

## OJJDP FY 2024 Title II RED Plan

### New Mexico Children, Youth & Families Department

**I. Submit statewide data at key juvenile justice decision points where research has shown that potential disparity may occur. Data collection must occur for at least four of the five points below. Other research data points may be included but a minimum of four of the five below must be submitted. At each data point, your state must provide the definition of the contact point and percent distribution of race or ethnic groups compared to the general population distribution in the most recent U.S. Census data. Baseline data should not exceed three years.**

#### **Data collection points :**

At the New Mexico Children, Youth, and Families Department Juvenile Justice Services Division (CYFD JJS), we define six contact points as indicated below:

1. **Arrest:** Delinquent referrals received by JJS between October 1st and September 31st of the fiscal year.
2. **Diversion (filing of charges):** Arrests (defined above) linked to cases that resulted in a preliminary inquiry JPPO decision of "Assessed and Referred," "Informal Conditions," "No Further Action," "Rejected by District Attorney," "Ref to Children's Court Attorney (CCA) After Informal Disposition," or "Informal Supervision".
3. **Pre-trial Detention:** Risk Assessment Instrument (RAI) screenings for delinquent offenses with detention admission dates between October 1st and September 31st of the fiscal year.
4. **Referred to court:** The Juvenile Probation Officer (JPO) decision upon completing the preliminary inquiry (PI) after arrest (defined above) was to refer the case to the Children's Court Attorney (CCA).
5. **Disposition Commitments:** Arrests (defined above) linked to cases that resulted in "Judgment - CYFD Commitment" as their first formal court disposition.
6. **Adult Transfer:** Arrests (defined above) linked to cases that resulted in "Adult Sanctions – Department of Corrections (DOC) Facility", and "Adult Sanctions - Probation and Incarceration" as their first formal court disposition.

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CYFD JJS tracks the data for the entire state based on the 2023 federal fiscal year (FFY) from October 1, 2022, to September 30, 2023.

*FFY23 New Mexico Statewide Data:*

| Race                      |        | White  | Black or African American | Hispanic or Latino | American Indian or Alaska Native |
|---------------------------|--------|--------|---------------------------|--------------------|----------------------------------|
| <b>Population</b>         |        | 54,767 | 5,520                     | 134,559            | 24,243                           |
| <b>Arrest</b>             | Number | 925    | 219                       | 3,762              | 315                              |
|                           | %      | 1.69%  | 3.97%                     | 2.80%              | 1.30%                            |
| <b>Diversion</b>          | Number | 489    | 95                        | 1,934              | 106                              |
|                           | %      | 52.86% | 43.38%                    | 51.41%             | 33.65%                           |
| <b>Pretrial Detention</b> | Number | 56     | 24                        | 276                | 34                               |
|                           | %      | 6.05%  | 10.96%                    | 7.34%              | 10.79%                           |
| <b>Referred to Court</b>  | Number | 435    | 121                       | 1,824              | 209                              |
|                           | %      | 47.03% | 55.25%                    | 48.48%             | 66.35%                           |
| <b>Secure Confinement</b> | Number | 0      | 0                         | 11                 | 0                                |
|                           | %      | 0.00%  | 0.00%                     | 0.29%              | 0.00%                            |
| <b>Adult Transfer</b>     | Number | 0      | 0                         | 0                  | 0                                |
|                           | %      | 0.00%  | 0.00%                     | 0.00%              | 0.00%                            |

*Please note for all tables: Asian, Native Hawaiian or Other Pacific Islanders make up less than 2% of the overall population of New Mexico together and we elect not to report data for this group.*

*FFY23 New Mexico Statewide Disparity Ratios:*

| Ratio to White            | Black or African American | Hispanic or Latino | American Indian or Alaska Native |
|---------------------------|---------------------------|--------------------|----------------------------------|
| <b>Arrest</b>             | 2.35                      | 1.66               | 0.77                             |
| <b>Diversion</b>          | 0.82                      | 0.97               | 0.64                             |
| <b>Pretrial Detention</b> | 1.81                      | 1.21               | 1.78                             |
| <b>Referred to Court</b>  | 1.17                      | 1.03               | 1.41                             |
| <b>Secure Confinement</b> | #DIV/0!                   | #DIV/0!            | #DIV/0!                          |
| <b>Adult Transfer</b>     | #DIV/0!                   | #DIV/0!            | #DIV/0!                          |

*Note: If there is a contact point where there are zero (0) whites in the Data Table, it will not be possible to calculate the disparity ratios for that contact point—instead, it will show "#DIV/0" to indicate that you cannot divide by 0.*

## II. Develop an Action Plan

The New Mexico Juvenile Justice Advisory Committee (JJAC) Executive Subcommittee, comprised of all other Subcommittee Chairs, is responsible for the federal R/ED requirement and is our designated R/ED coordinating body. With R/ED residing with the Executive Subcommittee, decisions flow from Subcommittees to the Executive Subcommittee through the Subcommittee Chairs for Board Development, Planning & Legislation, Grants &

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Programs, and Data & System Improvement. This structure ensures all Subcommittees are involved in R/ED work and action planning.

