

**MINUTES OF THE**  
**JUVENILE JUSTICE ADVISORY**  
**COMMITTEE MEETING**

**November 15, 2013**

This meeting of the Juvenile Justice Advisory Committee meeting was called to order at approximately 10:00 a.m. by Chair Sharon Stover at the PERA/CYFD Building, 1120 Paseo de Peralta, Room 565, Santa Fe, NM 87501.

**II. Roll Call for Quorum**

A quorum was established with the following members present:

**Members Present:**

Sharon Stover  
Deborah Bogosian  
Alma Cortez  
Sasha Pellerin  
Helen Cheromiah  
Todd Heisey  
Anna Marie Loughead  
Ron Lucero  
Douglas Mitchell  
Amy Orlando  
Wilson Quintana  
Freddie Romero  
David Schmidt  
Angie Schneider-Cook

**Member(s) Excused:**

Erica Padilla  
John Richmond  
Monnica Garcia

**Others Present:**

Yolanda Deines, CYFD Cabinet Secretary  
Arturo Naegelin, Juvenile Justice Service  
Richard Lindahl, Liaison Juvenile Justice Board  
Linda Kennedy, JJS Administrative Support  
Patti Vowell, CYFD  
Steve Brooks, CYFD  
Tony Ortiz, NM Sentencing Commission

Kristy Anstaett, CYFD  
Alan Kirk, Los Alamos, JJV  
Amber Parker, Doña Ana County  
Michele Rael, Sandoval County  
Tamera Marcantel, CYFD

**III. Welcome, Introductions and Public Comments**

Those present introduced themselves.

Tony Ortiz said CYFD Secretary Deines has convened a Juvenile Justice Stakeholders Group. The group consists of representation from the State Supreme Court, tribal courts, youth advocacy, and the Sentencing Commission. The Secretary wants to take a wider look at juvenile justice throughout the state. Part of the effort will examine prevention and diversion programs and a representative from JJAC was invited to inform the group on the programs that JJAC funds at the next stakeholders meeting scheduled for December 5<sup>th</sup> at 10 a.m. in this location. Ron Lucero offered to attend and Ms. Parker will be present for the coordinators.

#### **IV. Report on the JJAC Retreat by New Mexico First**

Charlotte Pollard, New Mexico First Deputy Director, commended JJAC on the successful retreat. She reviewed the role of JJAC and the seven goals identified at the retreat and explained a rating system to better evaluate the Committee's work. She noted that providing additional training for juvenile justice stakeholders was highlighted as an important opportunity. It was also determined that a gender-responsive needs liaison should be included on subcommittees and liaison committees. The importance of having a "good story" to tell legislators was highlighted as well as the need to be proactive. She cited the following points for continued conversations: define JJAC investment strategy; strengthen the juvenile justice system; address training needs; explore disconnects/align guidelines and local realities; and review objectives often.

On behalf of JJAC Chair Stover thanked Ms. Pollard for her excellent work.

Upon motion by Mr. Mitchell and second by Ms. Orlando the New Mexico First report was unanimously accepted.

#### **V. JJAC By-Laws**

Mr. Lindahl reviewed the draft by-laws and highlighted the proposed changes. He recommended the appointment of a subcommittee. Mr. Schmidt, Mr. Mitchell and Ms. Marcantel were appointed to work with Mr. Lindahl.

#### **VI. JJAC 2014 Proposed Calendar**

Chair Stover reviewed the calendar and following a discussion of whether there was sufficient time allotted for the entire reapplication process – application preparation, grant evaluation subcommittee review, JACC action, Cabinet secretary's approval and the contract department due date of February 28<sup>th</sup> – amendments were made to the calendar.

Ms. Marcantel said in consultation with the coordinators the reapplications/program updates due date was amended to January 17<sup>th</sup>. The CYFD Special Programs Unit will review the applications prior to releasing them to the Grants Review Subcommittee.

Ms. Parker pointed out that the sites will need their boards' approval as well as approval from their city council or county commission before submitting an application to CYFD. There are procedural steps that have to be accomplished prior to submittal and many boards/commissions only meet once during December.

CYFD Cabinet Secretary Yolanda Deines committed to JJAC that when the grant recommendations come to her office she will block out the time to make that review and forward the recommendations to the Contract Department.

Judge Romero moved to hold the January meeting on the 30<sup>th</sup>. Ms. Orlando seconded and the motion passed without opposition.

Noting that the Senate would be in session, Ms. Orlando moved to hold the January 30<sup>th</sup> meeting in Santa Fe. Ms. Schneider-Cook seconded and the motion passed without opposition.

