



*Report
to
The LEGISLATIVE FINANCE COMMITTEE*



Children, Youth and Families Department: Quick Response
Review of Juvenile Justice Services Oversight
January 16, 2006

Report # 06-31

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REPORT TO THE LEGISLATIVE FINANCE COMMITTEE

Children, Youth and Families Department: Quick Response Review of Juvenile Justice Services

Oversight - Report #06-31

January 16, 2006

Review Team

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Deputy Director for
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- *Charles Sallee,*
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Review Objectives

- *Review implementation*
status of the 2004 review
recommendations.
- *Review secure facility use*
and capacity decisions.
- *Assess juvenile justice*
funding adequacy.
- *Assess oversight of secure*
facilities.
- *Review resolution options*
for potential litigation
against juvenile facilities.

Exit Conference

Held January 5, 2006 with
William Gregoricus, Deputy
Cabinet Secretary for
Juvenile Justice, Children,
Youth and Families
Department, and senior
department staff.

Authority for Review

The Legislative Finance
Committee has the statutory
authority under Section 2-5-
3 NMSA 1978 to examine
laws governing the finances
and operations of
departments, agencies and
institutions of New Mexico,
and make recommendations
for change to the legislature.

EXECUTIVE SUMMARY

New Mexico is faced with an enviable problem of excess bed space in its secure juvenile facilities. The Children, Youth and Families Department (department) administers key elements of the juvenile justice system. Consistent with the Delinquency Act (Chapter 32A Article 2, NMSA 1978), the department and many local communities have recently placed a major focus on providing expanded community based services to reduce the number of juveniles needing secure confinement. The new focus, based on national best practices, and other factors have contributed to a 60 percent drop in the number of juveniles housed in department facilities. The excess bed capacity provides the state an opportunity to reconfigure how it allocates resources among the three core stages of juvenile justice: front-end services, facilities, and after-care.

Key Findings.

- Problems with front-line staff workload and vacancies could threaten the success of front-end services, and thus community safety. The department's unsuccessful effort to close Camp Sierra Blanca in 2005 has limited funding for front-end services.
- The department's proposal to close the New Mexico Boys' School facility in Springer is consistent with national best practices.
- The department's transition plan lacks a detailed cost estimate, and also raises other concerns, including the willingness of county detention centers to house department clients long-term.
- Current facility use configuration and programming does not meet specific needs for New Mexico, including the need for improved facilities, a lack of bed space in the southeast and northwest areas of the state, and lack of gender-specific programs for females.
- The department has failed to implement an effective monitoring system that ensures safety, and promotes high-quality care and effective operations at its secure juvenile facilities.

Key Recommendations.

- Reevaluate duties of Juvenile Probation and Parole Officers and identify alternatives for data entry.
- Develop a full transition plan by January 20, 2006 to carry out the department's decision to turn over the New Mexico Boys' School facility in Springer to the Corrections Department.
- Develop a five year strategic plan for future facility use and needs.
- Revise regulations and policies to implement a performance-based monitoring system for facilities and contracted facilities.

FINDINGS AND RECOMMENDATIONS

FRONT-END SERVICES

Over the past three years the Children, Youth and Families Department has shifted the focus of the juvenile justice system towards providing enhanced community based, or “front-end” services. Prior to the shift, core front-end services included probation, community corrections, and juvenile drug courts.

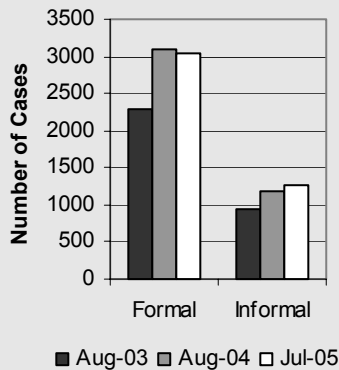
- Probation. Probation is either informal, or formal. The chart to the left shows recent trends.
- Juvenile Community Corrections. The Juvenile Community Corrections Act created a grant program to be administered by the department. The program provides structured and enhanced supervision in an environment that allows the juvenile to remain at home. *Juvenile Community Corrections Services* lists services funded by this grant.
- Drug Courts. Administrative Office of the Courts’ drug courts play an important role in providing very specific services and close court supervision of juveniles with substance abuse issues.

The department uses a structured decision making tool to determine whether an adjudicated youth will be recommended for commitment or community supervision, and to determine the appropriate level of service. The shift is in line with the Annie E. Casey Foundation detention reform project to reduce unnecessary placements of juveniles in detention facilities, while still protecting the public through community-based services. New Mexico uses a mix of agencies to provide community-based services and supervision of adjudicated juveniles.

The department has added two best practice behavioral health programs to improve community-based services to juveniles and their families. Both behavioral health model therapies, Multi-Systemic Therapy (MST) and Family Functional Therapy (FFT), focus on the family environment and are nationally recognized as best practice and proven effective. MST services became available to juvenile justice clients in 2002. In 2004, the department increased its emphasis on front-end services with the roll-out of its FFT program. The programs include restorative and rehabilitative aspects that include community-oriented responses to crime, and are consistent with national trends in approaches to juvenile justice.

MST is a family treatment program that attempts to change the real-world functioning of the juvenile by changing the natural setting of home, school, and neighborhood. It is a highly-regimented program

Juvenile Probation Caseload Trends



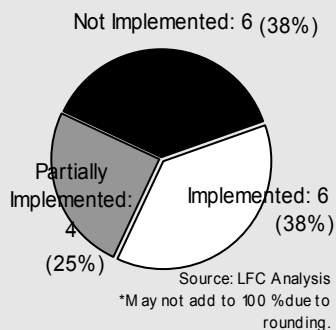
Source: CYFD

Juvenile Community Corrections - Services

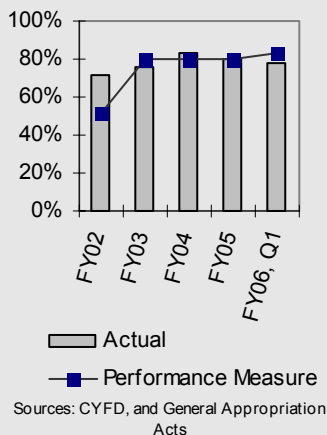
- Intensive Supervision
- Community Service Management
- Job/Education Development
- Substance Abuse Monitoring
- Comprehensive Family Services
- Life Skills Development
- Comprehensive Client Support Services

Source: CYFD

Status of 2004 Performance Audit Recommendations



Juveniles Completing Formal Probation



with strict guidelines. Studies indicate that MST is one of the most effective treatment alternatives. The American Youth Policy Forum reported that in eight scientific trials conducted, MST reduced future days in corrections or residential treatment by at least 47 percent.

FFT is a short-term intervention. The American Youth Policy Forum reported that in trials dating back to 1972, FFT has reduced recidivism rates of delinquent youth by 25 to 80 percent. The program was implemented by the department in February 2005 and is run through seven FFT teams across the state. The department reports that as of August 2005, 334 families have participated in the program.

The department has implemented or partially implemented 63 percent of key recommendations from the 2004 Legislative Finance Committee (Committee) report. The Committee report, *Children, Youth and Families: Review of Juvenile Justice Services, June 11, 2004*, evaluated the department's plans to expand front-end services. The chart, *Status of 2004 Performance Audit Recommendations*, to the left shows the department has not fully implemented 38 percent of the recommendations. *Appendix A* includes a list of all the key recommendations and the implementation status.

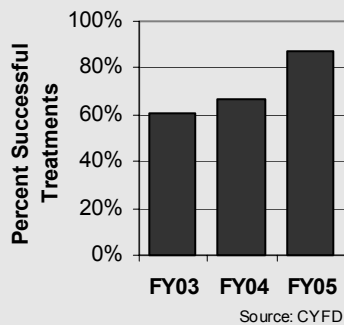
The department has not fully implemented the recommendation to track juveniles from Juvenile Justice Services who later serve time in the adult corrections system. This measure is critical to track the impact of department services on reducing or eliminating criminal behavior as juvenile clients transition to adulthood. The department has signed a joint powers agreement with the Corrections Department (DOC) to share information, but has not resolved legal issues regarding the sealing of juvenile records.

Community-based performance measures appear appropriate for determining front-end service effectiveness. Committee staff did not validate the department performance measure data. However, the measures currently in place to assess performance of community based services in the 2005 General Appropriations Act appear appropriate and include:

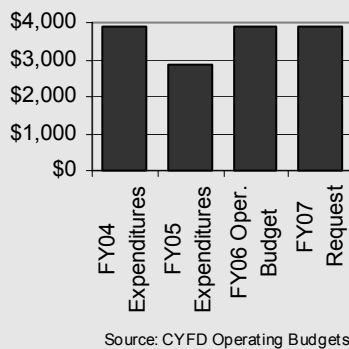
- Percent of clients receiving FFT and MST who have not committed a subsequent juvenile offense,
- Percent of clients who complete formal probation,
- Number of children in community corrections programs.

The department has not fully implemented the FFT program and thus lacks full data to evaluate the success of both behavioral health programs and their impact on helping juveniles complete probation successfully. The department does have performance information

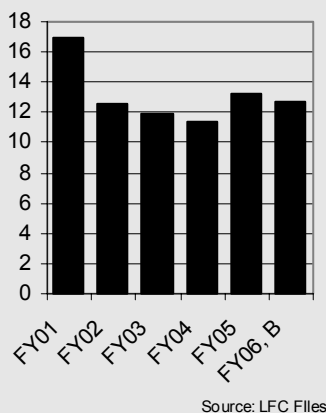
Multisystemic Therapy Treatment Success



Juvenile Community Corrections Program Funding (Figures in Thousands)



JPPO Total Budget (Figures in Millions)



regarding the MST program, and initial results appear promising, though relatively few families have participated in the program. *Multi-Systemic Therapy Treatment Success* shows increasing success rates of this program.

Flat funding levels, problems with front-line staff workload and vacancies could threaten the success of front-end services, and thus community safety.

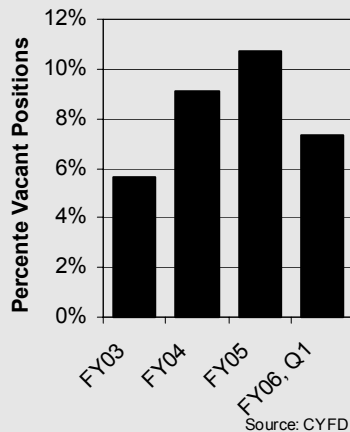
To serve higher risk juveniles in a community-setting, the department needs a full complement of services and skilled professional staff. Without these elements, the juvenile justice system puts community safety at-risk or must rely more heavily on expensive secure facility-based care of juvenile delinquents. Key threats to the success of the department's front-end services include the following.

