

NEW MEXICO  
LEGISLATIVE  
FINANCE  
COMMITTEE

## Juvenile Justice Overview

Presentation to the Legislative Health and Human  
Services Committee

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# Road Map

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- History & Procedure
- Trends
- Best Practices



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# History & Procedure



# Overarching Purpose

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The overarching purpose of the NM Delinquency Act is:

*consistent with the protection of the public interest, to remove from children committing delinquent acts the adult consequences of criminal behavior, but to still hold children committing delinquent acts accountable for their actions to the extent of the child's age, education, mental and physical condition, background and all other relevant factors, and to provide a program of supervision, care and rehabilitation, including rehabilitative restitution by the child to the victims of the child's delinquent act to the extent that the child is reasonably able to do so.*

32A-2-2(A) NMSA 1978



# Expanded Statutory Purpose

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In 2003 and 2007, the Legislature amended the Act to expand its purpose to include:

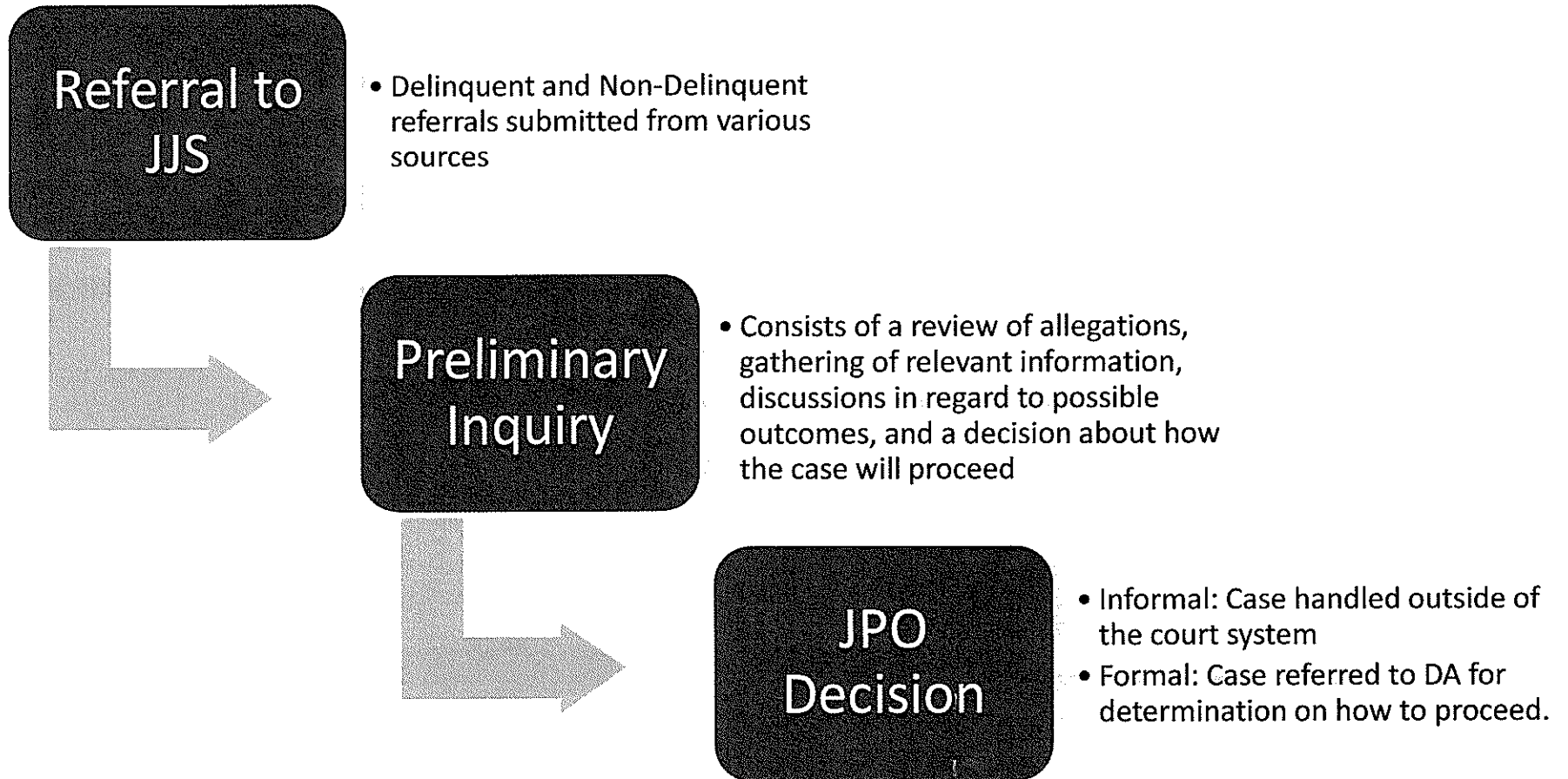
- strengthening families and successfully reintegrating children into homes and communities;
- fostering and encouraging collaboration between government agencies and communities regarding juvenile justice policies and procedures;
- developing juvenile justice policies and procedures that are supported by data;
- developing objective risk assessment instruments to be used for admission to juvenile detention centers;
- encouraging efficient processing of cases;
- developing community-based alternatives to detention;
- eliminating or reducing disparities based upon race or gender;
- improving conditions of confinement in juvenile detention centers; and
- achieving reductions in the number of warrants issued, the number of probation violations, and the number of youth awaiting placements.

