



State of New Mexico

**Children, Youth and
Families Department**

Three Year Comprehensive Juvenile Justice and Delinquency Prevention Plan

Federal Fiscal Years 2018 – 2020

State Fiscal Years 2019 - 2021

Susana Martinez, Governor

Monique Jacobson, CYFD Cabinet Secretary

Tamera Marcantel, Director, Juvenile Justice Services

JJAC

Juvenile Justice Advisory Committee
Douglas Mitchell, Chair

Contact:

Janet Musolf, Special Programs Manager
State of New Mexico
Children, Youth & Families Department
1120 Paseo de Peralta, Room 502
Santa Fe, NM 87502
P: 505-827-4497

www.cyfd.org/special-programs

PROJECT ABSTRACT

The purpose of New Mexico's federal fiscal year 2018 Title II Formula Grants Program is to ensure New Mexico's compliance with the four core requirements of the Juvenile Justice and Delinquency Prevention Act and to provide outreach, education, and services to youth at-risk of involvement with the juvenile justice system, as well as their families. New Mexico's Children, Youth and Families Department (CYFD) has determined the following priorities for Title II funding: Alternatives to Detention; Disproportionate Minority Contact; Indian Tribe Programs; and Juvenile Justice System Improvement. The services to be provided include family and parenting education, assessments and case management, academic skills enhancement, day reporting programs, gender specific services, restorative justice programs and other alternatives to detention programming.

New Mexico juvenile delinquency prevention service spectrum is executed and delivered through a Continuum Site Model that includes continuums established in twenty counties, serving twenty-two, throughout the State. As described in state statute, the target population is juveniles arrested or referred to juvenile probation; or are at risk of such referral. The Continuums are guided by local juvenile justice boards, whose membership must include, per state statute, representatives of unit of local or tribal government, children's court, district attorney, public defender, local (municipal, county, tribal) law enforcement, and public school district. The boards are tasked with executing the goals and objectives of New Mexico's Three-Year Plan, as well as to provide the State Advisory Group with feedback regarding issues, outcomes, and obstacles encountered at a community-based level. Progress is measured through an evaluation process for each sub grant which includes monthly reports, desk audits, and site visits. No portion of the project budget will be used to conduct research.

3. Program Narrative

a. Statement of Problem

1. System description: Structure & function of NM's juvenile justice system

Law Enforcement: Services are provided by local, county, state, federal and tribal law enforcement agencies.

Juvenile Probation: Juvenile Probation Officers (JPOs), employed by the CYFD, work out of twenty-nine (29) local offices. JPOs supervise only juveniles.

Children's Court: There are fourteen (14) District Courts (eleven serve multiple counties) which have exclusive juvenile jurisdiction. Within the nineteen Pueblos and four Tribes found in New Mexico, each has developed its own judicial system and distinct approach to justice.

Prosecution and Public Defender: Services are provided at the county level by state agencies, the Public Defender Department and the District Attorney.

Juvenile Detention: There are currently nine county-run Juvenile Detention Centers in New Mexico. Juveniles can be detained pre-adjudication, predisposition, and awaiting placement. Delinquent youth can be sentenced to a local detention facility for 15 days or less within a given year.

Juvenile Commitment Facilities: CYFD facilities, in Bernalillo County, include the Youth Development and Diagnostic Center and the Camino Nuevo Youth Center. Outside of the Albuquerque metro area, there is the John Paul Taylor Center (Doña Ana County). CYFD also holds a contract with the San Juan County Juvenile Detention Center for the referral of long-term juveniles.

Reintegration Centers: CYFD has three (3) reintegration centers. The Albuquerque Reintegration Center and the Albuquerque Boys Center are located in Bernalillo County. Eagle's Nest Reintegration Center is in located in Colfax County.

Supervised Release: Supervised release (formerly known as parole) is the release of a juvenile, whose term of commitment has not expired, from a facility for the care and rehabilitation

of adjudicated delinquent children, with specified conditions to protect public safety and promote successful transition and reintegration into the community.

Community-Based Programs/Alternatives to Detention: In an effort to reduce the likelihood that youth in rural areas will receive fewer services or have less access to such services, compared to those in urban areas, New Mexico utilizes the “juvenile justice continuum model.” This offers a unique approach to the structuring and allocation of federal and state grant funds. It is a system of services and sanctions for juveniles arrested or referred to juvenile probation, or at risk of such referral, and consists of a formal partnership among one or more units of local or tribal governments, the children's court, the district attorney, the public defender, local law enforcement agencies, the public schools and other entities such as nonprofit organizations, the business community and religious organizations. This partnership is established through a Memorandum of Understanding and a continuum board. A flow chart of the juvenile justice system can be found in Appendix C.

3. Program Narrative

a. Statement of Problem

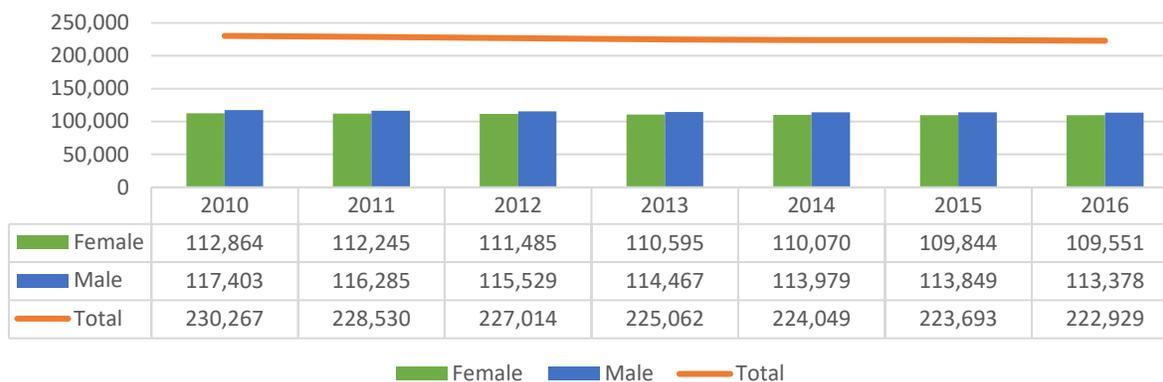
2. Analysis of Juvenile Delinquency Problems (Youth Crime) and Needs

In 2016, New Mexico's Juvenile population was 222,929¹, which was the lowest number of youth aged 10 to 17 years old during the last seven years. This represents a 3.2 percent decrease from 2010.

During this period 50.9 percent of New Mexico's juvenile population was male and 49.1 percent was female, keeping with the past seven years. New Mexico's Hispanic juvenile population made up 59.7 percent of all youth, with the next largest group being Non-Hispanic Whites at 26.1 percent. Both were trailed by American Indian, representing the third largest population at 10.6 percent. A complete analysis of youth crime problems, broken down by county can be found in Appendix A.

¹ It should be noted that population numbers are estimates and are accurate as of the date of this publication. Data provided by the CYFD Juvenile Justice Services Data Bureau and CYFD data collection systems.

NM Juvenile Population 10 - 17 Year Olds



Data source: Puzzanchera, C., Sladky, A. & Kang, W. Easy Access to Juvenile Populations: 1990-2016. Online: www.ojdp.gov/ojstatbb/ezapop/

Referrals

The New Mexico Juvenile Justice system follows the law set forth in the New Mexico Children’s Code, NMSA 1978 §§ 32a-2-1 to 32a-2-33. The Children’s Code identifies three referral types:

Delinquent Referrals: An act committed by a child that would be designated as a crime under the law if committed by an adult.