Flat funding levels despite an increased emphasis on front-end services. The *Community Corrections Funding* chart shows relatively flat levels over the past four fiscal years for this program. The Community Corrections program is integral to successful monitoring of juvenile delinquents. Despite recent increases in funding related to field behavioral health, the overall funding levels for community-based services has remained relatively flat as shown in *JPPO Total Budget*.

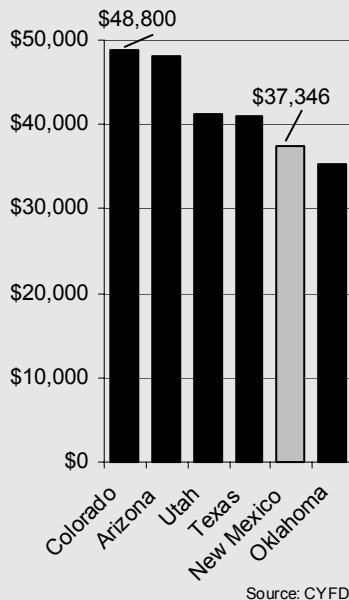
The department has been unsuccessful at fully redeploying about \$3 million in savings from closures and decreased facility budgets to community-based front-end services. In fiscal year (FY) 2005, the department attempted to reduce facilities budgets by about \$4.9 million by closing the Camino Nuevo facility, and reducing the New Mexico Boys' School (Boys' School) budget due to decreased population levels. The department successfully redirected about \$1.9 million of these savings to hire additional Juvenile Probation and Parole Officers (JPPO) and community surveillance officers.

The department's efforts to close Camp Sierra Blanca in 2005 were unsuccessful, limiting additional funding for front-end services. Anticipating a closure, the department did not budget for Camp Sierra Blanca operations. No direct funding was thus available when the department's closure decision was reversed. As a result \$1.9 million was redirected from possible front-end services expansion towards keeping Camp Sierra Blanca open. The department converted the facility to house juvenile probation and parole clients needing temporary transitional living-type services. The department has also used another \$1.1 million from the anticipated funding for front-end services to cover shortfalls in facility budgets and medical contracts.

JPPO Vacancy Rate



JPPO Total Annual Salary and Benefits

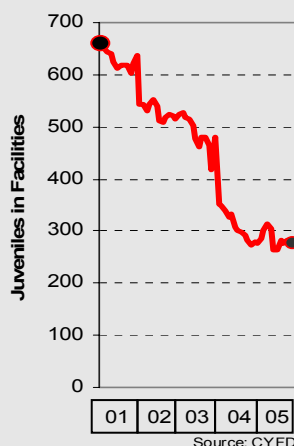


Staffing vacancies and turnover threaten the stability and effectiveness of the front-end services workforce. The department has not fully staffed its FFT therapist positions in southeast New Mexico. Without these staff, the department is limited in the range of community-service and placement options available to judges in this region of the state. As a result, some juveniles that could otherwise be served in their communities safely may be committed to a department secure facility, at a higher cost, instead.

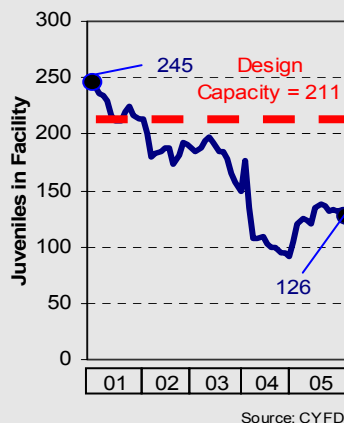
The JPPO workforce has also experienced staffing problems. The *JPPO Vacancy Rate* chart shows recent increases experienced by the department. The department has not historically tracked turnover data, but a perception exists that the department has experienced high turnover rates in some offices. High turnover reduces the quality of services provided to juveniles and communities, redirects training funds from continuing education to new hire training, and increases human resource costs. House Memorial 25 from 2005 states that JPPOs have not been adequately paid, and directs the department to study and report on the issue. The department did not complete a formal report but has provided some findings of compensation in New Mexico as compared to nearby states showing JPPOs in this state are paid at lower starting wages, and the overall benefit package is less than neighboring states. Increasing JPPO levels of workload due to vacancy rates, pay disparities and change in work duties could be contributing factors to even higher vacancy rates and staff turnover.

Juvenile Probation and Parole Officers provide less direct client supervision. A perception exists that JPPOs now perform largely office-based case management and less direct service provision. The department has added additional non-professional community surveillance officers to do home visits and other monitoring and may have more direct contact with juveniles than JPPOs. In addition, JPPOs are burdened with increased administrative data input responsibilities related to Medicaid eligibility determination, which may not be the best use of their talent. Administrative tasks could be performed by clerical staff or reduced through improved technology. It is important for JPPOs to be in the field interacting with the juveniles, and the juveniles' families to develop case plans and assess progress towards eliminating dysfunctional delinquent behavior. Field time is important towards ensuring that the youths are receiving the community services specified in their plan of care.

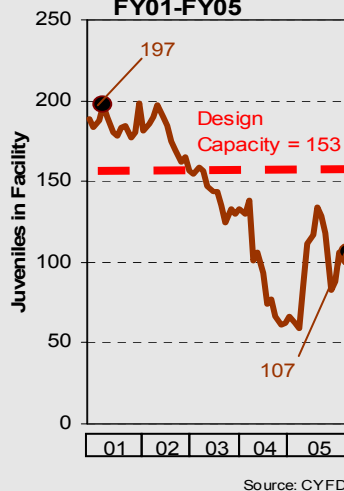
**Average Daily Population,
CYFD Secure Facilities
FY01 - FY05**



**New Mexico Boys' School
FY01-FY05**



**Youth Diagnostic and Development Center
FY01-FY05**



Recommendations.

- Complete implementation of juvenile to adult corrections performance measure no later than June 2006.
- Reevaluate duties of JPPOs and identify alternatives for data entry and Medicaid eligibility determination.
- Continue to implement recommendations from 2004 Committee Review on front-end services.

FACILITIES

The number of juveniles in secure facilities has declined by almost 60 percent during the past five years, creating excess bed capacity.

The average number of juveniles in a department facility has declined from 658 in July 2001 to 275 in June 2005, as shown in the graph to the left. As of December 2, 2005, 294 juveniles resided in a department facility. The department's four facilities have a design capacity to house 459 juveniles. The table, *Children, Youth and Families Department Secure Facilities*, below provides a description of each facility. The graphs to the left and on the next page show the average daily population for the system and each facility.

Children, Youth and Families Department Secure Facilities

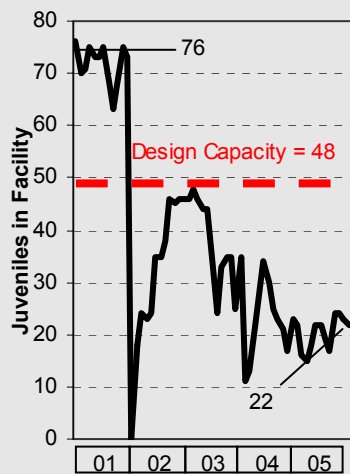
Facility and Location	Mission/ Security Levels	Design Capacity*	Population as of December 2, 2005
New Mexico Boys' School – Springer	All risk levels; Vocational focus	211	125
Youth Diagnostic and Development Center/ NM Girls School - Albuquerque	All risk levels; 15-day diagnostic unit; central intake; specialized units for sex offenders/ mental health etc. Serves both males/females.	152	Main Campus 104 Diagnostic 15 Central Intake 9
J. Paul Taylor Center – Las Cruces	Low-Medium Risk; Priority placement for youth from Southern NM	48	17
Camp Sierra Blanca – Fort Stanton	Serves Probation/ Parolees only	48	24
Total		459	294

*Due to low client population levels, facilities are not fully staffed or funded to meet the design capacity.

Source: CYFD

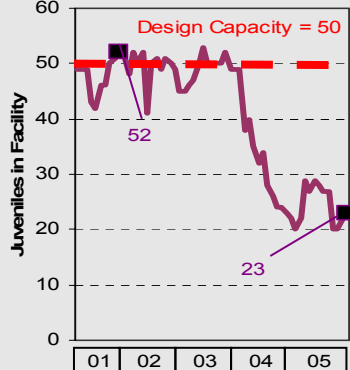
Despite reductions in secure bed space, the department still has considerable excess bed capacity in secure juvenile facilities. In 2004, the department closed Camino Nuevo in Albuquerque, which served as the system's maximum-security facility and central intake unit. This change removed 96 beds from the system. The department removed an additional 48 beds from the secure facility bed space calculation by converting Camp Sierra Blanca to a non-secure facility for probation/parole clients. Despite removing Camp Sierra Blanca from bed space calculation, the department had 141 unused secure bed space in the system as of December 2, 2005.

**John Paul Taylor Center
FY01-FY05**



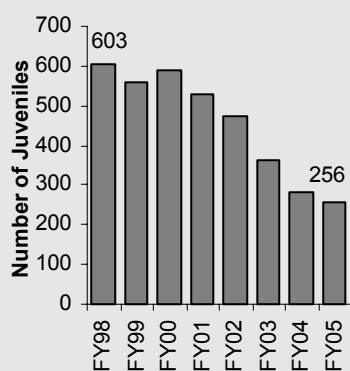
Source: CYFD

**Camp Sierra Blanca
FY01-FY05**



Source: CYFD

**Juveniles Committed to CYFD Facilities
FY98-FY05**



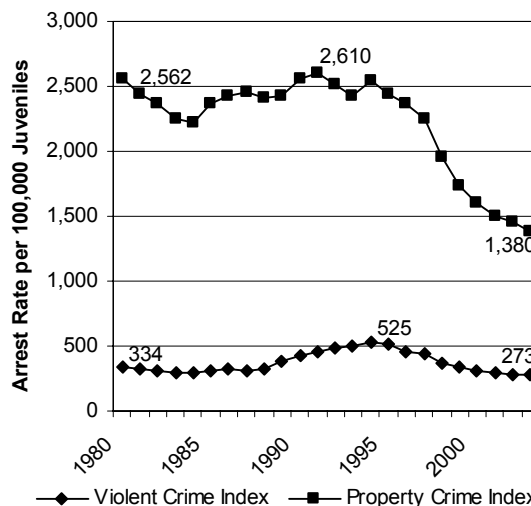
Source: CYFD

A number of positive factors appear to have contributed to the decline in the number of juveniles housed in secure facilities.