*Please note that CYFD collects the data as shown above. CYFD uses the above tables to provide the answer to the action plan questions in Section II.*

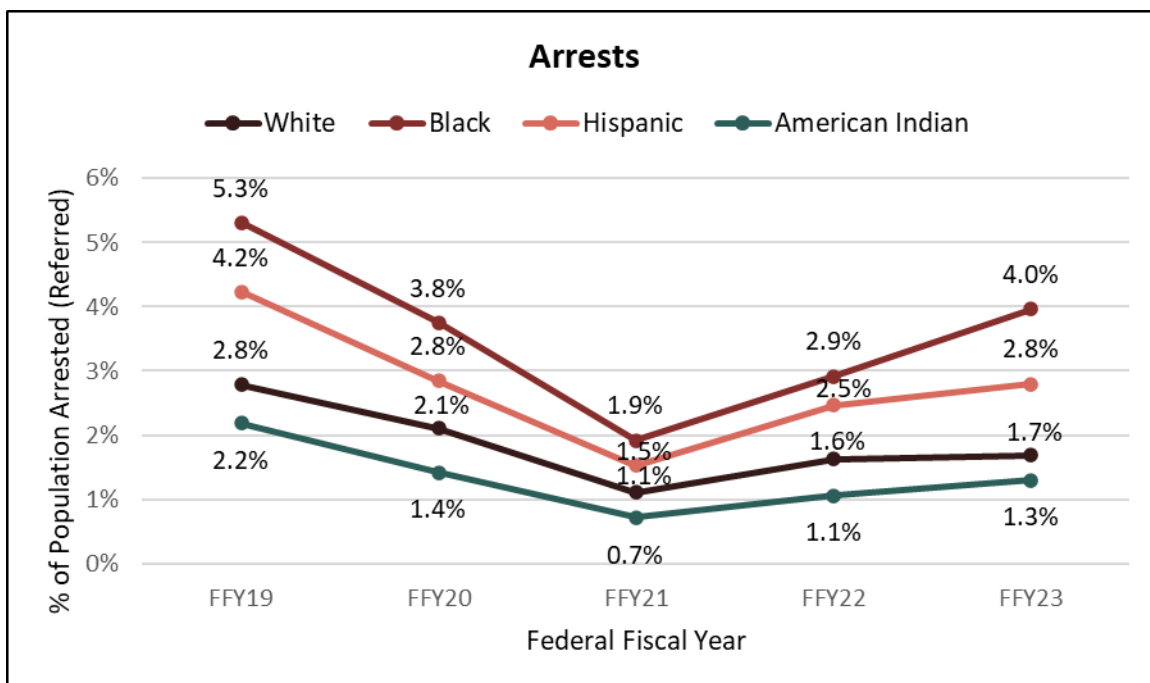
#### 1. What do your R/ED numbers tell you about your jurisdiction?

For many years, New Mexico's population has been composed predominately of people of color. Nowhere is that diversity more apparent than in our child and youth population. In New Mexico, 60.5% (134,559) of all youth self-identify as Hispanic or Latino making it the largest youth population in our state (see above table). The next largest youth populations are White (24.6%) followed by American Indian (10.9%) youth (belonging to 23 different Nations, tribes, or pueblos) and Black youth (2.5%). Please note for all tables: Asian and Native Hawaiian or Other Pacific Islanders together make up less than 2% of the overall population of New Mexico and we elect not to report data for these groups.

#### Arrests

In FFY23, Black youth in New Mexico experienced the highest rate of arrest (4.0%) of any racial and ethnic group, followed by Hispanic youth (2.8%). Black youth are 2.4 times as likely to be arrested as White youth. This has been the largest disparity in juvenile justice points of contact in New Mexico historically and is an increase from 1.8 in FFY22. During the first six months of FFY24, the arrest ratio for Black youth continued to increase to 2.5.

*Figure 1. Ratio of arrests (referrals to Juvenile Justice Services) to youth population (ages 10-17 years) by federal fiscal year and race/ethnicity, 2019-2023.*

