The Improving Outcomes for Youth Initiative in New Mexico

Second Presentation to Task Force: Key Findings from System Analysis

September 19, 2017

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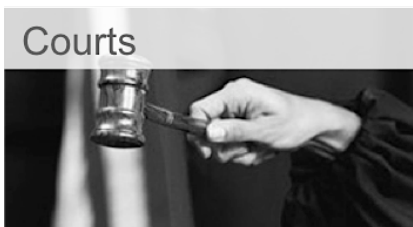
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IOYouth
A STATEWIDE JUVENILE JUSTICE INITIATIVE

About the CSG Justice Center

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About the National Reentry Resource Center

the NATIONAL REENTRY
RESOURCE CENTER

- Authorized by the passage of the Second Chance Act in April 2008

- Launched by The Council of State Governments Justice Center in October 2009

- Administered by the U.S. Department of Justice's Bureau of Justice Assistance

The CSG Justice Center selected New Mexico to participate in IOYouth because of the state's history of juvenile justice reforms and the commitment of state leadership across branches of government.

Adoption of the Cambiar model and an emphasis throughout CYFD on a more rehabilitative approach

Dramatic reduction in population of youth in facilities and overall referrals to the juvenile justice system

Implementation of the Juvenile Detention Alternatives Initiative

Implementation of new probation conditions agreement

Continued funding support for juvenile justice services

Commitment to transparency and improvement

Supreme Court Justice Barbara Vigil and CYFD Secretary Monique Jacobson launched IOYouth in April 2017, with the support of Governor Susana Martinez.

A statewide task force oversees the IOYouth initiative and will determine what steps can be taken to strengthen public safety and improve outcomes for youth in the juvenile justice system.

Secretary Monique Jacobson, Co-Chair
Children, Youth & Families Department

Justice Barbara Vigil, Co-Chair
Supreme Court of New Mexico

Lancing Adams, Office of Governor Martinez

Chuck Barth, 2nd Judicial District

Ben Baur, Law Office of the Public Defender

Representative Gail Chasey, New Mexico Legislature

Nick Costales, Children, Youth & Families Department

Amber Hamilton, Roosevelt County

Senator Gay Kernan, New Mexico Legislature

Traci Neff, San Juan County Juvenile Services

Amy Orlando, New Mexico Department of Public Safety

Sam Ornelas, New Mexico Public Education Department

Jennifer Padgett, 1st Judicial District

Grace Philips, New Mexico Association of Counties

Jason Rael, Law Office of the Public Defender

Judge Freddie Romero, 5th Judicial District

Representative Patricio Ruiloba, New Mexico Legislature

Britt Snyder, Chaves County Sheriff's Office

Craig Sparks, Bernalillo County Youth Services Center

Judge Roshanna Toya-Lucero, Pueblo of Isleta

Judge Marie Ward, 2nd Judicial District

Representative Monica Youngblood, New Mexico Legislature

01 **IOYouth Assessment**

02 Assessment Results

- Supervision

- Service Delivery

- System Performance

- Outcome Tracking

03 Next Steps

The IOYouth assessment focused on four key questions:

Supervision: Are youth being matched with **the appropriate level of supervision based on their risk of reoffending**?

Service Delivery: **Are limited resources prioritized for services for those youth most at risk of reoffending**, and are the services youth receive in the community and in facilities demonstrated by research to improve outcomes for youth?

System Performance: To what extent are youth in contact with the juvenile justice system **reoffending and successfully completing the terms of their supervision**?

Outcome Tracking: Is system performance and recidivism being measured in a consistent and comprehensive way, and is data used to guide key policy, practice, and resource allocation decisions?

The following goals and context help guide the IOYouth assessment in New Mexico:

- The goal of the assessment is not to detail all activities and strengths of the juvenile justice system, but **to identify key barriers to improving outcomes for youth** and advance policy, funding, and practice changes to address these barriers.

- The assessment shows what is happening in New Mexico's juvenile justice system and whether policies and practices are aligned with **what research shows works to improve outcomes for youth.** The taskforce is best positioned to identify why the system functions this way and establish priorities for improvement.

- **Most, if not all, juvenile justice systems struggle to prevent youth from reoffending**—re-arrest rates are often as high as 50 percent within 1 - 2 years for youth on community supervision, and even higher for youth returning from facilities.

- Every state with which the CSG Justice Center has partnered **struggles to match youth with the appropriate level, type, and quality of supervision and services.**

- The CSG Justice Center **commends CYFD and other systems stakeholders** for their transparency, willingness to have their challenges publically reviewed and discussed, and their commitment to improvement.

Case-level and survey data from multiple sources inform the assessment results presented today.

Data	Source
Continuum Grant Data	CYFD, Juvenile Justice Services
Statewide Community Supervision and Detention Data	CYFD, Juvenile Justice Services
Commitment and Supervised Release Data	CYFD, Juvenile Justice Services
CYFD Budget and Expenditure Data	CYFD, Juvenile Justice Services
Survey Data	Juvenile Court Judges, Tribal Judges, District Attorneys, Public Defenders, Juvenile Probation Officers

The CSG Justice Center conducted more than 50 individual interviews and focus groups with an array of system stakeholders, which also inform the assessment.

- Youth and families
- Juvenile Court Judges and Tribal Judges
- District Attorneys
- Public Defenders
- Victim Advocates
- Juvenile Probation Officers and Supervisors
- New Mexico Public Education Department
- Albuquerque Public Schools
- University of New Mexico Children's Law Institute
- Juvenile Justice Advisory Committee Members
- Child Protective Services

- Continuum Board Coordinators and Chairs
- Juvenile Community Corrections Providers
- Residential Treatment Centers
- Transition Coordinators and Education Transition Coordinators
- Camino Nuevo Superintendent, Supervisors and Staff
- Youth Diagnostic and Development Center Superintendent, Supervisors and Staff
- J. Paul Taylor Center Supervisors and Staff
- Law Enforcement
- New Mexico Sentencing Commission

Notes about the System Assessment Results

1. **Based on data available** through the Children, Youth & Families Department, Juvenile Justice Services Division:

   - Does not include program or service delivery information
   - Includes limited recidivism and youth outcome data

2. **Data includes information on:**

   - Youth referred to and active within juvenile probation departments statewide
   - Youth served through all Continuum Grant funded programs
   - Appropriations and expenditures by category and department

3. **Details findings from:**

   - FY 2012 to FY 2016 for juvenile justice system involved youth
   - FY 2012 to FY 2017 for CYFD and Continuum expenditures
   - FY 2017, quarters one through three for youth served by Continuum grants
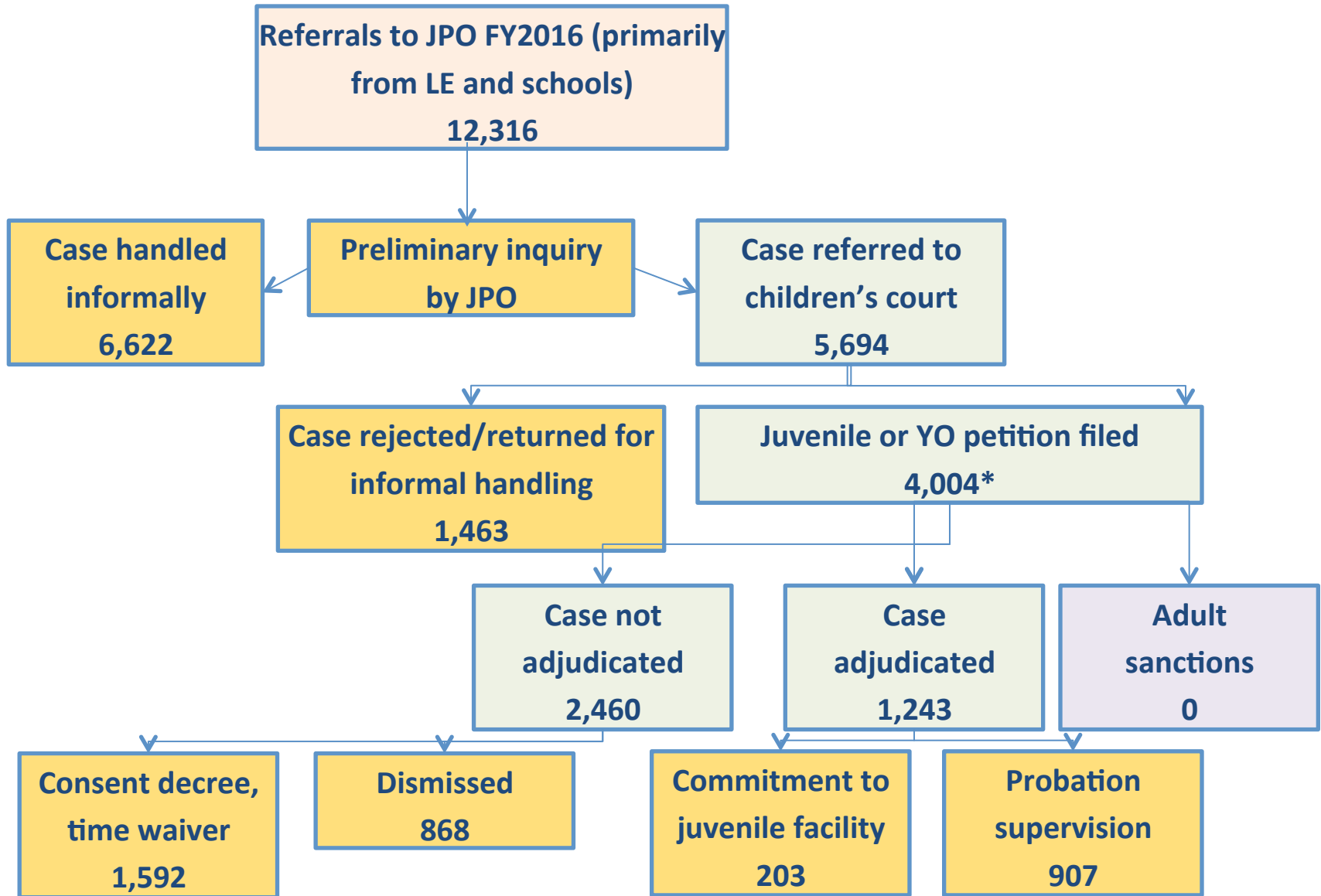
Assessment Key Takeaway #1

☐ **Supervision:** Are youth being matched with **the appropriate level of supervision based on their risk of reoffending**?

The number of youth being referred to and supervised by the juvenile justice system **has declined dramatically**, and generally, **only repeat and serious offenders are ending up at the deepest end of the system**. At the same time, there are **opportunities at every step of the juvenile justice continuum to better tailor the level and length of supervision** to youths' assessed risk of reoffending to ensure system resources are focused on those youth most likely to reoffend.

Multiple systems are responsible for how youth enter and exit the juvenile justice system

Referrals to JPO FY2016 (primarily from LE and schools)
12,316

Case handled informally
6,622

Preliminary inquiry by JPO

Case referred to children's court
5,694

Case rejected/returned for informal handling
1,463

Juvenile or YO petition filed
4,004*

Case not adjudicated
2,460

Case adjudicated
1,243

Adult sanctions
0

Consent decree, time waiver
1,592

Dismissed
868

Commitment to juvenile facility
203

Probation supervision
907

* 301 cases referred in FY16 were pending disposition

New Mexico has recently adopted significant reforms to reduce the number of youth who are referred, detained, supervised, and incarcerated.

Juvenile Detention Alternatives Initiative (JDAI)

- JDAI principles are codified in NM statutes
- Local model site established in Bernalillo County
- Statewide replication of JDAI is under way

Statewide Probation Conditions Agreement

- Probation agreement contains only conditions that are matters of public safety
- Agreement also includes incentives
- Other conditions in the previous agreement have been moved into the youth's plan of care

Recent Statutory Language and Policy Changes

- Statute allows for handling 3 misdemeanor offenses without DA or court involvement
- Statute allows referrals to come directly to probation
- Policy changes adopted around supervised release and use of reintegration centers
- Statute requires the use of the RAI prior to detention

Referrals to the juvenile justice system have declined more than 40 percent and detentions have declined 28 percent since 2012.

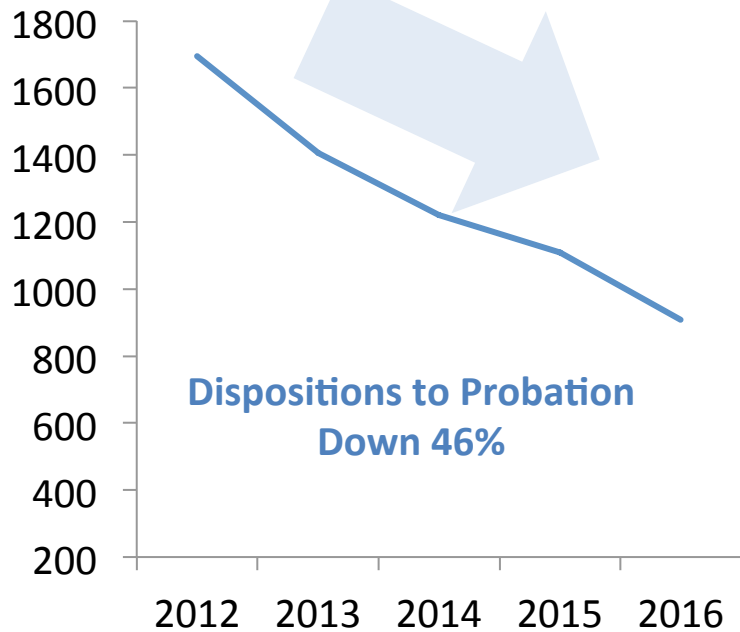**Referrals to the Juvenile Justice System, FY2012 – FY2016**

