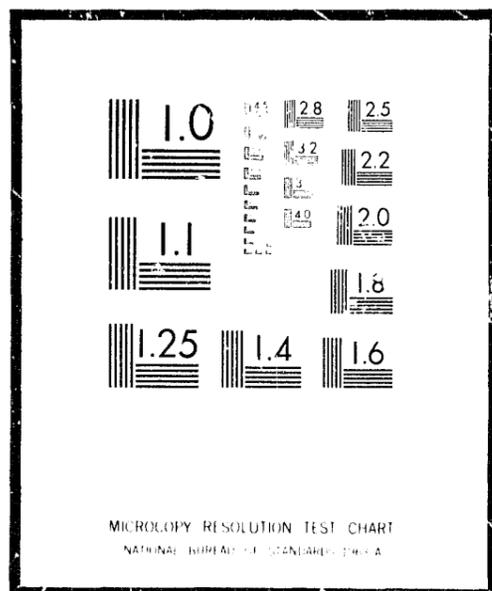


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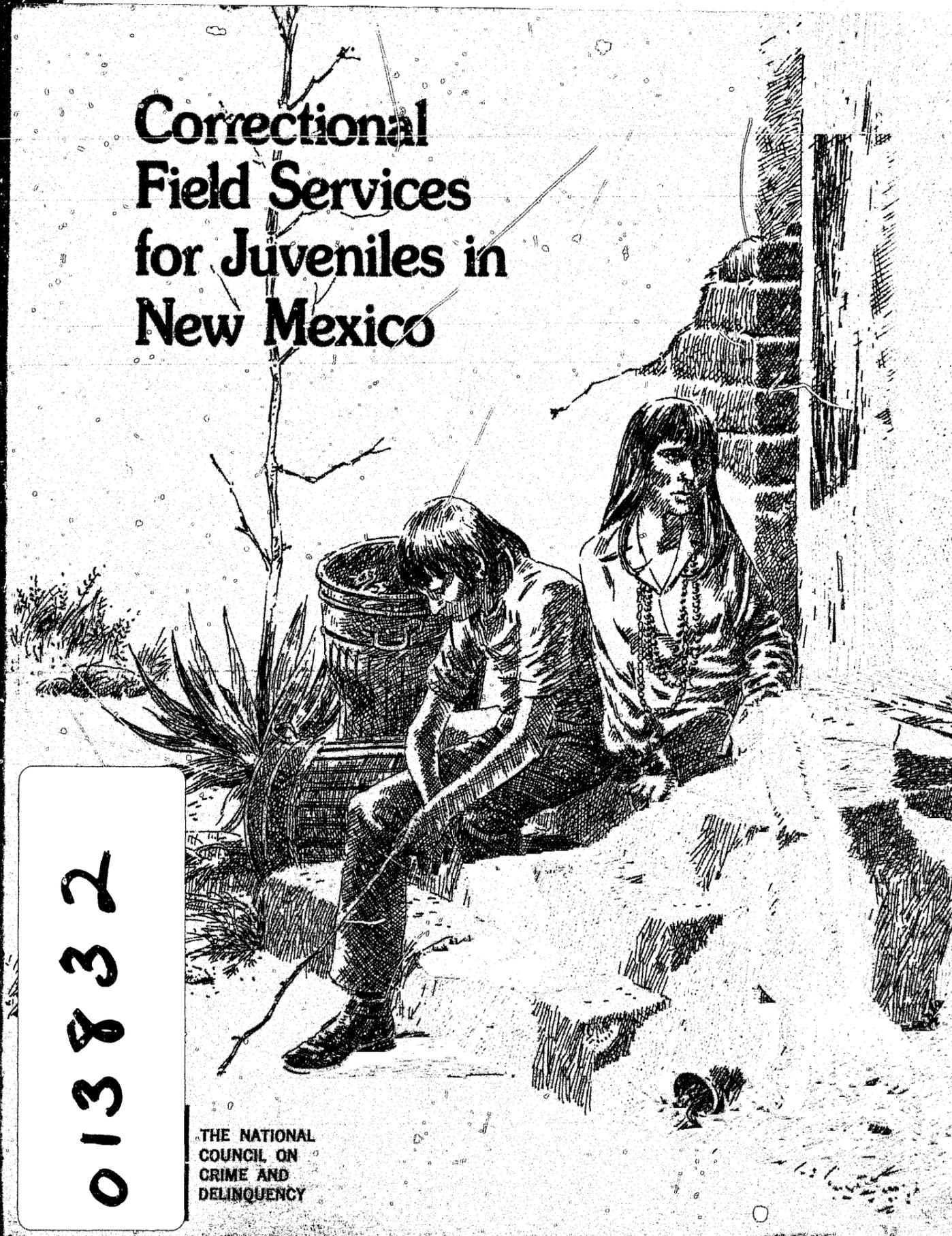
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Correctional Field Services for Juveniles in New Mexico



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THE NATIONAL
COUNCIL ON
CRIME AND
DELINQUENCY

CORRECTIONAL FIELD SERVICES
FOR JUVENILES IN NEW MEXICO

1972

NATIONAL COUNCIL ON CRIME AND DELINQUENCY
SURVEY AND PLANNING CENTER
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TO: CITIZENS OF NEW MEXICO

Attached herewith is a study of probation and aftercare services for juveniles in New Mexico. The study presents a review and critical analysis of processes and procedures of the juvenile justice system. Recommendations are advanced for the development of a more efficient service and for improvement of areas peripheral to probation and aftercare.

NCCD appreciates the time and suggestions provided by district judges, probation officers, and the Department of Corrections. Without their assistance, the production of this study would not have been possible.

The New Mexico Council and other service centers of the NCCD look forward to additional followup to this study toward improving services to delinquent children in New Mexico.

Sincerely,

Milton G. Rector
Executive Director

December 1972

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INTRODUCTION

This is a study of juvenile probation and parole services¹ in the state of New Mexico. The purpose of the study is to develop a plan for correctional field services for the rehabilitation of New Mexico's juvenile offenders.

