

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 03/16/09

SPONSOR Miera LAST UPDATED _____ HM 115

SHORT TITLE Detention of 18-21 Year-Old Youths Policy SB _____

ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Minimal		Minimal	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 New Mexico Sentencing Commission (NMSC)
 Children, Youth and Families Department (CYFD)

No Responses Received From

Administrative Office of the District Attorneys
 Public Defender Department
 Human Services Department
 Juvenile Parole Board
 New Mexico Corrections Department
 Association of Counties

SUMMARY

Synopsis of Bill

House Memorial 115 requests the Children, Youth and Families Department to convene a group that includes jail and juvenile detention center administrators; representatives from the New Mexico Association of Counties, the Administrative Office of the Courts, the Public Defender Department, the New Mexico District Attorney's Association, the statewide entity for behavioral health, the New Mexico Association of Chiefs of Police and the New Mexico Corrections Department; and youth advocates to join with other similar working groups to share resources, research and recommendations and to otherwise coordinate efforts. The memorial also requests that the working group make recommendations to the Secretary of the Children, Youth and Families Department on changes needed to state law in order to protect the rights and safety of all parties.

FISCAL IMPLICATIONS

AOC noted there will be a minimal administrative cost to cover the agency's participation in the work group. However, the impact is reduced by the memorial requirement that the work group collaborate with similar work groups.

SIGNIFICANT ISSUES

NMSC reported there are serious and significant policy disputes in the juvenile justice community regarding appropriate detention for youth 18-21 years of age. Some county detention officials do not want to mix that older age group with younger juveniles (12-17) committed to their care. On the other hand, some youth advocates are worried about the possible vulnerability of 18-21 year olds committed to county jails.

CYFD noted the memorial correctly articulates a major concern of many parties, including those running juvenile and adult detention facilities, advocates, judges, attorneys, state agencies and others regarding the safety of detained youth. Older youth (18-21) when housed with younger youth in juvenile detention centers may, under certain circumstances, pose a risk of danger to the younger youth. However, because many of these older youth are not violent and may themselves be in danger when housed with adults in adult detention centers, many parties are concerned for their safety as well. Implicit and explicit in this issue is the lack of services for the 18-21 year old population of juvenile offenders.

ADMINISTRATIVE IMPLICATIONS

CYFD noted convening the group and preparing the study will require existing staff to take on additional responsibilities.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Memorial 115 has a relationship with Senate Memorial 35, which creates a work group to make recommendations on the implementation of a policy on the use of physical restraints on youth during court proceedings, and Senate Bill 248 regarding Children's Code changes.

OTHER SUBSTANTIVE ISSUES

In 2004, New Mexico's juvenile justice system started transitioning to front-end community services. Local, state, and national trends have moved toward locking up only the most serious, violent juvenile offenders and treating juveniles with minor offenses in the community with non-secure rehabilitative services. In the past few years the department has embraced the Missouri Model which centers on group therapy and ensuring a continuum of care beginning before a juvenile enters detention and continuing after release. CYFD has chosen the name Cambiar New Mexico for its model, which closely resembles the Missouri Model. CYFD plans to follow Missouri's emphasis on group therapy, regionalization, case management, and mixing of special-needs youth. Currently, CYFD is close to completing the implementation of Cambiar New Mexico at the J. Paul Taylor Center in Las Cruces.

House Memorial 115 – Page 3

CYFD started the Transitional Services Program in January 2007 and the program was operational statewide by March 2007. The program has an operating budget of \$1 million and 13 FTEs for FY09. Of that \$1 million budget, \$169 thousand is budgeted for a Housing Pilot Project in the Albuquerque and Bernalillo area. Transitional Services Program primarily deals with youth coming out of the Juvenile Justice Services (JJS) system to help support their transition back into society. The priority populations serviced by the program other than youth involved in juvenile justice are: youth with behavioral health or other functional needs; youth likely to become homeless; youth 18 years or older; youth in the custody of the state through CYFD Protective Services; and pregnant youth.

RPG/mc