Referrals Down 41%
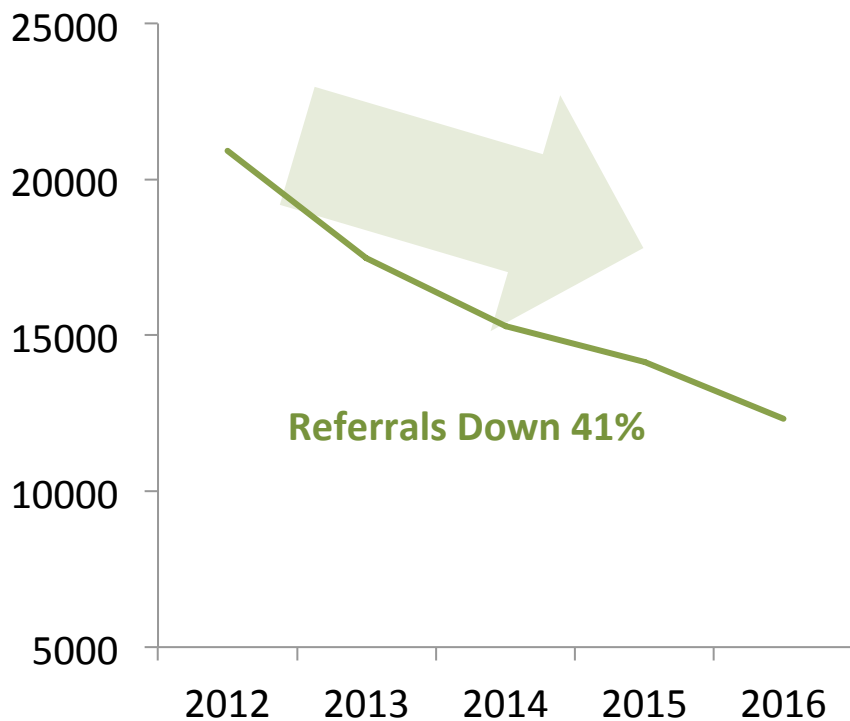
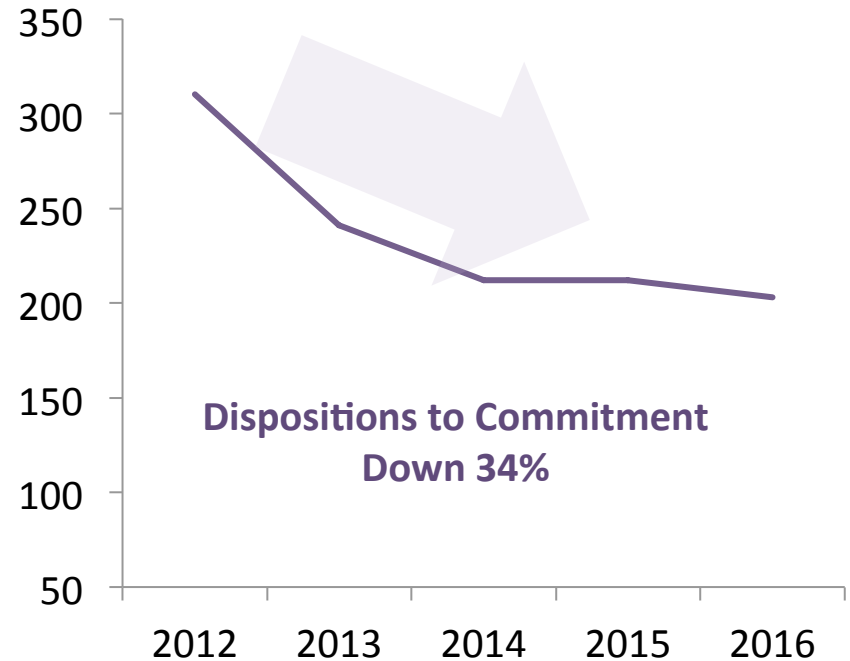**Detentions, FY2012 - FY2016**

Detentions Down 28%
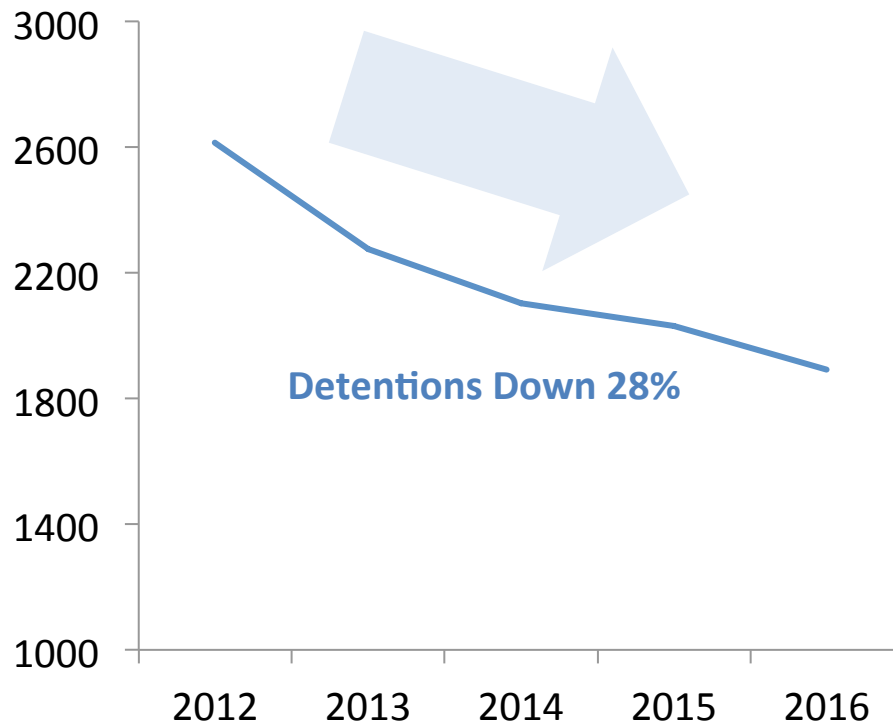
Probation dispositions have declined 46 percent and commitments have declined by over one third since 2012.

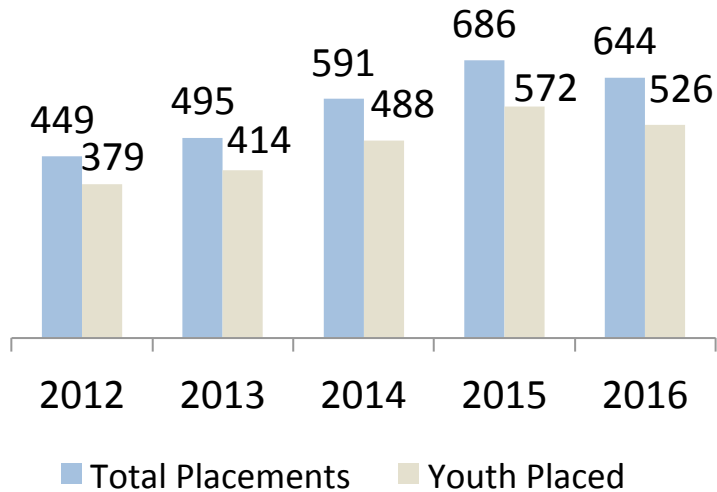**Probation Dispositions,**
FY2012 - FY2016

Dispositions to Probation Down 46%

Commitment Dispositions,
FY2012 – FY2016

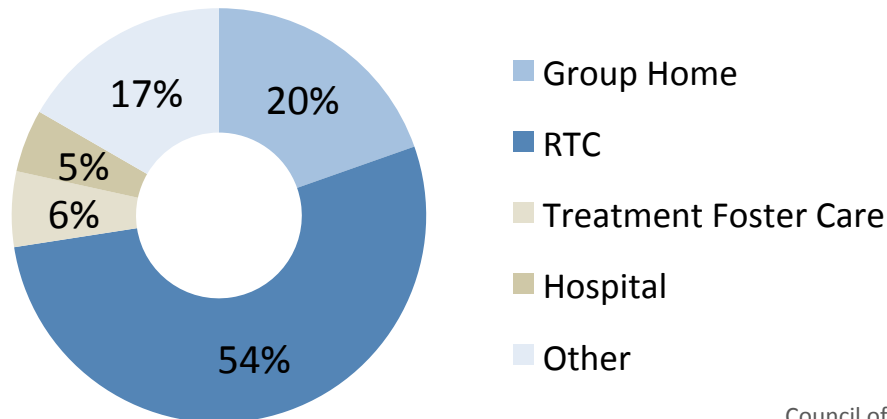

Dispositions to Commitment Down 34%

Non-secure out of home placements (OOHP) are the one point in the system that has increased by 43 percent since 2012.

Number of Out of Home Placements, FY2012 - FY2016

FY	2012	2013	2014	2015	2016
Total Placements	449	495	591	686	644
Youth Placed	379	414	488	572	526

■ Total Placements   ■ Youth Placed

FY	Average Daily Population	Average LOS per Placement (days)	Average LOS per Youth (days)
2012	180	147	162
2014	218	129	139
2016	217	133	148

Out of Home Placements by Placement Type, FY2016

- 20% Group Home
- 54% RTC
- 6% Treatment Foster Care
- 5% Hospital
- 17% Other

While most youth disposed to commitment are due to misdemeanors or probation violations, the vast majority of these youth have had at least one prior felony.
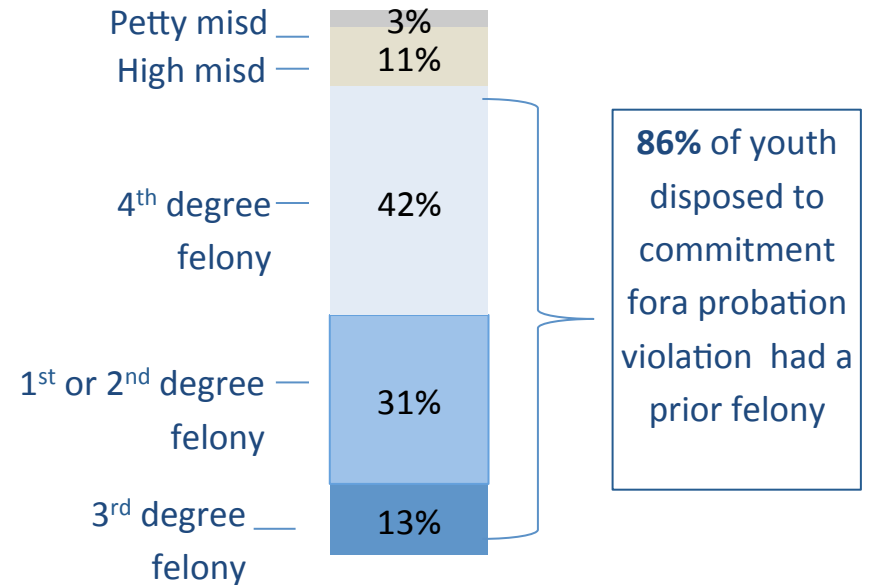
Misdemeanor Commitments

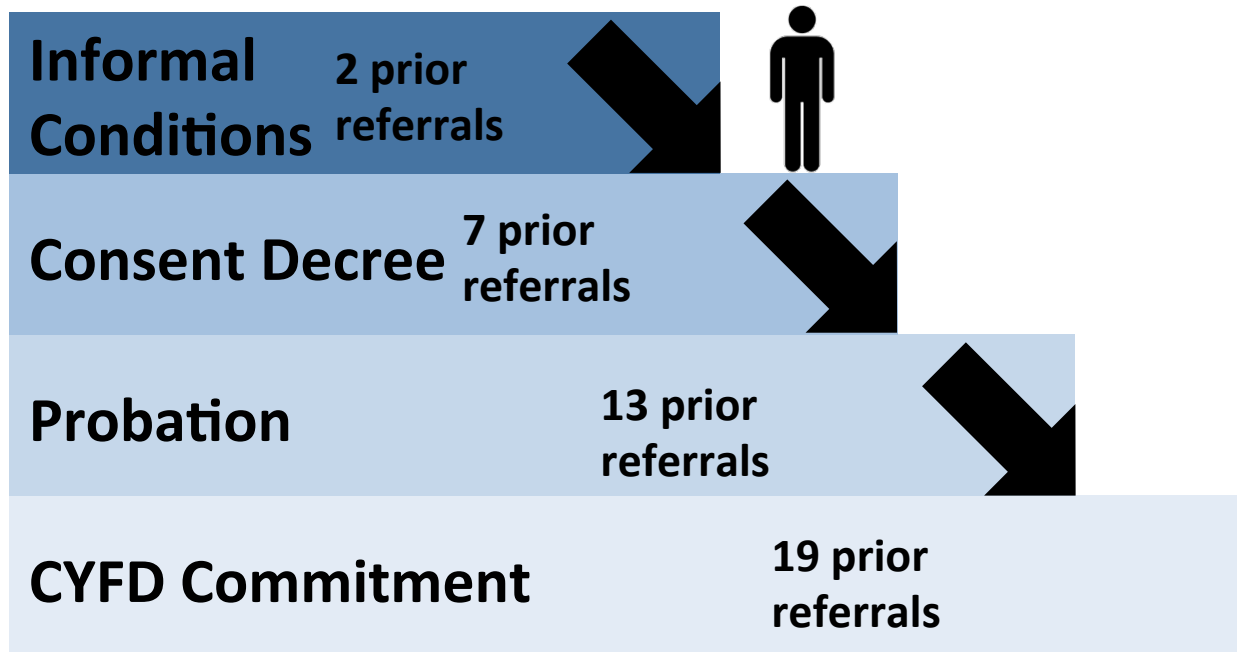**Dispositions to Commitment for a Misdemeanor, Distribution by Most Severe Prior Offense, FY2016**

Category	%
High misd	6%
4th degree felony	41%
1st or 2nd degree felony	29%
3rd degree felony	24%

94% of youth disposed to commitment for a misdemeanor had a prior felony
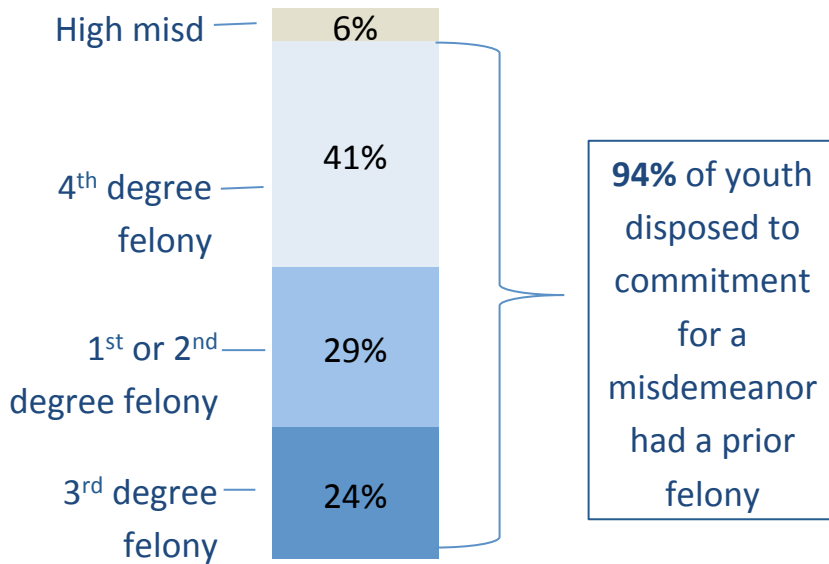
Probation Violation Commitments

Dispositions to Commitment for a Probation Violation, Distribution by Most Severe Prior Offense, FY2016

Category	%
Petty misd	3%
High misd	11%
4th degree felony	42%
1st or 2nd degree felony	31%
3rd degree felony	13%

86% of youth disposed to commitment for a probation violation had a prior felony

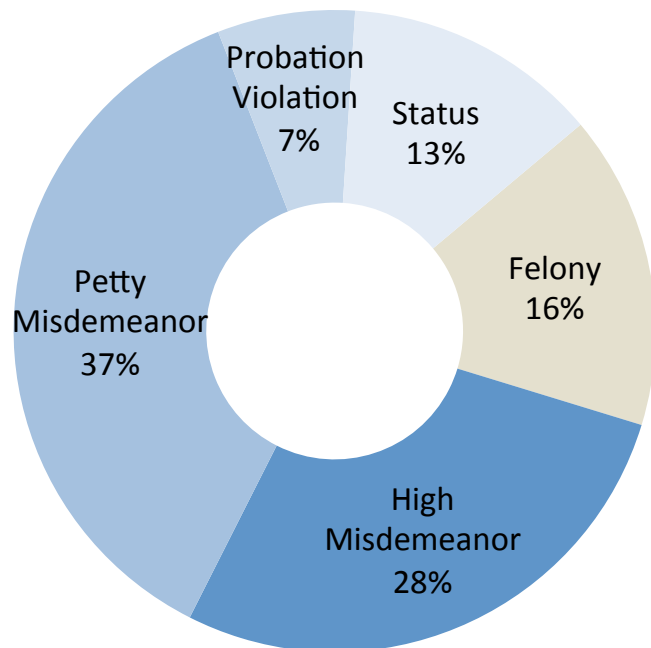# The majority of youth being disposed to the most intensive forms of system supervision are repeat offenders.

