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# New Mexico Corrections Master Plan

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# New Mexico

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# Corrections Master Plan

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# Governor's Message

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## STATE OF NEW MEXICO

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**JERRY APODACA**  
GOVERNOR

When I became Governor, one of the major areas of our concern was the future of the adult and juvenile correctional systems in New Mexico. We faced serious problems, including a growing population entering the correctional system both on probation and committed to our institutions, few alternatives to incarceration and almost no community-based programs, and a court order mandating equal programming for women. Most significant however, was the lack of any clearly defined goals for our correctional system which translated itself into changing priorities for legislative requests and continuing crises in the management of the Department of Corrections.

Both at my request and at the request of the Legislative Finance Committee, after an extensive search in and out of the state, the Governor's Council on Criminal Justice Planning contracted with an independent planning firm specializing in criminal justice, Approach Associates of Oakland, California to develop a corrections master plan for the State of New Mexico. The purpose of the Master Plan was to take an objective look at our correctional systems, make recommendations for the future, both short term and long term, and most important, provide New Mexico with the tools to regularly monitor and evaluate the successes or failures of our efforts.

I met with the planning team during the early months of this comprehensive planning effort and noted that corrections seems to produce many conflicting views. Many have strong opinions which favor defendant's rights, alternatives to prison, more rehabilitation programming, and compassion for offenders. Equally strong views support harsh punitive measures, retribution, and protection for the victims. Some favor large expenditures for new prisons, while others advocate demonstrated cost savings and successes through programs of alternatives to prisons. The Master Plan recommendations are based upon the input from hundreds of New Mexicans and it appropriately represents their contrasting views.



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It is the result of an exhaustive year-long study of existing facilities, the needs of the state, programs and services, and relative costs. The Master Plan team has assessed the role of corrections in terms of the needs and resources of New Mexico and has produced a Plan that includes specific recommendations for new facilities, supplemented by a comprehensive system of programming that avoids needless incarceration of persons who can benefit from community facilities.

The Master Plan has articulated goals for our correctional system and has translated these into recommendations which include: (1) Construction of a diagnostic facility (Intake and Classification Center) that would evaluate all persons sentenced to the Department of Corrections prior to their assignment to a particular institution or facility. This will allow for differentiation between those people who are risks to themselves and others, and those who can benefit from programming, (2) Community correctional facilities as alternatives to imprisonment for those who are suited to this type of correctional setting and treatment. These programs represent a New Mexican approach to corrections because local programs allow local solutions to local crime problems and help to maintain our traditionally strong family and community ties in a cost effective manner, (3) Extensive programs for those persons who must be imprisoned to increase their opportunities for self-improvement and to provide restitution to society. Such programming is designed to avoid the frequent "swinging-door" effect of prisons which see persons rapidly returning to prison after release because they do not avoid situations which result in crime.

This Master Plan is comprehensive and realistic. Although there may be some disagreement about some of the recommendations, it offers us an opportunity to openly and constructively discuss the shape and future of our correctional system. As your Governor, I am proud that we have taken this major step toward understanding and seeking ways to improve our system of corrections. It has been a cooperative effort involving the executive, legislative and judicial branches of government. Together we have the means to implement this plan for the benefit of the citizens of New Mexico.



A handwritten signature in black ink, appearing to read "Jerry Apodaca".

JERRY APODACA  
Governor

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# Preface

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In July 1976, New Mexico joined the ranks of states who have recently set about comprehensively planning their corrections systems, rather than reacting incrementally to sudden increases in the number of sentenced offenders. Most corrections "master plans" have stressed building programs to house current or expected inmates, so as to relieve overcrowding. Few plans, however, have attempted to rethink the corrections problem in system terms — analyzing all available state resources, the goals and objectives of corrections, and short-term as well as long-term needs. In the case of New Mexico, farsighted leadership in state government and an aggressive criminal justice planning agency combined to make such a total review and planning process possible.

This plan was developed for a state that is not rich, and whose citizens expect cost-effective solutions. New Mexicans prefer local solutions to large capital expenditures for construction and/or a proliferation of state agencies and units of administration, far removed from citizen involvement.

Beginning in 1969, the management of New Mexico corrections was centralized in the Department (now the Division) of Corrections. The division administers adult facilities, adult probation and parole, and juvenile parole. Although administrative centralization was first accomplished in 1969, system planning and management was hampered by the fact that the state penitentiary (PNM) continued to be the only major facility and was allocated inadequate resources. As a consequence, too many inmates, and often inappropriate security levels, were incarcerated without adequate programming or services, in an overcrowded facility. Other, smaller facilities and juvenile corrections suffered as well, chiefly because New Mexico corrections was not a system but rather a constellation of facilities and administrative units, reacting to increased demand without a comprehensive plan. The managers of the system were not able to predict the system's future population or analyze and plan on the basis of inmate profiles and needs. New Mexico corrections agencies were largely without a means of articulating their budgetary and program objectives, and thus unable to convey corrections needs to the legislature in a comprehensive and compelling manner.

Largely in response to these problems, the New Mexico Governor's Council on Criminal Justice Planning applied for and obtained an LEAA grant to conduct a comprehensive master plan, and obtained matching funds from the New Mexico legislature. After screening proposals and references, and conducting interviews, Approach Associates, a criminal justice and planning firm based in Oakland, California, was awarded a con-

tract for a Master Plan for Adult and Juvenile Corrections.

Relying heavily on a comprehensive planning process and a steering committee composed of key state decision-makers, the Master Plan required eighteen months and proceeded in five distinct stages:

In Phase I, the Master Plan Team described existing corrections preliminarily, citing problems and setting forth a Master Plan agenda as well as preliminary goals and objectives for corrections. New Mexico was fortunate to have produced one of the nation's most broadly based Standards and Goals projects, and thus significant consensus concerning public values in corrections already existed at the plan's inception.

Phase II of the study involved developing the most comprehensive inventory ever compiled in the state of factors influencing corrections — e.g., facilities, programs and services, and inmate profile data. Separate technical reports were developed for adult and juvenile population projections; a complete correctional facilities inventory; sentencing and the predicted impact of a new sentencing statute; a comprehensive inventory of adult and juvenile programs and services (both correctional and other); an analysis of inmate profiles; an analysis of corrections personnel; a study of women offenders; and a study of local corrections. These nine technical reports are published separately, as the *Sourcebook for New Mexico Corrections Planning*, and they provide much of the necessary documentation for this plan.

Phases III and IV of the planning process involved a complete analysis of the state corrections system, based on the above inventories and other technical reports, and the development of concepts and options for a systematic rethinking of the corrections system — concepts and options that were reviewed and analyzed, and then decided by the steering committee.

This Master Plan and its resulting recommendations were Phase V.

Throughout the planning process, the Approach Associates corrections planning team worked closely with the GCCJP and other key state agencies, including the Division of Corrections, the Department of Hospitals and Institutions, the Administrative Office of the Courts, and the staff of the Legislative Finance Committee. Consultants employed a "team approach," emphasizing the coordinated use of in-house experts from various disciplinary backgrounds, a massive data collection effort directed by a permanent on-site staff, and input from all concerned public and private groups and individuals in New Mexico.

Although the master planning process was a technical one, proceeding in formal planning sequence from an identification of resources, to needs, to solutions,

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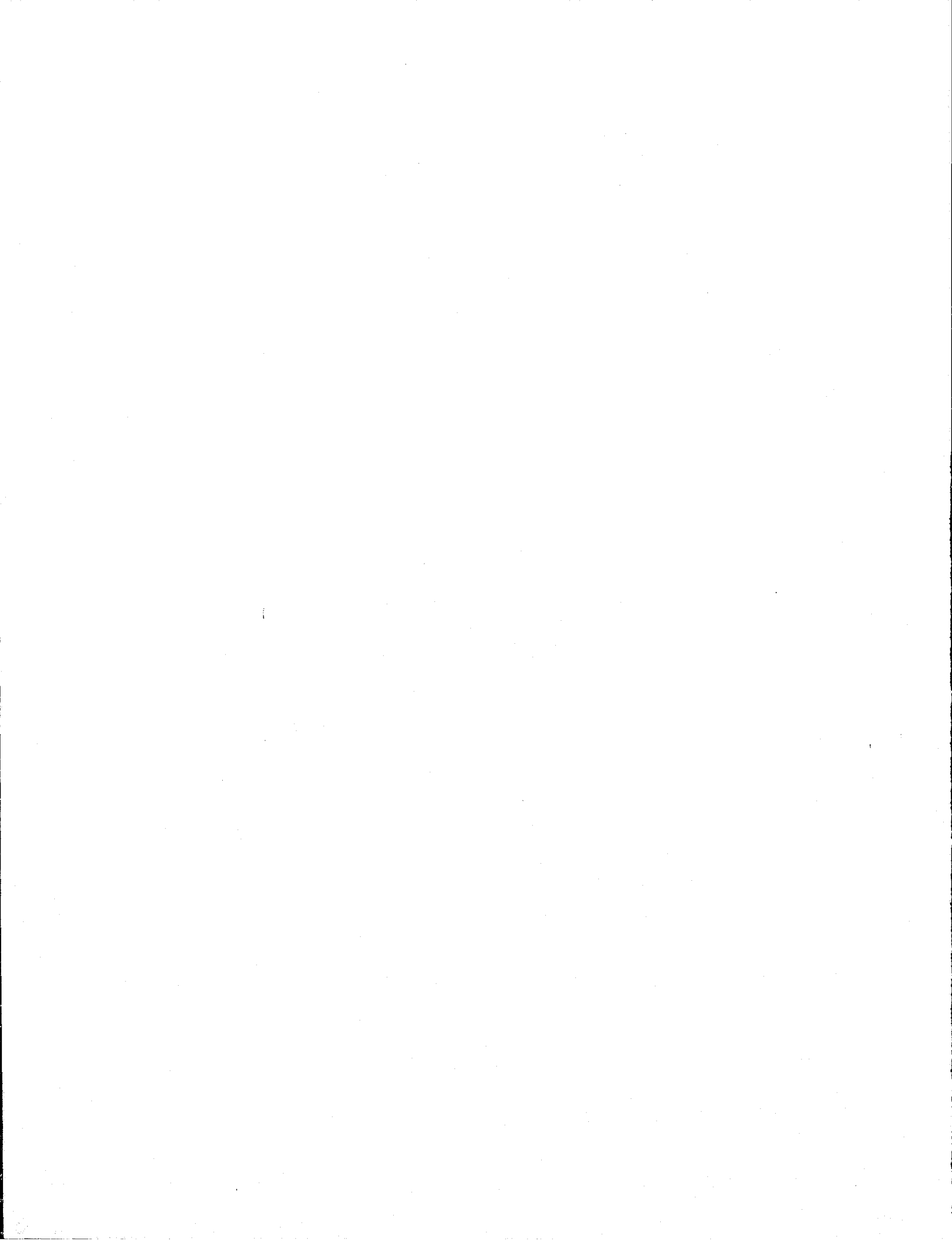
the interaction between the Approach Associates Master Plan Team and New Mexico officials went beyond a formal one and, in fact, represented a process of interchange, merging views and values, and mutually developed solutions. In fact, as a consequence of this planning process, numerous recommendations set forth in this report were implemented during the planning process, including the planning and remodeling of two facilities and the introduction of a great many statutes. Approach Associates assigned a full-time coordinator to be on site for the first six months of the study, and in addition to numerous on-site visits by every member of the Master Plan Team, two members of the Master Plan Team spent nearly a month each

driving throughout the state's judicial districts and counties, interviewing judges and prosecutors, collecting court and sentencing data, inspecting local jails, interviewing sheriffs, and obtaining local corrections data.

From this complex planning process emerged this *Master Plan* and the nine-volume *Sourcebook for New Mexico Corrections Planning*. Without the full cooperation of many many New Mexicans, the planning work would not have been possible. In Appendix 2, persons and organizations who contributed data and other input to the planning process are cited. Approach Associates is extremely grateful for this assistance.

# Adult Corrections

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# 1 Introduction

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New Mexico's correctional and criminal justice systems are in flux and relatively unpredictable. Recent years have seen a dramatic rise in commitments to the state correctional facilities, and the passage of "determinate sentencing" legislation suggests that this increase will continue. Other indicators, however, provide contradictory evidence. For example, admissions to the Penitentiary of New Mexico (PNM) have leveled off in the last year, except for transfers from county jails and parole violators, a combination of factors demonstrating that patterns of criminal behavior and of criminal justice system dispositions are in transition.

Planning in such circumstances is obviously complicated, since planning depends, ideally, on a relatively

"knowable" future. In this Master Plan, primary emphasis is placed on immediate and serious needs — issues and problems that already exist in New Mexico corrections. The recommended strategy of response to these problems is presented in considerable detail in this plan, phased over a three-year period, 1978 to 1980. Recommendations for action in the more distant future are set forth, but specific recommendations would be premature at this time. As a consequence, one major recommendation is that the Division of Corrections immediately undertake planning procedures, developed by the Master Plan Team, to provide the agency with the planning mechanisms needed for responding to that more distant future, as it approaches.

## Projections of Inmate Population, 1978–80

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Best estimates are that, with no planning or major changes in the next few years, admissions to the state corrections system will continue to increase. In 1980, there will be approximately 1900 offenders entering the New Mexico corrections system. This estimate assumes, however, that present administrative and judicial policies and practices will continue. In other words, the estimate assumes that there will continue to be many short-term diagnostic commitments to state corrections facilities, that county jail prisoners will continue to be transferred to PNM for pretrial detention at approximately the same rates as at present, and that probation and parole policies will continue unchanged. Should these policies or practices change (and the Master Plan Team recommends substantial changes in all of them), more than one-third of the admissions entering the state corrections system would be affected.

It is important to consider who these offenders are and will be. Research conducted by the Master Plan Team reveals that New Mexico's inmates are, on the whole, relatively young. A majority are native New Mexicans, from Albuquerque and other cities in the state. They do have prior criminal convictions, but most are serving their first term in the state prison system. Most have been convicted for felonies, but only about one-third have been convicted of crimes of violence against persons, and an extremely high proportion have histories of drug and/or alcohol abuse. On the basis of careful analysis, the Master Plan Team has concluded that New Mexico's prisons appear to house prisoners who are comparatively less "sophisticated" criminally than other state prison systems.

Based on this profile of offenders, and the documented preference for local restitution approaches, it is apparent that correctional goals for rehabilitation of offenders and restitution are particularly appropriate in New Mexico. This Master Plan assumes that a certain percentage of the offenders in the criminal justice system could be placed more cost-effectively in community corrections program settings than in prisons. For planning purposes, total projected admissions figures must be adjusted to account for the impact (on both admissions and "average daily populations" of inmates) of changes in the criminal justice system that either have already been initiated, as a result of the Master Plan process, or are recommended. These include changes in the number of county jail transfers to the state system, changes in diagnostic commitments to the penitentiary, and changes in program alternatives to institutionalization at the preprosecution, sentencing and release stages.

Table 1-1 displays the adjustments made in the baseline projections to simulate these expected changes and their impact on inmate populations. Detailed explanations of the bases on which these changes were made can be found in Appendix 1.

Based on these adjustments (described in more detail later in this report), the capacity required for institutional housing by 1980 is estimated to be approximately 1400 beds.

The organization of this Master Plan roughly follows the progress of offenders through the criminal justice system, from the initial stages of prosecution and trial through release from correctional supervision. This

Table 1-1: Successive Impact of Programs, FY 1979-80

	Admissions		ADP	
	Number	Reduction	Number	Reduction
1. Baseline projection, assuming worst case	1895		1895	
2. Adjustment for decline in county jail transfers (reduction of 50 percent of admissions)	1773	123	1885	10
3. Adjustment for reduced use of diagnostic commitments	1415	358	1851	34
4. Adjustment for reduced parole revocations	1339	76	1796	55
5. Adjustment for preprosecution diversion and for alternatives to incarceration at sentencing	1233	106	1711	85
6. Adjustment for minimum security, noninstitutional population (community release, residential treatment, halfway houses)	1233	—	1416	295
Net institutional populations	1233		1416	
Net additional supervised population not in institutions, accruing from 5 and 6 above			380	

organization reflects the systemic perspective of the Master Plan — that the corrections system is one link in the criminal justice system, and, indeed, a link in the even broader social safety and welfare system. In fol-

lowing the system links, certain common themes repeatedly emerge. These themes form the heart of the Master Plan and characterize the corrections system as the Master Plan Team envisions it in 1980.

## Programs

New Mexico should begin immediately to develop a full range of correctional programs for offenders, both inside and outside institutions. New Mexico's incarcerated offenders are young and are frequently committed for nonviolent offenses that appear to be related to drug or alcohol abuse. Thus, the characteristics of offenders in the corrections system demonstrate that they are particularly suited to rehabilitative and restitution-oriented programming.

Preprosecution diversion programs, as well as alternatives to incarceration at sentencing, are badly needed. Although a large number of offenders are clearly in need of supervision and would benefit from rehabilitation and/or restitution-oriented programs, many of the

younger, less serious offenders suffer more than they benefit from incarceration with more "hardened" offenders in the state's existing penal facilities. Incarceration of these offenders in the major penal institutions contradicts the long-term safety interests of New Mexicans, because it tends to increase the probability of recidivism.

Particular attention should be given to minimum security community release facilities and programs. In order to ease the offender's transition back into the community and to improve the opportunities for successful reintegration into society, halfway houses, residential treatment programs, and minimum security programs at state facilities are badly needed.

## Management

Improved management is crucial to effective and efficient operation of correctional programs and facilities, particularly in light of the increases in offender

admissions expected in the next three years. The very highest priority should be given to the Intake and Classification Center (ICC) proposed in the Master Plan. High



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priority should also be assigned to implementation of the Planning and Management System (PMS) developed by the Master Plan Team and set forth in the plan.

The Intake and Classification Center is designed to provide careful, individualized management and program placement of inmates, including determinations of the security risk posed by the offender and of the potential success of rehabilitative and restitution-oriented programming for that offender. The ICC would be in some senses the "nerve center" of the corrections system, because it would classify all prisoners sentenced to the Division of Corrections and control their movement into, among, and out of the facilities and institutions in the system.

The Planning and Management System is the mechanism that evaluates aggregate system performance and data on further needs to determine if corrections facilities and programs are working, and what improvements are needed. The PMS contains procedures for predicting future inmate population and thus forms the model for post-1980 planning that this plan recommends be implemented by the Division of Corrections.

## Facilities

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The ICC, with a capacity set at 208 inmates, and the new medium security facility currently planned for the Los Lunas Correctional Center (already recommended by the Master Plan Team and now at the preconstruction stage) are the *only* new facilities recommended at this time. No other major new construction will be needed in the period 1977-80.

In addition, the inmate population at PNM should be reduced, through an orderly and phased remodeling, to approximately 625 inmates, limiting commitments at this institution to medium and maximum security prisoners only. In conjunction with the development of new programs and facilities, the present dormitories at PNM should be phased out, systematically remodeling these units to conform to a single occupancy, medium security housing arrangement.<sup>1</sup>

In summary, the need for additional facilities following 1980 will depend heavily on the success of programs and various alternatives to incarceration recommended in this Master Plan *and* on the content and judicial interpretation of the new sentencing act. Careful monitoring of both the programs and the sentencing legisla-

The PMS also contains a program evaluation model, which should be implemented by the Division of Corrections along with the programs suggested throughout the Master Plan.

For the coming three-year period, attention should be devoted to improving the management of prisoners and the management of the system itself. Building new facilities, other than the ICC and the new Los Lunas Correctional Center, is neither necessary nor advisable for at least five years. Moreover, the need for additional facilities at that point can be judged only after an improved Corrections Planning and Management System is developed. The management of prisoners includes not only decisions regarding programs for and discipline of offenders once they are in the correctional system but also a more flexible range of dispositions and directions at the sentencing stage of criminal justice proceedings. Until a more comprehensive program planning system is fully developed, implemented, and integrated with all relevant criminal justice agencies, allocation of additional funds to new corrections facilities is premature.

tion will be required, as all proposed changes in the correctional system are implemented. With the recommended PMS, by 1980 it will be possible to produce specific estimates of the long-range need for facilities, programs, and services. Increased use of restitution-oriented, community-based alternatives to incarceration, recommended in the Master Plan, will have a significant impact on both the type and the number of persons assigned by the ICC to state institutions. Increased alternatives to present correctional programs will have a notable effect primarily on the lower custody levels; as a result, the profile of the incarcerated population will change, with a proportionately higher percentage of inmates in the maximum and medium security levels in the future.

Corresponding changes in institutions have been planned for the near future and should continue to be integrated in long-term planning. With increased emphasis on intake and classification procedures, housing assignments and correctional programming will be more closely tailored to inmate characteristics.

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1. See *New Mexico Standards and Goals*, Standard 10.2, p. 359.

## Overall System

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As the system is planned, all commitments will be made to the Division of Corrections and therefore be processed by the ICC. The ICC will also handle all transfers among institutions. The Penitentiary of New Mexico, with a reduced capacity, will be limited to maximum and medium security inmates. The state's primary medium security facility for males will be located at the Los Lunas Correctional Complex. This complex will also handle all maximum and medium security females. Minimum security facilities for both males and females will be increasingly dispersed throughout the state; the existing facility at Los Lunas will be one, and one or

more smaller programs will be located in other regions of the state.

A comparison of population forecasts and bed capacities shows a system capacity in the major facilities of approximately 1400 beds for males and 118 beds for females in 1980, with corresponding population projections of 1320 males and 85 females.

In summary, with the new construction recommended in the Master Plan, total system capacity will be sufficient in number of beds and in the mix of security classifications.

## After 1980

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The preceding discussion covers short-term bed capacity needs for New Mexico corrections. In 1979, however, the new sentencing act will go into effect. Because many details of the legislation remain to be clarified, and because significant legislative amendments are recommended in this plan, it is not now possible to estimate the precise impact of the legislation. Even if no revisions are made in the legislation, the variability allowed the courts in sentencing decisions and the impact of plea-bargaining are so substantial that some experience with the new bill is needed before

long-term planning is undertaken.

It appears likely that inmate populations will rise markedly soon after the legislation goes into effect in 1979, if it is not drastically changed. The direction of impact, in short, is clear, even though the scope of the increase is less certain. It is, therefore, imperative that the Division of Corrections closely monitor the changes in the system during the coming three-year period, with the goal of determining by late 1979 the longer range need for facilities.

## 2 Precorrections

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The criminal justice process is administered in stages as a flow-through system. Each stage up to the trial is a screening device, adhering to an increased standard of legal proof. Defendants who are tried and convicted, or plead guilty without trial, are sentenced, and thus become the clients of corrections. For this reason, it is appropriate to begin a master plan for corrections with an analysis of sentencing and alternatives.

The traditional designation of corrections as the final stage of the criminal justice system underplays the essential connections between corrections and other units of the justice system. The arrest of an adult for a felony can usefully be analyzed as a "screening decision" that introduces to the criminal justice system a particular person who may ultimately reach corrections. Local prosecution policies and priorities reduce

and refine the population who, after being arrested, ultimately face criminal charges and perhaps trial. Procedural guarantees, substantive law, and the unpredictable nature of trials result in a great deal of further screening and refinement.

Sentencing, however, is the ultimate screening function of the criminal justice system. It is the exclusive purview of the judge, whether the case is disposed of by plea negotiation or by trial.

Currently New Mexico judges have only two alternatives available at sentencing: (1) to commit the defendant to incarceration in the state's correctional institutions; or (2) to suspend or defer the sentence prescribed by law, generally sentencing the defendant to a term of probation, often with certain conditions.

### Preprosecution Program

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The New Mexico Division of Corrections (through the Field Services Bureau) should establish a statewide preprosecution program.<sup>1</sup> Preprosecution programs are designed to intervene early in the cases of individuals with whom social services and formal supervision have a strong potential for averting future criminal behavior. Preprosecution programs screen cases to identify those that can be handled expeditiously by means other than full prosecution. The typical program participant is a young offender, with strong community ties whose alleged criminal act does not display a pattern demonstrating criminal orientation and whose offense may be drug-, alcohol-, or economics-related. Preprosecution programs can thus have a significant impact on the volume and characteristics of the criminal proceedings for which public funds must be allocated.

The Master Plan Team's analyses of current inmate profiles demonstrate that a significantly high percentage of crimes are associated with drug and/or alcohol abuse and economic need and are committed by relatively young and unsophisticated offenders. Inventories of programs and services conducted by the Master Plan Team demonstrate that local resources are not consistently available in all judicial districts, and there is a lack of programs aimed at this population and at similar offenders who are on probation but in need of a

program. For these reasons, a system of preprosecution programs administered through a state agency is a necessary and pragmatic element in the total criminal justice system.

The preprosecution program should be available to adults arrested for felony offenses who meet the following criteria:

- the defendant has no prior felony or misdemeanor conviction showing a pattern of similar behavior
- the defendant's record does not indicate that probation or parole has ever been withdrawn or revoked without thereafter being completed
- the defendant's record does not indicate that s/he has been diverted pursuant to the preprosecution statute within five years before the alleged commission of the charged offense
- the defendant has no prior felony conviction within five years before the alleged commission of the charged offense
- the defendant is not charged with a crime of serious violence or the sale of drugs.

Persons meeting these criteria should be referred by the court to the judicial district's preprosecution program. The program should be operated through the Division of Corrections Field Services Bureau offices in conjunction with local agencies. Field Services person-

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1. See *New Mexico Standards and Goals* (1976), Standards 1.1-2.2, pp. 231-34, and Standard 2.1, p. 313.

nel should interview each person referred and prepare a plan for that individual's participation in the preprosecution program. The plan may require involvement in a community corrections program (residential or out-patient), drug or alcohol counseling, restitution, community work, and/or psychological counseling.

This plan (in the form of a contract between the defendant and the court) should be submitted to the court for approval before criminal proceedings are suspended. In addition, the defendant must specifically waive the right to a speedy trial. (Waiver of any other procedural rights is not necessary or appropriate to the program's objectives.) Criminal proceedings should be suspended for a period of six to twenty-four months, during which time regular progress reports should be

filed with the court and reviewed by the district attorneys, who may, if warranted, reinstitute prosecution of defendants who fail to adhere to the program successfully.

The goals and objectives of preprosecution programs necessitate close monitoring and supervision of all participants, in addition to the requirements of the individual plan. In addition, Field Services officers should be involved in identifying relevant community resources compatible with the preprosecution programs, so that the number of persons diverted from the courts can be increased and their restitution to the community made more substantial.

The Master Plan Team recommends the following legislation to institute preprosecution programs:

#### AN ACT

RELATING TO THE DIVERSION OF DEFENDANT FROM CRIMINAL PROCEEDINGS AND PREPROSECUTION PROGRAMS; PROVIDING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO.

Section 1. SHORT TITLE. — This act may be cited as the "Preprosecution Act."

Section 2. PURPOSE OF ACT. — The purposes of the Preprosecution Act are to remove those persons from the criminal justice system who are most amenable to rehabilitation and least likely to commit future offenses and to provide those persons with services designed to assist them in avoiding future criminal activity.

Section 3. ESTABLISHMENT OF PROGRAMS. — The preprosecution program shall be established by the department of criminal justice and operated through the field services bureau of the division of corrections.

Section 4. ELIGIBILITY. — Any defendant accused who has allegedly committed a criminal act that would constitute a felony, if convicted, is eligible to participate in the preprosecution program provided.

A. The defendant has no prior felony or misdemeanor conviction showing a pattern of similar behavior;

B. The defendant's record does not indicate that probation or parole has ever been withdrawn or revoked without thereafter being completed;

C. The defendant's record does not indicate that s/he has been diverted pursuant to this section within five years prior to the alleged commission of the charged offense;

D. The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.

Section 5. DISTRICT ATTORNEY APPROVAL — REFERRAL TO PROGRAM. — The district attorney of the judicial district having jurisdiction over the defendant, shall certify whether the defendant is eligible to participate in the preprosecution program. In the event that the defendant is not eligible to participate in the preprosecution program, the district attorney

shall either file with the court or read into the record the specific grounds upon which the defendant is not eligible. In this event the information shall be made available to the defendant and counsel. In the event the defendant is eligible for the preprosecution program, the court may refer the defendant to the district office of the bureau of field services of the corrections division of the criminal justice department.

Section 6. PREPARATION OF INDIVIDUAL PROGRAM. — The field services bureau upon referral of a defendant by the court to the preprosecution program shall prepare an individualized program that may include counseling, testing for alcohol or narcotics abuse, restitution, public service or entry into a residential treatment facility.

Section 7. AGREEMENT — WAIVER — SUSPENSION OF CRIMINAL PROCEEDINGS. — In the event the defendant agrees to the proposed preprosecution program prepared by the field services bureau and can be supervised, the defendant shall waive his right to a trial as provided by Section 41-23-57(b) NMSA. Upon entry of the order, the court shall order the defendant diverted to the preprosecution program and suspend the criminal proceedings against the defendant.

Section 8. LENGTH OF TIME DEFENDANT PARTICIPATES IN PROGRAM — PROGRESS REPORTS — CONSEQUENCES OF NON-COMPLIANCE — COMPLETION OF PROGRAM. —

A. A defendant may be diverted to the preprosecution program for no less than six months and for no longer than two years.

B. The field services bureau shall file with the court progress reports concerning the defendant not less than every six months.

C. In the event the defendant does not comply with the terms of the diversion order, is convicted of a misdemeanor that reflects the defendant's propensity for violence, or is convicted of a felony the court may order a hearing to determine whether the defendant should be re-diverted from the preprosecution program and the criminal proceedings reinstated.

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D. In the event the defendant completes the preprosecution program the criminal proceedings shall be dismissed.

Section 9. ADMISSIBILITY OF INFORMATION OBTAINED BY PREPROSECUTION PROGRAM — EFFECT OF ARREST RECORD INFORMATION PERTAINING TO OFFENSE. —

A. No statement or information derived by the preprose-

cution program with respect to the offense with which the defendant is charged shall be admissible in the criminal proceeding.

B. In the event the defendant completes the preprosecution program, the information pertaining to his arrest shall be purged.

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To fully implement the preprosecution program additional resources should be allocated to Field Services. Estimating the volume of deferred cases is difficult, but initially implementation is feasible with the addition of one half-time professional in each judicial district to handle investigation and supervision. When programs are fully operative, the essential intensive supervision will likely require an additional full-time professional in each judicial district that does not yet have programs. During the early months of the program the district attorney offices in some judicial districts may undergo slight adjustment problems with some accompanying costs. However, within a relatively short time, cost savings can be expected both in terms of personnel costs and administrative resources. Savings should be derived from a variety of side effects of the program; for example, the number of appearances by attorneys and the number of investigations required for trial will be reduced. The reductions in overall caseloads should allow scarce resources to be focused on the most serious offenses.

In each judicial district, an advisory committee should

be created consisting of at least one representative from the judiciary, the district attorney's office, Field Services, the defense bar, and the community (represented by two or three public members). The committee should be assigned the responsibility of monitoring the program to ensure that its objectives for offender rehabilitation are being met without undue risk to the community. The committee should be a forum for the resolution of problems that may impede full use of the program, as well as for developing more resources in the community. Although the proposed legislation provides the fundamental administrative, legal, and fiscal structure, district committees should be encouraged to adapt the program to local conditions, consistent with the goals and objectives of the program. An additional benefit of such a committee representing all units of the criminal justice system and the community, is that it brings a comprehensive focus to local crime problems. Thus, the preprosecution advisory committees should become a functioning planning unit for the district's criminal justice system.

## Sentencing

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To effectuate a sentencing system that guarantees justice to the individual and protects the public, certain provisions should be added to the New Mexico statutory scheme.<sup>2</sup> The Criminal Sentencing Act passed by the New Mexico legislature in 1977 is to take effect on July 1, 1979. The act is intended to remedy the alleged failures of the existing indeterminate sentencing laws. The impact of the act on corrections will be significant and complex.

The Criminal Sentencing Act combines features of both determinate and indeterminate sentencing. The act is "determinate" in providing that the judge sentencing a convicted felon must fix the sentence at a specific

number of years. (This requirement, of course, applies only where the judge has determined that the offender should be incarcerated; the act has *not* modified the judge's discretion to suspend or defer sentence.) The act is "indeterminate" because, although the legislature chose to reduce the statutory range of terms for first and second degree felonies, the range remains fairly broad. In the case of a first degree felony, the act provides that "the court shall set a definite term of not less than 10 years nor more than 25 years; for a second-degree felony, the court shall set a definite term of not less than seven years nor more than 15 years." In operation, such a sentencing system could fail to produce

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2. See *ibid.*, Standard 15.7, p. 395.

the deterrent effect ascribed to determinate sentencing, while nonetheless allowing serious disparities in sentences that could support challenges to the validity of the entire sentencing scheme.

Sentencing results in input to corrections, and the new law thus suggests major system consequences and planning implications for corrections. Because present estimates suggest that the average daily population in New Mexico's correctional institutions will double, the Master Plan Team carefully analyzed the law. The analysis led the team to several recommendations aimed at conserving the legislature's goal of determinate sentencing while avoiding enormous "warehousing" of offenders and allowing for restitution-oriented alternatives to incarceration. These recommendations are discussed next.

## Revision of the Criminal Sentencing Act

The Criminal Sentencing Act should be revised. The terms provided by the act should be restricted so as to avoid the possibility of disparities among sentences, which may lead to charges of abuse of discretion or discriminatory practice.<sup>3</sup> The format adopted by many states experimenting with determinate sentencing consists of designating a preferred base term for each offense, provisions for sentence enhancement, and a formula for setting terms higher or lower than the preferred term. This policy is recommended by the Master Plan Team. Accordingly, the New Mexico Criminal Sentencing Act should specify the following base term provisions for persons convicted of noncapital felonies:

— for a first degree felony, a definite term of seven years

- for a second degree felony, a definite term of five years
- for a third degree felony, a definite term of three years
- for a fourth degree felony, a definite term of eighteen months

## Presentence Reports

The sentencing hearing should elicit accurate, comprehensive information about the defendant to ensure that the sentence "fits" the individual, the offense, and the needs of the community. A presentence report should be required before sentencing in all felony cases decided by verdict or plea.<sup>4</sup> The Master Plan Team recommends enactment of the following legislation:

### AN ACT

RELATING TO SENTENCING: MAKING PRESENTENCE INVESTIGATIONS MANDATORY; AMENDING SECTION 41-17-23 NMSA 1953 (BEING LAWS 1972, CHAPTER 71, SECTION 17).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 41-17-23 NMSA (being Laws 1972, Chapter 71, Section 17) is amended to read:

"41-17-23. PRESENTENCE AND PRERELEASE INVESTIGATIONS. — A. Upon the order of any [district or] magistrate court, the director shall prepare a presentence report which shall include such information as the court may request. *Where a defendant has been convicted of a crime constituting a felony, the district court shall order the director to prepare a presentence report. The report shall include available information about: the defendant's version of the offense; family history; employment history; educational background; personal references; any history of drug or alcohol abuse; psychological background; prior criminal history; and any defense and prosecution statements. The report shall be filed by the*

3. There are additional questions regarding the sentencing legislation, including the following:

- The act does not contain a "purpose clause."
- A noncapital offender is required to serve a two-year parole in addition to the basic sentence imposed by the court. Thus, it would be possible for a person to serve more than five years for a fourth-degree felony if the person's parole was revoked. This objection applies to any degree of felony.
- The act does not specify how long a person whose parole is revoked must serve—the balance of the maximum sentence or the balance of the term of parole?
- The act does not contain a limit on how far back a felony committed by a person will be considered a prior offense within the meaning of the habitual criminal section (6) of the act.
- To avoid the possibility that a district attorney might improperly "hang" the threat of filing against a person as a habitual criminal, a clause should be added to section 7 of the act specifying that such a threat by a district attorney would be "misfeasance" of office.

- Section 10(A) of the act requires a consecutive sentence to be imposed for escape from a penal institution. The concept of running the sentence consecutively is sound, provided the penalty for escape from a trusty position or minimum security institution is reduced to lesser term.
- Section 12 provides for a parole hearing for a person who has committed a capital offense. The sentence is set at thirty years. The act should be amended to provide for a presumption of parole unless certain specified criteria are shown.
- Section 12(C) provides for a parolee to be under the supervision of the parole board. Actual supervision is by the Field Services Bureau of the Division of Corrections of the Criminal Justice Department.
- Section 14 of the act may infringe on the governor's constitutional power to pardon.
- Section 15 of the act (meritorious deductions) seems to allow pre-computation of the good time.

4. See *New Mexico Standards and Goals*, Standards 4.12-4.19, pp. 329-30.

director with the clerk of the district court within twenty-one (21) days unless waived by the defendant.

B. Upon the order of any district court the director shall prepare a prerelease report which the court shall use to determine the accused's qualifications for bail. The report shall include available information about the accused's family ties, employment, financial resources, character, physical and mental condition, the length of his residence in the community, his record of convictions, his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings and any history of drug or alcohol abuse.

C. All local and state law enforcement agencies shall furnish to the director any requested criminal records. *Criminal records furnished shall not include arrest record information that did not result in a conviction unless admitted into evidence in the criminal proceedings.*"

Any submitted defense or prosecution statements concerning the sentence should be included in the pre-sentence report. The report should be made available to defense counsel and to the district attorney sufficiently in advance of sentencing to allow for presentation of facts to refute or amplify any portions of the report. At the time of sentencing, either party should have the opportunity to present evidence in support of arguments that the sentence should be deferred or suspended, or that the term of incarceration should be higher or lower than the preferred term. The sentencing judge should include on the record the specific facts upon which the sentence is based.

## Use of Probation

Any felony sentence, with the exception of a life sentence, should be eligible to be deferred or suspended. Probation should be possible in any such case where the interests of justice would be served by such sentence.

Effective probationary supervision is central to the most efficient use of limited corrections funds and to the full use of community corrections and restitution alternatives to incarceration. Traditionally, incarceration has been the norm for persons found to have committed serious crimes. Probation, or any other sentence that did not directly result in total incarceration, was considered an exception or an instance of leniency. In recent years New Mexico, like most states, has come to use probation as the primary (and often exclusive) alternative to incarceration for felons. For first offenders, use of probation is so widespread it is considered almost the normal sentence. The exceptions generally recognized are for serious violence (where the violence was not situational but recurrent), sales of controlled substances, and organized crime activities.

Probation should be the *preferred* sentence where, considering all the circumstances of the individual defendant and the offense, the interests of justice would be served. The following criteria should be used for assessing the appropriateness of a deferred or suspended sentence, with a grant of probation, and for setting the conditions of probation:

- the likelihood that the defendant will be a danger to others if not imprisoned
- factors relating to the crime, including the circumstances, the amount of harm or loss suffered by the victims, whether the defendant was armed with or used a weapon, whether the defendant inflicted bodily injury
- whether the defendant planned the commission of the crime, whether s/he was an active or passive participant, and whether the crime indicated criminal sophistication on the part of the defendant
- whether the crime was committed because of an unusual circumstance (such as great provocation) that is unlikely to recur
- the defendant's background, including prior record of criminal conduct (type and frequency, age at which criminal activity began, and whether the record indicates a pattern of increasing criminality), prior probation or parole history, and willingness and ability to comply with the terms of probation; age, education, health, mental faculties, family background; employment and military history; addiction or danger of addiction to alcohol or dangerous drugs; the likely effect of imprisonment on the defendant and dependents; possible effects on the defendant's life of a felony record; and whether the defendant is remorseful
- whether a financially able defendant has made restitution to the victim, and whether there would be a greater likelihood of restitution to the victim and community if probation was granted, rather than incarceration.

Upon applying these criteria, if the court is reasonably assured that the interests of justice would be served by sentencing a particular defendant to probation, the court should suspend or defer sentence accordingly. Conditions can be attached to the probationary grant. Probationary conditions should be drafted to tailor the supervision to the specific needs of the defendant and to any identifiable causes of criminal behavior. Conditions such as residence in a community corrections program, voluntary commitment to a mental hospital or facility, or restitution may be appropriate and productive in specific cases.

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## Sentencing Workshops

To develop guidelines for sentencing (and the use of probation) and to ensure equal application of the laws, the New Mexico Judicial Conference should conduct at least annual sentencing workshops with all district court judges.<sup>5</sup> The workshops should focus on clarifying interpretations of the law, the use of probation, and

exploring areas where resources could be developed to assist judges in improving the efficacy of their sentencing. In addition, data on sentences should be collected regularly from the various districts. The Administrative Office of the Courts should prepare an annual report summarizing sentencing data, for dissemination during these workshops and seminars.

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## Mentally Disordered Criminal Defendants

Forensics encompasses both precorrections issues, often entailing a diversion of offenders out of the corrections system, and postcommitment services. This section thus contains a discussion that is also relevant to the institutional programs and services discussed in Chapter 5. In order to discuss the forensics system as a whole, however, all Master Plan recommendations regarding forensics are presented here.

The term "forensics" refers to the psychiatric evaluation and treatment of mentally disordered or retarded criminal offenders. The diagnostic or evaluative facet of forensics is raised by the criminal law's recognition of the mental or intentional component of crimes (i.e., "mens rea"). For a crime to have been committed, there must be both commission of a proscribed act (i.e., "actus reus") and a criminal state of mind — that is, both an act and the *intention* to commit an act that the offender *understood* to be proscribed. This principle has given rise to intricate legal issues of "competence," "diminished capacity," and "innocence by reason of insanity." Treatment can range from long-term inpatient care to occasional outpatient counseling sessions.

In New Mexico, the forensics system is presently composed of the Forensics Treatment Unit at the New Mexico State Hospital, the Psychological Services Unit

at PNM, and some additional community-based services, most notably the mobile evaluation teams administered through the Department of Hospitals and Institutions. Evaluation and treatment roles are shared throughout the system: the State Hospital conducts evaluations for the courts, as well as housing offenders for treatment; likewise the Psychological Services staff at PNM both conducts court-ordered diagnoses and provides outpatient treatment for offenders in PNM and other correctional facilities.

Forensics necessarily entails a "dual system" of correctional and mental health roles. In New Mexico, the dual system has been troubled by ambiguities of jurisdiction and overlapping services. Present forensics resources are not adequate to meet the magnitude of mental health problems among offenders, and this inadequacy is exacerbated by the lack of a unified and organized system for dealing with forensics cases. The Master Plan recommendations thus contain a reorganization of forensics responsibilities and an increase in resources allocated to forensics purposes.

The following statutory provisions are necessary to implement a system that responds appropriately and with minimum disruption to the special problems of the mentally disordered criminal defendant:

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AN ACT  
RELATING TO MENTAL CONDITION OF CRIMINAL DEFENDANTS — EVALUATION — TREATMENT; AMENDING SECTION 34-2-26 NMSA 1953 (BEING LAWS 1953, CHAPTER 43, SECTION 1). RELATING TO THE MENTAL CARE OF CRIMINAL DEFENDANTS AND INMATES COMMITTED TO THE PENITENTIARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO.

Section 1. Section 34-2-26 NMSA 1953 (being Laws 1976, Chapter 43, Section 1) is amended to read:

34-2-26. MENTAL CONDITION OF CRIMINAL DEFENDANTS — EVALUATION — TREATMENT. —

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5. See *ibid.*, Standard 6.3, p. 253.



A. Whenever a district court finds it necessary to obtain an evaluation of the mental condition of a defendant in a criminal case, and whenever the court finds it desirable to use state facilities to assist in making the evaluation, the court shall contact the secretary of the hospitals and institutions department for arrangement and designation of suitable available facilities. Upon such contact, the secretary shall advise the court whether the defendant shall be retained in the local facilities available to the court, for visit by diagnostic personnel furnished by the state, or whether the defendant shall be transported by the county to facilities designated by the secretary for the purpose of making an evaluation.

B. If the secretary elects to have the defendant retained at the court's local facilities, he shall notify the court when the state diagnostic personnel will visit the local facilities; provided that, such visit shall be no later than two (2) weeks from the time of the court's initial contact with the secretary.

(1) After the evaluation of the defendant is completed, the state diagnostic personnel shall make themselves available for deposition to declare their findings. The usual rules of evidence governing the use and admission of the deposition shall prevail.

(2) If the secretary finds that the state diagnostic personnel will be unable to initiate the investigation within two (2) weeks from the time of the court's initial contact with the secretary, then the secretary shall call upon the county sheriff of the county wherein the defendant is incarcerated and have the defendant transported to facilities designated by the secretary for the purpose of conducting the evaluation.

C. If the secretary elects to have the defendant transported to the facilities designated by the secretary for the purpose of evaluation, the evaluation shall be commenced as soon as possible after the admission of the defendant to the facility, but, in no event, shall the evaluation be commenced later than seventy-two (72) hours after the admission. The defendant, at the conclusion of the evaluation, may be returned by the secretary to the facilities of the court upon not less than three (3) days' notice. After the evaluation is completed, the state diagnostic personnel shall make themselves available for deposition to declare their findings. The usual rules of evidence governing the use and admissibility of the deposition shall prevail.

D. Documents reasonably required by the secretary to show the medical and forensic history of the defendant shall be furnished by the court when required.

E. After an evaluation and upon reasonable notice, the court may commit a defendant to the secretary for custody and treatment. A defendant so committed shall be treated as any other patient committed involuntarily. When deemed by the secretary to be medically appropriate, the defendant may be returned to the custody of the court upon not less than three (3) days' notice.

F. The secretary shall make regular reports to the court at intervals of no more than 90 days. A defendant committed under this section may not be released without the approval of the court.

G. If the secretary determines that a defendant is competent to stand trial, he will be returned to the custody of the court.

(1) The court shall credit time spent in the custody of the department of hospitals and institutions to a later sentence the individual may receive for the same offense.

(2) An initial determination of incompetency shall not exclude a defendant from benefiting under this section.

H. A defendant may be held under the authority of the department of hospitals and institutions, under the provisions of this section, for a maximum of three years, or the term for the underlying offense, whichever is less.

I. The secretary may, in appropriate circumstances, seek an adjudication of incompetency and sale, conveyance, lease or encumbrance of property pursuant to NMSA 32-3-1 (1953 Rev. Comp.) et seq. The secretary, for the purposes of this section, is a person and/or interested person.

~~F.~~ J. All acts to be performed by the secretary of the hospitals and institutions department pursuant to this section, may be performed by the secretary's designee.

Section 2. Section 34-2-27. [NEW MATERIAL] MENTAL CONDITION OF CRIMINAL DEFENDANTS — USE OF PROBATIONARY TERMS FOR THE COMMITMENT OF MENTALLY DISTURBED DEFENDANTS. —

A. Where at the conclusion of the criminal case, upon the entry of the final judgment through verdict or plea, the district court judge determines that the defendant is in need of psychiatric care or counseling, and that the interests of justice would be served by such care and counseling, and that the interests of justice would be served by such care and counseling rather than incarceration, the court may defer or suspend sentence and place the defendant on probation with the condition that she/he obtain such care or counseling. Commitment to the department of hospitals and institutions may also be an appropriate condition of probation in certain circumstances. The circumstances in which such conditions of probation shall be deemed appropriate, although not the exclusive circumstances, involve defendants evaluated as sexually disoriented, gravely disabled, mentally retarded, or persons found not guilty by reason of insanity.

B. In no circumstances shall the defendant be held involuntarily under the authority of the department of hospitals and institutions in excess of the probationary term. The court shall require regular progress reports, which may include reports from any institution where a defendant has been placed, during the probation. If at any time, the secretary of the department of hospitals and institutions determines that the defendant is no longer in need of custodial care and treatment, the recommendation will be made in a written report to the field services bureau and to the district court that the conditions of probation providing for custodial care and treatment be stricken or modified.