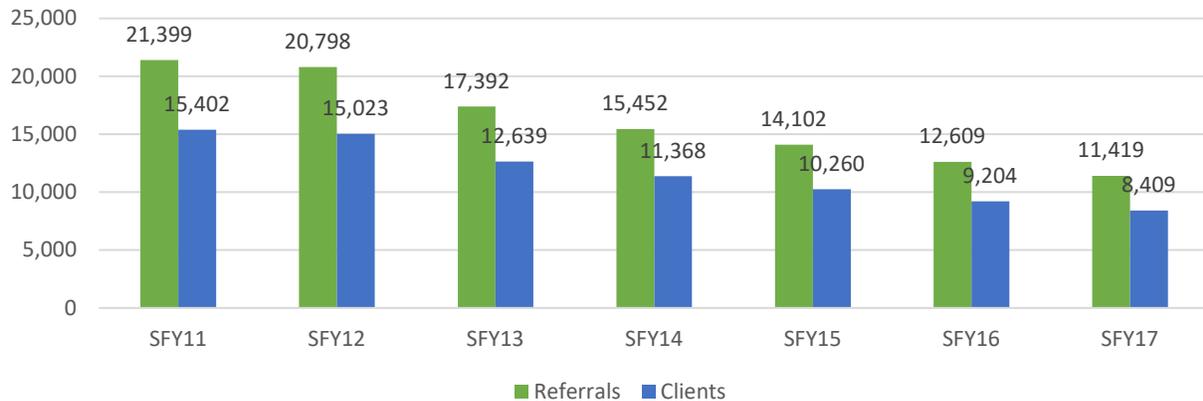
Status Referrals: Also referred to as Families in Need of Services (FINS) referrals, an act that is a violation only if committed by a juvenile. Status offenses include Runaway, Incurable, and Truancy.

Probation Violations: Any violation of the terms of probation, which are specific to each client.

Of the 222,929 youth, aged 10-17 years, 8,409 unique clients were referred to Juvenile Justice Services, in state fiscal year 2017. These clients had an accumulation of 11,419 referrals (some clients had multiple referrals). These referrals resulted in 18,191 charges (each referral may have multiple charges). The most serious charge, when multiple charges exist, determines if a referral will proceed as delinquent, status, or a probation violation. Out of the 11,419 referrals,

77.1 percent of the referrals were delinquent, 15.2 percent were status, and 7.7 percent were probation violations.

Juvenile Referrals SFY11 - SFY17



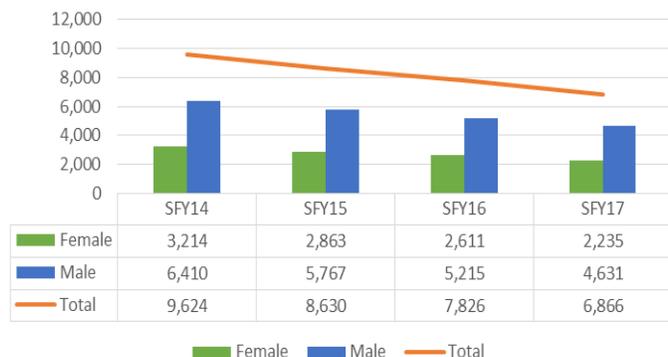
As we discuss the three referral types later in this document, the unique client number will increase. This increase is due to a client receiving a referral over multiple types. Each client is counted as unique in each referral type. Please refer to Appendix A for the last four years of data compiled by state and individual county.

Delinquent Referrals

In state fiscal year 2017, 6,870² clients collected 8,804 delinquent referrals. Of the 18,191 total charges accrued, 13,604 or 74.8 percent were delinquent. Of the 8,804 delinquent referrals, 4,540 (or 51.6 percent) were handled informally, 4,222 (or 47.9 percent) were handled formally, and 42 (or 0.5 percent) were pending at the time of reporting. For additional information on delinquent referrals, please refer to Appendix A.

The majority of the delinquent referrals were issued to juvenile male

Delinquent Referrals by Client Gender SFY14 - SFY17



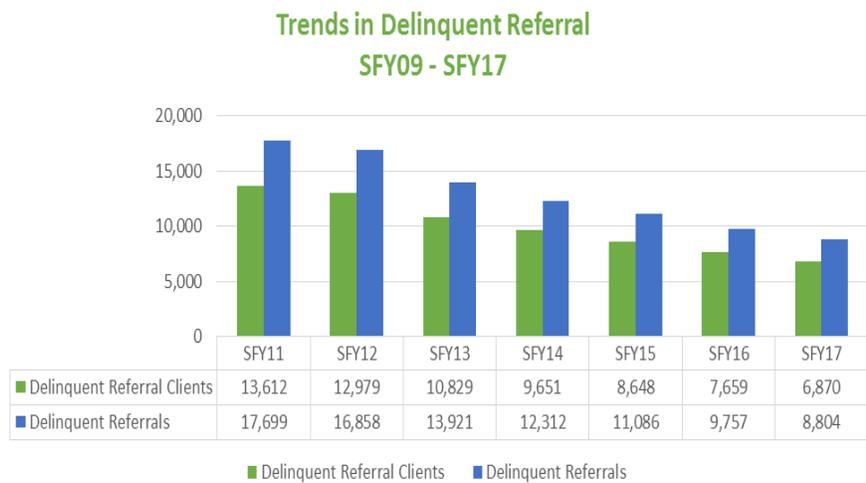
² The number of youth in the chart *Delinquent Referrals by Client Gender* does not include those youth that did not identify with a gender or the information was missing from the data collection.

clients, with 67.4 percent. The number of females receiving delinquent referrals were less than half of the males, at 32.5 percent. Less than 0.1 percent of the referrals were missing gender data, at the time of reporting.

For the same reporting period, clients who identified themselves as Hispanic, were the largest population, with 67.7 percent of the delinquent referrals. Non-Hispanic Whites were the next largest population at 20.2 percent, followed by American Indian at 7.2 percent. African American, Asian, Native Hawaiian, and 2 or more rounded out the balance at 4.9 percent.

Of all age groups with delinquent referrals, it was found that the largest number, with 3,101, belonged to the 16-17 years age group. The total numbers decline the younger the age group, with 2,301 for the 14-15 age group; 1,161 for the 12-13 age group; 226 for the 10-11 age group; and 71 for those under the age of ten.

The total number of delinquent referrals has been declining steadily over the past seven years, from 17,699 in state fiscal year 2011 to 8,804 in state fiscal year 2017.



The number of clients receiving the delinquent referrals declined by over 49 percent in seven years, from 13,612 in 2011 to 6,870 in 2017; with a 10.3 percent decline from 2016.

It is important to note that over the last four years, although delinquent referrals continue to decline, male clients continue to commit delinquent offenses at a rate twice that of females.

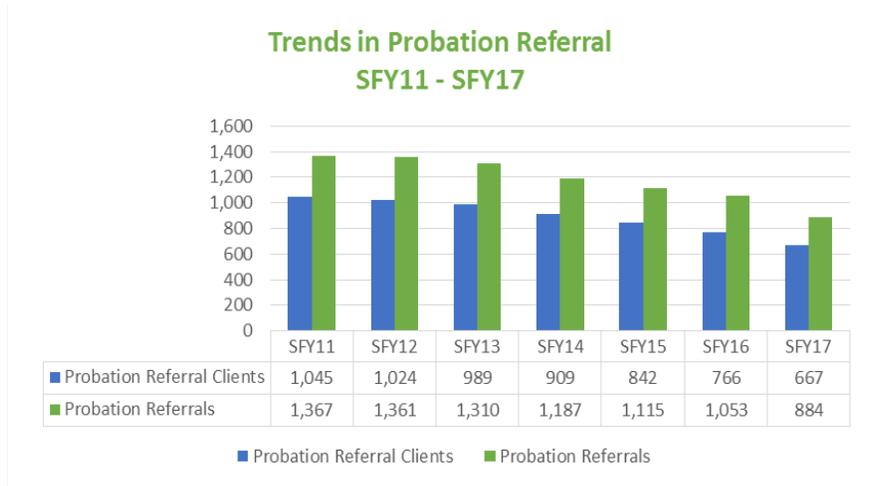
Probation Violations

State fiscal year 2017 saw a total of 667 unique clients for probation violations, accruing a total of 884 referrals and 2,839 charges. Of that number, 76 percent were male, while 24 percent were female. Of the 667 clients, the largest race/ethnicity population was Hispanic at 72.7 percent, with Non-Hispanic White next largest at 14.8 percent. The American Indian population was at 6.1 percent, with African American, Asian, and 2 or more rounding out the balance.

As with the delinquent referrals, probation violation referrals follow the same trend with age groups. The largest population was the 16-17 age group with 362 clients, followed by the 14-15 age group with 183 clients, 12-13 age group with 27 clients. The age group of 18 or older reported 95 clients with violations.

