

Children, Youth and Families Department



Statewide Disproportionate Minority Plan

Office of Juvenile Justice Delinquency Prevention
2003 through 2008

Presented to the Blue Ribbon Panel

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DISPROPORTIONATE MINORITY REPRESENTATION IN NEW MEXICO'S JUVENILE JUSTICE SYSTEM AND A PLAN TO MOVE FORWARD

New Mexico's diversity is one of our state's greatest strengths. Our diversity provides each of us with unique perspectives on issues impacting society. Each of us has a responsibility as individuals to set personal standards of behavior of respect for each other. For systems of care and accountability, there is a concomitant responsibility to use objective criteria to make decisions fairly.

In a state that celebrates its diversity, then why are youth of color disproportionately represented in our juvenile justice system? That question has brought together a group high-level participants, chaired by the Cabinet Secretary of the New Mexico Children, Youth and Families Department, to study the issue and to develop a comprehensive statewide plan to address how we can solve this problem. Our common goal to eliminate disproportionate minority representation in the juvenile justice system in New Mexico demonstrates not only our resolve, but our values and commitment to the fair treatment of youth.

BACKGROUND

Disproportionate minority representation means that youth from certain racial and ethnic backgrounds penetrate more deeply into the juvenile justice system when compared to their overall presence in the population. Our looking at how to respond to this issue began in 1994, with a report from the New Mexico Highlands University to the Governor's Office Commission on

Civil Rights. Even though there is significant longevity examining this issue, there have been lapses in creating an overall response.

The New Mexico Highlands University report noted a number of areas requiring attention, such as more uniform methods to collect statistical information; minority youth were more likely to be detained and referred to the juvenile probation office; and minority youth's penetration into the more serious constraints on freedom, such as commitment, continued to rise. In 1998, the New Mexico Children, Youth and Families Department introduced a structured decision making tool for juvenile probation services. The implementation of the structured decision making tool allowed a more uniform collection of data about the types of delinquent offenses and the recommendations made to the judiciary to hold the youth accountable. In 1999, the data gleaned from the structured decision making tool began to provide a more pointed examination of the decisions being made and led to the first statistical report about the racial and ethnic makeup of the juvenile delinquency population. This effort coincided with the national report the Office of Juvenile Justice Delinquency Prevention issued, entitled *The Color of Justice*. In 2000, the New Mexico Children, Youth and Families Department continued to collect statistical information and formed an internal workgroup to discuss strategies to engage the members of the juvenile justice community to address the problem. The Office of Juvenile Justice Delinquency Prevention provided funding to this state agency for extra technical assistance to address disproportionality in our juvenile justice system.

In Fall, 2001 the Blue Ribbon Panel was established. All of the members represent key decision-makers at each entry and exit point in the juvenile justice system - - from schools through police to parole. The Blue Ribbon Panel held its first meeting in November 2001 to

introduce the issue to the public and provided statistical information about New Mexico youth who touch and then penetrate into the juvenile justice system. Just as in 1994, the information presented in November 2001 showed that minority youth were disproportionately represented when they first touched the juvenile probation system through an informal contact, and that their presence more than doubled for African American and Native American youth at the point of a facility commitment. The Blue Ribbon Panel designated three local sites to solicit feedback on how to construct the statewide plan to address the issue systematically.

In April 2002, the Blue Ribbon Panel met and began work on the statewide plan. Importantly, the Blue Ribbon Panel set the goal of the complete elimination of the problem within the next five years. The statewide plan is the roadmap to reach this goal.

MISSION

- (1) To collaborate with state agencies while working with local communities to reduce the over-representation of minority youth in all phases of the juvenile justice system.
- (2) To incorporate into the allocation of juvenile justice and juvenile justice related resources at the state and local levels consideration of disproportionate minority representation.
- (3) To impact those circumstances in which a “sloppy juvenile justice system” may foster over-representation of minorities.

STATEWIDE STRATEGY

COMPONENT I IDENTIFICATION

Blue Ribbon Panel and Local DMR Committees (3 sites)

- (I) Establish a statewide committee, composed of the leadership of relevant state agencies, including the Supreme Court and law enforcement, to focus public attention on DMR as an

important agency and interagency priority and to establish a common understanding about how DMR manifests in our juvenile justice system as a foundation for collaboration on the Initiative.