The number of juveniles committed to a department secure facility each year has declined from 603 in FY98 to 256 in FY05. The chart, *Juveniles Committed to CYFD Facilities* shows a decline of juvenile commitments over the past eight years. New Mexico appears to have benefited from a confluence of societal changes and new state and local programs and approaches to juvenile crime and rehabilitation. As a result, fewer juveniles are entering the juvenile justice system, and judges appear to have an expanded range of community-based services as a safe alternative for rehabilitation of low to medium risk juveniles.

Juvenile crime and referrals for juvenile justice services have declined. Nationally, juvenile crimes have continued to decrease since peaking around 1995. *U.S. Juvenile Arrest Rates* shows that both property (burglary, theft, etc.) and violent crime (murder, rape, assault, etc.) have decreased. New Mexico appears to have followed this same trend because the number of juveniles referred to the department has also decreased, as shown by the chart, *Juveniles Referred to JPPOs*, on the next page.

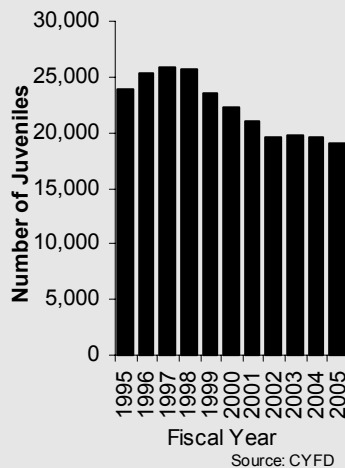
**U.S. Juvenile Arrest Rates
1980-2003**



Source: National Center for Juvenile Justice

New Mexico is becoming a national-model for juvenile detention reforms. Communities, in collaboration with the department, across the state have taken a new approach to streamline the arrest, screening, booking, supervision, and adjudication process of juveniles as part of the Annie E. Casey Foundation detention reform program. As a result, communities hold juvenile delinquents accountable for their actions more quickly and appropriately while protecting the community through a full range of services, from community-based

**Juveniles Referred to JPPOs
FY95-FY05**



Bernalillo County was recently recognized as a national model site for detention reform.

Attempting to safely provide services and manage rehabilitation for more than 100 juveniles housed in large institutions proves difficult.

electronic monitoring and day reporting programs to short-term detention. Bernalillo County pioneered this new approach in New Mexico and was recently recognized as a national model site for detention reform. The department has supported these efforts by implementing a national best practice detention screening tool that has resulted in reducing unnecessary placement of low to medium risk juveniles in county juvenile detention centers. Counties, in turn, have redirected freed-up detention funds to community-based supervision programming. These communities have also worked with their district courts to speed up the adjudication process in order to hold youth accountable for their actions and begin to correct delinquent behavior through expanded community-based services before it turns into more serious criminal activity.

The department has expanded community-based behavioral health services, filling a gap in the service continuum. These services offer an alternative rehabilitation program to secure placement. As these behavioral health programs continue to grow and demonstrate their effectiveness at correcting delinquent behavior, further reductions in commitments may occur.

National trends and best practices have emphasized smaller, regionally-based secure facilities, and an increase in specialized facility treatment programs. Research demonstrates that housing juveniles in large training schools holding over 100 juveniles does not effectively rehabilitate delinquents. Typically, these large facilities are far removed from the juvenile's community environments and by isolating juveniles exclusively with large number of other delinquents may lead to increased criminal behaviors. Also, attempting to safely provide services and manage rehabilitation for more than 100 juveniles housed in large institutions proves difficult. This research has been cited in the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) publications and by Annie E. Casey Foundation and American Youth Policy Forum among others. National increases in juvenile incarceration during the 1990s and subsequent identification of harsh and ineffective treatment has sparked reforms to both temporary detention and placement in large training schools.

Litigation over conditions and treatment of juveniles in state-run facilities has forced some states to close large training schools. The lawsuits also challenged states to make significant improvements in treatment and education services. Some of the states include Arizona, Arkansas, California, Georgia, Kentucky, Louisiana, Maryland, and South Dakota. Kentucky was forced to close three of its worst facilities. According to a brief by OJJDP, "litigation-based reforms are the most divisive and protracted means of achieving systems

change.”

The most effective service delivery model reserves secure confinement for only the most violent and serious juvenile offenders.

Implementing smaller facilities that house only the most serious juvenile offenders reduces problems of commingling juveniles with different security-risks.

Missouri’s switch to smaller facilities was crucial to improving its juvenile corrections system.

National research-based best practices support smaller community-based facilities with highly trained staff providing direct services. According to OJJDP, the most effective service delivery model includes a continuum of comprehensive community-based services and placement options, and reserves secure confinement “for only the most violent and serious juvenile offenders - those who cannot function in a less restrictive environment or who pose a threat to public safety.” Within this model, small regionally based secure facilities offer two distinct programmatic advantages: keeping juveniles close and connected to their communities; and targeting sanctions and services to meet the needs of specific communities and categories of juvenile offenders. Implementing smaller facilities that house only the most serious juvenile offenders reduces problems of commingling juveniles with different security-risks and focuses services on a juvenile population that is disproportionately responsible for serious juvenile crime.

CASE STUDY: MISSOURI

“Since closing its large juvenile training schools 20 years ago, Missouri has become a model for the nation in juvenile corrections. From 1887 until 1983, the Boonville Training School was Missouri’s primary correctional facility for boys, holding up to 650 teens at a time. Though its stated mission was rehabilitative, the reality at Boonville was often brutal. Conditions were [remained] problematic throughout the 1950s, ‘60s, and ‘70s. A 1969 federal report condemned Boonville’s “quasi-penal-military” atmosphere, particularly the practice of banishing unruly youth to “the Hole”—a dark, solitary confinement room atop the facility’s administration building. Then in 1983, Missouri shut down the Boonville training school.

Missouri’s Division of Youth Services (DYS) began in the 1970s to experiment with smaller correctional programs. Liking the results, and tired of the endless scandals at Boonville, the state donated the facility to the state’s Department of Corrections, which turned it into an adult penitentiary. In place of Boonville, as well as a training school for girls in Chillicothe that closed in 1981, DHS secured smaller sites across the state—abandoned school buildings, large residential homes, a convent—and outfitted them to house delinquent teens. The largest of the new units housed only three dozen teens.

DYS divided the state into five regions, so confined youth could remain within driving distance of their homes and families. And it began staffing its facilities primarily with college-educated “youth specialists,” rather than traditional corrections officers.

According to both Missouri insiders and national justice experts, Missouri’s switch to smaller facilities was crucial to improving its juvenile corrections system.”

Source: Annie E. Casey Foundation.
Mendel, Dick. *Small is Beautiful: Missouri Division of Youth Services*.
ADVOCASEY (Volume 5, Number 1) Spring 2003, pgs. 29-30.

Missouri's small regionally-based system of secure facilities is considered a national model.

The department has indicated its intention to implement a full transition by July 1, 2006.

The department plans to redeploy 118 clients from the Boys' School facility in Springer to other facilities.

Missouri's Division of Youth Services secure facility system is considered a national model, particularly its therapeutic emphasis and small regionally-based system of secure facilities. This system promotes family and community involvement in turning around troubled youth and reintegrating them successfully into the community.

The department's proposal to close the New Mexico Boys' School facility in Springer is consistent with national best practices.

In addition, the concept of transitioning out of the Boys' School in light of the department's difficulty in consistently providing effective and safe programming at the facility and need to reduce excess bed capacity appears appropriate over the long-term. The department considered three options listed below for the future use of the Boys' School facility in Springer.

1. Creating a vocational school serving only youthful offenders.
2. Hiring a management team to oversee the facility.
3. Transferring the facility to the Corrections Department for use as a minimum-security adult correctional facility focusing on level one offenders and offenders with driving while intoxicated (DWI) convictions.

The department has indicated its intention to move forward with option three and implement a full transition by July 1, 2006. The plan's elements and known cost estimates are described in the table, *New Mexico Boys' School Transition Plan*.

New Mexico Boys' School Transition Plan

Transition	Department Estimated Cost
Transfer Boys' School facility in Springer to Corrections Department for DWI or level one offenders' prison.	Recurring: \$5,046,300 Capital: Unknown.
Redeploy existing Boys' School clients across the state to other department facilities and local county juvenile detention centers.	Recurring: Unknown. Capital: \$6,778,000 for J. Paul Taylor Center.

Source: CYFD

The department plans to redeploy 118 clients from the Boys' School facility in Springer to other facilities, as shown in the table, *Redeployment of New Mexico Boys' School Clients*, on the next page.

Redeployment of New Mexico Boys' School Clients

Facilities	Number of Clients Redeployed
J. Paul Taylor Center*	24
Camp Sierra Blanca*	24
Bernalillo County Detention Center	30
Lea County Detention Center	20
San Juan County Detention Center	20
Total	118

*CYFD Facility

Source: CYFD

The department has also proposed additional initiatives to resolve potential litigation over operations in its remaining secure facilities. While not explicitly stated by the department, the Boys' School Transition plan and associated initiatives appear to also respond to the American Civil Liberties Union (ACLU) petition regarding the Boys' School and overall service quality in department facilities. At a December 2005 Legislative Finance Committee hearing, department officials indicated its staff has spent hundreds of hours in negotiations with ACLU officials to avoid a lawsuit. However, it is unclear at the time of this review whether implementation of the initiatives described in the department's *Secure Facilities Initiatives Plan* and transitioning out of the Boys' School facility in Springer will avert a class action lawsuit from the ACLU.

Secure Facilities Initiatives

Department Initiatives	Department Estimated Recurring Cost
Ensure youth safety (includes additional staffing and cameras)	
• Additional staffing	\$525,952 - \$758,056
• Facility security cameras	\$157,696
Parole revocation safeguards	\$200,000
Central office compliance team	\$510,347
Juvenile Justice Reform Commission	\$143,972
Establish a system of ongoing communication (legal fees, future legal fees, damages for clients)	\$530,000

Source: CYFD

The Legislature is without information needed to plan and possibly fund the department's proposed changes.

The department's New Mexico Boys' School Transition Plan lacks a detailed cost estimate for both the department and Corrections Department budgets. Some critical information about the department's plan was not available at the time of this review, or has not been contemplated, making a full evaluation difficult. As a result, the Legislature is without information needed to plan and possibly fund the department's proposed changes. For example, unknown cost information includes:

Using a Boys' School budget amount for a Level I adult facility appears costly and possibly excessive.