New Mexico's criminal and juvenile justice system, especially its correction programs, have been topics of concern and study for at least a decade. The New Mexico Boys' School and the New Mexico Girls' Welfare Home (now referred to as the Girls' School) underwent indepth consultation studies by the National Council on Crime and Delinquency in 1967 and 1968.² A comprehensive study of criminal justice services was produced for the state in 1968.³ Most recently, the state planning agency has contributed some valuable planning assistance for the future development of criminal and juvenile justice services.⁴ A study encompassing both juvenile probation and parole requirements for the state was last completed in 1965.⁵

Improvements in the adult correctional system reflect past concentrated planning. Adult probation and parole services became a state responsibility in 1965; with that act came the provision for suitable numbers of qualified probation-parole officers to conduct the necessary pre-sentence investigation reports and to perform supervision services of felons in the community. Population in the adult correctional institution has declined, indicating that a greater proportion of convicted felons are being treated within the community environment. In 1969, the Department of Corrections was created by legislation and charged with the responsibility of administering the penitentiary, adult probation and parole, juvenile training schools and aftercare. Few states can boast such organization in their correctional programs.⁶

¹ Probation is defined as a juvenile court disposition; the service provides the court with a pre-disposition report and supervision of the offender in the community in lieu of confinement in an institution. Parole referred to as aftercare provides post-institutional release supervision in the community to the offender. The objective of correctional field services (probation and parole) is protection of the community by assisting the offender to adjust successfully in his environment.

² New Mexico Council of the National Council on Crime and Delinquency, *Correctional Programs in New Mexico*, Vol. III, *New Mexico Boys' School*, 1967, and Vol. IV, *Girls' Welfare Home*, 1968.

³ Correctional Management Associates and New Mexico Council of the National Council on Crime and Delinquency, *Corrections, Prevention and Court Services in New Mexico*, 1969.

⁴ New Mexico State Planning Office, *Planning, Programming and Budgeting in the State of New Mexico*, 1970.

⁵ New Mexico Council of the National Council on Crime and Delinquency, *Correctional Programs in New Mexico*, Vol. 1, *Juvenile Probation and Parole*, 1965.

⁶ In 1967, the President's Commission on Law Enforcement and Administration of Justice found that in only six states are more than three correction functions administered by a single state correctional agency.

Development of New Mexico's correctional field services for juveniles, regardless of the amount of previous study and planning, has not kept pace with the progress made by its adult corrections counterpart. A 1965 study, *Correctional Programs in New Mexico: Juvenile Probation and Parole*, noted:

Juvenile court programs have evolved separately and presently operate in relative isolation from one another. As a consequence there has never been in existence a central body with responsibility to meet problems that badly need a uniform statewide approach by programs working as a "system." Major problems include the need for more uniform use of state institutions and better cooperation with related agencies; the need for better handling of out-of-state juvenile problems; the need for development of training programs to upgrade services; the need for more usable statistical information built around the juvenile probation operating problems; the need for planning future development of probation services as they relate to other correctional programs; and problems of developing badly needed additional facilities for use by all of the district juvenile programs.

The findings of this study illustrate that some of the problems have been rectified; the majority have not.

With increasing interest and concern about field services for juveniles the New Mexico Council of the National Council on Crime and Delinquency requested and received the cooperation of officials and representatives from the courts and field services to conduct this study. District court judges, chief probation officers, probation and parole officers, Department of Corrections representatives, and other concerned and involved persons provided time and information for the study. Interviews were conducted regarding the present level of services; opinions and suggestions for improving field services were elicited; agency reports and statistical information were reviewed by the NCCD study team.

This study presents a critical analysis of current probation and parole services. Recommendations are advanced for the improvement of each component of field services for juveniles. Included is the need for restatement of objectives, more effective organization and administration, the required manpower and workload, and revision of procedures and practices. While the study is concentrated on probation and parole services for juveniles, some discussion addresses other parts of the juvenile justice system having an effect on field services. These include law enforcement, the courts, the Department of Correction training schools, and social service agencies.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

The following discussion serves as a summary of conclusions and recommendations of the study of correctional field services for juveniles in New Mexico. Only the major conclusions and recommendations are presented here. The full text of the study should be consulted for a more complete discussion of study findings, conclusions and rationale for recommendations.

I. The diversity of underlying beliefs and fundamental approaches contributing to the goals of probation and aftercare indicate that there is need for clarification of the major objectives of correctional field services for juveniles. It is also important that there be acknowledgement of the relationships and interdependence between the functions performed by district court probation departments and Department of Corrections aftercare services. The objectives of service should be revised to include:

- (1) Determination of the necessity for children's court jurisdiction in each child's case.
- (2) Development of an accurate individualized treatment plan.
- (3) Prevention, treatment and control of children's delinquent activities.
- (4) Post-commitment preparation of the community, family and child for home reintegration.
- (5) Post-commitment reintegration with prevention, treatment and control of child's further delinquent involvement.

II. Lack of organizational coherence and administrative direction among probation departments and with aftercare services indicates the need for a more efficient organizational structure. Merging probation and aftercare services for juveniles is economically sound, it is beneficial programmatically and expedient from the standpoint of staff. The most feasible organization is to transfer probation services transitionally to a juvenile services division within the New Mexico Department of Corrections. Ultimately the organization should include:

- (1) A juvenile services division, separate from the adult division.
- (2) Three branches within the juvenile services division to include juvenile institutions, juvenile field services, and release authority.
- (3) The juvenile field services unit composed of existing juvenile probation departments and aftercare services.
- (4) An expanded, more representative body as release authority.
- (5) Creation of a Board of Children's Court Judges, staffed by an executive officer to provide judicial coordination with the Department of Corrections.

III. The administrative functions of probation and aftercare have not received the degree of emphasis needed from district probation departments and/or the Department of Corrections. As a requisite to the effective operation of field services for juveniles, the following provisions of administration should be implemented.

- (1) Operating a system of personnel administration to include recruitment, employment, and dismissal of staff; creation of in-service training and staff development programs; and assignment and supervision of staff.

- (2) Development of program policy and procedure in concert with the judiciary and the community.
- (3) Liaison and information services designed to expand communication with the judiciary, agencies ancillary to correctional field services and the public.
- (4) Program evaluation and planning to include collection of information, evaluation of all facets of the correctional field services operation and redirecting or developing new programs where indicated.
- (5) Fiscal and budget control.

