

New Mexico Compliance Monitoring Manual

Policies and Procedures Manual for Monitoring Compliance With Core Requirements of the Formula Grants Program Authorized Under Title II, Part B, of the Juvenile Justice and Delinquency Prevention Act

Revised July 7, 2022

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This document addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15) is not discussed in this document because states do not monitor individual facilities for compliance with racial and ethnic disparities requirements.

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FOREWARD

This guide has been developed by the Children, Youth & Families Department (CYFD) to acquaint New Mexico's key law enforcement, detention, corrections, and court stakeholders in the juvenile justice system with both the core requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP) and corresponding state statutes regarding the safe and appropriate processing of juveniles; concerning arrest, booking, detention or transportation of status offenders and delinquent offenders.

New Mexico maintains and monitors compliance with the core requirements on an ongoing basis and reports compliance and violations annually to the U.S. Department of Justice/Office of Juvenile Justice and Delinquency Prevention. CYFD is the designated state agency to administer several JJDP grant fund programs, monitor compliance with the core requirements of the JJDP, and staff the governor-appointed Juvenile Justice Advisory Committee (JJAC). Working in conjunction with JJAC and other juvenile justice system agencies, CYFD provides the leadership necessary to coordinate the JJDP and juvenile justice efforts. New Mexico receives Title II Formula Grant funds annually, dependent on compliance with the core requirements of the JJDP. The core requirements explained further in this manual, have become tenants for basic professional practice throughout the country. It is incumbent upon all agencies to assist the state in maintaining compliance, assure safe and appropriate processing of juveniles, and retaining these funds for juvenile justice programming.

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SECTION I. INTRODUCTION/BACKGROUND

A. Program Introduction

Title II, Part B, JJDPa sets out detailed requirements that a state must satisfy to be eligible to receive funding under the Act's Formula Grants Program, including the submission of a state plan that satisfies the requirements set forth at 34 U.S.C. § 11133(a)(1)-(33). Under the Act, "[i]n accordance with regulations which the Administrator shall prescribe, such plan shall," among other things—

...provide for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the Administrator[.] [34 U.S.C. § 11133(a)(14)].

The following are the core requirements related to Compliance Monitoring:

1. Deinstitutionalization of Status Offenders (DSO) - 34 U.S.C. §11133(a)(11)(A)
2. Removal of Juveniles Charged as Adults from Adult Facilities under Section 223(a)(11)(B)
3. Separation of Juveniles from Adult Inmates (Separation) - 34 U.S.C. § 11133(a)(12);
4. Removal of Juveniles Prosecuted as Adults from Adult Facilities (Jail Removal) - 34U.S.C § 11133 (a)(13).

Data reporting is based on the federal fiscal year, which runs from October 1 of one calendar year through September 30 of the next, requiring 12 full months of data.

New Mexico is required to provide data for a minimum of at least 85% of the facilities in its monitoring universe related to three of the core requirements, to include 223(a)(11)(B) as contained within the [Juvenile Justice and Delinquency Prevention Act](#) ("JJDPa" or the "Act"), as amended, with a target of 100% reporting.

B. Purpose of the Compliance Monitoring Manual

The New Mexico Children, Youth and Families Department (CYFD) serves as New Mexico's Designated State Agency (DSA) for the monitoring of facilities and administration of federal funds relative to compliance with the Title II Formula Grant Program - Juvenile Justice and Delinquency Prevention Act (JJDPa), as amended.

This manual addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15), is not discussed in this manual because states do not monitor individual facilities for compliance with racial and ethnic disparities. All references made to "core requirements" in this manual pertain to requirements found in §§ 11133(a)(11), (12), and (13).

SECTION II. COMPLIANCE WITH THE CORE REQUIREMENTS

This section describes the core requirements at 34 U.S.C. § 11133(a)(11), (12), (13), and the statutory and regulatory references are described below.

A. Deinstitutionalization of Status Offenders (DSO) – 34 U.S.C. § 11133(a)(11)(A)

Pursuant to 34 U.S.C. § 11133(a)(11)(A), juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders – runaways, truants, possession of tobacco, and incorrigible in New Mexico), or juveniles who are not charged with any offense and unauthorized immigrants or are alleged to be dependent, neglected or abused (nonoffenders), shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no such juveniles were placed in secure detention and correctional facilities, or when the state’s DSO rate falls below the established threshold.

The New Mexico CYFD Compliance Coordinator (the federal equivalent to a Compliance Monitor) validates all juvenile reporting logs for any juvenile held on status offenses and placed in residential areas. Facility administrators (police, sheriff, court officials) forward their reporting logs monthly via email to the CYFD Compliance Coordinator. Logs are continuously reviewed. Agencies with possible violations are immediately contacted to verify the violation. If a violation is substantiated, departments are provided with education and strategies to prevent further issues. The CYFD Compliance Coordinator further validates the information during the onsite inspection. Violations found are addressed by the CYFD Compliance Coordinator, as described in Section III, Part D.

Additionally, in New Mexico when a juvenile is detained or confined by law enforcement for an alleged delinquent offense or a warrant, CYFD Juvenile Probation is notified and completes a Risk Assessment Instrument (RAI). The RAI is used to help determine if the juvenile should be placed in a juvenile detention center (JDC) or an alternative. RAI information is entered into CYFD’s SARA (Screening, Admissions, and Releases Application database), accessible by the CYFD Compliance Coordinator for review.

New Mexico Children’s Code [32A-2-11](#) dictates the criteria for detention; which includes only alleged delinquent acts. Therefore, no status offenders, aliens, or nonoffenders can be placed in secure custody or correctional facilities. Additionally, per [8 NMAC 8.14.14.2](#), JDCs “*shall not detain children younger than the age limit identified in the Children’s Code, status offenders, persons charged or previously adjudicated as delinquents or youthful offenders who are 18 years of age and older who have previously been detained with an adult population, or persons who are 18 years of age and older who are participating in a juvenile specialty court program serving custodial sanctions.*”

There are three exceptions to the DSO core requirement:

1. *Youth Handgun Safety Exception*

Under 34 U.S.C. § 11133(a)(11)(A)(i)(I), the DSO requirement does not apply to juveniles charged with or found to have violated the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or a similar state law, which prohibits a person younger than 18 from possessing a handgun. Such juveniles may be placed in secure detention or secure correctional facility without resulting in an instance of noncompliance with the DSO requirement.

New Mexico utilizes the Youth Handgun Safety Exception. NM § 30-7-2.2 states that a person who is younger than nineteen years old cannot unlawfully possess a handgun and that such person would be charged with a misdemeanor. NM § 32a-2-33 addresses "child in possession of a firearm on school premises; detention; hearing" which such child would be charged with a felony. When law enforcement encounters a juvenile in possession of a handgun, the officer will contact CYFD Juvenile Probation. CYFD Juvenile Probation once notified will conduct a RAI. The RAI is used to help determine if the juvenile should be placed in a secure detention facility (juvenile detention center (JDC)) or a detention alternative program. RAI information is entered into CYFD's SARA database. This is accessible for review by the CYFD Compliance Coordinator.

2. *Valid Court Order (VCO) Exception*

Pursuant to 34 § 11133(a)(11)(A)(i)(II), provides that juveniles found to have violated a valid court order issued for committing a status offense may be placed in a secure juvenile detention or correctional facility.. A juvenile who has violated a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as a failure to appear) is neither a status offender nor a nonoffender and the DSO requirement does not apply. To demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to verify whether court orders used to place status offenders in juvenile detention centers (including juveniles who violate valid court orders related to their status as a juvenile), meet the requirements set forth at 34 U.S.C. § 11133(a)(23).

New Mexico does not use the VCO exception per New Mexico Children's Code [NM § 32A-2-11](#) which dictates the criteria for detention and includes only alleged delinquent acts. Therefore, no status offenders, aliens, or nonoffenders can be placed in secure detention or correctional facilities. Additionally, per [8 NMAC 8.14.14.2](#), JDCs "shall not detain children younger than the age limit identified in the Children's Code, status offenders, persons charged or previously adjudicated as delinquents or youthful offenders who are 18 years of age and older who have previously been detained with an adult inmates, or persons who are 18 years of age and older who are participating in a juvenile specialty court program serving custodial sanctions."

3. *Interstate Compact on Juveniles (ICJ)*

Pursuant to the DSO requirements at 34 U.S.C. § 11133 (a)(11)(A)(i)(III), status offenders may be held in accordance with the Interstate Compact on Juveniles (ICJ), which was enacted by the State

of New Mexico in 2003. New Mexico participates in the Interstate Compact on Juveniles (ICJ) via [NM § 32A-10-9](#). Additionally, New Mexico addresses the “Interstate Compact on Placement of Children via [NM § 32A-11](#).

The CYFD Compliance Coordinator validates all juvenile reporting logs for any juvenile held on status offenses and placed in residential areas. Facility administrators, self-report admission data via email to the CYFD Compliance Coordinator monthly. Logs are continuously reviewed. Agencies with possible violations are immediately contacted to substantiate the violation. If a violation is verified, departments are provided with education and strategies to prevent further issues. The information is further validated during the onsite inspection process. The CYFD Compliance Coordinator will address the violations found, as described in Section III, Part D.

On a biannual basis (tentatively scheduled to occur in April and October), the New Mexico Deputy Compact Administrator of ICJ and Appointed Commissioner are contacted to verify that juveniles held under the Compact meet the mandates of the ICJ. Additionally, training and resources can be found at: <http://www.juvenilecompact.org>.

B. Removal of Juveniles Charged as Adults from Adult Facilities¹

Section 223(a)(11)(B) - Order Removal of Juveniles Charged as Adults from Adult Facilities

Under Section 223(a)(11)(B), or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below. A juvenile charged as an adult may be detained in an adult jail or lockup if one of the exceptions at 34 U.S.C. § 11133(a)(13) applies:

- a. Six-Hour Exception,
- b. Rural Exception,
- c. Travel Conditions Exception, and
- d. Conditions of Safety Exception.

Each is described later in Section III. Part D - Removal of Juveniles from Adult Jails and Lockups (Jail Removal).

In addition, a court may determine after a hearing and in writing, that it is in the interest of justice to permit a juvenile to be detained in a jail or lockup for adults or have sight or sound contact with adult inmates in a secure facility. If the court makes an initial determination that it is in the interest of justice to detain a juvenile, under those circumstances, the court must hold a hearing at least every 30 days (at least every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such

¹ This section of the manual references a provision of the Act that was codified at 34 U.S.C. § 11133(a)(11)(B). OJJDP refers to the requirement described in that provision as the “Section 223(a)(11)(B)” requirement.

that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:

1. the age of the juvenile;
2. the physical and mental maturity of the juvenile;
3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
4. the nature and circumstances of the alleged offense;
5. the juvenile's history of prior delinquent acts;
6. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and
7. any other relevant factor(s).