- (2) Introduce the DMR Initiative to the public through periodic public meetings of the Blue Ribbon Committee, with invitations to related agencies and community based organizations to advise on specific topics.
- (3) Institute a means for regular exchange of information about DMR efforts at the state and local level, accessible to members of the public and committee members as well.

Measurable objectives

- a. By November, 2001, invite chief executive officers of statewide agencies, including CYFD, Behavioral Health, the Supreme Court, leading representatives of law enforcement, public education and Native American tribes, and senior Legislators to become members of the Blue Ribbon Panel.
- b. By December, 2001, identify three local DMR sites and begin meetings at those sites with local agency representatives and interested persons and parents to acquaint them with the DMR Initiative, how it relates to the juvenile delinquency prevention strategy, including strategic planning and the Communities that Care Initiative and to solicit input from these communities on how the issues of disproportionate minority representation may manifest in neighborhoods and the local juvenile justice system.
- c. By April, 2002, conduct a follow-up meeting with the Blue Ribbon Panel to (1) set goals for the state regarding DMR, (2) review the response to the Initiative at the local meetings and strategies and, (3) establish statewide priorities.
- d. Organize two additional quarterly meetings for the Blue Ribbon Panel, to receive the reports of the committees, review findings, draft recommendations and finalize the statewide DMR plan for presentation to invited legislators and members of the judiciary at the final meeting of 2002.

Achieved: The statewide Blue Ribbon Panel has been established and has met twice. Already it has adopted by unanimous vote the goal of NO disproportionate minority representation and the elimination of over representation of minority youth at all phases of the juvenile justice system.

Priorities for the statewide Initiative are as follows: **(1) detention and correctional reform** including pre-adjudication secure detention admissions and screening; behavioral health assessment/treatment for youth in detention; juvenile justice-school coordination; alternatives to detention; reentry and parole planning. **(2) prevention and community organization** including strengthening families and neighborhoods, and **(3) judicial and staff education** including judicial education on the Initiative and state statistics, cultural competency training,

making juvenile cases a priority within law enforcement and District Attorney Offices; District Attorney charging pollicies; and, amending court rules to expedite juvenile cases.

Subcommittees were established. The first subcommittee was appointed to develop a legislative agenda in collaboration with the Children’s Code Legislative Memorial review of delinquency statutes and the review of Rules of Court for the Children’s Code. The second subcommittee is a data working group that will be responsible for making recommendations to the Blue Ribbon Panel regarding the data foundation for the DMR Initiative and for monitoring progress on the data matrix established by OJJDP. (See Exhibit A, Matrix)

In addition, the Blue Ribbon Panel considered data showing the arrest, referral and commitment profile from the 11th Judicial District and specifically from Farmington. The data reflects the highest commitment rate of Native Americans in the state and significant disproportionality. The Panel agreed unanimously to add Farmington to the three model sites.

October ----- 2002 and December 6, 2002 have been tentatively established as the quarterly meetings for the Blue Ribbon Panel. The December 6, 2002 meeting will individually invite legislative leaders and judicial representatives. The Panel will present the statewide DMR plan and relevant recommendations which can be incorporated into a legislative strategy and court rules review.

Collaboration

- Blue Ribbon Panel members
- Hobbs Strategic planning committee
- Hobbs Juvenile Justice prevention committee
- Santa Fe Regional Juvenile Justice Board
- Albuquerque Detention Reform Committee

Impediments

- Other agency/personnel priorities and responsibilities
- Broad scope
- Implementing a strategy at the local sites that extends beyond agency leadership
- Incorporating local DMR committees into the statewide strategy
- Keeping the focus on DMR implications rather than on the broader causes of juvenile delinquency and failure in schools, etc.

Data Collection and Matrix Working Groups

- (I) Appoint an intragency data working group within CYFD to assess how data is collected and to identify gaps and inconsistencies in data collection.

