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FISCAL IMPACT REPORT

ORIGINAL DATE 1/21/08
 SPONSOR Chasey LAST UPDATED 2/1/08 HM 3/aHJC
 SHORT TITLE Female Inmate Issues Task Force SB _____
 ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates to HJM10, Relates to SJM 14

SOURCES OF INFORMATION

LFC Files

Responses Received From

Central New Mexico Community College
 Administrative Office of the District Attorneys (AODA)
 Commission on the Status of Women
 New Mexico Corrections Department (NMCD)
 Adult Parole Board
 Human Services Department (HSD)

No Responses Received From

Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment of House Memorial 3 makes the following changes:

House Memorial 3/aHJC – Page 2

- On page 2, line 18, after “facilities” inserts “at the national level”;
- On page 3, line 6, after “implemented” strikes the remainder of the line and strikes lines 7, 8 and 9 up to the semicolon;
- On page 3, line 21, after “the “ strikes “second judicial district attorney’s office” and inserts “New Mexico district attorneys association”; and
- On page 4, line 12, after “force” strikes “implement” and inserts “assist in implementing”.

Synopsis of Original Bill

House Memorial 3 calls for the secretary of the New Mexico Corrections Department to assemble a task force consisting of the warden of the New Mexico Women’s Correctional Facility, the warden of the Camino Nuevo Correctional center, representatives from Corrections Corporation of America, correctional medical services, the adult probation and parole division of the New Mexico Corrections Department, the Children, Youth and Families Department, the New Mexico Women’s Justice Project, the Commission on the Status of Women, the archdiocese of Santa Fe, the judiciary, Central New Mexico Community College, a rape crisis center, the Second Judicial District Attorney’s Office, community practitioners in behavioral health and substance abuse treatment, former women inmates who have completed their sentences, including probation or parole, and other interested and appropriate parties to implement the recommendations of the Senate Joint Memorial 48 task force.

The task force is to review the environment, programs, services, policies and procedures at the two female correctional facilities, including intake, classification, screening and assessment, discharge planning, vocational skill development, mental health, behavioral health and substance abuse services, interpersonal violence and trauma, parenting and family connections, visitation, gender-informed training protocols, staff training, sexual misconduct and compliance with the federal prison Rape Elimination Act of 2003. The task force is to implement the recommendations of the National Institute of Corrections and work with a representative of the institution, if feasible. Also, the task force is to encourage community collaborations and partnerships to create innovative and unique solutions for the female inmate population and to improve the readiness of women to reintegrate back into their communities.

The members of the task force are to report to the appropriate interim legislative committee during the 2008 interim on the progress of the task force; the implementation of recommendations made by the 2002 Senate Joint Memorial 48 task force and the national guidelines for gender-responsive facilities and services; and any further findings, recommendations and solutions that may be effective for the female prison population.

FISCAL IMPLICATIONS

AODA states there would be costs associated with any implementation of new and/or different programs with the New Mexico Corrections Department; however, without specifics provided in the proposed legislation the exact implications are hard to assess. AODA notes in addition to start-up costs for the guidelines and potential programs, there would be costs associated with compensating members of the newly organized task force, hiring and compensation of any additional personnel needed to carry out the solutions proposed by the task force.

HSD states the House Judiciary Committee amendment of House Memorial 3 holds no specified

fiscal implications for the department as written. HSD states significant fiscal implications would arise if the Task Force includes representatives of the Behavioral Health Planning Council or department staff is involved as “appropriate parties” in reviewing implications for adult populations leaving correctional facilities. HSD notes the most significant fiscal implications would arise as a result of any recommendations that might be made for additional services that are not already provided.

SIGNIFICANT ISSUES

NMCD states the House Judiciary Committee amendment of House Memorial 3 is still based on several clearly erroneous assertions or assumption. NMCD states it fails to recognize the following:

- That all of the concerns of the earlier task force have already been addressed by NMCD;
- That the operation of and programming at the two female correctional facilities has been and continues to be audited and evaluated by the American Correctional Association;
- That another task force (HM72 of the 2007 Session) formed by the Attorney General of New Mexico is already assessing NMCD’s correctional facilities, including the female facilities, to see if an independent oversight entity should be placed over NMCD’s facilities;
- That NMCD already provides a substantive amount of gender specific programming for its female inmates via a contractor;
- That NMCD is already consulting with the National Institution of Corrections (NIC) about gender specific programming for females in prison;
- That NMCD has already received and will continue to receive training in the area of gender specific programming for female prisoners from (NIC); and
- That NMCD is already consulting with NIC about complying with the national standards that will be promulgated pursuant to the Prison Rape Elimination Act of 2003 for addressing alleged sexual misconduct in its male and female facilities.