The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility is 180 days, unless the court determines, in writing, that there is good cause for such an extension, or the juvenile expressly waives this 180-day limitation.

The CYFD Compliance Coordinator will validate all juvenile reporting logs for any status offender held in residential facilities.. Facility administrators, self-report admission data via email to the CYFD Compliance Coordinator monthly. Logs are continuously reviewed. Agencies with possible violations are immediately contacted to verify the violation. If a violation is verified, departments are provided with education and strategies to prevent further issues. The admission information is further validated during the onsite inspection process. Section III, Part D of this manual beginning on page 19 identifies how specific violations will be addressed by the CYFD Compliance Coordinator.

C. Separation of Juveniles From Adult Inmates (Separation) – 34 U.S.C. § 11133(a)(12)

Pursuant to 34 U.S.C. § 11133(a)(12), juveniles alleged to be found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized to immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight and sound contact with adult inmates. To comply with the separation requirement, New Mexico has a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.

Pursuant to [NM § 32A-2-12](#) and [8 NMAC 8.14.14.12. B](#), New Mexico requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles.

Juveniles who are transferred, certified, or waived to criminal court

Juveniles who are transferred, certified, or waived to criminal court and are, therefore, charged as adults, may not be detained in an adult jail or lockup, or have sight or sound contact with adult inmates in a secure facility, unless it is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B). However, as described in Section III, Part B. of this manual above, a court may determine that it would be in the interest of justice as codified under 34 U.S.C. § 11133(a)(11)(B). If a juvenile who has been charged as an adult has been convicted and sentenced for criminal offenses, however, Section (a)(11)(B) no longer applies.

New Mexico complies with the sight or sound separation requirements for youth charged as adults under the Juvenile Justice Reform Act (JJRA) of 2018, as enacted on December 21, 2021. In New Mexico, juveniles admitted to adult jails or lockups, must have been legally excluded from the jurisdiction of the Juvenile Court based on the offense for which they are charged, or certified by the Juvenile Court, having met all legal conditions as outlined in the New Mexico Children's Code, to the Criminal Court for prosecution. [NM § 32A-2-15](#), [NM § 32A-2-19](#) and [NM § 32A-2-20](#) provides information on delinquency proceedings. For additional information on timelines for a [detention hearing](#), [adjudication in delinquency proceedings](#), and [adjudication in youthful offender proceedings](#) can be found in Children's Court Rules.

In certain instances, in New Mexico, a child may be detained in an adult jail:

- Under [NM § 32A-2-12\(C\)](#), a child adjudicated as a youthful offender who is violent toward staff or other residents in a detention facility may be transferred and detained pending a court hearing in a county jail.
- Under [NM § 32A-2-12\(D\)](#), a child who has previously been incarcerated as an adult or a person 18 years of age or older may be detained in a county jail, although a child may not be transferred to a county jail solely based on turning 18 while detained in a juvenile detention facility;
- Under [NM § 32A-2-12\(E\)](#), a child alleged to be a serious youthful offender may be detained, pending a court hearing and before arraignment, in a county jail if other options listed in the statute are inappropriate.

In all these situations, the jail administrator/director must presume that the child is vulnerable to victimization by inmates within the adult inmates due to their age and take measures to protect the child. The protective measures must not diminish the child's civil rights to less than those afforded to incarcerated adults. [NM § 32A-2-12\(C\) - \(E\)](#).

[Current NM Children's code is not expressly aligned with the federal law in this area. Current practices are in line with the federal requirements, and the CYFD Compliance Coordinator will continue to closely monitor for potential violations in this area. Violations found will be addressed by the CYFD Compliance Coordinator, as described in Section III, Part D.](#)

The CYFD Compliance Coordinator makes regular presentations on the federal requirements to stakeholder groups, including Childrens Court Judges, Prosecuting Attorneys, Defense Attorneys and Jail Officials, and Juvenile Probation Officers. Additionally, CYFD is looking to have needed

changes to the State's Children Code aligned with the JJDP, as amended in a future legislative session.

Juveniles who reach the age of full criminal responsibility after arrest or adjudication

Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under the jurisdiction of juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they reach the state's maximum age of extended juvenile jurisdiction. By contrast, individuals under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility, are adult inmates, who must not have sight or sound contact with detainees.

The age of a youth who comes within the jurisdiction of the state's juvenile courts is defined by state law in New Mexico: Juvenile Court has jurisdiction over offenses alleged to have been committed before a child's 18th birthday; after age 18, the youth is charged in adult court, [NM § 32A-1-4\(B\)](#). Juvenile courts can retain jurisdiction over youth until age 21 in certain circumstances, provided that the offense alleged to have been committed occurred before the youth turned 18. [NM § 32A-2-23\(E\)-\(F\)](#).

Programs in which juveniles have sight and sound contact with adult inmates

Programs in which juveniles have sight and sound contact with adult inmates to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the Separation, DSO, and Jail Removal requirements. Whether these programs result in an example of noncompliance depends on how the program operates and the circumstances of the juveniles' participation in such a program. Cases of noncompliance with the separation requirement only occur if a juvenile's involvement in such a program is under law enforcement or juvenile or criminal court authority. In addition, for violations to occur, the juvenile must not be free to leave or withdraw from program participation, even if their parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile participation

Following current OJJDP policy and proposed regulation, New Mexico monitors and complies with the requirement that no juvenile offender under public authority shall enter, for any amount of time, into a secure setting or secure section of any jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior (e.g., Shock Incarceration, Scared Straight or Shape Up). Based on the monitoring experience of the CYFD Compliance Coordinator and the internal inspection checklist that asks about Shock Incarceration, Scared Straight, or Shape Up programs; no such programs are operating in New Mexico. However, should such programs be found, the CYFD Compliance Coordinator will complete an inspection and observe the program in action to ensure compliance with the core requirements. Students visiting voluntarily as part of a school project would not be counted as violations if parental consent is received; which would be required for a program to operate.

D. Removal of Juveniles From Adult Jails and Lockups (Jail Removal) - 34U.S.C § 11133 (a)(13)

Pursuant to [34 U.S.C. § 11133\(a\)\(13\)](#), no juvenile shall be detained or confined in any jail or lockup for adults, with exceptions described below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense, and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in an adult jail or lockup. The following four statutory exceptions apply to the jail removal requirement, if juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both juveniles and adult inmates in collocated facilities to have been trained and certified to work with juveniles:

Six Hour Exception

Pursuant to 34 U.S.C. §11133(a)(13)(A) allows the detention or confinement in an adult jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:

- a. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release, while awaiting transfer to a juvenile facility, or in which period the juvenile makes a court appearance.
- b. A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.

New Mexico mandates that all juveniles detained or confined within an adult jail or lockup use the six-hour exception for accused delinquent offenses. The CYFD Compliance Coordinator validates all juvenile reporting logs for any juvenile held on status offenses and detained or confined in residential areas. Facility administrators, self-report admission data via email to the CYFD Compliance Coordinator monthly. Logs are continuously reviewed. Agencies reporting possible violations are immediately contacted to verify the violation. If a violation is verified, departments are provided with education and strategies to prevent further issues. The information is further validated during the onsite inspection process. The CYFD Compliance Coordinator addresses violations found, as described in Section III, Part D.

Rural Exception

Pursuant to 34 U.S.C. § 11133(a)(13)(B)(ii)(I) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance when the jail or lockup is outside metropolitan statistical areas (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available.

OMB maintains a list of metropolitan statistical areas that it periodically updates by posting a bulletin on its website. The relevant bulletin will be titled "OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineation of These Areas, and the most recently issued update should be used. To determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of Metropolitan statistical area, the principal city or cities, and the counties included in that area. New Mexico does not currently use the Rural Exception.

Travel Conditions Exception

Pursuant to 34 U.S.C. § 11133(a)(13)(B)(ii)(II), states may detain a juvenile accused of a delinquent offense in an adult jail or lockup, if the facility is located where conditions of distance to be traveled or the lack of highway, road, or transportation does not allow for court appearance within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable. New Mexico does not currently use the Travel Conditions Exception.

Conditions of Safety Exception

Pursuant to 34 U.S.C. § 11133(a)(13)(B)(ii)(III), if the adult jail is located where conditions of safety exist (such as severely adverse weather conditions that do not allow for reasonably safe travel), a juvenile accused of a delinquent offense may be detained therein and his or her court appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel. New Mexico does not currently use the Conditions of Safety Exception.

SECTION III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING

A. Summary of Elements

States participating in the Formula Grants Program must provide for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that they meet the core requirements, pursuant to the monitoring and reporting requirement at [34 U.S.C. § 11133\(a\)\(14\)](#). The state's monitoring system, if it is to comply with the statutory and regulatory monitoring requirements, must include all jails, lockups, secure detention facilities, and secure correctional facilities. There are eight elements of an effective system of monitoring. For each of the following elements, New Mexico provides a description of its specific policies and procedures:

1. Compliance Monitoring Policies and Procedures
2. Monitoring Authority
3. Violation Procedures
4. Adherence to Federal Definitions

5. Identification of the Monitoring Universe
6. Classification of the Monitoring Universe
7. Inspection of Facilities
8. Compliance Data Collection and Verification

This Compliance Monitoring Manual (CMM) describes each of the above elements in detail for the Compliance Monitoring of New Mexico. CYFD serves as New Mexico's Designated State Agency (DSA) for the monitoring of facilities and administration of federal funds relative to compliance with the Title II Formula Grant Program - JJDP, as amended.

Monitoring includes providing statewide education to those agencies that have the ability to detain or confine juveniles in a secure setting. It also includes collecting and evaluating data to ensure that the core requirements are being met. And most importantly, to immediately respond and provide remedial education and action where necessary to those who violate or fail to comply with the JJDP and New Mexico State law.

The monitoring system is outlined in the proceeding pages. These policies provide a general description of the monitoring system and specify the availability of all laws, regulations, standards, guidelines, and policies dealing with the incarceration of juveniles. This is used to carry out the monitoring tasks related to the DSO (including Section 223(a)(11)(B)), Separation, and Jail Removal core requirements of the JJDP, as amended. Essential to establishing a compliance monitoring universe are these requirements:

- a) identification of the facilities to be monitored,
- b) classification of facilities,
- c) inspection of facilities,
- d) data collection from the facilities, and
- e) means of data verification.

OJJDP requires that each task be completed annually. These elements are outlined thoroughly throughout this manual.

B. Compliance Monitoring Policies and Procedures

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)](#), one of the required elements of an effective system of monitoring is that states must describe their policies and procedures for monitoring for compliance with the core requirements. The purpose of this manual is to satisfy the policies and procedures element, as well as describe how the state satisfies the following additional elements required for an effective system of compliance monitoring (see Section III of this manual).