32A-2-2(A) NMSA 1978



# Process Generally

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# Referrals

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## **Delinquent**

- Referrals based on act committed by child that would be designated a crime if committed by an adult
- Overwhelming majority of referrals

## **Non-Delinquent**

- Referrals based on act committed by child that would not be designated a crime if committed by an adult
- Small number of referrals

## **Probation Violation**

- Violations of the terms of court ordered probation



# Preliminary Inquiry & Filing

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## **Preliminary Inquiry**

- After assignment to a JPO, the youth and family members meet to discuss the case
- Consists of a review of allegations, gathering of relevant information, discussions with regard to possible outcomes, and a decision about how the case will proceed
- The JPO decides whether to refer the case to the children's court attorney or handle the case through informal means

## **Filing Decision**

- The Children's Court attorney determines whether to file a petition in court
- May refer youth for informal services or dismiss the case





# Case Handling

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## Informal

- Supervision
- Services

## Formal

- First appearance
- Adjudication
- Disposition



# Informal Process

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- Case handled outside of the court system
- Examples of informal sanctions include
  - Diversion program
  - Counseling
  - Community service
  - Victim restitution
  - Informal supervision



# Formal Process

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## **First Appearance**

- Plea entered
- Detention decision and conditions of release

## **Adjudication**

- Trial phase

## **Disposition**

- Probation conditions
- Commitment
  - 1 year
  - 2 year
  - Until 21



# Implementation Strategies

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1. Interagency collaboration between stakeholders, parents, community, and others to coordinate reform activities
2. Use of accurate data to diagnose and understand the system problems, identify solutions, and drive program decisions
3. Reliance on objective admission criteria and instrument to guide detention admission decisions
4. Utilization of alternative to detention to provide youth with community-based services while awaiting adjudication
5. Reform case processing in order to accelerate movement of delinquency cases, reduce unnecessary delays, and ensure interventions and timely and appropriate
6. Reduce the use of secure confinement for “special” detention cases, such as parole violation
7. Commit to reducing racial and ethnic disparities by implementing practices and policies that eliminate structural or personal biases
8. Improving and monitoring conditions of confinement by conducting routine facility inspections



