

Statement of
Senior Justice Barbara Vigil
For the LHHS Committee

November 12, 2019

Good Morning. Mr. or Ms. Chair and members of the LHHS Committee.

It is my honor to present this statement to you. I regret that I am unable to join you in person due to my obligation to attend the New Mexico Supreme Court retreat in Taos today.

Brief History of JDAI in New Mexico

Let me begin by setting forth a longstanding commitment towards keeping our communities safe while eliminating unnecessary detention of youth in New Mexico. This work, known as the Juvenile Detention Alternative Initiative or JDAI began in New Mexico over 15 years ago. It has resulted in fewer youth being detained in local detention centers and has led Bernalillo County to becoming a nationally recognized model JDAI site. This work incorporates eight core principles in the decision of whether to incarcerate a young person. In addition to following the eight core principles of JDAI we have enacted into our Children's Code the use of a risk assessment instrument or RAI as an objective instrument to assess the risk posed by a youth to his or herself and community. For close to two decades we have made efforts to follow the eight core principles with intention and integrity. Despite this success we recognize that this work is ongoing and impacts the issue we face today.

Brief Explanation of State to Scale

Today, we are committed to bringing the entire state to the same scale as Bernalillo County. The expansion of JDAI beyond Bernalillo County is known as "State to Scale" and began over four years ago with a Memorandum of Understanding between Children, Youth and Families Department, the Supreme Court and the Association of Counties. Today, a new Memorandum of Understanding includes the Department of Education. Each entity is committed to contributing to JDAI by finding ways in which to improve the system of justice, share information and find ways to work together in order to keep our communities safe while at the same time supervising youth as an alternative to detention. We have been successful in expanding our State to Scale efforts to San Juan County under the leadership of

Traci Neff. While this work has resulted as fewer youth being detained without risk to our communities, it has borne additional fiscal challenges to local governments who operate juvenile detention facilities.

The Problem Presented

The fiscal impact upon counties in bearing the high cost associated with operating local juvenile detention centers given the declining populations poses a significant challenge. While it would be easy to simply decide to close such facilities to save the cost of operation we must pause to ask ---- is that the right answer? While we must be cognizant of the adverse impact closure would have upon youth who would be forced to be incarcerated far away from their families and communities. On one hand, we must continue to strive to minimize unnecessary detention of youth because of the adverse impact it has on them while at the same time finding solutions to alleviate the high cost of detention borne by county governments. We must find sensible solution for detaining youth who must be detained but keeping them in their communities and close to their families.

The declining number of youth who are detained in local juvenile facilities has forced counties to explore ways in which to alleviate the high cost of operating its local detention center while also providing appropriate care and supervision necessary to keep youth and the community safe. The time has come to find ways in which to keep detained youth adequately supervised and cared for near their home while assisting counties in finding ways to meet the high cost of 24 hour detention.

Recommendations for Further Study

While the answer to this dilemma will take time careful study and meaningful collaboration I respectfully suggest the following areas be examined:

1. Find ways to **share the cost of facilities** between the county, state and city governments. The counties should not be required to bear the entire cost of detention. Perhaps it is time for cost sharing between counties, cities and the state.
2. **Find ways in which to repurpose existing facilities.** In addition to providing secure detention, these facilities can serve as youth centers that provide sites for alternative educational opportunities and technical training

for youth who do not perform well in traditional schools. We should explore using these facilities for day-reporting centers, youth counseling services and shelters. These facilities can continue to house detained youth while providing alternative uses for non-detained youth as well.

3. **Share resources with county governments who share their facilities for alternative support and educational services for youth.**
4. **Improve court processes and procedures** to minimize unnecessary delay in adjudicating youth who are detained. Be mindful of and help minimize the additional cost associated with transporting youth to courthouses.
5. **Explore regionalization of detention centers.** While we must be mindful of the importance of keeping kids near their homes once they are detained, perhaps developing regional detention centers where costs attributed to operating such a facility is shared by and between cities, counties and the state of New Mexico is a reasonable solution.

Conclusion

In closing, I respectfully submit that these issues pose new challenges not only for the local governments who operate juvenile detention centers but perhaps more importantly for all New Mexicans who are impacted by our criminal justice system. I stand committed to helping find meaningful solutions to these challenges in order to make our juvenile justice system work better for everyone.

Thank you for considering my views.

Barbara J. Vigil
Senior Justice