The most reported probation violation offense was Alcohol/Drugs, with 564 or 19.9 percent of total probation violation offenses. Of the 884 referrals, six were handled informally, while the balance of 878 were handled formally. For additional information on probation violation referrals, please refer to Appendix A.

As illustrated in the chart to the right, probation referrals continue to decline over the last seven years, from 1,367 in state fiscal year 2011 to 884 in state fiscal year 2017. The



number of clients receiving the delinquent referrals declined by over 36 percent in seven years, from 1,045 in 2011 to 667 in 2017; with an almost 13 percent decline from 2016.

Status Referrals

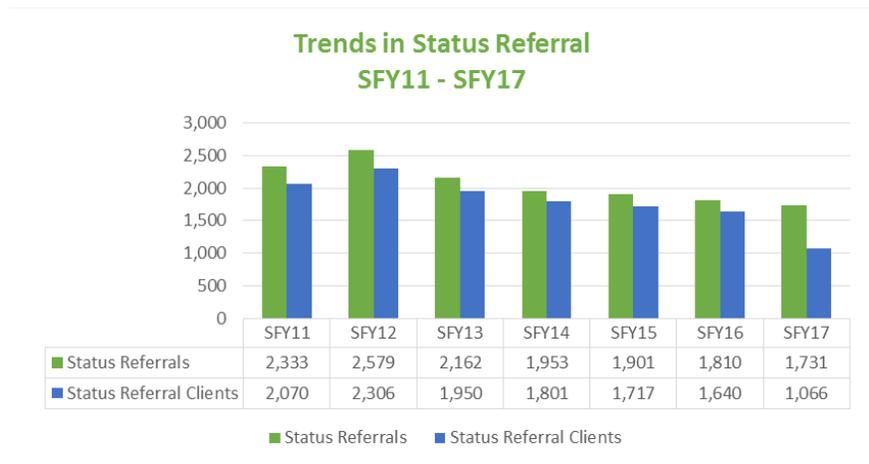
A total of 1,606 unique clients were referred to the New Mexico Juvenile Justice system with a status referral. These unique clients collected a total number of 1,731 status referrals, with a cumulative 1,747 offenses. Of these 1,606 clients, 51.3 percent were male, while 48.7 percent were female.

For the same reporting period, clients who identified themselves as Hispanic, were the largest population, with 70.9 percent of the status referrals. Non-Hispanic Whites were the next largest population at 17.4 percent, followed by American Indian at 8.2 percent. African American, Asian, Native Hawaiian, and 2 or more rounded out the balance at 3.5 percent.

Of all age groups with status referrals, it was found that the largest number, with 584, belonged to the 16-17 years age group. The total numbers decline the younger the age group, with 505 for the 14-15 age group; 212 for the 12-13 age group; 109 for the 10-11 age group; and 191 for those under the age of ten. There were also three reported as missing the age and two that were 18 years of age or older.

After what appears to have been an upward trend in status referral clients until state fiscal year 2012, we have seen a steady decline. State fiscal 2012 saw 2,579 status referrals, with a drop to

1,731 in 2017. The number of clients, for the same period, declined by 53.8 percent. CYFD realized a 35 percent decline within just the last year. For additional information on status referrals, please refer to Appendix A.



Education

Education is an important investment in New Mexico's health, strength and prosperity. Unfortunately, year after year, our state ranks at the bottom nationally in education achievement and many efforts have failed to resolve this crisis.

In 2012, a joint education task force was established and chaired by Governor Susana Martinez and Chief Justice Petra Jimenez Maes. The task force's purpose was to provide collaborative advice, recommendations, and propose strategies to address the educational needs of children and youth in the state's custody and other high risk youth. While it is still difficult to get a clear picture of the students who are involved in both the education and juvenile justice system, the New Mexico Public Education Department (PED) and CYFD have made significant progress in sharing data.

In the task force's 2014 report, the data showed that 11,333 male and 4,485 female students committed infractions, with the largest age group being 14-15 year olds. Infractions included referrals, in school suspensions, out of school suspensions, expulsion and modified expulsion.

In the summer of 2014, FosterEd committed to working in New Mexico and formed a leadership team of senior staff from CYFD, PED, State Supreme Court and the Governor's office. Since then FosterEd has been working with New Mexico's foster care and juvenile justice systems to implement the *Every Student Succeeds Act* (ESSA). Although, FosterEd funding will cease in May of 2018, the commitment does not. The work will continue through the partnerships formed and alternative funding sources are being explored.

The state's Juvenile Detention Standards (NMAC 8.14.14) require every juvenile detention center to provide an educational program for detained juveniles. Facilities are required, with the local public school district, to develop and implement programming to meet the educational and instructional needs of the residents while complying with all applicable state and federal educational standards. All nine detention centers have memorandums of understanding with the

local school districts and provide educational instruction to residents.

CYFD's long-term commitment facilities provide a widerange of educational services to our youth who have been committed. Our facilities are certified GED and HiSet Testing Centers, have two accredited high schools and offer Academic Transition Coordinators.

CYFD offers our committed youth high school credits; special education services; graduation ceremonies; career technical and vocational education; fine arts elective classes; intervention classes; post-secondary classes through a partnership with Central New Mexico University and Eastern New Mexico University; as well as assistance with high school admissions, post-secondary adminssions, GED enrollement and materials for our transitioning youth.

While we can always improve on the services we provide our youth, resources are stretched thin. CYFD is actively exploring additional funding for services to our committed youth. Due to the previous PED Cabinet Secretary resigning and impending gubenitorial transition, the state advisory group will reenergize its working relationship with PED.

Domestic Minor Sex Trafficking

The Special Programs Unit has joined New Mexico's Domestic Minor Sex Trafficking (DMST) subcommittee to find and create reesources and protections for minor trafficking victims. DMST is the commercial sexual abuse of children through buying, selling or trading their sexual services. Prostitution, pornographny, stripping, escort services, and other sexual services are forms of DMST when children are victims.³

According to the National Human Trafficking Hotline, in 2017 there were thirty-seven human trafficking cases reported in New Mexico. Of those thirty-seven cases: there were twenty-four sex trafficking, six labor trafficking, five were not specified and two were sex and labor cases. Of the thirty-seven cases, thirty-three were female and four were male. In these cases, not all victims were

³ Kimberly Kotrla, *Domestic Minor Sex Trafficking in the United States*, 55 J. Social Work 181, 182 (2010).

categorized as youth. These are only the reported cases. NM Juvenile Probation Officers have reported, based on the clients they work with, that the number should be much higher. In most cases, the youth and/or their families are afraid to come forward out of fear of retribution from their trafficker.

There are approximately 5,000 homeless youth in New Mexico. One in five homeless youth have been approached by a trafficker within forty-eight hours of becoming homeless. New Mexico currently has a D grade in Legislation, Response and Services available to DMST victims. New Mexico also has no dedicated beds and no specialized services for DMST victims.⁴

Members of the subcommittee are working hard for statute changes that will recognize youth that have been trafficked as victims, rather than as delinquents. Work has already started in filling the gap for shelter beds. DMST youth are often placed in detention centers for a short time, and then with no place to go, they run back to their trafficker. These shelter beds would provide a safe, stable place to go.

Juvenile Detention Alternatives Initiative

With a vision that all youth involved in the juvenile justice system should have opportunities to develop into healthy, productive adults, while promoting public safety, the Annie E. Casey Foundation (AECF) began to tackle juvenile justice reform efforts through the implementation of the Juvenile Detention Alternatives Initiative (JDAI) using eight core strategies. These strategies have been replicated in 300 jurisdictions in 40 states and the District of Columbia. The eight core strategies include: data-driven decision making; objective admissions based on valid risk assessment instruments; alternatives to detention; case processing reform; special detention cases; reducing racial disparities; improving conditions of confinement; and collaborative partnerships.

CYFD has embraced AECF's justice reform efforts since 2003. CYFD partnered with the New

⁴ New Mexico Dream Center (Albuquerque, NM) is committed to identifying gaps in services in NM.

Mexico Legislature, the New Mexico Association of Counties, and the Judiciary (Statewide Leadership Team) to embed JDAI's principles in our juvenile justice system.

