

TITLE 8 SOCIAL SERVICES
CHAPTER 14 JUVENILE JUSTICE
PART 5 SAFETY AND EMERGENCY OPERATIONS

8.14.5.1 ISSUING AGENCY: Children, Youth and Families Department.
[8.14.5.1 NMAC - Rp, 8.14.5.1 NMAC, 7/1/2016]

8.14.5.2 SCOPE: This rule applies to clients and staff of the juvenile justice division, also referred to as juvenile justice services, of the children, youth and families department.
[8.14.5.2 NMAC - Rp, 8.14.5.2 NMAC, 7/1/2016]

8.14.5.3 STATUTORY AUTHORITY: Sections 32A-1-1 et seq., 32A-2-1 et seq., 32A-3-1 et seq., 32A-4-1 et seq., 32A-11-1 et seq., 32A-15-1 et seq. NMSA 1978 Comp., as amended.
[8.14.5.3 NMAC - Rp, 8.14.5.3 NMAC, 7/1/2016]

8.14.5.4 DURATION: Permanent.
[8.14.5.4 NMAC - Rp, 8.14.5.4 NMAC, 7/1/2016]

8.14.5.5 EFFECTIVE DATE: July 1, 2016 unless a later date is cited at the end of a section.
[8.14.5.5 NMAC - Rp, 8.14.5.5 NMAC, 7/1/2016]

8.14.5.6 OBJECTIVE: To establish standards and guidelines for programs which serve the best interest of the clients, persons and property under the supervision or in the custody of the department including implementation of Cambiar New Mexico. This rule further establishes guidelines to address the safety of clients and staff and for the protection of department resources. This rule emphasizes the value and importance of staff in the delivery of services to clients.
[8.14.5.6 NMAC - Rp, 8.14.5.6 NMAC, 7/1/2016]

8.14.5.7 DEFINITIONS:

A. “Cambiar (Change) New Mexico” is the name designated by the children, youth and families department (CYFD) for its juvenile justice reform initiative that focuses on rehabilitation and relationships. Clients and juvenile justice services’ staff members build relationships and learn to interact in a completely different way than the old “correctional” model. Group building activities designed to build trust and communication are key components as well as family and community involvement.

B. “Client” refers to a person who is committed to the custody of the CYFD juvenile justice services or who is receiving services from juvenile justice services.

C. “Delinquent act or delinquency” refers to an act committed by a juvenile that would be designated as a crime under the law if committed by an adult.

D. “Department” refers to the New Mexico children, youth and families department.

E. “Director” refers to the juvenile justice services director.

F. “Facility” refers to a facility operated by, or on behalf of the CYFD juvenile justice services, or any other facility or location designated by the juvenile justice services director to house or provide care to clients committed to the custody of CYFD.

G. “FACTS” (family automated client tracking system) refers to CYFD’s mission critical electronic case management system supporting protective services, juvenile justice services, and early childhood services, which is accessed by CYFD staff and contractors while at CYFD locations. FACTS provides tracking of referrals for abuse/neglect and delinquency, investigation/preliminary inquiry, legal actions, placements, providers, and child care assistance.

H. “Incident” for purposes of this policy, refers to any non-routine or emergency action or occurrence that disrupts or is likely to disrupt the normal operation of the facility. This includes mechanical or physical restraint or other use of force.

I. “Juvenile justice services” or “juvenile justice division” refers to the organizational unit within CYFD that operates juvenile justice facilities, and provides other services under the Delinquency Act, NMSA 1978 section 32A-2-1 et seq.

J. “Mechanical restraint” is defined as a use of force with mechanical devices to physically restrict a client’s freedom of movement, performance of physical activity, or normal access to his or her body. Only staff

trained in the proper use of mechanical restraints may apply them. Approved mechanical restraint devices are handcuffs, leg irons, and belt cuffs.

K. “Pat down search” refers to a visual and manual search of a clothed client and the client’s clothing for contraband without the removal of the client’s clothing.

L. “Physical restraint” is the physical use of force on a client by staff to control or restrict the movement of the client using a technique approved by CYFD and taught in a CYFD approved course.