New Mexico is required to have a written plan, which provides for an effective system of monitoring for facilities to ensure compliance with the core requirements of the JJDP. This is established in the Juvenile Justice Reform Act (JJRA) of 2018 pursuant to 34 U.S.C. § 11133(a)(14) and requires that participating States:

“...provide for an effective system of monitoring adult jails, adult lockups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the [OJJDP] Administer...”

The core requirements are set forth in 34 U.S.C. §§ 11133(a)(11), (12), and (13). Provisions established in the Act for the fourth core requirement of Racial and Ethnic Disparity (R/ED) Section 223 (a)(15), are also monitored for compliance, which is reported annually to federal OJJDP. The procedures related to the R/ED requirement are not included in this manual.

New Mexico strives to maintain compliance with the core requirements of the JJDP, as amended and all related rules, interpretations, and regulations because compliance is beneficial to the youth served by the juvenile justice system and to those professionals working within the system. New Mexico is confident that the core requirements are grounded in research regarding best practices for youth in custody. A further benefit of compliance is the annual Formula Grant Program allocation that New Mexico uses to maintain and advance necessary juvenile justice reforms and services statewide and in local communities. An effective compliance monitoring system clarifies gaps in the continuum of care and highlights challenging areas in a State’s juvenile justice system. As a result, compliance monitoring represents a component of state policy and program development.

Assessing compliance affects New Mexico’s eligibility for formula grant funds and participation in various programs offered through OJJDP. Noncompliance with any of the core requirements results in a state’s forfeiture of 20% of its annual Formula Grant allocation, and up to a possible 80% reduction in the event of noncompliance with all four core requirements. A State found to be out of compliance must spend 50% of its remaining Formula Grant allocation for that year on activities designed to regain compliance with the relevant core requirement.

Policies and Procedures

This section covers the who, what, when, where, why, and how of New Mexico’s compliance monitoring system. The Statement of Purpose below outlines the ‘why’ of New Mexico’s compliance monitoring system.

Statement of Purpose

Pursuant to 34 U.S.C. § 11133(a)(1)-(33) states are required to have a plan, procedures, and timeline for annually monitoring adult jails, adult lockups, secure detention facilities, secure correctional facilities. A detailed description of the monitoring tasks as well as the identification of the agency or agencies responsible for those tasks is a necessary element of an effective monitoring system.

The following policy describes the New Mexico Compliance Monitoring System. The CYFD Compliance Coordinator oversees the monitoring effort and reporting under the JJDP.

Compliance Monitoring reports are provided to the Juvenile Justice Advisory Committee (JJAC) quarterly. The CYFD Compliance Coordinator assists the Juvenile Justice Specialist and the CYFD Special Programs Unit to work together to complete the Annual Monitoring Report and the 3-Year Plan update that is included in the annual Title II Formula Grant application.

Policy

The CYFD Juvenile Justice Services (JJS) Divisional Director and the Deputy Director of Field Services oversee the activities of the Special Programs Unit, which houses the CYFD Compliance Coordinator to accomplish monitoring tasks. The CYFD Compliance Coordinator works directly with all the state and local agencies, and all facilities that make up the State's Monitoring Universe. The CYFD Compliance Coordinator works to ensure that New Mexico complies with the compliance monitoring core requirements of the JJDP Act, as amended. The key positions and support organizations listed in "Appendix B" have roles in the Compliance Monitoring system or provide additional support outside the DSA. The CYFD Compliance Coordinator is a full-time employee of CYFD and is responsible for the following tasks:

1. *Identification of the Monitoring Universe*; Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(A); to be updated annually.
2. *Classification of the Monitoring Universe*; Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(B); ongoing updates are made as received.
3. *Inspection of Facilities*; Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(C); ongoing throughout the calendar year.
4. *Data Collection and Data Verification*; Pursuant to 28 C.F.R. § 31.303(f)(1)(D) and (5); ongoing throughout the calendar year.
5. *Compliance with the Core Requirements*; Pursuant to 34 U.S.C. § (a)(11), (12), and (13); ongoing throughout the calendar year.
6. *Violation Procedures*; Pursuant to 28 U.S.C. § 31.303(f)(1)(iii); ongoing throughout the calendar year, as received.

Date of Last Update or Initial Plan Implementation: 7/7/2022

C. Monitoring Authority

States are required under [34 U.S.C. § 11133\(a\)\(1\) and \(2\)](#) to designate an agency, referred to as the Designated State Agency (DSA), and provide satisfactory evidence that the DSA has authority, by legislation, if necessary, to administer the Title II Formula Grants Program, including monitoring for compliance with the deinstitutionalization of status offenders (DSO), Section 223(a)(1)(B), separation, and jail removal requirements.

New Mexico's monitoring authority for the JJDP Act is expressed in the [NM § 32A-2-\(1-33\)](#), specifically, [NM § 32A-2-4](#) and [NM § 32A-2-4.1](#).

As the DSA, CYFD has monitoring authority for the State of New Mexico. CYFD is charged with monitoring all facilities where juveniles might be detained or confined. The authority to monitor facilities is sufficiently broad to permit CYFD to require each facility contained within the monitoring universe, that could be classified as secure to be verified and inspected for classification purposes; to maintain specific juvenile admission and release records; and permit the CYFD Compliance Coordinator to review these records at selected intervals during the year to ensure federal and state compliance.

Policy

1. CYFD maintains sufficient authority to allow for the development of standards for all facilities that have the capacity to detain or confine juveniles, to inspect the facilities for compliance with the JJDP, as amended, and to enforce sanctions and education when violations are verified.
2. The CYFD Compliance Coordinator is permitted to review records containing juveniles who have been detained or confined within:
 - a) jail or lockups for adults, which includes the booking and processing centers for all juveniles,
 - b) admission information related to all juveniles detained or confined within public and private facilities,
 - c) placement information related to juveniles detained or confined within public and private correctional facilities,
 - d) juveniles who are charged as adults who have been incarcerated within the state and county jails to ensure compliance with Section 223(a)(11)(B) of the JJDP.
 - e) placement data includes identifying information, date and time juvenile was detained or confined, case-specific information, release information, and court status (when available). The information related to juveniles is considered confidential in nature and every effort is afforded to protect the juvenile.

Procedures

The authority to monitor facilities in New Mexico is conveyed in the following ways and is specific to the type of facility being monitored. It is imperative to note that all facilities contained within the monitoring universe are required to report.

All facility information is reviewed continuously. The policy related to reporting is as follows:

- All secure detention facilities, secure correctional facilities, and adult jails and prisons are required to report.
- Adult lockups are required to report all juveniles who are not free to leave or detained or confined within the lockup or other holding facility including previously classified court holding facilities.

- All stand-alone fingerprinting and processing centers are required to report all juveniles who are detained or confined within the facility as part of the arrest process and are not free to leave the facility during the booking process.

Adult Jails– Adult jails in New Mexico are city-owned and operated facilities. The administrative personnel of the facility report to the City Manager and/or the City Commissioner (or Town Council).

The CYFD Compliance Coordinator collaborates with these agencies for all core requirements and conditions of the JJDPA. As needed, the CYFD Compliance Coordinator will attend meetings and conferences to present and provide supplementary education.

Additional training and technical assistance are available to individual agencies which may result in the CYFD Compliance Coordinator visiting and presenting to that agency. In addition, key agencies working cooperatively to support this area include New Mexico Counties (NMC) and New Mexico Municipal League (NMML).

Adult Lockups – Adult Lockups in New Mexico are police departments, sheriff’s offices, and court holding facilities. Adult lockups will provide information and reports regarding juveniles detained or confined. CYFD in cooperation with the Governor-appointed Juvenile Justice Advisory Committee (JJAC), which functions as the State Advisory Group (SAG), determines the reporting of data responsibilities. According to OJJDP policy guidance, court holding facilities fall under the JJDPA definition of “jail or lockup for adults” at 34 U.S.C §11103(22).

As needed, the CYFD Compliance Coordinator will attend meetings and conferences to present and provide supplementary education. Additional training and technical assistance are available to individual agencies resulting in the CYFD Compliance Coordinator visiting and presenting to that agency. In addition, key agencies working cooperatively to support this area include the New Mexico Counties (NMC), Administrative Office of the Courts (AOC), Children’s Court Judges’ Association (CCJA), New Mexico Association of Police Chiefs (NMAPC), and the New Mexico Sheriff’s Association (NMSA).

Secure Detention – In New Mexico, secure detention facilities are one of two sub-types. Adult detention facilities and juvenile detention centers (JDCs), which will be further described in Section III, Part F. The CYFD Compliance Coordinator collaborates with these agencies for the related compliance monitoring core requirements and conditions of the JJDPA, as amended. As needed, the CYFD Compliance Coordinator will attend meetings and conferences to present and provide supplementary education.

Key agencies working cooperatively to support this area include NMC (specifically the Detention Affiliate), CYFD Juvenile Probation offices, and the individual agency administration. CYFD’s role as a primary grant administration agency, along with relationships maintained with the key agencies, allows for quick and efficient resolution of noncompliance issues.

Secure Correctional Facilities – In New Mexico, secure correctional facilities are one of two sub-types: adult correctional facilities (i.e., prisons) and juvenile correctional facilities. Adult correctional facilities (both private and public) are overseen by the New Mexico Department of Corrections (DOC). Adult correctional facilities' administrative personnel report to the governor-appointed Cabinet Secretary of Corrections.

All New Mexico Juvenile Correctional Facilities are owned and operated by CYFD's Juvenile Justice Services Division - Facilities. JJS submits themselves to semi-annual performance evaluations and coaching as part of the Performance-based Standards (PbS) under the Council of Juvenile Justice Administrators (CJJA). The CYFD Compliance Coordinator works closely with the CYFD Deputy Director of Facilities (*Appendix B*) to ensure compliance with the JJDP, as amended.

Date of Last Update or Initial Plan Implementation: 7/7/2022

D. Violation Procedures

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(iii\)](#), New Mexico must specify how it receives, investigates, and reports complaints of instances of noncompliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements.

Statement of Purpose

A detailed description of the procedures for handling violations is provided in this section. In fulfilling the responsibility, New Mexico provides the administrative procedures issued by CYFD for oversight of the monitoring efforts, CYFD's Compliance Coordinator completes all monitoring tasks which include identifying and examining violations, and implementing corrective action plans where violations are confirmed, and reporting under the JJDP.

Policy

Within CYFD, the Compliance Coordinator is responsible for accomplishing these tasks and adhering to the processes to ensure that New Mexico is compliant with all federal core requirements.

Procedures

- **Deinstitutionalization of Status Offenders (DSO) – 34 U.S.C. § 11133(a)(11)(A) Violations:**

All violations and recommendations are discussed with the appropriate stakeholders both within CYFD and the individual agency; including any necessary corrective action. This is provided to the agency in writing and is documented with the CYFD Compliance Coordinator and in the annual Compliance Report to OJJDP. "*Appendix C*" provided the Violation Documentation

format. Agencies that have substantiated violations will receive an onsite inspection within 60 business days. Additional training is provided as needed and is always available on request. The Violation Documentation form will be kept on file. Records are kept per the state of New Mexico's and CYFD's record retention policy ([NMAC 1.21.2.413](#) and [NMAC 1.21.2.614](#)).