Average Number of Prior Referrals for Youth by Disposition, FY2012 – FY2016

Informal Conditions — 2 prior referrals

Consent Decree — 7 prior referrals

Probation — 13 prior referrals

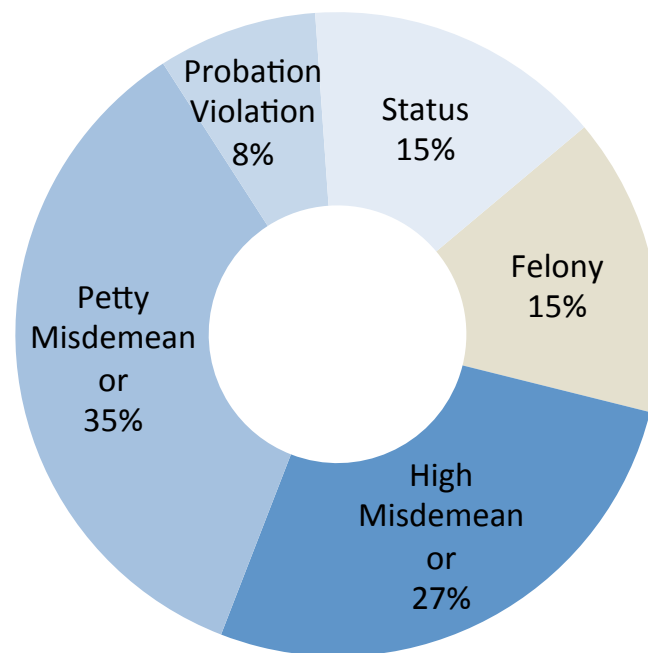**CYFD Commitment** — 19 prior referrals

*While it's appropriate that the most intensive forms of supervision are reserved for serious and repeat offenders, a core group of youth are cycling repeatedly through the system. Youth who are at high risk of reoffending need to be identified and matched to the most appropriate level/length of supervision earlier in their system involvement, and system resources need to be disproportionately focused on meeting their risks/needs.

Half of all court referrals were comprised of petty misdemeanors and status offenses in 2016, which remains unchanged from 2012.

Referrals by Offense Level, FY2012

Probation Violation 7%
Status 13%
Felony 16%
High Misdemeanor 28%
Petty Misdemeanor 37%

Referrals by Offense Level, FY2016

Probation Violation 8%
Status 15%
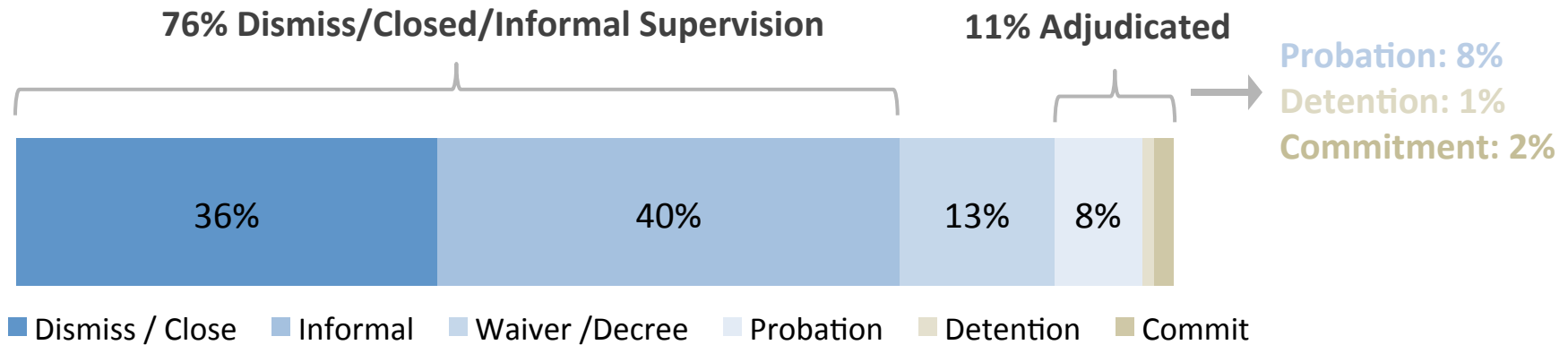Felony 15%
High Misdemeanor 27%
Petty Misdemeanor 35%

Felony Referrals by Degree, FY2012 and FY2016
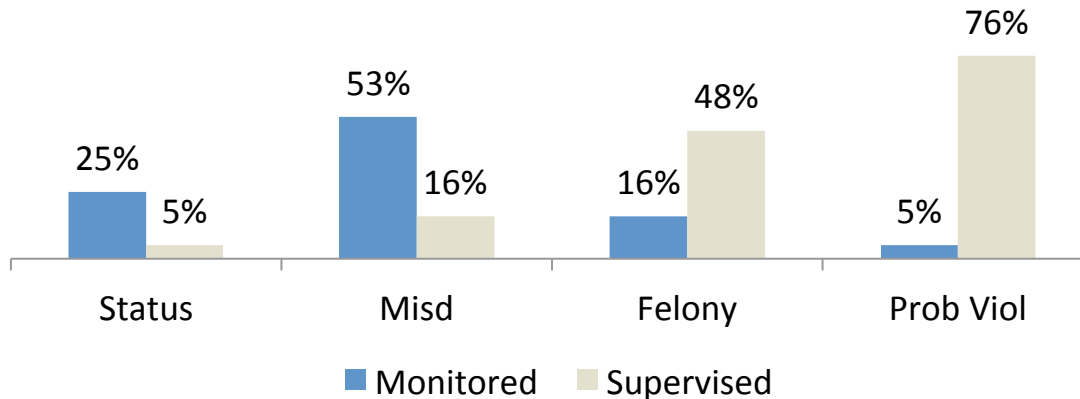
	1st Degree	2nd Degree	3rd Degree	4th Degree
FY2012	0.4%	1.0%	3.4%	10.8%
FY2016	0.6%	1.1%	2.9%	10.4%

Seventy-six percent of referred youth do not receive formal supervision; yet many of these youth still receive some form of system monitoring and services, potentially diverting resources from higher risk youth.
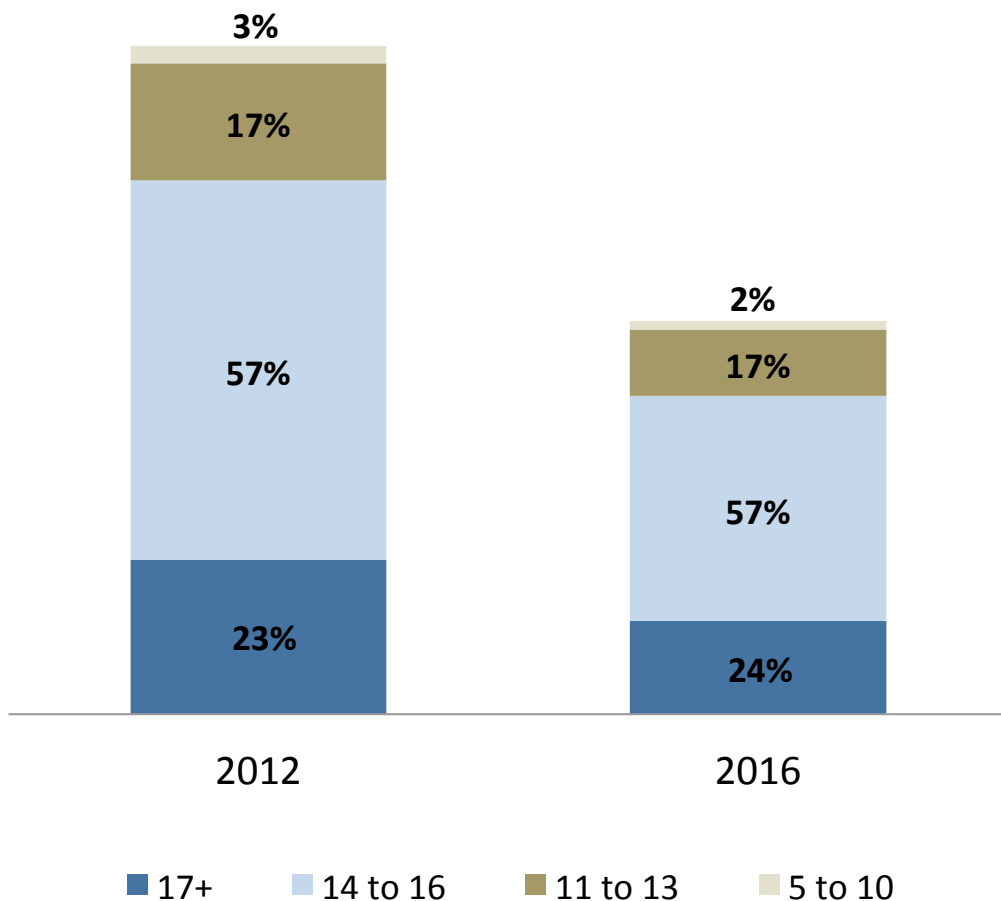
Disposition Outcome, FY2016

76% Dismiss/Closed/Informal Supervision   **11% Adjudicated**

Probation: 8%
Detention: 1%
Commitment: 2%

| 36% | 40% | 13% | 8% | | |

- Dismiss / Close
- Informal
- Waiver /Decree
- Probation
- Detention
- Commit

Type of Disposition by Offense Type, FY2016

Status	Misd	Felony	Prob Viol
25% / 5%	53% / 16%	16% / 48%	5% / 76%

- Monitored
- Supervised

Youth ages 5 to 10 account for a small but consistent proportion of referrals to the juvenile justice system, and the majority of these youth are referred for status offenses (non-delinquent) or misdemeanors.

Referrals by Age Group, FY2012 and FY2016

Chart data:

2012:
- 5 to 10: 3%
- 11 to 13: 17%
- 14 to 16: 57%
- 17+: 23%

2016:
- 5 to 10: 2%
- 11 to 13: 17%
- 14 to 16: 57%
- 17+: 24%

Legend: 17+ | 14 to 16 | 11 to 13 | 5 to 10

Youth 5 to 10 Referred in FY2016

Referral Source:
 45% Schools
 50% Law Enforcement

Offense:
 53% Status
 32% Misdemeanor

Handling:
 35% Informal Supervision
 62% Diverted

Overrides of the detention risk assessment instrument (RAI) are common, most often due to the lack of supervision or availability of care in the community and/or at home.

Majority of Detentions Resulted from Overrides, FY2012 – FY20016

- No Override 26%
- Override 74%
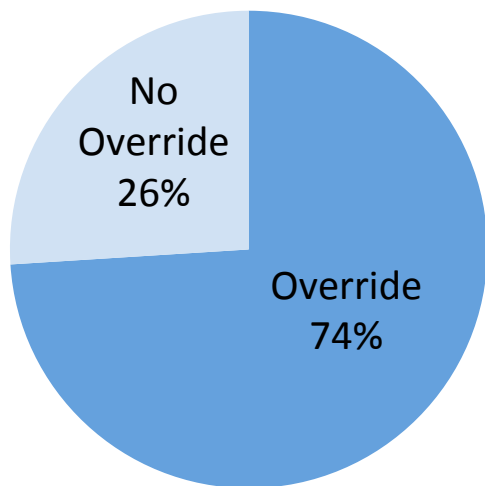
Detentions by Offense Level and Override Decision, FY2016

	No Override	Override
Misd	12%	88%
Felony	59%	41%
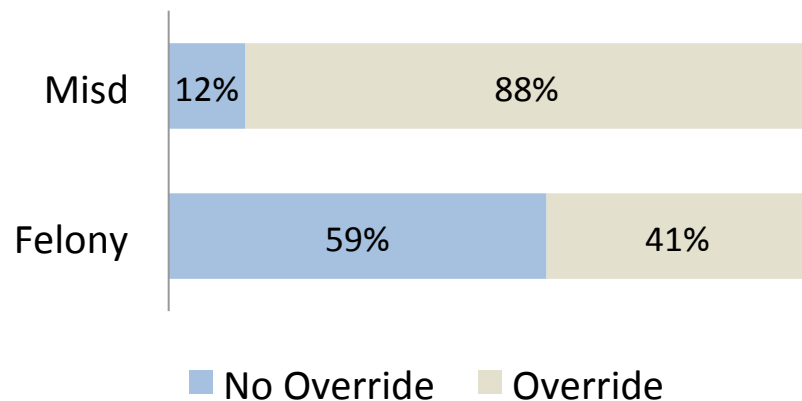
More than half of detention overrides were for the following supervision/care-related reasons:

No adequate supervision/care (51%)
Parents refuse custody (10%)
Parents located but unavailable (3%)

Reducing overrides would keep more youth in the community and allow for more intensive services/ supports for those youth who are detained.

The Structured Decision Making (SDM) tool has not been validated since 2008 and is not being used consistently to inform supervision decisions.