The first meeting in 2014 will be held in Santa Fe on Thursday, January 30<sup>th</sup> and the scheduled dates would remain as proposed on the JJAC 2014 Calendar; the locations would drop with April 10<sup>th</sup> in Las Cruces, etc.

Staff was directed to find a location for the January meeting noting the PERA building does not have adequate parking during the session.

## **VII. Discussion of Subcommittee Structure**

Chair Stover referred to the subcommittees discussed at the retreat with identified goals and expected outcomes.

Executive Subcommittee: JJAC Chair, Vice Chair and subcommittee chairs, CYFD Special Programs Director and CYFD JJ staff (Tamera Marcantel). The member with gender-specific knowledge and expertise will be one of the subcommittee chairs.

Grant Review Subcommittee: Arturo Naegelin, Richard Lindahl, Sasha Pellerin (Chair), Ron Lucero, Todd Heisey, Anna Marie Loughead, Erica Padilla, Amy Orlando and Angie Schneider-Cook.

January 24<sup>th</sup> was selected as the next Grant Review Subcommittee meeting at 9 a.m., location in Albuquerque to be announced.

Youth Subcommittee: John Richmond (Chair), Alma Cortez, Erica Padilla, Amy Orlando, youth member and adult partners from around the state and one member to serve as the member with gender-specific knowledge and expertise.

Data & Accountability Liaison Committee (as needed): Doug Mitchell (Chair), Amber Parker, CYFD staff Felice Alfred, Todd Heisey, Angie Schneider-Cook and Dave Schmidt.

Native American Liaison Committee (as needed): Michele Rael (Chair), Helen Cheromiah, Wilson Quintana, Alma Cortez and Anna Marie Loughead.

DMC Liaison Committee (as needed): Judge Romero (Chair), Patti Vowell, Michele Rael, Amy Orlando, Wilson Quintana and Steve Brooks

Subcommittee appointments to the CYFD Juvenile Justice Advisory Committee roster including staff and coordinator appointments will be added.

## **IX. JJAC Membership Discussion**

Chair Stover said pursuant to the by-laws, JJAC may add additional non-voting and voting members to the Committee.

**Youth:** Mr. Lindahl noted that Erica Padilla and John Richmond have suggested an interested youth member to serve on the Committee. The act allows for total membership up to 33 of which 1/5 are to be youth under the age of 24 at the time of appointment. Three should be currently in the system or have been through the system. The names Valerie Polomby and Caitlin Wilson came up.

Recommendations for interested individuals will go through the Cabinet Secretary who forwards them to the Governor accompanied with a bio and any support information. There is an online application form.

**Continuum Coordinators:** A motion was introduced by Ms. Orlando to include two site coordinators (Ms. Parker and Ms. Rael) on the Committee for a two-year term as non-voting members. The motion was seconded by Ms. Schneider-Cook, and subsequently amended to be contingent on a legal opinion by CYFD.

Under discussion, the issue of financial interest came up. It was determined that the coordinators would have to disclose their conflicts and not participate in discussions where there was a possible conflict.

The coordinators present expressed a concern that their presence may give an appearance of bias. Perhaps the coordinators could present a collective voice in coordinator leadership without compromising the integrity of the Committee.

The motion passed without opposition.

Ms. Marcantel said she would contact CYFD's legal department on the issue.

**Local Continuum Board Chairs:** Mr. Kirk said the boards work through their coordinators. He had confidence in that process and preferred the coordinators sit on the Committee.

Ms. Orlando said she would check with the Governor's office Boards and Commissions Director Nick Piatek and determine whether there were any applications pending for this Committee.

## **X. Coordinator Report – November 7 - 8, 2013**

Ms. Parker said the retreat was a coordinator training opportunity provided by JJAC staff which included the RFI, civil rights and data training.

Mr. Naegelin said he and Mr. Lindahl worked with youth continuum coordinators of which there were around 10 in attendance. He also conducted a civil rights training to the coordinators as required by the federal awards. The remainder of the time focused on new requirements for implementation in FY15 and the mini application.

Ms. Parker said there was a great deal of feedback on the application: coordinators found it to be intimidating, particularly the goals and objectives section and how the data requirement corresponded with the federal requirements. The coordinators anticipate assistance from CYFD staff throughout the application process.

To meet federal requirements, Ms. Marcantel said, backup documentation must be provided for reimbursement requests. The requirements were fleshed out at the retreat. The goal is to create greater accountability.

