

**MINUTES  
of the  
THIRD MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**August 22-23, 2005  
Fort Stanton Residential Treatment Center  
Fort Stanton, NM**

The third meeting of the Courts, Corrections and Justice Committee for the 2005 interim was called to order on Monday, August 22, 2005, at the Fort Stanton Residential Treatment Center in Fort Stanton.

**PRESENT**

Rep. Joseph Cervantes, Co-Chair  
Sen. Cisco McSorley, Co-Chair  
Sen. Rod Adair  
Sen. Carroll H. Leavell  
Sen. Richard C. Martinez  
Rep. Al Park  
Rep. Peter Wirth

**ABSENT**

Rep. Thomas A. Anderson  
Rep. Gail C. Beam  
Sen. Lidio G. Rainaldi  
Sen. H. Diane Snyder  
Sen. Leonard Tsosie  
Rep. Eric A. Youngberg

**Advisory Members**

Sen. Gay G. Kernan  
Sen. John C. Ryan  
Rep. Sheryl Williams Stapleton  
Rep. Mimi Stewart (August 23)  
Rep. Thomas E. Swisstack (August 22)

Sen. Ben D. Altamirano  
Rep. Hector H. Balderas  
Sen. Kent L. Cravens  
Sen. Mary Jane M. Garcia  
Sen. John T.L. Grubestic  
Sen. Clinton D. Harden, Jr.  
Rep. W. Ken Martinez  
Sen. Gerald Ortiz y Pino  
Rep. Greg Payne  
Sen. William H. Payne  
Rep. Jane E. Powdrell-Culbert  
Sen. Michael S. Sanchez  
Sen. James G. Taylor

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Maha Khoury  
Evan Blackstone  
Jennie Lusk  
Larry Matlock

## **Guests**

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

## **Monday, August 22**

Representative Cervantes, co-chair, and Senator McSorley, co-chair, welcomed committee members and guests and called the meeting to order at 10:07 a.m.

### **Children, Youth and Families Department (CYFD)**

Secretary Mary-Dale Bolson presented her report to the committee, responding to requests for an update on the department's work in several areas. The department has signed a new joint powers agreement with the Corrections Department and will be closing the segregation unit at the boys' school. She noted that some juvenile residents 18 to 21 years old pose distinct challenges and that the system needs to change to handle them and address their needs. Detention reform has become statewide, with employees now operating in the community rather than being facility-based. Serious mental health problems are now referred to behavioral health facilities rather than to juvenile justice facilities. A restorative justice initiative that was started in Taos with the Native American community is expanding, and Albuquerque High may soon have its own restorative justice program. Also, the Juvenile Justice Advisory Council (JJAC) has been working with the New Mexico Sentencing Commission on gender issues within the juvenile justice system. She noted that over 65 percent of residents in CYFD facilities have been either a victim or an offender in a domestic violence incident.

Dave Schmidt, executive director of the New Mexico Council on Crime and Delinquency, reported on six bills that passed in the most recent session affecting children. The law now permits children 14 years old and older to have an attorney represent their own wishes, while leaving the judge to decide on the overall best interests of the child. New Mexico law now complies with the federal Indian Child Welfare Act. Aggravated battery has been added as an offense for which a child may be sentenced as an adult. Further, there is now a mandatory period of parole for juvenile offenders.

The secretary discussed changes in facilities for juveniles moved to CYFD, as well as programming changes. She noted that the punitive model that may be effective for adults is not working for young people. At this point, CYFD staff is receiving training to redirect its efforts toward a rehabilitative model. The department is seeking American Corrections Association (ACA) accreditation, though there is a question of whether such accreditation is necessary or appropriate. The department is asking staff to become more proactive, using a case manager model, and working with the Department of Public Safety on gang initiatives. The secretary also addressed domestic violence issues and noted that the cycle of domestic violence is difficult to break. She discussed funds available to treat the offender and the family.

During questions and comments from committee members, the committee requested a briefing on other guardian ad litem reforms. The secretary was asked to provide statistics on the percentage of African-American residents in CYFD facilities. Legislators also asked about a range of other issues, including vocational programs at CYFD facilities, effective truancy approaches, over-medication, the differences between community service officers and juvenile justice probation and parole officers and separating victims from perpetrators of violence within small schools.

### **Tour of Fort Stanton**

Committee members, staff and guests toured the Fort Stanton Residential Treatment Center.