The ability of each agency to cover short term transition costs with FY06 funding is unclear.

The Children's Code does not authorize the mixing of non-adjudicated and adjudicated juveniles for commitments longer than 15 days in a detention center.

- *Per diem contracting costs for juveniles in county detention centers.* Will the plan to redeploy clients from the Boys' School to county detention centers be cost neutral?
- *Department-run facility costs/savings.* The J. Paul Taylor Center budget is currently staffed at half-capacity and will need increases to its operational budget, presumably from redeployed Boys' School budget. However, the Youth Diagnostic and Development Center (YDDC) is already staffed to meet its design capacity, and may not need Boys' School funding to accommodate additional clients.
- *DOC operating costs at the Springer facility.* The plan does not provide a proposed budget for the new adult-facility. However, DOC has publicly indicated that it plans to house about 220 inmates at the facility using a similar budget to the department's budget for the Boys' School. However, using a Boys' School budget amount for a Level I adult facility appears costly and possibly excessive. Committee staff estimates a similar Springer facility inmate cost per day as the Roswell facility, or about \$57.60 per day. An average of 220 inmates per day would result in a total operating budget of about \$4.6 million, far less than the \$11 million spent on the Boys' School for direct supervision, and other services such as medical, education, and mental health.
- *Total capital outlay costs for facility upgrades at Springer.* The facilities on the Boys' School campus will need capital outlay funding during FY07. Much of the department request of about \$3.7 million in capital outlay funding will be needed regardless of its use for adults or juveniles. However, additional funding may be needed for such other upgrades as a secure fence, and lighting should the facility house adults. This amount is unknown at the time of this report.

The department's plan to transition quickly out of the New Mexico Boys' School also raises other concerns, including the following.

- *Transition Dates.* A firm date that DOC will begin housing adult inmates at Springer is unclear. DOC has publicly indicated a July 1, 2006 date for starting to house inmates at Springer. However, a sufficient amount of time will be needed to transition and train qualified department and other staff to DOC. This transition time will seemingly need to occur after the department redeploys Boys' School clients to other facilities. The amount of funding and ability of each agency to cover these short term costs with FY06 funding is unclear.
- *Appropriateness of housing juveniles long-term in county detention centers.* The Children's Code does not authorize the mixing of non-adjudicated and adjudicated juveniles for

Maintaining separation of detention and department clients may prove difficult over the long-term.

No plan to work with the workforce development system to assist Boys' School employees that cannot transfer to DOC is apparent.

Since 2002, the department has had five different employees oversee the juvenile justice division, and five oversee facilities.

The department expects the facility population to continue its decline.

commitments longer than 15 days in a detention center (Section 32A-2-3 Subsection D, 32A-2-12 Subsection A(4) and Section 32A-2-19 Subsection B(3) NMSA 1978). County-run juvenile detention centers are primarily designed for short-term detention of non-adjudicated juveniles. The detention facilities would take on dual missions and associated programming: short-term detention of non-adjudicated juveniles pending court hearings; and the long-term care and rehabilitation of adjudicated delinquents and youthful offenders. Contracting with juvenile detention centers for use of excess bed and facility space does have advantages, such as offering financial flexibility and ability to keep some juveniles near their own communities. Maintaining separation of detention and department clients and programs may prove difficult over the long-term. The department may need an alternative arrangement in two to five years.

- *Ability and willingness of counties to house department clients long-term.* The department has not confirmed interest of counties to house state clients long-term or how quickly the detention centers can ramp-up staffing and programming needed to supervise and rehabilitate department clients.
- *Assistance to Boys' School staff during transition.* No plan to work with the workforce development system and Labor Department to assist Boys' School employees that cannot transfer to DOC with transitional income assistance, employment and retraining services is apparent.

Turnover in leadership and continually changing facility missions hampers effectiveness and makes planning and budgeting for future facility needs difficult. Since 2002, the department has had five different employees oversee the juvenile justice division, and five oversee facilities. In fact, the most recent Deputy Director for Facilities was in the position for only about one month. Continual turnover in leadership hampers an organization's ability to effectively plan and carry out a consistent vision for service delivery.

The department has struggled to adhere to a consistent facility use plan as the number of juveniles needing secure placement has decreased. The department has focused heavily the past three years on enhancing its front-end services, but has not been successful at developing a vision and action plan for adjusting its approach to secure facilities. The department has continually updated or changed its programming and use of facilities without any clear overall long-term vision supporting the short-term changes.

The juvenile justice system lacks an entity to conduct facility population forecasts to assist with planning for future facility needs, limiting policy makers' ability to make more informed capital outlay

The department does not regularly conduct formal facility population forecasts to assist with planning for the number and type of beds needed in the future.

The J. Paul Taylor Center lacks a cafeteria, visitation area, recreation area, and sufficient vocational education classroom space.

Juveniles receiving 15-day evaluations are housed in temporary portable buildings on the YDDC campus.

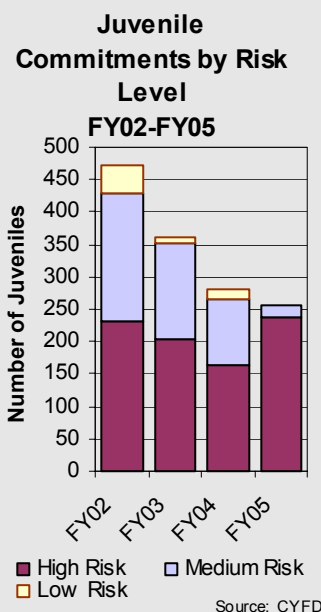
decisions. Department officials publicly expect the facility population to continue its decline; however, the department does not regularly conduct formal facility population forecasts to assist with planning for the number and type of beds needed in the future. In addition, the department lacks the staff expertise needed to complete this type of activity. The department was attempting to hire a data specialist that could perform this activity at the time of this review.

Committee staff identified an existing juvenile justice population forecast computer program funded by the federal Office of Juvenile Justice and Delinquency Prevention. Committee staff also found that the New Mexico Sentencing Commission has contract staff available to conduct regular population forecasts, but would need additional funding to support this activity.

Without facility population forecasts policy makers cannot make informed decisions on whether to add more beds, decrease the number of beds, or make other decisions regarding facility upgrades. For example, now that the department has decided to no longer use the Boys' School facilities the department has gone from a situation of "excess bed capacity" to "insufficient bed capacity" for at least a short period of time. However, without some sort of facility population forecasting the Legislature and department are without the information needed to estimate the amount of bed space required over the next two to five years.

Facility population forecasts rely on historical data and assumptions on trends and policy changes going forward. Departments with vested policy objectives can, at the very least, fuel a perception that their assumptions are skewed to support a certain policy objective, i.e. less or more need for secure beds. Having an independent entity, in addition to the department, provide legislators with population forecasts can alleviate any perceived bias. Considering the high cost of building a new facility or economic impact of closing a facility, this type of government duplication seems appropriate.

Current facility use configuration and programming has problems and does not meet best practice criteria or specific needs for New Mexico. Two facilities, J. Paul Taylor Center, and YDDC have infrastructure problems. Specifically, the J. Paul Taylor Center lacks a cafeteria, visitation area, recreation area, and sufficient vocational education classroom space. The department has recognized these deficiencies and has requested about \$6.8 million in capital outlay funding. The department currently houses some juveniles receiving 15-day diagnostic evaluations in secure, but temporary portable buildings on the YDDC campus. The court may commit adjudicated juveniles to YDDC for comprehensive evaluations to



The percentage of high risk-high need juveniles committed to secure facilities has increased from 39 percent in FY02 to 78 percent in FY05.

assist with treatment planning and disposition decisions, i.e. probation or commitment to a secure facility. The continued need for a centralized evaluation center appears unnecessary considering the increase in behavioral health staff across the state, county detention reforms, and less than ideal housing of juveniles that may not need secure facility placement.

The department has not adjusted Juvenile Correctional Officer front-line staff qualifications and duties in response to the change in the type of juveniles housed in secure facilities. Juvenile Correctional Officer – Journeymen (JCO) provide front-line paraprofessional counseling and mentoring, in addition to day to day supervision of juveniles confined in department facilities. The department requires a high school diploma and a minimum of 15 college credits. The number of low to medium risk juveniles committed each year to a department facility has decreased significantly. This trend has resulted in a more homogeneous population of juveniles at high-risk of re-offending and with high behavioral health needs being placed in secure facilities. For example, the percentage of high risk-high need juveniles committed to secure facilities has increased from 39 percent in FY02 to 78 percent in FY05. As a result, the department’s facilities provide services to a small population of medium to low risk juveniles and higher percentage of more volatile clients. This change in population mix requires an increase in specialty programming and need for better trained front-line staff. JCO qualifications and training levels may need to be increased to deal with this population effectively.

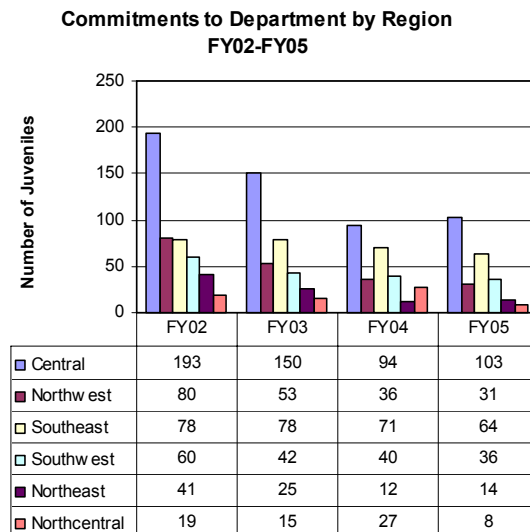
Female juvenile offenders lack gender specific programming and are housed in the same facility as males, including sex offenders. The New Mexico Girls School is currently housed in a cottage on the campus of the YDDC in Albuquerque. Within the secure area of YDDC, the department also houses low to high-risk males, including males needing specialized services such as sex offender treatment, and intensive mental and behavioral health services. The department does not have a fully separate facility to provide treatment and rehabilitative services to females. In addition, the New Mexico Sentencing Commission (NMSC), among others, has cited lack of gender specific programming for females, especially for female offenders needing intensive mental health services. NMSC reports that female juvenile offenders often “have histories of physical, emotional and sexual abuse and suffer from physical and mental disorders” that require unique gender specific programming. Without these types of programs and facilities, the department cannot adequately address the needs of female juvenile offenders.

