

**TITLE 22 COURTS**  
**CHAPTER 510 PAROLE**  
**PART 100 JUVENILE PUBLIC SAFETY ADVISORY BOARD**

**22.510.100.1 ISSUING AGENCY:** New Mexico Juvenile Public Safety Advisory Board.  
[22.510.100.1 NMAC - Rp, 22.510.100.1 NMAC, 10/30/09]

**22.510.100.2 SCOPE:** This policy applies to members and employees of the juvenile public safety advisory board and to all juvenile offenders, including youthful offenders, who are eligible to be considered for supervised release by the department.  
[22.510.100.2 NMAC - Rp, 22.510.100.2 NMAC, 10/30/09]

**22.510.100.3 STATUTORY AUTHORITY:** These regulations are adopted pursuant to authority granted to the juvenile public safety advisory board in 1978 N.M. Stat. Ann. Section 32A-7-6(A)(5) 2009.  
[22.510.100.3 NMAC - Rp, 22.510.100.3 NMAC, 10/30/09]

**22.510.100.4 DURATION:** Permanent.  
[22.510.100.4 NMAC - Rp, 22.510.100.4 NMAC, 10/30/09]

**22.510.100.5 EFFECTIVE DATE:** October 30, 2009, unless a later date is cited at end of a section.  
[22.510.100.5 NMAC - Rp, 22.510.100.5 NMAC, 10/30/09]

**22.510.100.6 OBJECTIVE:** To establish standards and procedures for the juvenile public safety advisory board and its staff to conduct investigations, examinations, interviews, and such other procedures as may be necessary for the effectual discharge of the duties of the board.  
[22.510.100.6 NMAC - Rp, 22.510.100.6 NMAC, 10/30/09]

**22.510.100.7 DEFINITIONS:** In these definitions, all references to males are understood to include females. As used in these regulations:

- A. “Administrative review”** means a review conducted by the director or designee.
- B. “Agenda”** means the list of juvenile offenders who are to be considered for supervised release at the department’s regular release consideration meetings.
- C. “Board”** means the juvenile public safety advisory board whose members are appointed pursuant to the Juvenile Public Safety Advisory Board Act, 1978 NMSA Sections 32A-7A-1 to 32A-7A-8.
- D. “Department”** means the New Mexico children, youth and families department.
- E. “Director”** means the administrative officer of the juvenile public safety advisory board appointed by the governor; the director shall employ other staff as necessary to carry out the administrative duties of the board.
- F. “Facility”** refers to a facility operated by or on behalf of CYFD’s juvenile justice services for purposes of housing and providing care and rehabilitation for clients committed to the custody of CYFD.
- G. “Facility release panel (panel)”** is the departmental secretary-designated releasing authority that considers juveniles for supervised release.
- H. “Facility transition coordinator (FTC)”** means a department employee who works with the client and the client’s multi-disciplinary team, juvenile probation officer, classification officer and regional transition coordinator to coordinate the client’s care while in the facility and ensures that the required tasks of the client’s supervised release or extension track are occurring in a timely manner.
- I. “Home study”** means the assessment conducted by the department of the living environment where the juvenile offender may reside during the term of supervised release; specific strengths and weaknesses of the living environment are identified through the home study process.
- J. “Juvenile offender”** means a child committed to the custody of the department pursuant to the Delinquency Act, 1978 NMSA Section 32A-2-1 through 32A-2-32; the term “juvenile offender” in this regulation includes those individuals who are committed as youthful offenders.
- K. “Quorum”** is a minimum number of members of a board who must be present to make decisions; for purposes of board participation in facility release panel meetings and hearings, quorum means at least one member of the board.
- L. “Release consideration meeting”** means a proceeding conducted by the panel for purposes of deciding whether to grant, deny, defer or revoke supervised release.

**M.** “**Release plan**” means the department’s recommendation for the conditions the juvenile offender should be required to fulfill if released, and presents workable methods of dealing with the juvenile offender’s problems and needs throughout the community intervention.