The primary emphasis of the Statewide Leadership Team, in state fiscal year 2018, consisted of the following:

State Coordination

Developing the framework or model for onboarding sites to implement JDAI successfully remains the focus. The Leadership has a five year plan for full implementation. However, if this five year plan is going to progress at a rate to meet our projected timeline, then a model of a "cohort of mentor sites" must be established. A site may have several counties in it and a site may also be a judicial district but for these purposes a site is a CYFD juvenile probation district. There are fourteen probation districts in NM. We are currently in phase three of the Leadership state to scale timeline of five years, beginning in state fiscal year 2016. By creating this "cohort of sites," NM JDAI can be fully implemented within the state fiscal year 2020 goal. This would require phase three sites to become mentors to the next phase four sites and the phase four sites to mentor the phase five sites. The full extent of the mentorship would have to be established by the Leadership but requires sharing practices that have shown success. As equally as important will be the state level policy and practices that complement. Engagement will include quarterly convenings to have next level peer to peer mentoring to include inspirational mentors from the community and other states.

The state continues monthly communications with site coordinators, the state coordinating team and JDAI technical advisors (TA). The purpose of the calls is to establish a means of providing all parties with the optimal method for collaboration. Strong collaboration between state, site, and technical assistance is a critical component of a successful model.

Local Coordination

While San Juan County continues to develop and implement their work plan, the state will progress with the phase three sites. These sites include Sandoval, Valencia, Cibola, Grant, Luna and Hidalgo. These sites make up two cohort sites or probation districts. There have been multiple phone interviews in these sites conducted with local stakeholders to gauge a sites developmental stage in JDAI/DMC. The state will continue to assess the site's knowledge and progress in JDAI/DMC and hone in on each site's successes and challenges. The next stage of implementation in the local districts will be a JDAI/DMC system assessment.

Examining the Risk Assessment Instrument (RAI) Overrides & Evaluating the RAI for Reliability & Validation

A select group of high level decision making representatives from all areas of the state including those who have the most experience with the RAI were convened to begin validating the NM RAI. The most recent revisions based on the recommendations of this team, have been uploaded into the current internet based system SARA that houses the RAI. The RAI validation team will reconvene to examine the reliability of the changes, the counties overrides and once stabilized commence the validation stages.

Training

The process for on-boarding new sites includes providing training to sites to coach them in JDAI and DMC strategies, objectives and goals. The state will provide this training through the OJJDP technical request. The state will convene the phase two sites (counties listed above) this fall to provide a two-day JDAI/DMC training. This approach of aligning the two strategies is the most effective and meaningful methodology since DMC is an overarching strategy of the eight core JDAI strategies. Additionally, the system assessment has been designed to address both JDAI and DMC.

The Pretrial Justice Institute has developed a Fundamentals Training module for administering JDAI trainings. Since the rollout of this module, the state has obtained commitments

from our next cohort of sites and their boards to complete these trainings. The state obtains updates on the progress of completing the fundamentals. The goal will be to fully immerse all of our sites stakeholders in JDAI/DMC fundamentals.

Building relationships with our Native American partners

Another significant area within the timeline is bringing on Native American Pueblos, Nations and Tribes as JDAI scale sites. This period, it is significant and notable to report the on-boarding of the second national tribal site in the nation, The Pueblo of Isleta (POI). The POI is currently in the stages of creating subcommittees and participating in trainings in other model sites. Most significant is their work in notification of tribal sites at the earliest point in the juvenile justice process. This is a multi-agency collaboration including the Tribal Consortium, the Statewide Leadership Team, CYFD, Burns Institute Technical Advisors and community leaders.

Probation Agreement

CYFD has updated, revised and standardized the current Probation Agreement that is used statewide. The probation agreement has been in practice for one year. During this period it was the goal of the Leadership Team to institutionalize the agreement in court documents. It has been reviewed by the Supreme Court Rules committee and put out for public comment. Once the Rules committee completes their recommendations, the agreement will be sent to the Supreme Court Justices for final approval. If there is no delay, the final stage will be complete in December of 2018 and the document will be entered into court documents by early 2019.

Conclusion

New Mexico has seen a steady decrease in referrals over the last seven years. Referrals have declined by 46 percent, and unique clients have declined by over 45 percent. We have seen great success in overall general areas. It is now time to focus on those youth that truly need assistance from falling further into the juvenile justice system, as well as those at-risk youth that have moderate- to high-risk of entering the juvenile justice system.

Our crime analysis has shown that male juveniles are receiving delinquent referrals at a rate twice that of female juveniles. We need to address the lack of services for our male clients.

The crime analysis also shows, that while we may be seeing a decline overall, some counties have seen a small increase. We need to look harder at these cases, the related data and the services being provided. A greater analysis of the services being provided needs to be done in order to answer the following:

- Are we serving the right youth with our prevention, intervention and diversion funds;
- Are we reaching those moderate- to high-risk youth who will enter, or have already entered the system; and
- Are we funding the right programs in order to “move the needle” in a positive direction?

3. Program Narrative
b. Goals and Objectives (Federally Funded)

The following is a narrative of the identified problem statements and description of potential programs to be funded with federal funds. Due to minimal Title II funds, the state’s Juvenile Continuum Grant funds will be utilized to address the majority of issues. Each discussion describes the problem, goals, and objectives. New Mexico understands the importance of performance measurements in evaluating each activity. All sub-grantees report the required performance measurements on a monthly basis, allowing us to gather all data required to submit in the federal reporting tools and the Grant Management System (GMS) system. For the federal fiscal year 2018 budget estimates, please refer to Appendix B.

3. Program Narrative
b. Goals and Objectives (Federally Funded)

1. Alternatives to Detention (3)

Problem Statement:

New Mexico has found geographical service gaps, along with system inefficiencies, that result in varying detention practices.

Program Goal:

Increase the availability and types of diversion and alternative to detention programs through a continuum of services and graduated sanctions; improve the fair and effective response to all youth who come into contact with the juvenile justice system; and improve the juvenile justice system through continuums using best practice/model programs.

Program Objectives:

- To provide support to judicial districts and units of local government that wish to address specific juvenile justice issues and develop a continuum of services and graduated sanctions.
- To encourage the appropriate use of secure detention, the development of adequate non-secure alternatives, and to support statewide implementation of juvenile detention reform initiatives using JDAI.
- To foster objective decision-making about youth at each step in the pre-disposition process, as required by the New Mexico Children's Code.

3. Program Narrative

b. Goals and Objectives (Federally Funded)

2. Disproportionate Minority Contact (21)

Problem Statement:

Data reflects that minorities are over-represented in many decision points in the juvenile justice system (i.e., arrest, adjudication, etc.). Over the last two years, the State of New Mexico and JJAC have revised our strategies and programs to address this issue. Additional training, for

all professionals involved at the decision points in the system, is needed so that race and ethnicity are not factors in these decisions.

Program Goal:

JJAC continues to promote development of equitable standards and levels of juvenile justice for all youth, regardless of race, ethnicity or socio-economic condition and identifying gender.

Program Objectives:

To promote an adequate data collection and analysis system that demonstrates handling of youth at all points in the justice system, from arrest through institutionalization, by coordinating with CYFD's Data Unit on the automated data system, and by identifying and collecting data needed from others.

- To determine the causes of minority overrepresentation in the system.
- To support the implementation of strategies and activities to address overrepresentation of minorities in the system.
- To implement the state's DMC plan through training, technical assistance, and intervention programs statewide.
- To develop county by county profiles of offense data that analyze disparate treatment of juvenile offenders at different contact points in the juvenile justice system.

3. Program Narrative

b. Goals and Objectives (Federally Funded)

3. Indian Tribe Programs (24)

Problem Statement:

The various Native American tribes and pueblos in New Mexico have their own juvenile justice systems, as sovereign nations. Few have suitable, separate detention facilities for youth, or appropriate alternatives to divert youth from detention. Planning and program initiatives will help

address this situation, with some funding assistance through the Native American pass-through provision of the JJDP Act.

Program Goal:

JJAC will work to assist New Mexico's tribes and pueblos to ensure that Native American youth have the same quality of services offered to them as the general juvenile population in New Mexico. JJAC will also assist in the development of Inter-Governmental Agreements (IGA's), between a tribe or pueblo and the State of New Mexico, on the services provided their juvenile population, and in developing a Children's Code specific to their sovereign needs while still adhering to the juvenile's rights.