Youth Handgun Safety Act Exception

New Mexico utilizes the Youth Handgun Safety Act Exception to place a juvenile in a secure detention facility which shall not cause a DSO violation. Juveniles will be placed appropriately per state statute, which refers to a secure detention facility (juvenile detention center).

Youth charged with handgun offenses are entered and stored into SARA, which is accessible to the CYFD Compliance Coordinator in addition to CYFD Juvenile Probation and detention staff. A juvenile cannot be placed in a secure detention facility without prior authorization completed in SARA. Due to these procedures, no violations of the Youth Handgun Safety Act exception could occur.

Violations specific to Valid Court Order (VCO) exception

New Mexico does not use the VCO exception per Children's Code [32A-2-11](#), which dictates the criteria for detention and includes only alleged delinquent acts. Therefore, no status offenders, aliens, or nonoffenders can be placed in secure detention or correctional facilities. Additionally, per [8 NMAC 8.14.14.2](#), JDCs "shall not detain children younger than the age limit identified in the Children's Code, status offenders, persons charged or previously adjudicated as delinquents or youthful offenders who are 18 years of age and older who have previously been detained with an adult population, or persons who are 18 years of age and older who are participating in a juvenile specialty court program serving custodial sanctions."

Should a substantiated VCO violation occur, the JDC administration will contact the CYFD Compliance Coordinator. The CYFD Compliance Coordinator will work with the local JPO Office or Chief JPO to educate the judicial stakeholders involved about VCO, state, and federal requirements.

Violations specific to Interstate Compact of Juveniles (ICJ) Exception

Violations that occur due to the Interstate Compact on Juveniles (ICJ) Exception are reported to the New Mexico Deputy Compact Administrator of ICJ and facility leadership so that further violations do not occur. Additionally, the CYFD Compliance Coordinator communicates with the New Mexico Deputy Compact Administrator of ICJ and Appointed Commissioner on a biannual basis to substantiate violations and offer support to prevent future occurrences.

Violations specific to Removal of Juveniles Charged as Adults from Adult Facilities

The CYFD Compliance Coordinator partners with Chief Juvenile Probation Officers (CJPOs) monthly to verify how many juveniles with adult charges are detained or confined in an adult jail

or lockup (if any). An Excel spreadsheet is available for Chief JPOs to complete which is then validated by the CYFD Compliance Coordinator, no later than the 15th of the following month. DSO violations due to the "223(a)(11)(B) Removal of Juveniles Prosecuted as Adults from Adult Facilities" will be reviewed with the local Chief Juvenile Probation Officer and appropriate judicial and legal stakeholders.

Note: Agencies that have substantiated violations of DSO also, by definition, automatically receive a Jail Removal violation.

- **Sight or Sound Separation of Juveniles From Adult Inmates (Separation) – 34 U.S.C. § 11133(a)(12)**

All violations and recommendations are discussed with the appropriate stakeholders both within CYFD and the individual agency; including any necessary corrective action. This is provided to the agency in writing and is documented with the CYFD Compliance Coordinator and in the annual Compliance Report to OJJDP. "Appendix C" provided the Violation Documentation format. Agencies that have substantiated violations will receive an onsite inspection within 60 business days. Additional training is provided as needed and is always available on request. The Violation Documentation form will be kept on file. Records are kept per the state of New Mexico's and CYFD's record retention policy ([NMAC 1.21.2.413](#) and [NMAC 1.21.2.614](#)).

If a violation is related to the physical set-up within the agency and changes are recommended, the CYFD Compliance Coordinator inspects the agency again to ensure that recommended changes have been implemented.

If an agency is operating a scared straight or shock incarceration program that may violate the JJDP, the CYFD Compliance Coordinator will complete an inspection and observe the program in action. If it is discovered that this program is out of compliance, the CYFD Compliance Coordinator will discuss the violations with the agency leadership and will work closely with the agency to bring the program into compliance with the core requirements or recommend the closure of the program. Students visiting voluntarily as part of a school project would not be counted as violations if parental consent is acquired; which the CYFD Compliance Coordinator would require for the program to operate. Verification of consent would be completed through data verification during the inspection along with submission of monthly reports and annual update.

- **Removal of Juveniles From Adult Jails and Lockups (Jail Removal) - 34U.S.C § 11133 (a)(13)**

All violations and recommendations are discussed with the appropriate stakeholders both within CYFD and the individual agency; including any necessary corrective action. This is provided to the agency in writing and is documented with the CYFD Compliance Coordinator and in the annual Compliance Report to OJJDP. "Appendix C" provided the Violation Documentation format. Agencies that have substantiated violations will receive an onsite inspection within 60

business days. Additional training is provided as needed and is always available on request. The Violation Documentation form will be kept on file. Records are kept per the state of New Mexico's and CYFD's record retention policy ([NMAC 1.21.2.413](#) and [NMAC 1.21.2.614](#)).

New Mexico mandates that all juveniles detained or confined within an adult jail or lockup use the six-hour exception for accused delinquent offenses. However, a Jail Removal violation occurs if the juvenile is held over the six-hour limit.

Additionally, in New Mexico, all prisons are operated by the New Mexico Department of Corrections. These facilities are adult only and never permit juveniles to be admitted due to conviction and sentencing. These facilities are included in the state's Monitoring Universe, as recommended by OJJDP.

Date of Last Update or Initial Plan Implementation: 7/7/2022

E. Adherence to Federal Definitions

In identifying the monitoring universe and classifying facilities, to demonstrate compliance, New Mexico applies the federal definition of any term related to compliance monitoring where the state definitions of the term differ from the federal definition. The federal definition for the purpose of compliance monitoring, are only those provided in the JJDP Formula Grant Consolidated Regulation as found under 28 C.F.R. § 31.304 as cited in *"An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance with the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act."* For the purpose of compliance monitoring, federal definitions will be used.

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p><i>Federally Defined Terms Relating to Compliance With the Formula Grants Program</i></p> <p>ADULT INMATE 34 U.S.C. § 11103 (26) – means an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense, and does not include an individual who (1) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable state law; and (2) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent</p>	<p><i>Similar State Definitions, and How They Differ From the Federal Definition</i></p> <p>NM § 32A-1-4: "Adult" means a person who is eighteen years of age or older.</p> <p>When monitoring for compliance with the core requirements, New Mexico applies the federal definition of any term related to compliance monitoring where the state definitions of the term differ from the federal definition. Where there is a difference in the definitions, New Mexico acknowledges that the federal definition must be used.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>jurisdiction or by operation of applicable state law.</p> <p>ASSESSMENT 34 U.S.C. 11103(38) – includes, at a minimum, an interview and review of available records and other pertinent information – (A) by an appropriately trained professional who is licensed or certified by the applicable state in the mental health, behavioral health, or substance abuse fields; and (B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement.</p>	<p>NM § 32A-6A-4 (2016) has a similar definition to “Assessment” in the form of three separate definitions:</p> <p>F. "clinician" means a person whose licensure allows the person to make independent clinical decisions, including a physician, licensed psychologist, psychiatric nurse practitioner, licensed independent social worker, licensed marriage and family therapist, and licensed professional clinical counselor.</p> <p>G. "continuum of services" means a comprehensive array of emergency, outpatient, intermediate, and inpatient services, and care, including screening, early identification, diagnostic evaluation, medical, psychiatric, psychological, and social service care, habilitation, education, training, vocational rehabilitation, and career counseling.</p> <p>DD. "treatment" means the provision of behavioral health services based on evaluation of the child, aimed at assisting the child to prevent, correct, or ameliorate a mental disorder. The purpose of treatment is to enable the child to attain, maintain or regain maximum functioning.</p> <p>Where there is a difference in the definitions, New Mexico acknowledges that the federal definition must be used.</p>
<p>COLLOCATED FACILITIES 34 U.S.C. § 11103 (28) – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.</p>	<p>NM uses the federal definition.</p>
<p>CORE REQUIREMENTS 34 U.S.C. § 11103 (30) – means the requirements described at 34 U.S.C. § 11133(11), (12), (13), and (15).</p>	<p>NM uses the federal definition.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>CRIMINAL-TYPE OFFENDER 28 C.F.R. § 31.304(a) – means a juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.</p>	<p>NM § 32A-2-3: “Delinquent Act” means an act committed by a child that would be designated as a crime under the law if committed by an adult.</p> <p>When monitoring for compliance with the core requirements, New Mexico applies the federal definition of any term related to compliance monitoring where the state definitions of the term differ from the federal definition. Where there is a difference in the definitions, New Mexico acknowledges that the federal definition must be used.</p>
<p>DETAIN OR CONFINE 28 C.F.R. § 31.304 (b) – means to hold, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition.</p>	<p>NM uses the federal definition.</p>
<p>INSTITUTION Compliance Monitoring TA Tool means “a secure facility that law enforcement or a juvenile or criminal court authority uses to detain or confine juveniles or adults (1) accused of having committed a delinquent or criminal offense, (2) awaiting adjudication or trial for the delinquent or criminal offense, or (3) found to have committed the delinquent or criminal offense.”</p>	<p>NM § 32A-2-3.D defines a “detention facility” as a place where a child may be detained under the Children's Code pending a court hearing and does not include a facility for the care and rehabilitation of an adjudicated delinquent child.</p> <p>When monitoring for compliance with the core requirements, New Mexico applies the federal definition of any term related to compliance monitoring where the state definitions of the term differ from the federal definition. Where there is a difference in the definitions, New Mexico acknowledges that the federal definition must be used.</p>
<p>JAIL OR LOCKUP FOR ADULTS 34 U.S.C. § 11103 (22) – means a secure facility that a state, unit of local government or any law</p>	<p>NM uses the federal definition</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>enforcement authority uses to detain or confine adult inmates.</p>	
<p>JUVENILE OFFENDER 28 C.F.R. § 31.304 (d) – means an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by state law (i.e., a criminal-type offender or a status offender).</p>	<p>NM uses the federal definition</p>
<p>MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION Compliance Monitoring TA Tool by OJJDP – means the age above which a juvenile court may no longer exercise jurisdiction under state law.</p>	<p>New Mexico’s “maximum age of extended juvenile court jurisdiction” is 21 years of age. NM § 32A-2-23 (E-F)</p> <p>Where there is a difference in the definitions, New Mexico acknowledges that the federal definition must be used.</p>
<p>MONITORING UNIVERSE Compliance Monitoring TA Tool – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.</p>	<p>NM uses the federal definition.</p>
<p>NONOFFENDER 28 C.F.R. § 31.304 (i) – means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.</p>	<p>While New Mexico uses the federal definition, similar definitions can be found in NM § 32A-4-2(B and G); such as “Abused Child” and “Neglected Child”</p>
<p>PLACED OR PLACEMENT Compliance Monitoring TA Tool - Placed or placement refers to what has occurred:</p> <ol style="list-style-type: none"> 1. When a juvenile charged with a status offense: <ol style="list-style-type: none"> a. Is detained or confined in a secure correctional facility for juveniles or a secure detention facility for juveniles; (1) For 24 hours or more before an initial court appearance; (2) For 24 hours or more following an initial court appearance; or (3) For 24 hours or more for investigative purposes or identification; b. Is detained or confined in a secure correctional facility for adults or a secure detention facility for adults or with respect to any situations not described in paragraph (1) or (2) of this 	<p>Please see the state definition for placed or placement as defined in New Mexico Children’s Code (NM § 32A-2-12). Where there is a difference in the definitions, New Mexico acknowledges that the federal definition must be used.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>definition, is detained or confined pursuant to a formal custodial arrangement that a court has ordered or other entity authorized by state law to make such an arrangement; or 2. When a juvenile who is not charged with any offense, and who is an alien or alleged to be dependent, neglected, or abused, is detained or confined in a secure correctional facility for juveniles or adults or a secure detention facility for juveniles or adults.</p>	
<p>RESIDENTIAL Compliance Monitoring TA Tool – means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.</p>	<p>NM uses the federal definition.</p>
<p>SECURE as defined under 28 C.F.R. § 31.304 (m) and used to define a detention or correctional facility – includes residential facilities that include construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.</p>	<p>NM uses the federal definition.</p>
<p>SECURE CORRECTIONAL FACILITY 34 U.S.C. § 11103 (13) – means any public or private residential facility which—(1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.</p>	<p>NM uses the federal definition.</p>
<p>SECURE DETENTION FACILITY 34 U.S.C. § 11103 (12) – means any public or private residential facility which— (1) includes construction fixtures designed to physically</p>	<p>NM uses the federal definition.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.	
SIGHT OR SOUND CONTACT 34 U.S.C. § 11103 (25) – means any physical, clear visual, or verbal contact that is not brief and inadvertent.	NM uses the federal definition.
STATE 34 U.S.C. § 11103(7) – means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.	NM uses the federal definition.
STATUS OFFENDER 34 U.S.C. § 11103(42) – means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.	NM uses the federal definition.
TWENTY-FOUR HOURS Compliance Monitoring TA Tool – means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.	NM uses the federal definition.
VALID COURT ORDER 34 U.S.C. § 11103(16) – means a court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.	NM uses the federal definition.