IV. Juvenile procedures and practices in many of the phases of the juvenile justice system in New Mexico are questionable in some districts and inappropriate in others. With the assistance of the Board of Children's Court Judges, guidelines should be developed for the regulation of the working operations of correctional field services and the overall juvenile justice system. The following recommendations may be developed into policy form:

- (1) Law enforcement officers should be permitted to detain children at the point of apprehension only with explicit authority of correctional field services governed by children's court policy.
- (2) Law enforcement officers should be encouraged to develop special "juvenile bureaus"; where referrals are not indicated to children's court. Conferences with parents, referrals to other agencies and other "station adjustment" measures should be taken. This adjustment without court referral is especially applicable to children involved in "non criminal" activity.
- (3) Correctional field services (probation) intake should function to insure advisement of legal safeguards, consultation with family, child and complainant to develop mutually accepted forms of adjustment if indicated, and case dismissal or petition filing for court action when needed. Intake should assume responsibility for temporary pre-court detention.
- (4) Unofficial probation in its current form as used by intake and probation should be discontinued. In a limited number of cases an adjustment may be indicated and may be used by the court with later review of the child's case at the point of the adjudication hearing.
- (5) Detention of children in jail should be discontinued; when required, the two detention homes in the state should be contracted to provide care.
- (6) The pre-disposition study report should be prepared by correctional field services for all children going before the children's court judge. The report should include an assessment of the child's psychological and sociological circumstances and it should provide a dispositional recommendation and plan of treatment to the judge.

- (7) Probation supervision should incorporate methods of casework as opposed to the punitive approach taken by some officers in the state.
- (8) Methods of prevention and diversion of delinquency should be implemented by developing special programs with the schools, community agencies and volunteer workers.
- (9) Community social service agencies should be used as an alternative and/or an adjunct to the workings of correctional field services.
- (10) Children in need of supervision or those who have not committed a criminal offense should be referred out of the juvenile justice system to other agencies with more appropriate programs responsive to the needs of these children.
- (11) The state of New Mexico should assume responsibility for development of a statewide defender association to insure that all children coming before the children's court are provided with competent legal counsel.
- (12) Judicial commitments of juveniles to jail and the use of jail therapy by probation officers should be ceased.
- (13) Judicial commitments to the Boys' School and Girls' School for purposes of diagnostic evaluation should be ceased.
- (14) Pre-parole planning should include better coordination between field service workers and training schools; it should incorporate the use of home visits and further expand the Girls' School current reintegrative service to the Boys' School.
- (15) Administrative revocation of parole and recommitment to the training schools without benefit of legal counsel should be discontinued.

V. Workloads of some of the district court probation departments have been prohibitive; aftercare service has not received sufficient budgetary allocation to finance its operation. Provision for quality correctional field services for juveniles assumes substantial increases in funding of the operation. Included are:

- (1) Employment of additional numbers of qualified field service workers.
- (2) Provision for appropriate numbers of administrative, supervisory and clerical staff.
- (3) Orderly assignment of field services workers and other staff to areas and judicial districts within the state.
- (4) Increases in salary for all levels of personnel to insure the attraction and retention of competent personnel.

I. JUVENILE CORRECTION SERVICE OBJECTIVES AND RESPONSIBILITIES

INTRODUCTION

The ultimate goal of correction under any theory is to make the community safer by reducing the incidence of crime.¹ For correction's mission to be successful each area of operation must have defined and workable objectives that can be achieved. To fulfill each objective there must be functional units of operation that carry distinct tasks and responsibilities. Functions are best provided and objectives completed in an organized system.

In New Mexico, several of the more important objectives of correctional field service need clarification; there is need for provision of functions that assume responsibility for the required tasks.

This section of the report reviews the major objectives, functions and responsibilities of correctional field service for juveniles. Areas of needed improvement in New Mexico's system are noted.

OBJECTIVES AND RESPONSIBILITIES

To discuss the subject of correctional field service objectives, it is necessary that they be examined in relation to: (1) the rationale for the objective; (2) the functions required for accomplishment of each objective; and (3) the tasks and responsibilities required of each function.

The following illustration depicts the major objectives, the required functions, and the tasks and responsibilities of correctional field services.

COURT INTERVENTION

The initial objective of correctional field services is to make the determination of the necessity for the court's intervention in the child's case. The rationale for this objective is that although the children referred may have committed delinquent acts, many can have their delinquent activity curbed without court involvement. The decision of whether the child should be handled with means other than the court is normally made by an intake screening unit or service within the juvenile probation department. If one function can be singled out as being the most important of correctional field services, it is definitely the intake screening service.

¹ President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*, U.S. Government Printing Office, Washington, D.C., 1967, p. 16.

OBJECTIVES, FUNCTIONS, TASKS AND RESPONSIBILITIES
OF CORRECTION FIELD SERVICES FOR JUVENILES

<u>Objectives</u>	<u>Functions</u>	<u>Tasks and Responsibilities</u>
Determination of necessity for court's jurisdiction in child's case.	Intake screening service	Advisement of legal safeguards; review allegations of referral; consult complainant, family and child; develop mutually accepted form of adjustment; file petition for court action; determine need for temporary pre-court detention.
Development of accurate individualized treatment plan.	Pre-disposition study	Collection of relevant information for plan, assessment of all available dispositional resources; determination of child's individual treatment needs; development of plan in concert with child, family and community; presentation of treatment recommendation at court's disposition hearing.
Prevention, treatment, and control of child's delinquent activity.	Probation supervision	Application of treatment plan and/or other court disposition which may include: enabling needed community resources for child; providing needed supervision of child; conducting counseling and guidance as indicated for child and family; and acting as advocate for child where applicable.
Preparation of community, family and child for re-integration.	Aftercare planning	Linking institutional and field officer's planning; communication with child and family for release planning; identifying needed community resources in preparation for release; institutional intervention; preparation and presentation of aftercare plan to parole board; coordination of physical release from institutions.
Full re-integration, prevention, treatment, and control of child's further delinquent involvement.	Aftercare supervision	Application of release plan to include: enabling needed community resources for child; providing needed supervision of child; conducting counseling and guidance as indicated for child and family; acting as advocate for child where applicable.

After the point of arrest by a law enforcement officer or referral to the court by another source, the child's first contact with juvenile court is with the probation department's intake screening officer. At this point, decisions of the utmost importance are made by the officer which have a definite effect on the child's development. It also has importance in regulating the machinery of correctional field services and juvenile court.