Section 3. Section 34-2-28. CARE AND TREATMENT OF PERSONS COMMITTED TO THE DEPARTMENT OF CORRECTIONS, SUFFERING FROM CHRONIC MENTAL DISABILITIES. —

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A. If the chief of the forensic unit at the department of corrections determines that an inmate has a serious mental disorder or disability and that such illness is chronic, a recommendation shall be made that the inmate be transferred to the care and custody of the department of hospitals and institutions.

B. Upon agreement with the secretary of the department of hospitals and institutions, the inmate shall be transported to the state hospital at Las Vegas, New Mexico, or any institution designated by the department of hospitals and institutions. All

subsequent decisions as to the nature and scope of treatment, including placement, program involvement, type of care and control, and facility assignment shall be within the authority of the department of hospitals and institutions. The inmate will remain in the care and custody of the department of hospitals and institutions until his/her sentence is served. Under no circumstances, may such an inmate be held under the authority of the department of hospitals and institutions beyond the term of his/her sentence.

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## Presentence Evaluations

It is recommended that all psychiatric evaluations of offenders before actual commitment to the custody of the Division of Corrections be conducted by the Department of Hospitals and Institutions. Evaluations included within the meaning of this recommendation include evaluations of competence to stand trial and evaluations related to defense by reason of insanity, as well as presentence evaluations assessing the probable impact of incarceration on the mental state of the defendant.

Diagnostic commitments to PNM (or to any other corrections unit, including those developed pursuant to this Master Plan) should be discontinued with all due speed. Such diagnoses are most appropriately accomplished outside the prison setting, free of the distortions introduced by incarceration. Moreover, the present practice of diagnostic commitments to correctional facilities necessitates a significant diversion of correctional psychiatric staff time and energies, with detrimental effects on the planning and delivery of services for those offenders already incarcerated.

It is recommended that the present DHI Mobile Evaluation Teams be expanded to cover all judicial districts in New Mexico. Although evaluations can be carried out either at the state hospital or by the mobile evaluation teams, it is recommended that the mobile evaluation teams or other available local resources (e.g., the Bernalillo County Mental Health Center) be used wherever possible. The reasons for this recommendation are similar to those for removing diagnostic responsibilities from the PNM staff: diagnosis is best accomplished in a "community" or noninstitutional setting familiar to the offender; and the assignment of diagnostic cases to a treatment facility interferes with the primary function of that facility — careful case planning and treatment.

## Commitments to Mental Health Facilities

When the mental health evaluation concludes that the offender is not competent to stand trial or would not benefit (or would be harmed) by incarceration in a correctional facility, the court should commit the defendant to an appropriate mental health facility or program.<sup>6</sup> Offenders so committed should be protected by due process rights, such as the right to a jury trial before involuntary commitment and the right to regular review of their status.

The "appropriate" placement is determined according to: (1) the kind of care required (which varies depending on whether the defendant is mentally retarded or mentally ill and according to the precise diagnosis of mental illness); and (2) the need for and available level of security or custody to prevent risk to the safety of the offender or others.

When the professional staff of the institution or program to which the offender has been committed determines that the mental disability has been resolved or has stabilized, the staff should report this conclusion (together with a transitional or follow-up care plan) to the appropriate criminal justice authority, typically the court. In cases in which criminal proceedings were suspended during the defendant's commitment or in which the defendant was placed in a facility or program as a condition of probation, for example, the offender would be returned to the criminal justice authority for criminal proceedings, where appropriate. Under no circumstances should the term of commitment exceed the maximum term of incarceration for which the defendant was brought to trial unless the defendant first goes through a civil commitment process.

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6. See Approach Associates, *New Mexico Master Plan for Mental Health* (January 15 1978) prepared for the DHI.

Table 2-1: Elements of the Forensic Treatment Program

	Community Mental Health Centers	DHI Mobile Evaluation Team	DHI Forensic Treatment Unit	DOC Penitentiary Treatment Unit
Competency Examinations	•	•	•	
Presentence Diagnosis and Evaluation	•	•	•	
Commitment for Treatment			•	
Inpatient Care during Incarceration			•	•

### Inpatient Forensics Treatment, Division of Corrections

The facilities of the Psychological Services Unit at PNM should be remodeled to provide up to twenty-five inpatient beds for short-term care and treatment of inmates suffering from episodes of acute mental illness. This component of care would supplement the current outpatient counseling provided at PNM.

The inpatient unit should be placed on the upper floor of the current Psychological Services wing of PNM. Under no circumstances should inmates be committed directly from the courts to this unit, which is intended only for inmates whose psychiatric episodes occur after (or as a result of) their commitment to Division of Corrections incarceration. Responsibility for PNM psychological services should be lodged with the director of the unit, who should report administratively to the Bur-

reau of Programs and Services. The Psychological Services Unit should provide "satellite" services to all other correctional facilities, coordinated through the Bureau and Programs and Services.

If the director of the Psychological Services Unit determines that an inmate's psychiatric disorder is *severe and chronic*, a request should be made for the State Hospital of New Mexico to assume responsibility for the housing, care, and treatment of the inmate. Such transfers would remove the offender fully and finally from the authority of the Division of Corrections, for the duration of treatment and confinement on the present offense charges.

Because little if any preincarceration diagnostic functions will be required of Psychological Services Unit personnel, the only additional personnel required in the immediate future to staff the inpatient unit at PNM are one psychiatrist and two psychiatric technicians.

# 3 Intake and Classification

In the coming years, the complexity of the New Mexico correctional system will increase dramatically, as new community programs are developed and additional facilities are built. In order to use these programs and facilities most effectively, it is essential that a sophisticated intake and classification system be developed.

The intake and classification function should be the central mechanism by which the individual offender committed to the Division of Corrections is placed within the system of programs and facilities.<sup>1</sup> The essential goals of an intake and classification system are to evaluate each offender's potential for rehabilitation and risk of violence or escape and to make (or revise) program and housing assignments based on these evaluations. The intake and classification system is thus a cornerstone of the double responsibilities of correctional administration: offender rehabilitation and institutional and community security and safety. The Intake and Classification Center (ICC) proposed here for New Mexico follows the guidelines for correctional administration developed by all authorities on contemporary corrections.<sup>2</sup>

Implementation of the ICC concept will entail major changes in the current corrections system. Chief among these changes are:

— *Functions:* Intake and classification functions should be upgraded, and significantly greater resources

should be invested in developing detailed program plans and carefully defined security classification (housing assignment) procedures.

— *Facilities:* The ICC must be housed in a *new facility* physically and administratively separate from any existing or proposed facility.

— *Administration:* The ICC should be accountable to a new Bureau of Programs and Services and, in matters concerning placement and programming for individual offenders, should have superior authority to the administrators of individual correctional facilities.

— *Staffing:* Significant changes in staffing, including reassignment of some existing personnel and addition of others, are needed to ensure that the functions of the ICC are completely accomplished.

Implementation of the ICC is the single most important recommendation of the Master Plan. Unless the central administrative capability provided by the ICC is developed, the other recommendations of the Master Plan — for new community and institutional programs and for additional or remodeled facilities — cannot be fully and effectively implemented. Even in the absence of such innovations, efficient management of the growing number of offenders requires an improved intake and classification system.

## ICC Functions

As shown in Figure 3-1, all offenders sentenced to incarceration in the New Mexico adult correctional system should be committed by the courts to the custody of

the secretary of the Division of Corrections, and be transported to the ICC. The Master Plan Team recommends the following legislation:

AN ACT  
RELATING TO PLACE OF COMMITMENT; PROVIDING FOR SENTENCES TO RUN TO THE DEPARTMENT OF CORRECTIONS; AMENDING SECTION 40A-29-13 NMSA (BEING LAWS 1963, CHAPTER 303, SECTION 29-12, AS AMENDED).  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 40A-29-13 NMSA (being Laws 1963, Chapter 303, Section 29-12, as amended) is amended to read:

40A-29-13. Place of imprisonment — Commitments. —  
A. Persons sentenced to imprisonment for a term of one (1) year or more shall be imprisoned in ~~the state penitentiary~~ a corrections facility designated by the corrections division of

1 See *New Mexico Standards and Goals* (1976), Standards 5.1-5.2, pp. 333-34.

2 National Advisory Commission on Criminal Justice Standards and Goals, *Corrections* (1973), Standards 6.1, 6.2; American Law Institute,

*Model Penal Code*, (1962), Part III, Article 304; National Clearinghouse for Criminal Justice Planning and Architecture, *Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults* (1971), Section B.

the criminal justice department, unless a new trial is granted or a portion of such sentence is suspended so as to provide for imprisonment for less than one (1) year, then such imprisonment may be in such place of incarceration as the sentencing judge, in his discretion may prescribe.

B. All commitments, judgments and orders of the courts of this state for the imprisonment or release of persons in the penitentiary shall run to the ~~penitentiary of New Mexico~~ corrections division of the criminal justice department, but nothing herein contained shall invalidate or impair the validity of any commitment, judgment or order of any court in this state directed to the superintendent ~~or the~~ warden of the penitentiary of New Mexico, or to the penitentiary of New Mexico, and all such commitments, judgments and orders shall be treated and construed as running to the corrections division of the criminal justice department.

C. There is created within the adult institutions bureau of corrections division of the criminal justice department an intake and classification center. The intake and classification center shall have the following duties:

1. initial processing of all inmates sentenced to the department of corrections and for all diagnostic commitments to the department of corrections;
2. classify inmates for housing assignments;
3. develop an individualized plan for participation by each inmate in programs, work assignments, and special needs;
4. monitor each inmate's progress during incarceration and reclassify or modify classification assignments as may be necessary, taking into consideration the overall needs of the inmate population, institutional and facility requirements, and the individual inmate's needs.

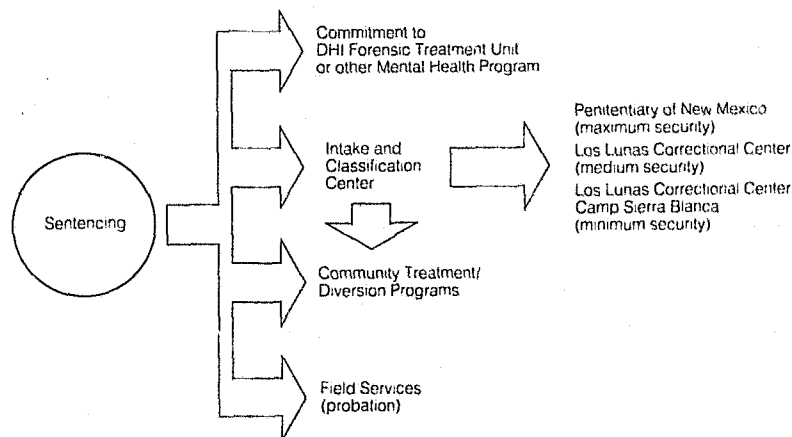


Figure 3-1: Sentencing Options and Offender Flow

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Only three categories of offenders should not enter the adult corrections system at the ICC:<sup>3</sup>

- offenders sentenced to "straight probation"
- offenders sentenced, as a condition of probation, *directly* to community treatment or diversion programs
- offenders who, following a psychiatric evaluation by DHI personnel, are committed to the state hospital or other mental health facility or program

The primary ICC activities entail an expansion and elaboration of activities currently conducted at the Admissions and Orientation Unit at the penitentiary. The responsibilities of the ICC are detailed below.

### Orientation

Each new inmate should participate in an extensive orientation program designed to provide the inmate with an understanding of the correctional system, its rules, and the opportunities it provides. The primary goals of orientation are to impress on the offender the seriousness of the transition from community life to incarceration, while minimizing the traumatic and disorienting aspects of that transition. The offender should be given a clear understanding of the new "social system" s/he is entering. Likewise, the orientation period should be structured to help minimize inconveniences to the offender's family (which typically follow the incarceration of a family member, often the family's primary wage earner).

The following topics should be included in the orientation (which should last approximately two weeks):

- preview of intake and classification procedures and responsibilities
- overview of the correctional system, including identification of available facilities, programs, and services
- review of rules, regulations, disciplinary procedures, and prisoners' civil rights
- detailed discussion of correspondence, visitation, and community release or furlough procedures
- introduction to "prison life and society," including discussion of the interpersonal relationship patterns typical among inmates

The orientation period should also include provisions for offenders to make necessary arrangements for and

with their families. Offenders should be encouraged not only to understand what to expect during their incarceration, but also to coordinate that understanding with plans and arrangements for their families during that period of time.

### Medical Examination

Each entering offender should receive a complete medical examination at the ICC. This is necessary not only so that illnesses and other health and hygiene problems can be treated, but also in order to avoid program or work assignments that might be detrimental to the inmate's health. Medical staff should also thoroughly examine inmates for indications of drug or alcohol abuse.<sup>4</sup>

### Program Placement

Each new inmate should remain in the ICC for a period of approximately six weeks. The major task of the ICC staff during this period should be to develop a "program plan" for the individual offender, in which the services and programs most appropriate to the offender's needs and potentials are outlined. Key aspects of the program development for individual offenders are described in detail in the following sections. A schematic summary of the program placement and planning function is contained in Figure 3-2.

### Program Design

In the program plan, primary attention should be given to the initial placement of the offender. A tentative prospectus or outline of "steps" for the inmate during the entire period of incarceration should also be developed, although this prospectus may well change during the period of incarceration.

Rehabilitation strategies can be based on a number of causal theories. Some theories focus on personality issues and suggest that rehabilitation requires changes in self-concept and other personal attitudes or characteristics. Others argue that rehabilitation involves restructuring the socioeconomic opportunities open to an offender, in order to make criminal behavior comparatively less attractive (or necessary). In developing a program plan for inmates, it is necessary to apply

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3. This recommendation changes the current statute committing offenders to the custody of the warden of PNM. See *New Mexico*

*Standards and Goals*, Standard 15.12, p. 400.

4. See *ibid.*, Standard 1.6, p. 301.

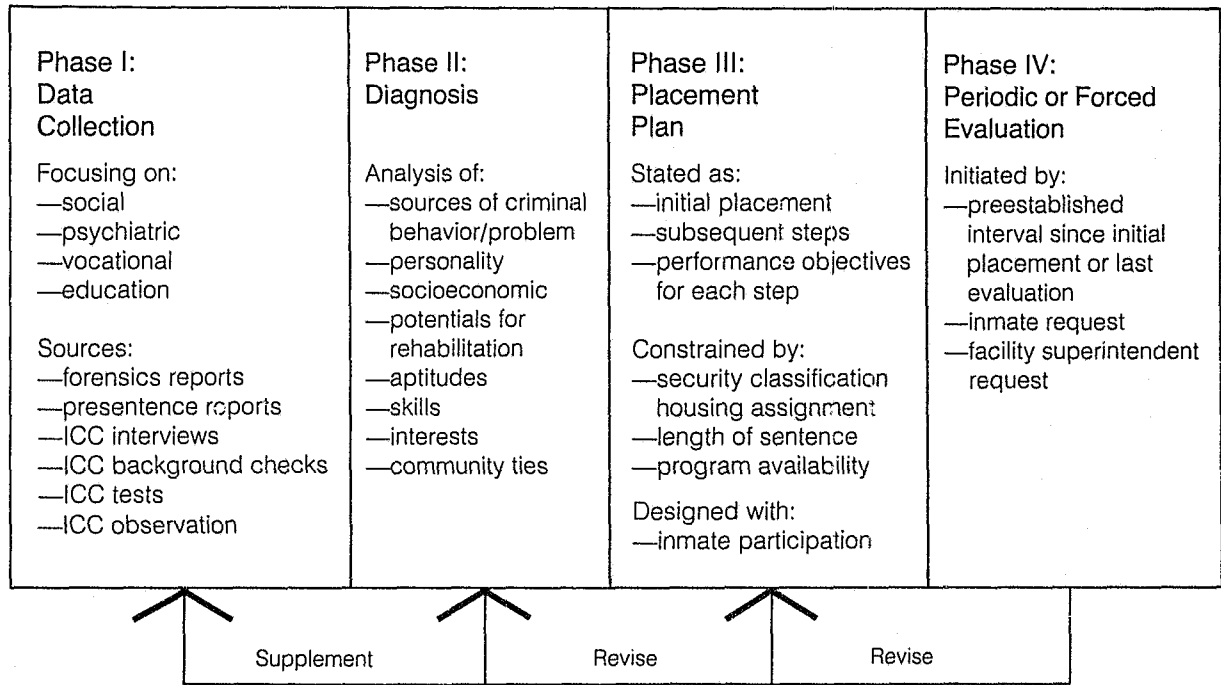


Figure 3-2: Schematic Summary, ICC Program Placement and Planning for Individual Offenders

these and other concepts with some sophistication and with attentiveness to the particular circumstances of the offender. Proper program planning involves both accurate *diagnosis* of the sources of the individual's criminal behavior and *development* of practical remedial actions.

It is important to acknowledge the generalization that rehabilitation efforts that require changing the inmate's personality become less and less feasible or effective the more restrictive the institutional setting becomes. This is a major reason for the rule of thumb guiding contemporary classification systems: that each offender be placed in "the least restrictive" environment feasible. Many correctional authorities believe that, in maximum and medium security facilities, rehabilitation occurs only in vocational or educational training pro-

grams that offer at least the possibility of broader socioeconomic opportunities.

Program planning must thus be seen as a *course of action*; where, for example, security classification decisions initially require closer security than is optimal for personality change or growth, particular attention should be given to incentives by which the offender may earn a way into less restrictive settings.

### Diagnostic Data

Program placements should integrate information from a variety of sources and regarding a large number of offender characteristics.<sup>5</sup> In addition to information concerning the inmate's criminal history, the following categories of data should be collected:

5. For a model format for such data collection, see National Clearinghouse, *op. cit.* in note 2, Section B.

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- *Social:* Information on the offender's family and cultural background should be collected from presentence and forensics reports, supplemented by in-depth interviews at the ICC. This information should be designed to ascertain the depth of the offenders' "roots" or ties in the community, as well as pointing to interpersonal or family problems that may be related to criminal behavior and that may continue to cause attitudinal or behavioral problems during incarceration.
  - *Psychiatric:* Primary sources of psychiatric data should be the forensics and/or presentence reports to be provided by the courts. These should be supplemented as needed by further tests conducted at the ICC. More significantly, they should be supplemented by extensive observation of the inmate's behavior and interactions while being housed at the ICC.
  - *Vocational:* In addition to complete background reports (including inquiries to employers) regarding past employment, all inmates should be given thorough vocational aptitude tests. Such information is critical in designing a program of prison employment and vocational education.
  - *Educational:* Information concerning past educational attainment should be verified, and former teacher and school counselors should be contacted, with the offender's permission. In addition, inmates should be tested to evaluate their actual educational attainment and to identify areas of intellectual aptitude and interest. Special needs, such as ESL courses, should be identified.

### **Performance Objectives**

To clarify the expectations of all parties, the program plan for each offender should be specified as much as possible in terms of expected achievements (or "performance" or "behavioral objectives"). For example, part of an inmate's plan could be to complete GED certification, by an established date, as "Step 1." Such performance objectives serve as a kind of contract between the offender and the corrections staff, implying both an obligation by the offender to attempt to progress at a certain rate and an obligation by the staff to assist in that progress. Performance objectives tied to target

dates form convenient benchmarks for reevaluating the progress (or rehabilitation) of the offender.

### **Offender Participation**

The offender should be fully appraised of the programs and services available. The program plan for the offender should be developed with the individual's participation, so that the reasons for particular program placements and the expected results in terms of individual rehabilitation are mutually understood. This process of working with the inmate is important in order to increase the probability of successful program participation and to encourage positive adjustment by the offender and minimize feelings of either rebellion or helplessness. As a more general principle, an inmate's right to refuse to participate in any program should be respected.

### **Security Classification and Housing Assignments**

Assessment of program plans should proceed in conjunction with the security classification evaluation. Whereas program plans serve rehabilitation objectives, security classification procedures are designed to manage the risks of violence, escape, and traffic in weapons and other contraband. Final assignment of offenders — to institutions or community programs and to particular jobs or activities within either — should be based on the most appropriate combination of rehabilitative goals and security requirements.

All such placements should be guided by a pair of basic rules of thumb: (1) that each inmate should be placed in the least restrictive security classification that is prudent and possible, and (2) that adequate programming should be available for all inmates, regardless of their security classification.<sup>6</sup>

### **Basic Classification Criteria**

The basic considerations governing maximum security classification are:

- the inmate has a history of extreme emotional instability or of violent behavior and poses a risk of physical violence (or extortion) to self, other inmates, staff, or the public.<sup>7</sup>

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6. See *New Mexico Standards and Goals*, Standard 10.5, p. 363, on special offender types.

7. Some inmates may have to be placed in maximum security housing for their own protection, for example, because they have been identified as police informants or because they are known targets for homosexual

assaults. Wherever possible, however, the preferred procedure in such cases is to remove the inmate from danger through other mechanisms, such as transfer to another institution, rather than placement in maximum security housing.



- the inmate requires both physical security and close surveillance and supervision by staff
- the required security measures include "hard" institutional perimeter security and stringent restrictions on circulation within the institution
- the inmate needs an institution with emphasis on single cells, as a control device, with separate day areas, dining areas, and recreation and other program areas, where feasible
- the inmate can be allowed most privileges, although with restrictions (e.g., limited visitation frequency, no contact visitation)
- the inmate can be allowed program participation, although with restrictions on setting and circumstance (e.g., no access to classroom setting, but access to correspondence courses, tutors)

The following considerations govern medium security classification:

- the inmate poses no real risk of physical violence, but is a potential escape risk or has a history of drug or alcohol abuse and thus may pose contraband problems
- the inmate requires some security measures, primarily a secure institutional perimeter, but less staff surveillance than maximum security prisoners
- the inmate can be allowed relatively free circulation within the institution
- the inmate can be permitted reasonable participation in all programs, services, and privileges within the institution
- the inmate may be permitted to participate in closely supervised activities outside the institution

The following considerations in assigning a minimum security classification are:

- the inmate is considered responsible and reliable, presenting no real risk of either violence or escape
- the inmate requires few if any physical security measures
- the inmate requires limited staff surveillance and may go unsupervised for substantial periods of time, subject to only occasional checks
- although the inmate lives in a supervised facility, s/he may be eligible for work and education furlough and/or for personal leaves.

### Other Classification Considerations

In addition to the individualized determinations regarding the risks of violence, escape, and contraband, other classification criteria should be applied in deter-

mining which prisoners to "mix" together or integrate in a common institutional and/or program setting. These criteria should be seen as guides that may or may not be appropriate, depending on the individuals to be classified. They include:

- *Age*: Where possible, relative uniformity of age in inmate housing groups should be encouraged, in recognition of the importance of peer group interactions.
- *Criminal sophistication*: "Novice" offenders should not be housed with "sophisticated" offenders (as measured by prior convictions or incarcerations). Some corrections authorities believe that "sophisticated" prisoners are likely to regard rehabilitative programs cynically and, through such attitudes, mitigate the effectiveness of programs for less experienced offenders.
- *Cliques*: It is a legitimate administrative concern to prevent the development of cliques — whether the cliques are based on past association, common institutional activities, or cultural, religious, or racial identification — but only where such cliques pose a threat to the safety of other inmates or staff.
- *Length of sentence, time remaining*: Many correctional administrators believe that an inmate will be more prone to escape attempts, the longer his/her remaining time to serve. While this may be a relevant consideration, evidence suggests that the relationship between length of time to be served and propensity to escape is neither direct nor simple. Thus, considerations regarding the inmate's term or release status should be applied with care and with attention to the particular inmate's personality, attitudes, and adjustment to incarceration.

### Classification Instruments

The key to fair and accurate classification decisions is that they be both personalized or *individualized*, and *objective*. They should be individualized in the sense that they are based on information about individual character and behavior, rather than on such generic criteria as offense categories. They should be objective in that they follow explicit, written criteria; to the degree possible, these criteria should be embodied in specific *indicators*, on which security classification "scores" can be based. With certain exceptions (including firmly based psychiatric diagnoses), the indicators should reflect "behavioral" factors, such as past offenses and disciplinary reports.

There are a variety of instruments by which security classification decisions can be made. Exhibit A, is a sample of a security classification *scale*, in which sev-

eral behavioral indicators, all easily drawn from criminal history records, are ranked according to the degree of security restriction required when the indicator is present in an inmate's record. An alternative technique

involves *scoring* selected variables. Exhibit B is a sample of this procedure.

In both scaling and scoring approaches the critical point is that classification decisions are reached largely

### Exhibit A: Security Classification Scale

Procedure for Determining Resident Classification: Beginning with question number one proceed to answer, in order, each question with either a YES or NO. When the answer to *all* parts of a question is YES, look in the margin to the left of the question for the resident's security classification.

Assignment Level	Does the inmate have	Percentage	Number per Assignment Level	Cumulative Total
High	1 A violent misconduct report during the past year?	3.4	27	27
	2 Two violent crime convictions, an escape history, and less than eight years served?			
	3 Two violent crime convictions and less than four years served?	3.4	27	54
	4 Two misconduct reports during the past year?	35.9	284	338
	High level total	0.7	5	343
Intermediate	5 More than two years until he is eligible for parole?	43.4	343	343
	6 Any violent crime conviction (or detainer) and less than two years served?	44.1	350	693
	7 A violent misconduct report during the past two years?	3.4	27	720
	8 Two violent crime convictions and an escape history?	0.7	5	725
	9 More than eighteen months until he is eligible for parole?	0.7	5	730
	10 Any violent crime conviction and less than four years served?	2.1	17	747
	11 Any prior felony conviction or prison incarceration and less than four years served?	1.4	11	758
	12 Any felony detainer?	1.4	11	775
	13 Any escape history?	0.0	0	775
	14 Two violent crime convictions and less than six years served?	0.7	5	780
	15 More than two prior incarcerations?	0.0	0	780
	16 Other than above?	0.0	0	780
	Intermediate level total	1.4	11	791
	Total	56.6	448	791
		100.0	791	791

Source: Gruzen & Partners/The Grad Partnership, *Rehabilitation of Trenton State Prison* (1977).

on the basis of uniform, written, explicit criteria or indicators. Other factors should, of course, be considered if appropriate; these should be amply documented, however. Both exhibits are intended to be illustrative; a security classification instrument tailored to New Mex-

ico's inmate population must be developed by New Mexico officials. Development of an appropriate security classification instrument should be an immediate priority of the ICC.<sup>8</sup>

### Exhibit B: Scoring Method of Security Classification (Sample Score Sheet)

Indicator	Score (Points)
Institutional misconduct (within past two years)	
Violent misconduct or report involving threat of violence	10
Escape or escape attempt	5
Serious misconduct (theft, contraband, false testimony, etc.)	4
Violation of administrative rules	1
If violation occurred within past year, add	1
Criminal history	
Aggravated or premeditated violent crime (each count within past two years)	7
Aggravated or premeditated violent crime (each additional count within past five years)	4
Outstanding felony detainer or warrant	3
Other violent crime (each count within past two years)	3
Other violent crime (each additional count within past five years)	2
Nonviolent felonies	
Three or more within past two years	3
One or two within past two years	1
Three or more within past five years	2
Parole violation, technical, for present admission	1
Current sentence	
More than two years remaining before earliest possible release date	2
Less than two years remaining before earliest possible release date	1
Miscellaneous indicators	
More than two prior incarcerations	2
Psychiatric diagnosis (from at least two qualified physicians) indicating propensity to extreme emotional instability or violence	5
Psychiatric diagnosis (from at least two qualified physicians) indicating strong antisocial tendencies or inability to cope with authority	3
History of severe substance abuse (alcoholism, hard drug addiction) that was still present at time of arrest	3
Classification scoring	
Maximum security: 12 or more points	
Medium security: 7 to 11 points	
Minimum security: under 7 points	

8. As seen in Exhibit A, the classification instrument can also be used as a source of data for facilities planning. When the scores of individual inmates are aggregated, estimates of the numbers of inmates falling within each security classification can be derived. The Division of Corrections has developed a scale similar to that found in Exhibit A;

in the division's efforts to implement and refine the Master Plan recommendations, this (or a similar scale) should be used to estimate security classification proportions among the projected inmate population. (An abbreviated version of the division's scale was used in developing the initial projections described in Chapter 1.)

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## **Inmate Transfers**

In order to maintain consistency of inmate programming, the ICC staff should retain responsibility for inmate transfers between institutions and for inmate program participation. Institutional superintendents should, of course, have disciplinary powers, including authority to curtail social privileges and programs, such as visitation and recreation, consistent with legal and other guidelines summarized in the Master Plan. All disciplinary actions should, however, be reported to the ICC. Institutional personnel should have authority to invoke temporary five-day suspensions of an inmate's participation in rehabilitation programs, pending review by the ICC. Within the five-day period, the ICC should either reinstate the inmate in the program, or make program placement revisions. Except in extremely unusual cases, removal of an inmate from program participation should not be used for disciplinary purposes.

## **Inmate Reevaluation**

The ICC should conduct regular reevaluations of each inmate's program plan, including the determination of inmate good-time. These should occur at least every six months, or more frequently if an inmate's particular circumstances warrant. During reevaluations, the inmate's performance in programs and insti-

tutional employment should be reviewed, and a conference with the inmate should address whether his/her interests or goals have changed. In addition to the scheduled reevaluations, reevaluations of inmate progress can be initiated at any time at the request of either institutional officials or the inmate.

## **Program Evaluation**

Inmate progress evaluations should be structured in such a way that program evaluation and planning data can also be extracted from the results. The evaluations should thus serve two purposes: to review the inmate's performance and to provide planning information regarding the relative success or effectiveness of various programs and services in motivating or rehabilitating prisoners.<sup>9</sup>

## **Prerelease and Parole Plans**

A final function of the ICC should be to develop, in conjunction with Field Services Bureau, a prerelease or parole plan. As inmates near release, they should meet with representatives of both units to develop such a plan. The plan should be a logical extension of the inmate's institutional program plan developed by the ICC.

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## **Administration and Authority**

The ICC should be placed administratively under the authority of the Bureau of Programs and Services (see Chapter 7). While the bureau should be responsible for management and direction of all programs and services at all correctional facilities administered by the Division of Corrections and for monitoring of treatment programs under contract, the ICC should be responsible for the placement and monitoring of individual inmates.<sup>10</sup>

This administrative structure entails a dual reduction of the present authority of institutional superintendents. In the first place, management of the programs to be provided at each institution would be the responsibility

of the Bureau of Programs and Services; secondly, individual inmate program participation would be the decision of the ICC. The primary reasons for these revisions of responsibility are to centralize inmate placement decisions and to reduce interinstitutional conflicts over transfers and housing assignments. When the ICC is completed, it will be important to maintain close coordination between institutional administrators and ICC personnel.

ICC housing and program assignments should be made by an inmate review team. The inmate review team should develop recommendations on initial place-

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9. The precise nature of the information to be collected should depend on the program. If, for example, the program was a GED course, learning could be measured by standard instruments. For a community release program, recidivism or violation data would be pertinent. In any event, the data to be collected regarding program performance should be identified in conjunction with the Bureau of

Programs and Services (to be established in the central office of the Division of Corrections).

10. As discussed in Chapter 7, the performance of the ICC, as well as its criteria and procedures for inmate assignments, should be periodically reviewed by the Bureau of Programs and Services evaluation committee.

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ments, and on requests for transfers of inmates between institutions or for changes in program plans. The review team should also consider documentation provided by the inmate and/or the institutional superintendent regarding incidents and motivations leading to a request

for a change. Decisions by the inmate review team should be subject to appeal, by either the inmate or an affected institutional superintendent, to the director of the Division of Corrections.

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## Facility

The ICC should be physically as well as administratively separate from any present institution; it is therefore an immediate priority to plan and construct a new facility for the ICC. The new facility should be designed for a projected 1985 capacity of 208 beds. Design criteria and capacity requirements for the new facility are presented in Chapter 6.

### Interim Measures

In the period before completion of the new ICC facility, it is recommended that the ICC be housed in one or more of the cellhouses in PNM. This solution must only be an interim measure, however; it is critical that the ICC function be removed as soon as possible to a new and separate facility, where the environment will be more appropriate for assessing inmate behavior and preventing the needless detrimental effects of maximum security incarceration on many prisoners.

The environments of the present correctional facilities are inadequate in these respects. Custodial and logistic problems that will arise in the existing facilities will necessarily interfere with the primary mission of the ICC.

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## Staffing

Implementation of the ICC will require a substantial increase in staff, particularly professional staff. Currently, the admissions and orientation function at PNM is the responsibility of one caseworker, with partial administrative support from the classification officer, and with specialized support provided by the Psychiatric Services Unit and the Educational Services Unit. In order for the ICC to fulfill its mission, it will have to increase substantially the number and types of staff members undertaking each of its functions.

### Staff Positions

Although staffing levels will need to expand as the

### Site Considerations

Primary criteria to be applied in selecting a site for the new ICC facility include the following:

- proximity to existing professional staff resources (such as psychiatric, educational, and medical personnel)
- proximity to areas sending large numbers of offenders into the corrections system (in order to facilitate, as much as possible, visitation and consultation between inmates and their families)
- travel and correctional logistics, including access to major transportation routes or proximity to major correctional institutions
- cost factors such as the availability of land owned by the state or Division of Corrections

These criteria seem to limit the feasible and desirable sites to three: the present PNM reservation; the present Los Lunas Correctional Center site; and a location in metropolitan Albuquerque.

inmate population in the ICC expands, *minimal* professional staff requirements are as follows:

- *Caseworkers* (with at least a B.A. in counseling or social work): one per fifteen inmates (a total of fourteen caseworkers at full capacity of 208 inmates); tasks — intake, daily observation of inmates, liaison between inmates and other professional staff, supervision and assistance in arranging family visitation
- *Educational counselors*: one per thirty inmates (a total of seven at full capacity of 208 inmates); tasks — administer achievement and aptitude tests, review

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- case histories, discuss educational needs and objectives with inmates
- *Vocational counselors*: one per thirty inmates (a total of seven at full capacity of 208 inmates); tasks — similar to education counselors with respect to job needs and objectives of inmates
  - *Psychiatrists/psychologists*: one per forty-five to fifty inmates (a total of five at full capacity of 208 inmates); tasks — review of forensics and presentence reports, direction of caseworkers' observations, follow-up consultation and evaluation of inmates when needed, direct counseling when appropriate
  - *Medical/dental personnel*: one physician, one dentist, one nurse for each; tasks — intake check-ups and treatment as needed
  - *Orientation instructors*: one full-time position; tasks — development and administration of orientation curriculum; some "classroom" responsibilities
  - *Inmate review team*: one full-time institutions representative and one Field Services Bureau representative, who would participate in inmate review team deliberations.

In addition to professional staff, the ICC will need custodial personnel, support services, and administrative personnel, together with volunteers and inmate trustys who will be given occasional counseling responsibilities and a role in the orientation sessions for new inmates. The level of staffing required for each of these functions is heavily contingent on the particular design configuration of the new institution; during the interim period, however, while the ICC function is housed in PNM, most of these functions could be accomplished within PNM resources at minimal cost.

### **Staff Configuration**

The staff configuration should revolve around the concept of "teams" of professionals and paraprofessionals working with each inmate or with small groups of approximately fifteen inmates. The team approach provides continuity of interaction with the inmate, and allows the assessment professionals to become the core of the inmate review team when placement decisions are to be made.

# 4 Community Corrections

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The development of community-oriented programming for adult offenders is a central aspect of the corrections system articulated in this Master Plan.<sup>1</sup> "Community programming" refers to those aspects of the correctional system that are geared most directly to the reintegration of offenders into society and their restitution to the community. It refers typically, but not entirely, to correctional programs or placements of offenders outside of major facilities. These placements are made

most frequently, but not always, for offenders nearing or following release from institutional incarceration. Community programming encompasses not only community treatment alternatives, and community release (or halfway house) programs but also institutional programs intended to prepare offenders for release and probation and parole services required to manage and supervise the reintegration of offenders into society.

## Rationale for Community-based Programs

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A community corrections program is needed as a just and practical response to the particular characteristics or "profile" of New Mexico's prisoners. That profile demonstrates that the New Mexico inmate population includes a majority of youthful first offenders with strong ties to local communities. Most have some work history (the majority were employed at the time of arrest) and have developed some work skills. Interviews with inmates revealed they had a high degree of interest in improving their vocational abilities and a general sense of responsibility for their dependents in the community (65 percent have at least one dependent). Although there is controversy about the general effectiveness of community-based corrections programs, New Mexico's offender population is heavily comprised of persons for whom community-based corrections and restitution have been found effective.

According to population projections for 1980-81 and the offender profile, the correctional system that year should include at least 295 minimum security offenders placed in noninstitutional (or community treatment) programs, thus reducing the population in the major correctional facilities by that figure (see Table 1-1). The same projections show a further reduction (by 85) in the number of institutionalized offenders because of recommended preprosecution diversion programming and the use of alternatives to incarceration at sentencing. Preprosecution diversion was discussed in Chapter 2; discussion in this chapter refers primarily to programs for offenders who have been committed to the custody of the Division of Corrections.

In addition to the expansion of community-based programs, community-oriented programming within

secure facilities should be augmented, emphasizing release programs that will enable low-security-risk inmates to work, study, and participate in constructive restitution activities in a community setting.

The stress on community corrections is an essential aspect of the Master Plan perspective on corrections as an elaborate system — or array of options — in its own right and as a part of a broader criminal justice system. The movement toward community-oriented programming by correctional agencies is a response to the increasing interest taken in corrections and in correctional programming by a wide spectrum of individuals and groups in the community. It is the result of efforts by many criminal justice professionals working within these agencies to "normalize" the institutional environment by developing mechanisms for regular and varied contact between inmates and the outer society — "the real world" to which almost every inmate will return in time. It reflects the notion that *gradual reintegration with and restitution to this real-world setting is more effective (and often less costly) than traditional prison-based rehabilitation efforts and that it must be accomplished in a normal environment by making use of community resources that will remain accessible to the inmate after release.*

Community-based correctional programs are not defined by mere physical location in a local community. A community-based correctional facility differs in more important ways from the traditional, secure institution: in the degree of freedom of movement allowed the inmate both inside and outside the facility; in the amount and type of supervision given the inmate; and, most importantly, in the degree of emphasis on main-

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1. See *New Mexico Standards and Goals* (1976) Standard 6.1, p. 337.

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taining or reestablishing the inmate in society. The custodial environment of most secure institutions fosters total dependence on the institution for survival needs and a surrender of decision-making power as well as important aspects of personal identity. The thrust of community corrections is toward independence, self-determination, individual development, and restitution. The inmate is encouraged to be self-reliant and to look to the community for help in developing skills, in relating to others, and in conforming to societal norms.

The physical setting of the community alternative program (absence of bars and uniformed guards, often a "homelike" atmosphere) and the degree of freedom to come and go that is afforded the inmate (as well as access to personal property, clothing, etc.) invite the public misperception that it is a "soft" approach to reintegrating the offender. In fact, well-designed com-

munity programs are in many respects far more rigorous and demanding than traditional incarceration. They force inmates to face squarely the reality of life in the community, with its pressures and responsibilities; personal problems and deficiencies cannot be evaded; the program's constraints on an inmate's freedom and prescriptions for his/her behavior and restitution require a degree of self-discipline not necessary in a close-security setting, where discipline is imposed by others. In the end, a community-based program affords the only opportunity available to an offender for significant testing of new skills s/he has learned while incarcerated, as well as an opportunity for correctional personnel to observe the inmate closely in a setting that affords partial freedom and independence before fully releasing the inmate to the community.

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## Types of Programs

Three types of community-oriented programming are emphasized in this section of the Master Plan:

- programs allowing for periods of furlough from secure institutions: work and education release, home visits, release for participation in community activities, etc.
- community release centers: nonsecure facilities located in the communities to which inmates will be returning, operated by either the Field Services Bureau or the Bureau of Programs and Services
- community-operated treatment centers: nonsecure residential programs operated by service agencies and nonprofit organizations, staffed by community workers, which would accept inmates/clients by contract agreement with the Division of Corrections (e.g., drug and alcohol treatment programs).

### Prerelease and Institutional Release Programs

Community-oriented programming should be available in significant ways to *all* inmates within secure facilities. Almost all inmates will eventually return to the community; none should return totally unprepared for life in a free setting.<sup>2</sup> The ICC, as proposed in the Master

Plan (see Chapter 3), has the responsibility to initiate prerelease/parole planning (a process that begins when an offender is initially classified for custody). In addition to the periodic reviews of inmate progress, prerelease planning should begin at least four months before an inmate's scheduled release date. Prerelease planning should ideally involve a phased movement toward minimum security classification, institutional release programs (i.e., work or education release), residence in a community release center or community treatment program, and coordinated supervision and services after discharge. However, some inmates will be released directly from maximum and medium security status. Thus, the ICC should design a prerelease orientation program that will ease the transition for inmates unable to experience the gradual reintegration offered by community-based programs.

### Orientation

Prerelease orientation should include practical information on the labor market, a survey of resources available in the community, and training in "survival skills" such as handling a bank account and a budget, as well as information about the technical requirements of parole. The orientation should also include discussions of problems of adjustment that arise particularly

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2. Richard P. Seiter et al., *Halfway Houses* (1977), p. 5.



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for "ex-cons." In addition to general curricula on these topics, individual counseling should be provided.

### **Eligibility Criteria**

Institutional release programs (work and education release, home visits, release for community activities), which allow inmates in secure facilities to pass regularly into the community for structured, constructive, restitution-oriented activities should not be restricted to inmates soon to be released from the institution. All minimum security inmates, and low-risk medium security inmates whose classification stems from the length of their sentences or the number of prior commitments to prison, should be carefully but positively considered for institutional releases.

Many inmates who work as trustys with little supervision outside secure areas could be eligible for salaried positions in the community. Inmates who are meeting academic standards in institutional education programs and are without recent disciplinary infractions should be considered for educational release irrespective of the lengths of their sentences. All inmates who are not security risks or a danger to public safety should be eligible for regular home visits to maintain community and family ties. Lastly, women with responsibility for the care of their children, who are otherwise eligible for work release, should have the option of choosing to provide care for their children as a release activity.

Existing statutory restrictions on release and furlough of inmates should be eliminated. The Master Plan Team recommends that existing legislation be modified so as to underscore the discretion and flexibility with which the Division of Corrections should build a total system of correctional options that will best serve both the interests of public safety and the effort to provide positive rehabilitative and restitution activities through which inmates may prepare themselves for eventual return to community life.

### **Community Release Centers**

The Field Services Bureau should establish and administer a network of nonsecure correctional residential facilities in various parts of the state where inmates can work or study in the community. At least six such facilities should be developed, each with a maximum capacity of thirty, and they should be located according to

the distribution of inmates returning to the various regions of the state — with more than one located in Albuquerque.

The Field Services Bureau should seek the involvement of the respective communities in establishing these centers by forming advisory boards including representatives of community groups interested in corrections, as well as representatives of business, legal, and political interests. Much difficulty in securing employment opportunities for inmates can be avoided if labor leaders are included on such boards and consulted in program planning. Care should be taken to assure that the employment of inmates will not result in the displacement of employed workers and that they will not be paid less than prevailing wages for work of a similar nature.

### **Flexibility of Programs**

The administrators of community release centers should be allowed a significant amount of flexibility and autonomy in administering their programs, to adapt to the needs of both the inmates and the local communities. Staffing should reflect a balance of criminal justice professionals and paraprofessionals, students, community volunteers, and ex-offenders. Individuals should be hired with racial and cultural balance in mind.

Each center should offer educational and vocational counseling and recreational programs. The atmosphere should provide support and a suitable setting for individual study. Tutoring should be available to all inmates. Almost all inmates admitted to CRCs should have experienced some release programming while still in confinement, including visits for orientation to the center. The individual's length of stay at a center should vary widely, according to need.<sup>3</sup>

### **Model Centers**

At least two community release centers should be designed as model programs providing intensive resources. One of these centers should be located on or near a college campus and should be operated in conjunction with the college or university as an Opportunities Program for College Admission. The other model program should be planned and operated in concert with state or local manpower services. It should offer an intensive vocational program, combining manpower, vocational rehabilitation, and social service resources.

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3. It would be possible for the ICC to assign inmates to these centers immediately from intake, with inmates then serving their entire sentences at the centers.

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Formal contracts with local industry and/or union apprenticeship programs should be developed — perhaps as a CRC phase of the prison industries program. Manpower training and employment funds (e.g., CETA) should be sought to enhance the opportunities available to inmates in this program.

### **Women Offenders**

Although the Master Plan proposes secure residences (in Santa Fe and Albuquerque) for women, the community release facilities should be accessible to female as well as male inmates, to allow these women to reside near their homes and children. It is particularly important that the two model programs be open to women. To assure access to female inmates, the facilities should provide a small, separate sleeping area for women, and staff should be chosen and trained so as not to reflect an exclusively male orientation. The small numbers of women in the inmate population preclude the development of separate nonsecure facilities for them, and within the CRC they will remain a small minority. Care must therefore be taken to assure that their interests and needs are met.

### **Community Treatment Centers**

In addition to the community release centers operated by the Field Services Bureau, the Division of Corrections should contract for the placement of inmates in residential programs operated by social service agencies and nonprofit organizations.<sup>4</sup> This kind of program is needed primarily for the residential treatment of substance abusers. According to Master Plan data, 50 percent of New Mexico's inmates had a history of drug abuse, and another 40 percent had a history of alcohol abuse. The inventory of programs and services in the state, however, revealed a major deficiency in residential treatment programs for substance abusers. Taking into account the high rate of recidivism among serious drug abusers, the formulation of adequate treatment alternatives for this corrections population is critical. Therefore, communities should be encouraged to initiate local programs, either on contract to the Division of Corrections or independently.

Drug addiction and alcoholism are complex problems, rooted both in such personal dynamics as inadequate personality development, self-destructive be-

havior, and antisocial attitudes and in such social and economic problems as the lack of vocational and interpersonal skills, lack of social mobility, and lack of legitimate access to opportunities. In order to deal effectively with the problem, substance abuse must be met at all these levels simultaneously and in a residential atmosphere that will afford both intensive probing and support. More programs such as the new Delancey Street center near Espanola must be established by community efforts and used by the corrections system.

Intensive residential programs would require from one to five years' involvement depending on the offender (see Table 4-1). The more stringent, longer-term programs have more success with inmates from lower-class socioeconomic backgrounds (i.e., those with no other options). Less stringent programs of shorter duration are usually more effective with those from middle-class backgrounds. Criteria for program entry in any case should be based not on any measurement of abuse or on the severity of the charged offense but rather on the inmate's indication of readiness to change. Referral to such a program should be made by the ICC staff, at any time. The ICC should have the option of assigning an offender to the program immediately from intake, when appropriate. Admission to the program should be voluntary — by a request for placement on the part of the inmate.

In addition to residential programs for substance abusers, community agencies and organizations wishing to develop other programs for inmates should be generally encouraged to do so. In this way, programs tailored to the needs of special populations (i.e., Native Americans) or offering treatment for specific types of offenders can be developed. Programs relevant to specific racial and cultural segments of the inmate population should be developed and stressed. Innovative ideas often can be generated and explored more readily in the flexible and creative milieu of community programs. In other words, the development of new community programs should not be solely dependent on Division of Corrections initiatives.

### **Probation and Parole**

The probation and parole supervision provided by the Field Services Bureau (FSB) is an integral component of community corrections. Augmentation of the

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4. See *New Mexico Standards and Goals*, Standard 3.2, p. 22.