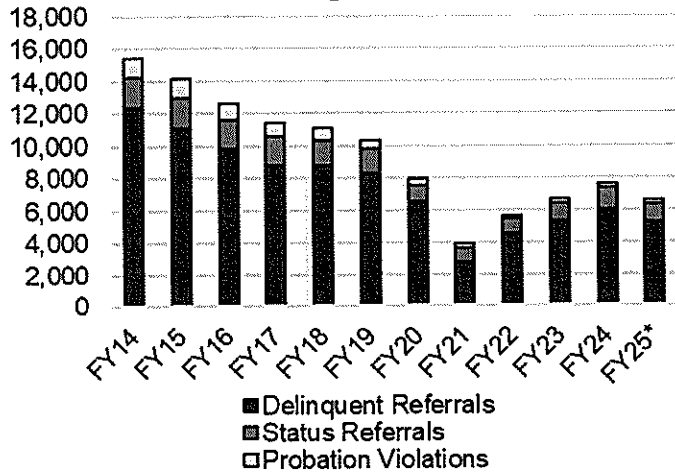
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# Trends



# Referrals

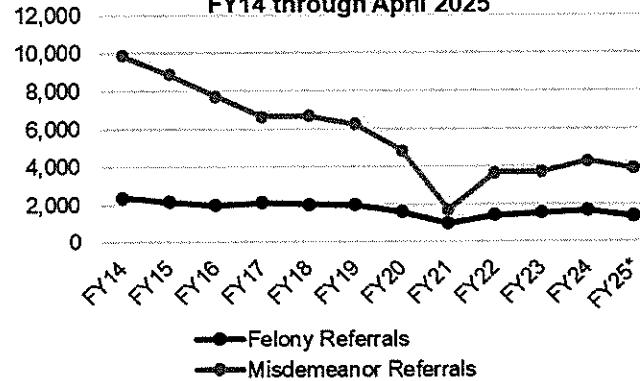
**Referrals to the Juvenile Justice System by Referral Type, 2014 through March 2025**



Note: FY25 data only goes from July 2024 through April 2025.

Source: LFC analysis of CYFD data.

**Delinquent Referrals to the Juvenile Justice System by Criminal Charge FY14 through April 2025**



Note: FY25 data only goes from July 2024 through April 2025.

Source: LFC analysis of CYFD data.

**Top Charges for Juvenile Delinquent Referrals, FY14 through April 2025**

Charge Type	Charge
Top Five Juvenile Misdemeanor Charges	Battery
	Use or Possession of Drug Paraphernalia
	Shoplifting (\$250 or less)
	Battery (Household Member)
	Public Affray
Top Five Juvenile Felony Charges	Aggravated Assault (Deadly Weapon)
	Unlawful Carrying of a Deadly Weapon on School Premises
	Criminal Damage to Property (Over \$1000)
	Burglary (Automobile)
	Battery Upon a Peace Officer

Source: LFC analysis of CYFD data.