M. “Secretary” refers to the secretary of CYFD.

N. “Secure facility” refers to Camino Nuevo youth center, J. Paul Taylor center, youth diagnostic and development center or any other facility designated as a secure facility by the juvenile justice services director.

O. “Serious incident report (SIR)” refers to any occurrence which compromises the safety, security, or emotional well-being of clients, staff, and visitors or endangers the public. SIRs are completed by any facility discipline including medical, behavioral/mental health, education or any administrative discipline not involving potential client due process, using an approved form which is prepared and submitted to central office electronically within 24 hours of the occurrence.

P. “Staff” refers to employee(s) of CYFD.

Q. “Strip search” refers to a visual inspection of a client’s body for weapons, contraband, and physical abnormalities requiring the client to remove their clothing. This also includes a thorough search of the client’s clothing once it has been removed.

R. “Superintendent” refers to the chief administrator at a juvenile justice services facility.

S. “Youth care specialist” refers to juvenile justice services security staff members whose primary duties include working directly with clients.

[8.14.5.7 NMAC - Rp, 8.14.5.7 NMAC, 7/1/2016]

8.14.5.8 SECURITY MANUAL: Juvenile justice services maintains a security manual that designates locations of staff, referenced as posts, with specific direction delineated through post orders that provide standard and emergency operating procedures to each staff member. The security manual shall not generally be made available to the public or clients.

[8.14.5.8 NMAC - Rp, 8.14.5.8 NMAC, 7/1/2016]

8.14.5.9 CONTROL CENTER FUNCTIONS: To maintain the necessary security and control of the facility, to promote a primary communication vehicle, and to promote safe and orderly operations there shall be a designated control center at secure facilities, operating 24 hours per day to coordinate all security functions and emergency communications. Juvenile justice services shall designate space for these control centers in each of its secure facilities and provide a system that links the control center with all program, service, operational, and living areas of the facility.

[8.14.5.9 NMAC - Rp, 8.14.5.9 NMAC, 7/1/2016]

8.14.5.10 PERIMETER SECURITY: Each juvenile justice services facility’s perimeter shall be controlled by appropriate means to ensure that pedestrian and vehicle traffic enter and exit through designated points and to prevent unauthorized client movement outside of the perimeter or unauthorized access to the facility by the general public.

[8.14.5.10 NMAC - Rp, 8.14.5.10 NMAC, 7/1/2016]

8.14.5.11 SECURITY EQUIPMENT: Juvenile justice services stores all security equipment and related items in a secured but accessible location outside of the client housing and activity areas and maintains a record of equipment distribution for both emergency and routine incidents.

[8.14.5.11 NMAC - Rp, 8.14.5.11 NMAC, 7/1/2016]

8.14.5.12 PERMANENT LOGS: Youth care specialists maintain a permanent log and prepare shift reports that record routine information, emergency situations, and unusual incidents. These logs and reports are reviewed by designated staff and filed for future reference.

[8.14.5.12 NMAC - Rp, 8.14.5.12 NMAC, 7/1/2016]

8.14.5.13 CLIENT COUNT AND MOVEMENTS: Juvenile justice services maintains a system of strict accountability for clients that includes maintaining an up-to-date and accurate master roster that accounts for client admissions, releases, transfers, escapes, absences from the facility, and transports. On-duty staff members are

responsible for knowing where clients are at all times through formal and informal counts, physical proximity to clients, and continuous visual surveillance.
[8.14.5.13 NMAC - Rp, 8.14.5.13 NMAC, 7/1/2016]

8.14.5.14 GENERAL PATROLS AND INSPECTIONS: Juvenile justice services youth care specialist supervisors shall conduct regular daily patrols and inspections, including weekend and holidays, of all areas occupied by clients, and submit daily reports for managerial review. Weekly inspections shall be conducted of unoccupied areas.
[8.14.5.14 NMAC - Rp, 8.14.5.14 NMAC, 7/1/2016]

8.14.5.15 ADMINISTRATIVE PATROLS AND INSPECTIONS: The facility superintendent or designee, deputy superintendents, and designated supervisors shall conduct patrols and inspections of client living and activity areas on a weekly basis to encourage informal contact with staff and clients and informally observe living, working, and activity conditions.
[8.14.5.15 NMAC - Rp, 8.14.5.15 NMAC, 7/1/2016]

