

# NEW MEXICO SENTENCING COMMISSION

## JUVENILE COMMITTEE

11:00 a.m.  
March 15, 2018

John E. Brown Juvenile Justice Center, Chama Conference Room  
5100 Second St. NW, Albuquerque, NM

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Bob Cleavall (NMSC), Chair	Marron Lee (NMSC)	George Davis (UNM)	Linda Freeman
Cindy Aragon (State Bar)	Mark Donatelli, (Speaker)	James Klein (BernCo JDC)	Amanda Armstrong
Hon. Marci Beyer (DMCJA)	Sheriff Manuel Gonzales III (NMAC)	Rob Mitchell (AOC)	Douglas Carver
Jim Cowan (for CYFD)	Raúl Torrez (NMDAA)	Hon. William Parnall (Children's Court)	Conner Tuttle
April Land (UNMSOL)		Tommy Zold (AOC- CSD)	
Traci Neff (NMAC)			
Angela "Spence" Pacheco (Speaker)			
Jason Rael (LOPD)			
Hon. Marie Ward			
David Schmidt (Pro Tem)			

**Welcome.** Bob Cleavall, Chair, called the meeting to order at 11:15 a.m. Committee members, guests and staff introduced themselves.

**Approval of Minutes for the November 30, 2017 meeting.** The minutes for the previous committee meeting were approved by consensus.

**Staff Report.** NMSC Executive Director Linda Freeman discussed the move of NMSC staff to new offices on the University of New Mexico campus in December.

Executive Director Freeman also discussed that the reports on the Santa Fe L.E.A.D. program and the evaluation of competency for the New Mexico Association of Counties were almost complete.

NMSC Deputy Director Douglas Carver noted that NMSC staff will keep an eye on the ongoing discussions of criminal justice reform issues in the state, and will let the Juvenile Committee know if any of these reforms end up touching on issues concerning juveniles.

**Juvenile Drug Courts.** Robert Mitchell, New Mexico Senior Statewide Program Manager for Problem Solving Courts, Administrative Office of the Courts, gave a presentation entitled “Juvenile Drug Treatment Court Issues and Information”, with a handout of his presentation provided to the Committee. He discussed the Legislative Finance Committee Report “Program Evaluation: Update of New Mexico Drug Courts”, dated October 26, 2017; and the National Juvenile Drug Treatment Courts Research Summary. He also discussed the issues that have been noted recently with New Mexico’s Juvenile Drug Courts, especially the decline in participation in the state’s Juvenile Drug Court programs.

According to the National JDTC Research Summary, the evidence is inconclusive regarding the effectiveness of juvenile drug courts. Studies indicate that overall they are no more or less effective than traditional juvenile court processing for reducing recidivism or drug use. Mr. Mitchell noted, however, that when you dig down into the studies, results depend on what type of treatment is used.

The situation in New Mexico is not necessarily rosy. The LFC study on Juvenile Drug Courts in the state could not demonstrate a strong impact. Overall, the results are not as positive as has been observed with the Adult Drug Courts. Additionally, given the declining enrollment in the state’s Juvenile Drug Courts, there is a question concerning the costs of these courts versus the benefits they confer. Mr. Mitchell noted that there are complications with studying these courts as multiple justice and data systems inhibit effective impact evaluation.

Mr. Mitchell then went through the LFC program evaluation recommendations and the responses to those recommendations from the AOC. Concerning target counties, the AOC noted that they do not impose Drugs Courts on communities but are willing to work with any community to evaluate needs. Concerning scale efficiencies, the AOC noted that there are significant differences in how different courts run their programs, so this poses a challenge. The target is to work with CYFD and a pilot court to evaluate system efficiencies and effectiveness. Concerning revisions to performance measures, the AOC hopes to work with the Supervision module in the Odyssey case management system but migration to this module will be dependent on obtaining additional resources. Concerning use of CYFD arrest data to compare outcomes, this is generally beyond the scope of what AOC does, but the AOC is examining whether it is possible to secure resources for this kind of evaluation.

Mr. Mitchell then discussed trends in the New Mexico Juvenile Drug Courts. There are twelve currently operating in eight judicial districts. Five courts have closed in recent years, and one additional court is planning on closing soon to shift monies to an Adult Drug Court. Looking at performance measures, participation in the state’s Juvenile Drug Courts has dropped across the state. There may be a number of reasons for this. Thus the joint project Juvenile Drug Court Team, the AOC and CYFD, has launched a pilot project in the 13<sup>th</sup> Judicial District. The number one goal of the pilot project is to engage juveniles in life change through meaningful treatment and accountability. The pilot project will also establish a Juvenile Drug Court model that aligns with the Juvenile Drug Treatment Court Guidelines and will encourage professionals serving Juvenile Drug Court programs and CYFD towards relevant cross-education and focused collaboration. Strategies for the pilot project include reviewing participant outcomes, focusing on

the process of screening and assessment, and examining when is the best time to engage the Juvenile Drug Court services. As the coordinator for the 13<sup>th</sup> Judicial District has retired, the pilot project may now shift to looking at being a restorative justice pilot.