Program Objectives:

We will support both state and local intervention and diversion efforts, as well as juvenile justice system improvements, while looking to:

- Increase organizational capacity;
- Improve program activities;
- Improve program efficiency;
- Improve pro-social behaviors;
- Reduce delinquency;
- Increase accountability; and
- Increase program support.

3. Program Narrative

b. Goals and Objectives (Federally Funded)

4. State Advisory Group (32)

Problem Statement:

The juvenile justice system in New Mexico is comprised of many diverse components and is constantly changing. Components of the system are located in the judicial and executive branch of state government, city or county government, and are independent, such as the district attorneys and others are in the private sector. There is a need for one group to conduct coordinated planning and provide advice to the Governor, state Legislature, CYFD, local government and others on juvenile justice policy. The state Juvenile Justice Advisory Committee (JJAC) is this group and has the statutory responsibility for implementation of the JJDP Act in New Mexico. JJAC, with assistance from JJAC Unit staff (including the JJ Specialist), monitors proposed state legislation and agency policies for possible conflict with the JJDP Act or unintended consequences that may impact the state's compliance with the Act.

Program Goal:

The goal is to improve the juvenile justice systems by increasing compliance with the Core Requirements of the JJDP Act, while increasing the availability and types of prevention and intervention programs. JJAC will improve the juvenile justice system in New Mexico by developing policy recommendations on the function of and improvements to the system. JJAC will also facilitate the state's participation in the JJDP Act, and provide statewide collaborative planning in juvenile justice.

Program Objectives:

- Improve planning and development;
- Improve program efficiency;
- Improve program quality;
- Improve the management of the state JJDP program; and
- Increase program support.

3. Program Narrative

b. Goals and Objectives (Federally Funded)

5. Planning and Administration (28)

Problem Statement:

New Mexico's juvenile justice system is very diverse, with many components in the various branches of state and local government, as well as the private sector. There is a need for coordinated planning and research to stimulate improvement in the system. Participation in the JJDP Act can also facilitate improvements in the state's juvenile justice system, creating the need for administration and management of JJDP programs with state and federal funds.

Program Goal:

The JJAC Unit will improve juvenile justice systems by increasing compliance with the Core Requirements of the JJDP Act and increasing the availability and types of prevention and intervention programs.

Program Objectives:

The Planning and Administration Objectives are to support both state and local prevention and intervention efforts while improving the juvenile justice system. Objectives include:

- Increase organizational capacity;
- Improve planning and development;
- Improve program quality;
- Improve monitoring of compliance;
- Improve planning and administration;
- Improve the management of the state JJDP program; and
- Improve program efficiency.

3. Program Narrative

b. Goals and Objectives (Federally Funded)

6. Juvenile Justice System Improvements (27)

Problem Statement:

Data analysis is critical to identifying, funding and evaluating effective juvenile justice and delinquency prevention programs. It is imperative that CYFD gather, analyze and provide quality data and information not only to direct our services, but to also assist our statewide partners in developing and implementing programs that best serve the needs of our at-risk youth.

Program Goal:

To continue to develop a comprehensive data collection system that will include all service providers, subgrantees and subcontractors; as well as all entities that must comply with sight & sound separation, deinstitutionalization of status offenders, and jail removal core requirements of the JJDP Act.

Program Objectives:

Continue to add modules, features or fixes to address needs found through the use of the system, as well as continue offer training and support to the frontend users of the system.

- 3. Program Narrative**
 - b. Goals and Objectives (State Funded)**
 - 1. Gender Specific (23)**

Problem Statement:

New Mexico has identified that over the last four years, male juveniles have received referrals at an average rate of twice that of female juveniles. While New Mexico has a robust continuum of female specific programs throughout the state, we are not doing enough to meet the needs of our male clients.

Program Goal:

Provide a sustainable and comprehensive system of support for enhancing the strengths of young men and women in the New Mexico juvenile justice system, as well as develop more gender specific response programs for young men and women in the juvenile justice system with good transitional follow-up services.

Program Objectives:

- To provide responsive, and culturally sensitive, services addressing the needs and behaviors of our male juveniles, while also serving those already in the juvenile justice system;
- To eliminate or minimize behaviors or environmental factors that increase the risk of delinquency in male juveniles; and
- To prevent delinquency by intervening early to change risky behaviors and providing follow-up care to reinforce new skills and prevent further involvement in the juvenile justice system.

3. Program Narrative

b. Goals and Objectives (State Funded)

2. Rural Area Programs (30)

Problem Statement:

New Mexico is a rural state with a population at over 2.08 million inhabitants. This small population produces limited tax revenue and limited public services. The vast distance between rural communities and the cost of transportation contribute to lack of adequate services and, in some cases, an absence of services in rural and/or frontier areas.

Program Goal:

Provide a sustainable and comprehensive system of support and services in rural and frontier area of the state.

Program Objectives:

- Assist to implement successful priority programs, while encouraging continuums to increase the use of evidence-based programming.
- Increase data collection and information sharing among all programs and across the state.
- Increase the number of continuums that provide prioritized services for at-risk youth in rural and frontier areas.

3. Program Narrative

b. Goals and Objectives (State Funded)

3. *Graduated and Appropriate Sanctions (8)*

Problem Statement:

To accurately assess the continuums role in delinquency prevention, it is imperative to take into account the nature and volume of cases coming into the juvenile justice system. Continuums must be equipped to address a full range of juvenile problem behaviors. Often the presenting behavior is merely the “tip of the iceberg”, and a good needs assessment can help identify and address individual service needs.

Program Goal:

Youth who enter the juvenile justice system receive a developmentally-appropriate, evidenced-based risk assessment instrument to aid in the application of appropriate services and/or sanctions.

Program Objectives:

- Juvenile justice interventions are guided by each individual youth’s risk and needs.
- Services and supports align with best practices so that youth are served in safe, developmentally-appropriate programs.
- Programs and practices are reviewed and adjusted to ensure they do no harm and do not cause disparities.

3. Program Narrative

b. Goals and Objectives (State Funded)

4. *Delinquency Prevention (6)*

Problem Statement:

The data indicates a significant number of referrals to the juvenile justice system for alleged delinquent offenses such as alcohol/drugs, battery, truancy and property offenses among New Mexico’s juvenile population.

Program Goal:

To bring a system of services and sanctions for juveniles designed to prevent or reduce referrals to the juvenile justice system.

Program Objectives:

- Increase the number of youth served while reducing the number of referrals;
- Increase the number of programs/services available in under-served communities;
- Improve program quality; and
- Increase youth accountability.

3. Program Narrative

b. Goals and Objectives (State Funded)

5. Diversion (22) & Graduated and Appropriate Sanctions (8)

Problem Statement:

There is not equal access to juvenile diversion programming within the state of New Mexico.

Program Goal:

Youth do not enter or penetrate the state's juvenile justice system unnecessarily.

Program Objectives:

- Local communities, along with the justice system, divert low-level and low-risk youth from formal involvement, thereby promoting positive youth outcomes and public safety.
- Diversion strategies are provided in an equitable manner to reduce racial and ethnic disparities.
- Court personnel are equipped to protect the due process rights of youth, respond to individual youth needs, and promote developmentally appropriate and rehabilitative outcomes.

3. Program Narrative

c. Implementation (activities and services)

1. Population-Specific Plan

a. Gender specific services

New Mexico has identified that over the last four years, male juveniles have received referrals at an average rate of twice that of female juveniles. While New Mexico has a continuum of female specific programs throughout the state, we are not doing enough to meet the needs of our male clients.

CYFD encourages local continuums to provide a sustainable and comprehensive system of support for enhancing the strengths of young men and women in the state's juvenile justice system with good transitional follow-up services. Moving forward, emphasis will be on providing responsive, and culturally sensitive, services addressing the needs and behaviors of our male juveniles, while also serving those already in the juvenile justice system and eliminating or minimizing behaviors or environmental factors that increase the risk of delinquency in New Mexico's juveniles.

For specific programs addressing gender specific services, please see Appendix F.

3. Program Narrative

c. Implementation (activities and services)

1. Population-Specific Plan

b. Prevention and treatment of youth delinquency

Juvenile delinquency is a persistent issue that exists among virtually every county in New Mexico. Some counties are beset by higher rates of juvenile delinquency while other counties may have less frequent instances. There are a number of factors that influence juvenile delinquency. Often times there are risk elements that may influence the probability of a child engaging in juvenile delinquent behavior. Elements that may increase the risk of juvenile delinquency include things like aggressiveness, peer influence, history of family violence or abuse and so on.