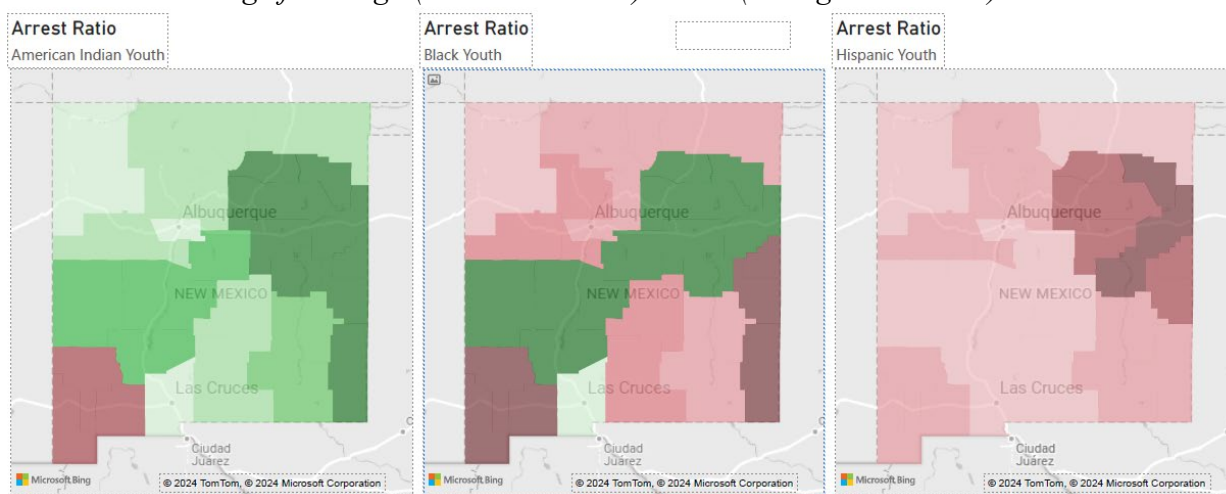


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Thirty percent of the arrests of Black youth happened in the three southeast counties bordering Texas (Curry, Roosevelt, and Lea), where only 12% of Black youth live. None of these counties currently have a JJS continuum of care, but two of them did in the past. Due to organizational capacity and other challenges related to the application process, these communities chose not to pursue funding. New Mexico is currently working with two of these counties to re-engage their continuums of care. Additionally, there are several other counties with high disparities in the arrest of Black youth in other parts of the state.

*Figure 2. Maps of arrest ratios by district and race/ethnicity compared to White youth, FFY23. Colors range from high (dark red = >4.0) to low (dark green = <0.1).*



Hispanic youth were arrested at a rate of 1.7 times that of their white counterparts and comprise the largest number of individuals arrested (3,762 youth), a disparity which has been increasing steadily since FFY21 and exists in every part of the state. Nine percent of the arrests of Hispanic youth happened in the eight east-central counties bordering Texas (Curry, De Baca, Guadalupe, Harding, Mora, Quay, Roosevelt, and San Miguel), where only 5% of Hispanic youth live.

American Indian youth (1.3%) were arrested at a lower rate than White youth (1.7%).

In 2023, 54% of youth Community Input Survey respondents stated that youth of color are treated differently in their community, and 53% agreed that youth of color are treated differently by law enforcement in their community.

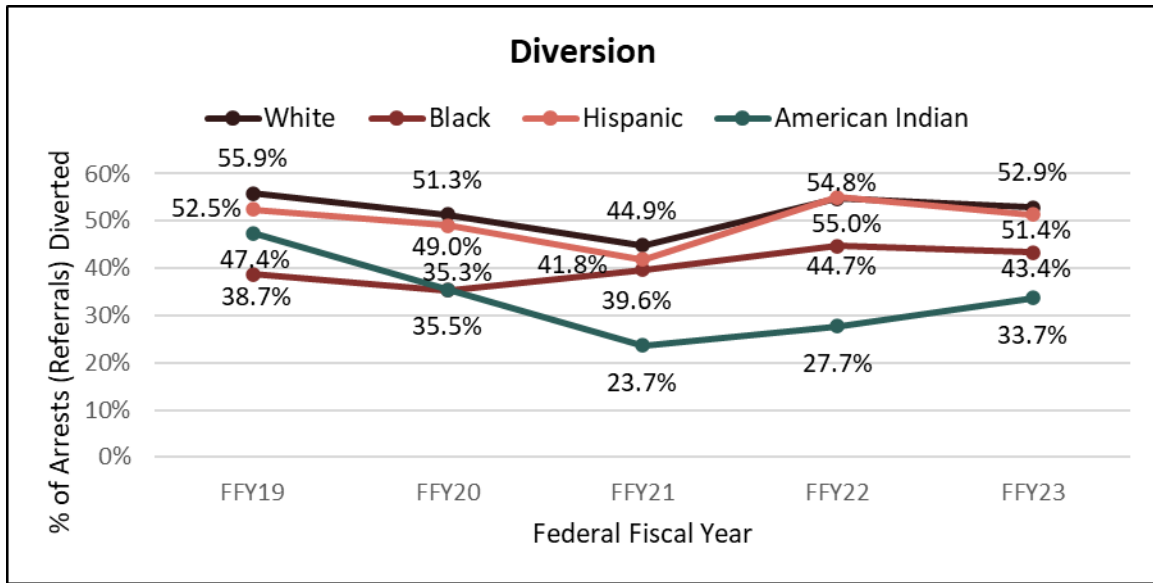
### Diversion

Arrested American Indian youth have had the lowest diversion rate in New Mexico since FFY21. In FFY23, only 34% of arrested American Indian youth were diverted, compared to 53% of White arrested youth.