Challenges with the SDM Tool

- Tool **needs to be revalidated** given length of time and change in population since 2008
- **Too few youth are being identified as low risk**
- Tool is **not used to inform disposition** decisions
- Tool is **not designed to determine lengths of stay**
- Tool is **not being used to prioritize** who receives services and **to match youth to services** that meet their needs

Risk Level for Adjudicated Cases Only, FY2016

13%	—Missing
12%	—Low Risk
39%	—Medium Risk
36%	—High Risk
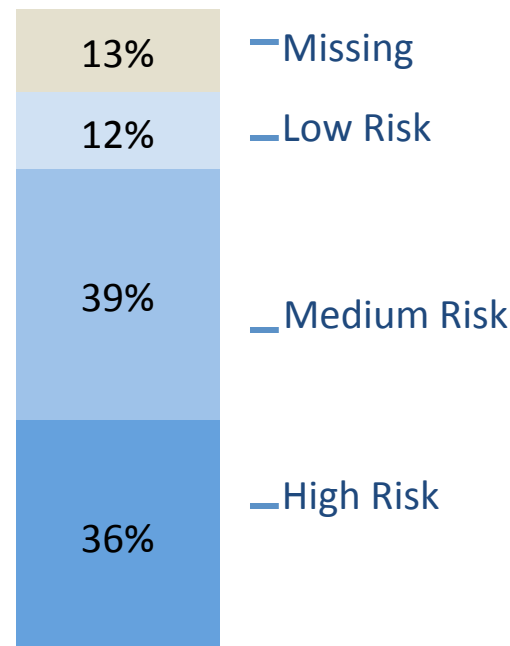
The SDM tool and youths' risk of reoffending are not significant factors in guiding disposition and supervision decisions statewide.

Almost 75 percent of judges surveyed reported **not using the SDM tool to inform disposition decisions** or not knowing if they use the tool.

Only 3 of 23 attorneys and 3 of 26 judges surveyed believed that **a juvenile's risk of reoffending has the greatest impact on disposition decisions** and youth's level of supervision.
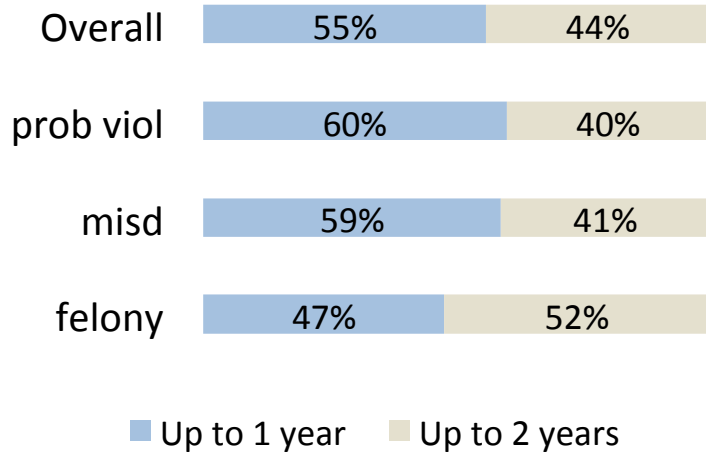
There is no statutory or policy requirement to **provide pre-disposition reports to the court.**

"The SDM is not completed until after adjudication on new cases, and therefore can only be used for disposition recommendations on probation violations and new cases on youth already on probation." - Judge
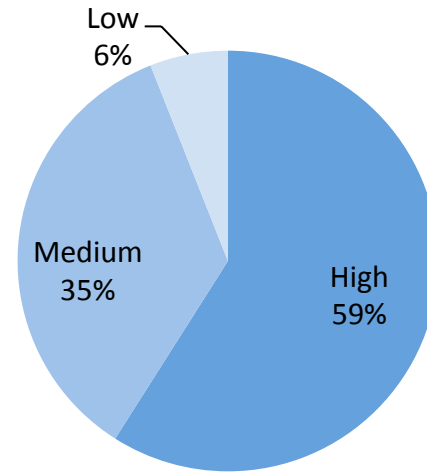
"I see a lot of probation officers base their [disposition] decisions on the history of the client, such as the chronological offense record, types of offenses, current behavior, non-compliance." – JPO

Almost half of youth disposed to probation receive a term of up to two years, regardless of offense type or risk level.
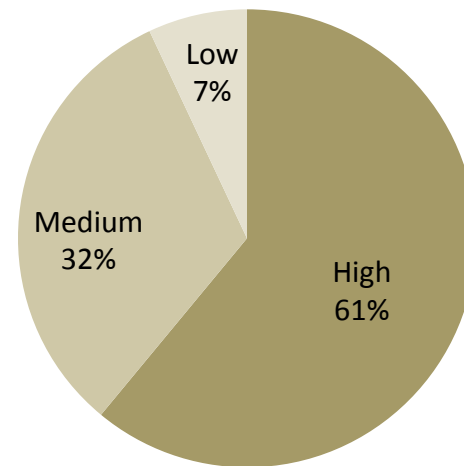
Probation Disposition Sentence Length by Offense Level, FY2016

Offense Level	Up to 1 year	Up to 2 years
Overall	55%	44%
prob viol	60%	40%
misd	59%	41%
felony	47%	52%

■ Up to 1 year ■ Up to 2 years

Up to 1 Year Probation Terms by Risk Level, FY2016

Low 6%
Medium 35%
High 59%

Up to 2 Year Probation Terms by Risk Level, FY2016

Low 7%
Medium 32%
High 61%

Since 2012, the mean length of stay for a probation case has increased by almost 200 days, and by almost 450 days for youth with consecutive probation cases.

Mean Length of Stay (in days) on Probation Supervision, FY2012 – FY2016


Legend: —— Case —— Consecutive Cases
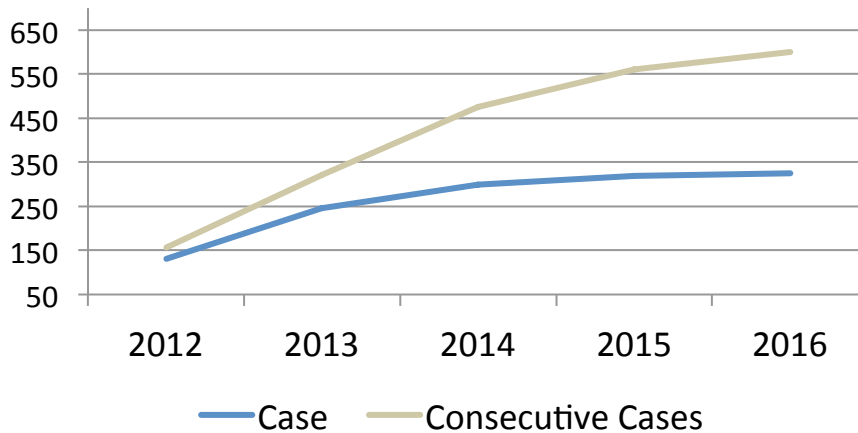
- The mean LOS for a probation case increased from 130 days in 2012 to 325 days in 2016

- For youth with consecutive probation cases their LOS on supervision increased from 156 days in 2012 to 600 days in 2016

Release Reason for Youth Exiting Probation Supervision, FY2016

Early Release	32%
Expiration of Time	19%
New Term / Continued on Supervision	41%
Other	9%

Term commitments have decreased much more than the average daily population in secure facilities, in part due to the increase in the use of extensions.
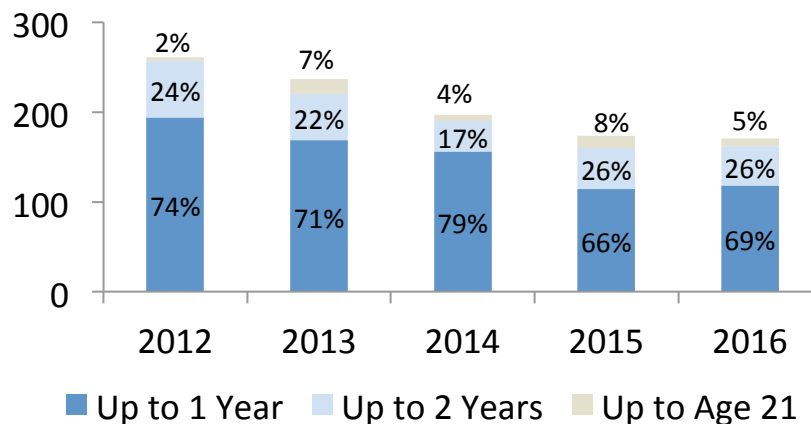
Term Commitments and Average Daily Population of CYFD Secure Facility, FY2011 - FY2016
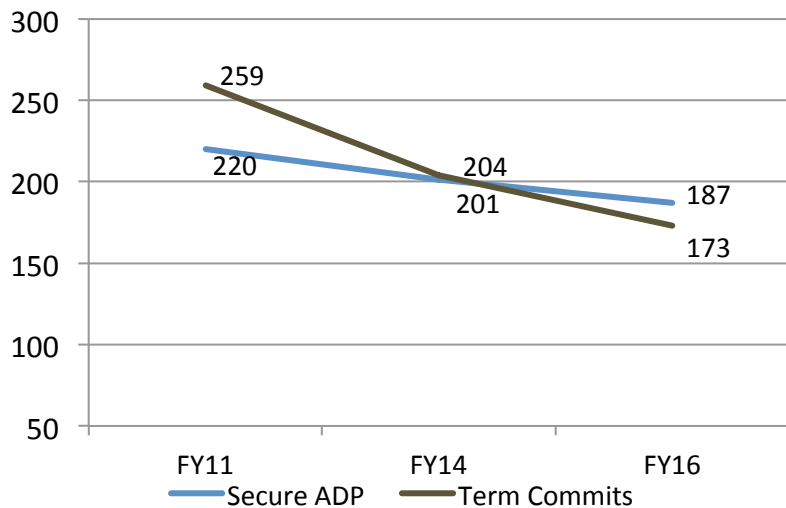
Secure ADP
Down 15%

Term Commits
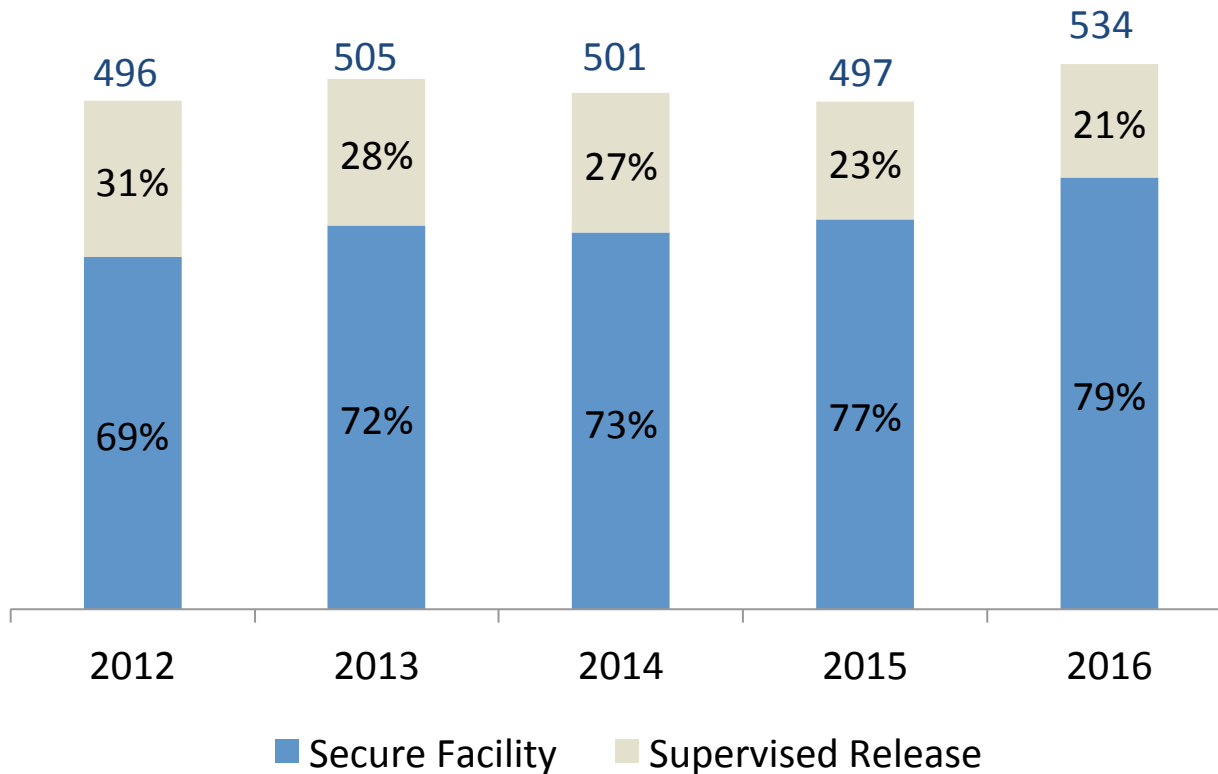Down 34%

Commitments by Commitment Length, FY2014 – FY2016

■ Up to 1 Year ■ Up to 2 Years ■ Up to Age 21

Commitment Extensions and Days Extended, FY2012 – FY2016

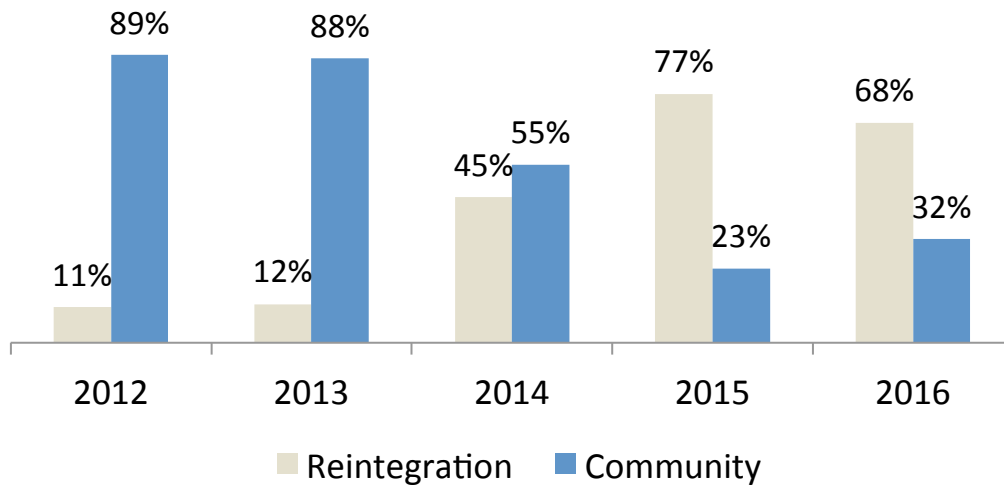| Original Expiration FY	% Youth Extended	Mean Days Extended
2012	5%	255
2013	3%	176
2014	6%	178
2015	14%	205
2016	12%	187

Since 2012, the proportion of time a youth spends in a secure facility as part of their commitment term has increased 10 percent.