Intake is a permissive tool of potentially great value to the juvenile court. It is unique because it permits the court to screen its own intake not just on jurisdictional grounds, but, within some limits, upon social grounds as well. It can cull out cases which should not be dignified with further court process. It can save the court from subsequent time-consuming procedures to dismiss a case. It provides an immediate test of jurisdiction at the first presentation of the case. It ferrets out the contested matters in the beginning and gives the opportunity for laying down guidelines for appointment of counsel and to stopping all social investigation and reporting until the contested issues of fact have been adjudicated. It provides machinery for referral of cases to other agencies when appropriate and beneficial to the child. It gives the court an early opportunity to discover the attitudes of the child, parents, the police and other referral sources. It is a real help in controlling the court's caseload. Because it operates in the sensitive area of direct confrontation with the police, the school, and other community agencies, intake can make or break the community's good communication with and understanding of the juvenile court's role.²

The objectives of determining whether court intervention is needed go unmet in many districts in New Mexico. The intake functions and responsibilities which should be designed to carry out this objective are poorly defined, confusing in most jurisdictions, and non-existent in some. Many of the tasks and responsibilities of intake as indicated in the above illustration are not conducted. The majority of probation officers do advise the child of his constitutional rights; many do not take into consideration the need for the presence of the family and the child to assist in arriving at an appropriate intake disposition. The majority of probation departments adjust cases without petition and provide unofficial probation without regard to alternative resources available or the necessity of the court's need for intervention (probation being a court service). This contributes in some instances to an unwarranted heavy workload.

² Council of Judges of the National Council on Crime and Delinquency, *Model Rules for Juvenile Courts*, NCCD, New York, New York, 1969, p. 11.

Where pre-court detention is a responsibility of the intake function, detention of children in jail³ is a common practice throughout the state, further lending to correctional field services' non-involvement in a major objective--determining whether the court should exercise jurisdiction over the child.

There is need for clear establishment of the objective of correctional field services to determine the need for juvenile court's intervention in the child's case. The objective can be met by establishing the intake screening function with clearly articulated responsibilities made applicable to all district probation departments.

INDIVIDUALIZED PLANNING

The objective of developing an accurate individual treatment plan for all children appearing before the court disposition hearing is another important correctional field service. The purpose of the pre-dispositional study is to provide the judge with accurate information about the child's social circumstances and psychological development. Its intent is to recommend to the judge the most appropriate plan for dealing with the child should he be found delinquent.

The objective of the pre-disposition study and treatment plan exists to provide individualized handling for each child. Regardless of the nature of the offense each child has individual and different needs. Some may require identification with an adult person, others may need special education programs. Some may require assistance in resolving inner-family problems; some, but relatively few, may require the external controls and supervision that may be available only in an institution.

If criminal activity is to be curbed among children, there must first be basic discovery of the circumstance which contributed to illegal conduct; secondly, the situation must be resolved by the provision of services to meet the individual's particular needs. If the pre-disposition study function is not conducted for each admitted or adjudicated delinquent child, many may be sent to the training school who do not require or will not respond to that type of program. Many may be placed under supervision of the probation department when another type of service is more in need.

In New Mexico the probation department's efforts are not directed to the extent necessary toward achieving the objective of individual treatment planning. In several districts the study is conducted in an excellent fashion. In the majority of districts the background information is not collected or presented in the study and the recommendation to the court is usually for one of two alternatives: some general probation supervision or commitment to the Department of Corrections training schools. In at least several districts the case study and development of a treatment plan is not conducted formally. One court disposition and adjudication hearing was observed where a child was committed to the training school without benefit of former discussion with the probation officer or presentation of a pre-disposition report.

3

Temporary detention of a child should never occur in a jail facility; if required, it should be sanctioned by the court with formal petition filing. Although the new children's code places a 48-hour limit on detention after which a petition must be filed, in no case should a child be detained without court approval through the intake screening unit.

To accomplish the objective of individual treatment planning, it is important that correctional field services concentrate on performance of the tasks and responsibilities as indicated in the previous illustration. Relevant information from all sources should be compiled and assimilated; all available community resource services that might provide responsive programs to the child's individual needs should be inventoried and utilized where needed; there must be concentrated effort to determine why the child is involved in delinquent activity and what there is lacking that can be provided by the court. The plan must be developed with the cooperation of the child and his family. The recommendation for the treatment plan should be presented to the court at the final disposition hearing.

There must be concentrated effort made by correctional field services, the judiciary and the community toward individualized planning; otherwise, many children will be inappropriately handled.

DELINQUENCY CONTROL

The third major objective of the probation component of correctional field services includes that of prevention, treatment and control of the individual child's delinquent activity. The probation supervision function carries the responsibility as indicated above for fulfilling this objective.

The purpose of the probation supervision function is to assist in every way possible the child's successful adjustment within the community without continuation of illegal acts. The service should bring to bear all community resources in an effort to prevent further delinquency. The value of providing the required degree of supervision for the individual child and the needed counseling and guidance with him and his family is that many of the circumstances leading to delinquent behavior may be resolved. Conducted appropriately, these activities contribute to a safer community.

There is need for clarification of this objective within many communities in New Mexico. Many persons interviewed, especially in the sparsely populated districts, indicate that the public is often punitive in their approach to curbing delinquency. Without knowledge of the individual child, community persons may urge that the child be removed from his family, expelled from the public schools, and/or removed from the community. In isolated cases, and only after extensive evaluation, commitment may be required, yet this should occur only as a last resort. The public should be better informed of the objective of community handling for the majority of all adjudicated delinquent children.

Further, to satisfactorily handle delinquent children in the community a more individualized approach is required. The "conditions of probation" used in nearly every district for official and unofficial probationers preclude working individually with the child and responding to his needs. Supervision and counseling must be tailor-made for each child. Applicable community resources should be brought to bear for specific cases.

POST-INSTITUTIONAL PLANNING

The fourth objective of correctional field services, usually worked with by parole or the aftercare division in concert with the training school, is that of preparing the child and his family for reintegration into the community. If the aforementioned objectives are being met by correctional field services, only a small percentage of children will be committed to training schools.

As the probation pre-disposition study assists in determining the plan of treatment for probation service, the aftercare plan should individually direct the child's programming activity while under aftercare supervision. Aftercare planning must be intensive. It requires working linkage and communication between the institution and correctional field services with coordinated plans for release. The field officer needs intensive communication with the child and with his family to assist in planning activities upon release. Whether the child should return to public school, undertake job training or employment, enlist in special programs, make his place of residence outside the family's home, and/or have time and consultation with all persons concerned after release are important considerations of aftercare planning.

In practice, there are problems of communication among the Department of Correction, training schools and juvenile parole. Aftercare officers state that the parole board at the institutions does not have due regard for considerations mentioned in the home study evaluation report. Parole officers are frequently given short notification to conduct the home evaluation study.