The department does not have a fully separate facility to provide treatment and rehabilitative services to females.

The department does not regularly monitor facilities on a standardized set of performance measures across all facets of programming.

The number of client on client assaults in a facility could be tracked to assess safety.

Based on regional commitment levels, southeast and northwest New Mexico communities lack department secure facility bed space to provide regionally-based programming to juveniles from those areas of the state. The chart, *Commitments to Department by Region*, shows an overall decrease in commitment levels across regions, but that the southeast region had 64 juveniles committed, and the northwest 31 juveniles committed. Neither of these regions has a secure facility.



Source: LFC Analysis

The department has failed to implement an effective monitoring system that ensures safety, and promotes high-quality care and effective operations at its secure juvenile facilities. The department does not regularly monitor facilities on a standardized set of performance measures across all facets of programming. For example, the department receives regular serious incident reports from facilities about client assaults, isolation placements, and use of force by staff. The department does not use this information in a standardized summary report to analyze performance and trends over time. For example, the average number of client on client assaults in a facility could be tracked to assess the level of safety for juveniles compared over time and between facilities.

The department does employ numerous educational achievement measures and does use serious incident reports to assess individual incidents. But, the department lacks a management tool to regularly monitor effectiveness and quality of other facility programming, such as behavioral health. Other performance indicators, monitoring and program planning is developed by each facility, leading to disjointed oversight of secure facilities. As a result the department, cannot effectively report which facilities are effective, safe, and provide high quality care to juveniles.

PBS Sample Performance Measures

- Injuries to youths by other youths per 100 person-days of youth confinement.
- Suicidal behavior with injury by youth per 100 person-days of youth confinement.
- Percent of youths confined for more than 60 days whose records indicate that they received the treatment [services such as health, mental health, substance abuse, education, other] prescribed by their individual treatment plans.
- Visitation per 100 person-days of youth confinement.
- Rate of minority youths in secure facilities to minority youths under the agency's jurisdiction.
- Grievances and complaints filed per youth per 100 youth-days of confinement.
- Percent of youths, confined for more than 60 days, who have signed aftercare treatment plans

Source: PBS Goals, Standards, Outcome Measures.

In the past, the department attempted to have its facilities accredited by the American Correctional Association (ACA). ACA provides useful minimum standards for both adult and juvenile correctional institutions but is not a useful tool for encouraging high performance, only minimum compliance with policies, procedures, etc. Only, the Boys' School met accreditation standards. Department staff indicated that ACA accreditation will no longer be sought by its facilities as the agency moves away from a traditional correctional model for its facilities towards a more therapeutic and rehabilitative model.

Committee staff identified a nationally recognized best practice performance-based program for monitoring facilities and encouraging a higher standard of care. The program Performance Based Standards (PBS) for Youth Correction and Detention Centers provides agencies with a comprehensive set of standards, goals, performance measures, expected practices, and policies in the areas of safety, health and mental health, education, protection of juvenile rights, and reintegration into communities.

Recommendations.

- Develop a full transition plan by January 20, 2006 to carry out the department's decision to turn over the Boys' School to the DOC. At a minimum, the plan should provide a detailed cost estimate for contracting costs at county juvenile detention centers; proposal for ensuring separation of detention and department clients in county juvenile detention buildings; cost transfers from the Boys' School to other department-run facilities; DOC operating costs for the adult facility at Springer; total capital outlay funding needs for facility upgrades at the Springer facility; DOC training costs for the Springer facility; other funding and programmatic assistance needs for Boys' School staff unable to transfer to DOC; and a specific transition timeline.
- Develop a five year strategic plan for future facility use and needs. At a minimum, the plan should identify whether the department should transition out of using contracted county detention beds; identify the number of secure beds needed over the next five years, taking into consideration an appropriate level of excess capacity to protect against short-term population increases; identify a process to transition out of using YDDC for 15-day evaluations; include gender-specific programming and assure the safety of female clients; plan for increased front-line staff training and qualifications; and address facility needs in southeast and northwest New Mexico by promoting small regionally-based facilities should new facilities be needed in the future. Obtain public comment on a proposed plan before finalizing it and submitting it to the Department of Finance and Administration (DFA) and to the Committee.

Juveniles with a One-year sentence serve no more than nine months in a secure facility and the remaining 90-days on parole.

Juveniles placed in secure facilities are the system's most dangerous and high risk for re-offending.

Juveniles need extra supervision and support as they return to an environment that helped foster delinquent behavior in the first place.

- Propose new General Appropriation Act performance measures regarding facility safety for the FY08 budget. The department should identify an appropriate set of measures from the PBS system regarding client safety. The department should begin collecting data during FY07 to provide a baseline, should the Legislature choose to add those measures for the FY08 budget.
- Revise regulations and policies to implement a performance-based monitoring system for facilities and contracted facilities. Implement key PBS standards and performance measures across all facilities, including any contracts with county detention facilities for department clients, and Camp Sierra Blanca.
- The Legislature should consider appropriating \$50,000 to the New Mexico Sentencing Commission (NMSC) to provide facility population projections to the department and Legislature twice per year. NMSC staff and department staff should collaborate to obtain necessary data and information needed to develop an appropriate projection model and assumptions. The NMSC should also help build staff capacity at the department to begin making its own facility population projections.

AFTER-CARE/PAROLE

Changes to the Children's Code have increased the need for effective parole services in the juvenile justice system. Before, 2003 juveniles receiving a one-year sentence were released without supervision into the community directly from the facility after serving their full commitment. According to the Juvenile Parole Board, a majority of the youth discharged under these circumstances had done poorly in the facilities and were a high-risk for re-offending in the community. In 2003, the Legislature added on a 90-day parole period at the end of a juveniles' commitment sentence. For example if a judge committed a juvenile delinquent to a department facility for one-year, then the youth would serve an additional 90-day parole upon release. This change increased the number of juveniles receiving supervision by JPPOs by about 59 in FY05. In 2005, the Legislature built the 90-day parole period into the total sentence. As a result, juveniles with a one-year sentence now will serve no more than nine months in a secure facility and the remaining 90-days on parole. Similarly, a juvenile committed for two-years serve the last 90-days of their sentence on parole.

Lack of sufficient resources, reintegration centers, and ineffective after-care services makes successful parole outcomes difficult and could put communities at-risk of increased crime. Traditionally, states' juvenile justice systems lack effective aftercare services for juveniles transitioning from secure facilities back into communities.

The department has only one juvenile justice dedicated reintegration center.

Policy makers cannot identify at what level parolees are accessing the new behavioral health therapies to ensure adequate funding for both probationers and parolees.

Juveniles placed in secure facilities, particularly in New Mexico, are the systems most dangerous and high risk for re-offending. Aftercare services are critical to assisting juveniles to maintain behavioral gains made while in the secure facility setting. These juveniles need extra supervision and support as they return to an environment that helped foster delinquent behavior in the first place.

The department has decreased after-care placement options. The department has historically used Juvenile Reintegration Centers for parolees and to provide “step-down” transitional living program from a secure facility before returning home. Currently, the department only has one, Eagles Nest, juvenile justice dedicated reintegration center. In 2005, the department reconfigured the other two reintegration centers to Medicaid group homes for both child welfare and juvenile justice transitional living services.

The department does not track parole funding or service levels separate from probation. As a result, policy makers cannot identify at what level parolees are accessing the new behavioral health therapies, to ensure adequate funding for both probationers and parolees. JPPOs often have commingled caseloads of both probationers and parolees. This case management structure may need adjusting considering the more intensive and specialized needs of high risk offenders reintegrating into their communities and added emphasis on parole in the system.

Poor facility programming can make after-care more difficult. Currently, the department’s secure facilities appear to lack of transitional vocational/job placement programming, substance abuse and relapse prevention treatment; and sufficient acute mental health treatment, particularly for females.

Recommendation.

- Work with Committee and DFA staff during the interim to develop a method to break out budget and expenditures used for juveniles on parole versus front-end services. Also, propose more specific parole related performance measures to assess effectiveness of after-care services.

**Status of Signification Recommendations in the June 11, 2004 Legislative
Finance Committee Performance Review Report “Review of Juvenile
Justice Services”**

Recommendations Implemented (6)	Recommendations Partially Implemented (4)	Recommendations Not Implemented (6)
Monitor the capacity levels and populations of Juvenile Justice Services facilities to determine the need to reduce or add beds.	Develop a database to track the number of juvenile offenders that later serve time as adults in Correction's Department facilities.	Develop a cost benefit analysis regarding the move from incarceration to front-end services. Include treatment, administration, case management, surveillance/monitoring, development of policies/procedures, training, and computer/rent/travel/other costs.
In the Juvenile Community Correction Audit Plan, include a review of the Children's Functional Assessment Rating Scale and the North Carolina Family Assessment Scale data on clients.	Require Regional Coordinators to prioritize addressing the lack of sex offender treatment statewide.	Review the cost-effectiveness of continued funding of Camp Sierra Blanca.
Adopt regulations for Juvenile Community Corrections that provide standards for qualifications for grants and priorities for awarding grants that support the front-end service initiative.	Develop procedures to ensure limited contact at the Youth Diagnostic and Development Center between serious juvenile offenders and other juvenile offenders.	Develop a plan of deployment for Multi-Systemic Therapy and Family Functional Therapy programs statewide by the FY06 budget cycle.
Establish criteria, based on outcomes and performance measures, to determine continued funding of program providers under front-end services.	Set criteria to make decisions on continued funding of programs based on the Children's Functional Assessment Rating Scale and the North Carolina Family Assessment Scale.	Establish a goal for the reduction in juvenile delinquency by a set time frame.
Hire a grant writer to seek federal funding to support the front-end services initiative.		Evaluate why juveniles receiving services from the Protective Services Division end up in the custody of Juvenile Justice Services.
Submit quarterly reports to the Legislature regarding the status of the move to front-end services in Juvenile Justice Services.		Collaborate with the Protective Services Division to offer front-end services to juveniles receiving services from the Protective Services Division to deter delinquency in juveniles.

Source: LFC Analysis

State of New Mexico

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

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January 11, 2006

Mr. David Abbey
Staff Director
Legislative Finance Committee
325 Don Gaspar, Suite 101
Santa Fe, New Mexico 87501

Dear Mr. Abbey:

Listed below are the overall key findings and recommendations of the audit conducted by the committee in December 2005. For each finding, the specific paragraphs detailed by the committee are listed and addressed. Findings that did not require a response are not listed.