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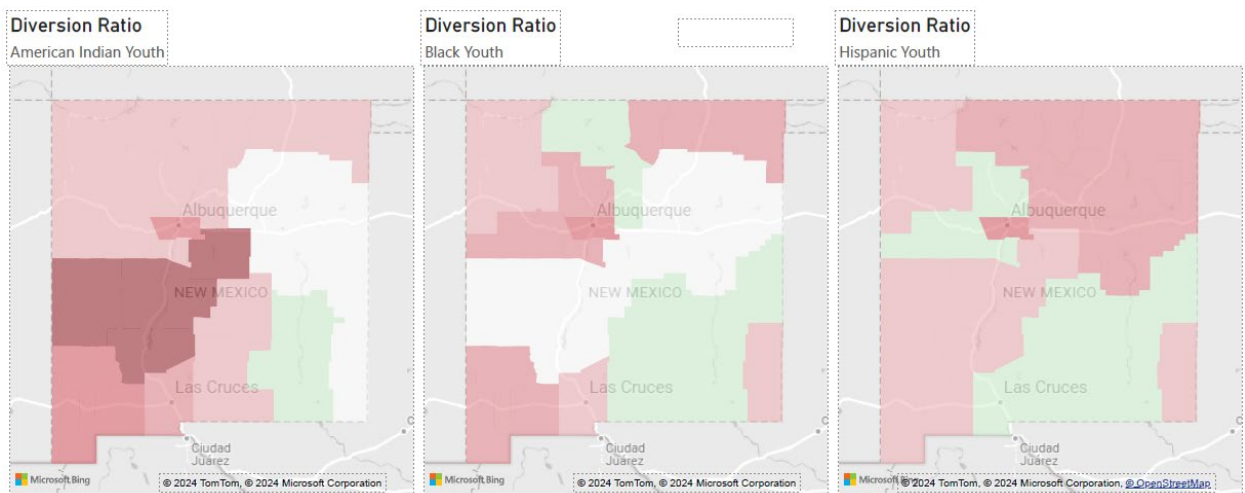
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Figure 3. Ratio of diversions (informal services and supervision) to youth arrests by federal fiscal year and race/ethnicity, 2019-2023.



Diversion rates for arrested Black youth have increased from 35% in FFY20 to 43% in FFY23. However, in Bernalillo County in FFY23, where almost half of Black youth live, only 15% of arrested Black youth were diverted. Additionally, while 13% of American Indian youth live in Bernalillo County, only 23% of arrested American Indian youth were diverted.

Figure 4. Maps of diversion ratios by district and race/ethnicity compared to White youth, FFY23. Colors range from high (dark green = >4.0) to low (dark red = <0.1). Blank districts had no arrests in FFY23.

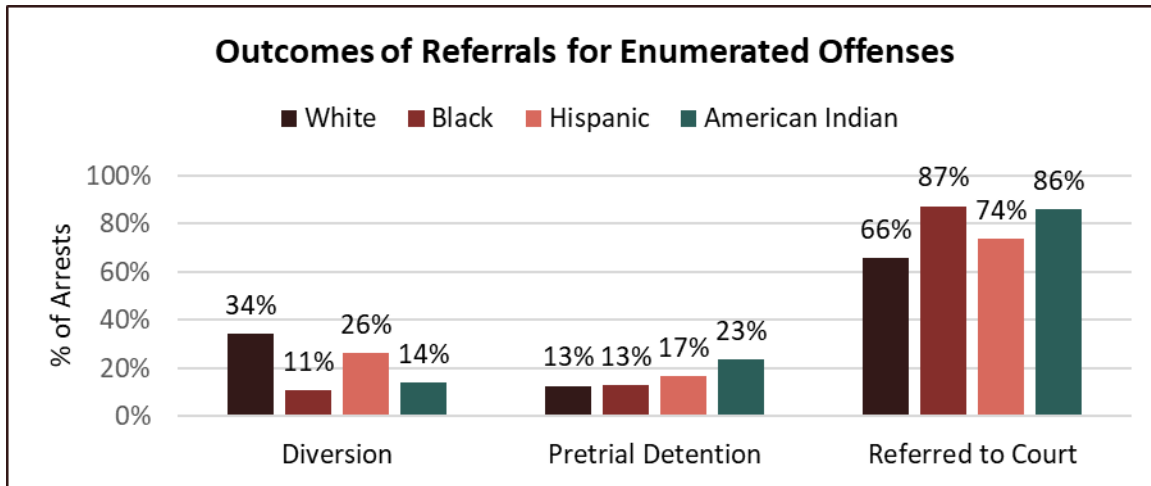


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In FFY23, 84% of youth Community Input Survey respondents stated that services in their community are accessible to youth of color. While progress has been made by increasing diversion rates, American Indian and Black youth remain priorities at the diversion contact point. Diversion ratios were particularly low for arrested Black and American Indian youth when charges included enumerated offenses (offenses for which reparation to victims may be made; 0.41).