Ms. Marcantel explained that CYFD conducted a reorganization combining the Juvenile Detention Alternatives Initiatives, the Juvenile Corrections, the Detention Certification Inspections and the JJAC unit under one umbrella. This should make accessing the resources, talents and skills of additional staff easier. The unit is committed to assisting the sites by extending the submission deadline and providing technical assistance.

Ms. Parker noted that the site coordinators understood the previous RFI was a four-year application and there is confusion about mini application: Is this a reapplication? Can new services be added?

Ms. Rael pointed out that many sites have one staff person and completing an application can be a lengthy process. She too asked whether this was a reapplication or an early evaluation.

Stability is paramount, stated Mr. Kirk. Applications are difficult because agencies become concerned that the funding they considered secure now appears threatened. The four-year plan relieved that anxiety, stated Mr. Kirk.

## **XI. CYFD Staff Report**

Ms. Marcantel said she was cognizant of the concerns raised by the coordinator. The RFI process was instituted this year because technically, government entities are exempt from the procurement code. The RFP was not necessary and the RFI would allow them to function for four years. Nothing from that RFI has changed. However, in implementing the federally required reporting process, additional data was needed to categorize the programs in the correct federal purpose area. The application seeks to document what the site wants to do in the community, i.e., which purpose areas those projects fall under.

The correct term is “program update” on the programs within the current RFI rather than mini application. She appreciated the increased burden and repeated that staff is committed to providing technical support.

**Budget:** Ms. Marcantel reviewed each of the grants. There is a surplus of \$437,000 for which the Board will need to establish funding priorities. She said this would be one-time funding.

The program update will hopefully become a useful tool in developing update reports.

Concern was raised that if the \$437,000 was not used quickly it could be lost. Chair Stover said Secretary Deines stated at the retreat she would fight for JJAC's funding.

Ms. Parker championed in-state trainings rather than flying staff around the country. She noted that innovative new programs were applied for within the RFI.

Mr. Lucero suggested technical assistance can include training.

[The Board recessed for lunch]

**SARA Data Project** will be adapted for use by continuum sites. Ms. Marcantel advised the Board that the administration returned the \$50,000 JJAC identified for a data collection system.

SARA requirements are that of an internet connection period.

Ms. Vowell said SARA will not be a unit-based reporting system, rather it is a gathering of general data to enable CYFD to report to the federal government.

**Project Update (mini-grant) Application:** Ms. Marcantel said a standardized format has been developed to facilitate the subcommittee grant review. The application is self-populating and she reviewed the fields to be filled. Continuum sites will be required to identify their matched funds to better reflect the actual cost of the program and the community's investment in keeping the program active. Staff is talking to OJJDP about trainings at the different sites. The project update application will allow CYFD to better track the program progress and make recommendations. All of the funding data will be compiled into a worksheet dividing out the different categories of expenditures – personnel, contractual services, and other costs.

Ms. Marcantel confirmed that the current RFI process meets the State's Contract Division requirements. The Contracts Department reviewed the project update application and approved it enthusiastically. With Board approval this project update application could be sent out next week.

Ms. Pellerin stressed the importance of training for the sites and promoting an after-process survey from the Continuum sites. Ms. Marcantel said at the coordinators meeting a quick survey was developed to ascertain how the coordinators could be better served. Chair Stover requested that the results of those surveys be forwarded to the Board.

Awarding some or all of \$437,000 can be part of this update application with a note that it will not be recurring.

Judge Romero moved to approve the Project Update application/mini grant as presented; that it

be sent to the Continuums next week; and that notice of additional funding available for new programs be included. Ms. Alma seconded.

It was noted that the additional funds can be used to: maintain the status quo from the RFI, change their program as well as apply for additional funds.

Following a discussion on the value of training, Judge Romero amended his motion to include that \$37,000 be set aside for the state to coordinate a statewide technical training and that the remaining \$400,000 be available for programs through the application process.

Rick Muñiz, State Contract Department, said in the RFI process as initialized last year the contracts were solicited for a four-year period and approved for four years. Within those four years the state can request an update on the application and that will help the agency better enforce the award on behalf of CYFD. New entities/continuums would be on a year-to-year agreement and not under the umbrella of the RFI.

Mr. Mitchell said with three counties interested in continuum funding, he recommended they be given priority in terms of the available funding.

Ms Rael asked that the Board consider the expense of a statewide training and mentioned that \$37,000 may not be adequate.

The motion as amended carried without opposition.