8.14.5.16 TOOL AND EQUIPMENT CONTROL: Juvenile justice services monitors the use, storage, and accessibility to keys, tools, and equipment through a documented check-in and check-out procedure and regularly scheduled inventories.
[8.14.5.16 NMAC - Rp, 8.14.5.16 NMAC, 7/1/2016]

8.14.5.17 KEY AND LOCKS CONTROL: Juvenile justice services governs the control and use of keys by designating an individual to maintain a facility key inventory which identifies the location of keys and associated locks. Facility keys are marked “do not duplicate” and can only be approved for duplication by the facility superintendent.
[8.14.5.17 NMAC - Rp, 8.14.5.17 NMAC, 7/1/2016]

8.14.5.18 USE OF VEHICLES: Juvenile justice services shall allow only authorized drivers and authorized passengers to drive or be transported in a juvenile justice services vehicle. Vehicles shall only be driven or occupied for official state business. Staff members, the public, visitors, and clients are encouraged to report any misuse of a state vehicle to the juvenile justice services director.
[8.14.5.18 NMAC - Rp, 8.14.5.18 NMAC, 7/1/2016]

8.14.5.19 CLIENT TRANSPORTS: Juvenile justice services shall transport its clients in a safe and secure manner that ensures control and maintenance of custody and supervision of the clients. Drivers shall be appropriately licensed for the vehicle and shall obey all traffic laws. Vehicles shall be properly equipped for the clients being transported, inspected to ensure compliance with applicable laws and regulations, and routinely maintained to ensure safe operating conditions. Clients shall be transported with appropriate security measures, and restraints shall be used according to client risk levels and other safety factors.
[8.14.5.19 NMAC - Rp, 8.14.5.19 NMAC, 7/1/2016]

8.14.5.20 SERIOUS INCIDENT REPORTING: Juvenile justice services shall utilize a standardized process for reporting serious incidents that involve clients in their custody, employees, or visitors. All serious incidents are reviewed by the facility superintendent and if appropriate filed in the client’s permanent record.
[8.14.5.20 NMAC - Rp, 8.14.5.20 NMAC, 7/1/2016]

8.14.5.21 GANG MANAGEMENT: Juvenile justice services provides for and engages clients in pro-social skills development programs and services that work toward diminishing and eliminating gang involvement. No client or group of clients shall be given authority over other clients through formal or informal mechanisms.
[8.14.5.21 NMAC - Rp, 8.14.5.21 NMAC, 7/1/2016]

8.14.5.22 USE OF FORCE: Juvenile justice services restricts the use of physical force, including the use of physical and mechanical restraints, to instances of justifiable self-defense, protection of a client from hurting him or herself, protection of others, protection of property, and the prevention of escapes. Physical force is only used as a last resort in accordance with applicable law, statute and juvenile justice services’ policy and procedure. In no

event is physical force justifiable as punishment or may the force used exceed what is reasonably required to control the individual or situation.

[8.14.5.22 NMAC - Rp, 8.14.5.22 NMAC, 7/1/2016]

8.14.5.23 PROTECTION FROM HARM: All instances or complaints of alleged or suspected abuse are reported to the appropriate local law enforcement agency, protective services or the juvenile justice services director or designee immediately upon knowledge of the incident (Section 32A-4-3 NMSA 1978). The notification must also be noted in FACTS.

[8.14.5.23 NMAC - Rp, 8.14.5.23 NMAC, 7/1/2016]

8.14.5.24 PRISON RAPE ELIMINATION ACT: Juvenile justice services shall comply with the federal Prison Rape Elimination Act (PREA) and maintains an ongoing commitment to prevent, detect, and respond to all allegations of sexual misconduct – including sexual abuse and sexual harassment. Juvenile justice services is committed to providing a safe and secure environment, free from all forms of sexual misconduct and retaliation for clients and staff. To that end, juvenile justice services has a zero tolerance for sexual misconduct and maintains comprehensive procedures regarding prevention, detection, and response to such conduct. All sexual contact between staff and clients; contractors, volunteers, or student interns and clients; and clients and clients, regardless of consensual status, is prohibited and subject to disciplinary action and possible criminal prosecution. All staff, contractors, volunteers, and student interns are required to report any suspected or witnessed sexual misconduct.