Mr. Mitchell then discussed the results of a survey the AOC conducted of New Mexico Juvenile Drug Court Coordinators. Seven surveys were returned. Most had seen a decline in participation. Key reasons given were that the length of probation services sentences are insufficient for clients to complete the program, and that judges are not ordering juveniles into the program. There is a tension between the ideas that a juvenile shall never be detained versus a need to always detain a juvenile. The responses were evenly split on whether the timing of having juveniles enter the Drug Court program was at the right time or too late in the process (no one responded that it was too early). Four of the seven respondents said that their Juvenile Drug Courts had considered closing. All of the respondents noted that their court sought to follow the Juvenile Drug Treatment Court Guidelines.

Mr. Mitchell concluded by comparing the Federal Office of Juvenile Justice and Delinquency Prevention Juvenile Drug Treatment Court (JDTC) standards with New Mexico's Juvenile Drug Court standards. The New Mexico Drug Court standards were approved by the state Supreme Court in October 2016. Those guidelines apply to all drug or specialty courts. The AOC has started a pilot project to certify the state's Drug Courts. The intention with Juvenile Drug Court is to combine the New Mexico guidelines, current Juvenile Drug Court processes, and work with CYFD to develop the overall process.

JDTC Objective No. 1 is to focus philosophy and practice to address substance use and criminogenic needs to decrease future offending and substance use. The New Mexico standards have as components integrating alcohol and drug treatment services with case processing; providing access to a continuum of substance abuse treatment and rehabilitation services; and a coordinated strategy that governs drug court responses to compliance.

JDTC Objective No. 2 is to ensure equitable treatment for all youth by adhering to eligibility criteria and conducting an initial screening. The New Mexico standards include a requirement to use standardized, objective, validated risk and needs screening and assessment tools.

JDTC Objective No. 3 is to provide a process that engages the full team and follows procedures fairly, including working with parents and guardians throughout the court process to encourage active participation. The New Mexico standards include that the Drug Court shall have a formal system of responses to participant behavior, with guidelines provided to team members for use in pre-Court staff meetings.

JDTC Objective No. 4 is to conduct comprehensive needs assessments that inform individualized case management based on an assessment of the youth's and family's needs. The New Mexico standards include that the Drug Court team will identify treatment staff overseeing case management services who will coordinate ancillary services, and that treatment/case management plans shall be individualized for each participant.

JDTC Objective No. 5 is to implement contingency management, case management, and community supervision strategies effectively. Detention should be used as a sanction infrequently and for short periods. The New Mexico Standards include that there should be a gradually escalating scale of responses to participant behavior, with consideration of proximate

and distal goals. Contrary to the JDTC Objectives, the New Mexico standards state that Drug Courts should use detention sparingly, with the intention of modifying participant behavior.

JDTC Objective No. 6 is to refer participants to evidence-based substance use treatment, to other services, and for prosocial connections. The New Mexico standards call for treatment practices to be evidence-based and endorsed by the Substance Abuse and Mental Health Services Administration National Registry of Evidence-Based Programs and Practices or culturally-based practices deemed effective and appropriate.

JDTC Objective No. 7 is to monitor and track program completion and termination. The New Mexico standards require that each drug court shall use the database specified by the AOC for collection of participant demographic and program activity data. Programs are responsible for collecting information to calculate approved performance measures.

Mr. Mitchel ended by stating that despite what the data appears to show, he believes that with the use of best practices, good things can happen in the Juvenile Drug Courts, especially when the judge is engaged.

Mr. Mitchell noted, in response to questions from the Committee, that the LFC did not interview any of the juveniles in the process in conducting their evaluation. He also noted that the LFC seemed to struggle with comparison groups.

There was a discussion between Mr. Mitchell and members of the committee concerning the use of detention for juvenile offenders. There was a discussion of how well raw numbers can capture the effects of the Juvenile Drug Courts, whether the changes in predominant drugs of choice has had an impact on the effectiveness of the Drug Courts, shifting theories of which juveniles should be placed in the program, and how discussion of treatment and whether juveniles get referrals has to be included in the discussion of Drug Court effectiveness.

**Discussion of 2018 Juvenile Committee Work Plan.** The discussion of the 2018 work plan was postponed until the next meeting. Topics to be considered will include a presentation from the Juvenile Justice Advisory Committee and a discussion of juvenile community corrections.

**Next meeting.** The next committee meeting was set for May 24, 2018.

**Adjourn.** The meeting adjourned at 1:00 p.m.