

Joint Courts, Corrections and Justice Committee and Legislative Health and Human Services Committee

SUMMIT ON JUVENILE JUSTICE – REPORT ON DISCUSSION GROUPS

Wednesday, September 23, 2015

University of New Mexico Student Union Building, Ballroom C, Albuquerque

The meeting was attended by members of the legislative committees, staff and administrators of juvenile justice facilities, private and State executive agency representatives (including Secretary Jacobson of CYFD and Secretary Ward of DOH), expert presenters, and interested citizens. A relatively large number of young people attended and participated fully; the high proportion of youth participants explains why this report contains a lengthy outline of responses for the Youth Empowerment discussions.

The morning session consisted of presentations by several agency representatives as well as academic and professional experts in various fields related to juvenile justice. There is a separate report for the morning session.

In the afternoon session, the participants distributed themselves into small groups to discuss one of three topics, with specific questions provided to guide the dialogue. The topics were:

- A. Sequoyah Adolescent Treatment Center (SATC)*
- B. Cambiar New Mexico model of treatment*
- C. Youth empowerment and diversion.*

For each topic, there were three questions—

- 1. Is it working?*
- 2. Are there concerns with the current practice?*
- 3. What might improve or provide an alternative to the current practice?*
 - 3a. Is there a role for legislators?*

Two dialogue sessions took place. For the second round, participants redistributed themselves according to their second topic interests. The purpose of the small group discussions was to provide each participant with opportunities to share ideas and to hear from others in an informal setting. Legislators, too, were able to experience a variety of perspectives in that informal setting. A number of legislators said they appreciated the informal format with direct interaction.

SUMMARY (based on participants' comments):

A. Sequoyah Adolescent Treatment Center (SATC)

a. Is it working?

The majority of dialogue participants indicated that the model is not working, although a lack of data impedes a really clear picture. The participants noted that there is unused capacity (i.e., empty beds) at the facility, despite the clear need, and question the reasons for this. Representatives of the facility pointed to a two-year lag in getting fully accredited, resulting not only in an inability to accept referrals, but also in a lack of trust among referees once the certification was established. Additionally, a participant asserted that there are interruptions and a consequent lack of steady schooling at the facility.

At the same time, some positives were reported. SATC has the capacity to take youths convicted of serious crimes and received referrals from a variety of sources. Also, a strength of SATC is that it does not employ mechanical restraints.

2. Are there concerns with the current practice?

Again, participants referred to the empty beds/unused capacity as a real problem, especially with the extent of current need. At the same time, CYFD seems to be sending serious cases elsewhere. Some participants expressed the concern that DOH has not been more aggressive in marketing the facility, to address the real needs that exist within the state. Similarly, even referrals from CYFD are not at the level that could be attained. SATC seems to have lost the trust of the community, both at the family and at the agency levels. The paucity of data and limited clarity as to budget impedes a clear understanding of how well the facility is doing. In-state referrals to out-of-state facilities indicate a low level of trust or perhaps a lack of understanding on the part of the judiciary as to the capacity of SATC.

At the program level, the facility is currently without a board-certified psychologist on staff. Some residents have said they do not feel safe, due to lack of effective restraints on violent boys. Others said that families are not fully informed as to what is happening at the facility. There was uncertainty as to the effectiveness of the Building Bridges program.

3. What might improve or provide an alternative to the current practice?

Participants recommended expansion of SATC services as well as increasing its outreach and responsiveness to agencies, communities and families. Services to be added or increased include: providing space for girls who need the kinds of mental health and reorientation services available, including young people ages 18-25, and expanding outpatient programs and follow-up. In general, soliciting greater input from all stakeholders—listening to the public, to families and to agencies—can help in providing a basis for helpful partnerships and in developing trust. Providing more data about the efficacy of the program will also provide guidance as to what elements need support and which need to be changed or supplanted.

3a. Is there a role for legislators?

It was suggested that legislators could investigate the possibility of expanding the maximum age at Sequoyah to 21 years and whether that would be insurable.