There is an acute need for correctional field officers to link their efforts with institutional programming and planning. The New Mexico Girls' School is currently operating a reintegrative service which has demonstrated great value in partial achievement of this objective. The Department of Corrections has prepared an operational manual with prescribed duties and responsibilities of aftercare officers, yet, improvement of communication and further coordination of aftercare planning is indicated.

POST-INSTITUTIONAL REINTEGRATION

The fifth objective and responsibility of the correctional field services is post-institutional reintegration and further prevention of the child's illegal conduct.

Aftercare is viewed as a continuum of the correctional process that facilitates life in the community following release from a training school. One responsibility of the aftercare officer is to sooth community attitudes and hostilities that may make reintegration difficult. While children released from institutions usually have more difficulty than those on probation, many of the activities and responsibilities of the aftercare officer are common to those of the probation officer: providing individualized supervision and counseling.

Accomplishment of full reintegration of the child into the community without further delinquent activity is especially important since juvenile training schools throughout the country have not demonstrated success in rehabilitation efforts. The President's Commission on Law Enforcement and Administration of Justice indicated in 1967 that one of every two children committed to a state training school will again in his lifetime serve an additional commitment or sentence in a correctional institution. The majority of all training schools, due to the location and inability to retain professional staff, preclude programming which would assist in helping the child function in the community.

There are indications that children released from New Mexico institutions are not fully prepared for successful community reintegration. Programs provided at the training schools in many cases may be irrelevant to individual children's particular needs. The greatest deficit in programming is that of the institutions' inability to work jointly with children and families. This is especially applicable to the Boys' School due to its remote location. However, it was noted that some of the aftercare workers were having successful experiences with the children involved in the Girls' School Reintegrative Program.

There is need for more interaction between field services and the institution in readying the child for release. Continual counseling and guidance may be required after release, both with the child and with his family. Frequent and intensive supervision of the child is required in many instances by the correctional field service officers, to enable full integration.

In summary, there is need for clarification of major objectives of field services and establishment of functional areas of operation, each with defined tasks and responsibilities.

It is important that there be acknowledgement of the relationships and interdependence of the five major objectives of the service. For example, the pre-disposition study function of probation must present accurately the treatment needs of the delinquent child to the court, or the objectives of the case study and the subsequent court disposition may be affected negatively.

More importantly, there should be recognition that with the exception of the probation intake screening function, the objectives of probation and aftercare are quite similar. Both field operations are centered around: (1) an accurate determination of the needs of each child; and (2) providing treatment and supervision to the individual child. Since the objectives, functions, tasks and responsibilities of probation and aftercare are not dissimilar, there is little justification from the program standpoint for two separate administrations to govern the services.

II. ORGANIZATIONAL STRUCTURE OF JUVENILE CORRECTION SERVICE

INTRODUCTION

The organizational fragmentation of jurisdictions and agencies providing juvenile correction services has had some distinct advantages in this country and especially in New Mexico. Diversity of administration has led to responsible involvement, while much earlier a larger bureaucratic system may have inhibited effective provision of service. Before the New Mexico Department of Corrections was given authority to provide aftercare or parole supervision, the various district juvenile probation departments assumed responsibility for that function. That method was advantageous since there was direct parole follow-up by the same department and persons providing the initial probation service.

The separation of agencies and departments has, however, in many instances precluded effective communications, working operations, and continuity of service needed. This section of the report addresses the historical development of juvenile correction services, problems that exist in the system today and the need to develop organizational coherence. The relative merits of state and local administration are discussed.

HISTORICAL PERSPECTIVE

Correctional field service for juveniles has historically been an outgrowth of local juvenile courts. The majority of juvenile training schools, however, were organized at the state level. Probation originated in Chicago, Illinois, as an extension of that first juvenile court. Aftercare or parole was initially assumed by local probation operations, but during the early twentieth century, this responsibility was transferred to many institutions and/or parole boards. Today, probation is still a local function in half the states. Aftercare, however, has become a state responsibility in more than forty states.

RESPONSIBILITY FOR JUVENILE CORRECTION SERVICE¹

	<u>Local</u>	<u>State</u>	<u>Combination of Two</u>
Probation	25	7	18
Aftercare	4	41	5

New Mexico's development of services for juveniles has paralleled that of the nation. Currently, probation is a local district court responsibility, with fiscal operations being centralized in the Court Administrator's Office. Aftercare is organized under the New Mexico Department of Corrections.

The first correction service for juveniles in New Mexico was the New Mexico Reform School, established in 1909. The institution was created by law for

¹ Source: President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*. Washington, D.C., U.S. Government Printing Office, 1967.

the purpose of receiving and caring for boys designated as juvenile delinquents.² It did not have the legislative provision for parole or aftercare service following discharge.

The "juvenile court" was originally established as a responsibility of District Courts in New Mexico by the Third Legislature in 1917. The legislation permissively prescribed that district probation offices would be established at the "discretion of the District Judge" and at the expense of their local county court funds.³ Although some district courts did establish probation departments (the first was in 1932), active juvenile probation programs did not start until 1955 with the adoption of a new juvenile code.

The 1955 legislation gave the responsibility for parole supervision to the District Probation offices, and the power to parole a child to the boards of the New Mexico Boys' School and Girls' Welfare Home with the approval of the district judge (NMSA 13-8-62). This practice continued until passage of The Correction Act, established by the first session of the 29th legislature in 1969.

In the intervening periods between establishment of the New Mexico Reform School in 1909, legislative provision for the creation of juvenile courts in 1917, passage of the Juvenile Code in 1955, and legislation creating a Juvenile Probation Services Division of the Administrative Office of the Courts in 1967, little attempt was made to provide uniform procedures and practices or coordination and upgrade activities and personnel training among the eleven separate probation offices administered by the District Court Judge. The Division was given authority to "promote agreement" rather than the responsibility to administer the various probation departments supervising both probationers and parolees.⁴ The Division did not, however, effect a noticeable upgrading in the level of local juvenile probation services during its two year tenure.

The specific responsibilities of the division were to:

1. Compile statistics concerning the incidence of juvenile problems and methods employed by the courts, juvenile probation programs and related agencies in the disposition of juvenile matters;

²New Mexico Health and Social Services Department, *New Mexico Institutional Professional Information Directory*, Prepared by the Mental Health Section (Santa Fe, New Mexico: Inter-Agency, Printing Services, March, 1968), page 18.