*Figure 5. Ratio of juvenile justice outcomes to youth arrests for enumerated offenses by federal fiscal year and race/ethnicity, FFY23.*



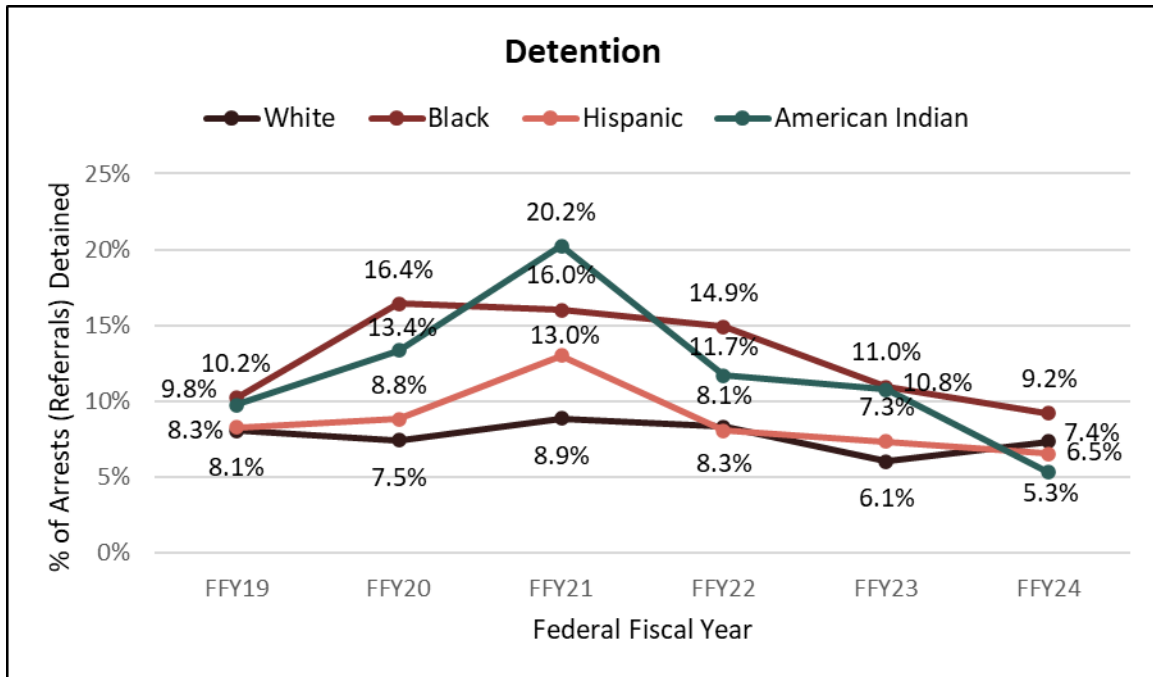
#### Pre-Trial Detention

Five of New Mexico's nine detention facilities for youth have closed since 2019, but the statewide average daily population has only decreased by 15%. All youth of color have been historically more likely to be detained than White youth. The percentage of arrested Black and American Indian youth detained was 11% in FFY23, and 7% among Hispanic youth, compared to 6% of arrested White youth. During the first six months of FFY24, the detention rate of White youth increased to 7% while all other detention rates decreased.

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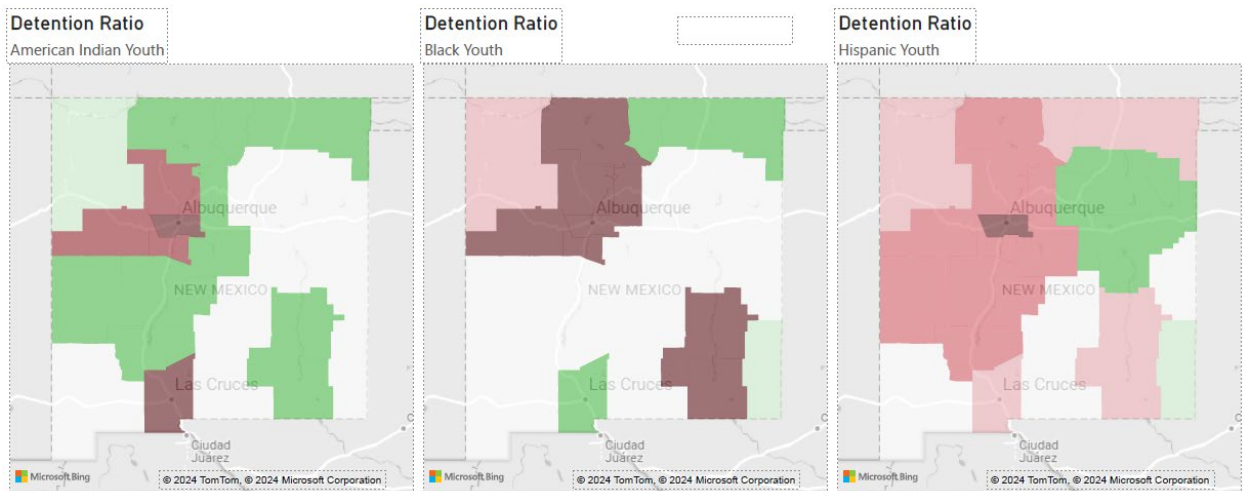
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Figure 6. Ratio of detentions to youth arrests by federal fiscal year and race/ethnicity, 2019-2023.