Measurable objectives

Meetings

Participation

Progress on Goals

Collaboration

Collaboration occurs within CYFD so that institutional staff, administrators, data staff and planners work together on the matrix and assessing data collected from all sources within the Department

Impediments

Understanding the capacity of existing data systems

Understanding the purpose of existing data systems

Accessing data routinely collected for DMR purposes

Inconsistency in data collection and data management programs

Maintaining the quality of the data input from the field

Integration of CYFD Department data systems

- (2) At each of the three local sites (Albuquerque, Santa Fe and Hobbs) establish a data working group that in conjunction with the statewide strategy will adapt and annotate the DMR juvenile justice flow chart(s) to reflect local conditions, data and resources.

Measurable Objectives

Frequency of meetings

Broad based participation

Integration with other juvenile justice projects

Identification of new or additional data sources

Collaboration

Actively recruit the participation of schools, youth and their families, health agencies, behavioral health, private business, juvenile justice agencies, courts, DDA, PD, police and sheriffs, community based organizations and interested individuals.

Impediments

Maintaining focus

Confidentiality limitations on sharing information/records

Time constraints on the participants

Establishing a common base of information

- (3) At each site, establish priorities for data collection, adopt a strategy for data collection, make assignments and begin to refine state data and identify supplemental data

Measurable Objectives

- Regular meetings
- Consensus on goals and strategy
- Realistic timetables
- Realistic goals
- Active involvement of local officials

Collaboration

Broad participation to include but not be limited to, schools, health agencies, behavioral health professionals, private agencies, juvenile justice agencies, police, DA, PD, youth and their families, and community based programs.

Impediments

- Maintaining focus
- Cooperation among agencies
- Sustained leadership on the issue at the local level
- Confidentiality limitations on sharing information/records

- (4) Establish a data collection working group from the membership of the Blue Ribbon Panel that will create a flow chart showing decision points in the juvenile justice system, to be used to demonstrate the nature and quality of data collected by state agencies, system gaps and overlaps. The working group will also identify potential data sources from outside the juvenile justice system that might be useful in planning, e.g., school data, social services data, and behavioral health. To identify trends in DMR and complete, update and review annually the OJJDP DMR/DMC data matrixes.

Measurable Objectives

- Regular Meetings
- Participation
- Completion of DMR flow chart
- Draft recommendations for Blue Ribbon Panel

Collaboration

The data working group is led by Ms. Charlene Knipfing, chair of the Juvenile Parole Board and includes representative(s) from schools, local detention facility, CYFD planners, juvenile institution director and DMR coordinator.

Impediments

None. Goals have been achieved. The DMR flow charts (2) have been created and are ready for use by the interagency data committee and at the three local sites. Recommendations will be made to the Blue Ribbon Panel. OJJDP DMR matrix has been completed for this quarter.

- (5) Utilize interagency data working group to monitor impact of the Structured Decision Making Risk Assessment instrument on disproportionate minority representation.

Measurable Objectives

Review NCCD report(s) on Structured Decision making Instrument (SDM)

Identify probable implications for minorities, 2002 and 2003

Incorporate data collected through SDM project into DMR flow chart and/or identify data related issues

Collaboration

Intradepartmental staff, including persons from prevention, probation, institutions, and planning

National Council on Crime and Delinquency (NCCD)

University of New Mexico policy institute

Impediments

Incomplete reporting

Inconsistent use of SDM instrument

Overriding of instrument

Assessing the impact of incongruity between dispositions and needs/strength assessment, through SDM

B. COMPONENT II ASSESSMENT

Agency Policies, state and local

(l) Blue Ribbon Panel members will initiate an internal policy review to identify policy areas which may have an impact on DMR. Each agency will list priorities and report to the Blue Ribbon Panel on those policy areas which impact DMR and which can be an immediately modified, and those which will require more time and collaboration, new policy and/or legislation, or interagency agreements.

This agency policy review is intended to include the Office of the Public Defender which is a state agency. Policy review will focus on those issues which may impact the quality of legal representation received by juveniles who are unable to obtain private counsel.

Measurable Objectives

Each panel member reports on the results of his/her interagency review
Each panel member identifies internal agency priorities

Collaboration
Panel members
Private attorneys
Community groups associated with agency

Impediments
Delays
Demands on other agencies
Lack of understanding of DMR implications

2. Research consistently shows that juvenile justice and law enforcement personnel have direct impact on the fairness and objectivity of the juvenile justice system and public perceptions about whether the system disproportionately impacts minorities. Local sites will be asked to collect information about the training provided to local law enforcement, courts, and juvenile justice agencies. This information will be evaluated for cultural competency and appropriateness to socio-cultural conditions.