³New Mexico Council of the National Council on Crime and Delinquency, *Correctional Programs in New Mexico*, A Study of Correctional Programs for Juveniles and Adults (Albuquerque, New Mexico: 1965), I, page 50.

⁴*Ibid.*, page 51.

2. Conduct studies and demonstration projects bearing on the solution of delinquency problems and make recommendations for the solution of problems affecting juvenile court and juvenile probation operations;
3. Develop and conduct juvenile probation training programs, seminars and promote the use of training aids;
4. Provide consultation services to juvenile courts and related public and private agencies;
5. Assist in the coordination and review of budgetary matters bearing on the operation of juvenile probation programs;
6. Promote working agreements between juvenile probation programs and related agencies;
7. Distribute information and compile reports on juvenile delinquency, and offer consultation to citizen organizations interested in developing programs of delinquency prevention significance; and
8. Administer funds for projects furnished from federal sources for research, training, or demonstration purposes related to juvenile delinquency.⁵

Passage of the Corrections Act in 1969 promoted the transfer of the Juvenile Probation Services Division to the Department of Corrections. Additionally, Section 3 of the act created:

"...a single unified department of corrections which shall administer all laws and exercise all functions now administered and exercised by the Penitentiary of New Mexico, the State Board of Probation and Parole, the combined board of the juvenile institutions known as New Mexico Boys' School and Girls' Welfare Home..."

Further, the Act placed within the New Mexico Department of Corrections and the superintendents of the two juvenile institutions exclusive authority to parole or release juveniles committed to their care.⁶

Anticipating the eventual creation of a juvenile aftercare unit, the Governor's Policy Board for Law Enforcement, in their study submitted August 15, 1969, stated:

⁵Correctional Management Associates, *Corrections, Prevention, and Court Services in New Mexico*, 1969, page 18.06-18.07.

⁶Section 12. Section 13-8-29 NMSA 1953; Section 15. Section 13-8-62 NMSA 1953; Section 17. Section 13-8-73 NMSA 1953; Section 18. Section 42-4-1 NMSA 1953; Section 19. Section 42-5-5 NMSA 1953.

"Establishment of Juvenile aftercare will provide, for the first time in New Mexico, adequate supportive services for minors released from juvenile institutions. Rarely has sufficient assistance been available to juveniles released from institutional care. Great care should be taken to establish adequate casework services..."⁷

They continued by recommending qualifications and duties of field staff supervising juvenile parolees and suggested four alternatives for juvenile aftercare:

1. "The most desirable method of providing aftercare services is by Department of Corrections juvenile staff (parole officers). Roughly 90% of all cases can be handled in this manner.
2. "The most expedient method of handling cases during the immediate need is for adult probation and parole officers in existing field offices to assume temporary and emergency measure only until juvenile parole staff can be transferred from institutional assignments or recruited, trained and assigned...
3. "Contract with the Department of Health and Social Services for assignment of parolees in geographic areas that are lightly populated and not practical for juvenile parole staff to include in their coverage.
4. "...in a limited number of instances to enter contractual agreement with existing Probation Officers (District Courts)."⁸

With the exception of alternative number three, the others have been instituted in a combination of phases beginning with number two, and extending into the present system of supervision which combines one, two, and four in various combinations.

Concern for improving the quality of juvenile probation and parole services resulted in the inclusion of the Juvenile Probation Services Division within the Department of Corrections. However, the "Juvenile Corrections in New Mexico" study of 1969, by the Governor's Policy Board for Law Enforcement, listed juvenile aftercare as their first priority for completion and funding.

⁷ Governor's Policy Board for Law Enforcement, *Juvenile Corrections in New Mexico*, ed. Richard W. Everett (Santa Fe, New Mexico: 1969), page 9.

⁸ *Ibid.*

⁹ University of New Mexico, *Planning--Programming--Budgeting in the State of New Mexico*, Prepared by staff members of the FPB project in the Department of Economics (Albuquerque, New Mexico: October, 1970), pp. 19-32. Discusses and analyzes three separate alternatives to the supervision of juvenile parolees based on projected caseloads by geographical areas of commitment. Includes financial alternatives.

The legislature did not include an appropriation for implementation of this responsibility, and it was not until the 60th fiscal year of 1971-72 that authorization was granted in the appropriations act to allow the Division to obtain a grant from the LEAA through the Governor's Policy Board on Criminal Justice Planning to hire seven juvenile parole officers.

Despite the insufficiency of state funding, but as a result of two separate federal grant programs, the Juvenile Probation Services Division in the Department of Corrections presently operates with a complement of a Director, one secretary, seven juvenile parole officers hired through the LEAA grant, one juvenile parole officer paid through Title I ESEA monies in cooperation with the Department of Education, and utilization of nine adult probation and parole officers who supervise juvenile parolees in addition to their regular workload.

The Court Administrator's Office offers little central program direction or coordination. The Office has, however, established uniformly applicable job specifications and classification ranges for probation officer positions in the state. Financing of probation service comes from the appropriated budget of the state courts through the Court Administrator's Office. Salaries are scaled in line with classified positions.

Supervision of probation is still considered a local district court responsibility with no central administration. Within the thirteen judicial districts there are sixteen separate probation departments in operation. Sixteen chief probation officers are employed. Additionally, fifty-one probation officer positions are filled, nineteen of which are filled by persons employed on part-time basis.

ORGANIZATIONAL PROBLEMS AND NEEDS

The effectiveness of the organizational makeup of correctional field services for juveniles in New Mexico is contingent upon a spirit of assumed cooperation between two distinct divisions of governmental functions: namely, the Department of Corrections, in its provision for aftercare, and the district courts, with their responsibility for administering individual juvenile probation departments.

Because of the legislative charge of supervising juvenile parolees, and as a possible resultant effect of limited and inadequate funding to exercise this responsibility, the energy of the Department of Corrections appears to have been directed toward the end of developing and administering an effective juvenile parole program. The most notable exception to this, of course, is the compilation and dissemination of statistics in the *Juvenile Court Statistical Report*. This is the area where cooperation has been exhibited between the two divisions of government.

Where the legislative intent has been for the Department of Corrections to provide consultation, training and seminars to local probation departments, little has been achieved in these areas. The lack of involvement cannot be solely attributed to the Department of Corrections; however there has

been resistance, and feelings that local autonomy should not be interfered with, on the part of some local courts and probation departments. Additionally, the Department of Corrections has not received sufficient funding for its aftercare program.