Date of Last Update or Initial Plan Implementation: 7/7/2022

F. Identification of the Monitoring Universe

The reporting of instances of noncompliance with the core requirements is facility-based and therefore the “*monitoring universe*” includes all facilities within the state (public and private) that are jails and lockups for adults (including court holding facilities), secure detention facilities, and

secure correctional facilities (including adult prisons), as listed at 34 U.S.C. § 11133(a)(14). These are the facilities where instances of noncompliance with the core requirements may occur. States must ensure that they identify and include all these facilities as part of the monitoring universe.

The key positions and support organizations listed in “*Appendix B*” have roles in the Compliance Monitoring system and are queried on an annual basis to assist with identifying new facilities. provide additional support outside the DSA.

The CYFD Compliance Coordinator maintains the Compliance Monitoring Universe data which contain listings of all facilities in the state that might detain or confine juveniles. New Mexico’s Monitoring Universe includes the four secure institutional types:

- Adult Jails,
- Adult Lockups,
- Secure Detention, and
- Secure Correctional Facilities.

New Mexico identifies adult lockups and adult jails as two different facility types as each functions differently within the state, as the monitoring universe includes residential and non-residential facilities. Violations are reported as required by the core requirements of the JJDP. Additional sub-type of facilities are identified below in Section III, Part G.

New Mexico’s facilities that have the capacity to detain or confine juveniles are diverse; therefore, different strategies are used to remain current with the existence of each facility type. The CYFD Compliance Coordinator annually updates the Compliance Monitoring Universe through annual designation forms, as shown in “*Appendix D.*” Keeping the monitoring universe current is an ongoing effort and requires that all involved actively consider the need to identify and add or remove facilities from each facility master list. Facilities identified within the Monitoring Universe are required to self-report data to the CYFD Compliance Coordinator via email and are encouraged to submit all data in real-time. All facilities must submit admission records annually.

Date of Last Update or Initial Plan Implementation: 7/7/2022

G. Classification of the Monitoring Universe

To establish and maintain an effective monitoring system, the CYFD Compliance Coordinator annually classifies all agencies listed in the New Mexico Compliance Monitoring Universe as one of the four types with respective sub-types:

- Adult Jails
- Adult Lockups
 - Police Department
 - Sheriff’s Office

- Court Holding Facility
- Secure Detention
 - Adult Detention Center
 - Juvenile Detention Center
- Secure Correctional Facilities
 - Prisons
 - Juvenile Correctional Facility.

Agency's facilities will be classified according to the following criteria:

- Secure
- Residential or nonresidential
- Juvenile-only, adult-only, or both

Please use the definitions of terms in Section III, Part E found earlier in this Manual.

The CYFD Compliance Coordinator completes the classification process on an annual basis by emailing agencies the Annual Designation form (*Appendix D*). The information obtained follows OJJDP Reporting Guidelines.

Each facility completes an annual designation that enables the CYFD Compliance Coordinator to classify facilities accurately. This includes gaining a physical description of each and determining how each should be classified based on:

- ability to detain or confine,
- whether a facility is residential or non-residential,
- whether the population is juvenile only, adult only, or juvenile and adult.

In addition to the annual designation process, each agency must submit formal/informal policies, procedures, or guidelines that the agency has concerning the arrest, booking, detention, or transport of juvenile delinquent offenders.

Date of Last Update or Initial Plan Implementation: 7/7/2022

H. Inspection of Facilities

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(C\)](#), an inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping. NM CYFD inspects all facilities in the monitoring universe to determine facility type and to confirm the physical attributes of the facility to aid in determining the applicability of the three core requirements related to compliance monitoring. New Mexico strives to maintain compliance with the core requirements and all federal OJJDP rules, interpretations, and regulations related to the JJDPA Act because compliance is beneficial to the youth served by the juvenile justice system and those

professionals working within the system. Agencies listed in the monitoring universe as secure receive an onsite inspection, every three years at a minimum, as per OJJDP recommendations.

Onsite inspections with each department's sites are scheduled by email and with an explanation of what occurs during the visit. Inspections include verification of the information about the physical description of the department provided by the department when completing its annual designation, to ensure proper identification and classification of each facility. The CYFD Compliance Coordinator completed the internal checklist that mimics the OJJDP Resource "Compliance Monitoring Suggested Data Elements." The CYFD Compliance Coordinator collects the following information for data collection and verification 1) Agency policies and procedures and 2) Agency floor plan/map (if applicable).

Additionally, the CYFD Compliance Coordinator will verify the agency's Juvenile Reporting Log matches the data submitted on a monthly basis. Additional records may be reviewed as necessary. Data is reviewed in advance by the CYFD Compliance Coordinator to identify any issues that should be addressed during the onsite inspection. As per OJJDP policy guidance, court holding facilities fall under the JJDPA definition of "jail or lockup for adults."

Agency administrators are provided with training related to reporting, timelines on reporting are confirmed, and information on the core requirements of the JJDPA is explained, as needed. Each agency is provided resources and contact information. During the onsite inspection, inquiries are made about the administrator's knowledge of newly formed or pending closures of agencies. This information assists the CYFD Compliance Coordinator to maintain and update the monitoring universe in each locale.

After the onsite inspection, the department is notified by email whether they have met the monitoring requirements, or not. The email will reiterate whatever actions were relayed to the agency's administration in the latter case. If necessary, a re-inspection date is scheduled for the CYFD Compliance Coordinator to confirm that the department implemented any suggested changes/alterations made during the initial inspection.

Date of Last Update or Initial Plan Implementation: 7/7/2022

I. Compliance Data Collection and Verification

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(D\)](#) and [\(5\)](#), New Mexico collects and verifies data from all adult jails, adult lockups, secure detention facilities, and secure correctional facilities for each 12-month federal fiscal year (FFY) reporting period, to determine whether the facilities are in compliance with the applicable requirements of DSO, Section 223(a)(11)(B), separation, and jail removal. The federal fiscal year is from October 1 to September 30. New Mexico must report data for at least 85% of facilities within the state required to report, with a goal of 100% reporting.

As the designated state agency for New Mexico, CYFD is charged with overseeing the state's compliance with the JJDP. CYFD is responsible for receiving, examining, and responding to reports of compliance violations and validation of compliance with the core requirements of the JJDP.

Adult Jails – In addition to the annual Designation Process, data is collected from agencies via email. This includes all information on the Juvenile Reporting Log; "Appendix E." The CYFD Compliance Coordinator reviews data collected and identifies any issues taken back to the agency during the onsite inspection. Verification of data from each agency for all juveniles detained or confined occurs during the onsite inspection. The CYFD Compliance Coordinator examines violations and questions about cases that may be violations. Agencies that do not respond to the Annual Designation process are contacted by the CYFD Compliance Coordinator to verify their status. Every effort is made to ensure that all departments provide CYFD with a determination of classification and monthly log records. All documentation is retained for future federal reporting and record retention purposes.

Adult Lockups – In addition to the annual Designation Process, data is collected from agencies via email. This includes all information on the Juvenile Reporting Log; "Appendix E." The CYFD Compliance Coordinator reviews data collected and identifies any issues taken back to the agency during the onsite inspection. Verification of data from each agency for all juveniles detained or confined occurs during the onsite inspection. The CYFD Compliance Coordinator examines violations and questions about cases that may be violations. Agencies that do not respond to the Annual Designation process are contacted by the CYFD Compliance Coordinator to verify their status. Every effort is made to ensure that all departments provide CYFD with a determination of classification and monthly log records. All documentation is retained for future federal reporting and record retention purposes.

Secure Detention – In addition to the annual Designation Process, data is collected from agencies via email. The written documentation (policies/procedures or signed memorandum) will accompany the annual designation form if the agency does not detain or confine juveniles. If the agency does detain or confine juveniles, all information on the Juvenile Reporting Log; "Appendix E."

The CYFD Compliance Coordinator reviews data collected and identifies any issues taken back to the agency during the onsite inspection. Verification of data from each agency for all juveniles detained or confined occurs during the onsite inspection. The CYFD Compliance Coordinator examines violations and questions about cases that may be violations. The CYFD Compliance Coordinator contacts agencies that do not respond to the Annual Designation process to verify their status. Every effort is made to ensure that all departments provide CYFD with a determination of classification and monthly log records. All documentation is retained for future federal reporting and record retention purposes.