Table 4-1: Residential Programs for Substance Abusers

Type of Program	Time of Stay	Major Criminal Justice Clientele, and Eligibility Criteria	Services
Short-term residential	3-6 months	Primarily a prerelease program for parolees or for offenders progressing out of longer term residential programs. Voluntary enrollments by parolees would be acceptable.	Peer support groups, involvement with Alcoholics Anonymous and Narcotics Anonymous community groups, job placement, family counseling.
Medium-term residential	6-18 months	Deferred prosecution referrals from courts, especially youthful, non-violence-prone offenders and first offenders. Referrals from the ICC (often as initial placement). Referrals should have some job skills and schooling. Voluntary or self-placements would also be eligible.	Vocational training, job placement, family counseling, group and individual therapy, work in community projects.
Long-term residential	18 months to 5 years	Deferred sentence referrals from courts and sentenced alternatives to prison for hard drug abusers. Also referrals from the ICC for offenders at the appropriate security classification level. No skills or schooling required.	Vocational training/job placement, general education, compulsory GED, voluntary special courses/college, money management training, social training skills, therapy (group and individual), peer support groups, community development training, family counseling.

FSB role is recommended in several respects in this Master Plan:

- preprosecution diversion programs require more probation referral and supervision
- more extensive use of presentence reports (and new criteria regarding recommendations for or against incarceration) will demand more, and more comprehensive, investigations by FSB personnel
- FSB personnel will have to participate with the ICC in constructing prerelease plans for inmates
- community treatment programs will create specialized supervision caseloads and liaison roles for FSB personnel
- the FSB will bear primary direct responsibility for management of the new community release centers (halfway houses).

Together, these recommendations will require appropriate increases in FSB staffing and resources, together with some reallocation of existing resources.

### Staffing

To accommodate additional FSB probation and parole duties, more personnel will be needed by FY 1980-81.

Preprosecution and presentence roles are estimated to require an additional probation officer in each judicial district. The six new community release centers will need at least three parole officers each to handle administrative and counseling duties. In addition to the approximately eighteen officers for the centers, clerical positions should be funded for each center, as well as appropriate specialized staff (e.g., vocational counselors) and paraprofessionals, "house managers," and support services personnel. This comes to a total of thirty-one additional probation and parole officers for preprosecution and community release programs, a nearly 60-percent increase over the present complement of FSB field officers, needed by 1980-81.<sup>5</sup>

### Resources

Present supervision caseloads average approximately fifty per FSB officer. Even with the 60-percent increase in FSB staff, it is probable that caseloads will continue to rise in the near future. Division of Corrections planners should continue monitoring these caseloads to ascertain whether further staff additions are needed, particularly in sparsely settled and geographically dispersed districts.<sup>6</sup> In preference to additional staff, im-

5. Costs for this staffing increase are included in cost projections for the specified programs.

6. Guidelines regarding the optimal probation or parole caseload vary widely, in part because there is no reliable scientific evidence

about the relationship of caseload size to supervisory effectiveness. It will thus be necessary to rely on FSB and DOC perceptions of the level at which caseloads are too large to make real supervision possible. At the present time, caseloads do appear to be manageable.

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proved use of present resources is recommended. FSB should seek to develop specialized caseloads where possible; close liaison with related programs and

social services should be cultivated; and increased training for FSB officers should be given immediate attention.

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## Summary and Implementation

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As noted in the discussions of various programs, enhanced community corrections programs will entail many complex new tasks and responsibilities for officials throughout the criminal justice system. Community corrections requires close cooperation between courts and corrections agencies, as well as between correctional and other programs or services managed by private parties or by other social service agencies.

Community treatment programs, like the preprosecution diversion programs discussed in Chapter 2, require cooperation of the program receiving the offender with probation and/or parole officials. In addition, Division of Corrections program personnel, particularly ICC staff members, are involved in decisions about program placements. Community release centers are focused more within the Division of Corrections, although the model centers also require support from other social service agencies (e.g., education and vocational training resources) and the private sector (e.g., employers and unions). Primary responsibility for management of the centers, however, should be divided between the ICC (for release plans and program placements) and the FSB.

A critical priority in the development of community corrections should be the clarification of lines of authority and the development of interagency agreements (e.g., between the DOC and the DHI). These agreements

should specify the services to be rendered, the fees to be transferred for such program services or enrollments, and the mechanisms for making decisions about an offender's performance and supervision.

The major benefits of community-oriented programs for correctional agencies are the flexibility and variety offered by these programs. Under the central administration of the Division of Corrections, programs should be decentralized and tailored to fit the needs of individual communities. Programs could and should be housed in a variety of facilities. Construction of new community facilities is less needed than houses, hotels/motels, YMCA/YWCAs, trailers that can be moved from place to place, etc. Programs should be staffed to assure cultural relevance and community ties. Programs should be designed to serve specific populations of offenders. They should be started and terminated as needed. The use of community resources to serve inmates is cost-efficient and provides continuity of care; restitution offers income to facilities and repayment to victims and the community; and savings occur where offenders continue to support their families.

Such community-based alternatives will cost less than traditional incarceration, not only in operating costs but also in capital outlay. This is especially significant, since construction costs for minimum security correctional facilities are now \$20,000 or more per bed.

# 5 Institutional Programming

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The Bureau of Programs and Services should be established within the Division of Corrections. The bureau should have responsibility for developing, implementing, and supervising programs and services at all the institutions and facilities of the Division of Corrections.

Life behind the walls of penal institutions is a microcosm of the larger society, combining many of the same fundamental needs and problems. At the same time, corrections systems cannot be expected, nor is it appropriate for them, to reconstruct free society in all its complexities and resources to meet inmates' fundamental social needs. However, the traditional orientation of correctional administrations, which has been to isolate their institutions from surrounding communities, has placed tremendous service and program burdens on the correctional systems.

Contemporary corrections administration and planning acknowledges the necessity of establishing ongoing relations with the outer society. Correctional institutions are seen as one unit in the network of community programs, agencies, and institutions concerned with individual and public needs (e.g., health, welfare, religion, recreation, employment, education, and safety). As such a unit, the correctional system uses community resources for corrections purposes and devel-

oping constructive roles for itself and its population to contribute to the overall well-being of the surrounding communities (restitution).

Program planning can be most effective when its purpose is to restructure opportunities for incarcerated offenders, allowing them to rehabilitate themselves through a wide array of institutional programs, while fostering personal rehabilitation and restitution through a progression from institutional to community-based programs.

Institutional programming has obvious utilitarian benefits for the correctional administration as well as the inmates. Productive use of the vast amounts of available inmate time and energy is usually the most efficient strategy for managing and controlling the penal society. Programs that meaningfully involve inmates are a far more promising means of avoiding escapes and violence than "brick and mortar" approaches. In New Mexico, for example, reduced programming and increased security-oriented measures have been paralleled by an unexplained increase in escapes. Therefore, institutional programming should be given the full and affirmative support of the Division of Corrections, the correctional administration, and the line staffs at each institution and within each program.

## Goals and Guidelines

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The Division of Corrections should adopt an official equal opportunity policy for each inmate, set out in the regulations of each institution, that guarantees the inmate's right to participate reasonably in all relevant programs and activities.<sup>1</sup> Significant budgetary allocations are necessary for new and expanded programs and to make this policy meaningful, although ultimate resource savings from program-oriented security rather than construction approaches are likely to offset these expenditures somewhat.

While there is a clear tension between the demands of custody and the need for rehabilitation, a clear commitment to institutional programs, as set out below, will go far toward alleviating this tension. Mechanisms for creating a commitment to institutional programs by the Division of Corrections include in-service training, development of career ladders that take such program-

ming into account, and institutional councils, composed of staff, administration, and elected inmates, to monitor and plan programming. (These mechanisms are fully discussed in Chapter 7.)

Gross security classification categories should not be confused with program and treatment classifications. In implementing programming, gross classification categories (e.g., maximum, medium, minimum) should be recognized as referring exclusively to security. In allocating resources to programming, security alone should not be the basis for denying programming to any specific classification and specifically to inmates in maximum security. In principle, *all* inmates should have the right to participate in all kinds of programs. Programs should be structured differently for each security classification level to account for differences in freedom of movement, etc.

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1. See *New Mexico Standards and Goals* (1976), Standard 1.8, p. 303.

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Inmates assigned to maximum security should be assured specific minimum standards of programming. Maximum security inmates should be guaranteed clean, healthful surroundings, nutritious foods, at least an hour of physical exercise daily, visitation and correspondence, library access, and prompt, comprehensive medical care.

In programs in which maximum security inmates participate, involvement should require minimal movement, pose little threat to others and/or the security of the institution, and not disrupt the overall goals and objectives of the program. For example, education programs that focus on individual accomplishment and supervised, structured contact with other students are particularly appropriate to inmates in maximum security confinement.

Programming for other security classifications will be progressively structured to parallel the inmate's movement through classifications, characterized by increasing flexibility and diversity, and leading to full-time participation in a variety of community release programs.

New Mexico's current program efforts on behalf of Native American offenders who are processed in the non-Indian justice system are inadequate.<sup>2</sup> The Master Plan Team recognizes the special needs of the Native American offender and recommends that the Division of Corrections develop explicit guidelines and policies

for coordinating the efforts of the non-Indian and Indian justice systems and ensuring that Native American offenders, both adults and juveniles, have access to Indian counselors while in the division's custody.

The goals of the Indian Ex-Offender Program administered by the National Indian Youth Council serve as an excellent model for the types of services Indian offenders badly need. These goals include: drug and alcohol counseling, help with living arrangements on release, job referrals, aid with parole plans, and regular contact with Indian offenders while incarcerated.<sup>3</sup> (These objectives are worthwhile models for all offenders.) Of particular importance to the Indian offender is the maintenance of cultural ties with his/her community while in custody. This enables the offender to make a more successful transition from incarceration to community release.

Overall planning for institutional programs and services should be conducted through a centralized bureau of the Division of Corrections, functioning in close coordination with the inmate classification process conducted by the ICC (see Chapter 3). The structure of Bureau of Programs and Services is discussed in Chapter 7. Centralized planning produces systematic, coordinated, and cost-efficient programming and guarantees minimum standards.

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## Social Programming

The Division of Corrections should adopt a system-wide policy of normalizing the institutional environment wherever possible, consistent with other institutional goals. "Normalizing" includes encouraging regular and varied contacts with persons in the outer society, community agencies, and community resources.<sup>4</sup>

"Social programming" is a multifaceted category of programs and services, incorporating a wide range of activities of very great personal importance to inmates, and integral to the successful daily operation of the penal institution. Not only are social programs mandated by recent judicial decisions, but they also serve the crucial objective of encouraging inmates to strengthen their skills in relating to others and to societal norms. This is difficult in a custodial environment, where rela-

tionships are artificial and highly structured. However, developing positive interpersonal skills has been shown to be directly related to modifying attitudes and, ultimately, behavior. Attitude and behavior changes are essential to the orderly operation of the institution as well as to the inmate's successful reintegration into society. The Division of Corrections should develop policies and procedures for social programming according to the guidelines detailed below.

## Correspondence and Visitation

Isolation from families and friends is one of the most disorienting consequences of incarceration. Although routine social contacts are necessarily denied to in-

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2. See Governor's Council on Criminal Justice Planning, *Comprehensive Criminal Justice Plan* (1978), Chap. 4, p. 223.

3. Information obtained from an interview with Mr. Gilbert Souchez,

National Indian Youth Council, July 12, 1977.

4. See *New Mexico Standards and Goals*, Standard 10.3, p. 360.

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mates, institutional policies and procedures should encourage inmates to maintain close contact with those of importance to them on the outside.<sup>5</sup> For many inmates, visiting and correspondence will be the primary means of maintaining relations with the "outside world." Experience in New Mexico institutions, as well as nationally, clearly demonstrates the tremendous significance of these two activities to the inmate's state of mind and to institutional morale. The fact that inmates are not able to take part in the growth of their children, are incapable of contributing financially or otherwise to their households, and are apprehensive about yet powerless to solve family problems contributes to the anxiety and tension that often lead to violent outbursts and/or escapes. The correspondence policy should be as liberal as staff time reasonably allows. Policies regarding all types of correspondence should not restrict length, language, content, or persons addressed by or responding to the inmate.

Correspondence between inmates and attorneys or legal institutions and agencies is particularly protected by court decisions. Only where there is probable cause to believe that contraband may be present can this correspondence be interrupted. Correspondence should be inspected only in the presence of the inmate, with a signed and written acknowledgment that the inspection was conducted in the inmate's presence.

Visitation policies and procedures should be flexible to accommodate the visiting individuals and families, who must often travel long distances with significant hardship. However, these policies should avoid major disruptions of efficient institutional operation. Visiting should be allowed on weekends, evenings, and holidays, as well as during daytime working hours. Restrictions on visitors should be only those necessary to prevent the introduction of contraband into the institution. Space for visiting should afford privacy, contact, and an informal environment. Visiting periods should last for at least one hour. At least two hours per week should be allocated for each inmate except those in disciplinary segregation. Inmates should be allowed to accumulate visiting hours for extended visiting in special circumstances. Use of volunteers in conjunction with correctional staff can reduce personnel costs and facilitate visitation. Visiting rules should be distributed to each person entering the facility, with the admonition that violation of the rules may result in restriction of the privilege.

Conjugal visiting is becoming increasingly accepted as a primary method of normalizing institutional life and reducing tension. Provision should be made for conjugal visiting at each institution, for inmates classified as medium and minimum security. When institutions do not have space to accommodate the special environment or necessary security for these visits, the New Mexico Division of Corrections could follow the example of many state and federal systems and lease mobile homes sufficiently spacious to allow for visiting with family members, as well as with wives and husbands, and situate them adjacent to the institutions.

Constitutional provisions mandate that visits with attorneys cannot be limited, except as reasonably necessary to maintain the security of the institution, and then only regarding time and duration.

Social programs with outside volunteers should also be encouraged. Community groups (e.g., Friends Outside, service organizations, churches, and professional associations) should be regularly solicited to offer programs and initiate projects with individual inmates or groups. Particularly for inmates without families, these contacts can be welcome and influential. Programs such as these tend to create continuing relationships that are useful to the inmate after release as sources of references, informal counseling, etc.

In addition, the Division of Corrections should implement the existing but unused open-door policy, that, "consistent with security, time considerations, and the privacy and dignity of the prisoners, any individual or group may visit the institutions and tour any and all parts of the facilities."

## Library

The Division of Corrections should expand the general circulation library and develop a standard law library in each institution.<sup>6</sup> Reading and individual study are the most readily available means by which inmates can keep abreast of the changes occurring in the outer society. In some institutions, arrangements with public library systems (often through bookmobiles) and the state library, provide regular, unlimited access to reading materials; however, an in-house institutional capacity should also be established. Private groups and individuals should be solicited for special library grants. Arrangements should be made for accepting donations

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5. See *ibid.*, Standard 1.17, p. 311.

6. See *ibid.*, Standard 1.3, p. 298.

from community groups, local libraries, and colleges. The general library collection should include both fiction and nonfiction, a selection of Spanish, Native American, and other language books, and a special paperback collection (funds for which can be allocated on the basis of inmate preference).

In all, the collection within each institution, including the new library at Los Lunas, should consist of at least ten books per inmate, but the Penitentiary of New Mexico, which may house large groups of long-term prisoners, should offer a minimum of fifteen volumes per inmate.<sup>7</sup> A 10-percent replacement schedule should also be provided in the associated budget.

Library rules and regulations should encourage use of reading materials. For example, the library should remain open on weekends, during holidays, and in the evenings. Inmate workers should be used in a variety of paraprofessional library capacities, reducing the need for professionals other than an institutional librarian responsible for maintaining the collection and for instructing and supervising inmate workers.

The Division of Corrections has a legal duty to make a current and comprehensive law library available to inmates at all institutions. Access must be without unreasonable delay or restrictions. Currently, the only substantial collection of law books is at the penitentiary, and even this library does not satisfy present legal standards.

Law library literature should include the United States Register, the Federal Digest, related referencing and indexing materials, and regional reporters (which should include New Mexico court decisions). Reference materials describing federal and state criminal procedures and court rules, basic criminal procedure textbooks, and materials on conducting legal research should also be included. All legal materials and literature should be regularly and frequently updated. Inmates should also be entitled to acquire law books and other legal research materials from any source. Space limitations may justify restriction of the number of volumes or materials in an inmate's possession at one time, but the restrictions may not interfere with access or use. Local bar associations, individual lawyers, and law schools should be encouraged to take an active role in supplementing the use of legal materials, for example, by offering legal counseling and clinical programs con-

ducted by law students, under supervision.

## Medical and Mental Health Services

A Medical and Mental Health Services Unit should be established within the Bureau of Programs and Services. The unit should be responsible for all aspects of the medical care of persons confined in the institutions, facilities, and programs of the Division of Corrections.<sup>8</sup> Establishment of a Medical and Mental Health Services Unit in the Division of Corrections will help to ensure that the division's legal and official commitment to provide medical care to all inmates in its custody is implemented.<sup>9</sup> The following recommendations are set forth as possible additions to present legislation:

The Medical Services Unit is created within the Bureau of Field Services, Division of Corrections. The secretary of the division shall appoint a director of the unit who shall be an M.D. having appropriate experience in administration and the delivery of medical care.

The unit shall be responsible for all aspects of medical care for persons confined in corrections facilities and programs and, in cooperation with the secretary, shall promulgate rules and procedures for medical care of persons confined in all corrections facilities and programs.

At the penitentiary, the institutional medical unit will provide 24-hour/day medical care. The infirmary at PNM will be staffed by at least one medical technician and one nurse and will be supervised by an M.D. on a 24-hour/day basis. At each institution, the institutional medical unit shall provide at least the following services: daily sick call, clinic, outpatient and 24-hour/day emergency services.

The director of the Medical Services Unit shall, subject to the approval of the secretary, assure that all persons confined in corrections facilities and programs have access to needed medical care; employ all medical personnel who serve in these facilities and programs; adopt rules for the internal operation of the unit; promulgate rules relating to medical equipment and services, keeping of medical records, storage and dispensing of medication, and the establishment of facilities for the hospitalization and isolation of seriously ill inmates.

The unit shall be supervised by an advisory board consisting of the secretary of the Division of Corrections, the director of the Medical Services Unit, representatives of each of the institutions and facilities, two physicians licensed in New Mexico (but not working, or able to work, in corrections facilities), and a representative of the Department of Hospitals and Institutions.

7. American Correctional Association, *Manual of Correctional Standards*, rev. ed. (1975), p. 506.

8. Psychiatric services have been discussed under the topic of mentally disordered criminal defendants in Chapter 2. A major expansion

of psychiatric services is recommended, particularly in the provision of inpatient acute care.

9. The department now has a Medical Services Division under the direction of Dr. John Holbrook.



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The advisory board shall assist in monitoring the quality of medical care provided and shall advise the director and secretary of the division in the promulgation of standards and rules and regulations regarding division management.

In addition, such a unit should conduct systematic research on the scope of inmate medical needs, identify special problem areas, and establish a basis for allocating resources to preventive efforts, which are essential to reducing the cost of medical care in institutions. Recent additions to the staff at the medical unit at the penitentiary have substantially improved the level of care available at that institution. However, other institutions continue to rely on emergency (first-aid) care, private, local, medical services, and, for long-term care, the penitentiary. Such provisions are not necessarily adequate.

The existence of an independent Medical Services Unit may overcome the historical reluctance of medical professionals to work inside penal institutions. However,

in the interim, this attitude, as well as cost factors, may require that correctional medical facilities continue to be staffed largely by paraprofessionals, inmate workers, and private doctors on contract. Although the scope of activities and competence of paraprofessionals in medicine are increasingly recognized, reliance on a paraprofessional staff requires extensive training for all staff members, as well as professional supervision and modern equipment.

The institutional medical system should also develop community resources as an essential part of the institutional service delivery system. Association with medical schools is an appropriate means through which specialized care, trained medical volunteers, and modern medical technology and treatment can be obtained. The University of New Mexico and the University of Albuquerque represent extensive resources that are available at minimal cost to the division. Professional associations in all areas of medicine can also provide voluntary consultation.

## Educational Programming

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In conjunction with the Department of Education, the Division of Corrections should initiate procedures to establish a special school district for the management and administration of all educational programs inside adult penal institutions and facilities. The district should have responsibility for providing staff, developing curricula, establishing eligibility, screening, monitoring achievement, and providing auxiliary services.<sup>10</sup> A branch of the district should be housed within each institution.<sup>11</sup>

### Institutional Programs

A number of factors argue for administering educational programs through a specially created school district. Such an independent district would be oriented to education rather than custody, and would thus command broader inmate and public acceptance. Its consolidated management would avoid administrative duplication, ensure the quality of educational programming, link educational programs to community and institutional resources, and assist correctional administrators in dealing with issues outside their expertise.

A district could take advantage of federal financial aid for special education programs for adults and for certain categories of citizens, such as illiterates.

A wide range of auxiliary services are needed to operate the educational programs. Counselors should be assigned to the district office at each institution. These can be school counselors, student teachers, or trained volunteers. The counselors should initially focus on recruiting students and assisting them in developing the basic learning skills necessary to begin formal education as adults. Work habits, the value of learning, and how to deal with peer pressure are informal aspects of education that must be given consideration in planning the program.

Adequate library and study facilities and other supplementary resources should be available to the general inmate population and the staff, as well as to those participating in educational programs. An atmosphere conducive to study, as well as time and space to discuss course work, is essential. Areas of each institution should be allocated to the education district, and inmates should be given sufficient freedom of move-

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10. See *New Mexico Standards and Goals*, Standard 10.4, p. 361.

11. Proposals to establish a community college campus in cooperation with the new facility at Los Lunas are consistent with the goal set

out here of providing comprehensive educational opportunities at each facility.

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ment and scheduling to allow meaningful use of the program.

In the last decade, there has been a significant rise in the average educational level among persons in penal institutions. Interest and participation in college-level programs has increased. College courses have been taught very successfully in a variety of penal institutions, including the Penitentiary of New Mexico. The New Gate Project, sponsored by the Office of Economic Opportunity (OEO) and the Law Enforcement Assistance Administration (LEAA), established for a short-time an exemplary program at PNM. The program empirically demonstrated that college-level courses could be effectively offered in a custodial setting with minimal expenditure and minimal disruption to security. The proximity of the state's major correctional institutions to the state's major educational institutions (the University of Albuquerque, the University of New Mexico, and the College of Santa Fe) should facilitate establishing college programs.

At the junior college or A.A. degree level, a technical course of study (which may lead to a license or certificate) and courses that may be transferred to a B.A. or B.S. degree program, should be offered. Business, education, social science, ethnic studies, social welfare, and

languages are immediately manageable curricula within the custodial setting. As experience with the college program increases, the equivalent of a comprehensive community college curriculum should be offered within each institution. However, the college program should not be developed as a surrogate for education release. Rather, successful performance in the institutional educational programs should lead to favorable consideration for education release.

## Education Release

Education release should be considered a necessary component of comprehensive educational programming. Eligibility for such a release program must be carefully structured to take into consideration educational potential, commitment to the education program, and minimum security qualifications. Only criteria directly related to success in the academic setting and to disciplinary problems should be included. Existing statutory restrictions on release and furloughs should be removed in favor of ICC control over inmate programming (see Chapter 3).

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## Vocational Education and Work Assignments

Realistic work and/or vocational training should be made available to all inmates. Each institution should have the capacity to provide at least four hours per day of work or work-related activity, either internally or in the community. The vocational training program at each institution should be thoroughly integrated with the education program and institutional work schedules.<sup>12</sup>

### Vocational Education

The essential standard for vocational training is that it must be realistic; i.e., it must prepare the individual to perform specified work as capably as will be required in the outer world. To be effective, vocational training in penal institutions simply must be connected to "real jobs." In most prisons, vocational training, including prison industry, has not been ultimately successful because few offenders leave prison equipped to compete in the labor market. Ex-offenders begin with few or

"unmarketable" skills and thus few employment opportunities.

Employment records of New Mexico inmates show that previous employment was spotty. Typically, the offender had had a series of short-term jobs frequently interspersed with unemployment. Most of the jobs were in low-skilled and low-paid areas, where competition is increasing. Simultaneously, even for entry-level jobs, education and training requirements are rising.

The work experience of the inmate population also points to the need for implementing a vocational training program that not only teaches the skills necessary to perform the job but also develops reliability in work habits. Obtaining employment for an inmate or ex-offender is the beginning; maintaining employment is more difficult and is directly related to recidivism.

Inmates should be trained for employment in areas that are specialized and in which the demand for labor appears to be consistent or rising. Programs should

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12. See *New Mexico Standards and Goals*, Standard 10.4, p. 261.

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focus, therefore, on skilled jobs without a high unemployment factor (e.g., clerical, sales, forestry, and bench-work occupations). The Bureau of Programs and Services should conduct ongoing analyses of the labor market, as much as possible, in association with state-wide and professional business groups.

## **Prison Industries**

Legal and policy restrictions on the nature, scope, and content of prison industries should be removed in favor of effective vocational programming.<sup>13</sup> Traditionally, commitment to prison was associated with hard labor, intended to be punitive and degrading. Although corrections planners and administrators have progressed far from this philosophy, existing statutory restrictions on prison industries continue to reinforce this concept of the purposes of work and of vocational training in penal institutions.

Statutes restricting the type of prison industry and products that can be produced by inmate labor are also ostensibly designed to protect private industry from unjust competition with products produced by inmate labor. However, such statutes cannot be justified in modern society, where competition is routinely generated from a myriad of domestic, national, and foreign sources. It is preferable to make prison industries comparable (in terms of wages etc.) to private industry rather than eliminate access to areas of production or service through statutory restrictions.

Compensation for trained work, either within the institution or in the community, should be based on current wages in the field. Inmates should be assessed part of their earnings as payment for their training, to reduce associated equipment and staff costs.

Staff involvement in employment and vocational education programs is critical to success. Vocational instructors should be licensed or credentialed under the rules and regulations for public education in New Mexico. In addition, vocational instructors should be well-qualified in their fields. The Technical Vocational Institute and local school districts can provide instructional staff members. Guards can also be "promoted" or moved to counseling or instructor positions; however, the skills necessary to facilitate teaching in the custodial setting should be provided through in-service training of those who have the needed technical skills but lack prior instructional experience.

Vocational and employment programs should also

be used as a vehicle to provide additional jobs for inmates. For those who have demonstrated a special proficiency, assisting with instruction can be both personally and professionally rewarding. This approach is also a cost-efficient means of expanding program capacity and providing more individualized training.

Alternative structures should be used at each institution to conduct vocational education, depending on institutional capacity and the resources of the surrounding communities. Like planning for educational programming, planning for these programs should be coordinated through the Bureau of Programs and Services. Vocational programs should be established and planned as joint agreements between the Division of Corrections, as a public agency, and the surrounding communities. Because it is not the role of corrections to replicate educational institutions, the correctional institution alone cannot provide the vocational training and work experience necessary to prepare inmates adequately for the broad range of demands associated with obtaining and holding full-time employment.

Contractual agreements with local industries and businesses should be solicited. Such arrangements have proved an efficient and low-cost strategy for providing vocational training and work experience in many penal institutions. The "contracting in" system allows a private business to establish an operation within or adjacent to an institution, employ inmates, and use its own equipment. In New Mexico, a wide variety of businesses are already located adjacent to correctional institutions and could appropriately be used for such arrangements. The program entails a small cost to the correctional system for associated staff and a variable rent subsidy. Inmates should be employed and trained at all stages of production, from design to marketing.

The Bureau of Programs and Services should also develop agreements and understandings with unions to enter inmates in apprenticeship programs. In apprenticeship programs, unions offer specialized, intensive instruction to develop skills necessary for specific jobs. Many apprenticeship programs have been specially adapted to comply with legal mandates that union membership be expanded. As a result, the apprenticeship instruction method has been tested in a variety of settings, with students who have little or no prior training or work experience. This method is readily adaptable to the general inmate population, and it has the additional and obvious consequence of establishing connections between inmates and the unions. Apprentices-

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<sup>13</sup> See *ibid.*, Standard 15.13, p. 401.

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ship programs begin a liaison that is essential to qualifying ex-offenders for union membership and employment on their release. This is particularly significant because union membership is a prerequisite in most states for steady and gainful employment. Typically, the inability of the ex-offender to meet union membership requirements has been a tremendous obstacle to obtaining and maintaining employment.

Each institutional program should create an advisory committee composed of corrections staff and community and business leaders. The advisory committee should have responsibility for monitoring the vocational education programs and acting as a conduit to employment opportunities in the community.

### **Inmate Employment**

As an integral aspect of vocational training, the entire structure of inmate work assignments should be re-

evaluated. Assignments to menial custodial jobs should be reduced as much as possible, and more skilled work assignments should be developed.

A particularly significant opportunity for inmate vocational training and development, which should be exploited to the fullest, is the use of inmates as para-professionals in the various other programs and services described in this chapter. In order to keep program operating costs as low as possible, while providing training in marketable skills, inmates should be trained and employed in such roles as librarian, recreation assistant, medical assistant, psychiatric services assistant, instructor in education and vocational education programs, and foreman in prison industries. In every case, inmates should be remunerated at rates comparable to the prevailing wages in society; these wages can be used to repay the Division of Corrections for training and other costs.

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## **Women Offenders**

A women's affairs officer should be established within the Division of Corrections. This officer should be directly responsible to the secretary of the Division of Corrections, and should have advisory and monitoring responsibilities regarding all programs and facilities for women.<sup>14</sup>

### **Housing and Administration**

Two facilities currently house women committed to the Division of Corrections in New Mexico: the Women's Unit located outside the walls of the penitentiary at Santa Fe, administered by the penitentiary warden; and Myer Cottage, situated on the grounds of the Girls' School/Youth Diagnostic Center in Albuquerque. The Women's Unit is seriously overcrowded and structurally inadequate, with almost no space for recreation, programs or vocational activities.

Myer Cottage was recently established as one part of the plan submitted by the Division of Corrections to comply with the demands made in the civil rights action by female inmates against the division and the warden, *Barefield & Padilla v. H. Leach, Secretary of Corrections, State of New Mexico, et al.* (No. 10282 Civil,

1974). Despite the official mandate of the cottage and its convenient location in a major city, the facility fails in both orientation and operation to meet court-ordered objectives, i.e., to provide work and education program and release opportunities for female inmates comparable to those for male inmates. Inappropriate placements and release and program restrictions result in inmate idleness, compounded by small, overcrowded quarters. The small women's structures fail to provide equal access to services and programs are costly in security and staffing, result in duplication of basic services, and are not responsive to the rapidly increasing size and complexity of the women offender population.

Establishment of a women's affairs officer and construction of the new women's section of the Los Lunas facility should resolve some of these problems. The women's affairs officer, in conjunction with the Bureau of Fiscal Affairs (see Chapter 7), should develop a separate budget itemizing facility staff, capital improvements, equipment, and daily operating costs for women offenders, to give an accurate picture of resource allocation. The women's affairs officer should develop rules and regulations that respond to the security and programming needs of women's institutions. Assigning the

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<sup>14</sup> See *ibid.*, Standard 10.6, p. 365.

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women's affairs officer official status and an advocacy role would be a major step toward actualizing the division's commitment to equal opportunity for women offenders and women on the correctional staff.

Until the women's section of the new Los Lunas facility is constructed, both Myer Cottage and the present Women's Unit at the penitentiary should be closed. They should be replaced by a series of well-planned and thoroughly programmed secure residences in Santa Fe and Albuquerque, located in houses, apartment buildings, motels, or combinations of facilities. Such residences (on the model of community corrections facilities or halfway houses) established for small numbers of women (ten to fifteen) would not be obtrusive in the community and could be operated at low cost. Movement toward these community corrections facilities can begin with the gradual removal of women from Myer Cottage and the transfer of carefully screened women inmates from the Women's Unit to Myer Cottage. Myer Cottage can function temporarily as a "prerelease" center for the community residences, which should be established in a steady and gradual manner, so that any problems that may arise can be first treated on a small scale.

The community corrections facilities require careful planning and coordination with local law enforcement and community agencies. Many of the structure, administration, and staffing patterns used in halfway houses or work-furlough models can readily be transferred to these residences and adapted to their varying security requirements. According to profile information about New Mexico's female offender population, the great majority of the women are good candidates for such community corrections programs. However, some provision should be made for temporarily holding women who pose an escape risk or become sources of disruption in the facilities. Agreement with the local jail for temporary incarceration is a feasible solution to this problem.

### **Institutional Programming**

At each residence, full-time employment or education for each resident should be the goal, thereby reducing staff and security costs. Programs specifically involving the inmate's family and reestablishing relations with her children should be emphasized. Intensive individual counseling by trained volunteers can be undertaken readily in these settings.

Programming for women in correctional institutions raises issues that extend beyond comprehensive planning and relate to societal norms and traditional social roles. Inside institutions, the few available programs for

women reaffirm traditional societal norms that are already changing and fail to prepare women offenders for the types of employment they must obtain to improve their living conditions and to meet the realistic demands of the outer society. The concern that ideally governs programming for male inmates, i.e., that they be enabled to assume roles in society as full-time, employed heads of households, has not usually been applied even in theory to female offenders. The present corrections orientation toward female offenders is in direct opposition to the statistics describing the women incarcerated in New Mexico. The female offender is generally a mother who provides sole support for her children and will need to resume this economic responsibility on release.

The likelihood that women offenders will be unprepared to meet such responsibilities on release is even higher than for men. The female offenders' work experience has typically been limited to unskilled or semi-skilled jobs, which are the ones most subject to unemployment and fluctuations in the economy. Without the ability to obtain steady employment, the female offender is quite likely to become a public charge again, if not because of rearrest, then as a recipient of public assistance.

Legally, vocational programs accessible to male inmates must be equally available to women inmates. The comparatively small number of female offenders argues in favor of coeducational programs rather than separate programs for females only. Evaluations of coeducational programs demonstrate that the participation of women (as staff members and students) is ultimately not disruptive and has a positive effect on behavior, contributing to an atmosphere conducive to learning.

To make access to programming meaningful, however, requires more than establishing a division policy that admits women to existing programs. Rather, it requires additional funds and planning. Precisely because of the circumstances that have caused women's inequality in work experience and opportunities for gainful employment outside, a concerted plan for enlisting women in correctional work programs is a prerequisite for implementing this division policy.

Women offenders generally have a higher level of educational achievement than male inmates; specialized education and higher education are thus particularly needed for women. The Master Plan Team found higher participation by women in educational programs than in any other activity. However, adequate auxiliary resources in women's facilities are needed to support programming. Institutional rules, regulations, and staffing schedules should facilitate inmates' use of neces-

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sary aids to education (e.g., libraries and resource materials).

Innovative programs for women offenders and incarcerated women are being developed by a number of institutions in this country. Among the programs that should be evaluated for implementation are family planning, parent effectiveness training, transactional analysis, assertiveness training, preventive medicine with emphasis on female biology, recreation and individual physical development, nutrition, consumer training, legal rights of women and minorities, cultural aware-

ness, and family counseling tied to regular interaction between parents and children at the institution. All of these program areas are directly related to the conditions that seem to cause most of the criminal behavior among women: family disruption, victimlike relationships with others, use of drugs, and economic need. Without comprehensive specialized programming for women offenders with employable skills, recidivism for the female offender could become as serious a problem for society and corrections as recidivism for the male offender.

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## Civil Rights of Inmates

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The state and the Division of Corrections, should guarantee the civil rights of inmates through state law and division policy. To protect these civil rights, an arbitration system should be established with jurisdiction over claims arising from the application of institutional policy, individual grievances, and disciplinary actions.<sup>15</sup> The Master Plan Team recommends the following statutory language:

1. A person sentenced to imprisonment under the jurisdiction of the Division of Corrections retains all civil rights except those expressly or by necessary implication abrogated by law. The inmate may be deprived of civil rights only as necessary in order to provide for the reasonable security of the institution in which s/he is confined and only for the period during which such restrictions can be shown to be related to maintaining the reasonable security of the institution.

2. Notwithstanding any provision of law, each such person shall have the following civil rights:

a. To fully and effectively assert his/her right to access to the courts, including but not limited to corresponding confidentially with any member of any state bar or holder of public office, provided that prison authorities may intercept incoming mail to search for contraband, in the presence of the inmate addressee. The right to legal correspondence shall not be suspended even in cases of disciplinary action against the inmate.

b. To purchase, receive, read and permit other inmates to read any and all legal materials, newspapers, periodicals, and books accepted for distribution by the U.S. Post Office. Reasonable restrictions on the number of such periodicals, including the number a prisoner may keep in the cell at any one time, and inspections, are not foreclosed by these provisions insofar as the restrictions do not constitute a circumvention of the rights provided herein.

c. To have personal visits and correspondence with family and friends. All prisoners, including those undergoing punishment for disciplinary infractions, are entitled to weekly visitation periods.

d. To be incarcerated in a healthful environment, free from life-endangering conditions, personal injury, personal abuse, or harassment caused by correctional staff, other prisoners, or the conditions of confinement.

e. To have proper medical services, including, but not limited to, emergency hospitalization, dental, psychological, psychiatric, physical therapy, and other accepted medical care.

The Master Plan Team also recommends the following amendment to 42-1-19 NMSA:

The secretary of the Division of Corrections shall exercise general superintendence and control over all institutions and shall make rules and regulations for the government, discipline, and policing of the institutions, and for the punishment of the prisoners confined therein, not inconsistent with the law. Disciplinary policies and procedures, rules, and regulations shall be part of the official orientation provided to all inmates and staffs.

## Administrative Regulations

Individuals convicted of serious crimes and sentenced to incarceration do not retain the fully panoply of constitutional rights that citizens normally enjoy. One of the most obvious consequences of incarceration is that the right of free movement, normally accorded with citizenship, no longer applies. Likewise, the courts have acknowledged specific permissible restraints on the exercise of civil liberties. However, the special legal

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15. See *ibid.*, Standards 1.1-1.18, pp. 296-312.

status of being incarcerated does not imply, and should not result in, forfeiture of the right to humane treatment or of protection from unconstitutional or illegal regulations and procedures.

In determining which civil rights are forfeited upon incarceration, federal and state courts have established the principle that prisoners retain certain of their First Amendment freedoms and at least the Sixth and Fourteenth Amendment rights of access to the courts. Recognizing that the "realities of running a penal institution are complex and difficult," the United States Supreme Court has developed strict standards regarding the restriction of rights where First, Fifth, and Sixth Amendment areas overlap.<sup>16</sup>

The Division of Corrections policy on the rights and responsibilities of inmates and staff should incorporate the proposed legislation guaranteeing the civil rights of inmates set forth above and fully delineate in simple language the purpose and scope of each right. Division policy in these areas should be a permanent part of the manual provided to each staff member and inmate on entry into the correctional system, and updated versions should be distributed on a regular basis (in both English and Spanish, with special provision for Native Americans). This manual should be distributed immediately on an offender's commitment to the Intake and Classification Center.

Accompanying the statement and explanation of inmates civil rights should be a clear and precise discussion of the rules and regulations to be applied by the division. These rules and regulations should implement, not abrogate, recognized fundamental civil rights; no specific rule or regulation should be more restrictive than is justified by the need to maintain order.

Division and institutional rules and regulations should be precise and deal with substantial or serious concerns. Vague rules are too susceptible to abuse of discretion, and rules that are trivial in content engender hostility and lack of respect. Rules should address observable behavior that can be clearly shown to have an adverse

effect on individuals or security. Rules prohibiting attitudes (such as "insolence") should be omitted. The pattern of judicial review demonstrates that they are subject to arbitrary interpretation.

Rules and regulations established by the Division of Corrections generally should not attempt to duplicate the criminal law; i.e., when an act violates both administrative rules and statutory provisions, the institution should defer to the state to prosecute. Acts of violence and all serious misconduct should be prosecuted criminally and not be the subject of administrative sanctions. Where the state intends to prosecute, disciplinary action should be deferred. Where the state finds the inmate not guilty, correctional authorities should not take further punitive action.

Each rule and regulation should be accompanied by a statement of a range of sanctions that may be imposed, and these should be proportionate to the gravity of the rule and the severity of the violation. Official sanctions should be constructive and specifically adapted to the individual and the circumstances. Routine use of severe disciplinary measures usually embitters inmates rather than deterring them.<sup>17</sup> Permissible sanctions are to some degree dependent on the ICC and should be limited to the following categories:

- counseling and reprimand
- loss of privileges (for a maximum of 120 days)
- confinement to assigned quarters for a maximum of thirty days
- placement in a more secure housing unit for a maximum of ninety days
- loss of employment
- ineligibility to earn time credits (for a maximum of ninety days, but not retroactively applied)

The above time restrictions should not be extendable. Privileges that may be restricted but should not be completely withdrawn include correspondence, visitation, physical exercise, and access to the judicial and grievance processes. The least severe sanction ap-

16. The constitutional guarantee of access to the courts has been interpreted by the courts as carrying with it the right to seek and obtain the assistance of competent counsel, so that the assertion of legal claims can be fully effective. First Amendment rights were set out by the United States Supreme Court in the case of *Procunier v. Martinez*, 416 U.S. 396 (1974): "A prisoner does not shed . . . basic First Amendment rights at the prison gate. Rather, he retains all the rights of an ordinary citizen except those expressly, or by such necessary implication, taken from him by law." For example, in *Johnson v. Avery*, 393 U.S. 483 (1969), the Supreme Court expressly acknowledged the rationality of the rule that prohibited inmate writers ("jailhouse lawyers") from aiding fellow prisoners in preparing legal papers. The Supreme Court nevertheless concluded that the rule was unconstitutional be-

cause of its impact on a prisoner's right of access to the courts.

Where these rights are denied or obstructed, the courts will take an activist role. This role may have a narrow focus, such as ordering an institution to change particular policies or procedures, or it may be as broad as requiring that budgetary allocations be made under the scrutiny of the court or that entire institutions be closed down. As the court asserted in *Procunier v. Martinez*, 416 U.S. at 405, "A policy of judicial restraint cannot encompass any failure to take cognizance of valid constitutional claims. When a prison regulation or practice offends a fundamental constitutional guarantee, federal courts will discharge their duty to protect constitutional rights."

17. See American Correctional Association, op. cit. in note 7, pp. 401-21.

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appropriate to the offense should be imposed. Solitary confinement should not be used as a sanction. Termination of an inmate's participation in programming, reclassification, and transfer are also improper as disciplinary sanctions. Such program decisions are the proper responsibility of the ICC.

Department and institutional policy, rules, and regulations should be incorporated into the orientation sessions, jointly conducted by inmates and staff at the ICC. Such sessions should be designed to explain policies and procedures in detail and to afford an opportunity for discussion of their application in light of institutional life. A similar orientation session, organized by staff and inmates, should be a primary unit of training for all new correctional staff members. They should understand, before beginning their duties, their role in enforcing rules and regulations and in implementing department policy. The staff should be instructed on the use of discretion — i.e., that not every breach of the rules necessitates a report. Many minor acts can be treated expeditiously by simply counseling or advising the inmate about the expected conduct. Such informal treatment by sensitive staff members can often have great preventive value and can avoid abuse and overuse of the disciplinary system.

### **Internal Operations: Arbitration Mechanism**

The connection between security and institutional administration is graphically illustrated in grievance and disciplinary policies and procedures more than in any other area. The institutional mechanism for responding to the inmate population should be sufficiently flexible to react quickly in ways that (1) reaffirm the integrity of the overall process; (2) satisfy the particular individuals involved that the process operated fairly; and (3) encourage inmates to resort to the official mechanism as a viable alternative to acts of disruption. In addition, the mechanism should incorporate some capacity for self-monitoring, so that problems in interpretation or application can be resolved before the overall procedure becomes impeded. All division and institutional policies should clearly demonstrate the commitment of the Division of Corrections to the full, fair, and orderly use of grievance mechanisms as the exclusive, legitimate means of resolving disputes.

The arbitration mechanism proposed consists of two parallel units: the administrative section and the disciplinary section. The administration section should resolve (1) questions and disputes regarding interpretation and application of policy, rules, and regulations, and (2) disputes between individuals, whether staff, or inmates

or both. The disciplinary section should have jurisdiction over situations in which allegations of disciplinary infractions are made against inmates, and sanctions may result. The procedure used by this section should also apply to disputes over the allocation or denial of time credits.

For appeals arising under either section, final authority should be assigned to persons outside the Division of Corrections. Unless the system establishes and maintains credibility with its three constituencies — the administration, the line staff, and the inmates — it cannot achieve its critical objective of maintaining order within the institution. Appeal to an external body ensures that final decisions will be accepted and will not be identified with any particular interest or constituency.

### **Administrative Section**

A claim arising within the purview of the administrative section should be initiated by filing a brief descriptive statement on a simple form. The form should be referred to the administrative panel of the institution. The panel should be composed of an equal number of staff and elected inmates plus a member of the administration. (Eligibility for inmate election should be based on ethnic and classification groups, and terms should be limited to six months.) Within three days of filing, the claim should be reviewed by the panel. In hearing the claim, the panel should be authorized to use whatever means are reasonably necessary to determine its validity, including recourse to staff of the division outside the institution, administrative conferences, meetings with the parties involved, and obtaining written information. The decision of the panel should be made in writing to the originator of the claim within five working days after the hearing. Appeal should be to the superintendent of the institution. The superintendent should review the panel's decision and issue a decision on the appeal within three days. Failure to conform to any time restrictions should result in automatic referral to the next superior level. The final level of appeal should be to an external review panel, composed of at least the director of the Division of Corrections (or a designee), a representative of the institution originating the claim, and a member of the local bar association. The appeal should be answered within fifteen days. All claims should be resolved within twenty-one days of initiation. Extensions of this and any other deadlines should be allowed on mutual agreement by all parties involved, but no extension should be granted on the order of the administration or staff alone. The grounds for decisions at each level should be specified in writing, to avoid misunderstandings. Completed records from each case should be



maintained until the claimant is released or terminated.

Participants in the administrative panel should receive some training. Possession of a copy of the rules and regulations, knowledge of division policy, and willingness to participate are insufficient to ensure orderly, intelligent responses to the wide variety of claims that arise. Training should include at least fact-finding and mediation skills. The Field Services Bureau and educational personnel should be enlisted as trainers.

In many penal institutions, similar administrative mechanisms have proved useful in identifying institutional problems, reducing inmate frustration and thus the level of violence, and offering inmates the opportunity to voice grievances and receive an official response.

### **Disciplinary Section**

The disciplinary panel should consist of an elected inmate, a staff representative, and a representative of the superintendent of the institution. Members' terms should be for one year to ensure continuity, although exceptions should be allowable for inmate representatives.

Disciplinary procedures should incorporate limited due process. Such an approach is appropriate where sanctions having a significant effect on the lives of inmates may result (e.g., segregation, limits on daily privileges, loss of time, and loss of credits).

Disciplinary reports should be made in writing, with copies to the inmate and to the disciplinary panel within twenty-four hours of the complaint. Immediately after a disciplinary report is submitted to the disciplinary panel, an investigating officer (a specially designated and rotating position among the panel) should commence an investigation. The inmate (and the staff) should be informed of the Fifth Amendment right to remain silent. If the investigating officer determines that probable cause exists to believe that the report is accurate, the report should be submitted to the disciplinary panel.

A hearing should be conducted within five days of the submission of the investigation report, unless the inmate and the panel mutually agree to extend the deadline. Staff and/or inmates involved in reports as witnesses or participants should be allowed to testify. In those cases where a criminal prosecution may occur, the district attorney's office should be contacted immediately on the filing of the disciplinary report. (Special care should be taken to ensure that an inmate

under joint investigation is warned of the constitutional right to remain silent and to have counsel appointed.)

