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SENATE MEMORIAL 15

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

INTRODUCED BY

Gerald Ortiz y Pino

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 SENATE OF THE STATE
15 OF NEW MEXICO that New Mexico counties be requested to convene
16 stakeholders to study and make recommendations regarding:

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

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

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

24 D. the feasibility of training and certifying a
25 statewide transportation team for detained youth to ensure that

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1 transportation is consistent with standards for conditions of
2 confinement;

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

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

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

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

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

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

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the executive director of New Mexico counties
2 and the co-chairs of the New Mexico legislative council.

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