Examples that illustrate the lack of communication between the two divisions lie in the Department of Corrections aftercare service. When responsibility for aftercare was shifted legislatively to the Department of Corrections from probation departments, there was little explanation or program orientation made to probation officers that would have tended to sooth attitudes and develop cooperative working relationships. While aftercare officers have worked with probation officers in the sharing of case information, there has not been sufficient direction provided by the Department of Corrections staff.

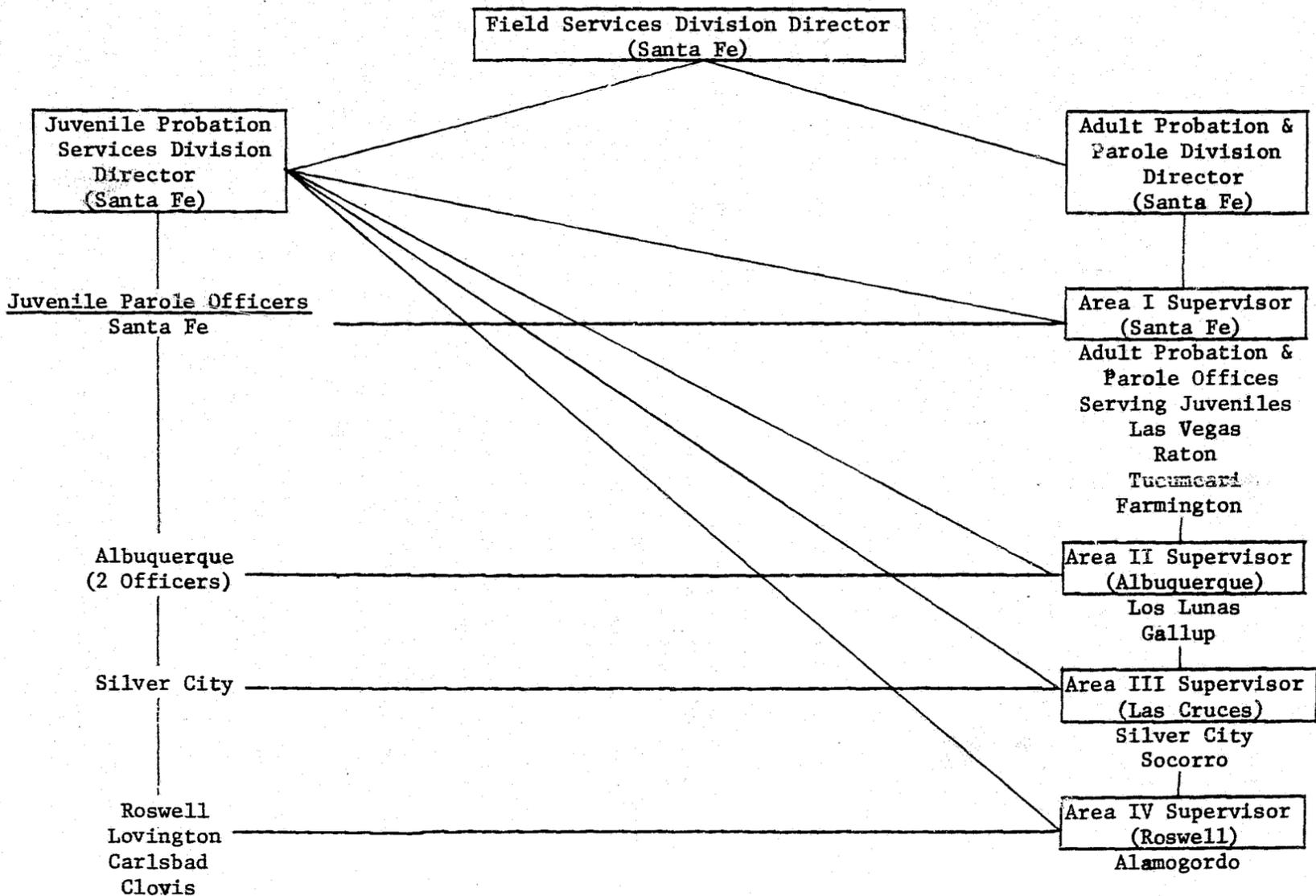
Contributing to non-involvement, the juvenile probation staffs and the district judge handling juvenile hearings indicate that there is an increasing degree of misunderstanding and lack of knowledge of the functions and philosophies leading to a lessening of confidence between them and the Department of Corrections. This is based principally on lack of direct contact and interpretative communications by either the supervisory or administrative structure of the Department of Corrections.

Further, there is within the Department of Corrections a degree of administrative/line staff communication problems. The communication flow is illustrated below. This is a resultant effect of no direct communication by the juvenile parole officers with the head of the division and a rather complicated system of communication, whereby both the juvenile officers and the adult officers handling juveniles report to a supervisor who is, in effect, a district adult probation and parole officer supervisor. This individual then is responsible not only to the Deputy Director of the Adult Probation and Parole Division, but to the Director of Juvenile Parole Services. Both of these individuals are responsible to a Director of Field Services who is also the Director of Adult Probation and Parole Services. Thus, it becomes confusing as to the exact chain of command and the distinctiveness of division services between juveniles and adults.

Delivery of probation service is hampered by a lack of central organization and leadership. As a result, there is little uniformity of operation between districts, which tends to make more difficult the operations of the Department of Corrections training school facilities. For example, when a child is received on commitment by the Boys' or Girls' School, the Department may or may not receive the pre-disposition study report, depending upon the district.

One of the most glaring inconsistencies that may be attributed to lack of district probation organization is in the equity and quality of service provided to children. Assuming that probation provides the court with a pre-disposition study and treatment plan which should have an effect on disposition of each child, there are significant differences in dispositions between judicial districts. One district, for example, as illustrated in Chapter V, Figure II, had far fewer referrals than another much larger district, yet the commitment rate for the former was more than twice that of the latter. This is not to say that all children should be treated alike by the courts; the dispositions should indeed reflect that program or disposition which is best for each child. However, the variance of

THE DEPARTMENT OF CORRECTIONS
 JUVENILE AFTERCARE SERVICES
 COMMUNICATION FLOW



dispositions in the districts indicates an overwhelming disparity of treatment. More efficient organization and provision of service should help improve equity of treatment to all children in the state, regardless of residence.