Secure Correctional Facilities – In addition to the annual Designation Process, data is collected from agencies via email. The written documentation (policies/procedures or signed

memorandum) will accompany the annual designation form if the agency does not detain or confine juveniles. If the agency does detain or confine juveniles, all information on the Juvenile Reporting Log; "Appendix E."

The CYFD Compliance Coordinator reviews data collected and identifies any issues taken back to the agency during the onsite inspection. Verification of data from each agency for all juveniles detained or confined occurs during the onsite inspection. The CYFD Compliance Coordinator examines violations and questions about cases that may be violations. The CYFD Compliance Coordinator contacts agencies that do not respond to the Annual Designation process to verify their status. Every effort is made to ensure that all departments provide CYFD with a determination of classification and monthly log records. All documentation is retained for future federal reporting and record retention purposes.

Date of Last Update or Initial Plan Implementation: 7/7/2022

SECTION IV. COMPLIANCE MONITORING REPORTING REQUIREMENT

Per [28 C.F.R. § 31.303\(f\)\(5\)](#), New Mexico's annual compliance monitoring reports cover the previous federal fiscal year (October 1 – September 30), except when the OJJDP Administrator grants an extension of the reporting deadline, for good cause, upon NM CYFD's request. Compliance data and supporting documentation is submitted annually through OJJDP's [Compliance Reporting Tool](#). The reporting period required by OJJDP is from October 1 through September 30th of each year.

OJJDP's Title II Formula Grant regulations require New Mexico to submit compliance information annually. The reporting period provides 12 months of data, but in no instance provides less than 6 months of data. To receive its full fiscal year allocation of Title II Formula Grant Program funds, New Mexico demonstrates compliance with the DSO, Jail Removal, Separation, and Racial & Ethnic Disparities core requirements. Compliance with the first three core requirements is demonstrated through data provided in New Mexico's Annual Compliance Monitoring Report.

The CYFD Compliance Coordinator collects, analyzes, and aggregates all data verified and reported to CYFD and submits New Mexico's Annual Compliance Monitoring Report to OJJDP by the designated deadline. In addition to the CMM being prepared for submission the below items are also prepared for submission:

- New Mexico Monitoring Universe,
- List of juvenile detention, correctional and collocated facilities,
- List to New Mexico non-reporting facilities,
- Outline to address non-reporting facilities,
- Title II NM Training Certificate,
- Title II Compliance Plan (if applicable), and

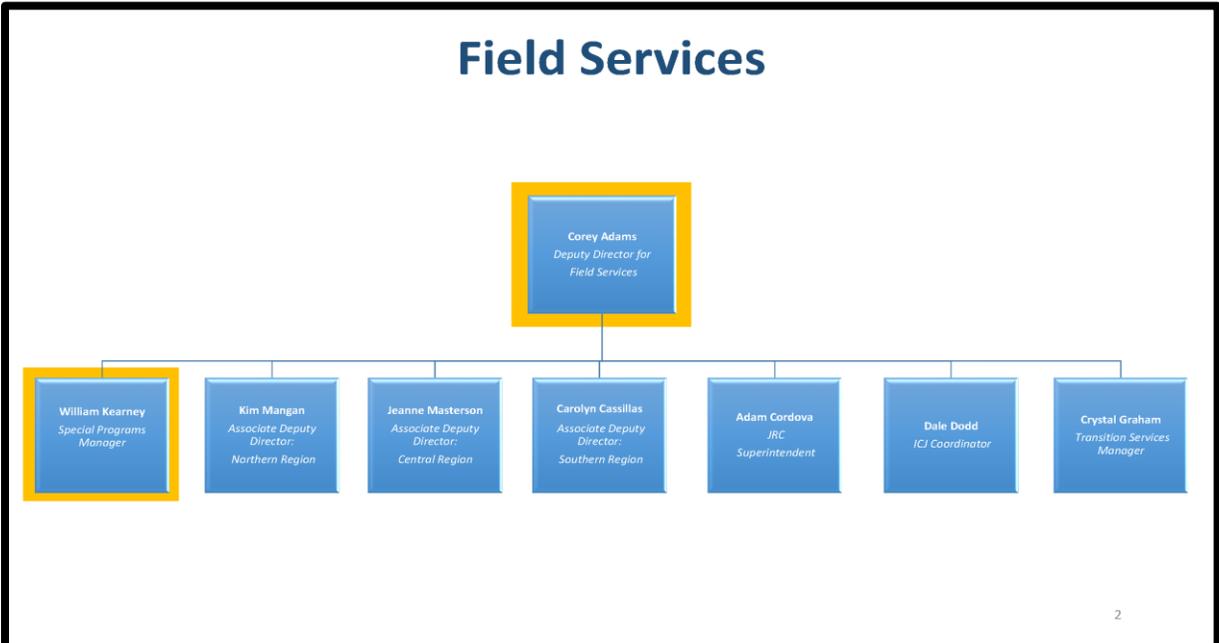
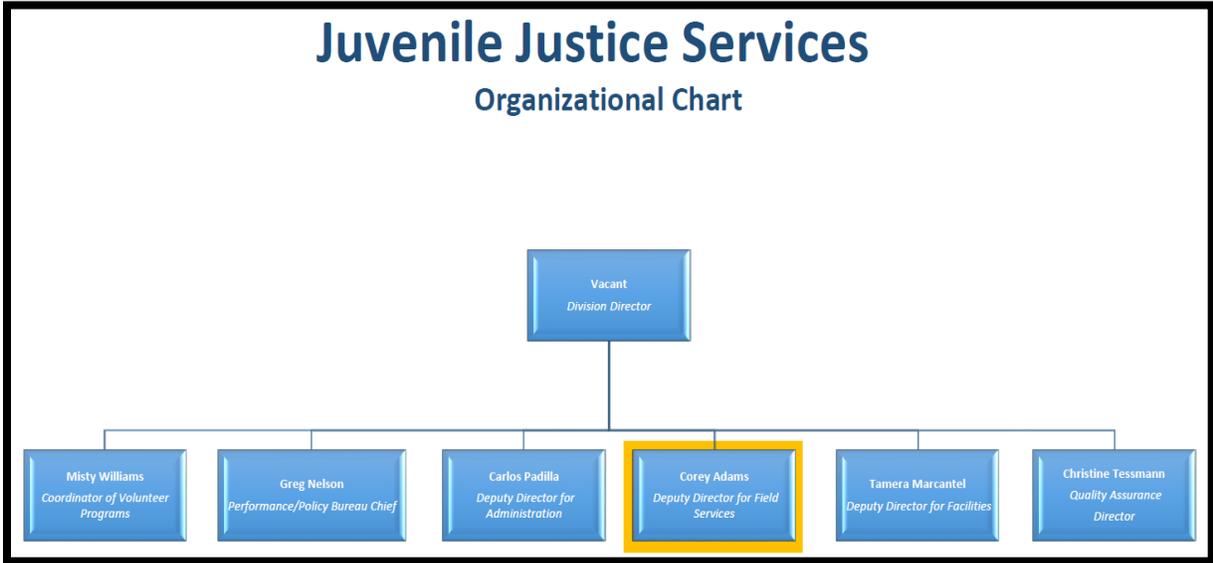
- Title II Compliance Monitoring Data Certification.

Additional items may be included in the Title II submission as deemed necessary. The CYFD Compliance Coordinator uses the data findings to develop focus areas, such as local reporting and violation trends. The CYFD Compliance Coordinator will provide individualized training and technical assistance based on these trends.

APPENDIX A – ONLINE RESOURCES

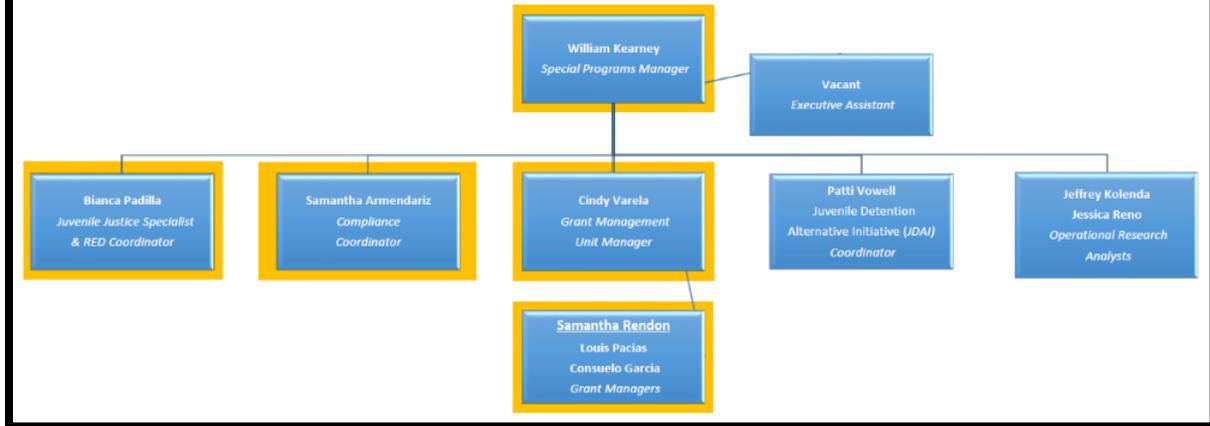
Title	Description	
Office of Juvenile Justice and Delinquency Prevention (OJJDP) Webpage	A component of the Office of Justice Programs within the U.S. Department of Justice , OJJDP works to prevent and respond to youth delinquency and protect children. Through its divisions, OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming.	Link
Authorizing Legislation	This OJJDP webpage reviews the authorizing Legislation that Congress enacted in regard to the Juvenile Justice and Delinquency Prevention (JJDP) Act (Pub. L. No. 93-415, 34 U.S.C. § 11101 et seq.) in 1974. This landmark legislation established OJJDP to support local and state efforts to prevent delinquency and improve the juvenile justice system.	Link
Juvenile Justice and Delinquency Prevention Act	This is the text of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.	Link
Redline Version Juvenile Justice and Delinquency Prevention Act as Amended by the Juvenile Justice Reform Act of 2018	This version of the Juvenile Justice and Delinquency Prevention Act (JJDP), includes the amendments made by the Juvenile Justice Reform Act of 2018 (in red).	Link
OJJDP Core Requirements Webpage	The information on this page assists states in monitoring and achieving compliance with the core requirements of the Formula Grants Program, including information on the background of the JJDP, supporting regulations, state compliance with JJDP core requirements, reporting requirements, guidance and resources, and staff contact information.	Link
OJJDP Fact Sheet: Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018	This fact sheet describes several significant amendments to the JJDP made by the JJRA.	Link
National Archives: Code of Federal Regulations for Part 31 – OJJDP Grant Programs	This is the existing regulation implementing the Formula Grants Program authorized under the JJDP.	Link