These disparities were largest in Bernalillo County, where one of four New Mexico detention centers is located. These disparities were also higher among the sub-group of youth arrested for drug-related charges.

Figure 7. Maps of detention ratios by district and race/ethnicity compared to White youth, FFY23. Colors range from high (dark red = >4.0) to low (dark green = <0.1). Blank districts had no arrests in FFY23.



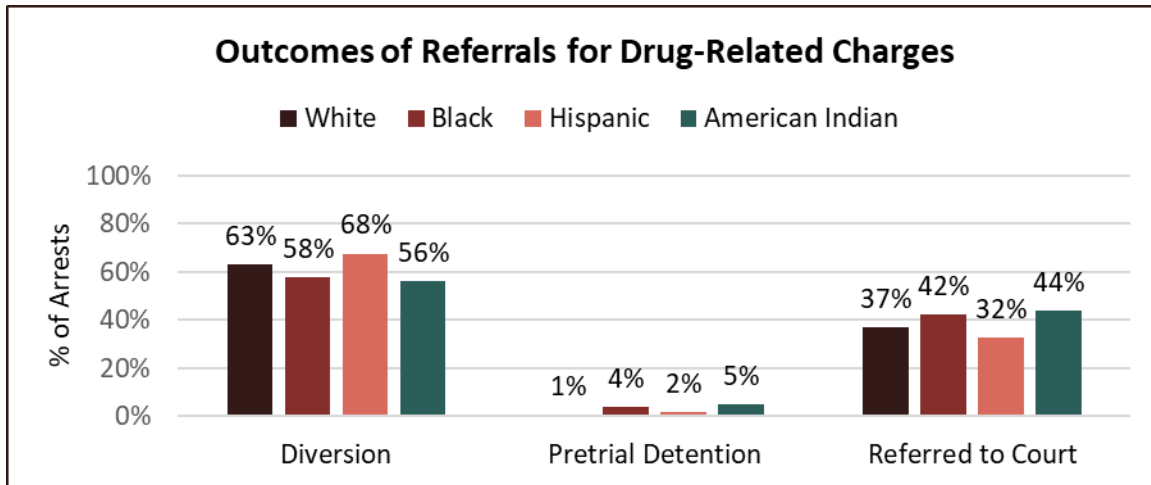


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Arrested Hispanic youth were almost 3 times as likely to be detained for a drug-related charge compared to arrested White youth (1.9% vs. 0.6%), even though their cases were 20% less likely to result in delinquent findings. All arrests for drug-related charges also included at least one felony charge.

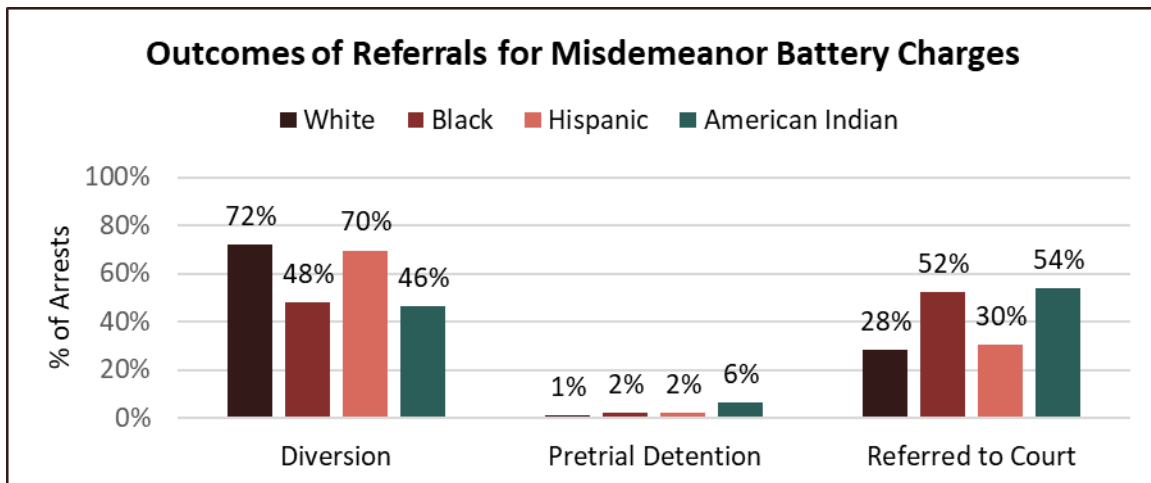
*Figure 8. Ratio of juvenile justice outcomes to youth arrests for drug-related charges by federal fiscal year and race/ethnicity, FFY23.*