[8.14.5.24 NMAC - Rp, 8.14.5.24 NMAC, 7/1/2016]

8.14.5.25 UNIT MANAGEMENT: Juvenile justice services increases contact between staff and clients, fosters interpersonal relationships and promotes more knowledge-based decision making by subdividing facilities into manageably-sized units with multidisciplinary decision making authority in programming and services.

[8.14.5.25 NMAC - Rp, 8.14.5.25 NMAC, 7/1/2016]

8.14.5.26 DEPLOYMENT: Staff to client ratios are assessed and maintained according to location, need, and safety. Juvenile justice services shall provide an environment that is safe, secure, and orderly by having sufficient staff, 24 hours a day, scheduled and located in client living and activity areas to provide for the safety and well-being of clients, staff, visitors, and the general public.

[8.14.5.26 NMAC - Rp, 8.14.5.26 NMAC, 7/1/2016]

8.14.5.27 GENDER RESPONSIVENESS: Juvenile justice services and its contractors and service providers are gender responsive. Juvenile justice services shall maintain at least one staff member of the same gender as a client being supervised in the location of the client.

[8.14.5.27 NMAC - Rp, 8.14.5.27 NMAC, 7/1/2016]

8.14.5.28 CONTRABAND CONTROL: Juvenile justice services considers any item found inside the perimeter of a facility or in possession of a client, staff member, or visitor inside the perimeter of a facility contraband if it is illegal to possess by law, illegal for minors to own or possess, or specifically listed in the department's prohibited item list. Seized items of contraband will be disposed of in accordance to New Mexico state statute or as detailed in applicable procedures, and may be turned over to law enforcement for prosecution.

[8.14.5.28 NMAC - Rp, 8.14.5.28 NMAC, 7/1/2016]

8.14.5.29 SEARCHES: Juvenile justice services staff, or if necessary supervisory staff or law enforcement personnel, may conduct or authorize pat down or strip searches anytime there is an articulated and documented safety or security issue. Staff may search clients, visitors, other staff, living units, program areas, and vehicles. Searches may be conducted to ensure health, safety, and security, to control contraband; or to recover missing persons or property. Upon entry or exit of a secure facility, all vehicles and personal belongings are subject to being searched. If there is an articulated and documented safety or security issue with a JJS staff member, supervisory staff or law enforcement personnel will be called to search the subject of the concern.

[8.14.5.29 NMAC - Rp, 8.14.5.29 NMAC, 7/1/2016]

8.14.5.30 BODY CAVITY SEARCHES: Juvenile justice services expressly prohibits manual or instrument inspections of body cavities without the execution of a warrant for probable cause by a sworn peace officer. If such a warrant is issued, such inspections shall only be conducted in an emergency room of a medical

facility with a JJS medical staff member of the same gender as the client present to witness the search and record results.

[8.14.5.30 NMAC - Rp, 8.14.5.30 NMAC, 7/1/2016]

8.14.5.31 EVIDENCE DISPOSITION: Juvenile justice services provides for the recording, preservation, control, and disposition of all physical evidence obtained in connection with a violation of the criminal code or juvenile justice services' policy and procedure. Evidence or property seized shall have a documented chain of custody and be handled, stored and disposed of in a lawful manner.

[8.14.5.31 NMAC - Rp, 8.14.5.31 NMAC, 7/1/2016]

8.14.5.32 EMERGENCY OPERATIONS: Juvenile justice services' maintains written emergency plans and distributes and trains key personnel in the manner which these plans are to be carried out during an actual emergency. These plans also include specific information on a means to immediately release clients from locked areas and procedures to be followed in situations that threaten facility security. Emergency procedures shall include plans for work actions, strikes, or staff walkouts; facility disturbances or riot control; natural disasters or inclement weather; escapes; utility failures; bomb threats and explosions; hostages and negotiations; epidemics or pandemics; fire emergencies or mass evacuations; and a person found hanging by the neck.