At least the following procedural rights should be accorded each accused inmate:

- written notice of the charge, in language understandable to the particular inmate
- the admonitions required by law concerning any criminal prosecution that could result from the charged violation
- the right to appear and to compel the attendance of any person within the prison community to provide evidence
- the right to confront and cross-examine the person(s) presenting adverse evidence, except where the panel makes a written finding that the physical safety of a witness or, in special circumstances, a correctional employee, would be endangered by disclosure or that the evidence would be irrelevant or cumulative
- the right to have an inmate or staff serve as counsel
- the right to a written decision, with specified reasons, based on the preponderance of the evidence

The inmate should have the right to appeal to the director of the Division of Corrections within five days of the decision of the panel. A final, written decision on the appeal, with specified grounds and remedy, if appropriate, should be forwarded to the inmate within fifteen days of the appeal. Further appeals may be made to the secretary of the Department of Criminal Justice. The secretary should review those appeals that, at the secretary's discretion, merit further consideration. Remedy for the violation of any procedural guarantees during the disciplinary proceeding should include dismissal of the report and prohibition of any sanctions. These decisions should be made a permanent part of inmate and staff member records until release or termination. Provisions should be made for emergency exceptions to any of these procedures through direct appeal to the director of the Division of Corrections.

The complicated nature of the proposed arbitration system may necessitate implementation on an institution-by-institution basis. Los Lunas would be an appropriate first site. The process should be carefully monitored by the Division of Corrections staff to ensure full implementation, conforming to the program's goals and objectives, and to make any necessary modifications.

## Summary

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The predominant theme in developing institutional programs is that they should provide as much continuity with an inmate's former and future life "outside" the institution as is feasible and reasonable. To some degree, this continuity or interaction between the community and the institution can be accomplished through formal planning mechanisms. Regarding individual inmates, the ICC planning stresses the staged progression of inmates toward lesser and lesser degrees of security with greater and greater levels of community interaction. Regarding overall program and service provision, central office integration of the Bureau of Programs and Services and the Bureau of Institutions should be matched, at each institution, by the institutional councils composed of facility administrators and community representatives (from the areas of social services, education, business, and labor).

These formal mechanisms should be supplemented by a variety of other considerations that affect the institutional "environment" or style. Where formal accountability for the custodial and administrative aspects of corrections are separated from accountability for the design and management of programs and services (as will be the case under the reorganization of the Division

of Corrections outlined in Chapter 7), there is a danger that custodial and programming components will work at cross-purposes. These tendencies can and should be counteracted in a number of ways. First, every effort should be made to involve noncorrections personnel — as volunteers, teachers, counselors, etc. — in programs within the institutions, in order to mitigate the aura of a "closed" institution. In addition, staff training and career patterns should stress the integration of all correctional roles and responsibilities. All corrections personnel should be exposed, during initial and in-service training, to the multiple responsibilities of corrections. Likewise, a career ladder by which personnel may move laterally across roles (e.g., from guard to counselor or from counselor to classification hearing officer or disciplinary hearing officer) should be used to break down patterns of isolation or exclusion among various employee groups.

In short, institutional programs must be seen within the broader context of the Division of Corrections as a *system*; the Division of Corrections must in turn be seen in the broader context of a system of social services and public safety.

# 6 Facilities

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By emphasizing alternatives to present correctional programming, the New Mexico Master Plan for Corrections places priority on measures to reduce the continued growth in the institutional populations. Despite these efforts, however, current forecasts indicate that the present institutions will be expected to house an increasing number of persons during the coming three-year period.

Projections through 1980 are characteristic of a period of change in the system — a time during which there will be increased emphasis on the development and intensified use of local alternatives to incarceration. The profile of the institutional population is likely to change, with proportional decreases in the lower cus-

tody levels due to the increased availability of community program options. There will also be significant restructuring of the present institutions. Closer monitoring of residential assignments and correctional programming will be facilitated by the introduction of new agencies, and the range of custody levels will be limited at each institution, making more effective programming possible.

In conjunction with the development of local alternatives to incarceration, there is likely to be a shift in emphasis from the present centralized system to a more regional approach to correctional programming (see Chapter 4).

## Overview of Adult Institutions

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At the outset of the Master Plan process — before a comprehensive review of the state correctional system was completed — the need for additional bed capacity in the adult system, coupled with state interest in new legislation for correctional facilities, placed unusual responsibility on the Master Plan Team to respond quickly to the building program then being proposed by the Division of Corrections. Despite the team's conclusion that no new construction should be considered without first completing a comprehensive review of the entire system, review of and response to the proposals for new facilities were essential, since legislation and appropriations were immediately pending.

In this context, an initial inventory of existing correctional institutions was undertaken, along with a review of population projections and plans for additional minimum and medium security facilities proposed by the Division of Corrections. A strategy for minimizing new construction evolved, emphasizing the continued use of existing facilities wherever possible. This strategy was designed to allow for the future development of programs that would maximize the use of both existing facilities and alternative correctional programs.

Thus, early in the Master Plan process, a program of rehabilitation, maintenance, and limited new construction was developed, emphasizing the most immediate and obvious needs of the system. The key elements of the program (which was adopted) included the following:

- One new facility, somewhat reduced in size and scope from the initial Division of Corrections proposal, was planned for the existing Los Lunas correctional complex. This facility was programmed to

house both males and females. On completion in 1979–80, the facility will provide 208 additional beds for medium security males and will totally replace the existing Women's Unit at the Penitentiary of New Mexico. The housing units for women have been planned to afford separate programming for a range of custody levels.

- A program for remodeling and upgrading the existing Los Lunas minimum security facility was adopted, extending the useful life of this 200-bed facility with a significant saving in resources.
- Major renovation at the Penitentiary of New Mexico was postponed in favor of a phased rehabilitation program. The program adopted for this institution was scheduled first to remedy long-delayed equipment and mechanical problems, postponing any major housing or program modifications until completion of the Master Plan Team's review of the entire system.

Each of these elements is discussed in more detail in following sections, relating these measures to longer range proposals for the correctional system.

During the coming three- to four-year period, two major facilities, recommended in the Master Plan, and two or more regional minimum security programs will become operational. These facilities and programs will add approximately 646 beds to the present system capacity. In conjunction with these Division of Corrections facilities, prosecution diversion and other non-institutional correctional programs (with a combined capacity of approximately 380 persons) will further increase the total correctional program capacity, provid-

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ing approximately 1026 new program openings (institutional and noninstitutional) by 1980-81.

These new program resources will make it possible to institute recommended changes in the present penitentiary population, including a phased reduction in PNM capacity to approximately 625 beds by 1981-82. This reduction, offset by changes elsewhere in the institutional system, will result in a total institutional capacity of approximately 1500 beds, which compares favorably to the projected 1980 average daily population of 1405 inmates.<sup>1</sup>

In addition to the new facility planned for the Los Lunas Correctional Complex, and the other actions described above that affect institutions, the Master Plan Team has several additional recommendations regarding facilities. These are designed to have a significant impact on the deployment and programming of adults committed to the state correctional system.

The top priority for new construction should be a new facility for intake and classification. This program is discussed in detail in Chapter 3. The ICC facility is planned for an inmate population of 208, including both males and females. All persons committed to the Division of Corrections should be admitted to this facility and later assigned to the appropriate institutional program. The ICC should be centrally located in the state, ideally in the Albuquerque metropolitan area.

The capacity of the Penitentiary of New Mexico should be systematically reduced to approximately 625 inmates, with commitments restricted to medium and maximum custody levels. The existing dormitories should be phased out, replacing the present open-floor arrangement with single occupancy rooms for medium custody levels.

## Overview of Juvenile Institutions

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Master Plan recommendations for juvenile facilities are discussed in detail in Part II, which addresses the juvenile correctional system. The majority of the recommendations propose program modifications at the present juvenile institutions. No major physical changes or new facilities are proposed.

Measures to effect a systemwide reduction in the number of juvenile commitments are recommended, with the resulting benefit of reduced bed capacity re-

Projections of inmate population indicate that such a modification can be made step by step beginning in 1980 with the completion of the new Los Lunas medium security facility. In the interim period, the structural feasibility of partitioning the dormitories should be explored in more detail, with attention given to a comparison of the costs of renovation with the costs of partial new construction.

On the basis of current population projections, it is recommended that one or two minimum security facilities, providing a total capacity of approximately 150 residents, be planned for the southern portion of the state. Current admission patterns suggest that either Roswell or Las Cruces would be an appropriate location to consider.

Due to uncertainty about the effect that alternatives to incarceration will have on the minimum security segment of the population, major new construction should be avoided; the Division of Corrections should instead use appropriate existing facilities in this portion of the state. More than any other type of correctional program, minimum security facilities can be quite flexible, making it possible to adapt a variety of existing building types to the needs of the correctional program. As a temporary measure, to relieve population pressures during the building program outlined above, the Division of Corrections should consider its current option for use of the existing DHI facility at Via Solano near Roswell. A permanent commitment to use this facility should be avoided until the long-range need for minimum security facilities is confirmed after development of additional programs in other major population centers throughout the state.

quirements at the existing juvenile institutions. Generally, the recommended program changes will regionalize the existing facilities. With a programmed reduction in diagnostic commitments, the Youth Diagnostic Center in Albuquerque should serve the northern region for both boys and girls under regular commitment.

The Boys' School at Springer, because of its remote location, should be considered as a facility for older boys who have been committed for more serious offen-

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1. See Appendix 1 for a discussion of population projection methods, projections, etc.

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ses or have records of previous commitments. Special provisions should be implemented to enhance opportunities for family visits (e.g., offering transportation to and from the institution and eventually developing weekend housing arrangements for visiting families). As a general reduction in the juvenile population occurs, Camp Eagle Nest, because of its small size and remote location, should be considered for a minimum security adult facility to serve the northeastern portion of the state.

Emphasis should be placed on further regionalizing the juvenile institutions. While new construction is not warranted, consideration should be given to reestablishing a facility for juveniles in the southeastern portion of the state, possibly at Camp Sierra Blanca. While such a change may not be feasible at this time, and will certainly depend on future changes in the adult system, this facility has been used for juveniles in the past and may prove a logical alternative in the future.

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## Overview of Local Correctional Programs and Detention Facilities

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Although a variety of local correctional programs have been discussed in other sections of the Master Plan, most of the programs are readily adaptable to existing structures and will not require large capital outlays for new construction.

City and county detention facilities have been addressed in a separate technical report prepared by the Master Plan Team.<sup>2</sup> Legislative action should be taken to establish statewide minimum standards for the construction, administration, and operation of all local facilities used for the detention of adults, both pretrial

detainees and sentenced offenders. Responsibility for inspection and enforcement should logically be placed in the Division of Corrections, in an expansion of its present responsibility for juvenile detention facilities.

Although specific recommendations for new construction of these facilities are beyond the scope of this Master Plan, the adequacy of the facilities does affect the state system. As part of the proposed inspection and review process, priority should be given to alleviating problems at local jails that result in transfers of large numbers of local inmates to state institutions.

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## Correctional Institutions: 1977-80

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The New Mexico Division of Corrections currently operates five facilities for its adult inmate population, providing a system capacity of 1295 beds (see Table 6-1).

Under current plans, the new medium security facility at Los Lunas will have a capacity of 208 beds for males and 80 beds for females; when the new facility is completed, it will allow the closing of the Women's Unit at PNM. This will provide the opportunity to convert the women's facility to either a housing unit for male inmates or program or administrative space.

In addition to the facility changes currently planned at Los Lunas, other facility changes are recommended. Recommendations for reducing the capacity of PNM, with conversion of the present dormitory units, will lower the population at this facility to approximately 625 inmates. New facilities recommended for intake and

classification and for minimum security inmates will offset this loss of bed capacity, if the state correctional system plans for an overall capacity of approximately 1407 beds for males and 118 beds for females by 1980-81.

Table 6-2 summarizes the effect these recommended actions will have on the system, comparing bed capacity and custody levels with current projections of inmate population.

### Intake and Classification Center (ICC)

The Master Plan Team recommends a major new facility for the intake and classification of persons committed to the state correctional system. This facility should process all commitments, replacing the current program at PNM with a completely separate adminis-

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2. See *Technical Report 7* (1977).

Table 6-1: Current Bed Capacity

Facility	Men	Women
Penitentiary of New Mexico	995	—
PNM Women's Unit	—	28
Los Lunas Honor Farm	200	—
Camp Sierra Blanca	50	—
Women's Honor Unit	—	22
Total	1245	50

Note: Figures show only regular housing beds and are based on the inventory of corrections facilities prepared by the Master Plan Team in *Technical Report 3* (1977); capacity modifications such as double-bunking are not included.

trative and program unit. A six-week orientation and testing program is recommended, during which the custody level and the appropriate correctional program should be determined for each commitment. At the conclusion of this period, residence assignments should be made.

### Capacity

Based on current projections of admissions, it is anticipated that the ICC will be required to process approximately 1250 persons during FY 1979-80, increasing to 1730 annually by 1984-85.<sup>3</sup> A preliminary analysis of housing capacity — based on a six-week program for all regular commitments — indicates a projected need for 208 beds by 1984-85. Assuming female admissions continue at approximately 6 percent of the total, twelve beds would be required for women in 1979-80, increasing to sixteen in 1984-85.

### Housing and Programs

For maximum flexibility and program efficiency, overall capacities should be planned around small housing units, with the option of clustering in larger program groups. This should facilitate scheduling orientation groups so that small groups are phased sequentially through the program. A housing unit program similar to the Los Lunas Medium Security Facility program is appropriate. If sixteen-bed units are used, this should result in an initial building program of one sixteen-bed unit for women and four forty-eight-bed clusters for men, totaling 208 beds.

## Penitentiary of New Mexico

The Penitentiary of New Mexico was built in 1954; over the years its population has fluctuated, although recent trends show a constantly increasing average daily population. The institution currently houses over 1200 inmates, well above its present capacity of 995, but below its one-time peak of almost 1300. This overcrowding severely limits program flexibility and effectiveness, making the institution extremely difficult to manage and program efficiently.

Many of the problems currently facing the PNM are symptomatic of the current high population level and can be alleviated only if the number of inmates at the facility is reduced. The recommended programs for PNM (see Chapter 5) will also necessitate a reduced population if they are to function at optimal effectiveness, since the sheer logistics of managing a large institutional population necessarily interfere with flexibility of program assignments and schedules.

Several key system changes that will affect the number and type of persons committed to the PNM are currently planned and/or recommended elsewhere in the Master Plan:

- The intake and classification function, presently administered at the PNM, should be phased out, placing this responsibility in a separately administered facility, the ICC.
- The Women's Unit at the PNM is scheduled for relocation on completion of the new facility at Los Lunas.

3. Estimates follow the worst case projections, with a 35-percent reduction from the total to account for recommended use of precommitment diversion programs. Thus, the baseline projection of 2663

admissions is reduced to 1730 admissions in 1984-85. See *Technical Report 4* (1977), p. 39.

This will vacate the present twenty-eight-bed facility at the PNM and remove all women from the PNM complex.

- Diagnostic commitments and county jail transfers should be phased out, transferring responsibility for these inmates to the ICC and local correctional programs.

Completion of the medium security facility for males at Los Lunas will permit a phased reduction in the number of persons committed to the PNM, limiting the present range of custody levels at the PNM to maximum and medium security. This step-by-step reduction in the number of inmates incarcerated at PNM should be accompanied by conversion of the present dormitories, equipping them as medium security housing

units with single occupancy rooms. Present estimates indicate that changes elsewhere in the system will facilitate conversion of the nine sixty-bed dormitories, reducing overall capacity by 360 to 396 beds and lowering the population at the penitentiary to approximately 625 inmates.<sup>4</sup>

In conjunction with these modifications to the capacity of the facility, consideration should be given to a functional subdivision of the PNM population, modifying the four northernmost cellblocks (cellblocks 3-6) by the addition of an entirely separate recreation and program area. With decentralized food service to these units, and controlled access, the four cellblocks in this portion of the institution should be operated as a *self-contained* maximum security facility.

Similar modifications to the six existing housing units

Table 6-2: Capacity by Custody Level and Forecasts of Population, 1980

Institution	Custody Level			Total
	Maximum	Medium	Minimum	
For males				
PNM*	441	188	—	629
PNM Women's Unit†	—	—	28	28
Los Lunas Medium	—	208	—	208
Los Lunas Minimum	—	—	200	200
ICC‡	48	80	64	192
Regional minimum security facilities	—	—	150	150
Total	489	476	442	1407
Projected ADP, 1980	450	435	435	1320
For females				
Los Lunas	24	48	—	72
Los Lunas Admissions and Orientation Unit	8	—	—	8
ICC	4	4	8	16
Women's Honor Unit**	—	—	22	22
Total	36	52	30	118
Projected ADP, 1980	9	47	29	85

\*Existing cellblocks and cellhouses have been considered maximum security units; the converted dormitories and the present 44-bed prerelease unit are included in the medium security category.

†The 28-bed Women's Unit at the PNM will be converted to a male facility, possibly for use by trustys.

‡For the purpose of estimating the effect of the ICC on housing capacity, it was assumed that the facility would house a cross-section of security classifications approximating the distribution of security levels in current admissions.

\*\*The Women's Honor Unit will be phased out and replaced by community residences.

4. It is estimated that converting the dormitories to single occupancy rooms will reduce their capacity by approximately forty beds, to a total

of sixteen to twenty beds each.

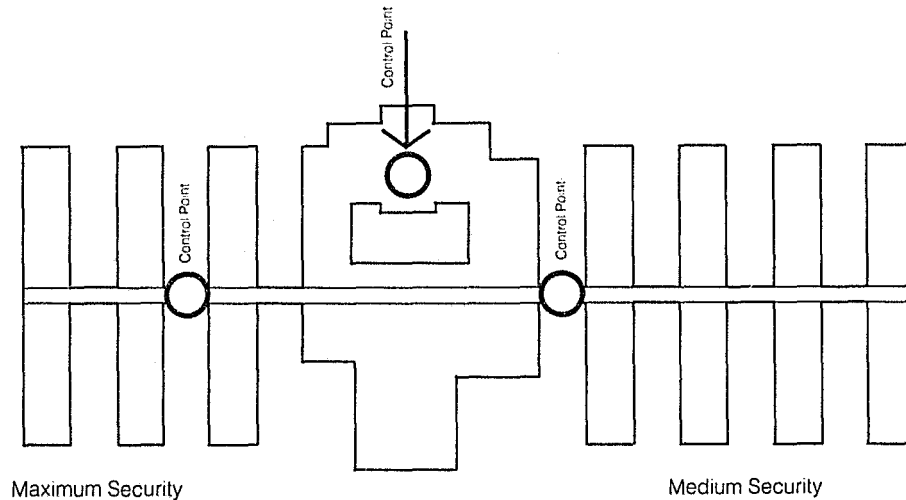


Figure 6-1: Penitentiary of New Mexico

in the southern portion of the institution should provide a graduated transition to separate medium security housing. Again, with the addition of program space for each unit, decentralized food service, and controlled access, this portion of the facility should be operated *independently*, as a separate medium security facility.

Present educational programs should be relocated in the vacated central dining hall, completing the transition. All central services should be housed in the administrative portion of the institution.

### The Los Lunas Correctional Complex

The Los Lunas Correctional Complex will, on completion of the new medium security facility, provide correctional programs for a total of 408 males and 88 females in two major facilities. The new facility should serve both males and females, providing a medium custody program for males and a maximum-medium program for females. This facility will replace the Women's Unit at the Penitentiary of New Mexico and will consolidate institutionalized correctional programming for women. The medium security section for males will provide 208 beds in four forty-eight-bed housing clusters, and a

sixteen-bed orientation unit. (Central services and programs are planned to afford some sharing of resources between male and female populations.)

The existing minimum security facility for men (Los Lunas Honor Farm) is scheduled for renovation and should continue in operation as a 200-bed facility. Current plans for this facility include the addition of an administrative office, a forty-eight-bed housing unit, and a visiting/multipurpose building. The planned upgrading should provide the repairs and maintenance necessary to extend the useful life of this facility for ten to twenty-five years — at great savings over the cost of new construction. It should continue to operate as an independent unit, with programs and an administrative organization separate from that of the new medium security facility.

Plans for both Los Lunas facilities have been developed according to programs recommended by the Master Plan Team. Construction activity is tentatively scheduled to begin late in 1978, with a completion date approximately two years later, in 1980-81. Renovation of the minimum security facility, as currently planned, should not interfere with the continued operation of the facility.



## Correctional Institutions After 1980

Projections for years after 1980 reflect an increase in the adult inmate population due to proposed legislative changes in sentencing practices. Current estimates indicate a doubling of the inmate population within a brief two-year period following enactment. While it is doubtful that such a dramatic change will ever in fact take place, the uncertainties surrounding longer range forecasts, pending analysis of the changes proposed and possible future revisions to the current legislation, make any specific proposals for increases in bed capacity — beyond those already made — premature. For this reason all Master Plan recommendations for facility changes focus on activities that should be un-

dertaken in the coming three-year period. They are designed to develop a system that will be amenable to future expansion as present uncertainties regarding longer range needs are removed. Any future plans for new construction, beyond those already proposed in the Master Plan, should be reviewed with extreme caution, to be sure that all feasible treatment and program alternatives have been exhausted.

The changes various Master Plan recommendations will have on correctional facilities in the state are summarized in Table 6-3, which briefly describes each proposed facility change.

Table 6-3: Summary of Recommended Facilities

Age Group	Facility	Capacity and Characteristics
Adults	Intake and Classification Center	A new 208-bed center for males and females, located in the Albuquerque area; the program center for all commitments to the state correctional system
	Penitentiary of New Mexico	A 625-bed maximum/medium security facility for males; serving as the only maximum security institution for men in the system
	Los Lunas Medium Security Facility	A major 208-bed medium security facility for males, and the state's only maximum/medium facility for females, with 88-bed capacity
	Los Lunas Minimum Security Facility	A renovated 200-bed facility for minimum security males, serving as a work and educational release facility, with a minimal farming operation
	Regional Minimum Security Programs	Two or more minimum security programs for regional needs, emphasizing work and educational release programs
Juveniles	Boys' School at Springer	A facility for older boys with histories of serious offenses, and previous commitments; reduced population with residential accommodations for visiting families
	Youth Diagnostic Center	A facility for regularly committed younger girls and boys, in Albuquerque; reduced diagnostic commitments
	Camp Eagle Nest	Use of this facility for juveniles is to be reduced; future conversion to adult minimum security programming is possible
	Camp Sierra Blanca	Conversion from present adult program to a facility for regularly committed younger boys and girls from the southern portion of the state

# 7 Administration and Organization

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In recent years, correctional administrators have been faced with rapidly changing and often conflicting social values, contradictory demands for their resources, and a tightening fiscal situation. Public opinion appears to press in two directions at once: toward both punishment and rehabilitation. There are at least two substantial, vocal, and intensely held bodies of opinion regarding correctional matters. The pressures for longer terms of incarceration and for more rehabilitative programs for inmates both have the effect of dramatically increasing the costs of corrections. These pressures conflict with equally strong tendencies toward fiscal conservatism at all levels of government. Correctional administrators are asked, in effect, to be all things for all people, but at little or no additional cost.

Attempts to respond to such pressures are limited in New Mexico by current resources, including low staff salaries, the absence of community programs, and the inadequacy of present facilities. The effort to upgrade New Mexico's correctional system will involve substantial additional investments of resources. It will, moreover, entail a period of rapid and complex change. Coordinating and guiding this transition will require great administrative skill and effort at the top level of the Division of Corrections and the Department of Criminal Justice, for not only will new programs be developed but the entire system should also undergo substantial reorientation, with attendant problems of staff dislocation and concern.

Administrative theory on the processes of organizational change suggests that, to the degree possible, such change should occur in a participative style; special efforts should be made to explain to all employees the nature and reasons for the changes to be made, and employee initiatives, suggestions, and ques-

tions should be encouraged. It is equally important, however, to establish firm central direction of the change process. Administrative leadership should be particularly concerned with:

- Establishing and maintaining clear goals and priorities for all functions and units in the Division of Corrections.
- Conducting a thorough "management survey," in which the management practices, styles, and philosophies in each of the correction institutions and divisions are reviewed. Corrective action and training should be undertaken as necessary, to ensure consistency in the correctional goals and priorities established by division and department administrators.
- Immediate centralization and strengthening of budget personnel, and planning functions.

It is particularly critical that the current planning function of the division and the department be upgraded, so that all other changes in the division can proceed on a sound basis. A solid planning capability is essential if the corrections system is not to be overwhelmed in the coming period of change and growth. This chapter sketches the major recommended administrative and organizational changes. In many cases, recommendations are based on changes already underway in the Division of Corrections or changes developed in preparation for the new Department of Criminal Justice. This chapter is intended to highlight those issues or changes most directly supportive of the other recommendations of the Master Plan for program or facilities development; the details of administrative and organizational change must, however, be developed within the department and the division.<sup>1</sup>

## Division of Corrections Reorganization

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Figure 7-1 contains a recommended organizational chart for the Division of Corrections; this organization entails the following significant changes from the current organization of the Division of Corrections:

- three key division staff positions will be supplemented by expanded Department of Criminal Justice Bureaus: the Bureau of Planning and Evaluation; the

Bureau of Financial Management; and the Bureau of Personnel Management

- an entirely new Bureau of Programs and Services is recommended within the Division of Corrections to consolidate program planning and to coordinate the interaction of the ICC with other functions in the corrections system

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1. Master Plan recommendations differ in some instances from measures already legislated for reorganization. Amending legislation should

be developed where necessary.

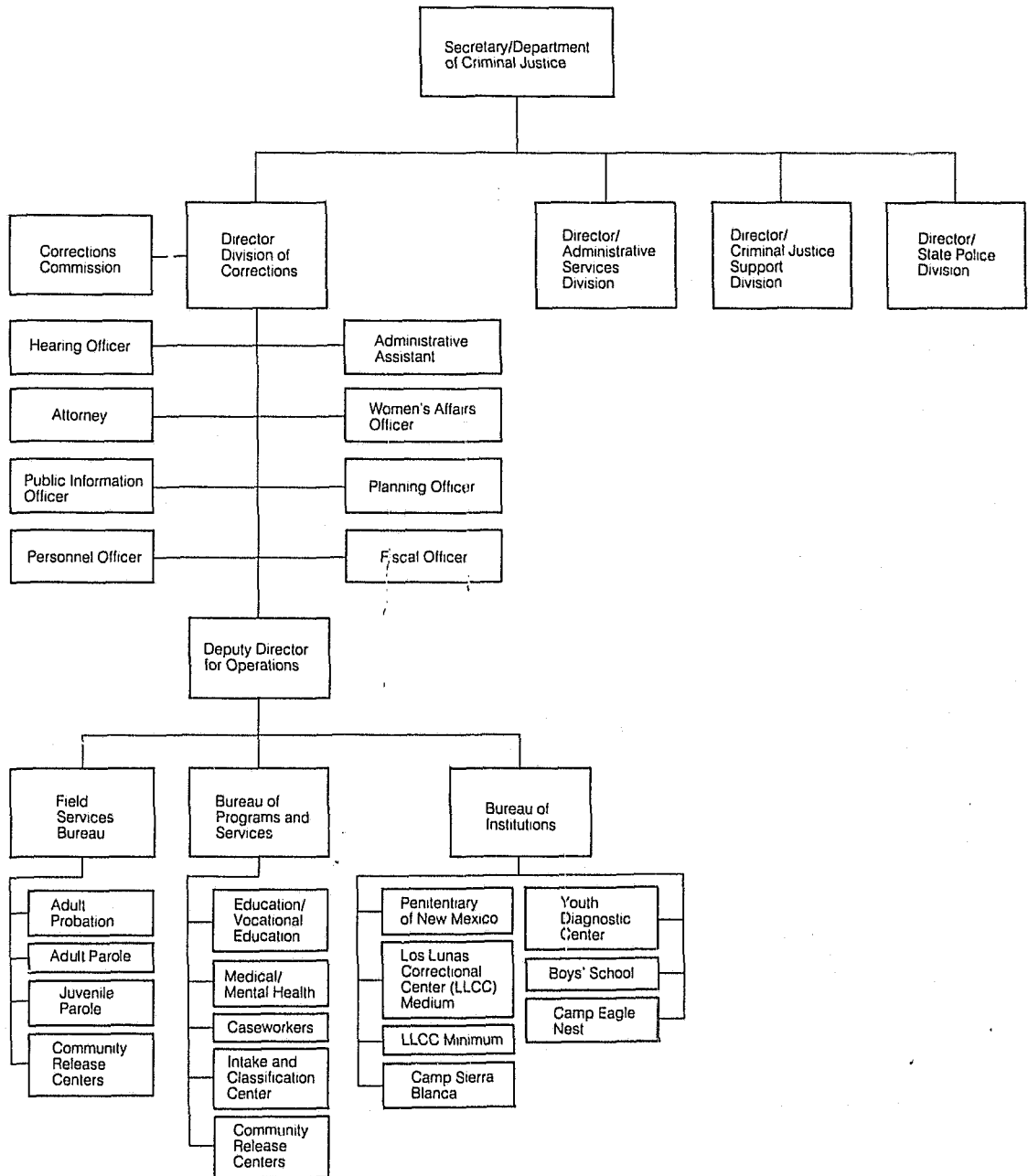


Figure 7-1: Division of Corrections Organization Chart

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Key positions and functions in the administrative organization of the Division of Corrections are described in the following sections.

### **Staff Support for the Director**

To assist in management of the division, a number of support staff should be assigned to the director of the division. In most cases, these support personnel are already budgeted positions in corrections; they should continue in their present roles, although several positions have some additional responsibilities, primarily for liaison and coordination with new bureaus to be created under the state government reorganization in the Administrative Services Division of the Department of Criminal Justice. The most significant positions are defined below.

#### **Administrative Assistant**

An administrative assistant should be hired to aid the director in day-to-day coordination of central office and assignments.

#### **Hearing Officer**

The hearing officer should represent and/or advise the director in inmate disciplinary and grievance matters. The hearing officer should conduct fact-finding investigations at the direction of the director and should serve, as needed, on the external review panel.

#### **Women's Affairs Officer**

This is a new position, charged with monitoring programs and services for women offenders and with advising the director of needed improvements to or alterations of those programs. The women's affairs officer should, in cooperation with the division's attorney, be responsible for recommending programs and procedures to assure compliance with legislation and judicial rulings regarding equal protection for female inmates.

#### **Planning Officer**

The division planning officer should provide a point of direct liaison between the director's office and the Bureau of Planning and Evaluation in the Administrative Services Division. In addition, the planning officer should be responsible for a number of significant division functions:

- development and direction of the management applications of the OBSCIS system
- development of the program budgeting format (described in a later section of this chapter), in conjunction with the fiscal affairs officer
- investigation of alternative or additional funding resources for corrections, including analysis of available federal funds and development of cooperative efforts with other New Mexico social service agencies.

#### **Fiscal Affairs Officer**

The fiscal affairs officer should fill approximately the same functions as the current business manager: maintaining the books and accounts of the division, review and monitoring of the division budget, and overseeing all grants and contracts entered into by the division (e.g., with community treatment centers). Together with the planning officer, the fiscal affairs officer should be directly responsible for developing the program budget format proposed in the Master Plan.

#### **Personnel Officer**

The personnel officer should be responsible for division administration of the enhanced training and "career ladder" recommendations described in this chapter. In particular, the division's personnel officer should report to the director about personnel complaints related to wages and working conditions and should counsel employees of the division about advancement and transfer procedures and opportunities.

### **Administration of Line Functions**

The line operations of the division should be organized into three bureaus: Field Services, Programs and Services (Adult and Juvenile), and Institutions (Adult and Juvenile). Administration of the three bureaus should be the immediate responsibility of the deputy director of the division.<sup>2</sup> Appropriate functions and responsibilities are described in the following sections.

#### **Deputy Director**

The deputy director should report directly to the director and assist in the development and execution of administrative policy and program operations for the division. The deputy should be responsible for coord-

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2. Because the position description of the deputy director and the organization of the bureaus differ in some respects from the Department of Criminal Justice implementation plan, changes, including sta-

tutory amendments, should be made in the implementation plan, as needed.

dinating the three bureaus. S/he should thus resolve disputes or conflicts between the bureaus (although such conflicts may, of course, be finally resolved by the director). The deputy should oversee the superintendents of the several facilities and, in this capacity, should conduct periodic evaluations of management practices in all major correctional facilities, with particular attention to ensuring a proper balance between "custodial" or security concerns and "rehabilitative" or programming concerns. In the absence of the director, the deputy serves as acting director.

### **Field Services Bureau**

The Field Services Bureau should retain its present functions and organization (except as modified by the recent sentencing legislation). It should include probation and parole supervision of all adult offenders and parole supervision of juveniles.

### **Bureau of Programs and Services**

The new Bureau of Programs and Services should be responsible for the development and staffing of casework, education, vocational education, medical, mental health, and counseling programs and services for all adult and juvenile correctional institutions. In addition, this bureau should have responsibility for the ICC and for community programs (such as halfway houses and residential treatment programs) run by the Division of Corrections.

In the management of Division of Corrections programs, the Bureau of Programs and Services should cooperate with the Field Services Bureau. Probation and parole officers should be assigned to those programs as appropriate. The Bureau of Programs and Services should coordinate with the fiscal affairs officer in monitoring and evaluating programs under contract to the division. The bureau should have primary responsibility for evaluating and recommending changes in the programs and services provided within the correctional system. It should coordinate program planning with the Administrative Services Division's Bureau of Planning and Evaluation.

### **Bureau of Adult and Juvenile Institutions**

The Bureau of Adult and Juvenile Institutions should coordinate the management of all institutions in the system. This bureau should establish rules and regula-

tions needed for orderly operation of all institutions. It should develop recreational, religious, and other social programs and services for inmates. In coordination with the Bureau of Programs and Services, it should administer prison industries and inmate employment matters.

The bureau should be responsible for identifying and evaluating proposed correctional facilities to be constructed, purchased, or leased. It should coordinate with the Bureau of Standards and Inspections of the Criminal Justice Support Division to ensure that building codes and space standards (such as those promulgated by the National Clearinghouse) are met.<sup>3</sup>

### **Superintendents of Facilities**

As set forth in Figure 7-2, the Master Plan recommends a somewhat unusual structure of accountability for the superintendents of the several facilities in the corrections system. While superintendents receive direction from the chiefs of the Bureau of Programs and Services and the Bureau of Institutions on matters falling within their jurisdiction, primary administrative supervision of superintendents is the responsibility of the deputy director of corrections.

This arrangement of authority is somewhat inconsistent with several traditional dictums of efficient administration, such as the criteria of "unity of command" and "chain of command." (Under "unity of command," each subordinate official should report to only one superior official; "chain of command" refers to the additional principle that the superior official should be in the next higher level of the administrative hierarchy.) The authority structure recommended here has been devised, however, in view of particular kinds of problems that typically have arisen in corrections administration.

Experience suggests that even the most thoroughly planned and carefully implemented efforts to enhance "programs" and "rehabilitation" within correctional settings eventually fall short of their goals, in part because of the understandable concern by facility administrators to maintain order and security. Faced with actual or potential challenges to authority, administrators have tended to adopt a "custodial" attitude and to stress discipline, with a corresponding deemphasis on program participation by inmates. The Master Plan proposal for a Bureau of Programs and Services, together

3. The Department of Criminal Justice implementation plan also assigns the Bureau of Standards and Inspections the responsibility of establishing grievance procedures. The Master Plan Team recom-

mends that grievances be heard by a specially created External Review Board (see Chapter 5).

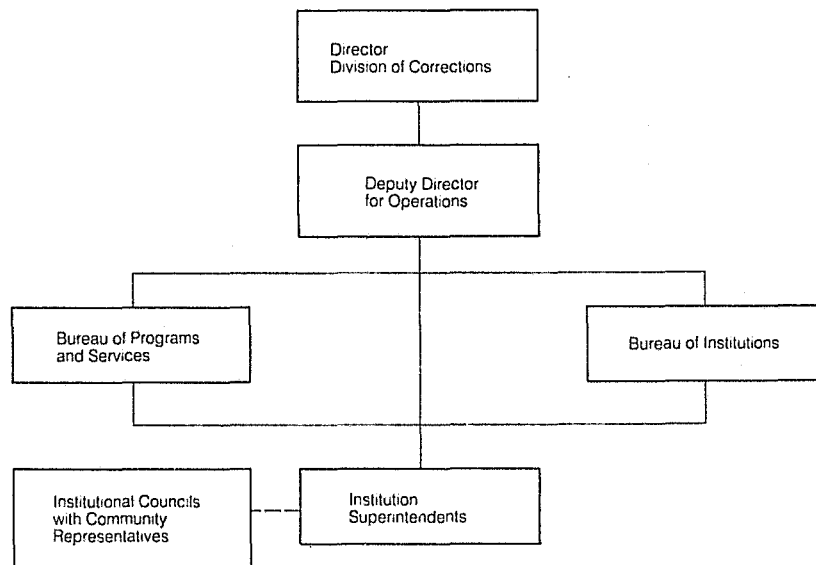


Figure 7-2: Institutional Management

with the requirement that superintendents of institutions report to that bureau on the implementation of programs in the institutions in their charge, is an effort to institutionalize a continuing commitment to strong rehabilitative programs. This is based in part on experience showing that reliable institutional security and order are based on a proper *balance* of programming and custodial precautions. Adoption of this balanced approach can succeed, however, only if other conditions support the effort. Supportive conditions range from promulgating a clear division philosophy that gives high priority to rehabilitative programs, to establishing personnel training policies and budget mechanisms that support a balanced and integrated approach to institutional order and inmate rehabilitation.

The autonomy of superintendents is constrained in several respects by Master Plan recommendations. The Bureau of Programs and Services directs the management of programs within institutions and, indirectly through the ICC, also directs the placement and transfer of individual inmates. Likewise, the Bureau of Institutions oversees regulations related to institutional discipline and to various institutional services. The importance and authority of superintendents of facilities

should not, however, be seen as diminished; rather, it should assume its correct perspective of managing the "front-line" integration of multiple and sometimes conflicting objectives of the corrections system. Far from being mere functionaries, the superintendents should be among the most qualified and skilled administrators in the corrections system. It is therefore critical to the realization of correctional goals that the qualifications and salaries of institutional superintendents be set at levels competitive with other states.

### Corrections Commission

In addition to changes in the organization of the Division of Corrections, a revised role is recommended for the Corrections Commission. The commission is currently charged with overseeing policy and hearing appeals regarding inmate discipline and grievances. Under the reorganization of corrections into the Department of Criminal Justice, the policy overseeing role will pass to the secretary of the department. This Master Plan also proposes alternative appeal mechanisms for inmate grievances and discipline.

A significant function should be reserved for the Corrections Commission, however, in line with its role as the "citizens' voice" in corrections matters in New Mexico.<sup>4</sup> Specifically, the commission should be empowered to hold public hearings on matters of public concern relevant to Division of Corrections policies and programs. Such matters of public concern should include:

- the proposed location of correctional facilities or programs
- complaints and inquiries from families or friends of inmates or from other interested parties about conditions in Division of Corrections facilities

— citizen or community proposals for the development of programs designed to encourage restitution by or rehabilitation of offenders

### Division of Corrections Staffing Increases

In order to fill the positions outlined for the director's staff and for the bureaus within the division, a slight increase in administrative personnel is recommended. Table 7-1 summarizes the additional personnel required.

Table 7-1: Division of Corrections Administration — Recommended Staffing (by Rank or Approximate Salary Equivalent)

Position	Director	Corrections Administrator IV	Planner-Corrections Administrator III	Analyst Accountant	Clerical Secretarial
Director	1				2
Administrative Assistant				1	
Hearing officer				1	
Attorney		1			
Public information officer				.5	
Women's affairs officer			1		
Planning officer			1		
Fiscal officer			1		
Bookkeeper				1	
Personnel officer				1	
Deputy director		1			1
Chief, Bureau of Programs and Services		1			1
Education/Vocational Education			1		
Medical/Mental Health		1			
Casework and Services				1	
Chief, Bureau of Institutions		1			1
Planner				1	
Total recommended	1	5	4	6.5	5
Total FY 1977-78	1	4	3	1	3
Net increase — with approximate salary equivalents, including fringe benefits	—	1	1	5.5	2
		\$27,000	\$19,000	\$68,750	\$17,000
Total immediate cost increases: \$131,750					

Note: Field Services division administrative staffing would not be changed.

4. Members of the commission should continue to be appointed by the governor.

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A significant augmentation of staff for responsibilities directly related to corrections administration has already been proposed under the Department of Criminal Justice implementation plan. Specifically, the department will provide support in the areas of program plan-

ning and evaluation, financial management, personnel management, and training. The following sections summarize the responsibilities these departmental support services should have for the management of the Division of Corrections.

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## Personnel and Training

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The Division of Corrections has several personnel and training functions to fulfill in conjunction with the Department of Criminal Justice Bureau of Personnel Management and Bureau of Training and Education (in the Administrative Services Division and the Criminal Justice Support Division). The division has a dramatic need to:

- recruit qualified men and women of all ethnic backgrounds
- provide training that will enable all employees to meet the complex requirements of their positions
- maintain working conditions that encourage high-quality performance
- retain a core of experienced professional correctional staff members

The Division of Corrections, the personnel officer, and the Bureau of Personnel Management should assume ongoing responsibility for reviewing job requirements and working conditions, establishing performance measures at all levels, and incorporating employee input into institutional and division administration.

Dedicated, well-trained, industrious staff members are a prerequisite to efficient management of correctional institutions. Corrections confronts the same problems as private industry and other public agencies in recruiting qualified persons, maintaining acceptable working conditions, and providing incentives for high-quality performance and dedication. In corrections, these problems are compounded by the realities of the custodial environment. The division and the department must therefore place special emphasis on staffing, with corresponding budgetary allocations.

### Recruitment

Adopting an affirmative action policy is not sufficient to ensure that sexual and racial discrimination will not occur in the hiring process. Funds must be allocated to a recruitment plan that aggressively reaches varied ethnic communities and specifically encourages women and minorities to consider employment in corrections.

Use of internship programs may assist the division in reaching persons who may be inclined to consider a career in corrections. Substantial effort should be put into locating qualified women for central office and correctional administrator positions.

### Hiring Procedures

Given the unusual psychological demands of front-line corrections work (e.g., high stress and the need to exercise authority wisely in the face of persistent hostility), screening of applicants is critical. Persons applying to corrections should be tested to ensure that their personality characteristics are compatible with the demands of the correctional environment. In recent years, a number of diagnostic instruments have been developed for high-stress occupations, such as law enforcement and corrections, to test such personal qualities as use of authority and power, skills in decision-making, and ability to resolve conflicts. Such tests should be used by the New Mexico Division of Corrections in conjunction with the Personnel Department. Similar tests should be administered periodically throughout the tenure of each employee.

### Training

Corrections officers require extensive training to perform their complex duties. A training program should contain not only an in-depth pre-service curriculum, but also detailed on-the-job and in-service training components. These should be designed to:

- prepare staff for emerging institutional performance problems
- remedy individual performance problems
- support a "career ladder" approach to correctional employment.

Essential to the responsibility for providing comprehensive training, is the regular assessment of job requirements and application of such assessment results to curriculum revisions. In New Mexico, a "Forty-hour



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Training Class in Corrections" is the primary pre-service training for new correctional officers. This training period is insufficient to fully prepare new employees and, unfortunately, in many cases, is not given to the new employees until after they have begun their duties, because administrators are pressed to put staff on duty quickly. Such a practice is inappropriate, particularly in corrections, where the demands of the environment in which the individual is expected to function are complex and stressful.

Training should combine a range of subjects, varying instructional techniques, and instructors from both inside and outside the corrections system. The objective of training should be to facilitate staff understanding of and dedication to the multiple goals of corrections, including the rehabilitative (programming) functions as an integral part of institutional management and security. Training should enable the staff to perform correctional duties, including primary custodial functions, with an awareness of their impact on inmates' attitudes and responses and the consequent order within the institution.<sup>5</sup>

### Pre-Service Training

Initial training should combine detailed analysis of the goals of corrections and the policies of the department with extensive discussion of practical problems and everyday circumstances and issues in correctional institutions. Subjects such as the criminal justice system, philosophies of criminology and penology, and the psychology and sociology of groups should be offered by experts in those fields rather than distilled through correctional staff. Emphasis should be placed on the proper use of disciplinary procedures and how they relate to overall correctional objectives. At least a full day should be allocated to a discussion of the criminal justice system as it relates to corrections and an analysis of the characteristics of the inmate population. Accompanying this should be a thorough orientation to the programming function of corrections, including the classification process and the operation of all institutional programs and services. In addition, training should include:

- Interpersonal relations skills, such as dealing with cultural differences and communications theory. Role-playing is an essential tool, but this must be

directed by experienced professionals.

- Crisis identification and management.
- Stress training, with a focus on coping with day-to-day institutional constraints and demands, many of which center on various challenges to staff authority. This training should also improve the ability of the staff person to function in a satisfying fashion in his/her personal life.

### In-Service Training

Corrections training should apply the concept of the "field training officer" (FTO) developed for law enforcement training. Under this procedure, new employees are teamed with specially trained senior employees. The team is then assigned to the full variety of actual work responsibilities in the agency during the new employee's probationary period. This strategy combines a number of advantages. The FTO supervises and evaluates the new employee from direct and continuous experience. Because the new employee's first "work exposure" occurs with the specially trained FTO, socialization to poor habits or cynical attitudes of any other "old guard" employees is mitigated. Finally, establishment of the FTO position adds another rung to the career ladder.

Group work on case studies is a fruitful technique, for both pre-service and in-service training. The case study approach removes training from the abstract and attaches individuals, policies, and procedures to real situations. When the groups include representatives from a variety of ranks or work units, group problem-solving also breaks down unproductive communication barriers between these ranks and functions. Ongoing discussion groups among line staff and supervisors can provide a forum for critiquing operations, clarifying institutional rules and regulations, and expressing tension and dissatisfaction.

An in-service training unit should also be constructed around the counseling correctional officers regularly do with inmates under their supervision. Although case-workers are assigned to each inmate, institutional experience shows that correctional officers are the most influential persons in the lives of most inmates. They have a major impact on an inmate's state of mind and orientation toward the institution. Therefore, sessions should be regularly conducted to teach and reinforce the officers' basic counseling skills. These sessions

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5. It would be naive to assume that this can be accomplished easily. In fact, research shows that most "custodial" staff in corrections tend to regard "program" or "rehabilitation" staff with suspicion. As indicated

in the discussion of career ladders later in this chapter, one remedy for such either/or attitudes is to integrate custodial and rehabilitative positions into a common career ladder.

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should be structured around on-duty observation of the performance of individual staff members.

### **Management Training**

Supervisors and correctional administrators also require training to perform their duties effectively. Supervision and management are generally accomplished in correctional institutions by persons who move from entry level jobs, with minimal standards, to more complex policy-making positions. If the employee's supervisory and administrative ability does not expand commensurately with the promotion, the administrator will be inadequately prepared to meet new responsibilities. Therefore, training is needed on promotion, as well as during the tenure of supervisory and management employees, to ensure that division policies and correctional goals are thoroughly and consistently implemented. In addition, the increasing complexity of corrections operations requires correctional administrators to use many management techniques used in private business and other large social institutions. Corrections institutions should be managed consistently with the best management practice.

Training in specific areas, such as supervision, policy analysis, personnel evaluation, and organizational development and leadership, should also be provided regularly to all persons working in supervisory or management capacities in the correctional system. To develop a comprehensive training program, it is essential that the corrections system enlist the aid of the law enforcement academy, regional training centers in other states, the federal system, and educational institutions.