B. Cambiar New Mexico

1. Is it working?

A majority of respondents seemed to feel that Cambiar could be a good program but that it is not well-known or clear to observers. A lack of tracking data inhibits a clear understanding of how well it might be doing. At present, it was asserted that there is inadequate training for staff in the implementation of Cambiar, as well as a generally incomplete implementation where it has been adopted. A high rate of staff turnover compounds this problem.

2. Are there concerns with the current practice?

A number of participants said that, while they thought it could be a good approach, they were concerned that it is known by so few in the state. One person asserted that it has not been in effect since 2013. Apparently, only CYFD facilities have participated in Cambiar. As with Sequoyah, there was concern that Cambiar lacks a program for girls. A former Cambiar participant reported that over-medication takes place; personal care seems lacking. Another reported that the program is not sufficiently culturally sensitive; for instance, Native American youth are not able to engage in their religious practices. As for implementation, it was commented that Cambiar is only “scratching the surface” of the Missouri model on which it is based.

3. What might improve or provide an alternative to the current practice?

Continual evaluation of the program can help direct improvements to the Cambiar program. Staff training seems to have been inadequate, as has been noted. Incorporating train-the-trainer in the staff programs would help preserve the funding investment.

Communication—both internal and external—is needed: The judiciary needs to know more about Cambiar and its potential benefits, while listening to the youth can generate helpful feedback as to how well it is working. The value of the program would be increased with more clinical and preventative services.

3a. Is there a role for legislators?

Cambiar New Mexico could benefit from more oversight, with a focus on complete and consistent implementation of what has promise for juvenile justice.

C. Youth Diversion and Empowerment

1. Is it working?

The majority of respondents thought the various programs are working, though there are too few programs and not enough diversity. While the models are working, they lack funding to be as successful as they might be. Former participants noted that these systems are more personal, in that they treat youth like humans, that in their experience, staff members helped by trying to understand why they were there and didn't belittle or demean.

These programs are effective in diverting youth and thereby breaking the incarceration cycle; it was felt that money spent on these programs ultimately saves more than later prison costs. In general, the programs help, because incarceration makes it harder for those young people to secure employment. Also, youth incarceration tends to lead to adult incarceration.

2. Are there concerns with the current practice?

Programs often are not culturally sensitive, which is a problem when a disproportionate number of young people of color are in the juvenile justice system, as well as the mental health system. Many of the programs do divert young people, they do not always empower them. There are not enough programs or effective programs.

Not enough emphasis is placed on skills training, mentoring and helping young people deal with their emotions. Court-ordered community service programs do not necessarily empower young people.

Punishing youth for nonviolent crimes may involve them in ways that lead to prison—setting up the cycle of incarceration.

3. What might improve or provide an alternative to the current practice?

While the number of girls being incarcerated is rising, it was reported that there are few programs for them; this issue needs to be examined. More diversion programs, more community-based programs--and more funding--will help as alternatives to punishment. More emphasis on these diversion programs would help counteract the tendency for DAs to criminalize nonviolent behaviors.

Many young people are facing public health issues, such as mental health or substance abuse problems; these can be addressed without their being caught up in the juvenile justice system. Adults need to listen to youths, to understand--and help them resolve--their problems.

Education is a key—providing schooling as well as mentors and role models (including youth role models) empowers young people and helps move them on positive paths. Life-skills training is important.

Partnerships—public/private and among agencies—creates greater understanding of youth needs and more community-based programs.

3a. Is there a role for legislators?

Funding for diversion and empowerment programs is critical, ensuring that resources are directed toward effective programs, especially in rural areas. Legislators can encourage communication and cooperation among agencies, so that young people in need do not fall through the cracks. Finally, programs that provide paid employment for youth help them avoid the temptations of drug-dealing or theft to provide income.

Legislators can help in at least two ways—by decriminalizing some behaviors and by providing resources (especially funding) to support programs that work. Decriminalizing some nonviolent behaviors—especially those related to marijuana or property damage—can reduce the number of young people entering the system. Expanding support for restorative justice programs can provide alternatives to punishment.

What We Learned Today

At the end of the afternoon's discussions, the participants were asked to share their experiences—what they learned—during the informal conversations. Several commented that they were not previously familiar with the Cambiar model, indicating a failure of CYFD to publicize and implement what could be a helpful approach to juvenile justice.