Central New Mexico Community College reports it plays an active role in assisting female inmates with reintegration into the community. The college offers the Placebound Program to female inmates at the Metropolitan Detention Center in Albuquerque. During the 2006-2007 academic years, about 390 female inmates participated in the program. The program offers GED training and testing to inmates without a high school diploma, and offers courses that can lead to career and technical certificates and associates degrees to those who qualify. Heavy emphasis is placed on advising and mentoring female inmates about lifestyle changes. Once a Placebound Program participant is released, she is eligible for a Making the Future Bright scholarship that will allow her to transition to Central New Mexico Community College.

AODA states if in fact New Mexico implements the national guidelines and establishes new or different programs for female inmates that are better suited to address the issues of females specifically, the long-term result may be a reduction in the number of female inmates. The implementation of such programs may also lead to better alternatives for female offenders who might not otherwise be placed on probation in lieu of incarceration.

NMCD reports it is working with and seeking technical assistance from the National Institute of Corrections (NIC), a nationally recognized group comprised of correctional experts, to ensure that NMCD’s female correctional facilities are operated in a gender specific fashion. NMCD reports if NIC makes recommendations to the secretary regarding changes to the operation of

Camino Nuevo or the New Mexico Women’s Correctional Facility, the secretary will follow those recommendations to the extent feasible.

NMCD notes Secretary Williams is scheduled to attend a 36-hour NIC training program regarding the operational practices in women’s prison. Helen Carr, NMCD’s Deputy Director of Female Offender Services, will also be attending the NIC gender specific training. The training will include, among other things, gender differences as those related to treatment, classification, programs and services. NMCD notes that Ms. Carr has received intensive NIC training entitled “An Agency Approach to Gender Specific Programming”, and her article “A Women-Centered Approach for Female Offenders in New Mexico” was published in the August 2007 issue of ACA’s Corrections Today Magazine. Also, NMCD reports that Gender Specific Trauma Informed Training is already being provided to staff working with female offenders.

Adult Parole Board states the proposed legislation would presumably assist in assuring that all appropriate considerations pertaining to female inmates are applied. The Adult Parole Board notes this would theoretically be an advantage to the females who are placed on parole.

HSD states the recommendations of the Senate Joint Memorial 48 task force in 2002 were made prior to the creation of the interagency Behavioral Health Purchasing Collaborative, which includes both NMCD and the HSD Behavioral Health Services Division, which is a single state mental health authority for adults and single state substance abuse authority. HSD notes that the Department of Health was the lead agency on a comprehensive analysis of the behavioral needs and gaps in New Mexico, including those affecting women in and leaving correctional facilities.

HSD states the Behavioral Health Planning Council’s Adult and Substance Abuse subcommittees are comprised of consumers, family members, providers, advocates and state staff, and could review the Senate Joint Memorial 48 recommendations without the necessity of additional administrative and fiscal consequences or creation of a new group.

PERFORMANCE IMPLICATIONS

AODA notes that if such changes are shown to be effective, the possible implications would be that there may be lighter case loads for prosecutors, fewer over-crowding issues within facilities, lighter caseloads for law enforcement, and overall lower recidivism rates among female offenders.

HSD states the proposed legislation relates to the following Collaborative Behavioral Health Strategic Plan: Goal II: reduce the adverse effects of substance abuse and mental illness. 3. Persons in custody or at risk of incarceration and those leaving jails, prisons, juvenile justice facilities and their families receive adequate and appropriate services, which are recovery-focused, culturally competent and responsive to their needs. a. Increase provider capacity and services for persons with behavioral health needs in custody or leaving jails or prisons, including youth leaving the juvenile justice system.

HSD states the department and NMCD are responsible for ensuring implementation of the Behavioral Collaborative’s Strategic Goals.

ADMINISTRATIVE IMPLICATIONS

AODA states members of the different departments and organizations mentioned in the proposed legislation would have to be available for membership on the task force. There would be added responsibility placed on the New Mexico Corrections Department to ensure the guidelines are implemented and to report the outcome of such change.

HSD states staff time will be needed for local research needed, and potential professional technical contracts needed for specific deliverables. HSD notes cooperative agreements with city, county and municipalities with behavioral health providers are likely to significant and potentially duplicative of work that both NMCD and HSD direct the statewide entity contractor to undertake.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Memorial 3 is a duplication of House Joint Memorial 10 and has a relationship with Senate Joint Memorial 14 and Senate Memorial 33.

OTHER SUBSTANTIVE ISSUES

Adult Parole Board states the proposed legislation repeats the ongoing monitoring and improvements already being put in place by NMCD.

ALTERNATIVES

Adult Parole Board state an alternative is to allow NMCD to pursue its existing programming, training and monitoring.

RPG/bb:nt