### **Employee Incentives**

Incentives for employees, including but not limited to prevailing salaries, step increases and career ladders, and payment for advancing education or special training should be developed and made immediately available to correctional staff.

### **Salaries**

Salaries are a major, but not the sole, source of the high staff turnover experienced by the Division of Corrections. (New Mexico ranks among the lowest of the states in salary range and has one of the highest turnover rates among correctional employees.) As a partial

measure to improve the conditions of correctional employment, it is recommended that immediate steps be taken to increase the compensation (including educational incentives and fringe benefits) of all Division of Corrections positions by 5 percent in the next fiscal year and by 3 percent in each of the following two years. These rates, which should be further adjusted to accommodate cost-of-living increases, are still modest, given the higher recruitment and qualifications standards recommended, but would bring New Mexico somewhat closer to national norms, including the norms for retirement programs.

### **Working Conditions**

Working conditions also affect morale and, through morale, job performance. A major problem in corrections staffing is work schedules. Work schedules should be adapted as much as possible to allow staff to maintain normal relations with their families. The realities of a twenty-four-hour per day institutional schedule mean that some persons must work inconvenient, night-time hours. However, regular and equitable shift rotation schedules can be planned to reflect the actual needs of the institution for personnel in specific positions at specific hours. Rotation reduces the impact on the staff's family lives and replaces the practice of assigning new correctional officers to the most demanding and least desirable shift (graveyard), which has a particularly discouraging impact on employees who are not yet sure about their commitment to corrections or the scope of their responsibilities.

### **Career Ladder**

Studies of organizational behavior consistently find that job performance is not determined solely by such "external" incentives as wages and working conditions, but also by "internal" motivations that come from the employee's desire for learning and growth through new or challenging work. This motivation is encouraged by allowing employees to participate in various kinds of decisions regarding the work to be done. It is also encouraged by structuring the tasks to be done in a way that allows employees some autonomy and initiative. Creating a system or "ladder" of positions is another way of promoting internal motivation. Under the ladder approach, employees may either earn their way to positions of greater responsibility and decision-making power or explore new and different roles.<sup>6</sup>

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<sup>6</sup> The ideal career ladder combines "external" incentives and "internal" motivations, through salary differentials commensurate with

skill or training requirements or job responsibilities.

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It is recommended that planning for a "career ladder" in corrections begin immediately. This career ladder should, at a minimum, encompass all positions within the Division of Corrections (including field services, custodial, and support services/central office positions). Ideally, the system could be broadened to encompass the Department of Criminal Justice as well. In order for the career ladder to present meaningful and realistic career incentives, the training and personnel systems must provide either the training and background skills needed for each position or the education incentives that would encourage an employee to enroll in formal higher education programs as a logical part of career development.<sup>7</sup>

Planning for a career ladder or career development system should include the following components:

- identification of all jobs or positions, with a description of (1) tasks and responsibilities, (2) expected skill and/or knowledge to be acquired from holding the position, and (3) analysis of other jobs for which the position prepares the employee
- identification of job-related requirements in (1) experience, (2) education or training, (3) employee motivation, and (4) physical and emotional characteristics

## Budgeting

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Present New Mexico budget format requirements for corrections are largely determined by state regulations. Certain supplemental budgeting procedures should be adopted, however, in order to integrate the budgetary process more completely into planning and management activities.

Specifically, it is recommended that a partial "program" budget format be developed to augment the institution-based, line-item techniques currently used and that "service unit costs" be developed for incorporation into cost-effectiveness analyses of various program budget items.

Development of the proposed capabilities should be the responsibility of the Bureau of Financial Management of the Administrative Services Division, with the advice and participation of the fiscal affairs officer of the Division of Corrections.

- analysis of comparative salary rates, in order to ensure that remuneration is commensurate with the relative responsibility given to or sacrifice required of the employee

## Management Practices

Well-informed division policies, and coordinated institutional procedures cannot guarantee institutional efficiency without sufficient, qualified personnel to manage the system. Lateral entry of managerial staff from other systems should be encouraged, in order to supplement existing staff where circumstances merit. Securing qualified personnel requires more than additional funds in the corrections budget. It requires a departmentwide policy specifically designed to attract the best persons to correctional work, train them to perform their duties effectively, and promote them equitably. It also requires designing a departmental capacity to update training and monitor working conditions constantly and procedures that encourage participation by staff in the development of policy and long-term planning. An "open-door policy" by institutional administrations and the division staff is essential to make this commitment meaningful.

## Program Budgeting

In program budgeting, costs are allocated or prorated according to mission, objective, or task, rather than by transaction category (e.g., personal services, fringe benefits, capital improvement). Administrative and support services costs, as well as capital improvement or facility maintenance costs and even the allocations of each person's time, are prorated among missions according to the percentage of time or other measure of the resource spent on each mission.

Thus, in program budgeting, both specification of goals or missions and detailed analysis of all agency operations are required. The advantages of a program budget format are that, in allocating costs to identified missions, relative investments in the various correctional objectives can be clearly identified and carefully

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7. Operation of a career ladder requires that the Division of Corrections maintain a career or job counseling capability, to assist individual

employees in their career development planning.

analyzed and evaluated. Disadvantages of program budgets include the difficulty of fully specifying missions and prorating expenditures, a process involving substantial staff commitments, particularly when the process is initiated. Line-item budgets do have the advantage of allowing simple year-to-year comparisons of where cost increases have occurred or been requested; this task is more difficult in program budgeting because objectives or missions may change. In view of the extensive demands on staff time and resources in developing program budgets, program budgeting should be used selectively by the Division of Corrections.

In defining correctional missions or goals, particular attention should be given to practical planning issues. On the most general level, it would be relevant to a variety of planning efforts to know the general proportion of corrections resources being devoted to the generic missions of the division — reintegration programs and custody/security. (Even analysis at this gross level of definition requires extensive clarification of terms and data collection; such data are not available in current budget formats and accounting techniques.) In a more completely articulated budgeting system, these generic goals would be subdivided into component programs or tasks. An *illustrative* set of categories is provided in Table 7-2.

Program budgeting information, such as that recommended, has several planning uses. Data concerning the relative allocations of personnel time (or other resources) to specific tasks (e.g., "disorder control") is helpful in management analyses of many important issues (e.g., recruitment and training needs, staffing revisions, and institutional management problems). More significantly in the budgeting context, precise information on the allocation of resources to various missions or goals can be used to set priorities and justify requests for budget revisions and increases. Particularly when integrated with calculations of benefits or outcomes, expressed through variables such as "recidivism," increased allocations of resources to a particularly effective service or program can be justified more clearly.

### **Service Unit Costs and Cost-Effectiveness Analysis**

The cost data collected for program budget purposes have direct application to cost-effectiveness calculations. Program budget data can also be calculated as costs per unit of service (e.g., cost per inmate-year for operating a halfway house or a vocational education

program). Unit cost data should be integrated with data concerning program performance so as to construct cost-effectiveness ratios. Available data in New Mexico are not sufficient for cost-benefit analyses. Neither service unit information nor effectiveness measures are presently collected. Recommendations for program effectiveness data collection are outlined later in this chapter.

Cost-benefit or cost-effectiveness analysis is valuable to administrators in allocating limited resources. Carefully developed cost-benefit ratios allow program comparisons to identify the programs or activities that provide more return for given resources. Not only should direct service unit costs be calculated, but program objectives should also be specified and stated in a form that can be quantified, typically as costs (or cost savings). These quantifications of additional costs (sometimes called "externalities") should be designed to reflect the costs of specified events that are used to achieve program objectives. As an example, a common program objective is to reduce recidivism. Externalities that can be estimated in terms of costs include the costs incurred by victims of each recidivation and the criminal justice costs, for prosecution and subsequent incarceration, for each recidivation that leads to arrest and prosecution.

### **Applications for the Immediate Future**

Ideally, it would be possible for the Master Plan to specify future budget priorities as they relate to present resource allocations. However, as noted above, current budget documentation and the lack of program effectiveness data make it impossible to conduct either a program budget analysis or a true cost-effectiveness analysis. The extensive specification of tasks and prorating of expenses required for program budgets cannot be done with present data. Although some recidivism data are available, they have not been collected and analyzed adequately for even the most impressionistic statement of program effectiveness.

Some preliminary crude guesses are possible, however. A rough indicator of current allocation priorities was developed, using personal services expenditures only (for adult institutions). Based on job descriptions of budgeted personnel in the sixty-fifth fiscal year budget requests, 24.5 percent of personal services dollars were earmarked for programs and services staff (e.g., counselors), 19.6 percent for administrative and support services, and 55.9 percent for custodial personnel (e.g., guards). Although these proportions are rough (and probably overstate the resources allocated in the

total budget to rehabilitative programs and services), they do provide the kind of information by which resource allocation to various priorities can be analyzed and revised to reflect Division of Corrections goals.

Although specific recidivism data tied to particular programs or activities are not available in New Mexico, experience generally suggests that rehabilitative programming is cost-effective when compared with expenditures for security, whether in the form of guards or physical security precautions. At a minimum, security cannot be effectively (and economically) maintained in

the absence of balanced programming. In view of these general experiential conclusions, current New Mexico allocations to the Division of Corrections appear far too heavily weighted toward mere custodial services. The weight of the Master Plan recommendations should begin to correct this imbalance. Master Plan priorities and recommended Division of Corrections priorities are seen in the fact that, excluding facilities recommendations and certain other areas of recommendation, over 80 percent of Year 1 implementation costs would be for "rehabilitative" or "reintegrative" programs, a

Table 7-2: Illustrative Program Budget Categories: Personal Services Allocations

Generic Mission	Components*
Inmate reintegration: to provide programs and services enabling successful social reintegration of offenders	<ul style="list-style-type: none"> <li>A. Diagnostic &amp; Testing               <ul style="list-style-type: none"> <li>1. Intake and orientation</li> <li>2. Classification and program planning</li> </ul> </li> <li>B. Program analysis               <ul style="list-style-type: none"> <li>1. Profile data collection and analysis</li> <li>2. Evaluation measure design</li> <li>3. Evaluation data collection</li> </ul> </li> <li>C. Attitude and personality change               <ul style="list-style-type: none"> <li>1. Clinical and individual counseling                   <ul style="list-style-type: none"> <li>a. Outpatient</li> <li>b. Inpatient</li> </ul> </li> <li>2. Group counseling</li> <li>3. Special problems (e.g., substance abuse)</li> </ul> </li> <li>D. Skills and opportunities improvement               <ul style="list-style-type: none"> <li>1. Education                   <ul style="list-style-type: none"> <li>a. GED curriculum</li> <li>B. College and institutional</li> </ul> </li> <li>2. Vocational                   <ul style="list-style-type: none"> <li>a. Institutional employment</li> <li>b. Vocational rehabilitation programs</li> <li>c. Prison industries</li> </ul> </li> <li>3. Prerelease programs</li> </ul> </li> </ul>
Institutional safety	<ul style="list-style-type: none"> <li>A. Inmate management and institutional security               <ul style="list-style-type: none"> <li>1. Routine surveillance and patrol</li> <li>2. Disorder control</li> <li>3. Spcial duties and escort details</li> <li>4. Searches and shakedown</li> <li>5. Disciplinary procedures and hearings</li> </ul> </li> </ul>

\*Components should be computed as percentages of time and expressed as costs. Each component should also be separately computed by institution and/or security classification.

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proportion that rises to approximately 90 percent by Year 3.

Initial implementation of revised priorities, as reflected in program budgeting analyses, should begin with an analysis of the FY 1978-79 budget for corrections. A beginning step should be to prepare analyses of the generic program categories ("reintegrative" versus "custody/security" missions). At a minimum, personal services allocations should be compared for these two categories. In addition, separate analyses should be made of expenditures for these purposes for male and female inmates (or parolees). In line with the direction of recommendations in the Master Plan, these analyses should be tied to the following criteria, which can serve as rough targets or rules of thumb for budget allocations in subsequent years.

- Parity should be achieved between personnel expenditures for program and custody missions within three years.<sup>8</sup>
- Parity should also be achieved in program and services expenditures for male and female inmates. A rough but appropriate measure would be to compare program and service expenditures per inmate-year for males and females. The target of sexual parity is mandated by recent legislation and judicial decisions.

## Planning and Management System

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The central tasks of corrections planning are encompassed in the Planning and Management System (PMS). Together with the ICC, the PMS should constitute the foundation for managing and planning corrections in New Mexico — the ICC providing "micro" or individual case-management, the PMS providing "macro" or systemwide management tools. Development of the PMS should therefore be given top priority for implementation.<sup>9</sup>

Primary responsibility for development and administration of the PMS should be assigned to the Bureau of Planning and Evaluation of the Department of Criminal Justice. The bureau should coordinate its activities with the Division of Corrections planning officer and Bureau of Programs and Services.

## Sources of Revenue and Planning Responsibilities

To augment the current state funds, additional efforts should be undertaken to identify revenues. These include review of federal funds available for corrections-related projects and require the creation of a liaison with other New Mexico social service agencies to create cooperative or joint ventures. This responsibility would, moreover, entail a continuing review of New Mexico community resources relevant to correctional programs.

Current reliance on LEAA funding for correctional programs should be supplemented by increased efforts to use federal programs funded through HEW, including substance abuse, mental health, and Office of Education programs. Department of Labor programs for personnel training, career development, and job training for offenders should also be explored.

The Bureau of Planning and Evaluation should have primary responsibility for this effort. To take advantage of existing expertise in New Mexico, it would be useful for the bureau to establish a working group composed of representatives from the Division of Corrections Bureau of Programs and Services, the Administrative Services Division Bureau of Financial Management, the Department of Health and Environment, and the Department of Human Services.

The functions of PMS can be stated simply:

- to maintain detailed profile data on the inmates being committed to the Division of Corrections
- to analyze trends in both the number and types of inmates
- using such trends and other data, to project future needs in both facilities and programs
- to *evaluate* programs and services provided by — or on contract with — the division
- to "fine-tune" projections through measures that evaluate the effectiveness of different types of programs for different kinds of offenders and through analysis of security/custody classification results.

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8. This is a rule of thumb only. Actual allocations of personnel and other resources should also reflect accumulating data on program performance, and needed security resources should not be slighted.

9. The PMS will be the mechanism for making post-1980 projections.

In light of the changing needs for facilities and programs, it is critical that the PMS be operative as soon as possible, to provide adequate lead time for development of new programs and/or facilities.

New Mexico's Offender-Based State Corrections Information System (OBSCIS) already provides the framework for highly sophisticated profiling. When the OBSCIS is augmented by information developed at the ICC and supplemented by data on other stages of the criminal justice system, such as the data from the Offender Based Transaction Statistics System (OBTS) and the State Judicial Information System (SJIS), New Mexico will have a remarkably rich base on which to build various management information tools, such as population projections, simulations, and program performance evaluations.

The following sections describe three basic components of the PMS: the population projection system; the program needs and performance evaluation modules; and the facilities analysis section. In addition, a simulation procedure for using these components is described.

### Population Projection Component

The population module is shown in Figure 7-3. Each element of the diagram is described below.

### Population Working Group

The corrections population flow is a complex result of a wide range of causal conditions, including demographic trends, socioeconomic conditions, and characteristics of the criminal justice system. The pattern of these causal conditions is subject to rapid change, with important consequences for the prediction of future corrections flow; yet knowledge of these changes is often slow to reach the criminal justice planners. This damaging lag is due mainly to the irregular nature of the communications links among the various technical specialists and the planners in the corrections system.

As an antidote to this condition, the Population Working Group should be created to act as an early warning system for future trends by bringing together a group of technical experts and planners yearly. The group should critically examine existing assumptions about causal agents and analyze the evidence for new conditions, such as migration patterns, that might cause sudden or long-term changes in corrections flow. When necessary, the working group should generate a requirement for a specific type of population projection — a special pro-

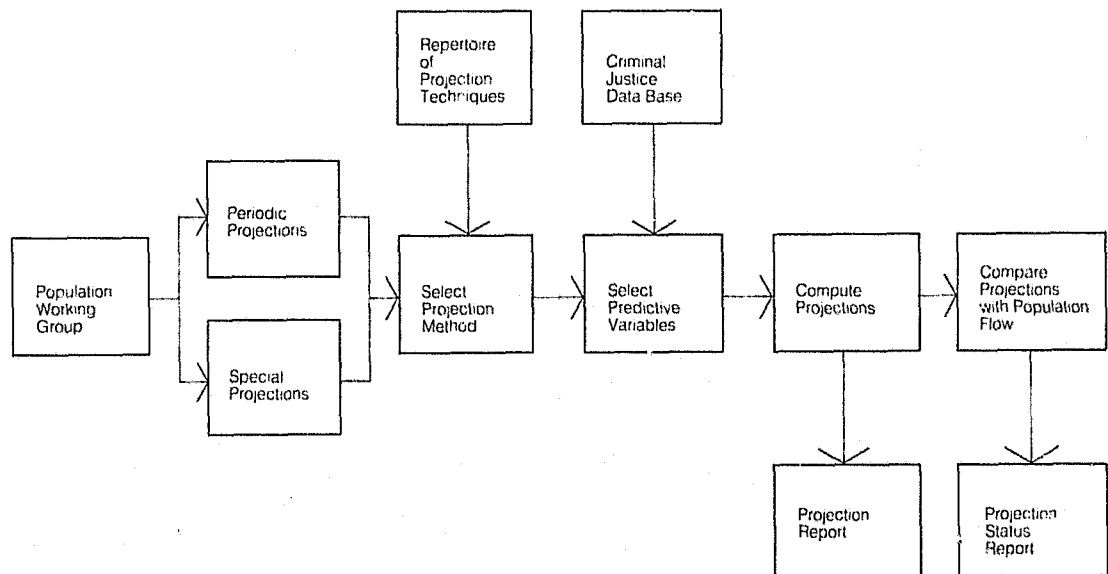


Figure 7-3: Flow Chart of Population Projection Component

jection or a periodic projection depending on the time factors of the problem and the schedule of periodic projections (see the discussion of periodic and special requirements below).

The yearly meetings of the working group should be small, low-key, informal, working sessions. The group should include representatives from the following organizations: Bureau of Planning and Evaluation, Bureau of Programs and Services, Administrative Office of the Courts, state law enforcement, demographers, economists, and sociologists from the Bureau of Business and Economic Research at UNM, other departments of New Mexico's universities, and the U.S. Bureau of the Census.

### **Periodic Requirement for Population Projection**

Population projections tend to become obsolete very rapidly as changes occur in the numerous causal factors underlying corrections flow. To guard against such rapid obsolescence, both adult and juvenile projections should be updated with the most current data at six-month intervals.

### **Special Requirement for Population Projection**

Events with an immediate or drastic impact on corrections flow should trigger a special projection sequence. Proposed new laws, such as the Criminal Sentencing Act of 1977, are an example of this type of event. To provide timely information to planners, legislators, and the executive branch, the projection should take place as early as possible in the legislative process—preferably, when a law is under deliberation rather than after its passage. Other events that should trigger a special projection include the consideration of program alternatives and the appearance of a crisis in the corrections system (e.g., the diversion of a large group of inmates from a local jail to the state penitentiary). Requirements for special projections could originate with the Population Working Group, or with other organizations within the criminal justice system.

### **Selection of Projection Method**

Choice of an appropriate projection method should depend on the nature of the problem (which aspect of the corrections flow needs to be predicted over what period of time) and the availability of relevant data. Factors to be considered include:

- How will the underlying assumptions of each method fit past historical trends?
- What is the present environment? Is there evidence that historic trends may change direction at this point in time?
- What is the assessment of future probabilities?

The Population Working Group will provide the essential information by including an analysis of these factors in its requirements statement.

### **Repertoire of Projection Techniques**

The repertoire of projection techniques available for consideration should include technically acceptable methods such as the following:

- *Linear regression*: for use when a historical linear growth pattern is expected to continue.
- *Nonlinear regression*: appropriate when a historical growth pattern approximates a nonlinear form, such as an exponential curve, or when a new combination of causal factors is expected to produce such a growth curve in the future.
- *Population ratio*: useful when demographic trends are expected to have a critical effect on the corrections population flow.
- *Multiple regression*: can be applied when independent estimates of future values are available for a number of different predictive variables.
- *Corrections flow simulation models*: such models as the Canadian Federal Corrections Simulation Model (FCSM).<sup>10</sup>

### **Selection of Predictive Variables**

The choice of predictive variables should depend, once again, on the nature of the problem, the specific projection method, and the availability of data. Predictive variables should be selected from three main types of information:

- characteristics of the offender flow within the criminal justice system, such as arrest or admission rates
- demographic trends, such as the size, characteristics, and migratory patterns of the state population
- socioeconomic variables, such as unemployment, poverty, and urbanization.

Use of demographic and socioeconomic variables will be particularly dependent on the availability of technically acceptable independent estimates of the future behavior of these variables.

<sup>10</sup> This is described in the last section of this chapter.



## **Criminal Justice Data Base**

Data pertaining to the predictive variables should be drawn from a criminal justice data base consisting of reports from both computerized and manual sources. (This data base will, of course, be useful for purposes other than corrections population projections.) Computerized sources of the data base include the following systems:

- Offender-Based State Corrections Information System (OBSCIS), for offender profiles, corrections population statistics
- Offender Based Transaction Statistics (OBTS), for presentence offender flow
- Uniform Crime Reporting (UCR), for offense patterns and historical trends
- Court Information Computer System (CICS), for disposition and sentence patterns.

Data from other automated systems now in the planning or development stages will be added as these systems become operational. Manual sources for the data base include:

- annual reports of the Division of Corrections, for statistical summaries of corrections population characteristics and flow.
- demographic and socioeconomic analyses from such sources as the U.S. Bureau of the Census and the Bureau of Business and Economic Research at the University of New Mexico.

## **Computation of Projections**

Projections should be prepared manually or on the computers of the Division of Automated Data Processing, according to the requirements of the method chosen.

### **Projection Report**

The results of projection should be reported to a regular distribution list that includes all interested state agencies that are part of the criminal justice system. Reports should be prepared in a standardized format and include:

- reasons for choice of the projection method over alternative methods
- a complete description of the source data for the predictive variables and the reasons for their choice
- an explanation of the assumptions involved in the use of this method in the specific situation
- a step-by-step description of the computational process
- results of the computation clearly presented in read-

- ily understandable tables and figures
- a discussion of the implications of the results

The report should be written in nontechnical language that can be readily understood by all potential users in the criminal justice system. An example of the recommended level of description can be found on pages 33-40 of *Technical Report 4* of the New Mexico Master Plan for Adult and Juvenile Corrections.

## **Comparison of Projections with Actual Population Flow**

The comparison of the projection with important elements of the population flow, such as admissions, average daily population, and average length of stay, should be carried out at intervals of six months from the time of issuance of the original projection.

Acceptance or rejection of the projection must be defined in terms of a set of tolerance limits around the actual population figure. The projection is accepted if it falls within these limits and rejected if it falls outside the limits. The limits may be defined in several ways:

- The standard error (SE) is a statistical measure of variability based on known probabilities: 68 percent of a sampling distribution will fall within plus or minus one SE of an actual value; 95 percent within plus or minus two SEs, and nearly 100 percent within plus or minus three SEs.
- A percentage of the actual value can be used (e.g., the projected value must fall within plus or minus 5 percent of the actual value).
- An absolute population number can be used (e.g., the projected value must fall within plus or minus fifty people of the actual value).

Choice of the second and third limits is a matter of judgment for planners, depending on the magnitude of error that can be risked in a given situation. In the planning of a facility, for example, an error of fifty may be handled by tolerance factors in the design but an error of three hundred would be a disaster.

## **Projection Status Report**

The results of comparing a projection to the actual corrections flow should be disseminated to the same distribution list that received the original projection report. Figures and tables should be used to clearly describe the closeness of the match. When a projection is rejected, the probable sources of the error should be analyzed, and recommendations should be made for a revised projection using a different method or predictive variables to eliminate or reduce the error.

## Program Planning and Evaluation Component

The program planning component of the PMS encompasses two distinct tasks: evaluating the performance or effectiveness of various programs and services (whether within correctional facilities or community based) and planning for the development or revision of program and services to meet the needs revealed in population projections. Responsibility for program planning should be assigned to a Program Planning Group under the direction of the Bureau of Planning and Evaluation. The group should include representatives from the Bureau of Programs and Services, preferably from the ICC.

## Program Performance Evaluation

Evaluation of the effectiveness of various programs and services follows a model that is fairly straightforward in its basic logic: successful programs will alter offender attitudes or behavior, leading to rehabilitation or reintegration of offenders into society. (Minimally, reintegration implies a reduction of recidivism; ideally, it also implies a resolution of the problems, such as drug use, unemployment, or interpersonal and family difficulties, that were associated with the offender's criminal behavior.) Typically, the logic is also extended to assert that rehabilitative or reintegrative programming is cost-effective; in reducing recidivism, programs yield savings to society in the prevention of further crimes,

arrests, trials, and incarcerations. Community-based programs are, moreover, thought to be more economical in the short run, in that costs per unit of service are lower than comparable unit costs in institutions, including factors related to the construction and operation of custodial facilities.

There are, in short, two basic but interrelated issues: whether programs are effective in changing offender attitudes and behavior, and whether programs are (or can be) operated economically. The program evaluation system outlined here and presented schematically in Figure 7-4 is designed to provide information for division and department administrators and planners concerning those two issues.

Three categories of measures should be developed: "process" or "interim impact" measures, which refer to the quality of a program offering per se, and which are presumed to have some direct relationship to final impacts or effectiveness; "impact" measures, which examine the aggregate outcomes or consequences of programs in terms of the behavior of participants; and "analytic" and "synthetic" measures, which involve combinations of the previous two measures for analytical or comparative purposes.

## Identification of Program Objectives

For each program, relevant program characteristics should be identified to guide selection of and data collection for "process" measures, and central program objectives should be specified in order to design appropriate impact measures.

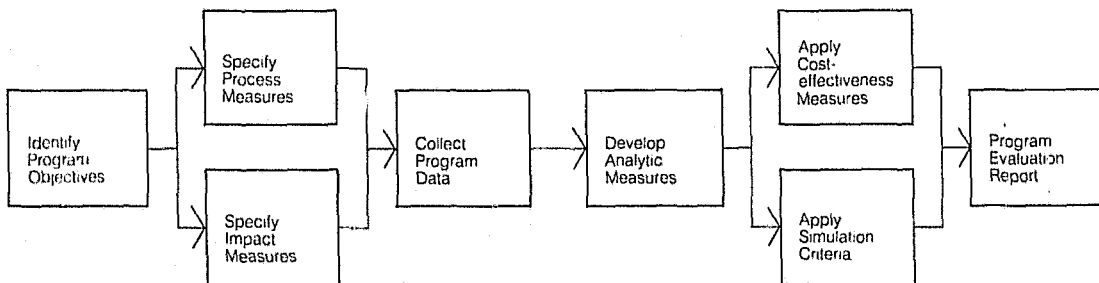


Figure 7-4: Program Evaluation Component

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## Specification of Process Measures

Process measures include both data routinely collected in the course of assigning offenders to programs and administering the programs, and special studies done periodically or to collect data that are not normally systematized. Examples of "continuing" or routine program data include:

- *Utilization data:* How many inmates are enrolled, for how long? What kinds of offenders (by offense type or other relevant criteria) participate?
- *Accomplishments or performance objectives data:* While in the program, how well do participants achieve defined performance objectives (such as passing GED tests, achieving a tradesman's license, resolving psychological disorders)?
- *Negative incidents data:* What is the frequency of noncompletion or dropping out? What is the frequency of disorder and/or escape attempts?
- *Cost data:* Detailed information on program costs should be collected, as discussed in the section on budgeting, and service-unit cost figures should be developed for each program.

An example of specialized or nonroutine data collection is attitudinal data — periodic surveys should be conducted with both staff and inmate participants to ascertain satisfaction levels, problems encountered, etc.

## Specification of Impact Measures

Impact measures are considerably more complex in both definition and analysis than process measures. Whereas process measures typically entail only tallies, with occasional cross-tabulations, impact measures require more sophisticated data collection and statistical analysis skills (such as multiple regressions). This is because the goal is to develop, if not causal statements, at least correlations, between *one element* of offenders' experiences — participation in a given program — and their subsequent behavior. Key final impact measures include recidivism, institutional discipline, restitution, and offender follow-through.

Recidivism is the most commonly used measure of corrections performance. It is, however, a difficult measure, both because reliable and complete data are difficult to collect and because the concept itself can have a variety of meanings. For New Mexico, a recidiv-

ism scale (for offenses or violations *within three years* following release) is recommended. Although a final version of the scale should be developed by New Mexico corrections, planning and evaluation, and judicial personnel, Table 7-3 contains an illustrative model.

In view of the difficulty of collecting the follow-up or postrelease data that are required for a full and reliable analysis of recidivism, it is recommended that Division of Corrections employ recidivism measures for selected samples. Samples should be designed both to test the completeness of the criminal history records that are available, and, more importantly, to measure recidivism as completely as possible for specific programs chosen for intensive analysis.

Institutional discipline may also be used as a partial check on the impact of programs on inmate behavior. Correlations of program participation and inmate disciplinary problems can be accomplished relatively easily using the OBSCIS data base. Such analyses should be done routinely.

Restitution is a third common impact measure. In addition to "preventive" accomplishments, affirmative results, grouped under the heading of "restitution," should be analyzed. In some cases, these consequences can be expressed in dollars — for payments to victims or to the state from the earnings of inmate participants in work release programs, for example. In other instances, the restitution will be more subjective or qualitative — beautification or restoration efforts, or "good works" by offenders. Where possible, these results should also be quantified — for example, in terms of tourist commerce resulting from a restoration project — but in some instances the results will be expressed primarily anecdotally.

Offender follow-through offers a fourth measure of program impact. Relevant follow-through objectives, such as job placements or job stability, further educational enrollment and attainment of educational degrees, decreased substance abuse, and stabilized residence, should be measured. Parole officers are particularly important in making such information available through regular input into the OBSCIS "Parole Status Reporting" component.<sup>11</sup>

## Development of Analytic Measures

Analytic or synthetic measures are designed to provide a basis for comparative analysis of programs and

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11. See Search Group, Inc., *OBSCIS: Volume 2, Application Guide* (May 1975).

**Table 7-3: Illustrative Recidivism Scale**

Offense or Violation	Points
Return to prison on a new felony conviction or parole revocation in lieu of prosecution for a new felony offense	4
Conviction for any offense, with a sentence of incarceration for sixty days to a year; return to prison on a technical parole violation for a period of more than three months	3
Conviction for any offense with a thirty- to fifty-nine-day sentence; technical parole violation resulting in return to prison for a period of less than three months; or sentence to probation following conviction on felony charge	2
Conviction for less than thirty days or sentence to probation following conviction on a misdemeanor charge	1
No convictions or parole violations	0

Source: This scale is adapted from that used in Marjorie J. Seashore et al., *Prisoner Education* (1976), p. 72, and is based on scales, similar in principle, that have been developed by the National Council on Crime and Delinquency.

establishment of priorities. Two useful measures are cost-effectiveness and simulation criteria.

Cost-effectiveness calculations have been discussed above in connection with budgeting applications. Ultimately, cost-effectiveness measures should be developed for analysis of all programs, although, because of the difficulty of developing these measures, process and final impact measure should take priority in the immediate future. Cost-effectiveness measures, in any case, depend on prior development of process and impact measures; for example, service unit costs and impact results are both needed. Impact measures should, in turn, be translated into comparable terms — typically dollar figures (e.g., savings to society from reduced recidivism or potential contributions to the state's economy from increased educational levels).

Program effectiveness measures should provide criteria for the system simulation model described in the last section of this chapter. Program performance should also be analyzed according to offender characteristics, in order to refine effectiveness statements into the following logic: Program X is effective at level M for offender type A and effective at level N for offender type B. This measure, too, will require considerable development work and must await the accumulation of substantial amounts of data. When developed, however, such elaborated statements of effectiveness can be used to simulate potential consequences for overall corrections effectiveness of changes in the mix or level of programs and services.

### **Proposal of Program Revisions**

On the basis of evaluative measures (primarily "impact" and "synthetic" measures), the mix of programs

should be reconsidered at regular intervals, preferably in a manner that allows orderly phasing of program recommendations into the annual budget cycle. Evaluation results that demonstrate the desirability of revising the existing program mix should also be augmented by projection information to determine the probable number of participants in programs and thus staffing and other resource needs.

## **Program Projections and Planning**

Planning for future needs in programs and services should be integrated with the overall population projection process. As shown in Figure 7-5, program planning requires detailed analysis of the particular configuration of offenders entering the corrections system and application of the results of evaluations of existing programs. Each element of the recommended system for program planning is summarized below.

### **Population Projection Reports**

The program projections should be set in motion by statements of population trends, including the magnitude of increase or decrease, as described in the discussion of recommended population projection methods.

### **Analysis of Offender Profile**

Overall population trends should be analyzed or broken down according to offender profile characteristics. The profile data to be used include data collected in the OBSCIS system, supplemented as necessary by information on offenders' program and service needs developed by the ICC staff. It is preferable that trends or projections be developed separately for significant

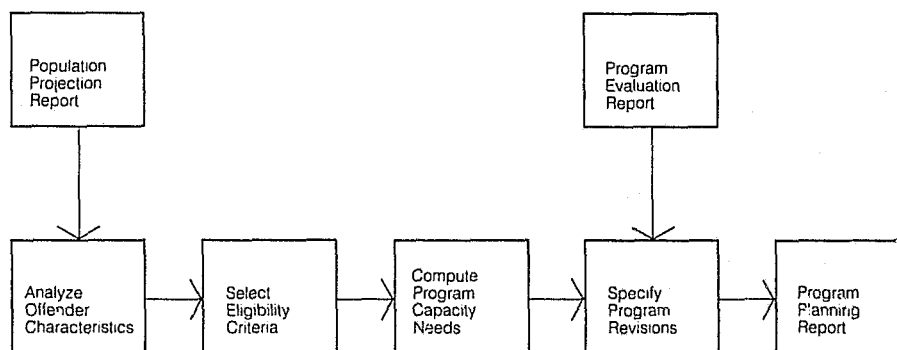


Figure 7-5: Program Projections and Planning

inmate characteristics (such as educational level, vocational skills level, age, criminal history, and substance abuse level) or for combinations of characteristics that constitute models for program eligibility. Should this prove too time consuming or difficult, however, a second-best alternative would be simply to project present profile characteristics proportionately onto overall population changes.

#### Selection of Eligibility Criteria

Program eligibility (or placement) criteria should be designed and used for analysis of the proportions of offenders who will be eligible for specific programs or program types. As data on program effectiveness accumulate, these criteria should be refined to encourage placements most likely to produce program success. Eligibility criteria can also be varied for simulation applications.

The degree to which eligibility criteria are relevant will vary according to the type of program under consideration. All offenders, for example, will require basic medical services, while only a certain, and possibly changing, proportion would benefit from GED programs or drug abuse counseling.

#### Computation of Program Capacity Needs

Existing program and service capacity or availability should be compared with the projected level of need, derived from applying the eligibility criteria to population trends in order to determine total additional capacity requirements or possible reductions in requirements.

#### Program Performance Evaluation

Accumulating results from program performance evaluations should be examined in order to pinpoint the particular programs or services that should be augmented (or reduced) and the results that can be expected from such actions.

#### Specification of Program Revisions

To implement the program projections, specific program recommendations or changes should be integrated into the annual budget cycle.

#### Facility Planning Component

There is inevitably a delay between the time that a need for a major new correctional facility is recognized and the date when the new facility is ready for operation. Often, as will be the case with the new Los Lunas Medium Security Facility (planned for completion in 1980), the time between legislative action and facility completion can amount to several years. Ideally, the planning process should account for such delays, anticipating the need for additional bed capacity and initiating the construction process well in advance of the year the new bed capacity will be required.

A number of factors make this sort of advanced planning difficult to implement, however. Trends in average daily population (or the need for bed capacity) tend to change linearly, generally increasing or decreasing gradually over a period of time. Changes in bed capa-

city, on the other hand, tend to be incremental. With the exception of relatively small changes or additions to existing institutions, few major facilities are built for less than 200 inmates. Thus they make relatively large increases in bed capacity upon completion and almost invariably create periods of "undercapacity" and "overcapacity" in the system.

Even though there is a certain amount of "play" in the system to moderate periods of serious institutional overcrowding (e.g., changes in the use of alternatives to incarceration), facility planners must attempt to foresee the more or less irreversible trends, identifying the number, type, and location of beds and facilities needed well in advance of actual inmate headcounts.

Figure 7-6 shows the primary steps in the facility planning component. Each of the major considerations and data requirements is summarized below.

### Institutional Population Projections

A primary step in determining the need for facility changes and/or increases in bed capacity should be to estimate the portion of the projected population that will be eligible for alternative treatment programs (see the discussion of the Program Planning Module above

in this chapter). Of interest to facility planners will be that portion of the population considered ineligible for such programs — the projected institutional population.

### Assessment of Bed Capacity Needs

Given institutional admissions projections, analysis of offender categories according to expected average lengths of stay should next be used to predict average daily populations. Planners should also establish a tentative distribution according to custody level for both male and female inmates.

### Review of Present Bed Capacity and Population Data

Records of bed capacity should be maintained for each institution, detailing the number of beds (by housing unit and custody level), their condition, relationship to current standards for housing and correctional programming, and potential for continued use. Daily headcounts, plus monthly and annual average daily population data, should be maintained for each institution and housing unit. Current criteria should be listed for housing assignments within each institution. Profiles of inmates

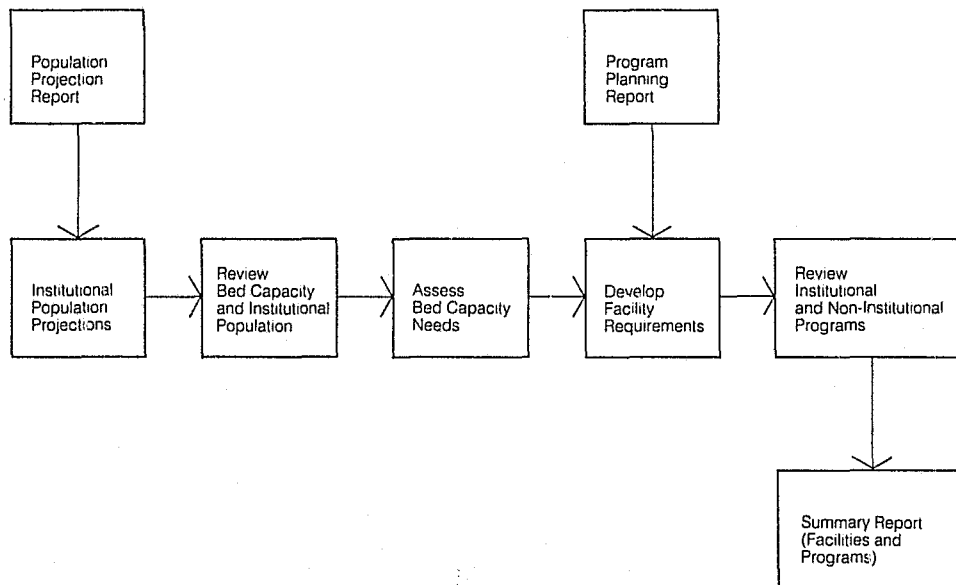


Figure 7-6: Facility Planning Component

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according to housing and program units should be maintained.

Annual or semiannual status reports should be prepared, describing in detail the number and types of beds available as well as the daily headcount and ADP for each housing unit. Any need for additional capacity should be summarized and current needs for facility changes, including routine maintenance and repair, should be reported.

### **Development of Facility Requirements**

Comparing forecasts of changes in inmate population with the number of maximum, medium, and minimum security beds available in the system should provide the first rough indications of future bed requirements. More detailed analysis, based on a regional distribution of expected commitments should be made to determine which existing institutions are likely to be most affected. This type of regional analysis should become increasingly important in the future as additional regional programs and facilities are developed for the system.

The outcome of the detailed analysis will specify the

number of expected commitments by sex, custody level, region, and tentative institutional assignment, indicating the magnitude and direction of anticipated changes in bed capacity requirements at each institution for the coming five-year period.

### **Review of Institutional and Noninstitutional Programs**

A summary of alternatives to facility modifications, particularly alternatives to major new construction, should be prepared and reviewed with institutional administrators and correctional program planners to ensure that major expenditures for increases in institutional bed capacity could not be avoided by changes elsewhere in the system.

### **Summary Report**

Based on the review of programs a summary report should be prepared. Current projections of admissions and inmate population should be reviewed and detailed in terms of proposed treatment method, integrating program requirements and facility options.

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## **PMS Application: System Simulation**

The primary purpose of simulation models is to predict the impact of proposed changes in policy in one part of an existing system upon other components of that system. Simulation models are thus decision-making tools, intended to assist administrators in understanding the ramifications of policy options. In the corrections application, simulation models focus on key decision points in the corrections and criminal justice system, analyzing the volume of offenders at the various locations within the corrections system.

Figure 7-7 sets forth in schematic and simplified form the variety of paths offenders may take through the corrections system. Key decision points, which can affect subsequent path volumes, include arrest and sentencing prior to commitment, and program placement and housing assignment following commitment. The three components of the PMS discussed in preceding sections of this chapter encompass most of these major decision points: the population projection component reflects arrest and sentencing variables; the program projection and evaluation components are related to program placement variables; and the facilities projection component relates to housing assignments.

Within the flow diagram, each "path" (denoted by an arrow), represents a possible disposition alternative of a decision point. In a full corrections simulation, each decision point and path should be based on complete data about offender types or characteristics as well, so that it is possible to predict, for example, how a change in the criteria applied by the courts in granting probation would affect the number of persons committed to the state correctional system, sentenced to county jails, and directed to special programs in lieu of incarceration. With the incorporation of historical data on the outcomes of each disposition — in terms, for example, of recidivism — even more elaborate predictions of system performance should be possible.

Development of a complete and highly sophisticated simulation model is beyond the Master Plan, as well as beyond the needs and resources of New Mexico at the present time. New Mexico criminal justice planners may wish to study the feasibility of adapting an existing simulation system developed for another jurisdiction. The Federal Corrections' Simulation Model (FCSM) is a corrections flow model recently developed for the Canadian Penitentiary Service by Systems Dimensions Ltd. A comprehensive review of the "state of the art" in

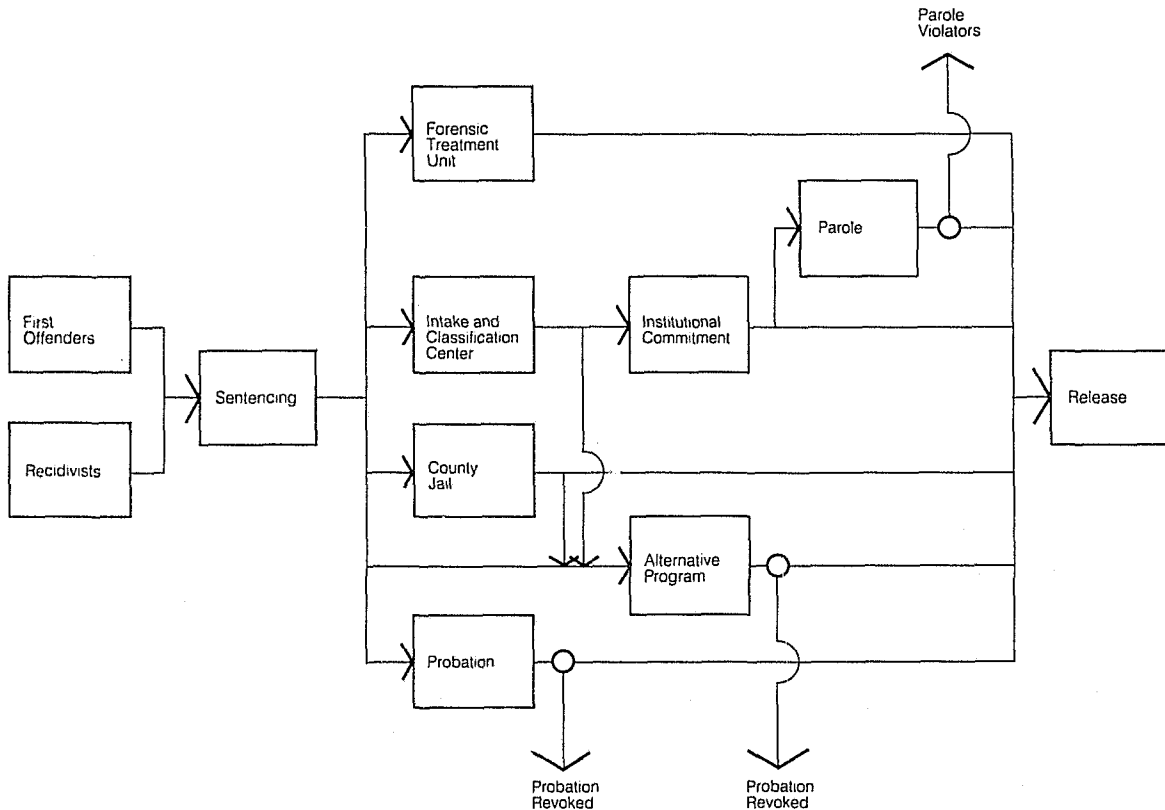


Figure 7-7: Offender Flow

correction models has led the Master Plan Team to the conclusion that FCSM is the only existing simulation model with potential value for the New Mexico corrections system.

After two years of development at a cost of about \$120,000, FCSM was delivered to the Canadian Penitentiary Service in 1977. The model predicts quarterly penitentiary and parole populations for a ten-year future time span. Input variables consist of key rates and time delays for the various components of offender flow.

The potential advantage of FCSM over other methods of projection is that the model simulates *all* the paths of the corrections flow, including such aspects as differential recidivism rates for various classes of offenders.<sup>12</sup>

The Master Plan Team recommends that New Mexico take advantage of this opportunity to obtain the FCSM for possible use without undergoing any of the substantial development costs. The model should be evaluated in a cautious stepwise approach by a team composed of key personnel from the Bureau of Planning and Eval-

12. The FCSM is designed to run on the type of IBM 360/370 computers and interactive terminals used by the New Mexico Division of Automated Data Processing. Programs are written in commercially available simulation languages. The Research and Systems Development Branch, Solicitor General of Canada, has indicated that the Canadian government will make the FCSM documentation available to

interested governmental agencies in the United States without charge. Further inquiries concerning the FCSM should be made to Mr. Sol Shuster, Director of Planning and Liaison, Research Division, Research and Systems Development Branch, Solicitor General of Canada, 340 Laurier Ave., Ottawa, Canada K1A 0P 8. Mr. Shuster may be telephoned at (613) 992-5383.



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uation and the Division of Automated Data Processing. The first step should be an examination of the need for possible modification of the system to fit New Mexico requirements, the availability of the necessary input data, and the supplemental costs associated with making the system operational. Should the results of the analysis be favorable to implementation, the next step would be a recommended implementation schedule and a request for necessary funding.

While the FCSM should be carefully evaluated, the Master Plan Team recommends that priority be placed on developing the PMS modules described above in this chapter. These modules contain the essentials of a simulation model and are suited to New Mexico's immediate and practical corrections planning needs as a reasonable method of resource allocation in the next few years.

