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FISCAL IMPACT REPORT

DATE
SPONSOR Martinez TYPED 2-10-04 HB HJM 52

SHORT TITLE Study Incarcerated Female Behavioral Services SB _____

ANALYST Reynolds-Forte

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			Indeterminate— See Narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SJM 42

SOURCES OF INFORMATION

LFC Files

Response Received From

New Mexico Corrections Department (NMCD)
Children, Youth & Families Department (CYFD)
Health Department (DOH)

SUMMARY

Synopsis of Bill

House Joint Memorial 52 requests that the New Mexico Corrections Department (NMCD), the Department of Health (DOH) and the Children, Youth & Families Department (CYFD) assess behavioral health treatment services and substance abuse treatment services for women and girls who are incarcerated.

In addition, the NMCD, DOH and CYFD are requested to implement the recommendations in House Joint Memorial 26 from the 2003 legislative session which requests DOH to conduct a study to determine the nature and scope of the need for additional treatment beds for violent, mentally ill adolescents, and the need for additional resources for the treatment of violent, mentally ill adolescent females. The DOH was instructed to report its findings to the Legislative Health and Human Services Committee in October 2003.

FISCAL IMPLICATION

HJM 52 requests the DOH to implement the recommendations set forth in the report completed pursuant to HJM 26 of the first session of the forty-sixth legislature. The DOH believes that implementation of the recommendations (noted below in Other Substantive Issues) could have a large fiscal impact.

ADMINISTRATIVE IMPLICATIONS

Existing DOH, CYFD and NMCD staff will be assigned to perform the duties described in this joint memorial.

HJM 52 implies that the NMCD will help assess treatment services for adolescent female offenders in addition to the services for its female inmates. NMCD does not manage or supervise adolescent females, and its experience in treating such females is limited or nonexistent. As a result, its ability to assess treatment services for adolescent females may be very limited.

OTHER SUBSTANTIVE ISSUES

According to CYFD, this Memorial is correct in stating that girls who are incarcerated at the Youth Diagnostic and Development Center (YDDC) in Albuquerque do not have access to a behavioral health treatment facility or a substance abuse treatment facility. However, even without a designated facility, there is a combination of behavioral health treatment services offered at the YDDC.

Listed below are the recommendations from the 2003 legislative session HJM 26. Items 1 and 2 on this list would require a significant appropriation to implement.

1. Expand Sequoyah Adolescent Treatment Center with separate girls' lodges at an approximate cost of \$3.25 million.
2. Search for alternative sites owned by the state on which a new program could be developed.
3. Expand services by other existing treatment providers. Build incentives for existing Residential Treatment Centers (RTCs) to provide special programs for violent, mentally ill girls.
4. Contract or develop incentives for out of state providers to develop programs for violent, mentally ill girls in New Mexico.
5. Increase Community Based Services including Multi-systemic Therapy (MST).
6. Increase Psychiatric Services at the New Mexico Girls' School (NMGS) on the YDDC campus.

The NMCD states that several faulty or erroneous assumptions about the status of treatment for female adult prisoners and about female adult prisoners in general were made in HJM 52. The bill assumes that that behavioral treatment services and substance abuse treatment services for incarcerated women minimal and inadequate. Certainly, if the treatment services were inadequate, then the female offenders within the corrections department system could benefit from more such services and such services could result in lower recidivism rates for female offenders.

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However, the NMCD asserts the following, which conflict with the assumptions upon which the Memorial is based: (a) the recidivism rates for female inmates are not substantially higher than for male inmates, and it is speculative to assume that female recidivism rates can be attributed to inadequate treatment services for women in prison and in the community; (b) treatment services for women at the women's facility at Grants are not inadequate or minimal, as substance abuse, relapse prevention, recidivism reduction, stress/mood management, self-esteem and women's employment programs are available to the female prisoners; and (c) even though there is not currently a mental health unit for women in the New Mexico correctional system, the mental health staffing pattern is higher for the women inmates than it is for the male inmates, and the females have access to specialized mental health treatment as needed at the Long Term Care Unit or at the Las Vegas State Hospital.

Further, if HJM 52 results in a requirement that the NMCD provide more treatment services for female inmates, the costs to the NMCD to incarcerate and manage these females will obviously increase. The amount of the cost increase is unknown at this time.

PFR/dm:lg