Others appreciated the attendance and participation of legislators, while legislators themselves commented that they liked the format of informal and direct interaction. Participants (including legislators) were impressed with the number and contributions of the many young people who attended the summit.

APPENDIX—Topics, Stated Questions and Transcribed notes

SEQUOYAH ADOLESCENT TREATMENT CENTER

1. Is the Sequoyah Adolescent Treatment Center (SATC) New Mexico's current operational model working?

- a. Majority in dialogue said they do not believe the current operational model is working, but it is hard to know and measure due to lack of information and data.
 - i. For example, there are interruptions, multiple placements, and no steady school.
 - ii. There were questions as to why SATC has empty beds, even with great need.
 - iii. SATC representatives reported that a two-year lag in certification interrupted the flow of referrals.
- b. Minority mentioned some positive aspects of SATC--
 - i. From capital crimes, Sequoyah will take kids who will not be accepted elsewhere.
 - ii. One reported having seen improvement in interactions with family and officers.
 - iii. Another pointed out that after a kid is 14, he has the capacity to consent to treatment. They [staff] work with kids who want treatment. They have counsel. Some families who are with CYFD may want kids to be discharged.
 - iv. It is a strength that referrals can come from a variety of sources, such as Juvenile Detention Centers, CYFD, Managed Care Organizations, and Schools.
 - v. One participant personally reported a positive experience with SATC in 2005-08.
 - vi. It was reported as a positive that they don't use mechanical restraints; they will hold the kids.

2. Are there concerns with the current practice?

- a. The current census is 30; two pending admissions bring it close to capacity of 36 beds; six are held for CYFD referrals. That will be no longer the case, the MOU is changing. Two years ago, the count went down to 13.
- b. It took two years to get SATC into compliance. Referrals stopped.
- c. In the past, CYFD used SATC as a safety valve. Why isn't CYFD sending its 10 most out of control?
- d. CYFD used to have 10 beds and there was waiting list. Why has number of beds been reduced? When model changed, they lowered the census.
- e. There is no board-certified child psychologist on staff. While they are trying to hire, there is a shortage of health care work force.
- f. Concerns with how Building Bridges states that it implementing a family driven practice, but the families do not see this.
- g. Kid did not feel safe because he was mixed with killers.

- h. Kids have to consent at 14 or if in JJ system, there is leverage.
- i. Kids must be “amenable to treatment.”
- j. Majority believes the concerns with the current practice are the lack of data when it comes to finances and budget clarity as well as the accountability of Sequoyah when it comes to showing progress of patients. There are also concerns with the task force for Sequoyah, particularly when it comes to the members of the task force. There is only one family member, and most of the task force is made up of members of the Department of Health.
- k. Most extreme kids can’t be managed at SATC because lack of restraints means kids are not safe from each other.
- l. Exclusionary criteria – several other more restrictive treatment episode, Desert Hills TFC. Actively violent, not amenable to OPT.
- m. Youths he works with don’t feel safe there.
- n. Older boy lodges are full.
- o. Lost touch with community. No marketing for this facility.
- p. One kid now in Utah “treatment facility” because he has been through all NM facilities – offense was theft. Bad temper, loud but not violent
- q. Referrals out of state by judges who don’t think SATC accepts certain types of youth.
- r. They have some data on who is referred, who is accepted and juvenile ___ judges are referring out of state.

3. What might improve or provide an alternative to the current operational model at SATC?

Is there a role for legislators?

- a. Extend the continuum of care at SATC
- b. Provide service for girls, service for 18-25 year olds.
- c. Offer outpatient service, more discharge services, and more tracking after release (for longer than 120 months)
- d. More outreach and education to: public; referral sources; law enforcement; judiciary; Juvenile Justice advisory group.
- e. There needs to be greater input allowed by: youth; families; community programs; service agencies.
- f. Need to do better outreach to JPO, to CYFD, to judiciary
- g. Make good use of places/partners to which to make referrals or to collaborate--MLK Commission for Nonviolence; Families ASAP.
- h. Department of Health to look into the claims made by families. How do families get in touch with DOH?
- i. Measure its success with fidelity measures or with recidivism rate analysis

- j. Youth to select own advocates. Parents placed them there. These kids didn't have psych or SLT issue; parent didn't want them at home.
- k. There also needs to be improved oversight with better clarity.
- l. **Is there a role for legislators?**

Legislators' Role: To find the information to know if they are able to expand the age to 21. To research if there would be funding for that, with insurance coverage, and if the age range would cause problems.