**N.** “**Release agreement**” means the conditions of supervised release as established by the panel. The juvenile is required to agree in writing to the conditions as a prerequisite to being placed on release status.

**O.** “**Secretary**” means the secretary of the children, youth and families department.

**P.** “**Structured decision making (SDM)**” means a system designed for use in case management of the juvenile population, and used by the department in the classification of committed juvenile offenders.

**Q.** “**Supervised release**” refers to the release of a juvenile, whose terms of commitment has not expired, from a facility for the care and rehabilitation of adjudicated delinquent children, with specified conditions to protect public safety and promote successful transition and reintegration into the community. A juvenile on supervised release is subject to monitoring by the department until the terms of commitment has expired, and may be returned to custody for violating conditions of release.

**R.** “**Supervised release plan**” means the department’s recommendation for the conditions the juvenile offender should be required to fulfill if released and presents workable methods of dealing with the juvenile offender’s problems and needs through community intervention.

**S.** “**Supervised release recommendation report**” is the report prepared by the FTC/designee to inform the panel of the juvenile’s progress while committed and the juvenile’s readiness for release through summaries of all the disciplines in the juvenile’s plan of care and the plan for the juvenile if he or she is granted supervised release.

[22.510.100.7 NMAC - Rp, 22.510.100.7 NMAC, 10/30/09; A, 6/1/10]

#### **22.510.100.8 ADMINISTRATIVE REVIEWS**

**A.** Administrative review. At intervals, the director or designee reviews the juvenile offender’s progress or lack thereof. The administrative review may be based solely on documentation. Whenever possible, it is preferable for the administrative review to include an interview with the juvenile offender at the facility where he or she is housed.

(1) The first administrative review must occur not later than forty days after the date that the juvenile offender is committed to the department’s custody, and may occur at the juvenile’s initial MDT.

(2) Subsequent administrative reviews occur at regular intervals thereafter, until such time as the juvenile offender is placed on the agenda for a release meeting, or is otherwise discharged.

**B.** After each administrative review, the director or designee prepares a report of the juvenile offender’s progress with recommendation as to readiness for supervised release. The reports are compiled and provided to board members prior to a juvenile’s appearance at a release consideration meeting. Any board member may direct the director or designee to obtain additional information regarding any child at any time, and may review the case of any child at any time. The director or designee also provides copies of the board’s reviews to the facilities, with any recommendations, prior to a juvenile’s appearance at a release consideration meeting.

[22.510.100.8 NMAC - Rp, 22.510.100.8 NMAC, 10/30/09; A, 6/1/10]

#### **22.510.100.9 FACILITY VISITS AND OTHER DUTIES**

**A.** At least once per year, the board visits each departmental facility for purposes of evaluating the conditions of the facilities and any other matters pertinent to the care of committed juveniles.

**B.** After the board visits the department’s facilities, it shall prepare a written report on the conditions found, including recommendations for programs and facilities. The report shall be provided to:

- (1) the secretary of the children, youth and families department;
- (2) the director of the juvenile justice division; and
- (3) the governor.

**C.** At least twice per year, the board meets with the secretary or the secretary’s designee to review the activities of the department.

**D.** A quorum of the board participates in regular and special release consideration meetings and final supervised release revocation hearings.

[22.510.100.9 NMAC - N, 10/30/09; A, 6/1/10]

#### **22.510.100.10 INFORMATION REQUIRED FOR BOARD PARTICIPATION IN RELEASE**

**DECISIONS:** In order for the board to effectually participate in release panel decisions, the board obtains information on the juvenile being considered for release from the facilities.

**A.** For the initial administrative review (the forty day review), the director or designee attends the juvenile's initial MDT at the facility to obtain the following information:

- (1) a complete history of the juvenile offender's delinquent acts and any resulting consequences;
- (2) the juvenile offender's family history;
- (3) the juvenile offender's social history;
- (4) the juvenile offender's academic, vocational and educational history;
- (5) the juvenile offender's psychological and psychiatric history, including all diagnostic center

reports;

- (6) relevant medical reports for the juvenile offender;
- (7) the commitment order for the current commitment and petition;
- (8) the pre-disposition report for the current commitment;
- (9) the facility's plan for care and rehabilitation;
- (10) the facility's identification sheets or case record sheets;
- (11) designation of home study recipient; and
- (12) the juvenile offender's social security number.