Taken together, the population projections, program planning and evaluation, and facilities planning components should enable corrections planners to predict:

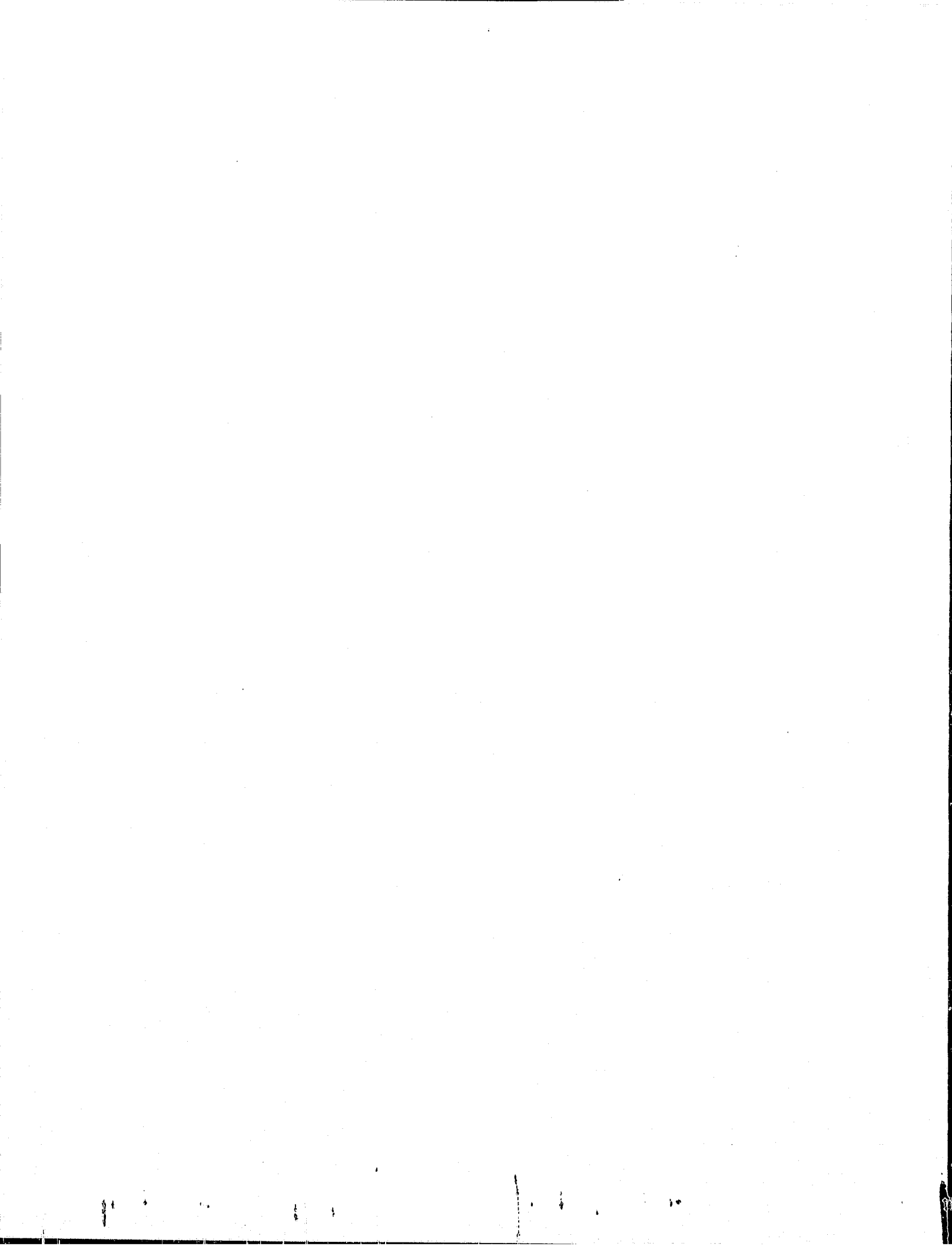
- the overall volume of the offender population
- the number of offenders to be accommodated in programs, both within institutions and community based, and thus the level of resources needed for programs
- the number and type of beds needed to house the anticipated offender population

Simulation activity should occur at three critical decision points:

- in depicting changing sentencing patterns under the new Criminal Sentencing Act
- in criteria for program participation, particularly participation in community-based alternatives to incarceration
- in security classification determinations

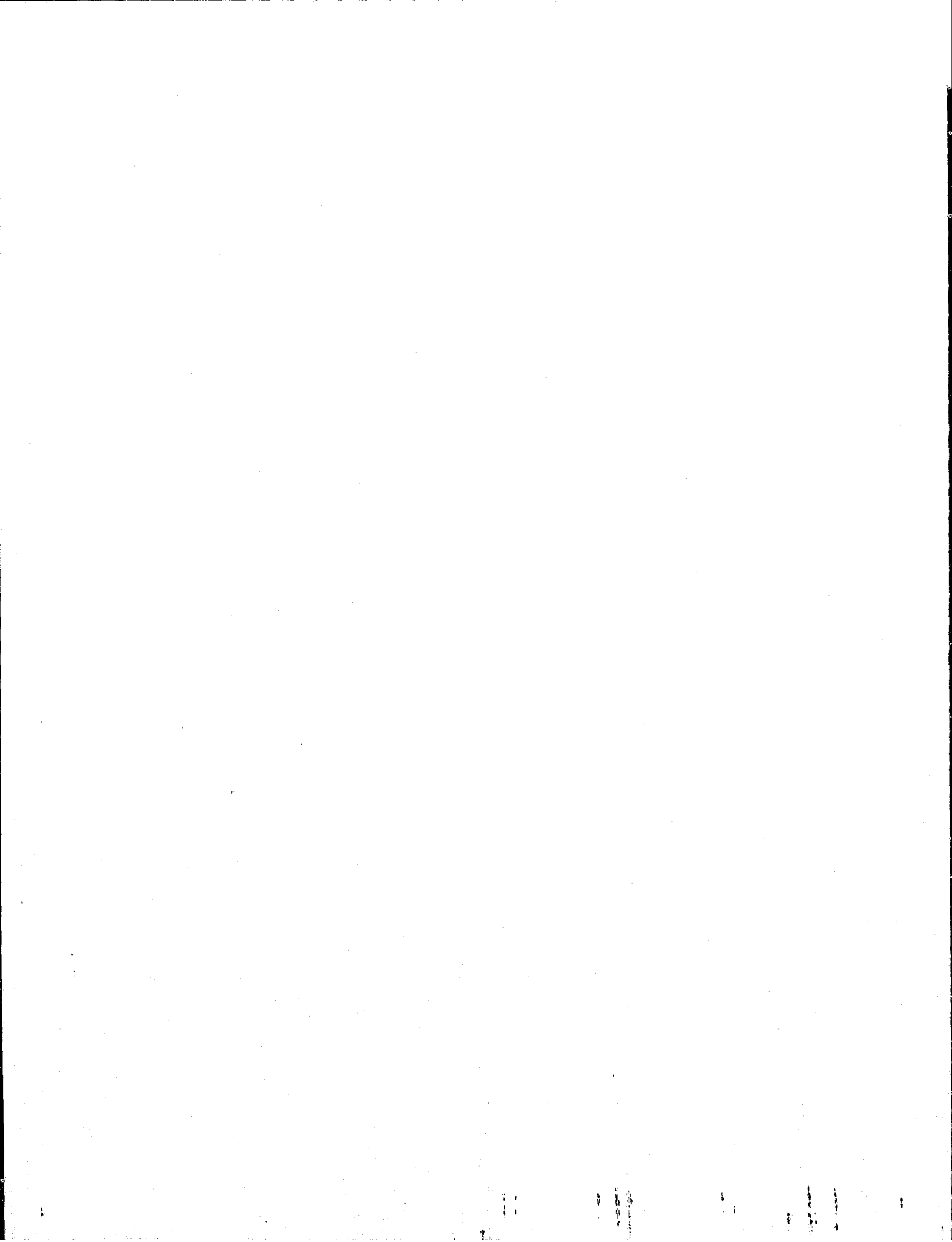
Although illustrative criteria have been presented for these decision points, a variety of more and less restrictive criteria should be applied to OBTS and OBSCIS data to derive alternative correctional system mixes of program and building allocations.

It is important to recognize that simulations are a decision-making *tool*; simulations provide not "answers" but the basis for discussion or negotiation between decision-makers at different points in a system. For example, simulations can be used as a vehicle for correctional administrators to discuss with judicial officials the impact of sentencing practices. Simulation provides an informational feedback loop, through which various means of reaching a particular goal (whether expressed in terms of reduced recidivism or of reduced costs) might be reached or approximated.



# Juvenile Corrections

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# 8 Introduction

A juvenile's first contact with the juvenile justice system is usually through a law enforcement officer. Many juveniles experience this contact, and most go no further; however, for others the juvenile justice system also includes the following processes:

- Police custody
- Probation intake and screening
- Diversion
- Detention
- Adjudicatory hearing
- Diagnostic evaluation
- Dispositional hearing
- Probation
- Community-based treatment program
- Institutional care
- Aftercare

Progressively, fewer juveniles experience the later processes.

A simplified version of New Mexico's juvenile justice system is graphically displayed in Figure 8-1, showing key points in the system. *Communities* in general, although not part of the formal process, play an important role in the juvenile justice system to the extent that they *prevent* delinquent behavior from occurring. Within communities, a number of formal and informal systems (e.g., families and schools) have impact on youths and potential offenders. Of these social systems, the family is the most critical to the child's growth and development.<sup>1</sup>

At the formal level are agencies (e.g., police, courts, probation, and youth services) that serve youngsters who are identified as offenders because they have committed either "status offenses" (e.g., curfew or runaway, which would not be crimes for adults) or "delinquent offenses" (e.g., petty theft or burglary). The primary objectives of formal agencies are *intervention* and *treatment* so that offenders do not become further

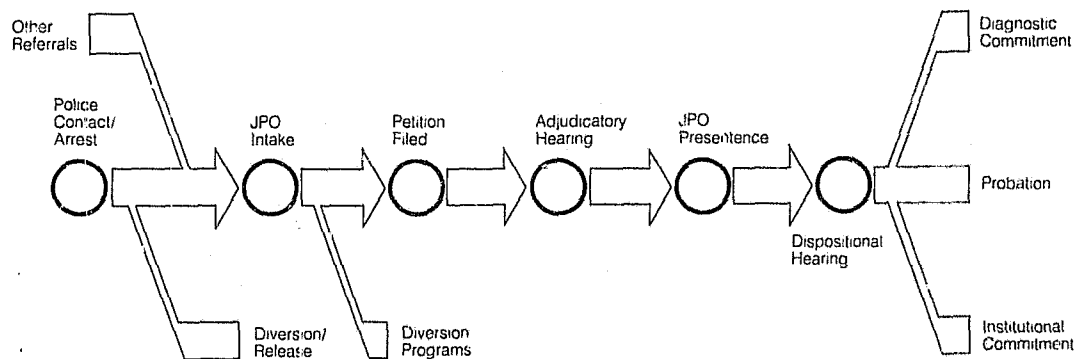


Figure 8-1: Simplified Flow Diagram of the Juvenile Justice System

1. "The family is the first and most basic institution in our society for developing the child's potential, in all the many aspects: emotional, intellectual, moral, and spiritual, as well as physical and social." *The*

*Challenge of Crime in a Free Society*, A Report by the President's Commission on Law Enforcement and the Administration of Justice (1967), p. 63.

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involved with the justice system. Contact and experience with agencies and staff usually bear on the juvenile's future delinquent activity.

At the next stage of the system are residential institutions that essentially replace the youngster's whole previous environment.<sup>2</sup> Their primary objectives are *control, treatment, and preparation for reintegration* into society. This institutional experience is seen as a "last resort" for youngsters who have "failed" at the earlier levels of formal agency involvement.

Outflow from institutions also involves community agencies (e.g., supervised placements in foster and group homes, nonresidential educational and mental

health services), in an *aftercare* role, and with the specific objective of *reintegrating* the youngster into formal and informal community systems.

At every level of the juvenile justice system there is potential for positive influence resulting in successful "diversion," "treatment," or "rehabilitation," or for negative impact resulting in future delinquent activities and further involvement with the justice system.

This part of the Master Plan examines all the components of the juvenile justice system, specifies major problem areas, makes planning recommendations, and presents implementation strategies.

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2. Some, such as the New Mexico Youth Diagnostic Center and the Boys' School, are administered by the Division of Corrections; the Children's and Adolescents' Psychiatric Unit is administered by the

Department of Hospitals and Institutions; other residential youth-care facilities are operated by private agencies.

# 9 Communities and Prevention

The focus of the Master Plan is corrections, and it thus deals specifically with youngsters who penetrate the juvenile justice system. The Master Plan Team made no systematic effort to examine factors outside the justice system, (e.g., education, recreation, employment opportunities, or family) except as these factors applied directly to youngsters already in contact with the police or courts.

The most important method of dealing with juvenile crime is outside the formal system and beyond the Master Plan's scope: *prevention*, by ameliorating life conditions in the community that cause youngsters to commit antisocial acts.<sup>1</sup> While prevention has received considerable attention in New Mexico, and an effective plan has been developed,<sup>2</sup> the following areas warrant Master Plan coverage: (1) family; (2) education; (3) recreation; and (4) youth employment.

While the *family* is a source of delinquency, it is also the means to resolve or prevent it.<sup>3</sup> Working with the entire family in therapy is recognized in New Mexico as a successful treatment process, and this is provided for some youngsters in contact with the juvenile justice system.<sup>4</sup> There is a great need, however, to make these services available on a voluntary basis to more youths and their families, through greatly expanded community mental health services.

Empirical evidence demonstrates that lack of *education* and school involvement contribute to delinquency, and successful education programs can help prevent it.<sup>5</sup> Innovative programs include use of the home as a learning environment by training parents to teach children;<sup>6</sup> development of a reality-based curriculum, mixing regular subjects with career training; and alternative offerings to give students (particularly those unable to function in a traditional academic atmosphere) a greater variety of educational experiences.<sup>7</sup> It is also important to consider replacing the

traditional approach to truants or misbehaving students (suspending them from school) with some method of "in-house suspension" or special class, as well as testing for and education about disabilities.

There is a continuing need for better *recreation* programs for poor youths in both urban and rural areas. These are further means of delinquency prevention.<sup>8</sup> One of the most immediate needs of poor youngsters is for neighborhood recreational facilities to provide "something to do." Adequately funded recreation programs in New Mexico, proposed by poor youths themselves, would yield numerous prevention benefits.

The New Mexico Standards and Goals Committee recommended that each community broaden its after-school and summer *employment* programs for youths (including fourteen- and fifteen-year-olds previously excluded from such programs) as a method of delinquency prevention.<sup>9</sup> These programs can be sponsored in New Mexico by governmental or private groups, but they should include planning and participation by a variety of community resources, selection of youths on the basis of economic need, and a reservoir of job possibilities. Involved youths should have the benefit of an adequate orientation period with pay and equitable access to employment.<sup>10</sup> The White House Conference on Youth suggests that employers reexamine their hiring requirements and that states review existing laws barring youngsters from employment.<sup>11</sup>

Many of the prevention programs suggested in the following chapters also provide the opportunity for diversion from the juvenile justice system. Until the community itself is able to prevent delinquency and handle problems of the juvenile offender effectively, it will continue to rely on the specific community agencies that comprise the formal "juvenile justice system" to deal with juvenile problems.

1. "Once a juvenile is apprehended by the police and referred to the Juvenile Court, the community has already failed; subsequent rehabilitative services, no matter how skilled, have far less potential for success than if they had been applied before the youth's overt defiance of the law." *Report of the President's Commission on Crime in the District of Columbia* (1966), p. 733.

2. See 1978 *Criminal Justice Comprehensive Plan*, Chap. III, pp. 133-39, 255-58; *New Mexico Standards and Goals* (1976), pp. 60-74.

3. D. Langsley and D. Kaplan, *The Treatment of Families in Crisis Intervention* (1968), p. xv.

4. See DHI, *Second Annual First Offenders Report* (November 2, 1976); University of Albuquerque Center for Law Enforcement, Corrections and Social Services, *Project CHIP*, (May 1976).

5. Ernest A. Wenk, "Juvenile Justice and the Public Schools: Mutual Benefit through Educational Reform," *Journ. of National Council of Juvenile Court Judges* 8 (1975).

6. M. J. Sheiran, "Crisis in the Schools," *U.S. News & World Report*, September 1975, p. 5.

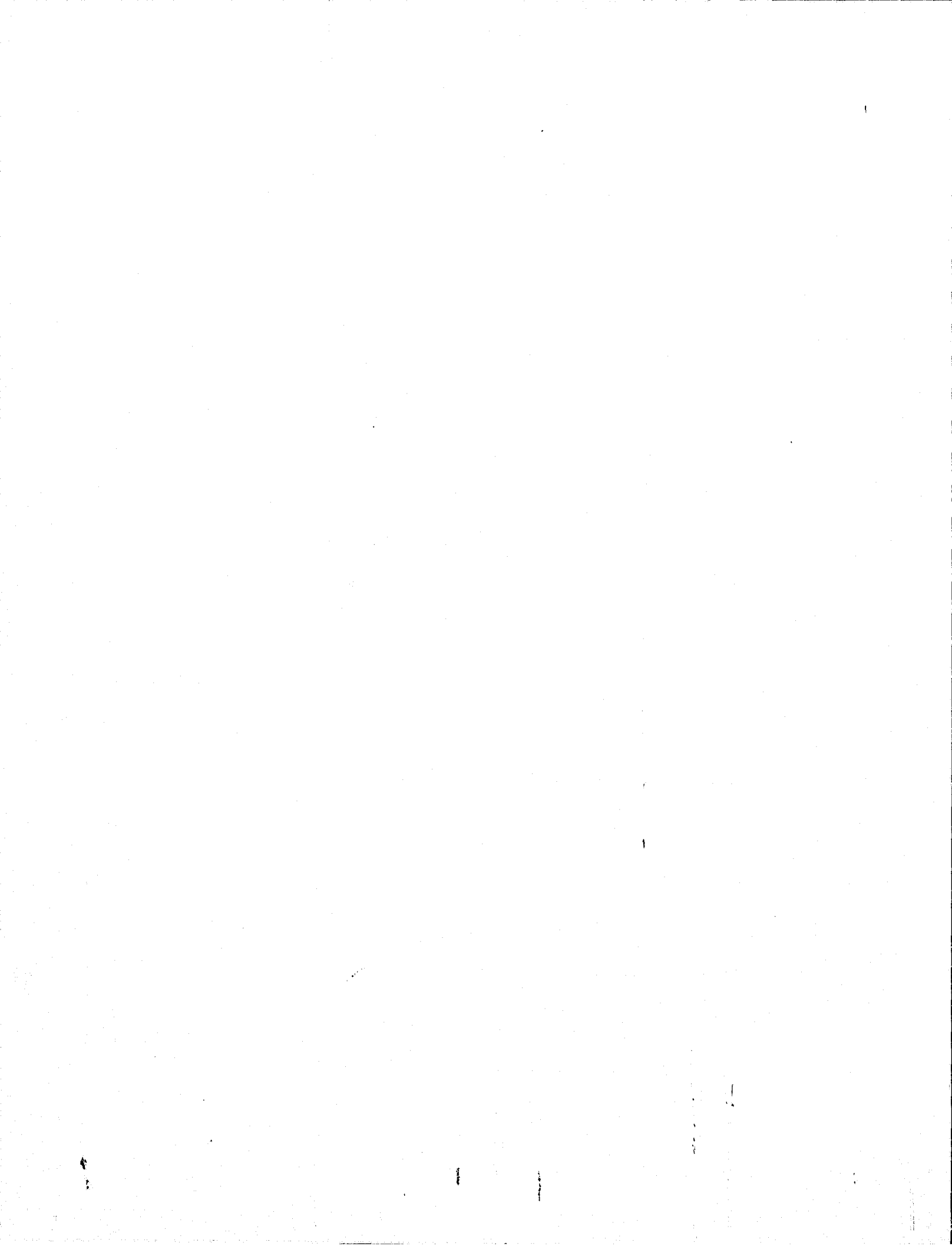
7. *The Urban Educational Task Force Report* (1970), p. 241.

8. See *New Mexico Standards and Goals*, Standards 1.18 and 1.19, pp. 71-72.

9. *Ibid.*, Standard 1.17, p. 70.

10. National Advisory Commission on Criminal Justice Standards and Goals, *Community Crime Prevention*, (1973), pp. 126-27.

11. White House Conference on Youth, *Report* (1971), p. 56-67.





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# 10 Community Agencies Serving Juvenile Offenders

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The community, through its social and economic systems (e.g., family, school, recreation, and work), offers the primary intervention point, in terms of delinquency prevention. Nonetheless many youths do commit acts leading to official response. The vast majority of New Mexican juvenile offenders who receive treatment or services receive them through community agencies clearly identified in most cases with the formal juvenile justice system. While most people think of the formal system in terms of police, probation, and courts, this Master Plan discusses, in procedural order, all the

community agencies that comprise "the juvenile justice system," including:

- Law enforcement
- Juvenile detention
- Juvenile probation
- Defense and prosecution
- Adjudication and disposition
- Community-based programs, independent of the formal system.

## Law Enforcement

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Approximately 80 percent of the youngsters who penetrate the juvenile justice system first contact it through a law enforcement agency. (The other 20 percent are first involved through complaints filed with the probation department by parents, schools, citizens, etc.)

When a police officer contacts a youthful offender, the officer must determine a legal basis for law enforcement intervention. In New Mexico, the officer must decide:

- whether there are reasonable grounds to believe that the juvenile has committed a delinquent act; or
- that the child has run away from parents, guardian or custodian; or
- is suffering from illness or injury; or
- that removal is necessary based on immediate danger from the youth's surroundings.<sup>1</sup>

Only if an officer believes that one of these conditions exists does the New Mexico Children's Code authorize taking the child into custody. Custody is not the only option open, however. New Mexico statutes also give law enforcement officers discretion to divert cases from the formal juvenile justice system.<sup>2</sup> Yet results of the Juvenile Offender Based Transaction Survey (JOBTS)<sup>3</sup> in Santa Fe and Albuquerque demonstrate that officers rarely divert offenders from the system once the juvenile has been contacted or taken into temporary custody. In Albuquerque, only 2.9 percent

of the cases tracked were disposed of by the police, while in Santa Fe only 4 percent were diverted.

While adequate information was unavailable (except from the New Mexico Law Enforcement Academy), it appears that a reason for this underuse of police diversion is the minimal emphasis placed on preparing officers to deal with juveniles. The Law Enforcement Academy reports that, of 200 basic training hours, only 1½ hours are allocated to the subject of juveniles.

To begin to deal with these matters, police departments need to clarify and develop policies for handling juvenile offenders themselves, emphasizing deterrence and prevention procedures in conjunction with other agencies. Specifically, the following recommendations are made:

- Officers should make more effective use of police discretion regarding juveniles. Uniform law enforcement policies should be developed by police chiefs to make effective use of discretion a reality in juvenile matters.<sup>4</sup>
- Law enforcement policies should establish clear written procedures for dealing with juveniles who come in contact with the police, and should identify and develop procedures for handling offenses that are not dealt with effectively through arrest.<sup>5</sup>
- Law enforcement policies concerning detection, deterrence, and prevention of delinquent behavior and juvenile crime should be documented.<sup>6</sup>

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1. N.M. Children's Code Section 13-14-20.

2. 39-1-1 NMSA 1953.

3. This procedure was developed by GCCJP in an attempt to trace individual offenders as they "transact with the various components of the justice system." See *1978 Criminal Justice Comprehensive Plan*, pp. 405-17.

4. See *New Mexico Standards and Goals*, Standard 2.3, p. 76.

5. *Ibid.*, Standard 2.9, p. 81.

6. *Ibid.*, Standards 2.6, p. 78, and 2.7, p. 79.

- Prevention training for police officers should be emphasized.<sup>7</sup>
- Cooperation from nonpolice agencies should be secured and formalized in order to use all possible resources for detecting and deterring delinquent behavior.<sup>8</sup>

Law enforcement procedures regarding juveniles should be comprehensively reviewed, and minimum standards should be developed, covering:

- the form of cooperation between law enforcement and governmental agencies
- the form of cooperation between law enforcement and nongovernmental agencies
- release procedures for juveniles to be placed in parental custody
- detention procedures for juveniles

The courts alone should be responsible for detention decisions. Guidelines dealing with those juveniles who are taken into custody should include:

- notification of parents (including admonishment regarding the youth's constitutional rights)

- notification of the right to counsel
- notification of the right to remain silent under questioning
- exclusion from court records of statements made without the presence of counsel or parents
- absence of booking procedures (fingerprinting, photographing, etc.)<sup>9</sup>

To implement these procedures, the Governor's Juvenile Justice Advisory Committee should be responsible for establishing policies and procedures governing police involvement in the juvenile justice system, including guidelines for use of police discretion. GCCJP, the New Mexico Law Enforcement Academy, and other appropriate agencies should also form a Training Committee to develop curricula to instruct police (including part-time employees) in effective juvenile operations. Minimum requirements should be set on the number of basic recruit and in-service training hours in the juvenile area that an officer must accumulate.

GCCJP should apply to the Law Enforcement Assistance Administration for funds and technical assistance to police agencies for development of juvenile policies, procedures, and operations.

## Juvenile Detention

Currently, in addition to juvenile detention homes in Albuquerque and Santa Fe, thirty-eight municipal or county jails detain juveniles in New Mexico. Section 13-14-23 of the Children's Code originally noted that an alleged delinquent might be detained in a local jail under certain conditions, until July 1, 1976. The code gave the Division of Corrections power to set standards for, inspect, and certify such facilities. At present, however, there is no penalty for detaining a youth in a noncertified or condemned facility and such detention regularly occurs. After July 1, 1976, alleged delinquents were to be detained only in facilities established by the Division of Corrections, but because such facilities were not constructed the 1976 legislature amended the code, postponing the effective date of the requirement to July 1, 1978. In spite of the clear intent of the Children's Code to improve juvenile detention conditions, the conditions that prompted the law still exist.

## Division of Corrections Recommendations

The Division of Corrections, in response to House Memorial 15 (1976), produced *A Statewide Plan for the Establishment of Regional Detention Facilities, or Alternatives Thereto, for Alleged Delinquents*. The study thoroughly examined factors such as arrest and detention procedures, existing detention facilities, construction and renovation, cost estimates, population projections, and transportation. The Master Plan Team, after thoroughly analyzing the plan and juvenile detention in New Mexico, is in complete agreement with the study, the key recommendations of which are summarized below:

**TRAINING:** Require that all law enforcement officers in the state undergo adequate basic and in-service training in handling suspected delinquents.

7. Ibid., Standard 8.5, p. 154.  
8. Ibid., Standard 2.8, p. 80.

9. National Advisory Commission on Criminal Justice Standards and Goals, *Police* (1973), pp. 221, 264.

**CUSTODY:** Have law enforcement officers take into custody only alleged delinquents suspected of having committed a serious offense, or those not living in the jurisdiction in which they were apprehended. If the child will give a name and address, and if the parents can be located quickly, the child should be cited and released to the parents' custody.

**FACILITY OPERATIONS:** Require that any facility in which alleged juveniles are detained be staffed at all times by personnel adequately and specifically trained and certified in detention operations and the handling of detained juvenile delinquent suspects. Require that uniform operating standards be followed.

**FACILITIES:** Require that, at a maximum, one facility per county be designated as a holding facility for the short-term (up to 48 hours) detention of alleged delinquents, such facilities to conform to uniform design standards, with total sight and sound separation of detained juveniles from detained adults, from arrival to release. For detention beyond 48 hours, require that, at a maximum, one facility per judicial district be designated as an area detention facility, such facilities to conform to uniform design and operational standards, with individual rooms for alleged delinquent detainees, with total sight and sound separation from any adults being held in the same facility, and with adequate programs and space for recreation, counseling, visiting, and medical attention.

**OPERATIONS:** Make maximum use of hearing officers to speed up the hearing process. Employ at least one additional juvenile probation officer in each Judicial District. The officer would be assigned other than the usual 8 to 5 hours, and so would be available during the hours and on the days when children in the District were most likely to become involved with law enforcement agencies. This recommendation would mean tours of duty beginning at hours such as 4, 5, or 6 p.m., and would include Saturday night duty. New probation officers would serve as intake officers and make immediate decisions on release or detention of children taken into custody. They would also serve to provide voluntary, or unofficial, intensive supervision of and counseling with the child released, pending hearing. In some instances of release there would be no further action — neither supervision nor future hearing.

**ALTERNATIVES:** License, through the Juvenile Probation Service, special foster homes for the short-term holding of alleged delinquents not considered dangerous, but unable to be released to parents, guardian or custodian. Contract with private, non-profit group homes to house alleged delinquents in secure settings.

**FUNDING:** Provide appropriations to the Law Enforcement Academy to permit adequate training of all law enforcement officers and detention personnel. Provide appropriations to the district courts to permit hiring of additional necessary probation staff. Create a state matching grant and loan fund to

assist local jurisdictions, in meeting the short-term and longer-term holding and detention needs. Appropriate [funds] . . . for this purpose. The fund should be administered by the Department of Finance and Administration with the advice and consultation of the Department of Corrections.

**SCHEDULE:** By July 1, 1978, the recommended system of short-term and longer-term facilities should be in operation.<sup>10</sup>

The specifications attached to use of the \$4 million grant and loan fund set forth in the plan<sup>11</sup> are considered by the Master Plan Team to be critical, in view of the large sums involved, the competing needs for funds, and the potential for ineffective allocation. These specifications require that

- payments on loans be returned to the general fund
- grants be based on clear need and for no more than 50 percent of the construction or renovation cost
- applicants for matching grants certify that no other local, state, or federal funds are available.

## **Recommendations Concerning Alleged Status Offenders**

The amendment to the Children's Code extending the time limit as to alleged delinquents also had the effect of extending the time limit in Section 13-14-23C (1953) requiring separation of children in need of supervision from children alleged to be delinquent.

The Master Plan Team recommends that alleged status offenders not be detained in jails and that probation officers and community agencies be used to counsel families and provide care for status offenders. Specifically the recommendations are:

- Legislation should be enacted to eliminate the detention of status offenders in jails or other secured detention facilities. (Status offenders must be removed from all detention facilities in order to meet the requirements of the Juvenile Justice Act of 1974.)
- Probation officers should be available on a 24-hour crisis basis at intake, and adequately trained to work with the alleged status offender *and* the family, in order to divert youths from the juvenile justice system and provide meaningful help to their families.
- If, after family crisis counseling, it is not possible for the youngster to return home, voluntary shelter care programs should be used, but only for a maximum

10. Division of Corrections, *A Statewide Plan for the Establishment of Regional Detention Facilities, or Alternatives Thereto, for Alleged*

*Delinquents* (1976), pp. i-ii.

11. *Ibid.*, p. 29.

- of ten days and only while continued attempts are made to resolve the family problem.<sup>12</sup>
- New resources should be developed at the community level (e.g., mental health services, family counseling centers, youth service agencies) to pre-

- vent problems from becoming juvenile justice problems.
- The following children's shelter care legislation should be enacted:

AN ACT

RELATING TO CHILDREN; ENACTING A CHILDREN'S SHELTER CARE ACT; AMENDING SECTION 13-14-23 NMSA 1953 (BEING LAWS 1972, CHAPTER 97, SECTION 23, AS AMENDED); MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO.

Section 1. [NEW MATERIAL] SHORT TITLE. — Sections 1 through 7 of this act may be cited as the "Children's Shelter Care Act."

Section 2. [NEW MATERIAL] LEGISLATIVE FINDINGS AND PURPOSE. —

A. The Legislature finds and declares that appropriate and distinct programs of supervision and care for children are required to fulfill the purposes of the Children's Code; that many children are needlessly detained in secured facilities on charges for acts that would not be criminal if they were committed by an adult; that these children would benefit from either immediate return to the family or placement in shelter-care homes or non-secured shelter-care facilities; and that certain alleged and adjudicated delinquents will benefit from non-secured placements and do not require secure detention.

B. The purpose of the Children's Shelter Care Act is:

(1) to provide funding for the establishment of eligible shelter-care facilities or programs; and

(2) to divert children out of the juvenile justice system and provide for their supervision and care in community based shelter-care homes and facilities when the immediate return to the child's family is not feasible or when intervention programs alone are not sufficient for the care and treatment of the child.

Section 3. [NEW MATERIAL] DEFINITIONS. — As used in the Children's Shelter Care Act:

A. "children" or a "child" means an individual who is less than eighteen years old;

B. "alleged child in need of supervision" means a child who is charged with an offense not classified as criminal or one applicable only to children;

C. "child in need of supervision" means a child found by the children's court or family court division of the district court to have committed an offense not classified as criminal or one applicable only to children and is in need of care or rehabilitation;

D. "alleged delinquent child" means a child charged with an act, which would be designated as a crime under the

criminal code if committed by an adult;

E. "delinquent child" means a child found by the children's court to have committed an offense which is a crime under the criminal code if committed by an adult;

F. "community based shelter-care facility" means a temporary or emergency home or facility that is physically non-restrictive and is used as a temporary living facility until the child can be returned to his family or until a longer residential placement for the child may be made;

G. "programs of supervision and care" means the alternatives for the detention of alleged children in need of supervision and the detention of alleged delinquents pursuant to Section 13-14-23 NMSA 1953, for the disposition of adjudicated children in need of supervision and for the disposition of children adjudicated delinquent pursuant to Section 13-14-31 NMSA 1953; and

H. "department" means the criminal justice department.

Section 4. [NEW MATERIAL] RULES AND REGULATIONS — PROMULGATION. — The department shall promulgate necessary rules, standards and procedures to carry out the purposes of the Children's Shelter Care Act.

Section 5. [NEW MATERIAL] COMMUNITY BASED SHELTER-CARE FACILITIES. — The department shall establish statewide community based shelter-care facilities to develop and support programs of supervision and care as well as support and expand existing community based shelter-care facilities pursuant to the provisions of the Children's Shelter Care Act.

Section 6. [NEW MATERIAL] ELIGIBILITY FOR PLACEMENT OF A CHILD. — A child is eligible to be placed in a facility established pursuant to the Children's Shelter Care Act if:

A. the child is a child alleged or adjudicated to be in need of supervision; or

B. the child is an alleged delinquent child and there is no cause to believe that the child will injure others or himself, run away or be taken away so as to be unavailable for proceedings of the court or its officers.

Section 7. [NEW MATERIAL] REPORT TO THE GOVERNOR AND THE LEGISLATURE. — On or before December 15, 1978, the department shall provide a report to the governor and each member of the legislature describing the programs and projects funded under the Children's Shelter Care Act. The report shall include:

A. funds spent for the programs and projects funded to

12. The Statewide Volunteer Shelter Bed Project and the Shelter Care and Juvenile Holding Facilities Programs of the Eighth Judicial

District are excellent models.

carry out the provisions of the Children's Shelter Care Act; and  
B. a description of the procedure followed by the department in order to award grants pursuant to the Children's Shelter Care Act and to audit, monitor, and evaluate such programs and projects.

Section 8. Section 13-14-23 NMSA 1953 (being Laws 1972, Chapter 97, Section 23, as amended) is amended to read:

"13-14-23. PLACE OF DETENTION. —

A. a child alleged to be a delinquent child may be detained pending court hearing in any of the following places:

(1) a licensed foster home, or a home otherwise authorized under the law to provide foster or group care; or

(2) a facility operated by a licensed child welfare services agency; or

(3) a detention facility established by the department of corrections for children alleged to be delinquent children; or

(4) a facility established pursuant to the Children's Shelter Care Act; or

[(4)] (5) any other suitable place, other than a facility for the care and rehabilitation of delinquent children to which children adjudicated as delinquent children may be confined under [Section 31 of the Children's Code] Section 13-14-31 NMSA 1953, designated by the court, and which meets the standards for detention facilities under the Children's Code.

B. until July 1, 1978, and not thereafter, a child alleged to be a delinquent child or a child in need of supervision may be detained pending court hearing in a jail or other facility for the incarceration of adults, but only if:

(1) a facility established pursuant to the Children's Shelter Care Act, or a detention facility established by the department of corrections for children alleged to be delinquent children or in need of supervision is not available;

(2) the facility meets the standards for detention facilities under the Children's Code;

(3) the detention is in a room separate and removed from incarcerated adults;

(4) adequate supervision is provided; and

(5) detention in the facility does not exceed [forty-eight] twenty-four hours. [and

(6) upon the expiration of the forty-eight hours time limitation, detention shall, if necessary, be continued in facilities specified under this section for children alleged to be delin-

quent or for children alleged to be in need of supervision, as appropriate.]

C. a child alleged to be a child in need of supervision or a neglected child may not be detained in a jail or other facility intended or used for the incarceration of adults charged with criminal offenses, or for the detention of children alleged to be delinquent children, except as specified for a child in need of supervision under Subsection B of this section, but may be detained in the following shelter-care facilities:

(1) a licensed foster home, or a home otherwise authorized under the law to provide foster or group care; or

(2) a facility operated by a licensed child welfare services agency; or

(3) a facility established pursuant to the Children's Shelter Care Act; or

[(3)] (4) any other suitable place, other than a facility for care and rehabilitation of delinquent children to which children adjudicated as delinquent children may be confined under [Section 31 of the Children's Code] Section 13-14-31 NMSA 1953, designated by the court, and which meets the standards for detention facilities under the Children's Code.

D. The official in charge of a jail or other facility for the incarceration of adult offenders or persons charged with crimes shall inform the court within four working hours or forty-eight consecutive hours, whichever is the shorter time, when an individual, who is or appears to be under the age of eighteen years, is received at the facility, and upon request shall deliver him to the court or transfer him to a facility designated by the court.

E. When a case is transferred to another tribunal for criminal prosecution, the child shall be transferred to the appropriate officer or facility in accordance with the law governing the incarceration of a person charged with a crime."

Section 9. APPROPRIATION. — [Amount to be decided] for expenditure in the sixty-sixth and sixty-seventh fiscal years for the purposes of carrying out the provisions of the Children's Shelter Care Act. Any unexpended or unencumbered balance shall revert to the general fund at the end of the sixty-seventh fiscal year.

Section 10. EMERGENCY. — It is necessary for the public peace, health and safety that this act take effect immediately.

## Juvenile Probation

New Mexico's probation officers have the power and duty to:

- receive and examine complaints and allegations that a child is a delinquent or in need of supervision, for the purpose of considering court proceedings under the Children's Code
- make appropriate referrals of cases presented to other agencies, if their assistance appears needed or desirable
- make predisposition studies and submit reports and recommendations to the court
- supervise and assist children placed on protection, or under probation supervision by court order
- provide marital and family counseling
- perform any other functions designated by the court.<sup>13</sup>

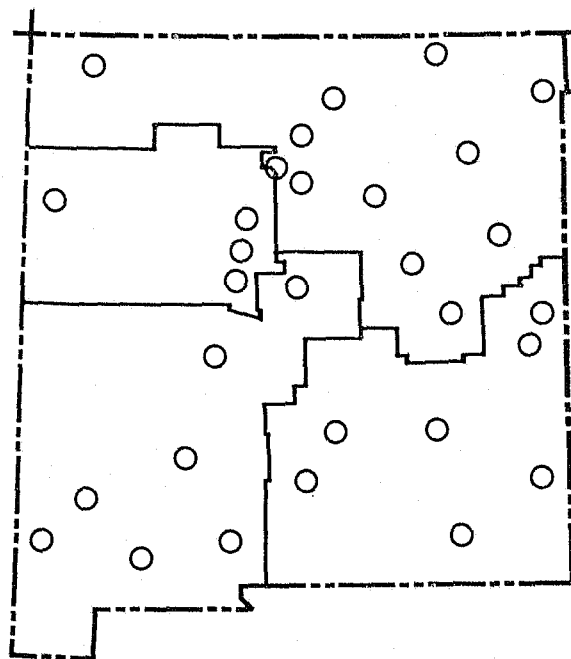
Basically, probation officers have three functions: (1) intake; (2) court investigation; and (3) probation supervision. Probation intake (i.e., determining whom to release or detain and whether a case is referred to the court) is the critical decision point in the New Mexico juvenile justice system. Probation intake decisions, in effect, determine workloads for detention facilities, courts, and the Division of Corrections. In spite of the crucial nature of probation intake, and its cost implications for the entire system, little is expended on this service.<sup>14</sup>

There are ninety-two probation officers to serve the state's thirty-two counties, but thirty-two officers are located in Bernalillo County, leaving sixty for the remaining thirty-one counties. Only eighteen counties are staffed by more than a single probation officer.<sup>15</sup> In 1975, the ninety-two New Mexico juvenile probation officers handled 18,523 referrals, a massive caseload in light of their many responsibilities and the great distances they have to travel. The importance of the juvenile probation officer (JPO) especially in the rural areas where this official may be the only treatment resource in the community, cannot be overstated.<sup>16</sup> Data from each juvenile probation office demonstrate wide variations in the ways juvenile problems are handled.<sup>17</sup> In 1976, petition rates varied from 4.9 percent in the Eighth Judicial District to 58.1 percent in the Eleventh Judicial District. It is not unusual for two to three weeks

to pass in some districts between the time a juvenile is charged by the police and the time the complaint reaches the JPO.<sup>18</sup>

As a solution to this critical problem of probation intake, it is recommended that each Judicial District be allocated funds to hire at least one additional juvenile probation officer. The additional JPO should provide short-term family crisis counseling at the time of referral and implement the New Mexico Juvenile Family Crisis Intervention Project. This project's program approach is based on the Sacramento Juvenile Diversion Project, an LEAA Exemplary Project described in the report by Roger Baron and F. Feeney.<sup>19</sup>

The objectives of the proposed project and additional hiring are to demonstrate in New Mexico the validity



Map 10-1: Field Service Bureau Service Areas and Probation Offices

13. 13-14-8A NMSA 1953.

14. See *Phase III/IV Report* (1977), pp. 48-49.

15. See *Technical Report 5* (1977), p. 155, Map 14, for the locations of these offices.

16. See *ibid.*, p. 174, Map 26, for a display of available resources.

17. See *Phase III/IV Report*, pp. 42-46.

18. See *1978 Criminal Justice Comprehensive Plan*, Chap. III, pp. 3-14.

19. Roger Baron, and F. Feeney, *Juvenile Diversion through Family Counseling: An Exemplary Project* (1976).

of the diversion concept of delinquency prevention, by showing that:

- minor- and medium- level delinquent offenders as well as status offenders can be successfully diverted from the present system of juvenile justice and court adjudication
- detention can be avoided through counseling and alternative placements that are both temporary and voluntary
- diverted offenders have fewer subsequent contacts with the law and a better general adjustment than those not diverted

The intent of the project is to help the child out of detention and out of court, yet still offer counseling and help to the family. The approach relies on the following features:

- immediate and intensive handling of cases, rather than piecemeal adjudication
- spending the majority of staff time in the initial stages of the case—when it is in crisis—rather than weeks or months later
- providing special training to the probation staff involved
- providing ongoing periodic consultative services to enable staff members to continue to improve their crisis handling skills
- entirely avoiding formal court proceedings
- maintaining a twenty-four-hour, seven-day-a-week telephone crisis service
- establishing closer ties with referral services

### Organization and Staffing

The project should be funded and coordinated through the Administrative Office of the Court, with a project director and the staffing pattern listed in Table 10-1, which takes into consideration factors such as present caseload, dispositions, and staffing patterns of each judicial district:

The project director should have prior administrative experience, be skilled in family counseling, and be familiar with the probation setting. S/he should be a person who is sensitive to the concerns of probation officers and the juvenile court, should be able to communicate about the program with interested agencies (e.g., police, schools), and the community, generally.

The project director should have a good grasp of the program and be dedicated to its success.<sup>20</sup>

### Training

The aim of the training program is to enable probation officers to become effective counselors. Among other things, they must learn:

- the concepts of family process and family rules, and that the way a family makes decisions is often as important as the decisions themselves
- the concept of the family as a system and the ways in which the actions of one family member affect other family members
- how to enlist the family's own efforts to work on its problems
- techniques for improving communication among family members
- how understanding one's self and one's own family system is important in becoming an effective family counselor

Table 10-1: Staffing Pattern for New Mexico Juvenile Family Crisis Intervention Project

Judicial District	Project Staff
First	2
Second	3
Third	2
Fourth	1
Fifth	2
Sixth	1
Seventh	1
Eighth	1
Ninth	1
Tenth	1
Eleventh	2
Twelfth	1
Thirteenth	1
Total	19

20. Family crisis counseling in a probation setting is a highly demanding job. Generally, the staff position requires an open person with a willingness to work and learn and a great deal of emotional stability. Staff members should be persons willing to examine their own attitudes, values, and family backgrounds. Previous probation experience

is helpful but not necessary. The recommended approach to selection is to aim at probation officers or others interested enough to apply for the position, after being fully informed about what will be expected of them. (Simply requiring officers to be available evenings and weekends generally eliminates those not truly dedicated.



In establishing a training program, it is desirable, although not essential, that the training consultant have extensive experience in family counseling. At the earliest possible time, the training should emphasize that becoming a good family counselor means in part learning to understand oneself, one's own family system, and how one interacts with others, particularly the families the officer will see, and coworkers. The cases probation counselors handle differ in significant ways from those seen in clinical or private-practice settings, particularly in the degree to which clients are present voluntarily, and this must be made clear during training.

There are two components to the recommended training program: (1) an initial training week, designed to familiarize the project staff with family counseling and project concepts; and (2) a program of ongoing training and consultation. While the initial training week is important, it is even more important that the training continue later — not just during a period of funding but also throughout the program's operating life. Ongoing

training provides expertise in the handling of difficult cases and a method for developing and improving skills. A number of different training methods can be used in ongoing training: case demonstration, individual consultation, role-playing, videotape feedback, and group process workshops. While the initial training for all staff can be conducted at one site, perhaps Albuquerque or Santa Fe, geographic distances present difficulties for ongoing training. Ideally, all state staff should get together bimonthly for training, with biweekly or monthly training sessions organized for regions.

### Cases Handled

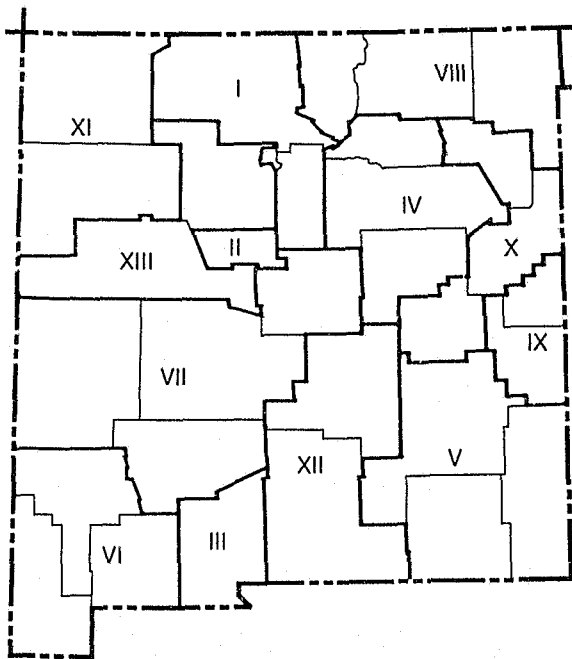
The Sacramento Project has demonstrated success in handling both the status offender and those convicted of medium-level criminal offenses (e.g., possession of drugs or grand theft auto, where there is no restitution issue). The available data suggest that for New Mexico the recommended treatment methods can also be used successfully with those convicted of more serious offenses (e.g., burglary). The New Mexico program should initially handle only categories that the local community finds acceptable. If the program is successful with these cases, consideration can be given to including other kinds of cases.

### Referrals

Because the recommended program is based on short-term therapy (up to five sessions), long-term problems must be referred to community agencies. Program staff will also encounter many problems that require some kind of specialized handling (e.g., drug overdoses, mental retardation). In order to deal effectively with these problems, the program must have well-developed written referral procedures and sources.