Key Findings

1. Problems with front-line staff workload and vacancies could threaten the success of front-end services, and thus community safety. The department's unsuccessful efforts to close Camp Sierra Blanca in 2005 have limited funding for front-end services.

RESPONSE: See detailed responses below.

The department has not fully implemented the recommendation to track juveniles from Juvenile Justice Services who later serve time in the adult corrections system.

This measure is critical to track the impact of department services on reducing or eliminating criminal behavior as juvenile clients transition to adulthood. The department has signed a joint powers agreement with the Corrections Department (CD) to share information, but has not resolved legal issues regarding the sealing of juvenile records.

RESPONSE:

- The CYFD Office of General Counsel has recommended that JJS request

inmate information from the Corrections' Department (instead of JJS supplying Corrections with lists of names).

- JJS will match the Corrections data with JJS data.
- This will result in confidential information not being revealed and JJS should be able to track the data.

The department has been unsuccessful at fully redeploying about \$3 million in savings from closures and decreased facility budgets to community-based front-end services.

In fiscal year (FY) 2005, the department attempted to reduce facilities budgets by about \$4.9 million by closing the Camino Nuevo facility, and reducing the New Mexico Boys' School (Boys' School) budget due to decreased population levels.

The department successfully redirected about \$1.9 million of these savings to hire additional Juvenile Probation and Parole Officers (JPPO) and community surveillance officers.

RESPONSE:

- In the budget request that the department submitted in Fiscal Year 05, all of the resources available from the downsizing of Camino and New Mexico Boys' School were reallocated.
- The department, as part of its reallocation, created:
 - 21 Community Support Officers,
 - 44 Functional Family therapists,
 - a differential response unit within the Statewide Central Intake Unit
 - Juvenile Alternatives to detention unit.

Through the legislative process, the changes listed above were implemented. However, as part of the appropriation process, some credits were taken and the entire \$4.9 million was not redeployed.

- A separate budget was allocated for field mental health (which includes the functional family therapists).
 - This budget alone was \$3.4 million for FY05.
 - It is not clear if the audit considered this part of the reallocation in the numbers cited above.

The department's efforts to close Camp Sierra Blanca in 2005 were unsuccessful, limiting additional funding for front-end services.

Anticipating a closure, the department did not budget for Camp Sierra Blanca operations. No direct funding was thus available when the department's closure decision was reversed. As a result \$1.9 million was redirected from possible front-end services expansion towards keeping Camp Sierra Blanca open. The department converted the facility to house juvenile probation and parole clients needing temporary transitional living-type services. The department has also used another \$1.1 million

from the anticipated funding for front-end services to cover shortfalls in facility budgets and medical contracts.

RESPONSE:

- The department has put forward several alternatives for downsizing facilities to recognize the decreasing national and statewide trends in Juvenile crime statistics, increasing local community programs. These two factors along with an emphasis in Juvenile Detention Alternatives Initiatives being well-accepted, locally has resulted in CYFD having excess capacity
- Factors such as economic impact on certain rural communities and the perceived differences in program effectiveness have resulted in a lack of broad based support to close any facilities.
 - Camp Sierra Blanca is one example.
- With respect to the \$1.1 million, the department recognized that medical and mental health services within the facilities were sorely under funded and consciously addressed that issue with those funds.
- We continued that request into the Fiscal Year 07 budget request.

Staffing vacancies and turnover threaten the stability and effectiveness of the front-end services workforce.

The department has not fully staffed its FFT therapist positions in southeast New Mexico. Without these staff, the department is limited in the range of community-service and placement options available to judges this region of the state. As a result, some juveniles that could otherwise be served in their communities safely may be committed to a department secure facility, at a higher cost, instead.

RESPONSE:

- While we have experienced challenges in recruiting and filling the FFT positions in southeast New Mexico, as of January 1, all the FFT positions in southeast New Mexico have been filled.
- There are currently only six of 41 FFT vacancies (2-Albuquerque, Los Lunas, Gallup, Hobbs and Las Cruces).
 - Four were previously filled and are vacant through normal attrition.

The JPPO workforce has also experienced staffing problems. The *JPPO Vacancy Rate* chart shows recent increases experienced by the department. The department has not historically tracked turnover data, but a perception exists that the department has experienced high turnover rates in some offices. High turnover reduces the quality of services provided to juveniles and communities, redirects training funds from continuing education to new hire training, and increases human resource costs.

House Memorial 25 from 2005 states that JPPOs have not been adequately paid, and directs the department to study and report on the issue. The department did not complete a formal report but has provided some findings of compensation in New Mexico as compared to nearby states showing JPPOs in this state are paid at lower starting wages, and the overall benefit package is less than neighboring states.

Increasing JPPO levels of workload due to vacancy rates, pay disparities and change in work duties could be contributing factors to even higher vacancy rates and staff turnover.

RESPONSE:

- CYFD began tracking JPPO turnover data in FY06.
- For the first quarters, the turnover was 3.9%.
- Below is a chart based on research the department has conducted identifying salaries, benefits and requirements for juvenile probation and parole officers in neighboring states.

	<i>Arizona</i>	<i>Colorado</i>	<i>Oklahoma</i>	<i>Texas</i>	<i>Utah</i>	<i>Average</i>	<i>New Mexico</i>
<i>Position Requirements</i>	Bachelor's in related field No criminal record	Bachelor's in related field	Bachelor's in related field No criminal convictions	Bachelor's in related field 1 year experience	Bachelor's in related field		Bachelor's in related field 2 years experience
<i>Minimum starting hourly wage</i>	\$17.16	\$17.379	\$12.61	\$14.57	\$14.66	\$15.29	\$13.30
<i>Retirement</i>	Service + age = 80 years OR Age 65 OR 62 with 10 years	Service + age = 80 years OR 30 years service	Service + age = 80 years OR age 62 with 6 years	Service + age = 80 years OR age 60 with 5 years service	30 years service OR 65 with 4 years		25 years OR age 65 with 5 years
<i>Age and service eligibility</i>							
<i>How retirement income is calculated</i>	2.1% of 26 month average per year service for 19 years 2.15% per year service 20-25 2.2% 25-30 2.3% for service years above 30	2.5% of 36 month average per year service up to 100%	2.5% of 36 month average per year service for 20 years; 2% thereafter	2.3% of 36 month average per year service up to 100%	2% of 3 years highest average per year service	Up to 100% 2.3%/year service Based on 36 months with highest salary	3% of 36 month average per year service up to 80%
<i>Contributions</i>							
	Employee: 6.9% Employer: 6.9%	Employee: 8% Employer: 13.66%	Employee: 3% Employer: 10%	Employee: 6% Employer: 6.45%	Employee: 0 Employer: 13.36%	Employee: 4.79% Employer: 10.079%	Employee: 7.42% Employer: 16.59%
<i>State contribution to benefits</i>	Single: 92.6% Family: 95%	Up to \$190.20 Up to \$480.27	Up to \$188.27 Up to \$439.71	Single: 100% Family: 67%	Not available		80% under \$50,000 70% over \$50,000
<i>Working hours and conditions</i>	All starting parole/probation employment notes the following conditions: possibility of varying, unpredictable situations, emergency and/or crisis situations; subject to interruptions; occasional absentee replacement on short notice; occasional exposure to physical injury, illness, and/or hazards; occasional exposure to unsafe environments, people, and/or elements; and possible need to take safety precautions.						
	No special hours/conditions noted.	75% time spent on low-risk caseloads, or administrative cases.	Travel required, 24 hour/7 day on-call possibility.	No special hours/conditions noted.	Work weeks longer than 40 hours possible, 24 hour/7 day on-call possibility.		Travel required, 24 hour/7 day on call possibility.
<i>Caseloads</i>	30 - 40	Average: 20	Average: 29	Average: 29	17 - 20	25 - 28	22 - 25

Juvenile Probation and Parole Officers provide less direct client supervision.

A perception exists that JPPOs now perform largely office-based case management and less direct probation service provision. The department has added additional non-

professional community surveillance officers to do home visits and other monitoring and may have more direct contact with juveniles than JPPOs.

In addition, JPPOs are burdened with increased administrative data input responsibilities, which may not be the best use of their talent. Administrative tasks could be performed by clerical staff or reduced through improved technology. It is important for JPPOs to be in the field interacting with the juveniles, and the juveniles' families to develop case plans and assess progress towards eliminating dysfunctional delinquent behavior. Field time is important towards ensuring that the youths are receiving the community services specified in their plan of care. Reevaluate duties of JPPOs and identify alternatives for data entry and Medicaid eligibility determination.

RESPONSE:

- In order to determine true workloads, it is necessary to ensure that all contacts are captured
 - JJS will ensure that all caseload data is uniformly collected throughout the Juvenile Probation and Parole (JPP) offices..
 - The Regional Administrators will create a weighting process to fairly capture all workloads.
 - The agency will determine an optimal workload/caseload for JPPO staff given the current demands.
 - Once accurate caseload data is established, the workload will be evaluated and resources shifted as required.
 - While the perception may exist, by some, that JPPOs are required to do too much paperwork, they are in fact, case managers and are not only entering data (contact notes, family history, etc.) into the Family Automated Clients Tracking System (FACTS) but are creating important documents such as the Plan of Care which guide the follow-up activities surrounding each client.
 - Administrative staff in most JPP offices does input administrative data and police reports into FACTS.
 - JJS is working with CYFD's Family Services Unit to contract with private agencies to handle the Medicaid eligibility determinations.
 - The Bernalillo County Juvenile Detention Center has set up a clinic to handle this function for Bernalillo County.

Continue to implement recommendations from 2004 Committee Review on front-end services.

RESPONSE:

- Agree as appropriate and indicated in response to audit report.

The department's proposal to close the New Mexico Boys' School facility in Springer is consistent with national best practices.

January 11, 2006

In addition, the concept of transitioning out of the Boys' School in light of the department's difficulty in consistently providing effective and safe programming at the facility and need to reduce excess bed capacity appears appropriate over the long-term.

RESPONSE:

- Agree.

The department has also proposed additional initiatives to resolve potential litigation over operations in its remaining secure facilities.

While not explicitly stated by the department, the Boys' School Transition plan and associated initiatives appear to also respond to the American Civil Liberties Union (ACLU) petition regarding the Boys' School and overall service quality in department facilities.

At a December 2005 Legislative Finance Committee hearing, department officials indicated its staff has spent hundreds of hours in negotiations with ACLU officials to avoid a lawsuit. However, it is unclear at the time of this review whether implementation of the initiatives described in the department's *Secure Facilities Initiatives Plan* and transitioning out of the Boys' School facility in Springer will avert a class action lawsuit from the ACLU.