While there are many other issues that can lead to juvenile delinquent behaviors and tendencies, the importance of implementing treatment and prevention programs is just as important as understanding the factors that can provoke juvenile delinquent behavior.

The local continuums have a wide variety of prevention programs in place, while treatment is harder to fulfill. Many communities lack the proper services to refer juveniles in need of

treatment. Many local continuums have established relationships with services across county lines or even to other parts of the state. CYFD has made strides in coordinating efforts with other state agencies to fill these gaps, but there is more work to be done.

For specific programs addressing delinquency prevention services, please see Appendix F.

3. Program Narrative

c. Implementation (activities and services)

1. Population-Specific Plan

c. Mental health services to youth in the juvenile justice system

CYFD implemented Structured Decision Making (SDM) as the risk and needs classification instrument for juvenile offenders in New Mexico. SDM in New Mexico is comprised of a Risk Assessment, Risk Reassessments, and a Needs Assessment. Every time there is a disposition ordered for an adjudicated juvenile offender, a risk assessment and a needs assessment is completed. A risk reassessment and a needs assessment are completed on a set schedule of time between assessments, depending on what type of supervision the youth is on, or whenever there is a significant change in the youth's situation or behavior. These reassessments continue until the youth is discharged from supervision by CYFD.

These tools are to provide consistent and standardized decisions affecting juveniles, as well as guide in treatment planning. Specifically, CYFD uses the SDM instrument to guide disposition recommendations, define which set of minimum contact standards to utilize when supervising a youth in the community, and assist in the classification process of youth committed to CYFD facilities. Periodic reassessments are completed to track progress, and if indicated, treatment plans are modified. Aggregate data provides important management information regarding client characteristic trends, workload, service utilization, as well as gaps in service, and enables managers to plan, monitor, and evaluate the JJS outcomes.

In 2008, CYFD incorporated the SDM system, for field supervision, into the Family Automated Client Tracking System (FACTS), CYFD's case management system. In 2011, the facility

supervision component of the SDM system was incorporated into FACTS. FACTS automatically calculates a risk and needs score for each client based on the risk and needs assessment values. The risk score will determine the risk level of the client ranging from low (3 or less) to medium (4-6) to high (7 or more). A similar score for needs is calculated with a range of low (-1 or less), moderate (0-9), or high (10 or more). In addition to an overall needs score, FACTS will also determine the priority needs and strengths of the client which are the three needs that scored the highest and the lowest.

Behavioral health counselors are available to respond to clients 24 hours per day. Counselors are available for individual and group counseling during regular business hours, and a counselor remains on call after regular business hours in case of emergencies. Clients meet with behavioral health staff upon intake and are screened to determine their specific needs. There are many behavioral health services available in the facilities and in the community. These include: Cognitive Behavioral Therapies which focus on trauma indices, namely Trauma Focused-Cognitive Behavioral Therapy (TFCBT), Dialectical Behavioral Therapy (DBT) Coping Skills Training, and Seeking Safety. Sex Specific Therapy is also used for youth who have caused sexual harm.

3. Program Narrative

c. Implementation (activities and services)

2. Consultation and Participation of Units of Local Government

Each year CYFD requests juvenile justice related needs assessments, strategic plans, and detailed applications for funding, from those counties that have active continuums and would like funding to assist in addressing the needs and problems outlined in their needs assessment, while furthering their countywide strategic plan.

While many continuums show a good effort in these areas, we continue to struggle with local communities identifying their specific juvenile justice needs, based on data and full community input. In many cases we find that needs are perceived, based on data that represents overall issues and does not treat the underlying cause.

Without comprehensive performance measure reporting and data collection from our local partners, to determine whether programs have achieved substantial success in achieving the goals specified in the local funding applications, New Mexico struggles with determining if the prevention and diversion programs are in fact keeping juveniles from entering, or falling further, into the juvenile justice system.

3. Program Narrative

c. Implementation (activities and services)

3. Collecting and Sharing Juvenile Justice Information

In 2008, CYFD launched the first internet/web-based system in the nation, linking all detention centers, JPO offices and district court judges statewide to one real time tracking system. The Screening Admissions & Releases Application (SARA), developed and implemented by the New Mexico JDAI team and community detention partners, enables the statewide implementation of the Risk Assessment Instrument (RAI), a NM Children's Code mandated screening for all youth referred for detention. The RAI aides JPOs and other law enforcement in determining the steps of care needed for each individual juvenile offender. It is a real time detention data information system.

In state fiscal year 2013, enhancements were made to SARA to streamline processes, specifically in reporting and providing the ability to track youth referred to/in detention. The most significant change was the addition of support for the national JDAI QRS (Quarterly Report System). Besides positioning New Mexico to be in alignment with other Annie E. Casey Foundation grantees; investing in SARA offers New Mexico an additional tool to look at our youth statewide at risk of out of home placement, awaiting placement for treatment, or transport for a juvenile commitment.

In state fiscal year 2018, CYFD established the Law Enforcement Portal as a web-based application that provides law enforcement access to information about Protective Services (PS) and Juvenile Justice Services (JJS) involvement with families they come in to contact with. Once given access to the portal, law enforcement can quickly get a real-time snapshot of the departmental history of a family, using a laptop or mobile device, while in the field responding to a call.

With regards to JJS information, the portal provides information about the referrals a client has received, preliminary inquiries that have been completed and their outcomes, petitioned charges, and dispositions. Law enforcement can also see who is currently assigned to a case so, should they have questions or need to follow up, they know who to contact.

CYFD has currently trained officers from the Albuquerque Police Department, Bernalillo County Sherriff's Office, New Mexico State Police, and the Las Cruces Police Department. We are quickly expanding to other agencies across the State with trainings being held approximately twice a month.

Even with these milestones, there are barriers. One is identified as the lack of uniform, statewide arrest data for all local law enforcement agencies. Some of these agencies still do not report uniform crime data to the FBI and the state Department of Public Safety. However, all juveniles arrested must be referred to the Juvenile Probation Office, and in this manner we are able to collect total number of arrests.

The sharing of juvenile justice data is also subject to several barriers that act to limit or hinder information flow. One barrier is in place by state statute. Statute §32A-2-32 establishes that client specific information collected by CYFD is confidential and cannot be disclosed to the public. It also defines the specific entities with whom CYFD is authorized to provide this confidential information to.

Another barrier has been identified as the compliance with the Health Insurance Portability and Accountability Act (HIPPA). This is meant to protect an individual's healthcare information. Any personally identifiable information (PII) and corresponding medical or behavior health information is subject to this act and its penalties.

Currently, the last obstacle to a coordinated, well-rounded, data collection effort is the lack of a universally accepted and utilized identifier for juveniles. Without a common identifier between

the various collection applications, it is not possible to reliably link the information contained within the systems.

Children, Youth and Families Department was awarded a pass-through waiver from OJJDP for federal funding years 2015, 2016 and 2017. These funds were used to research a comprehensive data collection system that more accurately reflects the populations that we are serving and will drive our decisions for future juvenile justice reform efforts.

In mid-2018, CYFD entered into a contract with a local vendor to begin work on the data collection system. This vendor currently operates a system used by multiple state agencies and other divisions within CYFD. Not only will this coordinated system allow for cross identification of New Mexico youth, it affords an extreme cost savings due to the platforms already in existence.

3. Program Narrative
d. Formula Grant Program Staff

The Special Programs Unit is tasked with the administration of the Formula Grants Program, Annie E. Casey Foundation grant, Juvenile Community Corrections funding, statewide One-on-one and Group Mentoring Programs, and the State Juvenile Continuum Fund. This unit falls within the Juvenile Justice Services Division of CYFD, under the direction Deputy Director of Field Services Nick Costales.

Please know that the assistance provided under the JJDP Act will not cause the displacement of any currently employed employee; the activities under the JJDP Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.