### Other Probation Issues

It is anticipated by the Master Plan Team that many cases will be diverted from the juvenile court as a result of this project. Thus, caseloads of probation officers doing court investigations and providing probation supervision should be reduced, affording these officers time to provide better services in these areas to the courts and their clients. It is also anticipated that the project staff members in each district will share the skills they have acquired with other probation officers in their jurisdictions, improving New Mexico probation services in general.



Map 10-2: Judicial Districts

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First offender programs have worked well in New Mexico and should be continued, expanded, and funded by the state.<sup>21</sup> In planning the proposed New Mexico Juvenile Family Crisis Intervention Project, consideration should be given to the current operation of first offender programs in the area, the types of cases they handle, and the time and method of intervention they use. First offender programs can deal with the diversion of cases not eligible for initial treatment by the Family Crisis Intervention Project, and can also provide

an excellent resource for those needing long-term treatment.

In Albuquerque, the project should coordinate its services with Project CHIP.<sup>22</sup> CHIP should deal with referrals directly from the community and before a youngster is involved with the juvenile court. It should also handle long-term treatment referrals from the Family Crisis Intervention Project staff. Staff members from Project CHIP could be employed as training consultants, particularly in the Albuquerque area.

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## Defense and Prosecution

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*In re Gault*, 387 U.S. 1 (1967), requires that the juvenile offender be assisted by legal counsel at any delinquency hearing. If the juvenile cannot afford private counsel, there is a right to a court-appointed lawyer. The juvenile is also entitled to assert the right against self-incrimination and the right to confront and cross-examine accusers, rights which virtually require counsel. The right to counsel is now statutorily guaranteed in all but eleven states; New Mexico is one of these eleven states.<sup>23</sup>

The New Mexico Supreme Court has adopted the New Mexico Children's Court Rules, which require that "within 5 days from the date the petition is filed, or at the conclusion of the detention hearings, whichever occurs first, the court shall appoint an attorney to represent the respondent unless counsel has entered an appearance on behalf of the respondent."<sup>24</sup> While this rule establishes an automatic mechanism for assuring representation by counsel, it still permits judicial proceedings (i.e., the detention hearing) to be held without representation. The New Mexico Public Defender Department represents juveniles through supreme court order rather than through statutory requirement. Legislation was drafted for presentation to the 1977 legislature to permit public defender representation of juveniles, but this legislation was not introduced. It is recommended

that the statute creating the New Mexico Public Defender Department be amended to specifically mandate representation of juveniles who are unable to retain a private defense attorney because of financial status or other circumstances.

As a result of the landmark decisions of *In re Gault*, 387 U.S. 1 (1967), and *In re Winship*, 397 U.S. 358 (1970), adjudicatory hearings today more nearly resemble adult trials than they did previously. The prosecutor is becoming increasingly involved in juvenile court proceedings.<sup>25</sup> While few data are available on the role of the prosecution in New Mexico, the Juvenile OBTS conducted in Albuquerque indicated that in 25.1 percent of the sample cases petitions were filed and forwarded to the district attorney. Stipulations were entered for 76 percent of the filed petitions.<sup>26</sup> Results from the Juvenile OBTS in Santa Fe indicated that stipulations were entered in 75 percent of the filed petitions and that, in the seventeen cases where petitions were filed, only one trial was held to determine guilt.<sup>27</sup> These data merely indicate a need to examine more closely the changing role of the prosecution in New Mexico and its impact on the juvenile justice system. It is recommended that a study be conducted through the GCCJP to accomplish these purposes.

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21. See *New Mexico Standards and Goals*, Standard 2.5, p. 77; *Technical Report 5*, p. 157.

22. See *Technical Report 5*, p. 159.

23. M. Levin and R. Sarri, *Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States*, University of Michigan, National Assessment of Juvenile Corrections (1974).

24. Rule 23(d), p. 27.

25. The district attorney in the Second Judicial District has assigned two attorneys full-time to serve as Children's Court attorneys.

26. See *1978 Criminal Justice Comprehensive Plan*, Chap. II, p. 408.

27. *Ibid.*, p. 416.

## Adjudication and Disposition

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When a case does come before a judge for disposition, the court is highly dependent on the recommendations of the juvenile probation officer for dispositional alternatives. Yet, in the four cities involved in the Key Cities Project, social case histories and presentence reports were almost nonexistent.<sup>28</sup> The Master Plan Team supports the recommendation of the New Mexico Standards and Goals Commission, concerning the use of social history reports: "The court should have available a social history report when considering the dispositional alternatives. A copy should be provided to all parties that will be affected by the disposition, in ample time for its contents to be contested."<sup>29</sup>

Section 13-14-2 establishes that the purpose of the Children's Code is "to remove from children committing delinquent acts the consequences of criminal behavior and to substitute therefor a program of supervision, care and rehabilitation."

The legislative intent of the Children's Code is clear. The responsibility of the court is to make the disposition most likely to provide rehabilitation. Few judges, however, are adequately prepared by the state to make this determination; of the thirty-three district court judges, only six have specialized training in juvenile matters.<sup>30</sup> It is recommended that a judicial training program be established to enhance judicial decision-making in selecting the most appropriate juvenile disposition.<sup>31</sup>

Even with the proper use of social history reports and adequately trained judges, the issue of the range of dispositional alternatives available to the judges still presents problems. In this regard, the Master Plan Team supports the recommendation of the New Mexico Standards and Goals Committee,<sup>32</sup> with the exception of the clause relating to the short-term detention for non-status offenders for up to ten days. Since many juveniles are currently detained in municipal or county jails, many of which do not meet the standards mandated by the Children's Code, and are deficient even in their fundamental characteristics, short-term detention seems inappropriate for providing "a program of supervision, care and rehabilitation," as specified in section 13-14-2 of the code. The Master Plan Team recommends that, in addition to the options currently available at the dispositional hearing, the court should be able to order voluntary public service by way of restitution, the imposition of fines, public work experience, and combinations of these options in other forms of restitution to the community.

The availability of community-based programs, dealt with below, is crucial to dispositional alternatives. The better the services available in the community, the more meaningful the concept of "least restrictive alternative" becomes. (The issue of diagnostic evaluations and the use of diagnostic commitments as dispositions are dealt with in Chapter 11.)

## Independent Community-based Programs

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Opportunities and services available to youth through existing social and public programs do not meet New Mexico's present needs because of administrative fragmentation and inadequate funding. There is only limited access to services, and community-based programs currently serve only a few individuals.<sup>33</sup>

It is recommended that community-based programs be broadened in all of the areas discussed below, to provide a diversionary function as well as a preventive function to the juvenile justice system. Where local and federal funds are unavailable, state funds should be allocated for this purpose. All youths in trouble should

be offered the least restrictive alternative to incarceration. Experts agree that deemphasis of institutionalization for juvenile offenders is not only a less expensive alternative, but also "far more effective in reducing the recidivism."<sup>34</sup> It is also recommended that legislation be enacted specifying that parents are expected to pay for a portion of the services provided to a youth, where appropriate.

Table 10-2 notes the eight categories of programs featured in *Technical Report 5* and specifies the judicial districts in which they are needed. Need is based on the current availability of service, the number of juveniles in trouble, and the number sent to Springer.

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28. 1978 *Criminal Justice Comprehensive Plan*, Chap. II, pp. 419-42.

29. See *New Mexico Standards and Goals*, Standard 5.2, p. 98.

30. 1978 *Criminal Justice Comprehensive Plan*, Chap. III, p. 150.

31. See *New Mexico Standards and Goals*, Standard 4.9, p. 95.

32. *Ibid.*, Standard 5.6, p. 100.

33. See *Technical Report 5*, pp. 160-74.

34. *Report of the Interdepartmental Council to Coordinate all Federal Juvenile Delinquency Programs, FY 1973 (1974)*, p. 7.

Not all these services are of equal importance, and some duplicate others. Taking into account population differences and case processing variables, the Master Plan Team recommends that the services shown in Table 10-3 be developed first in each district. This

table lists *priority* items and is not meant to indicate that similar services are not needed elsewhere. It is anticipated that the New Mexico Juvenile Family Crisis Intervention Project (described above in this chapter) will provide the needed crisis intervention service.

Table 10-2: Judicial Districts Currently in Need of Juvenile Programs

Type of Program Needed	Judicial Districts Needing Program												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Independent drug and alcohol programs			•			•	•			•			
Juvenile counseling programs—group, individual, and family			•		•	•		•	•	•	•		
Juvenile counseling programs—crisis intervention and hotline			•				•	•		•	•	•	
Mental health centers										•			•
Juvenile multiservice programs			•			•	•	•		•		•	•
Juvenile recreational programs						•	•		•	•	•	•	•
Group homes				•	•	•	•			•	•	•	
Other direct services programs			•		•	•			•	•	•	•	•

Note: Judicial districts indicated as needing programs presently have no programs in the categories listed. The fact that programs exist in other districts does not mean that improvements cannot or should not be considered.

Table 10-3: Priority List for the Development of Needed Services

Type of Program	Judicial Districts Needing Program												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Group homes				•	•	•	•			•	•	•	
Mental health centers										•			•
Juvenile multiservice centers			•			•	•	•		•		•	•
Independent drug and alcohol programs			•										
Juvenile counseling programs— group, individual, and family					•				•		•		

# 11 Residential Institutions

When community social systems, programs, and services (e.g., family, school, recreation) do not prevent delinquency or provide for status offenders, and when official intervention agencies (e.g., police, courts, probation) do not succeed in handling offender problems, the solution has been use of various residential facilities and/or institutions. These include both the

residential youth care facilities operated by private agencies and the Department of Hospitals and Institutions, and facilities administered by the Division of Corrections — the Youth Diagnostic Center, Camp Eagle Nest, and the Boys' School. Each group of facilities poses different problems for the New Mexico juvenile justice system.

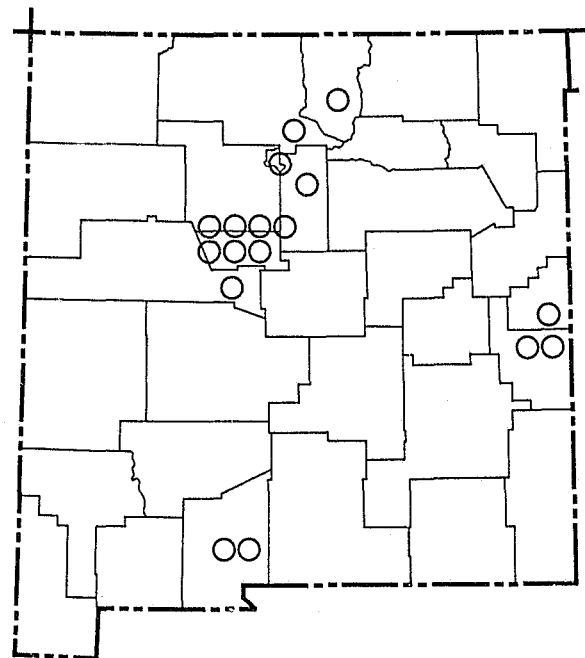
## Residential Youth Care Facilities

The great need for more residential treatment centers in New Mexico was documented by the Master Plan's *Inventory of Programs and Services*. Only seventeen group homes are located in New Mexico, in only nine counties, representing only six judicial districts.<sup>1</sup> Until improvements are made at juvenile intake, the need for more residential treatment centers will continue.

Funding is the major stumbling block in developing new residential youth care facilities. There is a 25-percent cash match requirement under Title XX of the Social Services Act, and this is too high for most private agencies to meet. New Mexico should assist in funding residential youth care programs by providing the 25-percent cash match needed for private agencies. The primary concern should be the funding of homes in the seven judicial districts that now have none. The Fourth, Fifth, Sixth, Tenth, Eleventh, and Twelfth Districts comprised 36.7 percent of New Mexico's population in 1975 and accounted for 57.6 of the regular commitments to the Division of Corrections.<sup>2</sup> If group homes are available in the recommended judicial districts, judges will have less need to commit youngsters to Division of Corrections institutions.

While the Division of Corrections is interested in developing group homes, caution is recommended in following this approach. Experience in some jurisdictions demonstrates that a good group home system administered by the DOC may actually encourage more commitments of youngsters to the division, simply to take advantage of the available residential programs. Efforts to develop group homes should be concentrated in the private sector, because authorities agree that youngsters should be kept away from formal institutional settings in the juvenile justice system.

While the need for children's inpatient psychiatric



Map 11-1: Group Homes

services has been an issue of some concern in New Mexico, recent creation of a fifty-two-bed facility in Albuquerque at the University of New Mexico Medical Center is likely to alleviate the problem, especially if the center develops a plan to service all age categories.<sup>3</sup> Additional inpatient psychiatric services create a dan-

1. See *Technical Report 5* (1977), p. 171 and Map 24.

2. See *Technical Report 2*, App C.

3. See *Phase I Report* (1976), p. 38.

ger that youngsters in need of residential programs may unnecessarily be labeled "sick" because of their association with the service. Such labeling has a negative impact on future self-image; the label "sick" can be as harmful as the label "status offender" or "delinquent."<sup>4</sup> Use of inpatient medical and psychiatric services as punishment (i.e., diagnostic commitments to

the Division of Corrections, discussed below in this chapter) is already a problem in New Mexico's juvenile justice system. Rather than expand inpatient services for children, New Mexico should provide funding for psychiatric or psychological services on an outpatient basis, and to this end, expand mobile evaluation units,<sup>5</sup> as set forth in the following proposed statute:

AN ACT  
RELATING TO MOBILE FORENSIC EVALUATIONS OF CHILDREN; AMENDING SECTION 13-14-29 NMSA 1953 (BEING LAWS 1972, CHAPTER 97, SECTION 23); MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO.

Section 1. Section 13-14-29 NMSA (being Laws 1972, Chapter 97, Section 23) is amended to read:

"13-14-29. PREDISPOSITION STUDIES, REPORTS AND EXAMINATIONS. —

A. After a petition has been filed, and, either a finding with respect to the allegations of the petition has been made, or a notice of intent to admit the allegations of the petition has been filed, the court shall direct that a predisposition study and report to the court be made in writing by probation services or an appropriate agency designated by the court concerning the child, the family of the child, the environment of the child and any other matters relevant to the need for treatment or to appropriate disposition of the case.

B. Where there are indications that the child may be mentally ill or mentally retarded, the court, on motion by the children's court attorney or that of counsel for the child, may order the child to be examined at a suitable place by a psychiatrist or

psychologist prior to a hearing on the merits of the petition. *Whenever the court finds it desirable to use state facilities to assist in making the evaluation, the court shall contact the secretary of the health and environment department for arrangement and designation of suitable available facilities. Upon such contact, the secretary shall advise the court whether the child shall be retained in the local facilities available to the court, for visit by diagnostic personnel furnished by the state. An examination made prior to the hearing, or as a part of the predisposition study and report, shall be conducted on an out-patient basis unless the court finds that placement in a hospital or other appropriate facility is necessary.*

C. The court, after hearing, may order examination by a physician, psychiatrist or psychologist, of a parent or custodian who gives his consent and whose ability to care for or supervise a child is an issue before the court.

D. The court may order that a child adjudicated as a delinquent child or a child in need of supervision be transferred to an appropriate facility of the department of corrections for a period of not more than sixty (60) days for purposes of diagnosis with direction that the court be given a report indicating what disposition appears most suitable when the interests of the child and the public are considered."

Section 2. APPROPRIATION. — [Amounts to be decided.]

## Diagnostic Commitments and the Youth Diagnostic Center

The employment of diagnostic commitments in the New Mexico juvenile justice system is an area of great concern to the Master Plan Team. Of the 701 minors sent to the Boys' School or the Youth Diagnostic Center in 1975, over 55 percent (387), were referred on judicial orders for a diagnostic period. In 1976, after a decision to refer all diagnostic commitments to the Youth Diagnostic Center, diagnostic commitments rose to 609, representing over 63 percent of all system commitments, which rose to 961.<sup>6</sup>

Table 11-1 sets forth these diagnostic commitments according to sex and district. The boys' commitments rose from 278 to 466, an increase of 67.6 percent, while the girls' commitments rose from 109 to 143, an increase of 31.2 percent. All judicial districts except the First, Third, and Ninth increased in diagnostic commitments. The most notable rise was in the Second District, which rose from 107 diagnostic commitments in 1975 to 222 in 1976 — an increase of over 100 percent. This pattern is even more dramatic given that the Second District

4. See E. M., Lemert, *Human Deviance, Social Problems and Social Control*, 2nd ed. (1972)

5. See *New Mexico Standards and Goals*, Standard 4.10, p. 96.

6. See *Phase III/IV Report* (1977), p. 45, Table 3.

Table 11-1: Juvenile Diagnostic Commitments to the Division of Corrections by Judicial District 1975 and 1976

Judicial District	1975			1976		
	Boys	Girls	Total	Boys	Girls	Total
First	41	15	56	35	17	52
Second	84	23	107	175	47	222
Third	13	3	16	11	4	15
Fourth	4	2	6	8	3	11
Fifth	24	22	46	60	21	81
Sixth	3	1	4	10	2	12
Seventh	1	1	2	10	0	10
Eighth	1	2	3	8	3	11
Ninth	47	14	61	47	9	56
Tenth	7	4	11	12	2	14
Eleventh	15	3	18	21	10	31
Twelfth	17	11	28	30	15	45
Thirteenth	21	8	29	39	10	49
Total	278	109	387	466	143	609

has a court clinic with the express purpose of conducting diagnostic evaluations.<sup>7</sup> A Master Plan Team survey in April 1977 indicated that 9 of the 95 Springer residents from the Second District were diagnostic evaluations, demonstrating that the local Albuquerque Court Clinic and Youth Diagnostic Center, staffed with skilled clinicians, had been bypassed in favor of a diagnostic commitment far from home at Springer.

The April survey also indicates that, of the 265 regular commitments at the Boys' School, 98, or 35.1 percent, were fifteen years old or younger, while 47 of the 82 diagnostic commitments at the Youth Diagnostic Center, constituting 57.3 percent, were fifteen or older. These data demonstrate that younger children are referred to the Youth Diagnostic Center for a "taste" of an institution, in the hope of deterring future delinquent behavior, although authorities uniformly agree that youngsters of this age should be kept out of institutions. The fact that 24 of 82, approximately 30 percent, were status offenders creates a further injustice; the express goal of the 1974 Juvenile Justice and Delinquency Prevention Act is to keep status offenders away from institutions where they would be more likely to learn criminal ways.

Diagnostic evaluations place a tremendous added burden on the juvenile corrections system; thus, it makes sense to eliminate them, if only to lessen costs. Reducing total juvenile commitments to the Division of Corrections by over 63 percent (i.e., the percentage of diagnostic commitments), would greatly ease the overcrowding in the division's facilities that led, for example, to a 1977 allocation of \$250,000 for construction of a new living unit at Springer. There is also the practical problem of mixing youngsters on regular commitments at the Youth Diagnostic Center (averaging six to seven months) with diagnostic evaluations (forty or fewer days). This disparity in tenure among the residents makes it difficult to program for the overall institutional population. This is especially true in the classroom, where teachers experience control problems with youngsters who know they are staying for only short periods. The Youth Diagnostic Center also has trouble providing adequate psychological treatment for those on regular commitments, because resources are being used for high priority, short-term diagnostic evaluations.

An additional reason to eliminate diagnostic commitments is that, clinically speaking, they make little sense; seeing a youngster in an institutional setting is the worst

7. See *Technical Report 5*, pp. 157-59.



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possible place to evaluate behavior, partly because institutionalized youngsters are more likely to be upset and do poorly on tests. Since youngsters are removed from their homes, it is not likely that their parents will be involved in face-to-face interviews with the clinicians doing the evaluation. This separation distorts evaluation results, since understanding the family system is the key to understanding the youngster's behavior.

In terms of costs, it is uneconomical to incarcerate youngsters in an institution for forty days in order to spend approximately eight hours doing clinical evaluation.

The function of diagnostic evaluation of juveniles should be removed from the jurisdiction of the Division of Corrections. Instituted diagnostic procedures should be flexible, drawing on the following services, as found necessary by local jurisdictions:

- evaluations conducted by the DHI's Mobile Evaluation Unit
- evaluations conducted by a court clinic (e.g., Albuquerque)
- evaluations conducted by local practitioners, on a contract, fee-for-service basis
- evaluations conducted on an outpatient basis at one of the DHI's seventeen mental health centers<sup>8</sup>
- evaluations conducted on an outpatient or inpatient basis at the Children's and Adolescents' Psychiatric Unit at Las Vegas or the newly created facility in Albuquerque, at the University of New Mexico Medical Center.<sup>9</sup>

Allocations for these diagnostic services should be made through a centralized process of budget requests from the Administrative Office of the Courts, for the thirteen judicial districts, with funds set aside from savings accrued by removing cases from the jurisdiction of the Division of Corrections.<sup>10</sup> The average cost

of a forty-day diagnostic evaluation at the Youth Diagnostic Center was approximately \$1,200 during fiscal year 1975-76. The cost for an evaluation performed by the Forensic Evaluation Teams in the community setting averages less than \$200. Federal funds should also be sought, with GCCJP assistance, through the Office of Juvenile Justice and Delinquency Prevention, of LEAA.

It should take some time to fully develop needed diagnostic resources at the local level, to replace those now provided by the Division of Corrections, and to determine which local evaluation alternatives are most cost-effective. For this reason the Master Plan Team recommends a two-year phased implementation approach. Specific recommendations for each year are set forth below.

**Year 1:** The state should provide funds to expand the DHI's Mobile Evaluation Units for all judicial districts, to create court clinics where requested and appropriate; to allow all courts to use local clinicians on a fee-for-service basis; to increase use by all judicial districts of outpatient evaluations by one of the DHI's mental health centers; or to allow for additional outpatient or inpatient evaluations at the Children's and Adolescents' Psychiatric Unit at Las Vegas or the newly created facility at the University of New Mexico Medical Center. The state should also provide funds to conduct training seminars for judges concerning the availability of these new resources and the many monetary and program advantages of a local evaluation instead of an institutional one.

**Year 2:** The GCCJP should evaluate the successes and failures of the various approaches to local diagnostic evaluations, analyze the data supporting continued use of diagnostic commitments, and provide additional funding for those approaches that show the most promise. Legislation should be prepared and introduced to remove the function of diagnostic evaluation from Division of Corrections jurisdiction.

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## Location and Use of Juvenile Institutions

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The population of the Youth Diagnostic Center would be considerably reduced by eliminating diagnostic commitments, as discussed above. For fiscal year 1976-77, the average daily population of regular com-

mitments at the center was 19.6;<sup>11</sup> for the same period, the average daily population of regular commitments to the Boys' School at Springer was 217.7.<sup>12</sup> Thus, a total average daily population for both institutions was

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8. *Ibid.*, p. 166, Map 21.

9. *Ibid.*, p. 160.

10. See 1978 *Criminal Justice Comprehensive Plan*, Chap. III, p. 152.

11. This figure was provided by the Youth Diagnostic Center, based on an analysis of its records.

12. This figure was provided by the Boys' School, based on an analysis of its records.

237.3. The Master Plan Team's April 1977 survey of both juvenile institutions indicates a sizable population of relatively young offenders committed for the first time on either a minor offense or an offense against property, and often without a prior record.<sup>13</sup> Such youthful offenders can be dealt with best in the community, if proper local resources exist (e.g., expanded probation intake and residential youth care facilities). If recommended local resources are developed, the Master Plan Team predicts that regular Division of Corrections commitments will be reduced by 33 percent.

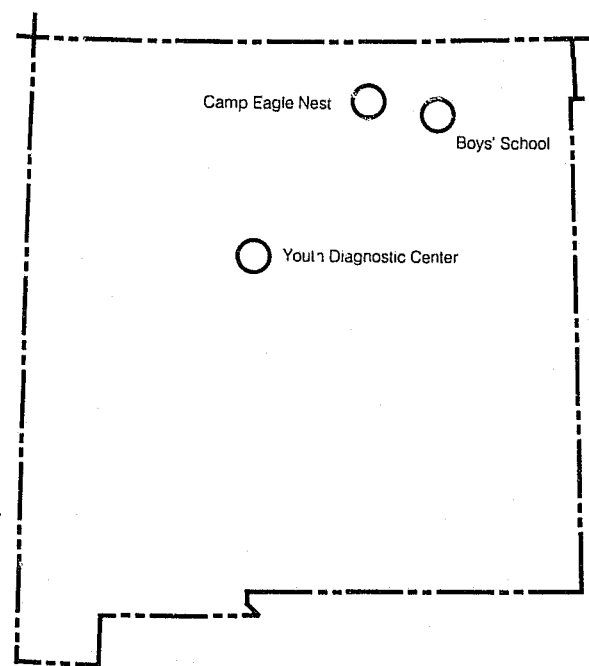
Eliminating diagnostic commitments and reducing regular commitments by a third would bring the total population in both institutions in FY 1978-79 to a range of 120 to 178. It would vary somewhat in future years, as set forth in earlier population projections.<sup>14</sup> In planning for Division of Corrections juvenile justice institutions, location was a major factor that the Master Plan Team considered, in addition to bed-capacity forecasts and population projections (which depend completely on anticipated uses of institutions). Previous technical reports<sup>15</sup> have summarized the clinical reasons for engaging the entire family in the juvenile treatment process and the practical problems in accomplishing this, given the isolated location of the Boys' School at Springer and the lack of a juvenile facility in the southern portion of the state (from which a large number of commitments originate). The Master Plan Team has concluded that the location of Springer clearly makes it most undesirable as a juvenile institution, and thus has recommended its use as an institution for young adults (nineteen to twenty-two years old). However, the Master Plan Team is aware of the strong political sentiment in New Mexico in favor of maintaining Springer as a Boys' School,<sup>16</sup> and the team recognizes that such a recommendation might well not be implemented. The Master Plan Team therefore recommends a severe modification in Springer's present use as a juvenile facility and that its use as a young adult facility be considered in the near future, if and when the political climate allows.

As an alternative recommendation, if the number of juvenile diagnostic commitments decreases, in accord with earlier recommendations, the Division of Corrections should consider initiating an ICC concept for youth, employing the Youth Diagnostic Center as a central intake and evaluation facility. Such an approach

would facilitate development of a formalized evaluation protocol, and the employment of available resources in Albuquerque. For those youths who would need to go to Springer from the Youth Diagnostic Center, a formal treatment plan should be developed, to accompany each youth to Springer.

The Master Plan makes recommendations regarding the need for involving offenders' families in juvenile corrections, the likely reduction in institutional population occasioned by expanded community services (prevention), and community agencies serving the juvenile justice offender (intervention and treatment), as well as immediate phased reductions in population as a result of changes in diagnostic commitment procedures.

In view of these recommendations, the Master Plan Team recommends the following changes in the character, use, and programming of juvenile institutions:



Map 11-2: Juvenile Correctional Institutions

13. See *Phase III/IV Report*, p. 56.

14. See *Phase III/IV Report*, pp. 63-64.

15. See *Phase I Report*, pp. 34-35; *Phase III/IV Report*, pp. 53-57.

16. The use of Springer as a Boys' School is mandated by the New Mexico State Constitution.

- The Youth Diagnostic Center should be used as a coeducational facility for regular commitment cases from the northern portion of the state, and Camp Sierra Blanca should be used as a coeducational facility for regular commitments from the southern portion of the state.
- The Boys' School should be used only for older boys (seventeen and over), committed on very serious offenses (e.g., murder, rape, robbery), and those having at least two prior Division of Corrections commitments. (Camp Eagle Nest can still be used for the younger or less mature boys.)
- The Division of Corrections should provide transportation for parents to all juvenile institutions, particularly Springer; the division should also provide overnight lodging at Springer for families visiting their youngsters. Lodges that become vacant due to anticipated reductions in population should be converted to use for visiting families. Emphasis should be placed on weekly family counseling sessions, with juveniles and their families together, and increased use of home visits.

## Recommended Programs and Services by Classification

A program and services plan for Division of Corrections juvenile institutions is set forth below. The type of juvenile most appropriate (or most likely to be assigned) to each juvenile institution is noted, as are the types of services and programs recommended for each juvenile classification.

### The Boys' School (Springer)

#### Clientele

Mostly older boys (seventeen and over) who were formerly committed to the Division of Corrections or are currently committed on a serious offense should be sent to Springer. These youths are more likely to have failed at various community-based programs and at attempts to be reunited with their families.

#### Services and Programs

Services and programs currently offered fall into the following categories:<sup>17</sup>

- intake and orientation procedure
- the Step Program
- the living group program
- the educational program
- psychological services
- medical/dental services
- food services
- chaplain's division
- recreational programs
- visiting
- staff training

The Master Plan Team makes the following recommendations to improve these programs and services:

- There should be less reliance on the Step Program. Instead, increased use should be made of an individual contract system best suited to the youngster's needs, involving perhaps individual, family, and/or group counseling.
- Each living unit should have a psychological counselor holding at least a master's degree.<sup>18</sup>
- A special program should be sponsored by the state to maximize involvement of families in the institutional program, by providing transportation for families to the institution, overnight housing on the campus, and an opportunity for family counseling.
- Home visits should be offered with greater flexibility, approaching these as a part of the necessary treatment rather than as a reward for good conduct.
- Vocational training geared to the labor market should be provided, and attempts should be made to develop job placement in the local home community before release.
- General and remedial education should be offered, with a broader curriculum in preparation for the GED.
- Because of the apparently high incidence of learning disabilities, a comprehensive learning disability program should be developed, including a diagnostic and evaluation component.
- The staff should have intensive training in individual, group, and family counseling. Initial training can be conducted through specialized workshops. Ongoing weekly training can be conducted by the psychological counselors assigned to each living unit.

17. See *Technical Report 5, Inventory of Programs and Services*, pp. 139-44.

18. See *New Mexico Standards and Goals*, Standard 5.14, p. 105.

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### **Time of Stay**

The recommended period of stay for youths at this institution is three to seven months.

### **The Boys' School (Camp Eagle Nest)**

#### **Clientele**

Mostly younger (sixteen and under) boys who were previously committed to the Division of Corrections or are currently committed on a serious offense should go to Camp Eagle Nest. These boys are more likely to have failed at various community-based programs and at attempts to be reunited with their families.

#### **Services and Programs**

The services and programs at Camp Eagle Nest fall into the following categories:

- admission and orientation process
- the Step Program
- the education program
- psychological services
- medical services
- food services
- religious program
- recreational program
- visiting

The Master Plan Team makes the following recommendations to improve these programs and services:

- There should be less reliance on the Step Program. Instead, increased use should be made of an individual contract system best suited to the youngster's needs, involving perhaps individual, family, and/or group counseling.
- Home visits should be offered with greater flexibility, approaching these as part of the necessary treatment rather than as a reward for good conduct.
- At least two psychological counselors should be assigned to Camp Eagle Nest, holding at least master's degrees.
- A special program should be sponsored by the state to maximize involvement of families in the institutional program, by providing transportation and overnight housing like that recommended for Springer, and offering an opportunity for family counseling.
- Because of the high incidence of learning disabilities, a comprehensive learning disability program should be developed, including a diagnostic and evaluation component.
- The staff should have intensive training in individual, group, and family counseling. Initial training can be

conducted through specialized workshops. Ongoing weekly training can be conducted by the psychological counselors.

- A recreational program should be formally organized, and the facilities at Springer (Campbell Gym) should be used when feasible.

### **Time of Stay**

The recommended period of stay for youths at this institution is three to seven months.

### **The New Mexico Girls' School (Youth Diagnostic Center)**

#### **Clientele**

Mostly young boys (fifteen to sixteen) and girls (fifteen to seventeen) who were committed to the Division of Corrections on a serious offense and are living in the northern portion of the state (in the First, Second, Fourth, Eighth, Tenth, Eleventh, and Twelfth Judicial Districts) should be sent to the Girls' School.

#### **Services and Programs**

The services and programs at the Youth Diagnostic Center fall into the following categories:

- intake and orientation procedure
- the Step Program
- the living group program
- diagnostic services
- the education program
- medical/dental services
- food services
- religious program
- recreational program
- visiting

The Master Plan Team makes the following recommendations to improve these programs and services:

- There should be less reliance on the Step Program. Instead, increased use should be made of an individual contract system best suited to the youngster's needs, involving perhaps individual, family, and/or group counseling.
- Special emphasis should be placed on family counseling, with weekly sessions including the youngster and family together.
- Home visits should be offered with greater flexibility, approaching these as a part of the necessary treatment rather than as a reward for good conduct.

- Grant leave passes to attend various cultural activities in the Albuquerque area should be offered with greater flexibility.
- Because of the apparently high incidence of learning disabilities, a comprehensive learning disability program should be developed, including a diagnostic and evaluation component.
- Each living unit should have a psychological counselor holding at least a master's degree.<sup>19</sup>
- The staff have intensive training in individual, group, and family counseling. Initial training can be conducted through specialized workshops. Ongoing weekly training can be conducted by the psychological counselor or by the psychologists connected with the diagnostic service, as their diagnostic work permits.

#### **Time of Stay:**

The recommended period of stay for youths at this institution is one to seven months.

### **Camp Sierra Blanca**

#### **Clientele**

Mostly young boys (fifteen to sixteen) and girls (fifteen to seventeen) who are committed to the Division of Corrections on a serious offense and living in the southern portion of the state (in the Third, Fifth, Sixth, Seventh, Ninth, and Twelfth Judicial Districts) should be sent to Camp Sierra Blanca.

#### **Services and Programs**

Services and programs at Camp Sierra Blanca should be similar to those described under the Youth Diagnostic Center or Girls' School, above.

The Master Plan Team is cautious in suggesting the staff required to operate Camp Sierra Blanca effectively at full, or nearly full, capacity, but it is anticipated that a total of twenty-two to twenty-six persons would be required. The additional personnel needed to staff Camp Sierra Blanca as a juvenile facility should logically come through transfers from the other institutions, as their populations decrease.

#### **Time of Stay**

The recommended period of stay for youths at this institution is one to seven months.

### **Effects of the Recommended Changes**

The changes described above in the character, use, and programming at juvenile institutions would have the following advantages over the present system of juvenile facilities:

- More flexibility in programming from use of coeducational facilities for regular commitments; more emphasis on community-based institutions; and, greater use of other therapeutic approaches.
- More potential for reduced commitments, bringing less likelihood of future overpopulation, which could create crisis situations necessitating unplanned and costly appropriations for additional living space.
- More potential for interface with community-based programs and with families at the point where the juvenile leaves the institution and is reintegrated into the communities.
- More likelihood of successful reintegration of youngsters into their families, which would reduce the use of foster and group home placement, as well as the use of private institutions.

As suggested above, locating the Boys' School at Springer in a remote, sparsely settled corner of the state was an error. The school's remoteness limits family involvement, seriously handicaps the recruitment of technically or professionally trained staff, and complicates administration. Camp Eagle Nest presents similar problems. There is no logic, therefore, in compounding the problem of remote locale by transferring any female youths to those facilities. It also seems best to limit Springer's use to older boys, those committing the most serious offenses, or those who had previously been committed to the Division of Corrections.

As the population at the Boys' School at Springer decreases, it is recommended that:

- Additional lodges that are vacant be converted to facilities for visiting parents; and
- Camp Eagle Nest be either closed or converted to a minimum security adult facility.

The decline in the Youth Diagnostic Center's population, with the reduction and eventual elimination of diagnostic commitments, should be matched by the center's intake of younger boys who are less serious offenders on a first-time regular commitment from the northern portion of the state. Psychologists providing diagnostic

19. See *ibid.*, Standard 5.14, p. 105.

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services should then shift to treating students and training the staff. Assuming that the recommendations not now acceptable (e.g., concerning Springer's use) are later implemented, then Camp Sierra Blanca would be adequate to house the younger boys and girls who

are less serious offenders on a first-time commitment from the southern portion of the state. As set forth above, needed staff should be obtained through transfers from the Boys' School, where reductions in the population should make staff reductions feasible.

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## Community Agencies: Aftercare Supervision and Community Reintegration

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Aftercare is a program of reintegration into the community after confinement. Generally, an aftercare program is designed to ensure that the youth has a suitable place to live and is involved in either school or work. Violation of the conditions of aftercare should cause the youth to be returned to the institution.

Currently, no specialized juvenile reintegration services exist in New Mexico. A youth is paroled from an institution, with its extremely controlled environment and is placed in the community in much the same environment s/he had before commitment. The assigned parole officer will not likely be a specialist in working with juveniles, since officers generally have both adults and juveniles in their caseloads.<sup>20</sup> Some have therefore suggested that the parole function could best be handled by probation officers, and that this function should be transferred from the Division of Corrections to the courts.<sup>21</sup> The rationale behind that suggestion is that probation officers have greater familiarity with their clients and problems, have greater familiarity with the community and its resources, and could specialize in handling juvenile caseloads.

The Master Plan Team has concluded that the parole function should remain with the Division of Corrections. This approach provides greater uniformity in standards and practices and more control over the process of interfacing institutional treatment and reintegration into the community. New Mexico should continue operating under the present system of juvenile parole, and avoid seeking to solve problems by transferring jurisdiction from one branch of government to another. The more important issue is not *who* handles the problem, but *how* it is handled and what resources are brought to bear. It seems unwise to go through the great turmoil of developing a new system when the old one can be ameliorated to meet the needs.

The following specific recommendations are made to improve the present system of juvenile parole:

- Planning for aftercare should begin as soon as a youngster is sent to an institution. The juvenile parole officer who will ultimately be responsible for the youth's aftercare supervision should meet with the youth's parents or guardian immediately to explain both the residential program to which the youth is being sent, and the formal aftercare program to which the youth will eventually return.
- The juvenile parole officer should visit the youth at least once during the youth's stay at an institution, to discuss specific details of the youth's plans on returning to the community.
- Aftercare should be administered on an individual basis. Goals and conditions should be set by the youth, the parents, and the parole officer in conjunction with institutional staff.
- Juvenile parole officers should be thoroughly familiar with the program developed for the youngster in the institution. The aftercare program should emphasize practical applications of the skills developed in the institution and implementation of the specific plans the youth has developed.
- Juvenile parole officers should be trained in family counseling, to enable them to continue this process with the youngster and the family in the community, when necessary.
- The parole supervision function should be specialized and tied to the community reintegration processes. As part of the strategy to decentralize juvenile residential programs, establishment of pre-parole community corrections centers should be considered for the future. Such centers could provide

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20. 1978 *Criminal Justice Comprehensive Plan*, Chap. III, p. 153.

21. See *Addendum Phase III/IV Report*, (1977), pp. 12-14.

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the opportunity for the parole plan to be instigated before parole and could also be used to provide supervision for youths while staff members are working with both the child and the parents.

At the present time, probation officers handle some juvenile parole functions in certain judicial districts, under an informal agreement with the Division of Corrections. This shared process should be formalized, and joint powers contracts should be executed in those jurisdictions and others wishing to experiment along the same lines. The agreements should take the form of a Division of Corrections purchase of services from the courts and the probation departments to provide parole functions. The GCCJP should then collect data on these more formalized experiments to determine their effectiveness.

Until recently, a juvenile's parole status was determined by a board composed of those responsible for the youth's care and rehabilitation. This procedure was severely criticized, and as a result of the criticisms the legislature in 1977 passed the Juvenile Parole Board Act. The act creates a Juvenile Parole Board consisting of three members appointed by the governor and "qualified by education or professional training in fields such as criminology, education, psychology, psychiatry, law, social work, or sociology." Since the board was created so recently, the Master Plan Team does not consider it timely to comment on its effectiveness. In theory, however, the Juvenile Parole Board concept seems to provide the independent and skilled judgment needed in making juvenile parole determinations. The Master Plan Team is concerned, however, that the Juvenile Parole Board's members are not compensated for their services. Legislation should be developed regarding board member compensation, to ensure that members devote adequate time and effort to juvenile parole determinations.<sup>22</sup>

The Master Plan Team makes the following recommendations for community postrelease programming, according to level of care:

- Home release should be used whenever possible for youngsters showing no significant problems re-orienting themselves to their families and communities.
- Group homes should be used for those whose delinquency appears to stem from a breakdown of family functioning and for those able to relate to others in their peer group and willing to work on behavior problems.
- Foster homes should be used for those whose delinquency appears to stem from breakdown of family functioning, who are not able to return home, and who are not able to relate to others in their peer group.
- Community mental health centers should be used for those who have a satisfactory home placement in the community and are attending school or employed, but who need more intensive counseling.
- Multiservice or youth service agencies should be used for those who have a satisfactory home placement in the community but need special education, recreation, counseling, and employment services.
- Nonresidential drug and alcohol programs should be used for youths who have a satisfactory home placement in the community and an ability to handle their substance abuse problems with some supervision.
- Residential drug and alcohol programs should be used for youths having no home to return to, or a substance abuse problem requiring very close supervision and intensive treatment.

These recommendations cover generally the same types of postrelease services recommended in the section on Independent Community-based programs in Chapter 10. The judicial districts needing such services are specified in Table 10-2. In effect, this planning format has come full cycle in the juvenile justice system. The community-based programs and services that provide intervention and diversion functions at the beginning of the system also provide aftercare and reintegration functions at the end of the system. For this reason, the importance of these community-based programs and services cannot be overemphasized.

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22. See *New Mexico Standards and Goals*, Standard 5.16, p. 106.

# 12 Special Issues

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This chapter sets forth the Master Plan Team's recommendations on a variety of special juvenile justice issues. These include the juvenile justice information system, training, special concerns about status offenders, proposed revisions to the Children's Code, a

funding strategy for changes in the juvenile justice system, and a variety of administrative issues (e.g., areas of responsibility for government agencies in the juvenile justice field).

## Juvenile Justice Information System

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At present, many agencies in the juvenile justice system collect data, but none has established a formal information system. It is difficult to use available data for planning, to measure the juvenile justice system's performance, or to determine its cost-effectiveness because different agencies often use different classifications, terminology, reference periods, accounting units, and accounting procedures. In many instances key data elements are not available.<sup>1</sup>

The GCCJP is the primary source collecting data on juvenile justice and is responsible for the planning and distribution of LEAA funds for the entire criminal justice system. The GCCJP juvenile justice specialist collects and analyzes data on the juvenile justice system to assist the state in developing comprehensive plans for programs to be funded and to evaluate the effectiveness of funded programs. In most instances, information is simply garnered from a local agency by GCCJP, often from either a questionnaire distributed to agencies, onsite interviews, or telephone interviews.

Individual reports are prepared by some police and protection agencies, the Division of Corrections, and the Administrative Office of the Courts. While these are useful, they each naturally deal with specific jurisdictions and do not provide an overall picture. An individual cannot be tracked through the system except through sample surveys, such as JOBTS.<sup>2</sup>

New Mexico should continue to develop a comprehensive juvenile justice information system consistent with the confidentiality statute of New Mexico.<sup>3</sup> Specific components of the system are described below. The information system should attempt to track juveniles at every point in the juvenile justice system, including their contact with community programs before entering the correctional system. The tracking system should include:

### System Components

#### Client Tracking System

- Demographic data: socioeconomic, educational, diagnostic, and treatment.
- Judicial history: arrests and dispositions.
- Treatment and education: skills development and outcomes.

#### Program Evaluation System

A program evaluation system should be developed to gather program output data and cost-benefit data.

#### Cost-Accounting System

A cost-accounting system should be developed to provide actual cost information, by program.

#### Personnel System

A system should be developed to provide information on specific necessary personnel performances, as reflected by periodic cost-benefit and cost-effectiveness measures.

#### Evaluation and Monitoring System

The information system should include a research and evaluation component with an on-line computer capability.

### Funding

A grant should be awarded for the purpose of coordinating development of the information system. The GCCJP should procure funding to form a planning committee, with representatives from all major com-

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1. See *Phase I Report* (1976); *Phase III/IV Report* (1977).

2. See *1978 Criminal Justice Comprehensive Plan*, Chap. II, pp. 405-42.

3. See *New Mexico Standards and Goals* (1976), Standard 1.22, p. 73.



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ponents of the system. The committee should develop uniform statistical procedures with special emphasis on juvenile police services, juvenile protection services, juvenile detention facilities, juvenile courts, and juvenile institutions.

Technical assistance in developing the specific information system most suitable to New Mexico should be obtained through a technical assistance request to the Office of Juvenile Justice and Delinquency Prevention, of the LEAA.

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## Training

There is a tremendous need for training in all areas of the New Mexico juvenile justice system including police, courts, corrections, and community-based programs. While all participants in New Mexico's juvenile justice system recognize this need for training, little has been done in the way of developing training programs and allocating resources for this purpose.

The first step in developing a comprehensive training program should be assessing training needs. A systematic training needs assessment study should therefore be conducted. This study should be accomplished through systematic interviews of persons who serve clients in the field, supervisors, administrators, and

training officers. Since the function of redefining jobs (where appropriate) is in issue, the skills necessary to perform new as well as old functions should be identified and considered. It is important to develop comprehensive training criteria, taking into account not only training content but also time and location of programs, who should be trained, who should do the training, and cost factors. The Master Plan Team thinks that this study of training needs can best be accomplished by an "outsider" and it recommends that technical assistance be requested from the Office of Juvenile Justice and Delinquency Prevention, of the LEAA.

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## Status Offenders

The handling of status offenders has been discussed at length in prior Master Plan technical reports.<sup>4</sup> The juvenile justice system (i.e., the juvenile courts) should continue to take responsibility for status offenders, but local communities should be enlisted to take major roles in the prevention of status offenses (see Chapter 9). Local community agencies serving juvenile offenders should develop the capacity to treat status offen-

ders without the necessity of judicial processing. Law enforcement officials should immediately end the practice of detaining status offenders in lock-up facilities, and status offenders should be treated in accordance with the guidelines established in the 1974 Juvenile Justice and Delinquency Prevention Act (see Chapter 10).<sup>5</sup>

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## Children's Code

The existing Children's Code, controversial since its enactment in 1972, has come under serious legislative scrutiny. Two sections have been repealed, twelve have been amended, and more than twenty bills have been introduced on the subject of juvenile justice. A

proposed Juvenile Code, SB 26, was introduced and defeated in the 1976 legislative session.

While some of the concern about the Children's Code seems well intended, most criticisms appear to enter into the realm of pure politics. The Master Plan Team

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4. See *Phase I Report*, pp. 36-38; *Technical Report 5 (1977)*; *Phase III/IV Report* pp. 46-48.

5. See *New Mexico Standards and Goals*, Standard 15.9, p. 397.

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considers that, on the whole, the Children's Code is both sound and just and that it would be a mistake at this time to rewrite it. Any proposed changes in the Children's Code should be carefully thought out, discussed, and introduced by an advisory committee composed of representatives of all components of the juvenile justice system, including police, courts, corrections agencies, and communities, so as to maximize the

support for recommended changes and minimize political factors.

Some provisions of the Rules of Procedure for the Children's Code, which became effective April 1, 1976, and the Children's Code itself appear to be in conflict. These conflicts should be resolved by the Supreme Court.<sup>6</sup>

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## Funding Strategy

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New Mexico has been very adept at recognizing many of its problems in the juvenile justice system, but very slow in providing the money to cure identified problems. At present, the focus on funding in the juvenile justice area has been at the "end" of the system with the most difficult problem youngsters (i.e., those with the least potential for change) rather than at the "beginning" of the system with youngsters offering the greatest promise of successful treatment and diversion from the correctional system. For example, the 1976-77 Division of Corrections Boys' School and Youth Diagnostic Center combined budgets total over \$3,000,000, while the amount budgeted that year for all thirteen probation departments was \$1,594,000.