RESPONSE:

- The department continues to have dialogue with the ACLU.
- We are unable to determine at this point if a lawsuit can be averted.

Secure Facilities Initiatives

Department Initiatives	Department Estimated Recurring Cost
Ensure youth safety (includes additional staffing and cameras)	
• Additional staffing	\$525,952 - \$758,056
• Facility security cameras	\$157,696
Parole revocation safeguards	\$200,000
Central office compliance team	\$510,347
Juvenile Justice Reform Commission	\$143,972
Establish a system of ongoing communication (legal fees, future legal fees, damages for clients)	\$530,000

Source: CYFD

2. The department's transition plan lacks a detailed cost estimate, and also raises other concerns, including the willingness of county detention centers to house department clients long-term.

RESPONSE:

- On December 15, 2005, New Mexico Corrections' Department (CD) and CYFD were charged by the executive to investigate and develop a

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RESPONSE:

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transition plan for the New Mexico Boys' School or determine that insurmountable obstacles would not allow for the plan to be completed.

- Deputy Cabinet Secretary Gregoricus, in conjunction with other administrative staff, has met to explore:
 - i. Full use of all JJS facilities
 - ii. Use of county detention centers
 - iii. Use of other available state buildings
 - iv. Annie Casey Foundation models for placement of New Mexico Boys' School clients.
- Senior JJS and CD staff has met to begin transition discussions about fixed assets, staffing requirements, budget and contract issues, capital outlay, etc.
- It is inaccurate to state that the Department plans to transition out of the New Mexico Boys' School.
 - i. While it is correct to state that the Department will transition clients out of the Springer facility, the Department nevertheless intends to maintain a New Mexico Boys' School at a different location.

The department's New Mexico Boys' School Transition Plan lacks a detailed cost estimate for both the department and Corrections Department budgets.

Some critical information about the department's plan was not available at the time of this review, or has not been contemplated, making a full evaluation difficult. As a result, the Legislature is without information needed to plan and possibly fund the department's proposed changes. For example, unknown cost information includes:

- *Per Diem contracting costs for juveniles in county detention centers.* Will the plan to redeploy clients from the Boys' School to county detention centers be cost neutral?

RESPONSE:

- The department is looking at a global plan, which will be cost-neutral.
- However, elements of that plan (as detailed in the previous response) may cost more or less than current costs at the New Mexico Boys' School.

Department-run facility costs/savings.

The J. Paul Taylor Center budget is currently staffed at half-capacity and will need increases to its operational budget, presumably from redeployed Boys' School budget. However, the Youth Diagnostic and Development Center (YDDC) is already staffed to meet its design capacity, and may not need additional Boys' School funding to accommodate additional clients.

RESPONSE:

- Staffing and resources for the John Paul Taylor Center would come from the New Mexico Boys' School budget as part of the global plan referenced above.

- The costs may be more or less than current costs at the New Mexico Boys' School.

The department's plan to transition quickly out of the Boys' School also raises other concerns, including the following.

Transition Dates.

- A firm date that CD will begin housing adult inmates at Springer is unclear. CD has publicly indicated a July 1, 2006 date for starting to house inmates at Springer.
- However, a sufficient amount of time will be needed to transition and train qualified department and other staff to CD. This transition time will seemingly need to occur after the department redeploys Boys' School clients to other facilities.
- The amount of funding and ability of each agency to cover these short term costs with FY06 funding is unclear.

RESPONSE:

- CYFD plans to have all clients transitioned from the New Mexico Boys' School by June 30, 2006.
- CD would then have access to begin its programming at the Springer facility.

Appropriateness of housing juveniles long-term in county detention centers. The

The Department understands that the Children's Code does not clearly authorize the mixing of non-adjudicated and adjudicated juveniles for commitments longer than 15 days in a detention center.

- [Section 32A-2-3 Subsection D NMSA 1978, 32A-2-12 Subsection A(4) NMSA 1978 and Section 32A-2-19 Subsection B(3) NMSA 1978]

County-run juvenile detention centers are primarily designed for short-term detention of non-adjudicated juveniles.

The detention facilities would take on dual missions and associated programming: short-term detention of non-adjudicated juveniles pending court hearings; and the long-term care and rehabilitation of adjudicated delinquents and youthful offenders.

Contracting with juvenile detention centers for use of excess bed and facility space does have advantages, such as offering financial flexibility and ability to keep some juveniles near their own communities.

Maintaining separation of detention and department clients and programs may prove difficult, and over the long-term, two to five years, the department may need an alternative arrangement.

RESPONSE:

- CYFD is fully aware that pre-adjudicated children in detention and post-adjudicated children in rehabilitation facilities cannot and will not be commingled.
- We are talking only of possible use of physical plant, not commingling of populations.

- It is not, and never has been, our intention to commingle such populations.
- Any use of a detention center's physical plant for CYFD adjudicated kids would only be done if complete separation of the populations could be obtained.
- We are exploring several options for how to redistribute NMBS kids.

Ability and willingness of counties to house department clients long-term

The department has not confirmed interest of counties' to house state clients long-term or how quickly the detention centers can ramp-up staffing and programming needed to supervise and rehabilitate department clients.

RESPONSE:

- The Deputy Cabinet Secretary has met with several detention centers to determine their interest in providing services.
- This piece is but one component of the global plan referenced above.

Assistance to Boys' School staff during transition.

No plan to work with the workforce development system and Labor Department to assist Boys' School employees that cannot transfer to DOC with transitional income assistance, employment and retraining services is apparent.

RESPONSE:

- CYFD is meeting with the State Personnel Office to discuss employee transition issues.
- Assessment of New Mexico Boys' School personnel has begun
- Those that are not able to transition will be given every possible assistance.
- Gary Giron from State Personnel is the lead on this work group.

Turnover in leadership and continually changing facility missions hampers effectiveness and makes planning and budgeting for future facility needs difficult.

Since 2002, the department has had five different employees oversee the juvenile justice division, and five oversee facilities. In fact, the most recent Deputy Director for Facilities was in the position for only about one month. Continual turnover in leadership hampers an organization's ability to effectively plan and carry out a consistent vision for service delivery.

RESPONSE:

- Agree.

The department has struggled to adhere to a consistent facility use plan as the number of juveniles needing secure placement has decreased.

The department has focused heavily the past three years on enhancing its front-end services, but has not been successful at developing a vision and action plan for adjusting its approach to secure facilities.

The department has continually updated or changed its programming and use of facilities without any clear overall long-term vision supporting the short-term changes.

RESPONSE:

- The Department initiated in January 05, a statewide Town hall meeting to receive citizen and community input into the issue of Juvenile confinement
 - Produced a report that was sent to all participants
 - Is being updated, currently
- As stated above, the department has put forward several alternatives for downsizing facilities to address excess capacity.
- Unfortunately, factors such as economic impact on communities across the state and the perceived differences in program effectiveness are issues where we lack broad based support to close any facilities.
- The closing of the New Mexico Boys' School as a juvenile facility is the catalyst for an entirely new plan with the cornerstone being smaller, more regionally located juvenile facilities.

The juvenile justice system lacks an entity to conduct facility population forecasts to assist with planning for future facility needs, limiting policy makers' ability to make more informed capital outlay decisions.

Department officials publicly expect the facility population to continue its decline; however, the department does not regularly conduct formal facility population forecasts to assist with planning for the number and type of beds needed in the future. In addition, the department lacks the staff expertise needed to complete this type of activity. The department was attempting to hire a data specialist that could perform this activity at the time of this review.

Committee staff identified an existing juvenile justice population forecast computer program funded by the federal Office of Juvenile Justice and Delinquency Prevention. Committee staff also found that the New Mexico Sentencing Commission has contract staff available to conduct regular population forecasts, but would need additional funding to support this activity.

RESPONSE:

- CYFD agrees that forecasting facility populations would be extremely useful.

Current facility use configuration and programming does not meet specific needs for New Mexico, including the need for improved facilities, a lack of bed space in the southeast and northwest areas of the state, and lack of gender-specific programs for females.

RESPONSE:

- See detailed responses below

The department has not adjusted Juvenile Correctional Officer front-line staff qualifications and duties in response to the change in the type of juveniles housed in secure facilities.

Juvenile Correctional Officer – Journeymen (JCO) provide front-line paraprofessional counseling and mentoring, in addition to day to day supervision of juveniles confined in department facilities. The department requires a high school diploma and a minimum of 15 college credits.

The number of low to medium risk juveniles committed each year to a department facility has decreased significantly.

- This trend has resulted in a more homogeneous population of juveniles at high-risk of re-offending and with high behavioral health needs being placed in secure facilities.
- For example, the percentage of high risk-high need juveniles committed to secure facilities has increased from 39 percent in FY02 to 78 percent in FY05.
- As a result, the department's facilities provide services to a small population of medium to low risk juveniles and higher percentage of more volatile clients.
- This change in population mix requires an increase in specialty programming and need for better-trained front-line staff.
- JCO qualifications and training levels may need to be increased to deal with this population effectively.

Response:

- During the State Personnel transition to the HR2001 system, the Juvenile Correctional Officer (JCO) job descriptions were changed to include a minimum of 15-semester college credits.
- JCO's currently receive core and on-the-job training of 120 hours.
- JJS created a new position within the Professional Training Bureau to focus on training for all JJS staff.
- Core training for JCO's has been revamped and enhanced to make the training more applicable and add training in ethics and professionalism.

Female juvenile offenders lack gender specific programming and are housed in the same facility as males, including sex offenders.

The New Mexico Girls School is currently housed in a cottage on the campus of the Youth Diagnostic and Development Center (YDDC) in Albuquerque. Within the secure area of YDDC, the department also houses low to high-risk males, including males needing specialized services such as sex offender treatment, and intensive mental and behavioral health services.

The department does not have a fully separate facility to provide treatment and rehabilitative services to females. In addition, the New Mexico Sentencing Commission (NMSC), among others, has cited lack of gender specific programming for females, especially for female offenders needing intensive mental health services.

NMSC reports that female juvenile offenders often "have histories of physical, emotional and sexual abuse and suffer from physical and mental disorders" that require unique gender specific programming. Without these types of programs and facilities, the department cannot adequately address the needs of female juvenile offenders.