[8.14.5.32 NMAC - Rp, 8.14.5.32 NMAC, 7/1/2016]

8.14.5.33 PROCEDURES: The juvenile justice services director will make appropriate internal procedures available to the public but reserves the right to add, delete or modify internal procedures without notice or comment in furtherance of the mission and goals of the department or service area.

[8.14.5.33 NMAC- Rp, 8.14.5.33 NMAC, 7/1/2016]

HISTORY OF 8.14.5 NMAC:

Pre-NMAC History: The material in this part replaces the material that was previously filed with the State Records Center under:

DDC/GS 10-60, Special Leave of Absences for Juveniles, filed 5/23/90.

YDDC/GS 15-01, Equal Opportunities for Juveniles Programs, filed 5/23/90.

YDDC/GS 06-20, Participation in Religious Programming, filed 5/23/90.

YDDC/GS 06-21, Provision of Staff and Resources for Religious Program, filed 5/23/90.

YDDC/GS 08-02, Classification for Reintegration Center Transfers, filed 5/23/90.

YDDC/GS 08-10, Classification of Juveniles with Special Needs, filed 5/23/90.

YDDC/GS 08-11, Juvenile Releases, filed 5/23/90.

BS 67-19, Boys Personal Property, filed 5/23/67.

BS 67-23, Students Supervision, filed 5/23/67.

BS 67-45, Students Personal Property, filed 5/23/67.

BS 67-49, Organization and Management Policy Cigarette and Candy Issue, filed 5/23/67.

BS 67-53, Students Notification of Parents Change of Status, filed 8/16/67.

BS 67-54, Students On-Campus Group Work, filed 9/5/67.

YDDC/GS 07-05, Escape Plans, filed 5/23/90.

YDDC/GS 07-06, Emergency and Evacuation Plans, filed 5/23/90.

YDDC/GS 07-14, Disturbance, Riots and Hostage Situations, filed 5/23/90.

YDDC/GS 07-20, Bomb Threats, filed 5/23/90.

BS 67-15, Administrative Morning Report, filed 5/23/67.

BS 67-16, Charting Procedure, filed 5/23/67.

BS 67-27, Security, filed 5/23/67.

BS 67-40, Students Concerning Reports to the Administration Regarding Runaways, filed 5/23/67.

BS 67-41, Students Procedure for the Cooperative Search and Apprehension of New Mexico Boys School Runaways, filed 5/23/67.

BS 67-43, Students Work Pass Policy, filed 5/23/67.

BS 67-47, Organization and Management Policy Institutional Safety Inspection, filed 5/23/67.

BS 67-57, Students Procedure for the Cooperative Search and Apprehension of New Mexico Boys School Runaways, filed 11/13/67.

BS 67-22, Students Discipline, filed 5/23/67.

DDC/GS 10-11, Mail Regulations, filed 5/23/90.

YDDC/GS 10-12, Resident Telephone Regulations, filed 5/23/90.
YDDC/GS 10-50, Visiting on Grounds with Residents, filed 5/23/90.
BS 67-29, Students Parents Visiting Lodges, filed 5/23/67.
BS 67-50, Undated, Students Visiting, filed 5/23/67.
BS 67-56, Communications Mail, filed 9/18/67.

History of Repealed Material:

8 NMAC 14.3, Facility Programs, filed 11/2/98 - Repealed effective 12/30/2005.
8 NMAC 14.5, Facility Food Service, filed 11/2/98 - Repealed effective 12/30/2005.
8 NMAC 14.6, Facility Safety and Security, filed 11/2/98 - Repealed effective 12/30/2005.
8 NMAC 14.7, Facility Rules and Discipline, filed 11/2/98 - Repealed effective 12/30/2005.
8 NMAC 14.8, Clients' Access to Communication, filed 11/2/98 - Repealed effective 12/30/2005.
8 NMAC 14.9, Facility Sanitation and Hygiene, filed 11/2/98 - Repealed effective 12/30/2005.
8.14.5 NMAC, Facility Operations, filed 12/16/2005 - Repealed effective 8/15/2008.
8.14.5 NMAC, Facility Operations, filed 7/24/2008 - Repealed effective 6/1/2010.
8.14.5 NMAC, Facility Operations, filed 5/17/2010 - Repealed effective 7/1/2016.