

**MINUTES
of the
SECOND MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**July 29, 2004
Bernalillo County Juvenile Detention Center
5100 Second St. NW
Albuquerque, NM**

**July 30, 2004
Youth Diagnostic and Development Center
4000 Edith Blvd. NE
Albuquerque, NM**

The second meeting of the corrections oversight, courts and justice committee was called to order by Representative W. Ken Martinez, co-chair, on July 29, 2004 at 10:25 a.m. at the Bernalillo county juvenile detention center (BCJDC) in Albuquerque.

PRESENT

Rep. W. Ken Martinez, Co-Chair
Rep. Joseph Cervantes (7/29)
Rep. Ron Godbey
Sen. Carroll H. Leavell
Sen. Richard C. Martinez

ABSENT

Sen. Michael S. Sanchez, Co-Chair
Rep. Thomas A. Anderson
Sen. William H. Payne

Advisory Members

Rep. Gail C. Beam
Sen. Cisco McSorley (7/29)
Rep. Al Park
Sen. Lidio G. Rainaldi
Sen. H. Diane Snyder
Rep. Thomas E. Swisstack
Rep. Joe Thompson
Rep. Peter F. Wirth

Sen. Ben D. Altamirano
Sen. Mary Jane M. Garcia
Sen. Gay G. Kernan
Rep. Jane E. Powdrell-Culbert
Sen. Shannon Robinson
Rep. Sheryl Williams Stapleton
Rep. Mimi Stewart

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Maha Khoury
Elizabeth Holmes

Guests

The guest list is in the meeting file.

Thursday, July 29

Committee Business

Representative Martinez welcomed committee members and guests.

Thaddeus Lucero, Bernalillo County Manager

Mr. Lucero welcomed the committee to BCJDC. He discussed the multiple collaborations needed to initiate the juvenile reform that has taken place at BCJDC. He also told the committee that BCJDC's budget has remained flat for the past five years since the reform began.

The committee approved the minutes from the June 14, 2004 meeting.

Report from Juvenile Justice Services of the Children, Youth and Families Department (CYFD)

Art Murphy, director of juvenile justice services (JJS), provided the committee with an overview of JJS. JJS has four major program areas: juvenile probation and parole services, juvenile rehabilitation facilities, juvenile community corrections and behavioral health treatment. CYFD and JJS have begun a move to "front-end" services in an effort to reduce the population in juvenile facilities. Front-end services are community-based alternatives to incarceration. The move to front-end services also includes a process and assessment for appropriately placing juvenile offenders in either facilities or community services. The committee discussed the procedures for juveniles placed on probation or parole, and procedures for law enforcement officers who detain juveniles.

Mr. Murphy concluded by sharing with the committee JJS's goals and strategies. The strategies are to: support local communities to develop and implement detention reform; redeploy facility resources to provide enhanced front-end supervision and treatment services; develop enhanced facility mental health services; and focus on disproportionate minority contact.

Front-End Services: Best Practice of Other States and Challenges for New Mexico

Renada Peery, legislative finance committee analyst, informed the committee that the federal office of juvenile justice and delinquency prevention endorses the use of immediate intervention and graduated sanctions and the emphasis on the importance of assessments of juvenile offenders. In turn, these assessments can lead to the proper placement of the offender whether it be incarceration or community supervision. In 1974, the Juvenile Justice and Delinquency Prevention Act was passed, which provided for various grants and funds to support youth programs. New Mexico established the juvenile justice advisory committee in Section 9-2A-16 NMSA 1978 to provide oversight of CYFD and JJS and to ensure they were approved for grants and were in compliance with the federal Juvenile Justice and Delinquency Prevention Act.

Ms. Peery mentioned other state programs that are moving toward community-based programs, and challenges states face when implementing front-end services. These community programs include instituting day-reporting centers, multi-systemic therapy (MST) and family

functional therapy (FFT) and new approaches to reduce juvenile delinquency and recidivism. Ms. Peery cited challenges faced by states such as adhering to original program design of MST and FFT, maintaining qualified therapists and developing contract monitoring performance measures of community programs when moving toward front-end services.

Detention and System Reform: Collaborative Partnerships

Judge Tommy Jewell, children's court chief judge of the second judicial district, Todd Heicy, chief deputy district attorney of the second judicial district, and Thomas E. Swisstack, state representative and director of the BCJDC, shared with the committee the collaborative reform effort of Bernalillo county's juvenile justice system. The detention reform collaborative began in 1999 to study the second judicial district juvenile justice system, identify strengths and deficiencies, formulate policy, plans and programs for innovative change and disseminate this information to the agencies represented in the collaborative. By mid-1999, the partnership and collaboration between public and private organizations to address juvenile issues began to grow and a reduction was seen in recidivism and in the number of youths detained in facilities. The goals of the detention reform collaborative are to eliminate and find alternatives to incarceration, maintain court appearance rates, minimize the incidence of delinquent behavior through the implementation of effective community-based programs and implement processes and programs to address the issue of overrepresentation of minorities in juvenile detention and correctional facilities. Representative Swisstack and Representative Rick Miera provided the committee with information on various programs at BCJDC, including the assisting youth using drugs and alcohol (AYUDA) program.

Granting Local Communities Authority to Address Juvenile Issues

Gene Taylor and Joe Epstein, members of the Carlsbad community coalition and legislation action group, reported on increasing the abilities of local communities to respond to juvenile issues. The Carlsbad community formed a task force to ask for changes in the law that would give local police, local courts and government more authority to detain youths and enforce laws against juveniles.

State Prisoners in County Facilities

John Daitis, Bernalillo deputy county manager, discussed the budget problems Bernalillo county faces when left to subsidize transportation and housing of state prisoners from its budget without state reimbursement. Mr. Daitis said Bernalillo county supports the New Mexico association of counties' proposal to redefine "state prisoner" as a means to ensure that state and local governments are responsible for prisoners within their jurisdiction.

Tour of Bernalillo County Juvenile Detention Center

Committee members and staff toured BCJDC.

Friday, July 30

The committee reconvened at the youth diagnostic and development center (YDDC) in Albuquerque at 9:15 a.m.

Site Tour of YDDC

The committee conducted a site visit of YDDC led by Dr. Mary-Dale Bolson, secretary of children, youth and families, and Ron Lytle, superintendent of YDDC. Following the tour, Secretary Bolson stood for questions by the committee regarding CYFD's and JJS's move to front-end services.

Mental Health Issues in the Criminal Justice System

Judge Neil C. Candelaria, district court, Judge Cristina S. Jaramillo, metropolitan court, Judith Reed, mental health coordinator of the public defender's office, and Susan Page, deputy district attorney, briefed the committee on efforts made in the second judicial district to address mental health issues in the criminal justice system. They discussed the creation and operation of the mental health courts at both the district court and metropolitan court levels, and the collaboration among the courts, district attorneys, public defenders and the mental health community. The collaboration seeks alternatives to incarceration for offenders with mental illnesses when appropriate, and uses the authority of the court to mandate treatment.

Bari Roberts of the metropolitan criminal justice coordinating council provided an overview of Senate Joint Memorial 49 from the 2004 legislative session. Ms. Roberts briefed the committee on the need to study and revise state competency laws.

Public Comment

The committee received public comment from Peter Cubra, who recommended certain legislation be reviewed by the committee.

The committee adjourned at 12:45 p.m.