The following briefly describes the individuals charged with the staffing and management of the Special Programs Unit funding and programs:

Janet Musolf - Special Programs Manager

Provides oversight and coordination of all components of the Special Programs Unit to move forward juvenile justice reform efforts. 20% devoted to formula grant, paid through state funding. *This position is acting as the JJ Specialist until that position is filled.*

Kim Robinson – Executive Secretary

Provides administrative and clerical support to both the Special Programs and Transition Services Units. 20% devoted to formula grant, paid through state funding.

Juvenile Justice Specialist/Grant Management Unit Manager - Vacant

1. Manage and administer relevant state grants and federal grant programs;
2. Direct and coordinate all planning, programmatic, and oversight activities associated with these programs including budgetary, procurement, contracting, and reporting requirements of the grants;
3. Prepare and submit to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) New Mexico's three year Strategic Plan and Annual Plan Supplement as required;
4. Facilitate, monitor and provide general oversight of the compliance with the OJJDP Core Requirements; and
5. Provide support for the Governor's Juvenile Justice Advisory Committee (JJAC). This involves interpreting and maintaining compliance with all applicable federal and state statutes and regulations and the state Children's Code.

75% devoted to formula grant, paid through state and federal funding. *This position is currently in the hiring process.*

Cindy Varela, Consuelo Garcia, and Louis Pacias – Grant Managers (3 positions)

1. Oversight of state and federal grant-funded programs;
2. Data gathering, research, and technical assistance needs of the programs;
3. Contract development and management;
4. Monitoring sub-grants to ensure compliance with grant requirements; and

5. Support to the JJAC Board as needed.

Each manager devotes 25% of their time to formula grant, paid through state funding.

Patti Vowell – Juvenile Detention Alternatives Initiative (JDAI) Coordinator

Supports and coordinates the implementation of the JDAI Core Strategies throughout New Mexico by:

1. Working to safely reduce commitments to youth detention centers and other residential facilities through policy, practice, and program reforms at both the state and local levels;
2. Administering the statewide SARA data system which provides for objective admissions screening;
3. Minimizing failures to appear and incidence of delinquent behavior;
4. Redirecting public finances to successful reform strategies;
5. Improving conditions in secure detention facilities;
6. Reducing racial and ethnic disparities; and
7. Serving as a liaison to the Annie E. Casey Foundation (AECF) regarding funding distributions, reporting requirements, and program and policy implementation.

15% devoted to formula grant, paid through state funding.

Steve Brooks – DMC Coordinator

1. Calculate, report and analyze federal DMC rates using the RRI;
2. Monitor and propose refinements to the JJS process, using data to drive analysis and decisions, in an effort to address DMC through necessary policy/process changes;
3. Educate community/departmental stakeholders (education, judiciary, law enforcement, etc.) on DMC; and
4. Participate in various committees of JJAC to ensure that DMC is being addressed with fidelity to the federal model.

100% devoted to formula grant, paid through state funding.

Fernando Corral – Detention Compliance Monitor

Ensures the nine county operated juvenile detention centers maintain compliance with the New Mexico Detention Standards (NMAC 8.14.14), as well as the JJDP Act.

75% devoted to formula grant, paid through state funding.

Operational Research Analyst - Vacant

1. Engages in data querying, aggregating, analysis, quality assurance and reporting for Special Programs management and stakeholders. Providing documentation and information guides on data report creations to support managers in strategic planning, and making decisions about operations and performance to external stakeholders;
2. Respond to a variety of information requests creating ad hoc reports from the data collection system, and other sources for program managers and stakeholders including CYFD Secretary, JJS senior management, staff, legislators, and others; and
3. Provide aggregate data and reports for consultation and research to support to the Special Programs Unit in strategic planning and performance improvement. Support Special Programs Unit manager with aggregate data reports to facilitate research and interpretation of measures and outcomes.

50% devoted to formula grant, paid through state funding. *In the process of advertising the position for hire.*

The Formula Grant Flow Chart may be found in Appendix C.

4. Plans for Compliance

Plans for compliance with the four core requirements of the JJDP Act, were submitted to OJJDP’s online compliance tool. Below is a brief synopsis of those plans.

4. Plans for Compliance

a. Compliance with the first three core requirements

1. Plan for Deinstitutionalization of Status Offenders

New Mexico is in compliance with the JJDP Act requirement that juveniles, who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in secure detention or correctional facilities. New Mexico's Children's Code (NMSA Chapter 32A) prohibits secure detention of most status offenders and non-offenders. The Children's Code also requires that adult lockups and adult detention centers, that hold juveniles, submit juvenile holding logs to, and submit to inspections by, the Compliance Monitor for the State of New Mexico. The Compliance Monitor has developed a compliance manual for reference by all required entities and available on the CYFD website.

The state juvenile detention facility standards, mandated by law, do not allow for secure detention of status offenders and non-offenders. The state utilizes the use of objective criteria for detention decisions, the Risk Assessment Instrument (RAI). The RAI ensures that Juvenile Probation and Parole Officers, as well as detention intake workers, make certain that status offenders and non-offenders are screened out. Status offenders do not score high enough on the RAI to allow secure detention. Also, quality assurance measures, built into the SARA system, send automatic notices to designates and alert if any such detention occurs; resulting in an investigation. Use of the RAI is mandated statewide by the Legislature and CYFD.

In 2009, the State Legislature revised Section 32A-2-11, Criteria for Detention of Children, to specifically limit detention to those cases in which a determination is made that the client:

- Poses a substantial risk of harm to himself;
- Poses a substantial risk of harm to others; or
- Has demonstrated that he might leave the jurisdiction of the court.

New Mexico continues to fund programs, with both state and federal funds, in order to provide services to status offenders. We will notify OJJDP if there are substantial changes that might jeopardize compliance. We are not aware of any barriers to continued compliance.

4. Plans for Compliance
a. Compliance with the first three core requirements
2. Plan for Separation of Juveniles from Adult Offenders

The Children's Code requires that a client, arrested and detained for an alleged delinquent act, may not be held in an adult jail or lockup for longer than six hours. Any client, detained in such adult jail or lockup, must be placed in a setting physically segregated by sight and sound from adult offenders. This also requires that an adult jail or lockup, used as a temporary holding facility for alleged delinquent offenders, file an annual report regarding its compliance with federal requirements and submit to inspection by the Compliance Monitor.

Section 223(a) (12), of the JJDP Act, states that juveniles alleged to be, or found to be delinquent, as well as status offenders, shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

Currently, nine long-term detention facilities are certified by CYFD to hold juveniles. All facilities have total sight and sound separation, with separate staff, management, spatial, program and living areas. The state, through its detention standards, continues to require juvenile detention facilities to employ separate staff for juveniles, including the requirement that female staff be on shift when females are being detained.

Continued licensing and certification depends on an annual inspections conducted by CYFD. These inspections are part of the state's standards and licensing policy. Failure to pass an inspection can result in decertification. Several detention facilities were voluntarily decertified and closed in recent years. Evidence of the state's commitment, in maintaining the certification process, is illustrated by the fact that a detention compliance monitor is a permanent full-time employee within the CYFD. This position is devoted to inspection and certification of juvenile detention facilities, with respect to compliance with state standards.

A child who has previously been incarcerated as an adult or a person eighteen years of age or older shall not be detained in a juvenile detention facility or a facility for the long-term care and rehabilitation of delinquent children, but may be detained in a county jail. A child shall not be transferred to a county jail solely on the basis of attaining the age of eighteen while detained in a juvenile detention facility. In the event that a child is detained in a jail, the director of the jail shall presume that the child is vulnerable to victimization by inmates within the adult population because of the child's age, and shall take measures to provide protection to the child. However, provision of protective measures shall not result in diminishing a child's civil rights to less than those existing for an incarcerated adult.

4. Plans for Compliance

a. Compliance with the first three core requirements

3. Plan for the Removal of Juveniles from Adult Jails and Lockups

The New Mexico Children's Code was revised in recent years to address this issue:

- "Limitations on Adult Jails or Lockups as Temporary Holding Facilities for Youth" providing that children arrested and held in an adult jail or lockup may be detained no longer than six hours, must be segregated from adult offenders, and requiring that adult jails or lockups, used as temporary holding facilities, file annual reports regarding compliance with federal requirements. Additionally, the code provides that said annual reports will be formatted and reviewed by the Juvenile Justice Advisory Committee in conjunction with CYFD.
- "Adult Jails and Lockups Used as Temporary Holding Facilities" has been revised to create a section of the Children's Code which requires that a child arrested and detained for an alleged delinquent act may not be held in an adult jail or lockup for longer than six hours, and that any child detained in such adult jail or lockup be placed in a setting physically segregated by sight and sound from adult offenders. This also requires that an adult jail or lockup used as a temporary holding facility, for alleged delinquent offenders, file an annual report regarding its compliance with federal requirements.