Mean Length of Stay (in days) in Secure Facilities and on Supervised Release, FY2012 – FY2016

	2012	2013	2014	2015	2016
Total	496	505	501	497	534
Supervised Release	31%	28%	27%	23%	21%
Secure Facility	69%	72%	73%	77%	79%

■ Secure Facility   ■ Supervised Release

The majority of youth starting supervised release transition first to a reintegration center, and stay there an average of three months prior to the expiration of their sentence.

First Supervised Release Location, FY 2012 to FY 2106

Reintegration   Community

2012	Reintegration 11%, Community 89%
2013	Reintegration 12%, Community 88%
2014	Reintegration 45%, Community 55%
2015	Reintegration 77%, Community 23%
2016	Reintegration 68%, Community 32%

Decisions around supervised release and transitions to reintegration centers are often not based on a youth's risk of reoffending or other consistent criteria.

Average Length Of Stay on Supervised Release (Days) by Release Location, FY 2016

124 Days

92 Days

Community   Reintegration
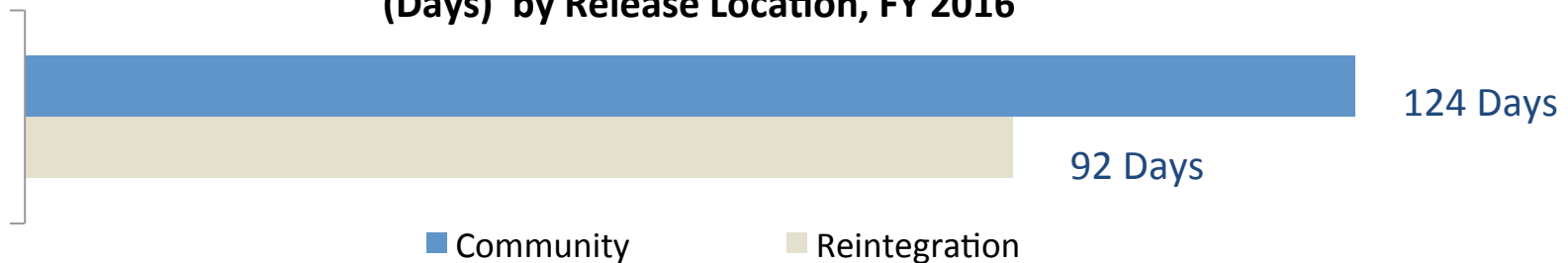
Many states have enacted policy changes to better match youth with the most appropriate level and length of supervision:

To address long lengths of stay and high costs of incarceration, Utah **implemented a risk/needs-based approach** to determine supervision and lengths of stay, and established a commitment **release matrix and release policies** that are based on a youth's risk of reoffending.
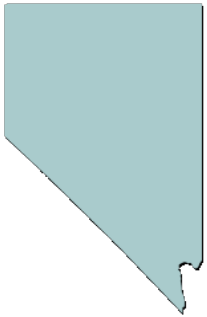
In 2017, Nevada passed legislation requiring **the statewide adoption of a risk and needs assessment** tool to be used by the courts **to inform disposition decisions, case planning, and length of supervision**.

In 2015, West Virginia passed legislation requiring the Supreme Court to **adopt a risk and needs assessment for juvenile dispositions** and that results **must be provided to the court prior to or at disposition**.

The following are potential opportunities to address supervision challenges in New Mexico:

- Are there opportunities for the education system and other youth serving systems to **establish/strengthen pre-arrest, school-based and community-based diversion options for younger youth and youth with status/petty misdemeanor offenses,** allowing CYFD to reserve limited resources for higher risk youth?

- Are there opportunities to divert **youth receiving informal supervision and younger youth completely from the system**?

- Are there opportunities to **strengthen detention override policies and practices**, and is there a need to **create more alternatives to detention across the state**? Are there ways to improve collaboration across youth serving systems to keep youth in the community and out of detention?

- Are there opportunities to **revalidate the SDM tool or adopt and validate a different risk/needs assessment tool**? Can the state develop requirements around the use of the tool to guide **disposition, length of stay, and supervised release decisions**?
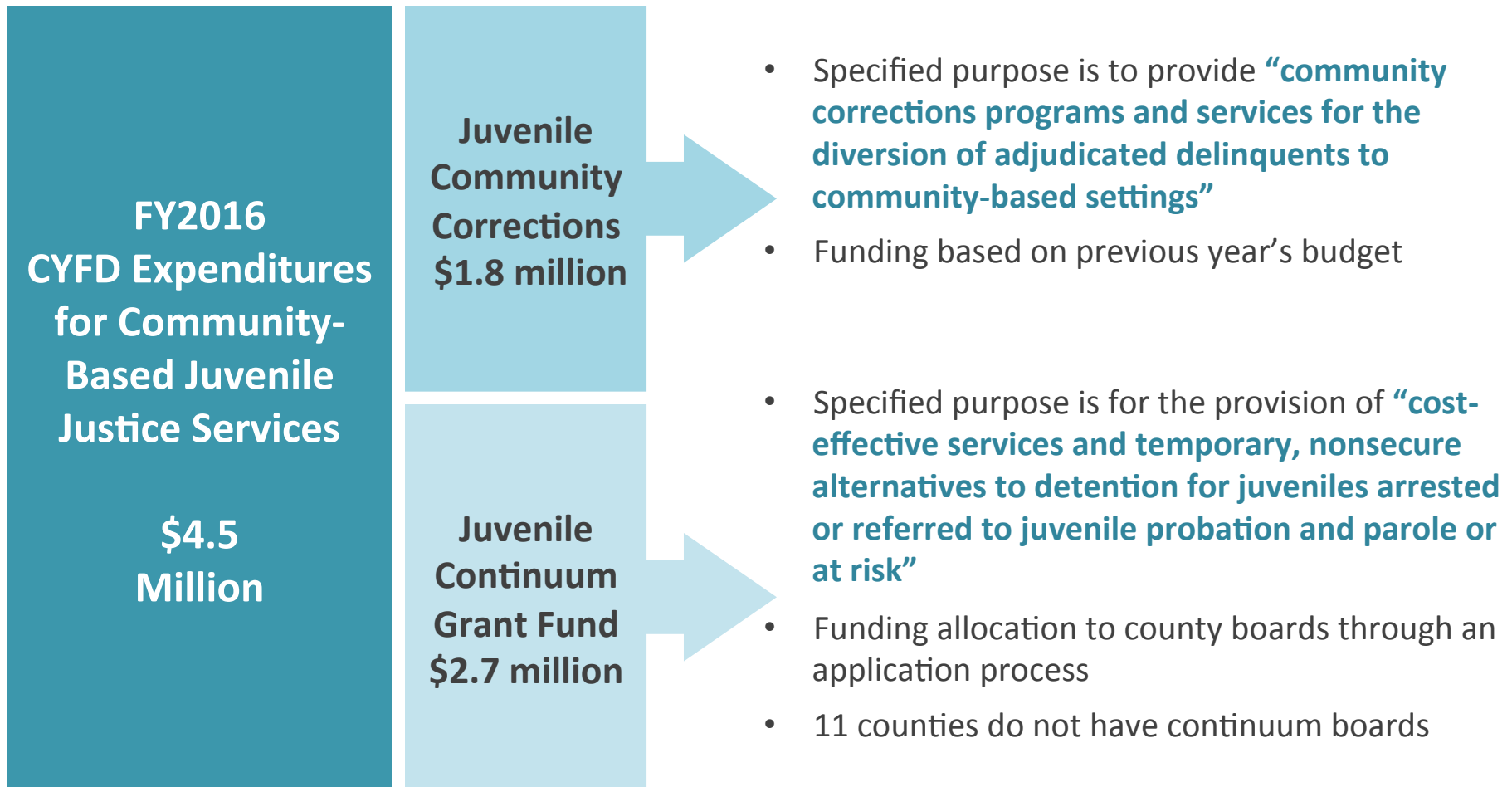
Assessment Key Takeaway #2

Service Delivery: **Are limited resources prioritized for services for those youth most at risk of reoffending**, and are the services youth receive in the community and in facilities demonstrated by research to improve outcomes for youth?

Resources could be used more efficiently to provide services to those youth most at risk of reoffending, and opportunities exist for New Mexico **to develop and/or strengthen policies, funding structures, and quality assurance tools and capacity** to ensure that youth consistently receive research-based services that are matched to their individual needs.

A number of programs and services available in the community and in facilities were identified by system stakeholders as promising, and CYFD has implemented new policies and programs in recent years to better address youth needs.
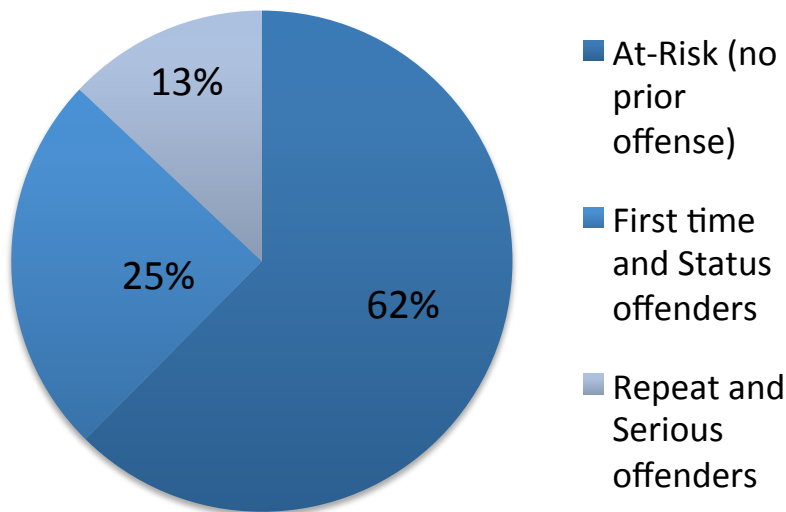
- **Continuum boards** provide a unique opportunity for local leaders to collaborate, identify needs particular to their communities, and target resources to those needs.

- CYFD facility units have their own **behavioral health clinicians** who are CYFD employee, and probation departments have also hired their own clinicians to serve probation youth.

- **CYFD increased the availability of transition coordinators,** to support older youth transitioning from a correctional facility back to the community.

- **Educational services** in correctional facilities provide youth with learning opportunities that align with traditional public schools, including degree attainment, enrollment in post-secondary classes, and the vocational program at J. Paul Taylor Center.

- A growing number of **culturally responsive services** are available for Tribal youth in correctional facilities.

In 2016, CYFD expenditures for community-based juvenile justice services through the Continuum Grant Fund and the Juvenile Community Corrections program totaled $4.5 million.
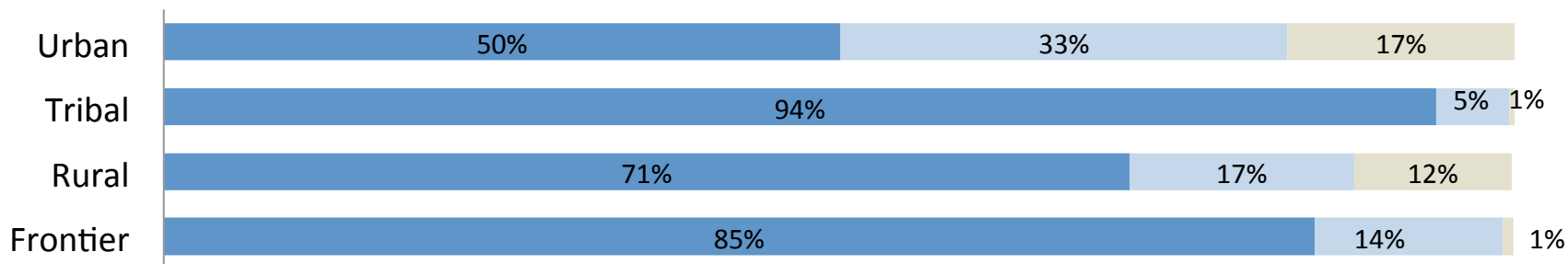
FY2016 CYFD Expenditures for Community-Based Juvenile Justice Services

$4.5 Million

Juvenile Community Corrections $1.8 million

- Specified purpose is to provide **"community corrections programs and services for the diversion of adjudicated delinquents to community-based settings"**
- Funding based on previous year's budget

Juvenile Continuum Grant Fund $2.7 million

- Specified purpose is for the provision of **"cost-effective services and temporary, nonsecure alternatives to detention for juveniles arrested or referred to juvenile probation and parole or at risk"**
- Funding allocation to county boards through an application process
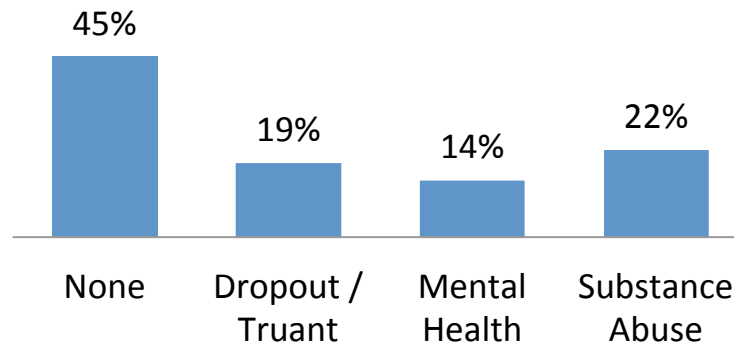- 11 counties do not have continuum boards

Continuum Grant funds primarily serve youth who have minimal, if any, juvenile justice system involvement.

Continuum Population Served, FY2017

- At-Risk (no prior offense)
- First time and Status offenders
- Repeat and Serious offenders

- 62%
- 25%
- 13%

Specialized Population Served, FY2017

None	Dropout / Truant	Mental Health	Substance Abuse
45%	19%	14%	22%

	At-Risk (no prior offense)	First time and Status offenders	Repeat and Serious offenders
Urban	50%	33%	17%
Tribal	94%	5%	1%
Rural	71%	17%	12%
Frontier	85%	14%	1%

■ At-Risk (no prior offense) ■ First time and Status offenders ■ Repeat and Serious offenders

Counties receiving continuum grant funds vary significantly in their spending per youth, with frontier and rural counties spending more per youth than urban counties.

