

HOUSE MEMORIAL 14

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Micaela Lara Cadena

This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

A MEMORIAL

REQUESTING NEW MEXICO COUNTIES TO STUDY AND MAKE RECOMMENDATIONS ON JUVENILE DETENTION COST SHARING, TRANSPORTATION OF DETAINED YOUTH, IMPROVED COURT PROCESSES AND ALTERNATIVES TO JUVENILE DETENTION.

WHEREAS, the number of youth detained in New Mexico has decreased from four thousand one hundred forty-seven in 2010 to one thousand four hundred fifty-nine in 2019; and

WHEREAS, the reduction in the number of youth detained has caused a reduction in the demand for detention beds; and

.216421.1AIC January 29, 2020 (11:11am)

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WHEREAS, since 2015, seven county juvenile detention facilities have closed and, currently, two of the remaining six detention facilities are contemplating closure; and

WHEREAS, in 2019, there were two hundred eighty-eight available juvenile detention beds in New Mexico, and the average daily population for detained juveniles statewide was one hundred twenty-one; and

WHEREAS, with the 2019 facility closures, there are now two hundred sixty-five total available juvenile detention beds in New Mexico, of which seventy-one beds are available to house girls; and

WHEREAS, in 2019, approximately eighty-nine percent of the cost of juvenile detention in New Mexico was borne by the few counties that operate juvenile detention facilities; and

WHEREAS, the per diem paid by customer counties does not approach a proportional share of the cost of operating a juvenile detention facility; and

WHEREAS, the limited number of juvenile detention facilities in the state means that youth are often placed a considerable distance from their families and support systems; and

WHEREAS, detention has a negative effect on school attendance, and placement outside the home school district interferes with the transfer of academic credit; and

WHEREAS, the limited number of juvenile detention

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facilities in the state means that youth are often transported in restraints for several hours each way in order to attend court proceedings; and

WHEREAS, there is no appropriately trained and certified statewide transportation team to ensure that detained youth are transported in a manner consistent with standards for conditions of confinement; and

WHEREAS, court proceedings frequently result in continuances and delays, and these outcomes necessitate longer periods of detention and transportation to subsequent court proceedings; and

WHEREAS, the cost of transporting detained youth is borne by counties; and

WHEREAS, there are inadequate alternatives to detention available to address the needs of youth for whom detention is not appropriate; and

WHEREAS, counties do not determine which youth are detained and for how long;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that New Mexico counties be requested to convene stakeholders to study and make recommendations regarding:

- A. ways to share the cost of juvenile detention facilities among county, state and city governments;
- B. ways to create alternatives to juvenile

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detention;

C. ways to improve court processes and procedures to minimize unnecessary court appearances and delays in adjudicating detained youth;

D. the feasibility of training and certifying a statewide transportation team for detained youth to ensure that transportation is consistent with standards for conditions of confinement;

E. the creation and funding of qualified residential treatment programs eligible for Title IV-E foster care and medicaid funding;

F. the creation and funding of substance abuse beds and beds for youth with intellectual and developmental disabilities or mental illness;

G. the need for gender-based and LGBTQ-responsive approaches to juvenile detention and alternatives to detention; and

H. ways to increase community resources to address the needs of youth and reduce criminal justice involvement; and

BE IT FURTHER RESOLVED that stakeholders include representatives from the supreme court or the administrative office of the courts as designated by the chief justice of the supreme court, the children, youth and families department, the New Mexico municipal league, the HJC→~~administrative office of the district attorneys~~←HJC, HJC→New Mexico district attorney

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association←HJC the public defender department and system-impacted young people; and

BE IT FURTHER RESOLVED that New Mexico counties be requested to report its findings and recommendations to the appropriate interim legislative committees by December 1, 2020; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the executive director of New Mexico counties and the co-chairs of the New Mexico legislative council.

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