RESPONSE:

- While female clients are housed in the same facility as males, they are closely monitored and supervised.
- A spectrum of care is being developed for females and more resources have been committed to their programming and treatment. The following Gender Specific Programming Issues have recently occurred:
 - Multidisciplinary staff attended Girl's Circle Trainings and site visit in Seattle, Washington, Colorado and Albuquerque.
 - The clinicians and JCO lead will conduct internal Girl Circle Training. The first girl circle will be conducted January 30, 2006.
 - Mesa Unit- Girls Step-Down unit initiated in January 2005.
 - Life Future Ambition Unit- Girls Reintegration started October, 2005
 - Sage Unit-Girls Stabilization initiated November 2005.
 - Have initiated Post Traumatic Stress Syndrome group addressing female victimization including eating disorders and self harming behavior specific to adolescent females- starting February, 2006.
 - Staff attended training sponsored by Juvenile Justice Advisory Council on Barriers to Providing Services to Female clients in December 2005.
 - Trauma Spectrum-Based gender specific training was conducted for all staff (Behavioral Health, Juvenile Correctional Officers and Juvenile Probation and Parole Officers) in March, April and May 2005.
 - Behavioral Health Staff provided an on-going (three months) case study for gender specific programming for a severely emotionally disturbed female client. Behavioral Health, Juvenile Correctional Officers and Education Staff participated in this training.

The department does employ numerous educational achievement measures and does use serious incident reports to assess individual incidents. But, the department lacks a management tool to regularly monitor effectiveness and quality of other facility programming, such as behavioral health.

Other performance indicators, monitoring and program planning is developed by each facility, leading to disjointed oversight secure facilities. As a result the department, cannot effectively report which facilities are effective, safe, and provide high quality care to juveniles

RESPONSE:

- The Department is researching tools to better capture outcomes.
- A facilities program manager position was created and is staffed to ensure quality programming is consistent between facilities
 - This will ensure that if clients are transferred, they will be able to resume programming at their new location.

In the past, the department attempted to have its facilities accredited by the American Correctional Association (ACA). ACA provides useful minimum standards for both adult and juvenile correctional institutions but is not a useful tool for encouraging high performance, only minimum compliance with policies, procedures, etc. Only, the Boys' School met accreditation standards. Department staff indicated that ACA accreditation will no longer be sought by its facilities as the agency moves away from a traditional correctional model for its facilities towards a more therapeutic and rehabilitative model.

- RESPONSE:

- ACA accreditation, while useful does not provide a strategic framework for assessing performance quality and continuous improvement. Nor does it create an institutionalized attitude of quality that can transcend administrations
- JJS is seeking ISO certification and has already begun the process.
 - ISO 9000 helps organizations develop a systems framework to design and deliver higher quality services, is a common sense way to organize people, technology and processes to achieve quality services and helps achieve a common understanding of processes, goals, and strategy.
 - On the outcome side, ISO helps organizations keep their promises to those they serve, guides institutions in the design, development, delivery and assessment of services and achieves consistent results.
 - ISO certification is considered to be a world-class standard for establishing and sustaining a quality operation.
 - ISO also has a recertification requirement that ensures continuous improvement

Committee staff identified a nationally recognized best practice performance-based program for monitoring facilities and encouraging a higher standard of care. The program Performance Based Standards (PBS) for Youth Correction and Detention Centers provides agencies with a comprehensive set of standards, goals, performance measures, expected practices, and policies in the areas of safety, health and mental health, education, protection of juvenile rights, and reintegration into communities.

RESPONSE:

- JJS is currently evaluating several facility-based systems.
 - The JJS Quality Assurance Program Manager is responsible for this project.

The department has failed to implement an effective monitoring system that ensures safety, and promotes high-quality care and effective operations at its secure juvenile facilities.

RESPONSE:

- See detailed responses below

The department does not regularly monitor facilities on a standardized set of performance measures across all facets of programming.

For example, the department receives regular serious incident reports from facilities about client assaults, isolation placements, and use of force by staff. The department does not use this information in a standardized summary report to analyze performance and trends over time. For example, the average number of client-client assaults in a facility could be tracked to assess the level of safety for juveniles compared over time and between facilities.

RESPONSE:

- The Department has developed policies and procedures that meet these objectives, and will implement a quality assurance system by fall 2006.
- The department is researching appropriate detention facility software that will support our 2005 revised Policies and Procedures, allow standardized and routine analysis of critical client/staff issues and performance issues and support reporting against Performance based objectives.

Develop a five-year strategic plan for future facility use and needs.

At a minimum, the plan should identify whether the department should:

- Transition out of using contracted county detention-beds;
- Identify the number of secure beds needed over the next five years, taking into consideration an appropriate level of excess capacity to protect against short-term population increases;
- Identify a process to transition out of using YDDC for 15-day evaluations;
- Include gender-specific programming and assure the safety of female clients;
- Plan for increased front-line staff training and qualifications;
- Consider promoting small-regionally based facilities should new facilities be needed in the future.
- Implement a process to obtain public comment on a proposed plan before finalizing it and submitting it to the Department of Finance and Administration (DFA) and to the Legislative Finance Committee.

RESPONSE:

- New Mexico is the first state to implement Juvenile Detention Alternative Initiatives (JDAI) statewide. This, if implemented properly, will change the way juvenile facilities are utilized.
 - CYFD recognized that Strategic planning is an important component of the management of the agency.
 - CYFD feels that a five-year timeframe is too long and won't take into account the ever-changing dynamics of ongoing social trends

CYFD recommends a three-year strategic plan as being more appropriate and responsive to effectively track and report, among other routine performance measures the results of a:

- Continued focus by local communities to provide detention alternative programs and facilities
- Continued focus on the states judiciary and law enforcement to be more open to detention alternatives
- Many of the issues listed above are currently being evaluated.
 - For example, CYFD is working with Bernalillo County, which is in process of implementing a process to provide these evaluations for Sandoval, Valencia and Bernalillo County.
 - Many counties do have resources available to provide the 15-day evaluations and JJS will coordinate this effort with them.
 - Obtaining good forecasting of future populations will also improve the ability of CYFD to made good strategic planning decisions.

Propose new General Appropriation Act performance measures regarding facility safety for the FY08 budget.

The department should identify an appropriate set of measures from the PBS system regarding client safety. The department should begin collecting data during FY07 to provide a baseline, should the Legislature choose to add those measures for the FY08 budget.

RESPONSE:

- Agree, based on system chosen.
- While we recognize that PBS is one system that may provide the system and the tools, we may choose another tool.

Revise regulations and policies to implement a performance-based monitoring system for facilities and contracted facilities.

Implement key PBS standards and performance measures across all facilities, including any contracts with county detention facilities for department clients, and Camp Sierra Blanca.

RESPONSE:

- Once a performance-based system is selected, it will be incorporated into policy and procedure.

The Legislature should consider appropriating \$50,000 to the NMSC to provide facility population projections to the department and Legislature twice per year.

NMSC staff and department staff should collaborate to obtain necessary data and information needed to develop an appropriate projection model and assumptions. The NMSC should also help build staff capacity at the department to begin making its own facility population projections.

RESPONSE:

- CYFD agrees that an appropriation would be very helpful.
- CYFD would like to further evaluate to whom the appropriation should go.

Key Recommendations.

- Reevaluate duties of Juvenile Probation and Parole Officers and identify alternatives for data entry.
- Develop a full transition plan by January 20, 2006 to carry out the department's decision to turn over the New Mexico Boys' School to the Corrections Department.
- Develop a five-year strategic plan for future facility use and needs.
- Revise regulations and policies to implement a performance-based monitoring system for facilities and contracted facilities.

AFTER-CARE/PAROLE

The department has decreased after-care placement options.

The department has historically used Juvenile Reintegration Centers for parolees and to provide "step-down" transitional living program from a secure facility before returning home. Currently, the department has one, Eagles Nest, juvenile justice dedicated reintegration center. In 2005, the department reconfigured the other two reintegration centers to Medicaid group homes for both child welfare and juvenile justice transitional living services.

RESPONSE:

- CYFD reconfigured two reintegration centers because they were never full.
- Currently, there are several options for step-down:
 - Camp Sierra Blanca (24 beds for paroled boys),
 - Life Future and Ambition (12 beds for paroled girls)
 - Eagle Nest (16 beds for paroled boys).

The department does not track parole funding or service levels separate from probation.

As a result, policy makers cannot identify at what level parolees are accessing the new behavioral health therapies, to ensure adequate funding for both probationers and parolees. JPPOs often have commingled caseloads of both probationers and parolees. This case management structure may need adjusting considering the more intensive and specialized needs of high risk offenders reintegrating into their communities and added emphasis on parole in the system.

RESPONSE:

- Prior to this year, based on legislative changes, there were far fewer parolees in the system.
- Statutory change required all youth committed after June 17, 2005, to have at least a 90-day parole period.
- This has impacted the way JJS does business in the probation and parole offices.
- JJS is evaluating the possibility of specialized caseloads for probation and parole.

Poor facility programming can make after-care more difficult.

Currently, the department's secure facilities appear to lack of transitional vocational/job placement programming, substance abuse and relapse prevention treatment; and sufficient acute mental health treatment, particularly for females.

RESPONSE:

- JJS has created a program manager position to develop, coordinate and oversee programming at all the JJS facilities.
- Girls are the most challenging clients in our system, as they often do not have homes to return to and are often our most acute behavioral health cases.
 - JJS has customized services within the facilities to meet the needs of the girls while they are committed to ensure more successful transitions into their communities.
 - There has been a collaborative effort (education, behavioral health, classification, re-entry and security) to secure transitional placements for an acute girls behavioral health unit.
 - In addition, the Life Future and Ambition reintegration center for girls was opened, and relationships with community agencies to secure placements that include Residential Treatment Center beds and Therapeutic Foster Care were established.
 - At this time, the identified community agency establishes the relationship with our female clients and aids in the transition. When female clients are placed in the receiving agency, JJS identifies a facility contact person to support the client and the agency through the transition.
 - For the more complicated cases, JJS staff is attending treatment teams and providing any consultation that may be required to facilitate the success of the new placement.
- Given these efforts it is important to provide on-going support for the spectrum of care that has been developed at YDDC to insure ongoing programmatic development, stability of care for the adolescent females, and successful community reintegration.

Recommendation.

- Work with Committee and DFA staff during the interim to develop a method to break out budget and expenditures used for juveniles on parole vs. front-end

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services. Also, propose more specific parole related performance measures to assess effectiveness of after-care services.

Respectfully,


William A. Gregorius
Deputy Cabinet Secretary

Cc: Secretary, Mary-Dale Bolson
Deputy Secretary, Danny Sandoval
General Counsel, Dan Pearlman