CAMBIAR NEW MEXICO

1. Is Cambiar New Mexico working?

- a. Unclear – transition still ongoing; wait and see approach
- b. We don't know due to lack of data and model evaluation – recommend study on youths' experience with Cambiar.
- c. Concerns regarding model fidelity.
- d. Need more data analysis
- e. Not working due to failure to implement true to Missouri model – failure to train staff – partial implementation.
- f. Need analysis of outcomes of Missouri versus NM

2. Are there concerns with the current practice?

- a. Many; have to see what happens with fully implemented plan. No follow up or delayed follow up to measure success of program.
- b. Rationalization may be unrealistic due to size of state.
- c. Heard more serious behavioral health needs than in the past.
- d. Success in reducing some juvenile commitment. May also be leading to higher concentrations of more serious juvenile needs in commitment centers – may have higher needs.
- e. Lack of personal care for youth in committed centers.
- f. Over-medication.
- g. Non-CYFD detention facilities not participating.
- h. Not culturally sensitive

3. What might improve or provide an alternative to Cambiar New Mexico? Is there a role for legislators?

- a. Improve: New Location for facilities. Wraparound services; Wisconsin model.
- b. Not designed as clinical model but clinical services are needed.

- c. Promote pro-social programming. May need to train/re-train CYFD staff and provide intensive technical assistance.
- d. May need to look at other evidence-based models to implement.
- e. Need to train staff in a way that CYFD will be able to implement without outside long-term consulting.
- f. Survey youth regarding Cambiar
- g. Better inform judges on options for youth offenders.
- h. NM needs to look at supporting a more diverse continuum of services.
- i. Is there a role for legislators?**
- j. Legislators need to ask for more data.
- k. Legislators may look at funding pilot more intensive clinical programming.
- l. Legislators should state what outcomes NM wants from Cambiar.
- m. Legislators should invest in more “youth empowerment” and cultural programming.

YOUTH DIVERSION AND EMPOWERMENT

- 1. Are the models of youth empowerment and diversion from the juvenile justice or detention system working to achieve the goals of empowering youth? Are the models diverting them from entering or re-entering the juvenile justice or detention system?**
 - a. Secretary came in – couldn’t ask questions. Hard to tell if they are working.
 - b. Staff helped by trying to understand why they were there and didn’t belittle or demean.
 - c. Feeling of home and community – through culture and heritage.
 - d. Justice Department tries to use these programs – committees try to incorporate youth on the committees.
 - e. These systems are more personal. Treat youth like humans.
 - f. Culturally compliant (?) program. Support culturally based work.
 - g. Models work. Lack of funding is stifling success.
 - h. Dialog and conversations like this are helpful.
 - i. Not broad success but pockets of good
 - j. Doing good job diverting kids. Successful. #s are down, 65% down. Models JDAI [Juvenile Detention Alternatives Initiative]. Not sure that we are empowering job ed., support family?
 - k. 73% adults are at the same developmental stage as juveniles. Legacy of being in prison. Break the cycle. Example of commitment would be the resolution.
- 2. Are there concerns with the current practice?**