#### Referred to Court

Fifty-two percent of Black youth and 54% of American Indian youth arrested for a misdemeanor Battery charge (and no felonies) were referred to court after their preliminary inquiry, compared to 28% of White youth arrested under similar conditions. Forty percent of FFY23 arrests fell into this category.

*Figure 9. Ratio of juvenile justice outcomes to youth arrests for misdemeanor battery charges by federal fiscal year and race/ethnicity, FFY23.*





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In FFY23, Hispanic youth were the only racial and ethnic group to experience secure confinement (0.3% of Hispanic youth arrested statewide). New Mexico had 0 youth transferred to adult court in FFY23.

#### **2. What would success in R/ED reduction look like for your state?**

**Success 1:** Success will come from New Mexico's JJS system increasing diversion rates for Black and American Indian youth, particularly in the Albuquerque area.

Twenty-five percent of arrested American Indian youth are charged with drug-related offenses, compared to 17% of arrested White youth. In the Metro area, where most of New Mexico's Black youth live, only 69% of JJS stakeholders agree that programs and services in their community take mental and substance use disorders into account when providing services to youth. Goal 3 of New Mexico's 2024-2026 Strategic Plan is to increase access to mental health treatment, recovery, and rehabilitation support.

Forty-eight percent of all American Indian school students are chronically absent from school (missing 10% of school days or classes), compared to 38% of White school students. Black and American Indian school students have the lowest graduation rates (67% and 69%, respectively). Goal 2 of New Mexico's 2024-2026 Strategic Plan is to expand funding to pilot school-based program prevention and intervention services.

**Success 2:** Success will come from New Mexico's JJS system decreasing detention rates for youth of color by utilizing detention alternatives and graduated sanction when appropriate particularly in the Albuquerque area and for drug-related charges.

Twelve percent of detained American Indian youth, 5% of detained Hispanic youth, and 4% of detained Black youth are primarily charged with drug-related offenses, compared to 2% of detained White youth. Goal 3 of New Mexico's 2024-2026 Strategic Plan is to increase access to mental health treatment, recovery, and rehabilitation support.

Only 45% of JJS-involved youth agreed that services in their community take culture into account. Goal 1 of New Mexico's 2024-2026 Strategic Plan is to engage and partner with tribal governments in accordance with self-identified needs.

The rate of detention for misdemeanor battery as the primary offense is 81% higher for Black youth and 78% higher for American Indian youth compared to White youth. Goal 4 of New Mexico's 2024-2026 Strategic Plan is to promote and support strategies to bridge community services to juvenile detention centers to ensure the needs of youth in detention are addressed.

#### **3. How do you want to reduce R/ED next year?**

New Mexico has designated, through statute, JJAC to conduct coordinated planning and provide advice to the Governor, state legislature, CYFD, local government and others on juvenile justice policy. JJAC is composed of juvenile justice stakeholders at the State and local levels and has the statutory responsibility for implementation of the Juvenile Justice and Delinquency Prevention Act in New Mexico.

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**Goal 1:** CYFD's goal is to increase diversion rates for Black and American Indian youth particularly in the Albuquerque area.

This goal aligns with Goals 1 and 2 of New Mexico's 2024-2026 Strategic Plan. The objectives of these goals are to:

1. Support the development or expansion of after-school programs and/or summer programs for middle school students using principles of evidence-based and promising programs;
2. Collaborate with local school, community-based organizations, community members, juvenile justice stakeholders, and youth to expand school-based programming using principles of evidence-based and promising programs;
3. Examine means for New Mexico to streamline the process to access funds for interventions for tribal communities; and
4. Collaborate with the Office of Tribal Affairs, the New Mexico Indian Affairs Department, and/or the Indigenous Youth Council to inform tribal partners of funding opportunities and encourage a working partnership.

**Goal 2:** CYFD's goal is to decrease detention rates (detention rate = # detained/# arrested) for American Indian and Hispanic youth with a focus on drug-related offenses, in the Albuquerque area.

This goal aligns with Goals 1, 3, and 4 of New Mexico's 2024-2026 Strategic Plan. The objectives of these goals are to:

1. Collaborate with schools and other partners to streamline access to mental health support, substance use services, and treatment to children and youth;
2. Provide resources on mental health support, services, and treatment through the use of peer support specialists, licensed clinicians, and pathway navigators; and
3. Examine means for New Mexico to streamline the process to access funds for interventions for tribal communities; and
4. Collaborate with the Office of Tribal Affairs, the New Mexico Indian Affairs Department, and/or the Indigenous Youth Council to inform tribal partners of funding opportunities and encourage a working partnership.
5. Support the development or expansion of community-based programs and services for youth in detention using principles of evidence-based and promising programs.

