

**NOVEMBER 12, 2019**

The Board of Chaves County Commissioners held their Regular Commission meeting in the Commission Chamber of the Joe Skeen Building, #1 St. Mary's Place in Roswell, New Mexico. Chairman Cavin called the meeting to order at 9:00a.m. Commissioner Dana led the pledge and Commissioner Bilberry led in prayer. Those present were Commissioners Bilberry, Dana, Ezzell, Corn and Cavin. Also present were County Manager Stan Riggs, Public Services Director Bill Williams, Sheriff Mike Herrington, Finance Director Joe Sedillo, County Clerk Dave Kunko, news media, staff and guests.

## **PROCLAMATION**

### **DAIRY INDUSTRY DAY**

Commissioner Dana stated tonight the Dairy Industry would be recognized at the Historical Society for Southeast New Mexico's Annual Heritage Dinner. She stated she would be reading the proclamation declaring November 12, 2019 as Dairy Industry Day in Chaves County. Commissioner Dana read the proclamation.

### **CANVASS OF 2019 LOCAL ELECTION**

Chaves County Clerk Dave Kunko stated he was disappointed with the turn out for the first Local Election. He felt the number of voters would increase dramatically if the City of Roswell would opt-in to the Local Election with all the other non-partisan entities and hold their election in November of odd numbered years instead of March of even numbered years. He thanked his staff for doing such a great job. He mentioned the voter turn-out for this election was 9%. He stated Absentee and Early Voters made up 40% of the voters and Election Day was 60% of those that voted. He mentioned there were 8 provisional ballots. Three of them were from early voting and 5 from election day. One was disqualified because the voter wanted a ballot outside the district where they are currently registered. The other 7 provisional ballots were qualified and added to the totals. Commissioner Dana commented on the poor voter turnout and voter confusion as to what election occurs in November of an odd numbered year. She stated every election is important. Commissioner Bilberry asked why some of the School Board Elections like Tatum show no voters. Mr. Kunko stated there is only one registered voter in Chaves County in the Tatum school district and they did not vote. The rest of the voters are in other counties. Commissioner Bilberry moved to accept the Canvas of the 2019 Local Election as presented. Commissioner Ezzell seconded the motion. A voice vote was unanimous, and the motion carried.

### **JUVENILE DETENTION CENTER WORKSHOP**

County Manager Stan Riggs thanked Clay Corn for assisting in putting some numbers together for this workshop. This topic has been discussed by the Finance Committee as well as during budget discussions. One thing to remember is that Juvenile Detention is much different than Adult Detention. The County is not letting anyone out of jail. The County's role has nothing to do with letting them out or putting them in jail. The County's job is to house and transport. Currently there are 6 juveniles being held. Three of them are from Chaves County and 3 from Eddy County. Eddy County closed their facility approximately 2 years ago. Currently in Lea County there are 4 juveniles in their facility. New Mexico Counties (NMC) has been discussing possible regionalization with the State. We have held a juvenile from Lincoln County for a few months. Mr. Riggs thanked Anabel and Joe from Finance for putting the slides and numbers together for this presentation. There are 17 employees allocated to the Juvenile Detention Center of which 14 of those positions are currently filled. Eight to 10 years ago the system changed to a risk assessment system. He stated the first slide shows the cost of operating the Juvenile Detention Center for the last five years. He pointed out the cost each year was around one million dollars. He stated in fiscal year 2014/2015 the daily average was 11 Chaves County juveniles. By 2017/2018 the average went to 7 Chaves County juveniles. For 2018/2019 the average has been 5 juveniles. The last month the average has been 3. The next slide showed the actual cost versus the number of juveniles. The cost continues to go up even though the number of juveniles is going down. As stewards of Chaves County taxpayer's money, the situation needed to be analyzed to determine whether it makes sense to continue or find an alternative. The next slide shows the cost of housing juveniles in other Counties and even with an average of 5 juveniles we would save approximately