- a. Discrimination in the system hasn't changed. Financial support, minority consumption of mass media. Heavily influence empowerment with jobs across NM. Prison Policy Initiative [PPI] trying to deal with system. Nature of programs such as agriculture – nature in itself. Love yourself and love others.
- b. Juvenile drug dependence. Kid gets in criminal profile and that may not always be the case.
- c. Previous conversation led to this question. PPI looking at juvenile lock-up as solution. Taxpayers are left in debt. \$580 – just went to juvenile justice system.
- d. Yes/no – There is an alternative in ABQ – youth reporting center. One-half referrals diverted out. Those successful La Plazita – community – do empower. Alternatives are not funding rural--cannot create programs.
- e. How is La Plazita funded? By philanthropy. Not directly tied to the criminal justice work that they do.
- f. System goal? Diversion yes not empower.
- g. Community is bridge between agency and people.
- h. Institutions don't communicate. Huge issue on the ground. No communication.
- i. Portfolio of programs, selection process. Drugs catalyst of crime.
- j. What we are doing isn't working. Youth incarceration leads to adult incarceration. Skills teaching help break pattern. Help deal with underlying emotions. Dealing with trauma, understanding the biological issues, more we engage the body's mind, the better off.
- k. Policy contradicts cultural background, i.e. contact, treating like a family member. Transcends the barriers that policies have put in place.
- l. Distilling it down to biology and neurology is not enough
- m. How we deal with runaways.
- n. Education: smart youth. Letting them fall through the cracks, not awarding appropriate credits for school. Letting kids fall behind educationally.
- o. Hard for them to find employment – have records – probation.
- p. Body language – attitude of punishment. You feels an us versus them mentality.
- q. Structural Racism – what will come out of these discussions.
- r. Lack of courage – think outside of the system
- s. Consensus: Current practices of community service ordered by courts do not provide empowerment. Community custody programs restricted me. YRC was babysitting.
- t. System works against them moving forward.
- u. DAs feel pressure to punish people who have “done wrong” from the public.
- v. Criminalizing nonviolent crime.

- w. Victims of circumstance. Youth feels like they are a product of poverty environments in their communities.
- x. Problem with not thinking through the implementation of policy.
- y. APS – Problems with punitive systems within the schools.
- z. People of color are disproportionately represented in our prison system and mental health organizations. Need for culturally sensitive reform and models.
- aa. Issue of corporations running facilities.
- bb. Urban versus rural nature of New Mexico – driven by the I-25 corridor.
- cc. Reduction does not mean we are doing better in terms of rates dropping in youth detention – still plenty of work to be done
- dd. Foster care system can be like detention (just as bad)
- ee. Results of punishment-based system causes entrenchment in the system.
- ff. Nonviolent crimes leading to prison – butterfly effect.
- gg. Youth are pushed out of schools; suspension, probation, encourages youth to look for stimulation of some variety; disabilities are charged/punished incarcerated and not given appropriate services; systemic pushing out.
- hh. Lack of opportunities to work, gain experience, earn skill, gain wages.

3. What might improve or provide an alternative to these current practices? Is there a role for legislators?

- a. Improve communication within system: Clear conversations of how to stay out of system, how to work together. Dialogue with and about girls. Decriminalize minor crimes due to poverty. Step out of the box, and let community workers do their job. Community leaders taking control.
- b. Interagency communication needs to be improved – agencies are not talking to each other and people fall through the cracks.
- c. Enrich and support community-based organizations and respect their works.
- d. Support Public/Private Partnerships, creating common understanding of youth empowerment. Pathways to navigate juvenile justice.
- e. True partnerships between public and private and philanthropic groups. Models with partnership, not just programs “instituted” from outside the community.
- f. Direct association with community partners. You feel empowered to move forward. Critical community involvement. Not enough role models can fall back easily. Cannot create changes without proper foundation and background according to each community. See repeat offenses. Find more security in jail. Change models within the community.