**Contracts:** Mr. Muñiz said generally the continuum sites are allocated 30 to 45 days to respond to the proposed terms and conditions under the contract agreement. He noted that at the end of the fiscal year his division is particularly busy. They start the process in February with applications.

**Additional Staff Issues:** Ms. Marcantel referred to the additional funding approved in July 2013. At the JJAC retreat a discussion ensued regarding transparency, communication, partnership and integrity. She advised the Board that the contracts were submitted but not accepted by the Contracts unit until October 24<sup>th</sup>. At that time the contracts were not complete and additional documents have been submitted. The agreements are not signed off on. She said she firmly believes the application program update will improve the process. Staff will continue to work with the Contracts Department to get the contracts out as soon as possible.

**Conflicts of Interest:** The question of whether a provider can sit on the continuum board was raised.

Mr. Kirk said the Los Alamos providers are not permitted on the Board. Providers are required to come to meetings and provide reports but they do not have a vote.

Judge Romero said in a rural community providers may be sitting on the Board. His Board has providers on it and they have not had any problems.

Ms. Parker said the City of Las Cruces and the Las Cruces Police Department sit on her board and they are providers and valuable Board member. She said the board operates under a Code of conduct and ethics.

A direct financial benefit would be a conflict. Mr. Mitchell said he saw a difference between governmental agencies having representation on the board and a provider receiving direct funding.

As a coordinator it can be problematic dealing with a provider who also sits on the board. Mr. Lindahl stated the bylaws for JJAC contain a conflict of interest article calling for a declaration of the conflict and recusing oneself from discussion and vote. The Government Conduct Act has strong conflict of issue statements as well.

Ms. Marcantel said the federal financial guide directs that one avoid conflicts of interest in both advice and appearance.

Judge Romero agreed that in the best of all worlds it's best not to have any of the recipients on a board of directors but he questioned the distinction between a governmental entity receiving JJAC funding as being okay while a private entity receiving it is not. Continuums were encouraged to be aware of perceived conflict, recusals and perhaps the adoption of the Governmental Conduct Act.

Mr. Ortiz said when in doubt, always avoid the perception of conflict.

**Continuum of Graduated Sanctions (Accountability):** Ms. Marcantel said her chain of command supports this; there are some sites that are not in compliance with reporting requirements. She described a pyramid process starting with failure to comply with any fiscal or programmatic grant requirement which may result in sanctions of some sort. In all instances every effort will be made to follow the sanctions in a progressive manner. She reviewed the steps that include visiting the site, temporary suspension of funding, probation status, etc. This process will allow the unit to work in a consistent manner in dealing with problems.

Ms. Marcantel said this was not discussed with the coordinators.

Mr. Schmidt expressed concern that the enforcer was not identified and in the current political climate it did not appear a good idea. Ms. Marcantel identified that the JJAC unit will notify both CYFD and JJAC staff if actions are financial.

Asserting the Chair's prerogative, Chair Stover requested that this item be placed on the January agenda for further action. She asked that staff send the draft to the Board and the matter come to the Executive Committee in the meantime.

**Program Changes:** Ms. Marcantel reported there were three sites that have six months into the fiscal year that have changed their programs dramatically. The Board reviewed the applications and awards based on that and it was her opinion that the Board needs to be aware of the changes. Chaves County, Rio Arriba and Torrance County all have some sort of program modification.

Mr. Lucero said these types of programmatic issues should be forwarded to the Grant Review Committee.

A process is necessarily for timely responses to keep the programs running. An adjustment request form for programmatic changes could address some of these issues, with a justification letter clearly defining the site's request.

There was consensus that this item needed attention and should be forwarded to the Executive Committee for action.

Mr. Kirk said BARs should be handled outside of the agency program adjustments. Sites need to have flexibility.

The grant review subcommittee will review this first and a sentiment was expressed that JJAC did not want to become overly bureaucratic.

Ms. Pellerin introduced a motion that the site be given 30 days to develop a written program change request and that the Executive Committee review it before forwarding it to the Committee for final action. Ms. Loughhead seconded. The motion passed by unanimous voice vote.

## **XII. New Business: Agenda Items**

Chair Stover said she was adding training opportunities for Board members to the January agenda. She encouraged the subcommittees to meet before the next meeting and review their goals. By-laws and new candidates were mentioned for the January agenda.

**XIII. Public Comment:** None was offered.

## **IX. Adjournment**

Having completed the agenda and with no further business to come before the Committee, Chair Stover declared the meeting adjourned at 3:10 p.m.