## Continuum Grant Revenues and Expenditures, FY2011 – FY2016

Revenues — Expenditures
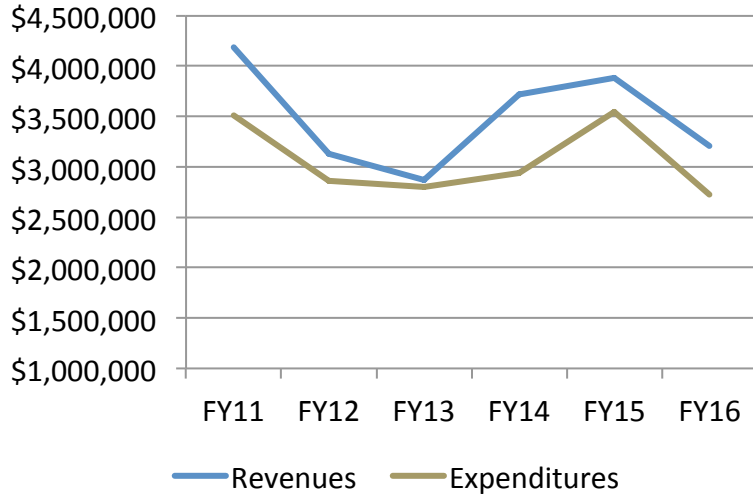
Average Cost per Youth Served, FY2017

Average State Cost	Average Grantee Cost	Total Cost
$457.85	$226.46	$684.31

Continuum site cost per youth ranged from $295.85 to $1,415.29.

Continuum Grant Locale by Percent of Total State Grant Funds and Youth Served, FY2017

	Urban	Rural	Frontier	Tribal
% Grants	47%	42%	8%	3%
% Served	57%	33%	7%	3%

■ % Grants ■ % Served
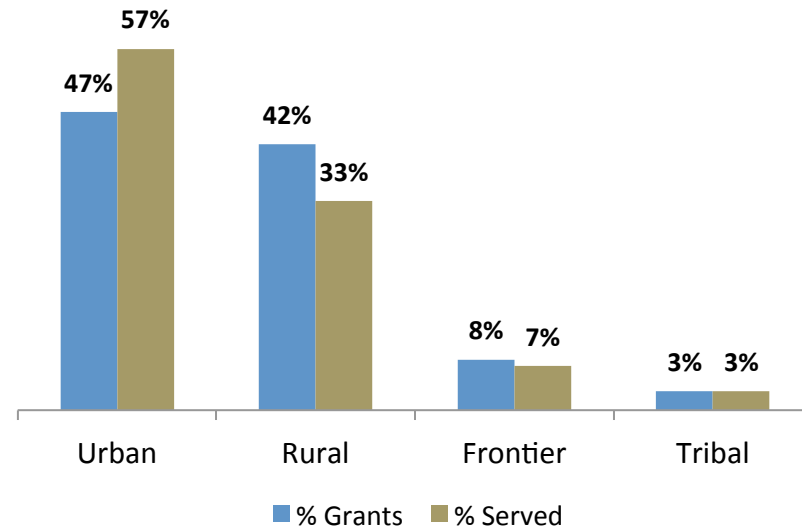
There are opportunities for New Mexico to develop and/or strengthen policies, funding structures, and quality assurance tools to ensure that the services youth are receiving are effective.
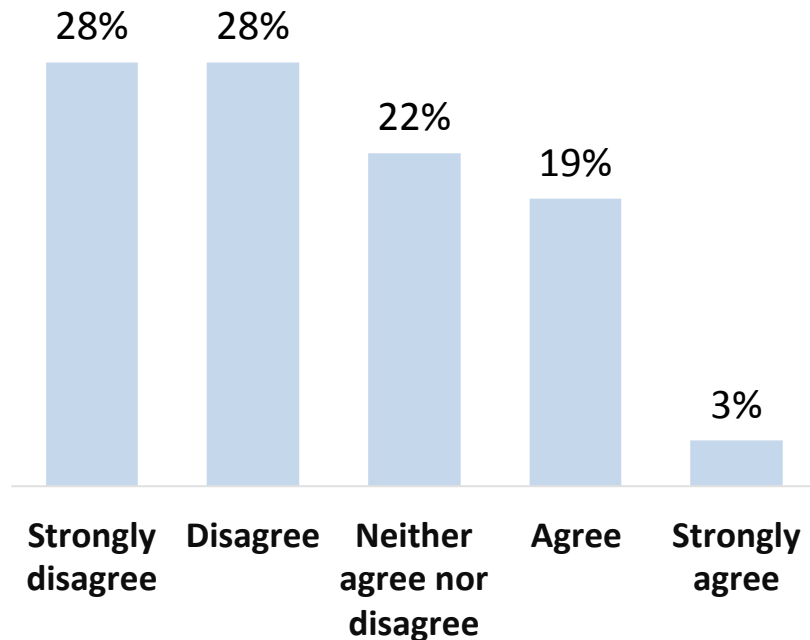
KEY STRATEGIES NEW MEXICO CAN ADOPT TO MAXIMIZE RESOURCES

- Statutory, funding, and/or administrative **incentives/requirements for serving higher risk youth** as well as for **using funds only for research-based** programs and practices

- Regular, ongoing **training, formal policies, and structured tools** for supervision staff, providers, and other stakeholders **on research-based services and to facilitate service matching**

- **Competitive procurement processes and provider contracts** that require the use of research-based programs and services and a risk/needs approach, and that are performance based

- **Service quality assessments and data** collection, analysis, and reporting on service populations, outputs, and outcomes to ensure that providers are held accountable and supported to improve outcomes for youth

"Some services deny our highest-risk youth due to their history when these youth are the ones in most need." - JPO

Judges, JPOs, and attorneys cite a lack of sufficient services in the community to fully address the needs of youth.

"There are Sufficient Services in the Community to Meet Youths' Needs,"
JPO Responses (N = 100)

Bar chart:
- Strongly disagree: 28%
- Disagree: 28%
- Neither agree nor disagree: 22%
- Agree: 19%
- Strongly agree: 3%

- **The majority of judges and attorneys** surveyed believe that more youth could be diverted from facilities if more community-based services were available.

- Stakeholders who were interviewed indicated that limited services exist for:
  - **Rural communities**
  - **Mental health/substance use treatment**
  - **Family therapy**
  - **Job training**

"Juvenile Justice needs to continue to move towards providing effective interventions… within a child's community." - Attorney

Expenditures for secure facilities in FY2016 totaled $34.8 million, an increase of 8 percent since FY2011.

Secure CYFD Facility Expenditures and ADP, FY2011 – FY2016
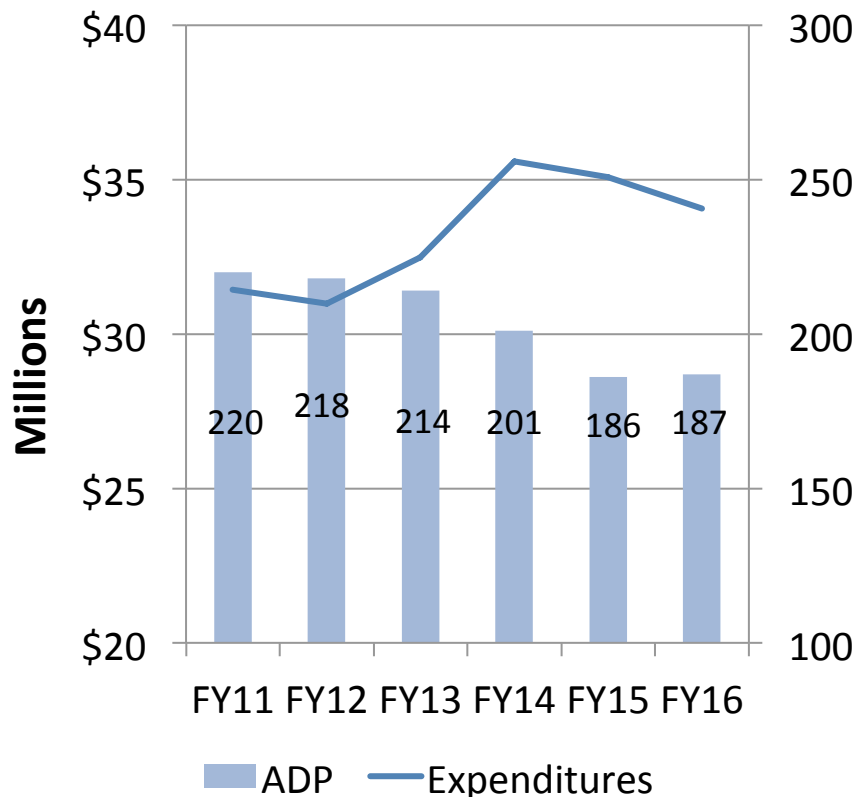
Average Cost per Day in Secure CYFD Facilities

| 2011	2016
$391.47	$497.67
Staff: $217.59	Staff: $288.92
Education: $53.50	Education: $61.59
Mental Health Services: $32.07	Mental Health Services: $36.27
Medical: $50.51	Medical: $62.69

Feedback from juvenile justice stakeholder interviews as well as survey results indicate that facilities struggle to fully and effectively address the complex needs of incarcerated youth.

Challenges and Barriers to Effective Service Provision in Facilities

- **Limited research-based practices are being implemented in facilities,** and there is a need for additional ongoing training for facility staff and providers

- **Environmental/cultural challenges exist** to effectively implement the Cambiar model in all facilities

- **Limited quality assurance** mechanisms are available to monitor and evaluate service quality

- **There is a lack of consistency** in bringing stakeholders together to effectively plan for **youth reentry**

- Facilities struggle to provide the full array of **mental health and substance use treatment to meet youth needs**

- There is limited availability of **family therapy/family engagement strategies**

- **Vocational training** is not yet available in all facilities, and youth are not able to earn certifications or credentials that can lead to employment opportunities post-release

The use of restraints, force, and segregation in response to disciplinary incidents has decreased since 2012.

Percent of Incidents Involving Restraint, Use of Force, and Segregation, FY2012 and FY2016
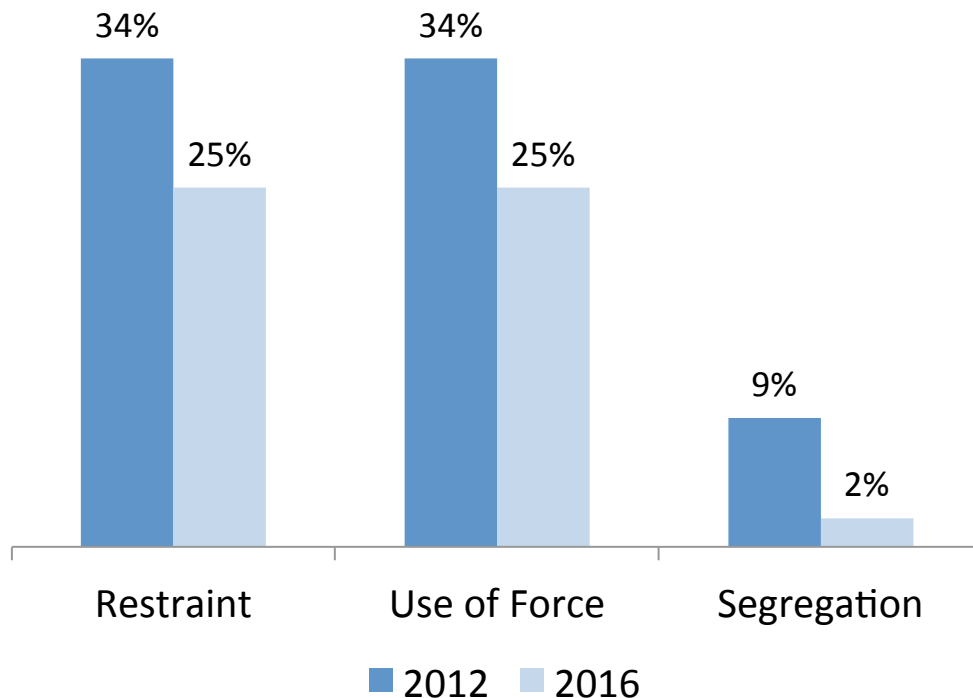
CYFD procedures on the use of force and room confinement have been updated in the last few years, starting in 2014, to emphasize and strengthen de-escalation training and provide supports to staff around recognizing signs of mental illness and potential distress.

The number of disciplinary incidents in facilities increased more than 100 percent between 2012 and 2016 although fewer youth were involved with incidents.

Incidents per Year by Type, FY2012 – FY2016
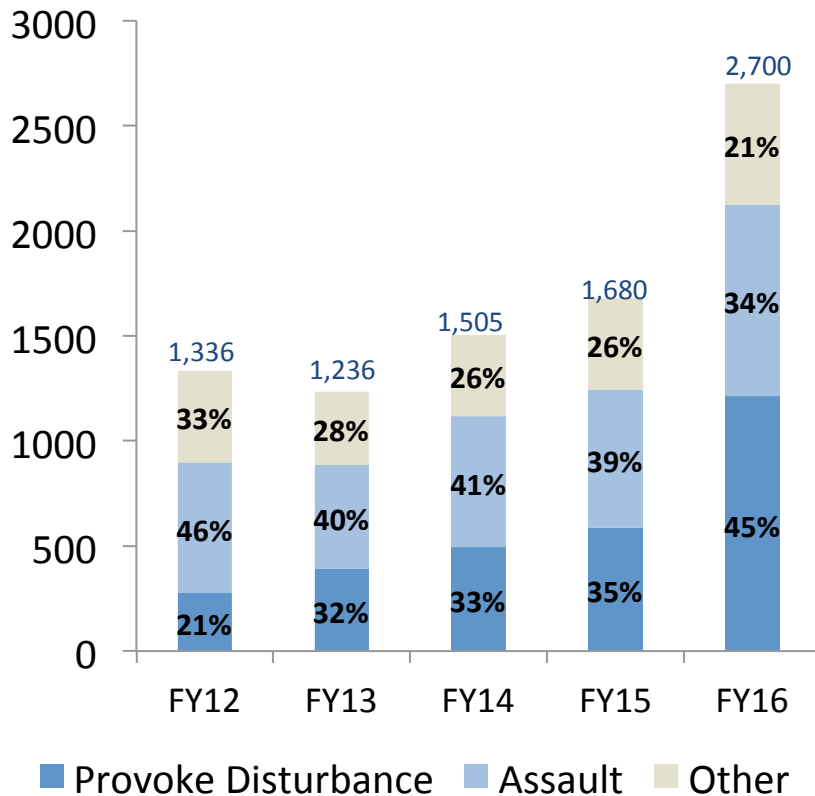
	FY2012	FY2016
	Number of Youth Involved in Incidents: 375	Number of Youth Involved in Incidents: 316
	Median Number of Incidents for Youth with Disciplinary Incidents: 3	Median Number of Incidents for Youth with Disciplinary Incidents: 6
	Average Number of Violations per Incident: 2	Average Number of Violations per Incident: 2

Chart values by year:

	FY12	FY13	FY14	FY15	FY16
Total	1,336	1,236	1,505	1,680	2,700
Other	33%	28%	26%	26%	21%
Assault	46%	40%	41%	39%	34%
Provoke Disturbance	21%	32%	33%	35%	45%

Legend: ■ Provoke Disturbance ■ Assault ■ Other

"Moving from a corrections mindset to a case manager philosophy is necessary for change" - Judge

Many states have enacted policy changes to prioritize services for higher risk youth and promote the use of research-based services:
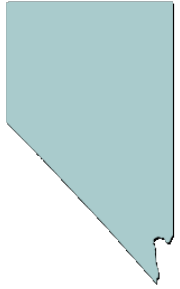
In 2017, Nevada passed legislation **requiring all state funds for juvenile justice services to be used for evidence-based practices**, and is **establishing an evidence-based resource center** to train and support providers, the state agency and probation departments.