#### **4. Why do you believe this is a reasonable reduction?**

These are reasonable goals because these data can be shared and related with local juvenile justice advisory boards and Chief Juvenile Probation Officers.

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Goal 1 is reasonable because New Mexico can support the development of local juvenile justice boards and fund diversion programs in counties with a large American Indian youth population (i.e., San Juan, McKinley, and Cibola counties) and Black youth population (i.e., Bernalillo, Sandoval, Dona Ana, Curry, Lea, and Otero). New Mexico can also work with schools and local organizations to develop and expand after-school programs and collaborate with tribal agencies to fund programs for American Indian youth.

Goal 2 is reasonable because New Mexico can use its RAI to objectively determine if secure detention is appropriate for youth while ensuring there are no racial and ethnic disparities in the decision outcome. New Mexico can also support and fund local juvenile detention alternative programs that keep youth in their community. New Mexico can work with JJS continuums to streamline access to behavioral health supports and expand services for youth in detention.

#### **5. What do you need from OJJDP to be successful with your plan?**

No support is needed from OJJDP at this time. If any technical assistance is needed, the requests will be made as those from past requests.

#### **6. What safeguards will you put in place to ensure that as you work to reduce R/ED, you are equipping youth to live productive lives?**

The New Mexico JJAC Executive Subcommittee, comprised of all other Subcommittee Chairs, is responsible for the federal R/ED requirement and is our designated R/ED coordinating body. With R/ED residing with the Executive Subcommittee, decisions flow from Subcommittees to the Executive Subcommittee through the Subcommittee Chairs for Board Development, Planning & Legislation, Grants & Programs, and Data & System Improvement. This structure ensures all Subcommittees are involved in R/ED work and action planning.

New Mexico has ensured that the goals of the R/ED plan align with the goals of the 2024-2026 Strategic Plan. The Strategic Plan addresses specific needs of New Mexico youth.

For Goal 1, increasing diversion rates, CYFD will use informal supervision, an alternative to disposition agreement, and the following evidence-based diversion programs:

- 1) Academic Mentoring Program for Educational Development: Shown to be promising in reducing school absences for Black, Hispanic, and White youth in urban areas (<https://crimesolutions.ojp.gov/ratedprograms/535#2-0>).
- 2) Positive Action: Shown to be effective in reducing substance use and violent behavior for Black, American Indian, Hispanic, and White youth in rural, suburban, and urban areas (<https://crimesolutions.ojp.gov/ratedprograms/113#2-0>).

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- 3) Project Towards No Drug Abuse: Shown to be promising in reducing substance use and violent behavior for youth of all races and ethnicities in the school setting (<https://www.blueprintsprograms.org/programs/34999999/project-towards-no-drug-abuse/>).
- 4) Strengthening Families Program: Shown to be promising in improving behavior in Black, American Indian, Hispanic, and White youth in rural, suburban, and urban areas (<https://crimesolutions.ojp.gov/ratedprograms/199#2-0>).
- 5) Adults in the Making: Shown to be effective in reducing substance use for Black youth in rural areas (<https://crimesolutions.ojp.gov/ratedprograms/365#2-0>).

For Goals 2, decreasing detention rates for Black and Hispanic youth, New Mexico will use its RAI to objectively determine youth who can best be served in alternative programming. Our RAI has been validated multiple times over the years to keep re-offense and failure to appear (FTA) rates below recommended levels. Diversion and Alternative to Detention programming are designed in a positive youth development model to equip youth to live productive lives. New Mexico will use the following programs:

- 1) Family Solutions Program: Shown to be promising in reducing recidivism in Black, Hispanic, and White youth in urban areas (<https://crimesolutions.ojp.gov/ratedprograms/321#2-0>).
- 2) Front-End Diversion Initiative: Shown to be promising in reducing recidivism for Black, American Indian, Hispanic, and White youth in suburban and urban areas (<https://crimesolutions.ojp.gov/ratedprograms/357#2-0>).
- 3) Juvenile Restorative Justice Program: Shown to be promising in reducing JJS contact for American Indian, Hispanic, and White youth in urban areas (<https://crimesolutions.ojp.gov/ratedprograms/572#2-0>).
- 4) Adolescent Diversion Project: Shown to be effective in reducing recidivism for Black and White youth in suburban and urban areas (<https://crimesolutions.ojp.gov/ratedprograms/332#2-0>).
- 5) Project BUILD: Shown to be effective in reducing recidivism for Black, Hispanic, and White youth in urban areas (<https://crimesolutions.ojp.gov/ratedprograms/335#3-0>).