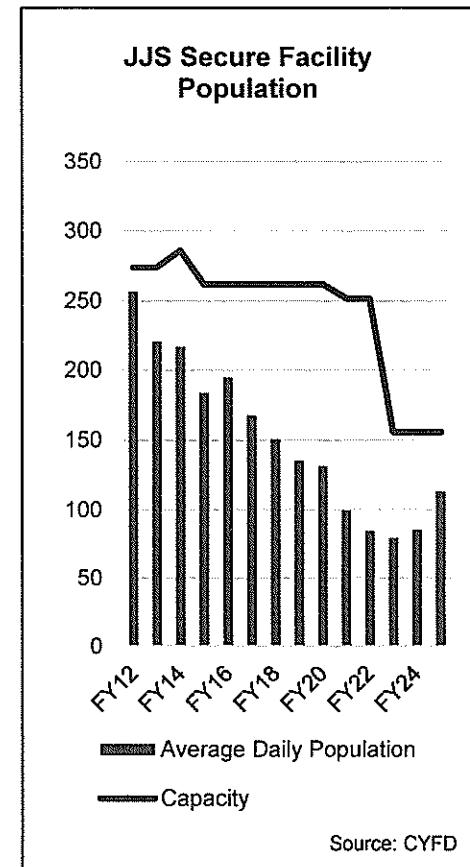


# Secure Facilities & Population

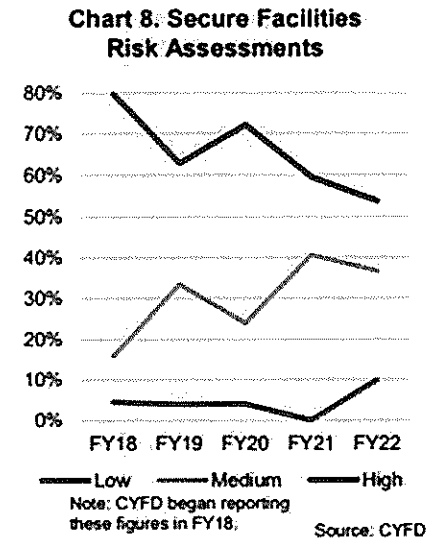
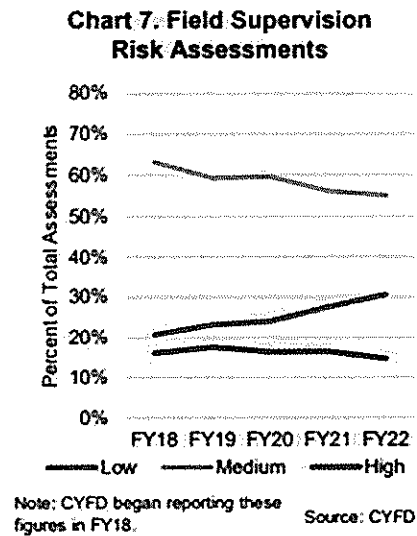
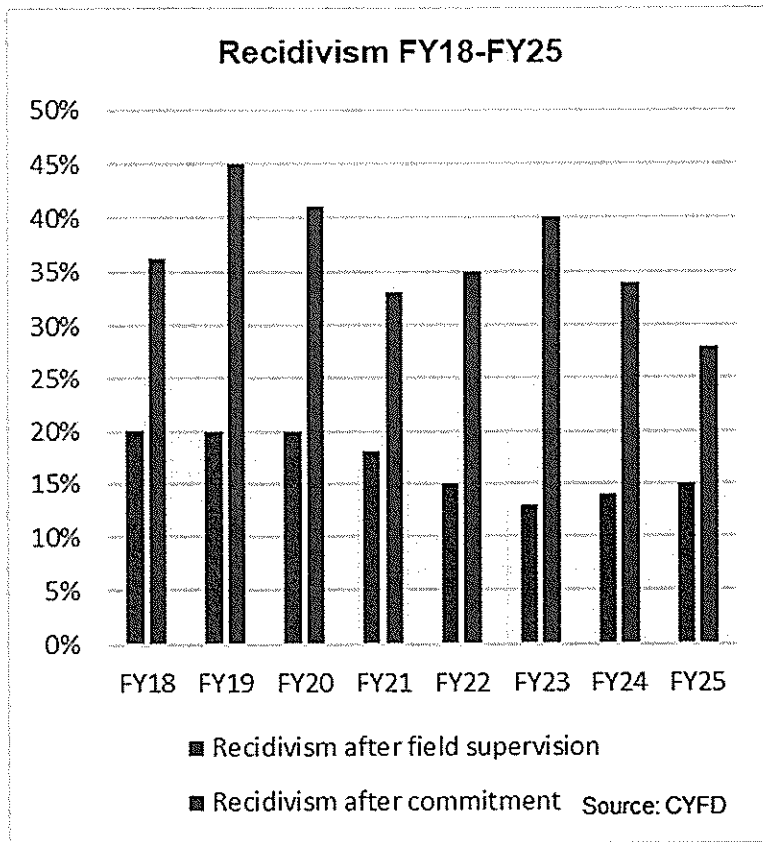
Secure Juvenile Justice Facilities Population Census