The Master Plan Team has emphasized the need to focus on the intake stage of the juvenile system, and has recommended that the state assume responsibility

for providing necessary funding for changes. Thus, additional money should be allocated by the state to private groups to finance the important role that communities in general play in preventing delinquency. State funds should also be allocated to public agencies (e.g., police, courts, probation, and youth service agencies) that serve youngsters once they become identified as juvenile offenders.

Federal funds are available through LEAA for the short-term testing of new concepts and ideas and for implementing new system elements. Ultimately, however, these grants will become unavailable and alternative funding must be substituted by the local community or state, if programs are to continue. Since many local communities are not financially able, the state must bear responsibility for the continuation and expansion of juvenile justice system elements.

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## Administrative Responsibility for Services

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The Master Plan Team notes that the key reason for slow progress in resolving juvenile justice problems is that concern has focused on "territorial battles" and jurisdictional questions regarding control of and responsibility for the youngsters, rather than on resolution of the problems. Conflicts have arisen over who should handle the status offender — HSSD or the courts —

and who should handle probation supervision and aftercare — the Division of Corrections or the courts. The judicial and executive branches of government engage in power struggles, rather than working together for the benefit of the youngsters. The Department of Criminal Justice should act effectively to mediate this conflict, to bring the system together.

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6 See *ibid.*, Standard 4.6, p. 94.

# Implementation

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# 13 Scheduling and Costs

The following tables summarize costs and scheduling for implementation of the Master Plan recommendations. The estimated total cost of all recommended measures amounts to \$15,989,875 in Year 1 (1978-79) changing to \$11,032,925 in Year 3 (1980-81). All costs are in addition to current levels of operating expenses. Total costs include \$8,550,000 in capital improvements and \$7,439,875 in annual operating expenses in Year 1; for Year 3, the breakdown is \$2,500,000 in capital improvements and \$8,532,925 in annual operating expenses. Of the total costs for Year 1, \$10,925,875 result

from adult system recommendations and \$5,064,000 from juvenile system recommendations.

It should be noted that certain recommendations for institutional programming could not be accurately translated into costs, because they entail expansions of existing programs and the information on present cost levels of these programs was not available. It should also be noted that all cost figures are general estimates; these figures are not developed to the level of specificity required for budget requests.

## Adult

### Precorrections

	Year 1	Year 2	Year 3
1. Establish preprosecution program	\$ 95,000	\$190,000	\$190,000
2. Make modifications to Criminal Sentencing Act	No direct costs		
3. Institute annual sentencing workshops for district court judges	5,000	5,000	5,000
4. Mandate presentence reports for all felony cases	Not available	Not available	Not available
5. Make all sentences for incarceration to the Division of Corrections (not to the Penitentiary of New Mexico), followed by incarceration in the ICC for classification	No direct costs		
6. Expand DHI mobile evaluation teams for diagnostic services	250,000	250,000	250,000
7. Remodel wing at PNM for forensic treatment unit (twenty-five-bed capacity); staff wing	309,000	59,000	59,000

1. *Preprosecution program*: Year 1 costs represent the addition of 0.5 probation officer in each judicial district. Year 2 and Year 3 costs are for addition of another 0.5 probation officer per judicial district.

2. *Modifications to Criminal Sentencing Act*: Although there are no costs assigned to writing the amendments, these amendments could, if passed, have substantial cost implications due to their impact on average daily population figures. It is likely that the effect of the amendments would be to reduce ADP, resulting in major savings throughout the corrections system.

3. *Judicial workshops*: Costs are for per diem, travel, and honoraria; data are from the California Judicial Council and

are based on an estimate of the cost per workshop.

4. *Presentence reports for felons*: It is anticipated that presentence reports will continue to be handled by existing field services personnel.

5. *Commitment to Division of Corrections*: This is an administrative change only.

6. *DHI mobile evaluation teams*: Estimated costs are for personnel and travel for additional teams.

7. *Remodeling PNM to create FTU*: Costs are based on an estimated \$10,000 per bed remodeling cost. Salaries include one psychiatrist, estimated at \$25,000, and two psychological technicians, at \$17,000 each.

## Intake and Classification

	Year 1	Year 2	Year 3
1. Construct a new facility for intake and classification (see Facilities)	—	—	—
2. Establish classification and intake program (including diagnostic data system, security classification system, and program evaluation system)	\$400,000	\$475,000	\$1,294,800

1. *New facility for intake and classification:* See Facilities.  
 2. *ICC program:* Comparable functions in the California corrections system cost approximately \$10,000 per inmate-year in operating expenses. This figure was adjusted downward, to \$7,800 per inmate-year, to reflect lower costs in New Mexico. (At \$7,800 per inmate-year, operating costs for the ICC when it reaches projected full capacity in 1985 would be roughly \$1.6 million annually.)

The \$7,800 per inmate-year was applied to a projected ADP of 166 in 1980-81, the first year in which the ICC will be housed in a new, separate facility.

For Years 1 and 2 (1978-79 and 1979-80), operating costs were computed based on salaries and benefits for the additional *professional* staff members required to handle an ADP of 141 in 1978-79 and 153 in 1979-80.

## Community Corrections

	Year 1	Year 2	Year 3
1. Establish institutional release (prerelease) programs	No cost	No cost	No cost
2. Establish community release centers (six programs with thirty residents each)	\$312,000	\$624,000	\$936,000
3. Contract placements in private residential treatment programs for drug and alcohol abusers	207,000	414,000	621,000
4. Establish halfway house(s) for women	77,625	155,250	232,875

1. *Institutional prerelease:* Costs are already included in various institutional program costs.

2. *Community release centers:* The lower end of community release center costs in LEAA/NILECJ cost analysis studies, was used for Master Plan estimates: \$14.18 per inmate-day, for all operational costs including rent, staff, etc. The cost per participant-year is thus approximately \$5,200, and the annual operating cost of a program for thirty offenders is approximately \$156,000. These costs were then applied to the following implementation schedule:

Year 1: two programs, \$312,000  
 Year 2: add two more programs, \$624,000  
 Year 3: reach target of six programs, \$936,000

3. *Residential treatment:* Based on LEAA/NILECJ cost analysis studies, a unit cost of \$5,175 per inmate-year was developed. This was then phased over three years in increments of forty slots each year. Thus:

Year 1: 40 slots, \$207,000  
 Year 2: 80 slots, \$414,000  
 Year 3: 120 slots, \$621,000

4. *Halfway houses for women:* LEAA/NILECJ figures of \$5,175 per inmate-year were used.

Year 1: one program (fifteen women), \$ 77,625  
 Year 2: two programs (thirty women), \$155,250  
 Year 3: three programs (forty-five women), \$232,875

## Institutional Programming

	Year 1	Year 2	Year 3
1. Establish separate Bureau of Programs and Services (see Administration)	—	—	—
2. Adopt equal opportunity policy	No cost	No cost	No cost
3. Liberalize correspondence and visiting policies, including provision for conjugal visiting, community-sponsored programs	\$ 20,000		
4. Establish general circulation and law libraries at each institution	30,000	\$ 3,000	\$ 3,000
5. Upgrade medical services (phased implementation to attain targeted budget by 1979-80)*	Not available	Not available	849,600*
6. Establish special school district for management and administration of all educational programs (phased implementation to attain targeted amount by 1979-80)*	Not available	Not available	283,000*
7. Upgrade vocational education and training (phased implementation to attain targeted budget by 1979-80)*	Not available	Not available	318,600*
8. Change statutes regarding prison industries (phased implementation to attain targeted budget by 1979-80)	Not available	Not available	991,200*
9. Establish women's affairs officer within the Division of Corrections (see Administration)	—	—	—
10. Establish special vocational/educational program for women (see 7 above)	—	—	—
11. Adopt statement of civil rights for inmates, with revised institutional rules and regulations, grievance and disciplinary policies and procedures; establish arbitration mechanism	—	—	105,000*

\*For these recommendations, per inmate costs are based on California Department of Corrections cost data, adjusted downward slightly to take approximate account of differences in salaries etc. in New Mexico.

1. *Bureau of Programs and Services*: Organizational changes are discussed under Administration.

2. *Equal opportunity policy*: No direct costs involved.

3. *Correspondence and visiting policies*: Year 1 costs represent the cost of four trailers to be provided for overnight visiting at PNM, Los Lunas, and Camp Sierra Blanca. No other direct costs are estimated.

4. *General circulation and law libraries*: The Year 1 \$30,000 estimate allocates \$20,000 to the PNM library and \$5,000 each to Los Lunas and Camp Sierra Blanca. The \$3,000 in following years is for maintenance costs.

5. *Medical services*: Year 3 costs represent an estimated budget amount based on an ADP of 1416 inmates and a cost per inmate estimate for medical services of \$600. No estimate

is available on the increase over present budget levels.

6. *Special school district for management of all educational programming*: Year 3 costs represent a targeted amount based on an ADP of 1416 inmates and an average cost per inmate of \$200 for educational programming. No estimate is available on the increase over present budget levels.

7. *Vocational education and training*: Year 3 costs represent a targeted amount based on an ADP of 1416 inmates and an average cost per inmate of \$225 for vocational education and training. No estimate is available on the increase over present budget levels.

8. *Statutes regarding prison industries*: Year 3 costs represent a targeted amount, based on an ADP of 1416 inmates and an average investment of \$700 per inmate. This expenditure

should, however, be largely or entirely recovered from prison industries revenues.

9. *Women's affairs officer:* Organizational changes and costs are discussed in Administration.

10. *Programs for women:* Costs are included in 7, above.

11. *Civil rights for inmates:* Year 3 costs represent a targeted amount, based on an ADP of 1416 inmates and an average cost per inmate of \$75. No estimate is available on the increase over present budget levels.

## Facilities

	Year 1	Year 2	Year 3
1. Establish regional minimum security programs (two to three fifty-bed centers)	\$ 328,500	\$ 657,000	\$ 985,500
2. Establish new Intake and Classification Center	8,300,000	—	—
3. Make modifications to PNM	—	1,000,000	2,500,000
4. Establish Los Lunas Medium Security Facility (operating budget)	—	—	2,246,000
5. Establish minimum standards for local detention facilities	10,000	—	—

1. *Regional minimum security programs:* The estimate covers three programs phased over the coming three-year period at one per year; costs are based on a per resident cost of \$18 per day, including lease of appropriate existing facilities, each program is estimated at fifty residents.

2. *Intake and Classification Center:* An \$8.3 million preliminary estimate for this 208-bed facility is based on a cost of \$40,000 per bed. Estimates should be reviewed after a preliminary building program has been prepared to ensure that all costs are accurately reflected in the budget.

3. *Modifications to PNM:* Modifications to existing dormitory

units and maximum security housing are to be phased in conjunction with an overall reduction in inmate population. Final estimates for changes to maximum security units (Year 2) and medium security dormitory units (Year 3) depend on more precise studies of structural options.

4. *Los Lunas Medium Security Facility:* Estimated annual operating expenses at completion of planned new facility are based on a cost of \$7,800 per inmate and full occupancy of the 288-bed facility.

5. *Minimum standards for local detention facilities:* The \$10,000 is set aside for development of standards.

## Administration

	Year 1	Year 2	Year 3
1. Reorganize Department of Corrections	No cost	No cost	No cost
2. Expand Division and Department personnel	\$131,750	\$131,750	\$131,750
3. Establish program budgeting	No cost	No cost	No cost
4. Establish equal opportunity recruitment program	5,000	5,000	5,000
5. Improve training procedures, including special orientation training, in-service training, supervisory level training	75,000	75,000	75,000
6. Increase employee benefits and incentives	370,000	233,000	240,000
7. Establish career ladder	No cost	No cost	No cost
8. Establish planning and management system	No cost	No cost	No cost



1. *Reorganization*: This entails only administrative change, many elements of which are already underway.

2. *Expansion of central office*: Estimated amounts are for salaries (plus fringe benefits) for additional personnel. Yearly salary increases are included in 6 below.

3. *Program budgeting*: Any additional costs, in data collection or personnel time, are already included in other recommendations costs, particularly in the expansion of the Division and Department planning personnel.

4. *Equal opportunity recruitment*: Additional personnel costs are already included in Division and Department expansion; \$5,000 is allocated for a media and publication budget.

5. *Improved training*: Some administrative personnel costs are already included in the expansion of Division and Department personnel; \$75,000 is the estimated budget for curricu-

lum, consultants, special instructional staff, and instructional materials (including audio-visual).

6. *Increased employee benefits*: A 5-percent increase is recommended in Year 1, followed by 3-percent increases in Years 2 and 3. Percentage increases were computed from the present salary and benefit level of approximately \$7.4 million. These percentage increases do not include cost-of-living increases, which would adjust base salaries upward and thus increase the amount of the increment recommended here.

7. *Career ladder*: Additional costs are already included in the personnel expansion budget.

8. *PMS*: Costs are primarily for personnel, and these are already included in the Division and Department expansion and ICC operating budgets.

## Juvenile

### Juveniles

	Year 1	Year 2	Year 3
1. Establish uniform law enforcement policies for police discretion regarding juvenile diversion	\$ 2,000	—	—
2. Establish uniform procedures for police-juvenile contacts, emphasizing procedures for offenses not handled effectively through arrest	2,000	—	—
3. Review law enforcement policies regarding detection, deterrence, and prevention	2,000	—	—
4. Establish "prevention training" for police	20,000	—	—
5. Establish procedures for liaison with nonpolice agencies	No cost		
6. Convene task force on juvenile justice procedures	5,000	\$ 5,000	\$ 5,000
7. Implement Division of Corrections plan for establishing regional detention facilities for juveniles	4,000,000	—	—
8. Enact legislation to eliminate the detention of status offenders	No cost		
9. Institute crisis prevention project	188,000	188,000	188,000
10. Expand First Offender Program	50,000	50,000	50,000
11. Amend statute creating N.M. public defender to specifically include juveniles	Not available	Not available	Not available
12. Study role of prosecution and impact on juvenile justice system	15,000	—	—
13. Institute procedures for preparation and use of social case histories and presentence reports	Not available	Not available	Not available
14. Establish judicial training program emphasizing dispositional alternatives	15,000	—	—
15. Establish independent community-based programs	250,000	500,000	750,000

1. *Uniform law enforcement policies for police discretion:* Year 1 funds are set aside to convene law enforcement authorities.

2. *Uniform procedures for police-juvenile contacts:* Same as 1 above.

3. *Review of law enforcement policies regarding detection, deterrence, and prevention:* Same as 1 above.

4. *"Prevention training" for police:* Same as 1 above.

5. *Procedures for liaison with nonpolice agencies:* No cost.

6. *Task force on juvenile justice procedures:* The \$5,000 figure is estimated for expenses.

7. *Regional detention facilities for juveniles:* A \$4 million appropriation is needed to establish a state grant-in-aid program to help jurisdictions construct or renovate facilities for the detention of juveniles (based on GCCJP legislation).

8. *Legislation to eliminate detention of status offenders:* Legislative action is required; no direct costs are involved.

9. *Crisis prevention project:* Costs reflect one probation officer position for each of the thirteen judicial districts (at a rank of Officer 2 the salary is \$14,467).

10. *Expansion of First Offender Program:* A sum of \$50,000 is set aside to expand this existing program.

11. *Inclusion of juveniles in public defender statute:* No cost estimates are available on the additional staff positions required for public defenders to offer services to juveniles.

12. *Role of prosecution and impact on juvenile justice system:* The \$15,000 is set aside for a special study.

13. *Procedures for preparation and use of social case histories and presentence reports:* Cost figures are not available.

14. *Judicial training program:* The \$15,000 is set aside for expenses.

15. *Independent community-based programs:* The appropriation is for programs targeted in ten districts, estimated at \$75,000 per district, phased over a three-year period.

## Juvenile Facilities

	Year 1	Year 2	Year 3
1. Provide 25-percent "cash match" for residential youth care facilities (seven districts)	\$175,000	—	—
2. Provide funding to DHI for mobile evaluation units	125,000	\$ 125,000	\$ 125,000
3. Use Youth Diagnostic Center as a coeducational center for regular commitments from the northern portion of the state	No cost	No cost	No cost
4. Use Boys' School for older boys	No cost	No cost	No cost
5. Provide transportation and lodging for parental visiting	25,000	25,000	25,000

1. *"Cash match" for residential youth care facilities:* This represents the state contribution to private organizations in seven targeted districts (at \$25,000 per district).

2. *Funding to DHI for expansion of mobile evaluation units:* An estimated \$125,000 is needed for expansion of the present program.

3. *Use of Youth Diagnostic Center as a coeducational center for northern portion of the state:* No cost.

4. *Use of Boys' School for older boys:* No cost.

5. *Transportation/lodging for parents at Boys' School:* Transportation and lodging are estimated at \$25,000 annually.

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### Juvenile Institutional Programming and Aftercare Services

	Year 1	Year 2	Year 3
1. Establish counselor positions at Boys' School, Camp Eagle Nest, Youth Diagnostic Center	\$ 60,000	\$ 60,000	\$ 60,000
2. Modify current juvenile parole practices	25,000	25,000	25,000
3. Provide compensation for Juvenile Parole Board members' services	30,000	30,000	30,000

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1. *Counselor positions at Boys' School, Camp Eagle Nest, Youth Diagnostic Center:* The amount covers two positions at each institution estimated at \$10,000 per position.

2. *Modifications to current juvenile parole practices:* The estimate allows \$25,000 annually for changes in existing services.

3. *Compensation for Juvenile Parole Board members:* The \$30,000 is allocated to part-time board members for expenses incurred (per meeting or direct expense).

### Juvenile Special Issues

	Year 1	Year 2	Year 3
1. Develop a comprehensive juvenile justice information system (funds have been allocated)	—	—	—
2. Develop comprehensive training program for all areas of the juvenile justice system	\$75,000	—	—

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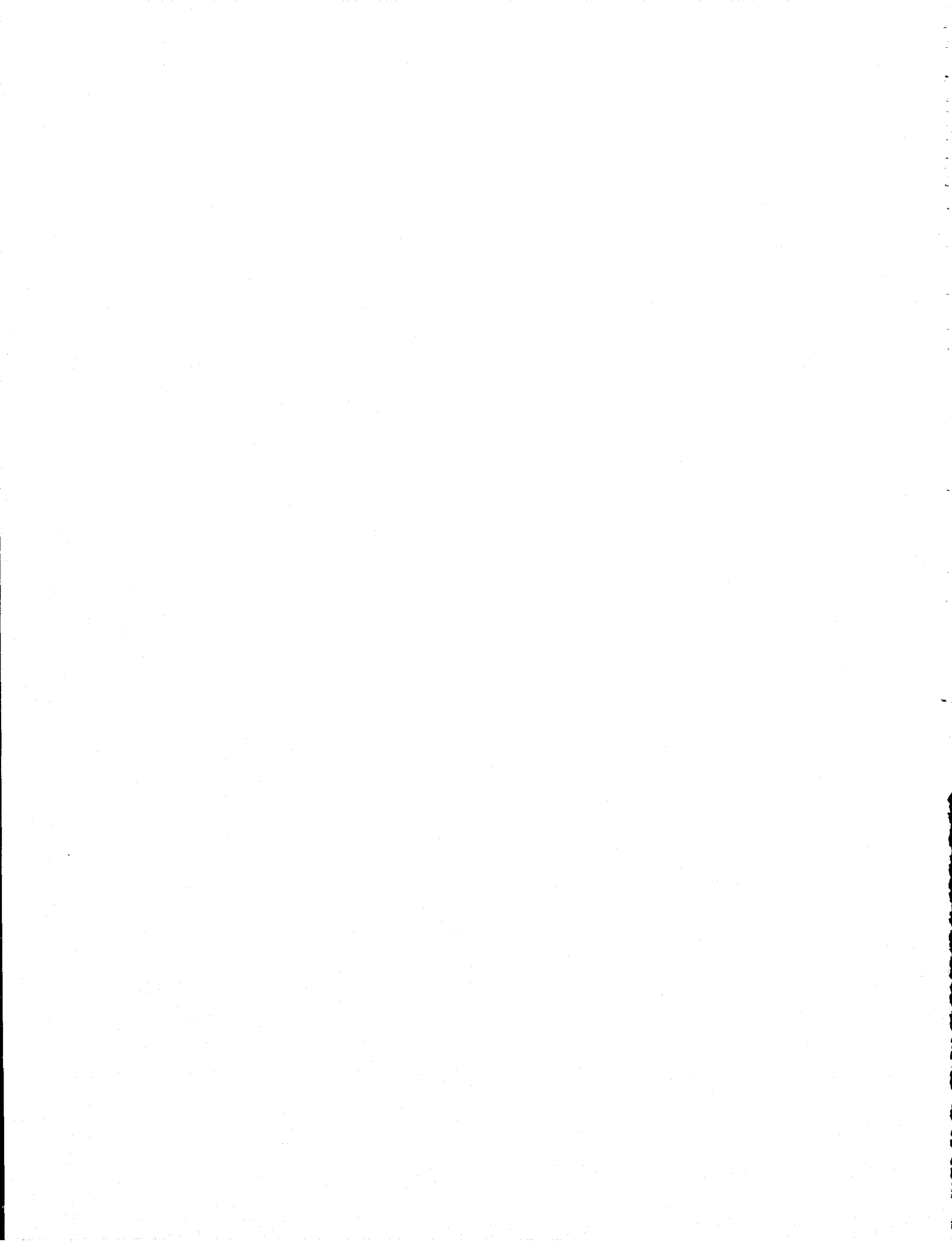
1. *Comprehensive juvenile justice information system:* Funds have already been allocated for this recommendation.

2. *Comprehensive training program:* The \$75,000 is set aside for Year 1 training development.



# Appendices

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# Appendix 1: Adult Projections

## Baseline Data

### Projection Assumptions

Projections of the adult corrections population were originally presented in *Technical Report 1* in January 1977. Alternative projections were described in terms of a worst case (linear regression) and a best case (population ratio) projection. The worst case assumes a continuation of recent linear increases in adult admissions over the next ten years; the best case is based on population growth, which has been increasing at a slower rate than admissions in recent years. This approach was continued in *Technical Report 4*, issued in June 1977, which discussed the impact of the Criminal Sentencing Act of 1977 on the projected corrections population (see Table A-1).<sup>1</sup>

Projections of average daily population were derived from admissions projections of average length of stay for offender categories, as well as provisions of the Sentencing Act. One predicted effect of the Sentencing Act is a large increase in the average daily population within a very short time span, beginning in 1980.

These projections should be reviewed and revised when new legislative proposals are made or more current data on corrections population trends become available. The accuracy of a projection is ultimately determined when the predicted values are matched to actual corrections flow. Comparison of the projected values for FY 1976-77 with the actual data for that year demonstrates that the worst case projections are within 3 percent of the actual admissions and average daily

population (see Table A-2).<sup>2</sup> The apparent close match to the worst case projections must be qualified by an analysis of the types of admissions, however.

As demonstrated in Table A-3, the entire increase in admissions between FY 1975-76 and FY 1976-77 can be attributed to a dramatic 143-percent increase in county jail prisoners. County jail prisoners comprised 28 percent of total admissions in 1976-77, compared to only 13 percent the previous year. The major influx of county prisoners came from the Albuquerque area, and should be greatly eased by the completion of new jail facilities in Bernalillo County. If county prisoners had been reduced by 50 percent, by such means as additional county facilities and diversionary programs, then the admissions total for 1976-77 would have been 1170, well below the best case projection of 1277.

In contrast to county prisoners, state prison admissions declined for the first time in seven years. Within the category of state admissions, parole violators more than doubled in a single year, while regular admissions dropped by a third. If there is a decline in the number of new paroles granted, in anticipation of the 1977 Sentencing Act, then the surge in parole violators could also turn out to be temporary.

Despite these qualifications, the close match between the worst case projection and the actual 1976-77 corrections flow indicates that the worst case projection should be used as a baseline in predicting the impact of diversionary programs. It should be noted that use of the worst case is an extremely conservative (i.e., pessimistic) approach, in light of the inflationary

Table A-1: Projections of Admissions and Average Daily Population (ADP)

Fiscal Year	Worst Case: Linear Regression		Best Case: Population Ratio	
	Admissions	ADP Estimated Sentence	Admissions	ADP Estimated Sentence
1976-77	1392	1392	1277	1277
1977-78	1587	1587	1360	1360
1978-79	1741	1741	1406	1406
1979-80	1895	1895	1450	1450

Note: Because the average length of stay is currently one year, projected admissions equal ADP.

1. In *Technical Report 4*, the linear regression was retained as the worst case, but the best case projection was modified by use of a more sophisticated treatment of the differential growth and admission rates of stratified age groups. This modification increased the best case admission projections by approximately 5 percent. In addition, both

worst case and best case projections were increased by 3 percent to reflect an anticipated rise in the proportion of offenders sentenced to prison in addition to a shortage of local jail space.

2. The yearly admissions totals and average daily population were calculated from monthly figures supplied by the Division of Corrections.

Table A-2: Comparison of Adult Population Projections and Actual Institutional Population Data for FY 1976-77

	Worst Case Projection	Best Case Projection	Actual Data
Admissions	1392	1277	1359
Average daily population	1322	1213	1358.87
Average length of stay (months)	11.4	11.4	12.0

influence noted above of county jail prisoners on total admissions. The severe increase in county prisoners is considered by New Mexico corrections officials to be a temporary condition.<sup>3</sup>

In the existing circumstances, best fit or trend line projections (such as those derived from linear or multiple regression equations) must be used with even more caution than usual. The risk of error is particularly great for prediction of subcategories of total admissions, (e.g., parole violators and county prisoners).

The sudden and dramatic swings in the projections of regular state admissions, parole violators, and county jail prisoners are warning signals that a turning point may have been reached. For this reason, assumptions of continuity in historic trends are extremely risky. The changes in admissions, parole violators, and county prisoners demonstrate and stress the need for frequent and periodic comparisons of projections and actual corrections flow, as recommended in the Planning and Management System described in this Plan.

### Adjustment to Baseline Projections

The first step in the prediction of program impact was to construct a model of the admissions flow based on the worst case projection for FY 1979-80. (That

fiscal year is the last year under the existing ground rules before the full impact of the Sentencing Act changes the parameters of the predictive model.) In the model, the percentages of admissions by offender categories shown in Table A-4 were assigned in the following manner:

- *County jail prisoners*: Five-year average from FY 1972-73 to FY 1976-77.
- *Diagnostic and evaluation cases*: Five-year average from FY 1971-72 to FY 1975-76 (1976-77 data were not available).
- *Parole violators*: Five-year average from FY 1972-73 to FY 1976-77. (The use of arithmetic averages for parole violators and county prisoners moderates, to a degree, the effect of the extreme peaks of 1976-77.)
- *Capital and first-, second-, third-, and fourth-Degree Offenders*: The overall allotment of admissions to these four offense categories was determined by subtracting from the total admissions the percentages assigned to the three categories described above. The remainder was divided according to the proportion of each of these offender classes in the 1975-76 admissions flow. The predicted reductions in admissions resulting from diversion programs were then applied to specific offender categories.

Table A-3: Recent Admission Trends

Admissions Category	FY 1975-76	FY 1976-77	Absolute Change	Percentage Change
County jail prisoners	155	377	+222	+143
State admissions	1067	982	-85	-8
Parole violators	164	393	+229	+140
Regular admissions	903	589	-314	-35
Total admissions	1222	1359	+137	+11

3. The present sharp increase in parole violators may also be a temporary condition for the flow of offenders.



Table A-4: Program Impact on Worst Case Admissions Projections, FY 1979-80

Offender Category	Admissions				Average Daily Population		
	Number	Percentage	Percentage Reduction	Net	Number	Percentage	Reduced ADP
Capital and first	76	4.0	0	76	552	29.1	552
Second	131	6.9	0	131	393	20.7	393
Third	248	13.1	0	248	248	13.1	124 *
Fourth	532	28.1	20	426	427	22.5	171 *
Parole violators	305	16.1	25	229	220	11.6	165
Diagnostics and evaluation	358	18.9	100	0	34	1.8	0
County jail	245	12.9	50	123	21	1.1	11
Total	1895	100.0	—	1233	1895	99.9	1416
Average			35%				

\* The reduction in Third and Fourth Degree offenders also includes the effect of a reduction in average length of stay not shown in this table.

An average daily population (ADP) was calculated for each offender category with the formula:

$$ADP = (\text{average length of stay in months} \times \text{admissions}) \div 12$$

The average length of stay for each offender category was based on 1976 data.<sup>4</sup> The offender category ADPs obtained in this manner were adjusted to conform with an average length of stay of twelve months for the total population, which was the 1976-77 figure. The percentage reductions applied to admissions were also applied to the average daily populations. The net results of the diversion programs in FY 1979-80 are a 35-percent reduction in admissions and a 25-percent reduction in average daily population. The effects of the diversion programs are shown in the form of successive reductions in Table A-5.

## Program Impacts

### County Jail Transfers

As noted above, total admissions have risen primarily because of prisoners transferred to state institutions for temporary holding from local or county jail facilities. When the new Bernalillo County facility is completed, the major source of county jail transfers will be elimin-

ated. However, legislative policy should prohibit other county jail transfers, except in the most unusual circumstances.

On due process grounds, it is inappropriate and possibly unconstitutional to send pretrial prisoners to state correctional facilities. In light of the detriments to rehabilitation, the "costs" of mixing county jail and state penitentiary populations far outweigh the benefits. Moreover, the county jail transfers make corrections management at the state level inordinately more complex. Rather than continue the present high rates of county jail transfers, appropriate facility changes should be instituted at the local level.

### Diagnostic Commitments

Diagnostic commitments to the Penitentiary of New Mexico occur for presentence evaluation of the probable effects of incarceration on an offender. For the past five years, these diagnostic commitments have accounted for approximately 19 percent of admissions to the Penitentiary. In addition to their legitimate evaluation purposes, however, diagnostic commitments are also used as a kind of "punishment" — to give offenders "a taste of prison." Not only does this practice have seriously traumatic consequences for some offenders, but it also complicates the management of penal insti-

4. Technical Report 4, p. 38, Table II.

tutions by imposing a logistic burden. It creates significant and unpredictable fluctuations in prison populations and housing needs, and correctional psychiatric and counseling personnel have to be taken from their work with sentenced inmates to accomplish the evaluations.

Therefore, diagnostic commitments to the Penitentiary should be eliminated, and diagnostic and evaluation services should be provided to the courts by DHI programs or at the local level. With the elimination of diagnostic commitments, total admissions in 1980 would be reduced by 358 persons, and the institutional ADP would be reduced by 34 (see Table A-5).

### Parole Revocations

In 1976-77, the number of prisoners readmitted to the Penitentiary of New Mexico for parole violations rose by 140, with parole revocations accounting for 29 percent of all admissions. This dramatic increase in parole violators reflects a number of factors discussed below. Apparently one is the increased rate of new admissions of sentenced prisoners in recent years, an increase that seems to have leveled off in the first half of 1977. The increase in parole violators may also indicate the inadequacy of reintegrative mechanisms, such as halfway houses, community release programs for inmates nearing completion of their sentences, and residential treatment facilities for inmates suffering from substance abuse. On the assumption that parole re-

vocations will level off in the near future, following the decline of new admissions, and that the programs proposed in this Master Plan will reduce recidivism and parole violation rates, the 1980 projections for the component of admissions for parole revocations have been reduced by 25 percent; the impact of this reduction in admissions is to reduce the 1980 ADP by 55 persons (see Table A-5).

### Alternatives to Incarceration

Under the general heading of "program" alternatives to institutionalization in the main correctional facilities, there are two main categories: preincarceration and postincarceration. Preprosecution diversion programs and alternatives to incarceration at sentencing consist of programs designed to intercept offender involvement with corrections. Occurring before or after trial, they are used primarily for those charged with less serious offenses. Their goal is to prevent the offender from undergoing detrimental experiences that typically flow from interaction with more "hardened" offenders in penal institutions.

In postincarceration programs, offenders sentenced to correctional institutions are placed in settings that are "close" to the community — most commonly as their formal release dates near. Offenders are placed under fewer restrictions and typically spend considerable time away from direct correctional supervision, while attending school, undergoing job training, or

Table A-5: Successive Impact of Programs, FY 1979-80

	Admissions		ADP	
	Number	Reduction	Number	Reduction
1. Baseline projection, assuming worst case	1895		1895	
2. Adjustment for decline in county jail transfers (reduction of 50 percent of admissions).	1773	123	1885	10
3. Adjustment for reduced use of diagnostic commitments	1415	358	1851	34
4. Adjustment for reduced parole revocations	1339	76	1796	55
5. Adjustment for preprosecution diversion and for alternatives to incarceration at sentencing	1233	106	1711	85
6. Adjustment for minimum security, noninstitutional population (community release, residential treatment, halfway houses)	1233	—	1416	295
Net institutional populations	1233		1416	
Net additional supervised population not in institutions, accruing from 5 and 6 above			380	

working. These offenders also remain under supervisory restrictions, however — usually returning to supervised housing for room and board.

Offenders in "community release" and "community corrections" programs may reside either in minimum security facilities or in less institutionalized housing (e.g., group homes or dormitories). The selection of facilities for housing depends primarily on the content of the rehabilitative and reintegrative program and on the location of the community to which the offender will return on release. (Minimum security institutions are frequently not located close enough to work opportunities and education facilities to allow furloughs for offenders.)

All of these program alternatives are described in substantial detail in other sections of this report; this section estimates the cumulative impact of the recommended programs on capacity requirements in the major institutions. Until a detailed inmate classification and diagnosis system is established, definitive planning for adjustments cannot be accomplished. All present methods of calculating the approximate proportion of the present inmate population eligible for community release or diversion programs, however, lead to the conclusion that between 40 and 50 percent of the prisoners are potentially eligible. These prisoners are the most easily and flexibly managed. Because they pose far lower security risks than the remainder of the inmate population, they can be housed, if need be, in trailers, existing residential structures, or other facilities that do not require the major capital outlay needed for major new institutions.

### **Diversion Programs and Sentencing Alternatives**

Precorrectional diversion programs are applied basically to those offenders:

- who have little or no prior involvement with law enforcement and corrections,
- who are not confined for an offense of extreme or repeated violence, and
- whose offenses seem closely tied to substance abuse or addiction.

Among inmates currently incarcerated in New Mexico institutions, there are very high percentages of prisoners in each of these three categories: over 50 percent have one or no prior conviction for any felony; over 75 percent are serving their first term of incarceration in a penitentiary; about 60 percent have been convicted for crimes not involving physical violence against other persons; and nearly 90 percent have a history of drug or alcohol abuse. To develop a *conservative* estimate of the impact of program alternatives, it is reasonable to assume that a minimum of 20 percent of all "new admissions" need not be sent to the state correctional system but could instead, be diverted if additional programs were available.

The method used to compute this percentage is quite conservative: the percentages of inmates meeting each of the general criteria are multiplied cumulatively. Thus, .50 (one or no prior convictions) × .75 (first commitment to penitentiary) × .60 (nonviolent crime) × .90 (substance abuse) = 20.25 percent of admissions. As a further conservative assumption for computing the impact on ADP, it was assumed that all of these offenders would have been convicted for fourth-degree felonies. Under this assumption, ADP would be reduced by 85 persons in 1980.

### **Minimum Security Noninstitutional Programs**

To estimate the proportion of inmates eligible for postincarceration community programs (i.e., noninstitutional housing), the Master Plan Team designed a

**Table A-6: Security Classification Criteria**

Classification	Criteria
Maximum security (key element: pattern of violent behavior)	1. Any violent or serious misconduct report during the past year. 2. Two violent crime convictions. (Included as violent crimes are: kidnap, homicide, aggravated assault, sexual assault, battery, and robbery. Manslaughter would not be included.)
Medium security (key element: escape risk or repeated criminal activity)	3. Any escape or escape attempt within the past two years. 4. Any conviction for violent crime (or detainer) and less than one year served. 5. Any two "medium serious" misconduct reports during the past year.
Minimum security	6. Two or more prior commitments to any state or federal prison. 7. All remaining inmates.

Table A-7: Distribution of Inmates by Custody Level, August 1977

Custody Level	Criteria	Total Men	Total Women	Percentage Men	Percentage Women
Maximum	1	193	4	26	8
	2	200	0		
Medium	3	163	12	31	49
	4	80	2		
	5	164	1		
	6	59	11		
Minimum	7	642	23	43	43
Total		1501	53	100	100

security classification framework, summarized in Table A-6, which the Division of Corrections used to classify the present inmate population.

Based on the classification criteria suggested by the Master Plan Team and the results of a tally of inmates in the system in August 1977, Table A-7 indicates the percentage of inmates falling within the maximum, medium and minimum security breakdown. Using the proposed security classification scheme, 43 percent of the inmate population was classified as minimum security (i.e., eligible for free circulation among other inmates and not posing serious risks of escape or violence). Assuming that the 20-percent reduction in admissions already suggested for preincarceration programs is drawn primarily from this minimum security population, the remaining 23 percent of the population would constitute the pool of eligible inmates for post-incarceration program alternatives. Arbitrarily assuming that one-half of these inmates are placed in such programs, regardless of the offenses for which they were

committed, ADP would be further reduced by 295 persons in 1980.

### Security Classifications

Based on these changes in the distribution of inmates among the custody levels, Table A-8 summarizes population forecasts for 1979-80 according to the three primary institutional security levels, using ADP projections modified by recommended correctional programs. As noted, the current distribution of 26 percent maximum security, 31 percent medium security, and 43 percent minimum security in the adult male population is likely to move closer to an even one-third split of the overall population. That for females will change less drastically to 10 percent maximum, 56 percent medium, and 34 percent minimum. The forecasts presented in Table A-8 have been used in Chapter 7 as the basis for planning facility capacities in 1979-80.

Table A-8: Forecasts of Adult Male and Female Average Daily Population by Custody Level, 1979-80

Custody Level	Males		Females	
	Percentage	Number	Percentage	Number
Maximum	34	450	10	9
Medium	33	435	56	47
Minimum	33	435	34	29
Total	100	1320	100	85

Note Of the 1416 inmates projected for 1979-80, 11 are county jail transfers, leaving 1405 regular commitments. Of this number, six percent, or 85 inmates, are estimated to be females.

In estimating the impact of programs on the inmate profile it was assumed that overall reductions would leave the number of inmates in the maximum security category unchanged, reducing the medium security category by 25 percent and minimum security levels by 75 percent.

# Appendix 2: References and Source Material

The following is a summary of New Mexico correctional studies and other material used or developed for the Master Plan. Included is a list of persons contacted by Planning Team members, sites visited, meetings attended, and relevant programs studied.

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Hobbs City Jail  
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County Jail (Carlsbad)  
Sheriff Leroy Carpenter, Chaves County Jail (Roswell)  
Sheriff Antonio Gonzalez and Deputy James McKinley, Dona  
Ana County Jail (Las Cruces)  
Sheriff Bob W. Waldrop, Luna County Jail (Deming)  
Mr. Mike Hanrahan and Mr. Frank Garcia, Department of  
Corrections (Albuquerque)  
Sgt. Bill Johnson for Chief Edgar C. Bell, Grants City Jail  
Chief Frank Gonzales, Gallup City Jail  
Chief Robert Schmerheim, Farmington City Jail

### **General**

Capt. David Kingsbury, New Mexico State Police  
Mr. Bruce Kohl, Attorney General's Office  
Ms. Mary Ann McCourt, Attorney General's Office  
Mr. John Gillis, Legislative Analyst  
Ms. Jan March, Department of Finance and Administration  
Mr. Jon Andersen, Legislative Council  
Mr. Norm Mugleston, U. S. Probation Officer  
Mr. Richard Gomez, La Llave  
Ms. Olga Wise, Publications Coordinator, National Clearing-  
house

Mr. Robert Levy, Attorney, Legal Aid Society, Representative  
for Children's Lobby  
Mr. Sam Pool, New Mexico State Architect  
Dr. Glen Gares, State Personnel Director  
Dr. Rick Neid, Clinical Psychologist, Court Clinic, Albuquerque  
Ms. Alice Geary, Director Project Chip  
Mr. Nesta Baca, Hogares, Inc.  
Mr. Alex Marin, Education Commission of the States  
Dr. Henry Casso, Educational Consultant  
Mr. Stephan Day, Kruger & Associates  
Mr. Ron Pincomb, GCCJP, Region V Chairperson  
Brother Regis, College Santa Fe  
Ms. Tashia Young, New Mexico Commission on the Status of  
Women  
Mr. F. Robert Knox, Chief Planner, New Mexico Commission  
on the Status of Women  
Mr. Harry Wugalter, Secretary for Education  
Mr. Austin McCormick, former Corrections Department Con-  
sultant  
Dr. Wayne Gares, Eastern New Mexico University  
Mr. Art Armijo, Governor's Committee on Children & Youth  
Ms. Erica Jones, University of New Mexico, BBER  
Mr. John Russel, Court Clinic  
Mr. David Schmidt, Director, National Council on Crime and  
Delinquency  
Mr. Steve Simms, Director, Bernalillo County Detention Home  
Ms. Leslie Dwyer, Project Chip  
Mr. Jerry Ortiz y Pino, HSSD  
Ms. Ellen Dickens, HSSD  
Mr. Jim Beverwick, Director, Jemez House Ranch  
Mr. Scott Carmendy, Intake Officer Jemez House Ranch  
Mr. Paul Wormeli, former Assistant Director, LEAA  
Mr. Elbert Maxwell, New Mexico State Police  
Director, Taos Counseling Center

### **Community/Citizens**

Ms. Maura Taub, Women's Prison Project  
Ms. Shirley Barefield, Women's Prison Project  
Mr. Doyle Smith  
Mr. Clifford Kizer  
Ms. Carla Lopez, Coalition for Alternatives to Prison

### **Meetings Attended**

Corrections Commission  
Senate Judiciary Committee  
House Judiciary Committee  
Interim Criminal Justice Committee  
CHINS Task Force  
Senate Finance Committee  
Governor's Council on Criminal Justice Planning  
Public Safety Sub-Cabinet

### **Sites Visited**

Penitentiary of New Mexico, Santa Fe  
Los Lunas Correctional Center, Los Lunas  
Camp Sierra Blanca, Capitan  
Springer Boys School, Springer  
Youth Diagnostic Center, Albuquerque  
Meyer Cottage, Albuquerque  
Forensic Treatment Unit, Las Vegas



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New Mexico State Hospital, Las Vegas  
La Llave, Albuquerque  
Project Chip, Albuquerque  
Delancey Street Foundation, San Francisco  
Judicial Districts I, II, III, V, IX, X, XI  
Santa Fe Juvenile Detention Home  
Bernalillo County Juvenile Detention Home  
Jemez House Ranch  
Taos Counseling Center  
Taos Pueblo

**County and City Jails**

Curry County  
Clovis City Jail  
Lea County  
Hobbs City Jail  
Eddy County Jail  
Chaves County  
Dona Ana County  
Luna County  
Grants City Jail  
Gallup City Jail  
Farmington City Jail  
Santa Fe City Jail

**New Mexico Community Service  
Programs Contacted**

**District I**

Totah Council on Alcoholism, Farmington  
Ford Canyon Youth Center, Gallup  
San Juan Self Help Center, Farmington

**District II**

Los Alamos Council on Alcoholism, Los Alamos  
North Central Alcoholism Program, Espanola  
Raton Council on Alcoholism, Raton  
Counseling and Resource Center, Santa Fe

**District III**

Alcoholism Treatment Program, Albuquerque  
Santo Domingo Community Action Program, Santo Domingo  
Pueblo  
Bernalillo County Mental Health Center, Albuquerque

**District IV**

Eastern New Mexico Resource Center, Portales

**District V**

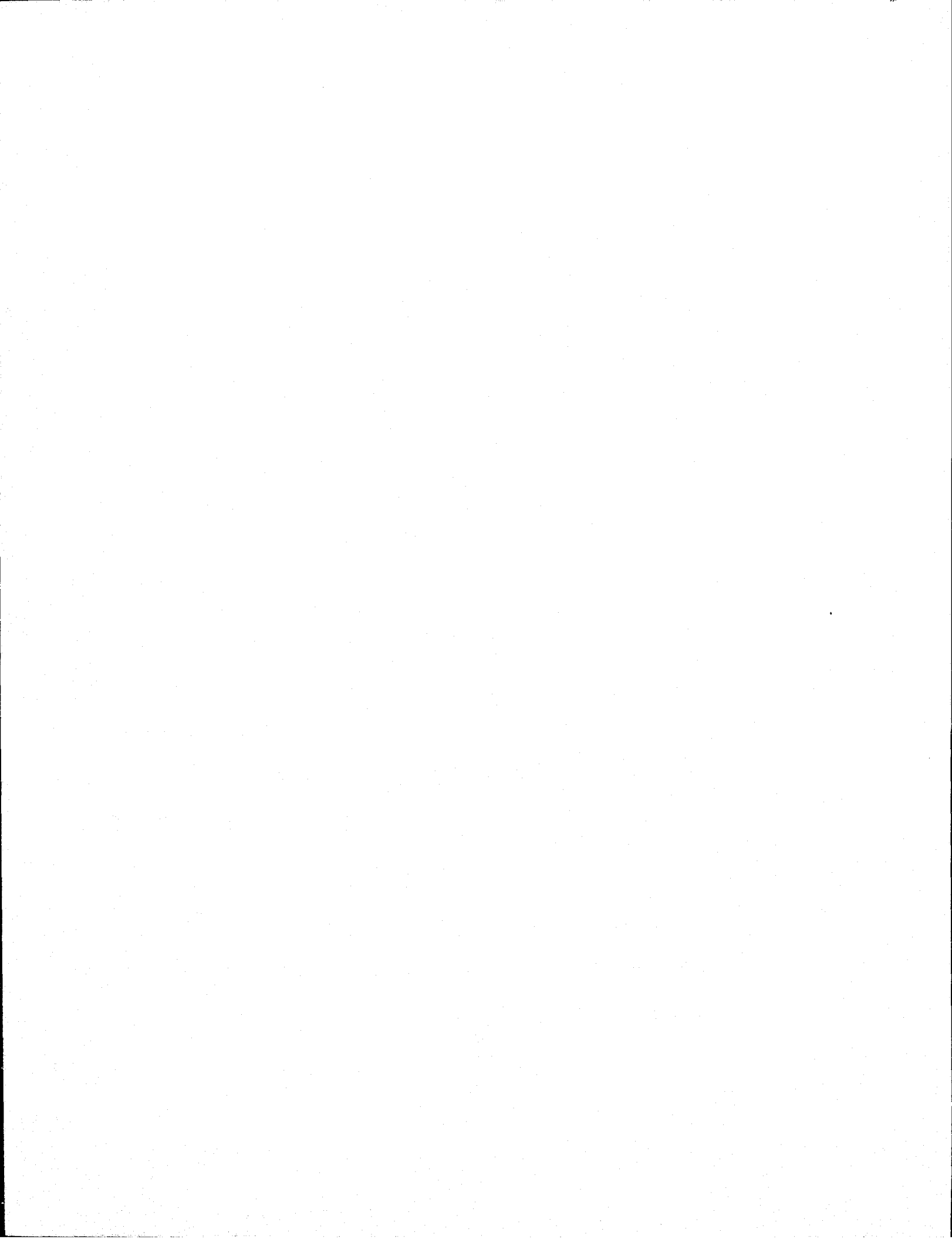
Area Human Resources Council, Silver City

**District VI**

Otero County Council on Alcoholism, Alamogordo  
South Eddy County Area Council on Alcoholism, Carlsbad  
Artesia Council for Human Services, Artesia  
Chaves County Mental Health Council, Roswell

**District VII**

Southwest Mental Health Center, Las Cruces  
Community Mental Health Services, Socorro



**END**