Measurable Objectives
Comprehensive summary of training curriculum at all levels and in each agency
Copies of training curriculum is available to local sites
Juvenile justice training is compared to ACA standards
Resumes of training staff are reviewed
The training provided to trainers is reviewed
Random survey of new employees in each agency regarding cultural sensitivity
Review of structured decision making patterns

Collaboration
Local law enforcement
Courts
Agency training personnel
American Corrections Association

Impediments

Lack of data

Staff turnover

Changes in training requirements/philosophy

3. Identify those policies and/or procedures of agencies outside the juvenile justice system which may result in youth being detained in or committed to the juvenile justice system who would be better served by other agencies, e.g. mental health, behavioral health, and specialized social services.

Measurable Objectives

Timely assessment and reporting

Consensus on agency policies in conflict with goals

Compare with American Correctional Association (ACA) training standards

Collaboration

Local agencies

Courts

Community Mental Health agencies

Community based drug and alcohol treatment programs

Impediments

Operational demands on agency resources

Difficulty identifying potential for immediate impact

Difficulty in tracing impact

4. Local site community resources mapping

After the local site committee has completed data collection for the DMR flow chart and the OJJDP matrix, each committee will be asked to adopt priorities and a strategy consistent with the statewide commitment of NO disproportionate minority representation and the related priorities, set by the Blue Ribbon Panel.

Measurable Objectives

Describe and implement a plan that merges the local data flow chart into a local action plan.

Fill in data gaps

Draft recommendations if necessary for new or expanded data collection systems

Match data, with community resources, arrests, and neighborhoods within each local community

Create a socio-economic snapshot of each neighborhood that links services with demand

Collaboration

Local community groups

Schools

Public social services agencies

Private agencies and foundations

Impediments

Access to local law enforcement arrest data

Absence of field contact cards or data

Integrating data from multiple sources, public and private agencies

Assessing need for services vs. reported numbers

Inconsistent data collection and access

COMPONENT III: INTERVENTION

(1) Prevention and Diversion Services

Local data committees will examine the use of first offender programs, diversion and community alternatives and their impact on (a) limiting the number of juveniles who enter or who are under the supervision of the juvenile justice system and (b) creating interventions to limit DMR.

Measurable Objectives

Availability of First Offender programs

Collect Data on effectiveness of First Offender programs

Review annual reports

Collaboration

Focus groups

Parents and juvenile participants

(2) Public education/legislative strategy

Expand Blue Ribbon Panel to invite specialists, including academics and researchers from local institutions of higher education.

Begin a public discussion and/or conduct focus groups on the connection in the local communities between failure in school and penetration into the juvenile justice system. Using the annual accountability report for each local school district and the individual school reports, map referrals to JPPOS with school attendance and related indicia.

Develop a constituency for statewide and local reform based on DMR. Create a mailing list of relevant agencies and interested individuals to target for DMR awareness, and disseminate information to the public about the issue in general and local opportunities to participate in the DMR Initiative.

Develop an executive summary version of the findings of the local and statewide committees for distribution to selected individuals and public events associated with youth and families.

(3) Training and Staffing

Review training curriculum and assessments from other jurisdictions. and adopt a training curriculum which includes standards and support its use, on any agency by agency basis. Examine best practices models relating to cultural sensitivity and training standards for employees and trainers.

(4) Allocation of federal and state funds

RFP's and grant criteria will emphasize DMR considerations. Prioritize funding that will address minority youth and their over-representation in the juvenile justice system and increase the number of grants and actual dollars allocated to reducing DMR through prevention and diversion programs. Agencies will be asked to modify their criteria to require all applicants for OJJDP funds to show their specific plans to address the reduction of DMR and their methods of evaluating the impact of their program on DMR.

(5) Program Assessment and Evaluation

Identify programs which have impacted DMR outside of New Mexico and examine those program models for application in New Mexico.

Monitor impact of SDM on over-representation of minorities at all phases of the juvenile justice system.

Develop an assessment tool for all segments of the juvenile justice system designed to determine how well the goals of the Blue Ribbon Panel and reducing DMR to "0" have been met.

Develop requirements of an empirical study of causes of DMR for local sites.