The state is in compliance with the jail removal requirement. Juveniles are only securely detained in the long-term, physically separate, juvenile detention centers, or in the approved collocated, separate juvenile detention centers.

4. Plans for Compliance

b. Compliance with the Disproportionate Minority Contact (DMC) Core Requirement

The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (Public Law 93-415, 42 U.S.C. 5601 *et seq.*) mandated that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) require all states participating in the Formula Grants Program (Title II, Part B, of the Act) to address disproportionate minority confinement (DMC) in their state plans. Specifically, the amendment required the state, if the proportion of a given group of minority youth detained or confined in its secure detention facilities, secure correctional facilities, jails, and lockups exceeded the proportion that group represented in the general population, to develop and implement plans to reduce the disproportionate representation (Section 223(a)(23)).

In its 1992 amendments to the JJDP Act, Congress elevated DMC to a core requirement, years later, Congress modified the DMC requirement of the JJDP Act of 2002 to require all states that participate in the Formula Grant prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice states to institute multipronged intervention strategies including not only juvenile delinquency prevention efforts but also system improvements to assure equal treatment of all youth.

New Mexico is dedicated to the equal and fair treatment for every youth (regardless of membership in a minority or majority population group) involved in the juvenile justice system. To that end, the state DMC Coordinator, JJAC Unit and the SAG are working together to consider the data gathered, and the conclusions drawn from, in planning and funding decisions.

4. Plans for Compliance

b. Compliance with the Disproportionate Minority Contact (DMC) Core Requirement

1. Phase I – Identification

The method that OJJDP has selected for the identification stage is termed the Relative Rate Index (RRI). This method involves comparing the relative volume (rate) of activity for each major stage of the juvenile justice system for minority youth with the volume of that activity for white (majority) youth. The RRI provides a single index number that indicates the extent to which the volume of that form of contact or activity differs for minority youth and white youth. In its simplest form, the RRI is simply the rate of activity involving minority youth divided by the rate of activity involving majority youth.

CYFD tracks the RRI for each county, excluding Harding County. Harding County is a frontier county in New Mexico, and all referrals are referred to Quay County, thus the numbers are included in Quay. However, there have not been any juvenile justice referrals received in Harding County since approximately 2009. The RRI is calculated in approximately October of each year and is reported to OJJDP by the full-time DMC Coordinator.

CYFD currently collects RRI data as noted above, on a yearly basis for each county individually (excluding Harding) and statewide. CYFD uses all referrals reported by the individual Juvenile Probation Office (JPO). Due to the nature of the referrals received, which may include delinquent offenses, status offenses, and probation violations, CYFD uses a method that allows us to separate referrals by those categories, as well as for cumulative number of referrals. CYFD reports only the cumulative referrals for the purpose of tracking the RRI; however, we do calculate an RRI for each of those categories.

Although one may think of the identification phase as the first step in a jurisdiction's DMC efforts, it is also an *ongoing* process. OJJDP requires all states to collect this data statewide and from their targeted local DMC reduction sites on a continuing basis (updated at least every 3 years with the submission of a new 3-year comprehensive juvenile justice and delinquency prevention plan). The primary purpose of the identification phase is descriptive—it provides a quantitative

answer to the question, are there differences based on race and ethnicity in the contact that youth have with the juvenile justice system? In addition, this phase provides initial guidance on what questions to ask (assessment) about the mechanisms and reasons for such differences.

It is important to note what is not included at this stage: any attribution about the reasons for the differences. Therefore, the identification phase of information neither describes the reasons for any differences that occur nor creates strategies to reduce those differences. The identification stage, and the use of the RRI in this stage, is designed to help narrow the field of inquiry for the assessment stage, which describes the process of identifying the likely mechanisms that create differences in juvenile justice system contacts for minority youth and which, in turn, leads to the intervention stage.

The RRIs are expressed in terms of a white male being considered 1.0. For example, the RRI for a minority at arrest is 1.70, so for every ten white males, seventeen minority males are arrested statewide. Or, in other words, a minority male is arrested at a rate of 1.7 times that of a white male.

Data is available for all counties (except Harding) in Appendix A. Both the counts and the RRI's are based on a new, refined methodology which follows referrals initiated and concluded within the same fiscal year. These figures may differ from those found in the crime analysis, for this reason.

Prior to state fiscal year 2013, multiple data files, which gathered data at each decision point, independently, were utilized. In other words, data which was not directly limited to the outcomes of arrests was reported. Starting in state fiscal year 2014, a single data file was used, which selects those referrals that were initiated, and concluded, during the period of July 1, 2013 through June 30, 2014. For example, a referral is initiated on August 1, 2013 and concludes on March 3, 2014, it is included in this count. A referral that initiated June 1, 2013 will not be counted, as it began prior to the reporting period. A referral that initiated in the reporting period, but did

not conclude, the decision points that were within the reporting period are considered and the outcome is considered pending.

With the reporting for federal fiscal year 2016 Title II Formula Grant solicitation, New Mexico moved to reporting on a federal fiscal year basis. New Mexico converted all state fiscal year RRI counts and indexes to federal fiscal year; from a July 1st to June 30th reporting period, to an October 1st to September 30th reporting period.

In order to effectively identify areas of concern, the DMC Coordinator converted all previously reported counts to a federal fiscal year. This includes recalculating statewide, as well as each of our thirty-three counties, at each decision point. We now have comparison data dating back to federal fiscal year 2007.

In October, 2015, CYFD received the four core requirement letter from OJJDP. The letter encouraged New Mexico to submit a training and technical assistance request to assist the state with implementing the full OJJDP DMC Reduction Model, with specific focus on assessment, intervention, evaluation, and monitoring. To address this request, the DMC Coordinator submitted a Technical Assistance Request to OJJDP.

In January of 2016, CYFD was partnered with the Development Services Group (DSG) to begin the development of a technical assistance plan. DSG tasked both Thomas Harig, Ph.D. and William Feyerheim, Ph.D. to coordinate a DMC 101 training and strategic planning session for the key individuals leading the New Mexico statewide DMC efforts. These individuals included the statewide DMC Coordinator, SAG Chair, JJ Specialist, CYFD Data Unit, Epidemiologist, statewide JDAI Coordinator, Special Programs Unit manager, SAG DMC and Data subcommittee chairs. These persons form New Mexico's DMC Leadership Team.

The first technical assistance session took place in late March, 2016. The training reviewed DMC at length, as well as the various contributing mechanisms to DMC. The necessity of local efforts to reduce DMC at the statewide level was also discussed. Work on the second day concentrated

on development of a solid three year plan. The DMC Leadership team continues to meet regularly to ensure timely and effective strides towards a statewide plan, as well as future local involvement.

The following data discussion is just the beginning in the current conversation to identify areas of focus. As the balance of the files are converted to federal fiscal year, identified trends may change focus.

5. Additional Requirements

Refer to Appendix I, for certifications with the Title II requirements.

6. Plan for Collecting the Data Required for Performance Measures

The State of New Mexico fully understands the requirements of reporting performance measurements and will fulfill such obligation by using a data collection system addressing all mandatory and some non-mandatory measures.

7. Budget and Associated Documentation

The Budget Detail Worksheet and budget narrative can be found as Appendix B.

8. Indirect Cost Rate Agreement

Not applicable for the state of New Mexico.

9. Financial Management and System of Internal Controls Questionnaire

The completed questionnaire may be found as Appendix E.

10. Disclosure of Lobbying Activities

The completed form may be found as Appendix N.

11. Additional Attachments

a. Applicant Disclosure of Pending Applications

Please see Appendix O.

b. Research and Evaluation Independence and Integrity

No portion of the project budget will be used to conduct research and/or evaluation.

c. Demonstration of Compliance with Additional Requirements of the JJDP Act

Please see Appendix I.

d. Agency Contact Information

Please see Appendix J.