- g. Mental health center. ISO [Individual Service Option] kids in facility. Let's build more to shelter. Create system inside and right outside door. 150-50 kids success model.
- h. Break dependency. Get them out of jail, but there's a gap of where do you go?
- i. Public health issues. Substance abuse, mental help. Shouldn't go through system to find out your problems. Life skills, jobs, paid internships. Shift the norm.
- j. Teaching life skills, not support, but how can you use it. LP taught him life skills.
- k. How we talk to youth and deal with them is important. Adults need to listen. We need them on our side but need them to listen to our experiences.
- l. Youth need to be empowered youth. Have more of a connection with youth because they recently have been there.
- m. Helps to have mentors that have been through similar experiences.
- n. Systemic issue needs to be addressed – "People change people"
- o. Youth Council LOUD is working – empowers youth – their voice matters. Someone cares what they have to say. Keeps them busy with positive activities and positive options. Alienates them when they can't be involved.
- p. Things Making a Change – transcends groups and allows the opportunity to talk without fear of judgment.
- q. Transition centers – mentorship program and pairing.
- r. Money could be better used as prevention.
- s. Training people working in these facilities to understand where youth is coming from.
- t. Getting to the rest of the problem. What is causing "bad behavior"?
- u. Consensus: Alternative / Natural models of empowerment and diversion do work to achieve goals of empowering youth.
- v. Integrate restorative justice into programs.
- w. 21 countries have diversion programs with the goal to stop kids from going further into the system.
- x. Using youth to help other youth.
- y. Changing how you deal with problem or offense. Put a spin (positive) on the issue; i.e. take the skills they did wrong and see how that can apply in the real-world positive contributions.
- z. New Mexico is a very different population. Recognize the differences that are present in the state. Poverty leads to these types of crimes and lifestyles.
- aa. Growing food – giving back to the communities in a leadership empowers the youth.
- bb. Strengthening the community to be more aware of the issues impacting the youth.
- cc. Identify individuals working in this arena and recognize them/encourage them to continue. Foster them in the work they do.

- dd. Really look at the possible effects of “curfews” before jumping into them.
- ee. There is a need for data-driven programs.
- ff. Create a database for youth resources (in process). Victim supporting laws. Programs to keep youth involved and appropriate advertising to reach them.
- gg. Key to helping youth: Education is so important to getting kids off on the right track; provide role models and mentors.
- hh. Youth voice: they need skills – pathways to education, career, trades, etc.
- ii. **Is there a role for legislators?**
 - Legislators can leverage the JJAC to distribute resources to youth empowerment and diversion programs, especially in rural NM.
- jj. Legislators can look at decriminalizing some behaviors: Decriminalization of marijuana; Reforming criminal damage to property.
- kk. Provide funding for asset-based professional development to working with young people.
- ll. State has been advised to put \$\$ back in community. Communication between agencies is extremely critical. Legislate ways to get buy-in of system; agencies don't get cooperation because it is not in their interest.
- mm. Legislation can help create financial incentives; i.e., paying them for their work helps them support themselves and allows them to continue with the program. Financial; support removes temptation to deal drugs or steal. Small money but it's something.

What We Learned Today

Participants in the roundtable discussions made the following observations:

- I have never seen so many legislators at a meeting! I never learned about Cambiar until today, and what I learned is that there is a great gap, and conversations like today are greatly needed.
- I can sense you (legislators) feel an obligation to do good. It's hard to be clear about what to do, how much money to dedicate. It's good to have the facts and to build in performance measures.
- A legislator says he really likes this format with direct interaction. We (legislators) voted in 2009 to change, our results in juvenile justice were terrible. It was a difficult vote, but a move in the right direction. The male-centered model, with high recidivism and incarceration does not work for young women, who are represented here today. There are ways to invest in youth; the mentoring model works.

- There is a great amount of hope in this room; the answer is to enforce the use of evidence-based programs with cultural competence.
- I am stunned how many informed people did not know what Cambiar is; the CYFD has not done a good job.
- Cambiar was never fully integrated. I don't think the state wants to help these people. The governor's attitude is "the kid did the crime; he needs to do the time". Youth are our future.
- More transparency is needed regarding outcomes.
- There is planning underway to close some prisons and reallocate inmates to the community; stakeholders are very impressed with the meetings involved with this process.
- Another legislator agrees: I liked this format, kudos to the youth that are here.
- LOUD leader says often young people come in and share their feelings, then go home and nothing happens. How do we implement these changes? Racial and gender disparities must be addressed in talking to community leaders.
- A legislator thanks the youth in the room; you are our treasures, you are mentors for others; compliments the LaPlazita model and outdoor and adventure-based programs.
- I have been very impressed with the youth involved. The young people here deserve a round of applause.
- Student researcher says prevention programs are the way to go. In the past the state was building prisons. I volunteer at LaPlazita; we can change the system to do good.

Report prepared from small group discussion notes by Philip Crump and David Gold, Facilitators