\$643,000. In addition to housing there would be transportation costs. Those costs have been estimated at between \$30,000 and \$52,000. Children's court takes place one time each week on Monday. It is possible to have more than one, so we had to calculate the possibility of 3 or 4 hearings per week. The sheriff would be in charge of transportation. There are many restrictions when dealing with juveniles and these were factored into the cost of transportation. Mr. Riggs stated that if we decide to keep the Juvenile Detention Center the electronics would need to be upgraded and the facility would need to be remodeled. Should the facility be closed the juvenile detention employees will be offered positions at the adult facility. If they choose to make the move, they would not lose any pay or benefits. Those not wishing to transfer can apply for other openings in the County. The adult facility has an average annual turnover rate of around 33%. Chaves County does have a successful continuum and first offense program.

Commissioner Corn asked that someone from JPO answer some questions. Margie Miller stated she was the Chief of the southeast district which includes Artesia, Carlsbad and Chaves County. Commissioner Corn stated if law enforcement picks up a juvenile for shop lifting, what is the next step? The officer would contact the Juvenile Probation Officer they would screen that individual to see if they qualify for detention. This most likely would not qualify. If it were armed burglary or murder, those juveniles would automatically score high enough to be detained. The officer would be tasked with finding placement for this individual. Commissioner Corn stated there is a scoring sheet that determines what happens next for the juvenile and if they will be detained. Ms. Miller stated this is correct. Eventually the juvenile will go before District Judge Thomas Lilley. If the Judge determines he is a risk to himself or others or is a flight risk, he would remain in detention. The juvenile probation office must be in contact with the District Attorney within 24 hours. If they file a petition it will be in front of a Judge within 48 hours, the Judge will determine if the juvenile is released or kept in detention. Commissioner Corn pointed out there were several steps in the process to determine if they are incarcerated or released.

Mr. Riggs stated the figures calculated include if the juvenile was detained in Curry or Lea County they would have to be transported back in the same week. It is possible that the juvenile could be in court 2 or 3 times in the same week. Eddy County has stated the process is working well for them.

Commissioner Ezzell asked how many times in a given year is a juvenile held in the Detention Center less than 48 hours. Ms. Miller stated that rarely occurred. She stated in Eddy County the law enforcement is tasked with transporting these juveniles to where there is room available in the state. They do not have a transport team on a continuous basis.

Commissioner Corn stated law enforcement deals with the JPPO, and the JPPO makes a determination. There must be an agreement in place between the Counties in order to transfer to those certified facilities. Ms. Miller stated they have a Detention Compliance Monitor tasked with making sure facilities comply. Ms. Miller stated their policy in the past has been to assist the officer in placement of the juvenile. However, they feel they need to change that process and it would become the Law Enforcement Officers duty to get placement for these individuals. Mr. Riggs stated the Sheriff's Office, Police Department or State Police would then have to contact the facility for approval to house someone. Then they would contact the Sheriff's Office to transport the juvenile. Mr. Riggs stated this is interesting because it is not what is currently being done with Eddy County.

Commissioner Corn asked what percentage of juvenile crime is represented by the 3 currently incarcerated in Chaves County? There are other alternatives available to the Judge. There are about 25% on conditional release. He also asked how many juvenile offenders do we have on a monthly basis? Ms. Miller stated in October there were 60 citations and in September there were 70 citations.

Mr. Riggs stated the Secretary of CYFD made the statement of looking at possibly re-opening the Sierra Blanca facility in Lincoln County. That facility could have one section for individuals with mental health issues. Some individuals are having to be housed out of state at this time. Would this facility help alleviate some of the out of state transfers? Ms. Miller stated this issue is being discussed by upper management and she does not have an answer at this time. Mr. Riggs stated this has been discussed by New Mexico Counties and would be ideal because those with mental health issues would be in a facility where they could receive 24-hour care. There was discussion on the time for processing juveniles, the

constant search for beds and the possibility of video arraignment. It was stated the Public Defender and the District Attorney oppose video arraignment for juveniles. Ms. Miller also stated that some offenders will need to be housed for a long period of time and if this facility does close there will need to be alternatives that do not currently exist. Mr. Riggs stated the offenders are housed with us and our responsibility, however they really are State of New Mexico detainees.