Ohio established Reclaim Ohio in the early 1990s, **a funding initiative that requires juvenile courts to establish research-based, community-based services and provides incentive funding** for those that successfully divert youth from state institutions.

Pennsylvania's Juvenile Justice System Enhancement Strategy focuses on the **effective implementation of evidence-based practices and building statewide capacity around these practices**. The state uses a **standardized assessment protocol** to evaluate how well a program matches what the research shows is effective.

The following are potential opportunities to address service delivery challenges in New Mexico:

- Are there opportunities to restructure (funding formulas, match requirement, etc.) the Continuum Grant fund and the Juvenile Community Corrections program **to prioritize services for higher risk youth and require the use of research-based practices**?

- What opportunities exist to develop **performance measures, performance-based contracts, and data collection and reporting requirements** to hold CYFD and community-based providers accountable for youth outcomes?

- How can New Mexico create support for and implement a **quality assurance structure,** including the use of facility/community-based service matching and assessment tools and implementing staff training to improve service delivery?

Assessment Key Takeaway #3

System Performance: To what extent are youth in contact with the juvenile justice system **reoffending and successfully completing the terms of their supervision**?

The **majority of youth referred to the juvenile justice system are not reoffending**. At the same time, a **core group of youth are cycling repeatedly through and penetrating deeper into the system**, and like in many other states, **half or more of all youth at the deepest end of the system are not being discharged successfully.**

Almost one quarter of referred youth receive another referral within one year, and almost one-third who are petitioned receive another petition.

**One Year Referral to Referral Rates, FY2013 – FY2015**

Year	Rate
2015	22%
2014	23%
2013	24%
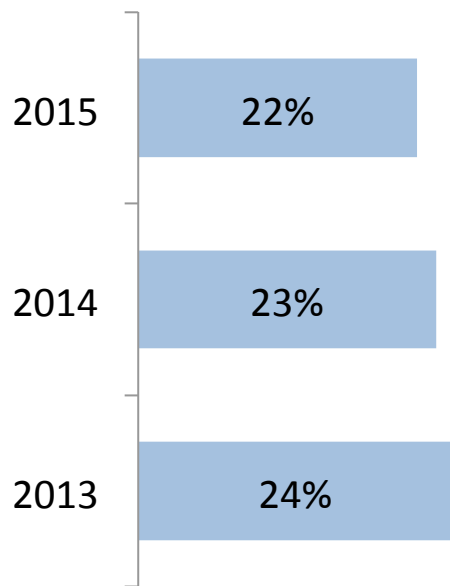
One Year Petition to Petition Rates, FY2013 – FY2015

| Year	Rate
2015	31%
2014	30%
2013	32%
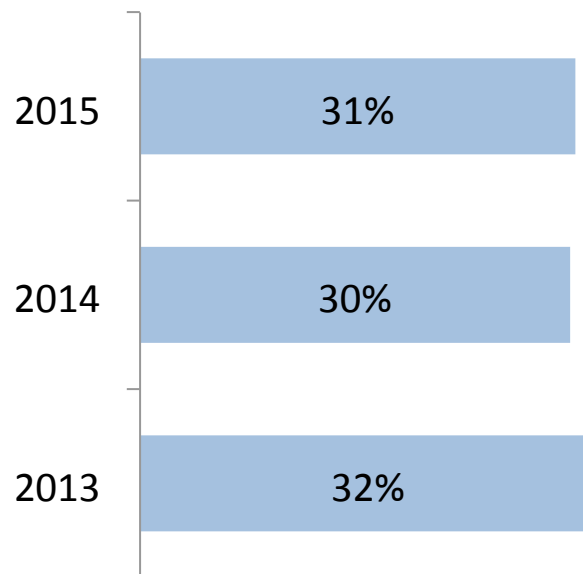
Given the lack of reliable risk assessment data, it is difficult to assess whether these recidivism rates are higher or lower than expected. However, the goal is to put policy, practice, and funding strategies in place to reduce the number of youth that are reoffending.

One in five youth with an informal disposition receive another disposition within one year, compared to nearly half of youth disposed to probation

One Year Informal Disposition to Next Disposition, FY2013 - FY2015[*]
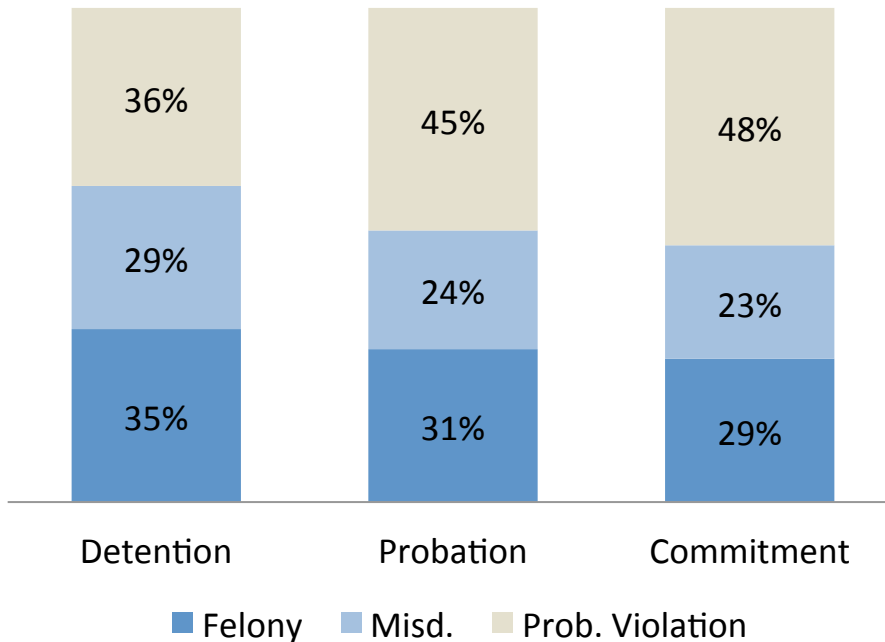
Year	%
2015	18%
2014	19%
2013	21%
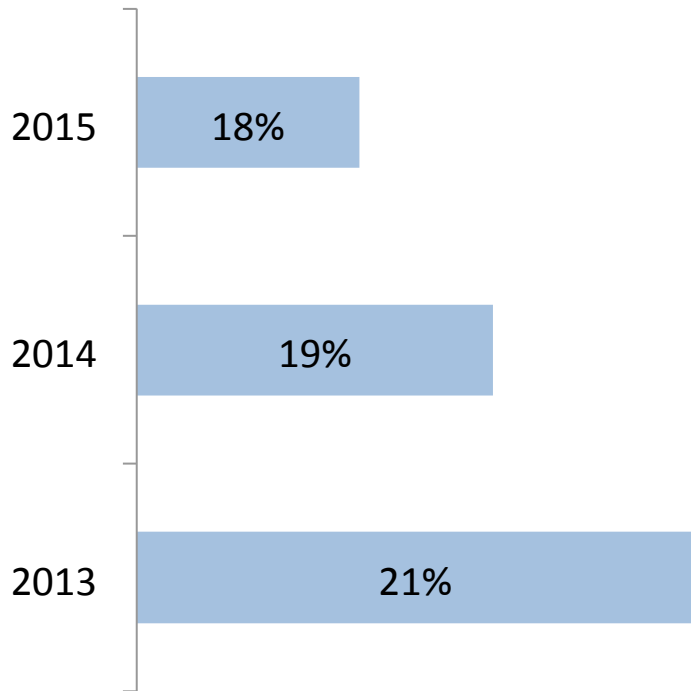
One Year Probation to Next Disposition, FY2013 - FY2015[*]

Year	%
2015	43%
2014	46%
2013	53%
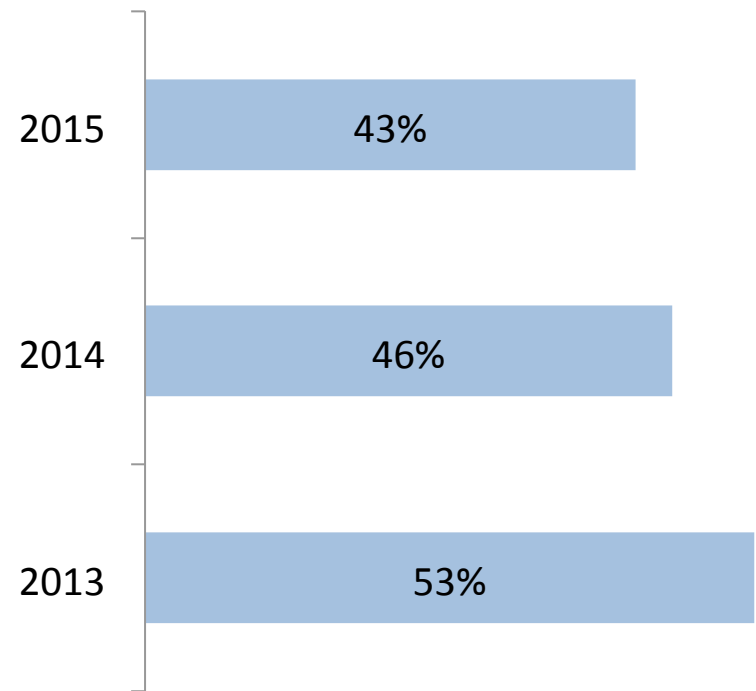
Probation violations account for the largest proportion of new detentions, probation dispositions, and commitments.

Detention Admissions, Probation, and Commitment Dispositions by Offense Type, FY2016


Detention: Felony 35%, Misd. 29%, Prob. Violation 36%
Probation: Felony 31%, Misd. 24%, Prob. Violation 45%
Commitment: Felony 29%, Misd. 23%, Prob. Violation 48%

Legend: ■ Felony ■ Misd. ■ Prob. Violation

Youth who receive violations represent a core group of young people that continue to cycle through and penetrate deeper into the system.

| Probation Violation Warrants, FY2016	
Alcohol/Drugs	30%
Associates	2%
Community Service	1%
Counseling	8%
Curfew	13%
General Behavior (Law)	11%
Parents	4%
Reporting	4%
Residence	11%
Restitution	0.1%
School/Education	5%
Special Condition	10%
Travel	0.1%
Weapons	0.2%

Nearly half of JPOs surveyed do not believe, or are unsure, that there are consistent criteria used to make decisions around probation violations.

"There is clear and consistent criteria used to make decisions on probation violations,"
JPO responses (N = 100)

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
11%	39%	14%	22%	13%
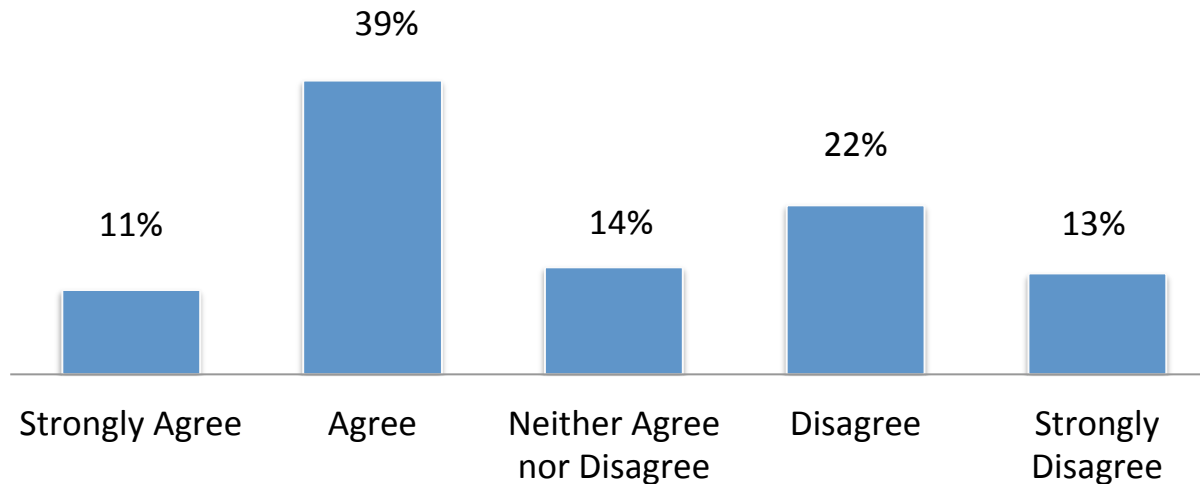
In 2016, almost half of youth on supervised release were not "successful," with 28 percent being discharged unsuccessfully and 21 percent having their supervised release revoked.

Supervised Release Completion Rates, FY2016

21%, Revoked

28%, Completed Unsatisfactorily

51%, Completed Satisfactorily
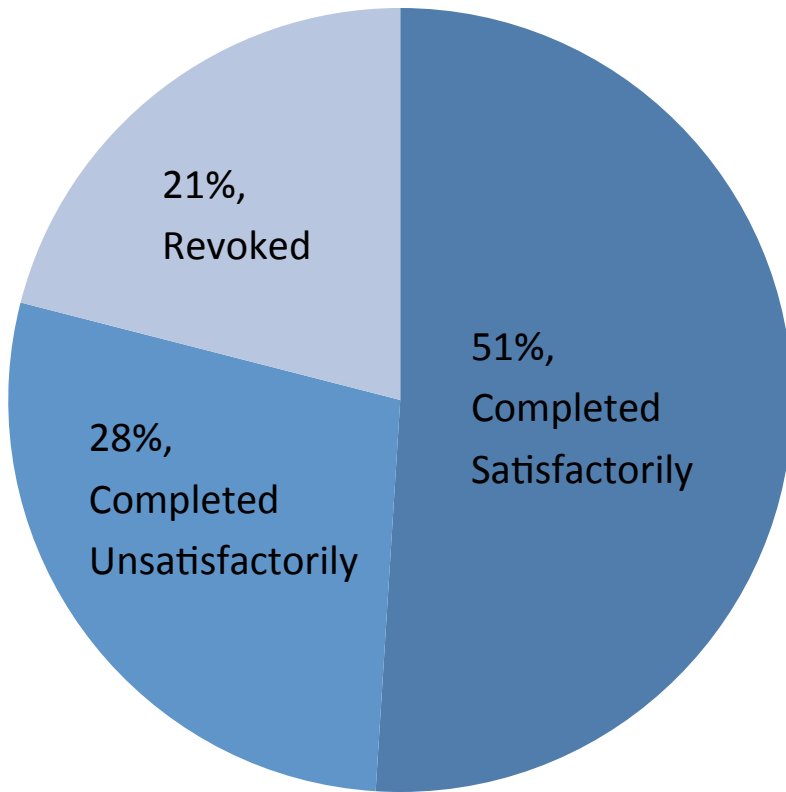
Of the 51 percent of supervised releases that are completed satisfactorily, the majority of these releases are due to an expiration of time.