APPENDIX B – ORGANIZATIONAL CHART & KEY SUPPORT ORGANIZATIONS



JJS Field Services

Special Programs



KEY SUPPORT ORGANIZATIONS

AGENCY	CONTACT	ADDRESS	PHONE	EMAIL
New Mexico State Police (NMSP)	Tim Q. Johnson, Chief	4491 Cerrillos Rd Santa Fe, NM 87507	(505) 827-9219	TimJohnson@state.nm.us
New Mexico Counties (NMC)	Grace Philips, General Counsel	444 Galisteo St., Santa Fe, NM 87501	(505) 820-8157	gphilips@nmcounties.org
New Mexico Sheriff's Association	Steve Poswiatowski, Executive Director	PO Box 15574 Rio Rancho, NM 87174	(505) 328- 0569	steve@wmepnm.com
New Mexico Association of Chiefs of Police (NMACP)	Anita Tafoya, NMMLA/NMACP Staff Liaison	1229 Paseo de Peralta Santa Fe, NM 87501	(505) 982-5573 OR (800) 432-2036	atafoya@nmml.org
New Mexico Department of Corrections	Alisha Tafoya Lucero, Cabinet Secretary	4337 State Road 14 Santa Fe, NM 87507	(505) 827-8645	alisha.tafoyalucero@state.nm.us
New Mexico Administrative Office of the Courts	Arthur W. Pepin, AOC Director	237 Don Gaspar Santa Fe, NM 87501	(505) 827-4800	aocawp@nmcourts.gov
New Mexico Children's Court Judges Association (CCJA)	Honorable Angie K. Schneider, Chief Judge/President	1000 New York Avenue, Room 203 Alamogordo, NM 88310	(575) 439-1333	aladaks@nmcourts.gov

APPENDIX C – VIOLATION DOCUMENTATION

State of New Mexico CHILDREN, YOUTH and FAMILIES DEPARTMENT		
MICHELLE LUJAN GRISHAM GOVERNOR		BARBARA J. VIGIL CABINET SECRETARY
HOWIE MORALES LIEUTENANT GOVERNOR		BETH GILLIA DEPUTY CABINET SECRETARY
		LISA M. FITTING DEPUTY CABINET SECRETARY
Agency in Violation:	_____	
	<i>Name of agency</i>	
Agency Address:	_____	
	<i>Agency address</i>	
Agency Administrator:	_____	
	<i>Sheriff, Chief, Director, Administrator or Contact person</i>	
Date of Violation(s):	_____	
	<i>Date the violation(s) occurred</i>	
Violation Narrative:	<i>Describe the violation. "On this date, juvenile was held securely from hour until hour for offense"</i>	

Reason for Violation:	<i>Describe why it is a violation and what core requirement(s) was/were violated.</i>	

Examination Date:	_____	
	<i>Date you either reviewed logs onsite or by mail.</i>	
Compliance Monitor:	_____	
	<i>Name of compliance coordinator, email and phone number</i>	
Suggested Follow Up:	<i>Describe what follow up action is required or requested. It may be a memo to all officers, may be a modification in handling juveniles, may be a reprimand, and may be that the compliance monitor needs to provide technical assistance.</i>	

Date This Letter Sent:	_____	
	<i>Date you sent the compliance violation form.</i>	
Agency Response:	_____	

Reminder:	Title II funds contingent upon compliance. <i>(Copy to facility administrator or designee and copy for Facility File)</i>	

APPENDIX D – DESIGNATION FORMS

Adult Jails and Adult Lockups

<div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: center;"> <p>State of New Mexico CHILDREN, YOUTH and FAMILIES DEPARTMENT</p> <p>Law Enforcement Agency Classification Certification of Compliance with Justice and Delinquency Prevention Act</p> <p>To ensure proper classification of law enforcement agencies for the purpose of compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP/PA or JJDP Act) (as amended), the State of New Mexico Children, Youth and Families Department (CYFD) requests that your agency complete this form in accordance with New Mexico § 32A-2-4.1.</p> <p><i>If your agency operates more than one location, please complete a separate form for each applicable location.</i></p> <p>Law Enforcement Agency _____ County _____</p> <p>Agency Address _____ <small>(Please include full address: street, city, state, and zip code)</small></p> <p>Location/Building Name _____ Contact Phone _____</p> <p>Contact Person and Title _____ Contact Fax _____</p> <p>Contact E-Mail Address _____</p> <p>Location Address <i>(if different from Agency Address, i.e. substation)</i> _____</p> <p><i>Every question below must be answered for New Mexico to be compliant with the Federal Reporting requirements!</i></p> <p>Mark all items below as True (T), False (F) or Not Applicable (N/A) to determine classification your location, as listed above.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 95%;">This location has holding cell(s).</td> </tr> <tr> <td></td> <td>This location's holding cells are <u>never</u> used to detain or confine juveniles.</td> </tr> <tr> <td></td> <td>This location has a space that does not lock and can be used for juveniles awaiting transportation or pickup. <i>(i.e. interview room, patrol room, conference room)</i></td> </tr> <tr> <td></td> <td>This location has an interview room that has no locks on the door.</td> </tr> <tr> <td></td> <td>The interview room has a lock on the door, but no officer can lock it. <i>(i.e., officer doesn't have the keys)</i></td> </tr> <tr> <td></td> <td>The interview room has a lock on the door but cannot be locked from the outside. <i>(i.e., the occupant can lock others out of the room, but officers cannot lock the occupant in)</i></td> </tr> <tr> <td></td> <td>This location has cuffing rings, cuffing benches or other stationary objects that officers could use to cuff juveniles to prevent them from leaving the building or room.</td> </tr> <tr> <td></td> <td>This location contains physical or environmental feature(s) or structure(s) that could detain or confine a juvenile or prohibit them from leaving the location. <i>(i.e., keypad locks, keypad, perimeter fence that restricts exiting)</i></td> </tr> </table> <p style="font-size: small; text-align: center;">Submit completed form to Samantha Armendariz, Compliance Coordinator Email: Samantha.Armendariz@state.nm.us Questions? Call: (505) 490-1067</p> <p style="font-size: x-small; text-align: center;">Revised on: 02/01/2022</p> </div>  </div>		This location has holding cell(s).		This location's holding cells are <u>never</u> used to detain or confine juveniles.		This location has a space that does not lock and can be used for juveniles awaiting transportation or pickup. <i>(i.e. interview room, patrol room, conference room)</i>		This location has an interview room that has no locks on the door.		The interview room has a lock on the door, but no officer can lock it. <i>(i.e., officer doesn't have the keys)</i>		The interview room has a lock on the door but cannot be locked from the outside. <i>(i.e., the occupant can lock others out of the room, but officers cannot lock the occupant in)</i>		This location has cuffing rings, cuffing benches or other stationary objects that officers could use to cuff juveniles to prevent them from leaving the building or room.		This location contains physical or environmental feature(s) or structure(s) that could detain or confine a juvenile or prohibit them from leaving the location. <i>(i.e., keypad locks, keypad, perimeter fence that restricts exiting)</i>	<div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: center;"> <p>State of New Mexico CHILDREN, YOUTH and FAMILIES DEPARTMENT</p> </div>  </div> <p>Additional Information or Comments:</p> <div style="border: 1px solid black; height: 50px; margin: 5px 0;"></div> <p>I attest that <i>(please initial)</i>:</p> <p>_____ ANY and ALL breaches of sight and sound separation between juveniles and adult inmates (or trustees) at this location will be reported immediately to the Compliance Coordinator, and</p> <p>_____ ANY and ALL juveniles securely held for more than six (6) hours at this location will be reported immediately to the Compliance Coordinator, and</p> <p>_____ ALL juveniles securely held at this location were properly recorded on the "Secure Juvenile Holding Log", which it to be submitted to the Compliance Coordinator per reporting schedule, as defined in the New Mexico Compliance Manual.</p> <p>CERTIFICATION: This form must be signed by someone with authority at this location (or designated appointee), and in signing this form, they are certifying the accuracy of the information for the previous program year (October through September). If any of the above information changes, contact the New Mexico Compliance Coordinator to review the classification status.</p> <p>Signing Authority's Name (Print) _____</p> <p>Signing Authority's Signature _____ Date _____</p> <div style="border: 1px solid black; height: 50px; margin: 5px 0; display: flex; align-items: center; justify-content: center;"> <p><i>This space intentionally left blank</i></p> </div> <p style="font-size: small; text-align: center;">Submit completed form to Samantha Armendariz, Compliance Coordinator Email: Samantha.Armendariz@state.nm.us Questions? Call: (505) 490-1067</p> <p style="font-size: x-small; text-align: center;">Revised on: 02/01/2022</p>
	This location has holding cell(s).																
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	The interview room has a lock on the door, but no officer can lock it. <i>(i.e., officer doesn't have the keys)</i>																
	The interview room has a lock on the door but cannot be locked from the outside. <i>(i.e., the occupant can lock others out of the room, but officers cannot lock the occupant in)</i>																
	This location has cuffing rings, cuffing benches or other stationary objects that officers could use to cuff juveniles to prevent them from leaving the building or room.																
	This location contains physical or environmental feature(s) or structure(s) that could detain or confine a juvenile or prohibit them from leaving the location. <i>(i.e., keypad locks, keypad, perimeter fence that restricts exiting)</i>																

