balance. Mr. Mitchell asked the Grants and Programs Subcommittee to work on this with the Grants Management Unit staff.

Next, Judge Kirk shared about a meeting held between CYFD and PED discussing approximately 12,000 students who have not returned to school or are lost in the system due to the COVID crisis. He reported there were discussions about how the Continuums could get involved on the local level to locate and reconnect students. Ms. Sagbakken stated that this would be important to know for the Continuums if the discussion is about a statewide effort where they can be really helpful if this is a rural area problem, or is this something that Bernalillo County needs to focus on because the majority of the students are located there. Various members shared current practices schools are doing, charter school successes, and the importance of social workers and counselors being involved instead of law enforcement, to visit these families. Mr. Mitchell thanked everyone and went on to say that based on this discussion he did not believe there is any action for the JJAC Board to take at this time, as CYFD and PED continue their conversations.

VI. Three-Year Strategic Plan Update

Mr. Kearney stated this was addressed in the Planning and Legislative Subcommittee report.

VII. Race Equity Work Group Update

Judge Schneider reported that the Work Group presented at the last Executive Subcommittee meeting and is planning for an all-day session dedicated to the development of the Race Equity Statement. In light of this, Judge Schneider did not know if the Work Group was prepared to report out anything larger than that today, but assured the Board that a lot of energy has gone into developing the Race Equity Statement. Judge Schneider did report that the Work Group looks forward to making a recommendation to the Board on the statement once they have crafted what they believe is a solid statement from JJAC.

Judge Schneider indicated that the timeline for developing and approving the Statement would best flow from their work on December 21st. Judge Schneider expressed that the final product should have all JJAC members' support. Judge Schneider asked that when the final product comes out of the Work Group and is presented to the entire Board, that the Board then decide how the vote should be conducted, and how the final Statement is relayed to the Governor, Secretary Blaylock, and others determined by JJAC. Mr. Mitchell agreed with Judge Schneider.

Ms. Toya invited other Board members to attend the December 21st meeting, if possible, because the earlier that interested people get involved in examining this statement and/or participating in drafting, the better. Mr. Garcia shared the background for developing a JJAC Race Equity Statement for new member Moneka Stevens and invited guests. Mr. Garcia mentioned his request for the board to recruit African American board members and the board's willingness. He went on to reference national strife and the tragedies of Breonna Taylor and George Floyd. Mr. Garcia stated the intent of the race equity sub-committee and for the statement "All of us can say that we stand firmly against colonization, institutional racism and structural racism to address issues and questions of transparency of the treatment of children etc..."

Mr. Mitchell interjects and disagrees with Mr. Garcia's statement that the board agreed not to use the statement as an opportunity to "pat ourselves on the back".

Mr. Garcia responds by stating the agreement was made by the racial equity work group in which Mr. Mitchell was not a part of and furthermore any resistance for the racial equity statement has been from Mr. Mitchell.

Mr. Mitchell responds with a reference to a visit to La Plazita Institute and the 20 years of work the system has been doing.

Mr. Garcia offers Mr. Mitchell reasoning for not mentioning the 20 years of work with reference to 73 Hispanic kids of 96 total currently incarcerated youth in the state of New Mexico. The number of beds may have been reduced but the disproportionate number of kids of color have not.

Mr. Mitchell agrees to disagree.

Ted Lovato encouraged that others participate by giving input or being part of the next meeting. As a follow-up to the meeting, all JJAC members were to be invited to the December 21st Race Equity Work Group session.

VIII. Updates – Written reports submitted by staff

a) State Executive and Legislative Update – Nick Costales, Deputy Director JJS

Mr. Costales was not able to attend today's meeting; Judge Schneider presented this information during the Planning & Legislative Subcommittee presentation.

With respect to the rest of the updates on the Agenda, Mr. Kearney stated that these were all written reports submitted by Staff.

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

c) Juvenile Detention Alternatives Initiative – Patti Vowell, Statewide JDAI Coordinator

d) Grants Management Unit Update - Cindy Varela, Grants Management Unit Manager

e) Detention and Compliance Monitoring Update – Samantha Lucas, Compliance Coordinator

Judge Kirk asked why, in the Title II letter, the State is currently "ineligible". Mr. Kearney referred

members to last meeting's minutes and the in-depth discussion. Judge Kirk asked if the funding could be reconsidered or if it has just been lost. Mr. Kearney responded that CYFD would continue to pursue reconsideration. As federal fiscal year 2020 data is being finalized, the Compliance Coordinator can ask the agencies in the monitoring universe to provide the missing 2019 data.

Mr. Mitchell noted that in his review of the last meetings' minutes that Mr. Kearney had alluded to providing some training about data and asked where the progress on that stands. Mr. Kearney responded that this is something that needs to be scheduled with the Board, and staff will look to put together a special JJAC member training.

IX. Continuum Coordinator Update

Cassandra Montano, Valencia County Continuum Coordinator, reported that some Continuums are struggling with referrals due to school closures and COVID-19. She reported that programs that have moved to virtual facilitation are working well. Some programs cease operations temporarily, but as restrictions lift they have gotten back to serving small groups. Ms. Montano stated that Valencia County was one of those counties. Ms. Montano shared a Los Alamos strategy using Jiu-Jitsu to add an activity to their Girls' Circle and Boys' Council. Strategies like this are helping keep youth engaged in program services. Mr. Mitchell thanked Ms. Montano for her report.

X. Public Comment

May Sagbakken shared that Tom Scharmen, a master data collector for the Department of Health, had passed away. She had worked with him for 25-30 years, and shared Mr. Scharmen's passion for children and youth, and meaningful planning data. She asked that everyone keep his family in their thoughts and prayers. Mr. Mitchell thanked Ms. Sagbakken for this information.

Chair Doug Mitchell took a final moment to reflect on the resetting of the JJAC board during 2020. He shared the importance of relationships with local continuums, and stressed the value of diverse perspectives and debate in JJAC members' advisory role. He wished all a good holiday season and is looking forward to a good upcoming year.

XI. Adjournment

Mr. Mitchell called for a motion to adjourn. Mr. Lovato made the motion, seconded by Judge Kirk. Roll call vote by Ms. Varela. Motion approved unanimously. Meeting adjourned at 12:03 p.m.

Mr. Mitchell noted the next scheduled meeting will be Thursday, March, 18, 2021, via ZOOM, assuming there isn't a need for a special meeting. If a special meeting is needed, there will be outreach to see when works. Mr. Mitchell thanked everyone for their participation today.

Minutes Approved on June 22, 2021 by:



Douglas Mitchell, Chair