### **Gender Equity in the Juvenile System and the Need for a Mental Health Facility for Girls**

Phyllis Subin, chair of the JJAC Gender Equity Subcommittee, reported on the different needs and challenges of girls in the juvenile justice system. Girls are a fast-growing segment of the prison population, and the number of girls in the system has dramatically increased. Home fragmentation, violence, victimization within the juvenile justice system, serious physical and mental disorders, separation from family, school failure and early adolescent "breaking point" events plague girls in the juvenile justice system, even though most are incarcerated for nonviolent offenses. A conference on gender-specific issues will be held in Minneapolis from October 15 to 19 and the chair suggested that the dates of the October committee meeting be changed.

Ms. Subin reviewed specific programming recommendations and stated that girls are incarcerated primarily because of a lack of alternative programs. She said that data collection on the girls is needed, and that a steady funding stream will be essential to successful programing.

Dr. Davis reported on the psychiatric issues and challenges that girls face in the juvenile justice system. He and Dr. Martinez discussed the need for a female residential treatment center, somewhat like the Sequoyah program for boys.

### **Local Juvenile Justice Continuum Programs**

Douglas Mitchell, coordinator of the Juvenile Detention Alternatives Initiative, reported that the vast majority of the youth helped through the initiative have not gone on to prison. Public safety is improved by eliminating delays in consequences, and most juveniles are now booked and released. The three interventions on which the initiative focuses are: a youth reporting center, a community mental health clinic and developing weekend programs.

Mary Lynne Newell, attorney, Sixth Judicial District, reported on programs in her district that monitor truancies to avoid having juveniles enter the system. Funding will be needed for the program to continue its work and to coordinate alternative programming with schools.

Mary Louise Romero, Jack Ortega and Judge Barbara Vigil, all of Santa Fe, reported on the intensive community monitoring program that has been in place the past six years. Judge Vigil reported that 10 communities in New Mexico, with funding from the federal government, have developed their own comprehensive strategies to address delinquencies. However, the federal funding will soon vanish, and state funding will be required if the local programs are to continue. Because each community has worked hard and well to develop its own indigenous program, Judge Vigil reported that the strategies that were developed are successful and more likely to succeed than programs that are not community-based. The national Office of Juvenile Justice Delinquency Programs was so impressed with the New Mexico communities' efforts that it gave an unsolicited contribution of \$10,000. Judge Vigil, along with Mr. Schmidt, urged the committee to replace federal funding and appropriate \$2 million to these community programs through the Regional Juvenile Services Act.

Senator McSorley indicated that he will draft a letter to the Legislative Finance Committee with signatures for all committee members for endorsement of funding for the community initiatives.

The committee recessed at 4:50 p.m.

## **Tuesday, August 22**

### **Domestic Violence**

Judge Angela Jewell reported to the committee on domestic violence coordination in the Second Judicial District. Rosemary Cosgrove, domestic violence commissioner, recommended the following statutory changes: making the Family Violence Protection Act neutral as to petitioner and respondent; removing references to women as victims; providing a good faith exception for errors made by law enforcement in enforcing orders that are facially valid and creating a law mirroring federal law that would make it unlawful for a person with a domestic violence order of protection against him or her to own a firearm.

Sandra Gardner, domestic violence coordinator for Governor Richardson, noted that funds for treatment of batterers have increased but requests for batterer programming exceeds the money available. She discussed a survey indicating that only one in seven domestic violence incidents is reported to law enforcement. New Mexico statutes include incidents between non-family members and siblings as domestic violence incidents, while most states do not include these members. She said service providers are seeing 25 percent increases in people seeking service. Finally, she reported that partner homicide has risen from 14 cases per year in 1992 to 36 in 2004. There is a need for specialized domestic violence presentations in all areas of the state, more treatment programs for incarcerated offenders, better security for magistrate judges and for resource coordinators.

Agnes Maldonado, New Mexico Coalition Against Domestic Violence, reported on the coalition's work throughout the state. She stated that there are currently 7,170 children in shelters. A puppet show called "Lifesavers" was presented, demonstrating to legislators the types of educational efforts being done to reach children who may be victims or whose family members may be victims. The coalition started with presentations in seven schools, but has now increased to 22 elementary schools.

### **Trends in Crime Victim Rights**

Tammi Lambert, director of the Governor's Office of Victim Advocacy, presented a brochure on the work of her section, which addresses victim rights in the criminal justice context and victims of violent felonies. The victim rights movement covers domestic violence and drunk driving. A list of priorities is being compiled and currently includes notification of release of perpetrators; notification of all court hearings; pre-charging issues in homicide cases; funding issues on reparation and post-conviction issues. An ambiguity still exists as to when victim rights kick in, whether it is when a person is charged or convicted. Also, release from county detention facilities does not require victim notification.

### **Tour of Camp Sierra Blanca**

Committee members and staff toured Camp Sierra Blanca.

### **Adjournment**

The committee adjourned at 12:45 p.m.