Court Holding

<div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: center;"> <p>State of New Mexico CHILDREN, YOUTH and FAMILIES DEPARTMENT</p> </div>  </div> <p style="text-align: center; font-weight: bold; font-size: small;">Court Holding Facility Classification – Certification of Compliance with JJDP-A-JJRA</p> <p style="font-size: x-small;">To ensure proper classification of court holding facilities for the purpose of compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP-A) and the Juvenile Justice Reform Act of 2018 (JJRA), the State of New Mexico Children, Youth and Families Department (CYFD) requests that your agency complete this form in accordance with New Mexico § 32A-2-4.1.</p> <p style="font-size: x-small; font-style: italic;">If your agency operates more than one facility, please complete a separate form for each applicable facility.</p> <p>Court Holding Facility Name _____ County _____</p> <p>Contact Person and Title _____</p> <p>Contact Phone _____ Contact Fax _____</p> <p>Contact E-Mail Address _____</p> <p>Facility Address _____</p> <p style="font-size: x-small; font-weight: bold;">Every question below must be answered in order for New Mexico to meet the JJDP-A Federal Reporting requirements!</p> <p>A. This court holding facility/area may detain and/or confine (please mark one of the three options): <input type="checkbox"/> Only Adults <input type="checkbox"/> Only Juveniles <input type="checkbox"/> Both</p> <p>B. Court Operation Times: The court is in operation during the hours of: _____ am / pm TO _____ am / pm On the circled days: <u>Monday</u> Tuesday Wednesday Thursday Friday Weekends</p> <p>C. Sight and Sound Separation: Separation between juveniles and adult inmates/trustees in secure settings must be maintained to ensure sight or sound contact between juveniles and incarcerated adults. Separation can be achieved architecturally or through time-phasing of common use non-residential areas.</p> <ul style="list-style-type: none"> • Are adult inmates (including trustees) and juveniles ever detained or confined within close proximity to each other where clear visual contact could occur (Sight Separation)? <input type="checkbox"/> Yes <input type="checkbox"/> No • Are adult inmates (including trustees) and juveniles ever detained or confined in an area where direct oral communication between each other could occur (Sound Separation)? <input type="checkbox"/> Yes <input type="checkbox"/> No • Are adult inmates and juveniles physically separated by architectural features of the facility? <input type="checkbox"/> Yes <input type="checkbox"/> No • Is Sight and Sound Separation, in the secure holding areas, achieved through the utilization of time-phasing (having only an adult OR a juvenile in the holding area at any particular time)? <input type="checkbox"/> Yes <input type="checkbox"/> No • Does the facility allow adult trustees to work in any areas where juvenile may be held? <input type="checkbox"/> Yes <input type="checkbox"/> No <p style="font-size: x-small; text-align: center;">Submit completed form to Samantha Armendariz, Compliance Coordinator Email: Samantha.Armendariz@state.nm.us Fax: (505) 841-6601 Questions? Call: (505) 490-1067</p>	<div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: center;"> <p>State of New Mexico CHILDREN, YOUTH and FAMILIES DEPARTMENT</p> </div>  </div> <p>D. Purpose of the Hold:</p> <ul style="list-style-type: none"> • Were any of the juveniles held securely in the court holding facility due to an overflow from another secure juvenile detention facility or law enforcement department (i.e. crowded jail)? <input type="checkbox"/> Yes <input type="checkbox"/> No • Were any of the juveniles held securely in your court holding facility for the purpose of punishment ordered by a court official or law enforcement officer? <input type="checkbox"/> Yes <input type="checkbox"/> No • If the court holding area is located within a law enforcement facility, is that area used ONLY for court holding purposes (not any law enforcement holds)? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>E. Secure Facility Features: This secure juvenile court holding area has:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Holding Cells <input type="checkbox"/> Cuffing Rings/Benches <input type="checkbox"/> Lockable Interview Rooms (from the outside) <input type="checkbox"/> Other: _____ <p>Additional Information or Comments:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>I attest that (please initial):</p> <p>_____ ANY and ALL breaches of sight and sound separation between juveniles and adult inmates (or trustees) at this court holding facility will be reported immediately to the Compliance Coordinator, and</p> <p>_____ ALL juveniles held at this court-holding facility were for the sole purpose of awaiting a court appearance or returning from a court appearance. Any juvenile holds to the contrary will be reported to the Compliance Coordinator, and</p> <p>_____ ALL juveniles securely held at this court-holding facility were properly recorded on the Secure Juvenile Holding Log, which it to be submitted to the Compliance Coordinator on a monthly basis.</p> <p>CERTIFICATION: This form must be signed by the court holding authority (or designated appointee), and in signing this form, they are certifying the accuracy of the information for the previous reporting year (October through September). If any of the above information changes, contact the New Mexico Compliance Coordinator to review the classification status.</p> <p>Signing Authority's Name (Print) _____</p> <p>Signing Authority's Signature _____ Date _____</p> <p style="font-size: x-small; text-align: center;">Submit completed form to Samantha Armendariz, Compliance Coordinator Email: Samantha.Armendariz@state.nm.us Fax: (505) 841-6601 Questions? Call: (505) 490-1067</p>
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SECURE ADULT FACILITY CLASSIFICATION

October 1, 2020 – September 30, 2021

To ensure proper classification of Adult County Detention Centers and City Municipal Jails for the purpose of compliance monitoring under the New Mexico State statute 32A-2-4.1, the Juvenile Justice Advisory Committee (attached to CYFD) requests your agency complete this form. This form will be included in the New Mexico Compliance Monitoring Annual Report as required by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP).

If your agency operates from more than one facility, please complete a separate form for each facility.

Facility Name:

Contact Person and Title:

Contact Phone:

Contact E-Mail Address:

Agency Address:

Mark **all** items below as True (T), False (F) or Not Applicable (NA) to determine classification of the county or city facility listed above.

<input type="checkbox"/>	Our facility is co-located with the county's juvenile detention facility.
<input type="checkbox"/>	And if so, our adult detainees in this co-located facility are sight and sound separated from juveniles at all times.
<input type="checkbox"/>	Local law enforcement do not bring juveniles through the doors of our facility for processing or for temporary holding.
<input type="checkbox"/>	No juveniles detained or arrested for an alleged delinquent act are held in our facility for over six (6) hours.
<input type="checkbox"/>	Juveniles detained or arrested for an alleged delinquent act are held in our facility for six (6) hours or less and are sight and sound separated from adult detainees.
<input type="checkbox"/>	Our facility staff transport juveniles for law enforcement to a juvenile detention facility within the county or to a neighboring county.

CERTIFICATION: This form must be signed by the Administrator and in signing the form; the Administrator is certifying accuracy of the information provided. If any of the above information changes, contact the New Mexico Compliance Coordinator to review classification status.

Printed Name:

Signature:

Date:

Send completed form to Samantha Armendariz, New Mexico Compliance Coordinator at: Samantha.Armendariz@state.nm.us

Secure Correctional

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <p>State of New Mexico CHILDREN, YOUTH and FAMILIES DEPARTMENT</p> </div> </div> <p style="font-size: small; margin-top: 5px;">Secure Juvenile Detention or Correctional Facility – Certification of Compliance with JJDPA/JJRA</p> <p style="font-size: x-small; margin-top: 5px;">To ensure compliance with the Juvenile Justice and Delinquency Prevention Act (JJDDPA), and the Juvenile Justice Reform Act of 2018 (JJRA), the State of New Mexico Children, Youth and Families Department (CYFD) requests that your agency complete this form on an annual basis in accordance with New Mexico § 32A-2-4.1.</p> <p style="font-size: x-small; margin-top: 5px;"><i>If your agency operates more than one facility, please complete a separate form for each applicable facility.</i></p> <p>Agency/Facility Name _____ County _____</p> <p>Agency Address _____</p> <p>Contact Person and Title _____</p> <p>Contact Phone _____ Contact Fax _____</p> <p>Contact E-Mail Address _____</p> <p style="font-size: x-small; margin-top: 5px;"><i>If your agency operates more than one facility, please complete a separate form for each applicable facility.</i></p> <p>A. Is this a residential facility? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>B. Does this facility detain and/or confine ONLY juveniles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>C. Deinstitutionalization of Status Offenders:</p> <ul style="list-style-type: none"> • Are accused status offenders every detained or confined at this facility? <input type="checkbox"/> Yes <input type="checkbox"/> No • Are there situations when a status offender would be detained over 24 hours prior to or immediately following an initial court appearance? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div> <p>D. Sight and Sound Separation: Separation between juveniles and adult inmates (including trustees) in secure settings must be maintained so that there could be no sustained sight or sound contact between juveniles and incarcerated adults. Separation can be achieved architecturally or through time-phasing of common use nonresidential areas.</p> <ul style="list-style-type: none"> • Sight Separation. Would there be clear and direct visual separation between juveniles and any adult inmates or trustees that may be working on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable • Sound Separation. Would there be clear and direct oral communication separation between juveniles and any adult inmates or trustees that may be working on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <p style="font-size: x-small; margin-top: 5px; text-align: center;">Submit completed form to Samantha Armendariz, Compliance Coordinator Email: Samantha.Armendariz@state.nm.us Fax: (505) 841-6601 Questions? Call: (505) 490-1067</p>	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <p>State of New Mexico CHILDREN, YOUTH and FAMILIES DEPARTMENT</p> </div> </div> <p>E. Secure Holding Facility Features:</p> <ul style="list-style-type: none"> • Within this facility, are there Juvenile Holding Cells used to detain or confine juveniles? <input type="checkbox"/> Yes <input type="checkbox"/> No • Is there an interview room that is lockable from the outside (can lock a person in a room). <input type="checkbox"/> Yes <input type="checkbox"/> No • Are there cuffing rings, cuffing benches, or other stationary objects that can be used to cuff juveniles in order to prevent them from leaving the room or facility? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>I attest that (please initial): _____</p> <p style="font-size: x-small; margin-top: 5px;">_____ ANY and ALL breaches of sight and sound separation between juveniles and adult inmates (or trustees) and incidents of a status offender being securely held will be reported immediately to the Compliance Coordinator.</p> <p style="font-size: x-small; margin-top: 5px;">CERTIFICATION: This form must be signed by someone with authority at this facility, and in signing this form, they are certifying the accuracy of the information for the previous program year (October through September). If any of the above information changes, contact the New Mexico Compliance Coordinator to review the classification status.</p> <p>Signing Authority's Name (Print) _____</p> <p>Signing Authority's Signature _____ Date _____</p> <div style="border: 1px solid black; height: 150px; width: 100%; margin-top: 10px; display: flex; align-items: center; justify-content: center;"> <p style="color: gray; font-size: small;">This space intentionally left blank</p> </div> <p style="font-size: x-small; margin-top: 5px; text-align: center;">Submit completed form to Samantha Armendariz, Compliance Coordinator Email: Samantha.Armendariz@state.nm.us Fax: (505) 841-6601 Questions? Call: (505) 490-1067</p>
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APPENDIX E – JUVENILE REPORTING LOG



New Mexico Children, Youth and Families Department
Juvenile Justice and Delinquency Prevention Act
Juvenile Reporting Log



Agency Name: _____ Dates This Log Covers: _____

Agency Address: _____
(Please include full address: street, city, state, and zip code)

Contact Person Name and Title: _____ County: _____

Email: _____ Phone: _____

Instructions: (Please print clearly and record in military time)

- Status offenders shall **not** be detained or confined in a secure setting such as holding cells, locked rooms, or handcuffed to a stationary object (i.e. runaway, incorrigible child, curfew violator, habitual truant or in possession of tobacco).
- Delinquents may **only** be held for a total of six (6) hours for processing purposes. Sight and sound separated from adult inmates, as appropriate.
- Record juveniles who are **detained or confined** below – **ALL INFORMATION IS REQUIRED!** (No Blanks!) Write "None" if there are no holds.
- New Mexico Juvenile Reporting Log shall be submitted to the Compliance Coordinator per reporting schedule, as defined in the New Mexico Compliance Manual in accordance with [New Mexico § 32A-2-4.1](#).

Last Name, First Name	DOB	Race	Gender	Case #	Detained or Confined				Officer Or Staff	Released To
					Date In	Time In	Date Out	Time Out		

Email to Samantha Armendariz, Compliance Coordinator
 Email: Samantha.Armendariz@state.nm.us
 Questions? Call (505) 490-1067



Electronic forms can be found at: <https://cyfd.org/jjs-special-programs/state-and-federal-compliance/compliance-monitoring>

Revised on: 02/01/2022