**B.** After the initial administrative review, the director or designee reviews the juvenile's FACTS entries and as necessary, contacts the juvenile's classification officer or other facility staff familiar with the juvenile or visits the juvenile as necessary to obtain the following information:

- (1) monthly or bi-monthly progress reports and SDM scores, including reports and SDM scores on those juvenile offenders who are in programs outside the facility;
- (2) psychological and psychiatric reports and evaluations on the juvenile offender, including for juvenile offenders who are in programs outside the facility;
- (3) home studies and any facility requests for home studies;
- (4) a current and updated facility face sheet;
- (5) any court-ordered restitution payment plan or social restitution plan;
- (6) a wilderness and urban experience evaluation report if applicable;
- (7) serious incident reports;
- (8) any information relating to an out-of-state supervised release plan, as required by interstate

compact provisions;

- (9) all information pertaining to furloughs, passes, transfers and pre-supervised releases; and
- (10) any special reports that the board may request.

**C.** Thirty days prior to the regularly-scheduled release meeting, the board obtains an updated supervised release recommendation report from the facility for each juvenile offender on the agenda. For special release meetings or for juvenile offenders who are added to the agenda, the board receives the updated supervised release recommendation report as soon as practicable.

[22.510.100.10 NMAC - Rp, 22.510.100.19 NMAC, 10/30/09; A, 6/1/10]

**22.510.100.11 SUPERVISED RELEASE CONSIDERATION MEETINGS:** The board participates in release consideration meetings held by the department, including revocation hearings, and internally confers on release or revocation decisions prior to or at meetings. The board is not required to meet in person to internally confer on release or revocation decisions, as long as each board member provides input on what the board's vote should be at the release consideration meeting or revocation hearing. After conferring, a majority of the board's members must agree to the vote to be given at the meeting or hearing for each juvenile on the agenda. A quorum of the board then attends each regular and special release consideration meeting or revocation hearing and provides one vote. The board also advises the department on criteria to be used to decide whether to release a juvenile.

[22.510.100.11 NMAC - N, 10/30/09; A, 6/1/10]

**22.510.100.12 CONFIDENTIALITY:** All juvenile records in the possession of the board or its staff are maintained confidentially in accordance with 1978 NMSA Section 32A-2-32.

[22.510.100.12 NMAC - Rp, 22.510.100.20 NMAC, 10/30/09; A, 6/1/10]

**22.510.100.13 DIRECTOR DUTIES:** The director of the board is not an ex-officio member of the board and does not vote in board decisions, including any decisions related to the facility release panel. The director shall support the board and other board members by providing budget administration, inclusive of travel and per diem support to board members; guiding the board in preparing for facility release panel meetings and bi-annual meetings with the secretary; coordinating the board's efforts in developing an annual report to the governor's office; managing

any specific requests for information from board members relating to information about agency services and programs or specific youth scheduled to appear before the facility release panel; assisting the office of the secretary in recruiting and nominating potential board members to fill vacant positions, as needed; and other duties as requested by the board.

[22.510.100.13 NMAC - N, 6/1/10]

**HISTORY OF 22.510.100 NMAC:**

Pre-NMAC History: Material in this part was derived from that previously filed with the State Records Center:

JPB Rule No. 1, New Mexico Juvenile Parole Board Rules and Regulations, filed 8/2/85.

JPB Rule No. 1, New Mexico Juvenile Parole Board Rules and Regulations, filed 8/13/92.

**History of Repealed Material:**

JPB Rule No. 1, New Mexico Juvenile Parole Board Rules and Regulations, filed 8/13/92 - Repealed effective 6/15/2004.

22.510.100 NMAC, Juvenile Parole Board, filed 6/1/2004 - Repealed effective 10/30/2009.