Commissioner Ezzell asked the capacity of the Juvenile Detention Center. Mr. Riggs stated it was licensed for 19. It was determined that there were 3 detainees from Chaves County out of approximately 147 cases.

Chief Smith from the Roswell Police Department stated they would prefer to have a facility here for the juveniles. Those that are incarcerated are there for a reason. We are a full service County. The City refers over 400 juveniles for discipline and approximately 100 throughout the year end up in the facility. There will be a significant impact to the City of Roswell. He would prefer the facility here for our community. He stated that in 2017, 128 juveniles were detained out of 583 cases.

Sheriff Herrington stated they arrest to incarcerate very few juveniles because it is very difficult to reach the 13 points required. Many citations and arrests go to probation and never see a judge. It really does not make sense to pay \$1 Million for 3 juveniles. That money could be better spent elsewhere. Most do not make it to the 13 point threshold because the bar is too high. It was mentioned that the Sheriff's Office would be doing the transports if the facility is closed.

Commissioner Corn stated the facility would not be leveled if it is closed. The laws may change and require that this facility be re-opened. We can get re-certified as a juvenile detention center if necessary. The building will need upgrades. It was mentioned there could be up to 3 transport teams.

RPD Lieutenant Joe Smith asked if an arrest of a juvenile gets authorization from JPPO for incarceration what do they do with the offender before they are transported? Mr. Riggs stated the plan is for the Sheriff's Office to take that individual within 1 hour. He wanted to know a time frame because they are under staffed. Chairman Cavin stated we truly appreciate all of our law enforcement and what they do for Chaves County.

Mayor Kintigh stated 5 of 7 citizens in Chaves County live in the City of Roswell. He is very concerned. New Mexico has the highest violent crime rate in the U. S. and it is more than twice the national average. Crime is destroying this State. He agrees with the Sheriff that the Children's Code is very weak. We must step-up and change our laws. We need to keep the Juvenile Detention Center open. When the Sheriff's Office is unable to transport juveniles it will fall to the RPD. He asked if the County would reimburse the City when they have to transport. Mr. Riggs state no, and that the City does not transport now and they will not transport in the future. He asked the Commission to not close the facility and turn your back on this community. This action is critical to public safety.

Mr. Riggs stated Chaves County is a planning County. Fifteen years ago the County looked at the possibility of building a 50 bed Juvenile Detention Facility next to the Adult Detention Center because at that time the trend was the numbers would increase. He is glad they did not do this because trends change. CYFD was involved in this project. We have been discussing the possibility of closing because the numbers have drastically decreased. The City currently pays nothing for Juvenile Detention. Commissioner Cavin stated if we do close the facility the Juveniles that need detaining will be detained.

#### **UNSCHEDULED COMMUNICATIONS**

Chief Deputy District Attorney Mathew Stone stated the District Attorney's Office is opposed to closing the Juvenile Detention Center. The DA's office always acts in the best interest of the child. After the hearing with the Judge, other steps are taken with the child and the analysis of the situation continues. If they are detained next to the courthouse, the JPPO, CASA and their Attorney, have access to the juvenile which makes it better for the juvenile. It will be difficult if the Juvenile is in another facility. If a juvenile is detained a trial must occur within 30 days.

The Public Defender, Joann Angel, used an example of a juvenile that is deemed incompetent and without a parent. If this individual is transported to another County it can create problems. Many

parents will be unable to visit their child if they are held in another County. She spends time with the children in detention and that will be taken away due to her case load if they are out of town. She asked that they keep the facility open.

Larry Connolly asked how many juvenile detention centers are within 200 miles of Roswell? It was stated there are 5. Curry and Lea are the only ones in southeast New Mexico. He asked how much they were losing? No one had the answer. He suggested 3 counties could have 1 detention center and split the cost. He asked why the City didn't pay anything for juveniles. Mr. Riggs stated they are not required to under the current law.