Many states have implemented strategies to reduce recidivism and technical violations:

In 2014, in response to a new legislative requirement, Maryland **implemented a graduated response tool**, AIM (accountability incentives management), **that takes into account the severity of the violation with respect to their likelihood to reoffend**, mental health, and other factors, to arrive at a response.

The Kansas Department of Corrections terminated the majority of their contracts with residential providers, and instead, **invested these resources into intensive, wrap-around services** to more cost effectively maintain youth successfully in the community.

The Supreme Court in South Dakota **established a graduated sanctions and incentives procedure** to guide court services officers in determining an appropriate response to a violation. **The court system must also collect and report data semiannually** on the use of the sanctions grid to an oversight council.

The following are potential opportunities to address repeat offenders that are cycling in and out of the juvenile justice system:

- Are there opportunities to **develop intensive, research-based, wrap-around service programs** that specifically target repeat offenders and youth who are at-risk of a technical violation and potential out-of-home placement? Can the state **require that cost savings from deferred placements is recaptured and reinvested** in additional community based services and supports?

- Are there opportunities to develop and pilot **a more robust, risk-based graduated response matrix and corresponding policies** for both violations and revocations that incorporates a continuum of sanction and service options? Can the graduated response approach incorporate a **formal system of incentives and rewards** to pair with the graduated response system?

- Are there opportunities to establish a **developmentally appropriate set of supervised release conditions** and align the length, intensity, and services provided to youth on supervised release with what is needed for youth to successfully meet these conditions?

01 IOYouth Process

02 **Assessment Results**

- Supervision

- Service Delivery

- System Performance

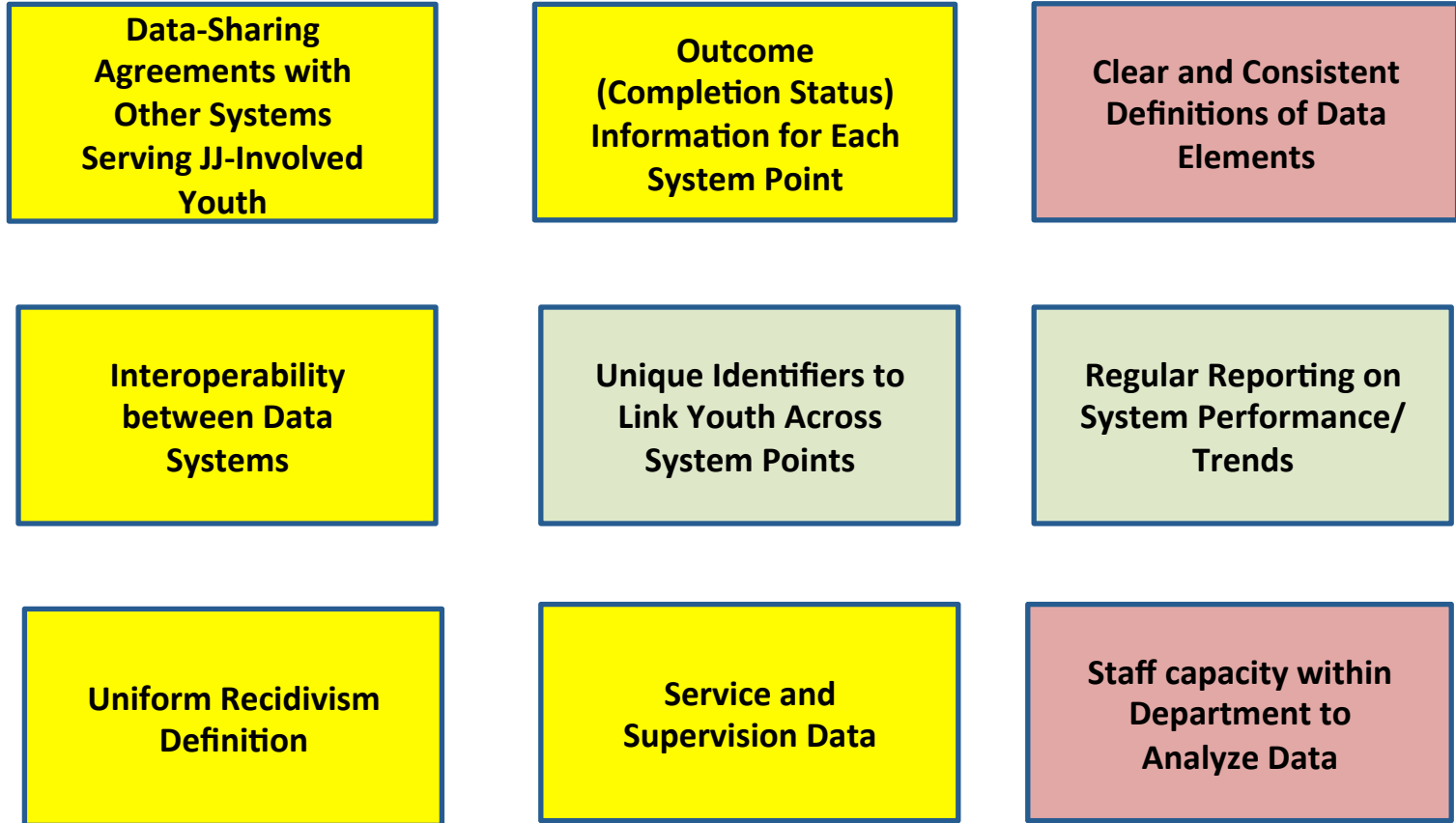- **Outcome Tracking**

03 Next Steps

Key Assessment Takeaway #4

Outcome Tracking: Is system performance and recidivism being measured in a consistent and comprehensive way, and is data used to guide key policy, practice, and resource allocation decisions?

New Mexico's juvenile justice system **does not have the data and research capacity necessary** to fully measure system performance and youth outcomes, and to use data to identify and determine how to best target key areas for improvement.

New Mexico has some, but not all, of the critical components that every state data system should have to track youth outcomes and system performance.

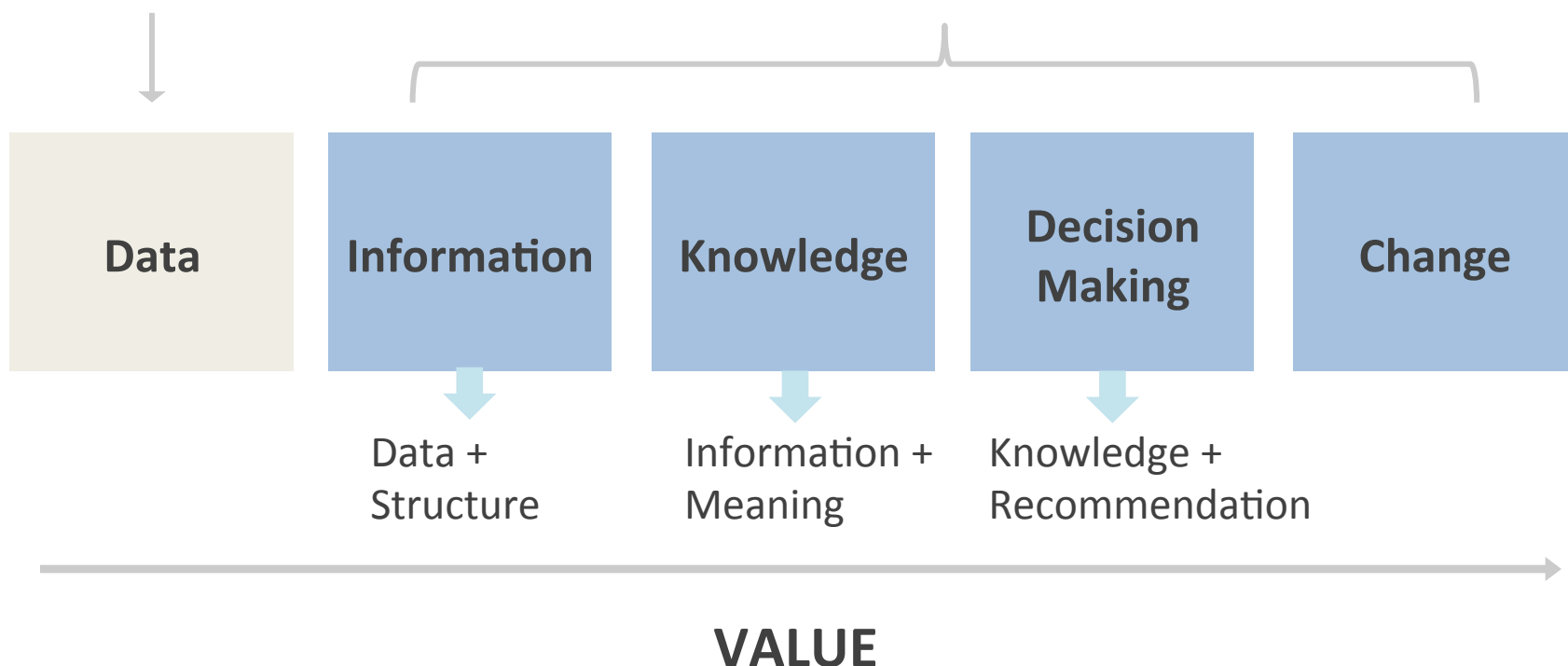| Data-Sharing Agreements with Other Systems Serving JJ-Involved Youth	Outcome (Completion Status) Information for Each System Point	Clear and Consistent Definitions of Data Elements
Interoperability between Data Systems	Unique Identifiers to Link Youth Across System Points	Regular Reporting on System Performance/ Trends
Uniform Recidivism Definition	Service and Supervision Data	Staff capacity within Department to Analyze Data

Complete   Partially Complete   Incomplete

Like most states, New Mexico's current data structure and limited research capacity hinder its ability to fully evaluate system performance and youth outcomes, and use data to guide policy, practice, and funding improvements.

NM collects data for many key points in the system and requires reporting

The structure of the data inhibits the analysis necessary to develop system knowledge and inform decision making and system change

Data	Information	Knowledge	Decision Making	Change

Data + Structure

Information + Meaning

Knowledge + Recommendation

VALUE

New Mexico should prioritize the following data issues:

Juvenile Community Corrections Data	Data captured can not be matched to FACTS or other data systems for analyses
Continuum Data	No start and end dates, youth demographics, or services received data are collected, no unique identifier exists to match to other data systems for outcome analyses
Program/Service Data	No data are collected on programs and services in the community and in facilities, making it impossible to evaluate program effectiveness and service matching
Overwriting	Essential data are currently overwritten at various points in the system
FACTS System	System was originally designed for child protective services, and cannot easily be updated for current needs

01 IOYouth Process

02 Assessment Results

- Supervision

- Service Delivery

- System Performance

- Outcome Tracking

03 **Next Steps**

Next Steps

1 Establish working groups focused on priority areas for improvement to develop policy recommendations for full task force consideration **(September/October)**

2 Support task force members and other key stakeholders to identify potential policy options to address findings, and share associated examples from other states **(September/October/November)**

3 Present policy option recommendations to task force and establish consensus on legislative and appropriation changes **(November 2)**

4 Work with task force and legislators to craft legislation and advance legislative reforms **(November-February)**

Priorities for Working Group 1: Improving the appropriate use of supervision matched to youth's risk of reoffending

- Improving the use of the SDM and/or identifying an alternative statewide risk and needs assessment, and tying youths' risk of reoffending to dispositional decisions, and decisions around lengths of stay

- Reducing system referrals and increasing and/or strengthening diversion opportunities for younger youth and youth on informal supervision to save limited funding for higher risk youth

- Establishing a statewide graduated response system to respond to probation violations and developing a system of rewards and incentives

- Strengthening detention use policies and the RAI, and expanding and/or strengthening alternatives to detention

Priorities for Working Group 2: Improving the targeting and effectiveness of services to address youths' needs

- Prioritizing service resources in the community for youth most at risk of reoffending and focusing service resources on research-based programs and practices

- Building the capacity of providers, facility staff, and probation officers to implement research-based practices with fidelity, through training and a technical assistance resource center

- Addressing service gaps in the community and in facilities, and establishing intensive, community-based alternatives to probation violations/revocations and residential placement

- Strengthening quality assurance capacity and processes and using tools to improve service delivery in facilities and with community-based providers to ensure accountability

Working Group Timeline & Next Steps

September 19

- Identify working group participants

Week of September 25

- Conference call to discuss goals, priorities, best practices, and next steps

Week of October 9

- Conference call/webinar to review potential policy recommendations

October 18/19

- In-person meeting to develop recommendations for the full task force

November 2

- Presentation of recommendations to full task force to reach consensus for legislation

Project Timeline
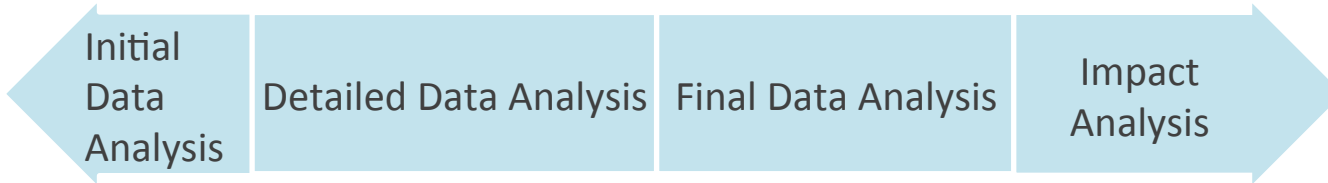

Project Launch

Policy Rollout and Bill Introduction

Task Force Meeting #1

Task Force Meeting #2

Task Force Meeting #3

Bill Drafting

April	May	June	July	Aug	Sep	Oct	Nov-Dec	2018 Session

Data Analysis

Initial Data Analysis | Detailed Data Analysis | Final Data Analysis | Impact Analysis

Stakeholder Involvement

Stakeholder Engagement | Policy Option Development | Bill Drafting | Engage Policymakers and Media and Keep Stakeholders Involved

Thank you

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