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HOUSE MEMORIAL 14

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

INTRODUCED BY

Micaela Lara Cadena

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

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

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1 average daily population for detained juveniles statewide was  
2 one hundred twenty-one; and

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

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

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

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

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

20 WHEREAS, the limited number of juvenile detention  
21 facilities in the state means that youth are often transported  
22 in restraints for several hours each way in order to attend  
23 court proceedings; and

24 WHEREAS, there is no appropriately trained and certified  
25 statewide transportation team to ensure that detained youth are

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1 transported in a manner consistent with standards for  
2 conditions of confinement; and

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

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

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

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

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

18 A. ways to share the cost of juvenile detention  
19 facilities among county, state and city governments;

20 B. ways to create alternatives to juvenile  
21 detention;

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

25 D. the feasibility of training and certifying a

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1 statewide transportation team for detained youth to ensure that  
2 transportation is consistent with standards for conditions of  
3 confinement;

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

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

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

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

15 BE IT FURTHER RESOLVED that stakeholders include  
16 representatives from the supreme court or the administrative  
17 office of the courts as designated by the chief justice of the  
18 supreme court, the children, youth and families department, the  
19 New Mexico municipal league, the administrative office of the  
20 district attorneys, the public defender department and system-  
21 impacted young people; and

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

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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.