Randy Robertson stated from a money standpoint the savings would be great. The money could be spent other places. At the budget meeting the Sheriff had to pick between a vehicle and an employee. What percentage of the savings would go to the Sheriff?

The Director for Federal Programs with RISD, Jennifer Cole, stated they receive federal funds to provide services to incarcerated juveniles. They provide a teacher and educational services. She stated in 2018/2019 there were 31 students in and out of the facility. The average length of stay was 29 days. One goal is to get them back on track for graduation. They may not receive the same level of services elsewhere.

Chelsea Vasquez stated she has been working with the juveniles in detention since 2015 through the WINGS for Life program. She provides social and emotional learning skills as well as drug and alcohol prevention. These children have been through many things that even adults would have trouble processing. These juveniles are at risk. This community needs to care for them. This detention center provides resources they may not receive at another facility.

#### **MANAGER COMMUNICATIONS**

Mr. Riggs stated RISD provides these services for all the juveniles being held, even from other counties. Other organizations that provide services are La Casa, Wings for Life and some churches. Santa Fe County has made it known they are considering closure as well. The "risk matrix" makes it difficult to qualify to be held in detention. New Mexico Counties believes we need to move to regional facilities under our current laws. Currently there are 10 southeastern juveniles in jail. There are currently 8 Juvenile Detention Centers and 3 of those are considering closing. It is expensive and very labor intensive. Meeting the requirements for certification is a challenge. Chaves County has met the challenge for over 60 years. The offender population has continued to decrease. If the facility closes there will be a transition period. We feel we have the best detention center in the State. This topic is currently scheduled for the Regular Commission Meeting next Thursday.

#### **COMMISSIONER'S COMMUNICATIONS**

Commissioner Corn stated this is a very complicated process. These situations are constantly changing. We won't turn our back on juvenile detention. Of all those speaking today, no one was worried about the taxpayer. There are less expensive alternatives. The County bears the burden and nobody helps to pay this bill. This is not an easy decision and it must be looked at responsibly. We will continue to follow the rules. He appreciated County staff for putting this meeting together.

Commissioner Dana stated she agreed with Commissioner Corn and this won't be taken lightly. We must be good stewards of our taxpayer dollars. She stated she carried a bill through 3 sessions trying to change the children's code. We will make sure our children are cared for. This is a big problem in this State. We must strive to do the best with what we have. She thanked the audience for attending. We all must work together.

Commissioner Ezzell thanked everyone for attending to express their point. The numbers he saw in the Finance Committee are really bad. This is not just a numbers decision. We need to figure out how to get the State to do something. We have to know both sides when making big decisions.

Commissioner Bilberry thanked those in attendance for their role in the lives of these juveniles. You do make a difference. This meeting will help with making a decision. This is a tough decision to make.

Chairman Cavin stated there have been some great comments made today. He appreciated everyone for coming to the meeting. He hopes the State will open its eyes to this issue. It is a big problem. We don't make the laws. Law enforcement's hands are tied. The State is failing us. We must figure out how to solve this problem. He thanked everyone for being at the meeting. This is the best County in New Mexico. He told everyone to stay safe and God Bless America.

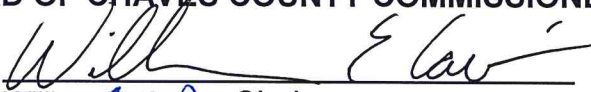
The meeting was adjourned at 4:10p.m.

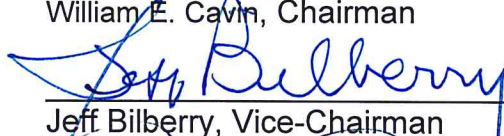



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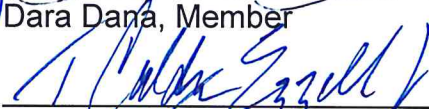
  
Dave Kunko  
County Clerk


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