	Camino Nuevo Youth Center <sup>4</sup>	San Juan County Detention Center <sup>3</sup>	Youth Diagnostic and Development Center	J. Paul Taylor Center	Albuquerque Boys Center <sup>1</sup>	Lincoln Pines <sup>2</sup>	Total	
Capacity	96	10	108	48	12	12	286	
Location	Albuquerque	Farmington	Albuquerque	Las Cruces	Albuquerque	Ruidoso		
Average Daily Population	FY08	NA	9	133	42	NA	NA	184
	FY09	31	6	117	36	10	NA	200
	FY10	61	9	85	47	9	NA	211
	FY11	71	8	92	46	11	NA	228
	FY12	88	8	106	44	11	NA	257
	FY13	71	8	86	45	11	NA	221
	FY14	78	5	74	39	11	10	217
	FY15	69	7	73	35	NA	NA	184
	FY16	65	8	76	46	NA	NA	195
	FY17	56	9	65	38	NA	NA	168
	FY18	50	7	56	38	NA	NA	151
	FY19	43	5	51	37	NA	NA	136
	FY20	38	7	54	33	NA	NA	132
	FY21	33	NA	47	20	NA	NA	100
	FY22	13	NA	49	23	NA	NA	85
	FY23	NA	NA	53	27	NA	NA	80
	FY24	NA	NA	50	36	NA	NA	86
FY25 <sup>5</sup>	NA	NA	74	40	NA	NA	114	

Source: Children, Youth and Families Department



# Recidivism & Risk Assessment



Over the last year, CYFD has made changes to the structured decision-making tool and is no longer using the validated version with fidelity, defaulting certain types of cases to high risk.





# Dually-Involved Youth

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## National Research

Dually-involved youth make up a large proportion of the young people involved in each system;

- **Between 7% and 29% of youth with a history of child welfare system involvement** are estimated also touch the **juvenile legal system** at some point (Cutuli et al., 2016; Herz et al., 2010)
- **45% to 83% of youth in the juvenile legal system also have a history of child welfare involvement** (Halemba & Siegel, 2011; Herz & Dierkshising, 2018; McCroskey et al., 2017)

## New Mexico Context

New Mexico has the ability to track and examine data and trends related to dually-involved youth but hasn't in at least a decade. Data systems are not currently linked.

A 2015 study found **23%** of Juvenile Justice Services clients in New Mexico had a history of substantiated Protective Services involvement and **34%** had some interaction with Protective Services (Dirmyer & Ortega Courtney, 2015).

CYFD has not publicly reported more recent data.



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# Previous LFC Recommendations



# LFC 2023 Progress Report

## Recommendations

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1. Continue to **evaluate the Juvenile Justices Services budget** to identify opportunities to achieve staffing efficiencies.
2. Given projections of continued declines in incarcerated youth, CYFD should **update its facilities master plan** with one that is consistent with the principles and goals of the Cambiar model.
3. Redistribute JJS funding, **moving funds and staff towards upstream services.**
4. CYFD should continue steps **to improve monitoring** of services and **outcomes** among external providers.
5. CYFD could **provide direct evidence-based services, particularly behavioral health, and leverage Medicaid** to do so

The Consolidated Appropriations Act of 2022 will **require states to provide certain behavioral health services to incarcerated youth** under state Medicaid programs and provides **opportunities to expand some services** with state waivers.

- States are required to provide screenings, diagnoses, and referral services for all incarcerated youth 30 days prior to release, and states must provide case management services as well.
- States have the option to cover additional behavioral health services for youth pending the disposition of charges.
- The new Medicaid provisions go into effect January 2025.



# Multisystemic Therapy

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- Multisystemic Therapy (MST) is an intensive treatment model focusing on youth with serious antisocial behaviors by involving stakeholders including their families, schools, peers, and other members of the community
- MST has been shown to reduce the youth's criminal offending, out-of-home placements, and behavioral health issues, and to improve family functioning.
- Increased access to MST could improve outcomes for justice-involved youth in NM



# Functional Family Therapy

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- Functional Family Therapy (FFT) is an evidence-based program based on the family systems theory and views youth problem behavior or substance use within the context of the family unit
- Particularly effective in treating conduct or behavior problems such as Oppositional Defiant Disorder and Substance Use Disorder
- Increased access to FFT could improve outcomes for justice-involved youth in NM



# Thank you

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More LFC Budget and Policy Documents can be found at:

<https://www.nmlegis.gov/Entity/LFC/Default>