In the absence of a central judicial or correctional organization to uniformly administer probation services for juveniles throughout the state, there results varying philosophies and modes of treatment for the rehabilitation of juveniles.

In recent years, the judiciary has communicated to the probation departments that rehabilitation should be the goal of probation. While this objective seemed to be evident among members of the judiciary interviewed, there is no commonly accepted methodology for achieving this. The autonomy that exists among districts has proven to be advantageous where progressive-operating judges and probation officers are employed. In several districts where nearby colleges or universities are located, cooperative work programs are established with the school's psychology and/or sociology departments. Where this has been used in New Mexico and demonstrated in other states, it has proven extremely valuable. It provides an invaluable counseling service to juveniles, it exposes probation department heads to newer ideas, it serves as an excellent source of employee recruitment, and it establishes rapport between institutions and agencies within the community. With the number and location of institutions of higher learning throughout the state, cooperative programs of this nature should be expanded.

In another district, the juvenile judge and chief probation officer have developed a Volunteers in Probation project. The VIP program utilizes citizens to work on a one-to-one basis with juvenile offenders. Volunteer programs have been successfully used for many years and are now in existence in some four hundred courts throughout the United States. VIP is a mechanism that involves the community in resolving their own local problems by working directly with juveniles, and it is an excellent means of relating juvenile court objectives to the community.

The prevailing application of probation services is not as successful in all districts as those mentioned above. While flexibility is needed in methods of dealing with children, there is extreme variation in practiced methods and techniques of supervision. Depending on the department, the approach may be oriented to protective service or to punitiveness. Frequently, as an adjunct to probation, the judiciary orders, or condones an order made by the chief probation officer, to jail children for limited or extended periods of time. This action is not acceptable.

The diversity in the equity and quality of treatment for children indicates that there is need for better organization of probation services in New Mexico. An organizational structure for probation services is required which will provide retention of local autonomy and develop suitable programs, while bringing services together in a unified form with commonly accepted standards of operation.

Though a central organization for administering probation is indicated, there is little justification for the separation of probation and aftercare administrations. Merging the two operations is economically sound, it is

beneficial programatically, and expedient from the standpoint of staff. The major rationale for combining administrations is that both provide a common service to children in trouble.

ADVANTAGES OF ORGANIZATION

Most correctional authorities feel that a well-coordinated state plan is preferable to local or agency combinations involved in organization. The rationale for a state agency assuming this responsibility is that it (a) has greater potential for sharing uniformity of standards and practice, including provision of service to rural areas; (b) makes certain research, statistical and fiscal control and similar operations more feasible; (c) better enables recruitment of qualified staff and provision of centralized or regional inservice training and staff development programs; (d) permits staff assignment to regional areas in response to changing conditions; (e) facilitates relationships to other aspects of the state correctional program. ¹⁰

For the State of New Mexico to assume full responsibility for the provision of correctional field services, there are a considerable number of positive implications.

First, in the area of funding operations, one central organization may have greater appeal for legislative support if all services are lodged together. It would offer more attractiveness to grant in aid sources; it would contribute to better allocation of monies in response to program needs; and centralization of accounting procedures will be more efficient.

Second, where there is an existing Department of Corrections to assume responsibility for total juvenile correction services, there are available expertise, experience, facilities and services from which to draw to facilitate ¹¹ programs for juveniles.

Third, from the staffing-personnel standpoint there are considerable practical advantages. With the Department of Corrections participating in the State Personnel Merit System, staff may have better career opportunities in the Department and personnel may be assigned to remote and/or regional areas handling both juvenile probationers and parolees.

Fourth, a system of uniform standards of operation badly needed for probation may be implemented. The needed linkage and continuity of treatment between probation and aftercare would occur. The consolidated service should enable expanded use of community agency resources.

¹⁰ President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*, U.S. Government Printing Office, Washington, 1967, page 134.

¹¹ Of all juvenile court judges and chief probation officers interviewed some indicated that this was not the most optimum time to transfer probation to the State, but the majority indicated that the Department of Corrections was the most feasible state agency to which probation should be assigned.

Fifth, the larger consolidated department will facilitate the research and planning process. While collection of statistics has occurred throughout the years, utilization of that material for program planning and evaluation purposes has been neglected by probation.

Sixth, the larger department should promote greater visibility of the problems of youth to the community. Development of local citizen advisory groups to the childrens courts and field services operations is proposed as well as a state board of children's court judges to assist in the development of court-correction policy. Involvement by these groups should bring to the attention of the citizenry the information and knowledge they need to adequately support the service.

Not to be neglected are the possible disadvantages of consolidating probation into the Department of Corrections. While a plan for a juvenile services division is proposed there is the danger that juvenile services may lose its impetus to the larger adult services division. The loss of local autonomy was verbalized as a possible problem by many members of the judiciary and probation staffs. The greatest threat to the possible merger is that correction services to children may become another large bureaucratic agency with a lack of personal sensitivity to the people with whom it works.

Additionally, there are problems to be encountered should probation be retained under the district courts as it is now. Not only will there be continuation of many of the problems of inequity, variance in quality of services, and poor procedural handling as discussed previously, but the method of appointing officers would remain the same. When the district judge autonomously appoints the chief probation officer (who may or may not meet standards of qualification) there can easily exist a dependency relationship and an atmosphere of servitude on the part of the probation officer to the judge. All of these potential problems warrant serious consideration and may be resolved only by sufficient attention and acknowledgement by the citizenry, judiciary, and Department of Corrections.

RECOMMENDED ORGANIZATIONAL STRUCTURE

The most practical organizational structure for the provision of juvenile correctional field services in New Mexico is that district court probation departments and aftercare services be merged into a division of juvenile services and administered by the existing state Department of Corrections. The Department is presently governed by a Corrections Commission patterned after NCCD's *Standard Act*.¹² The Commission is a policy-making body and consists of seven members, appointed by the governor with the advice and consent of the senate.

The first alternative of the NCCD *Standard Act* provides that essentially all correctional services for juveniles and adults be administered by the department as follows:

¹²

National Council on Crime and Delinquency, *Standard Act for State Correctional Services* 1966, p. 11.

1. The following institutions and services shall be administered by the department.
 - (a) All state institutions for the care, custody, and correction of persons committed for felonies or misdemeanors, persons adjudicated as youthful offenders, and minors adjudicated as delinquents by the [juvenile or family] courts under sections [...] and committed to the department.
 - (b) Probation services for courts having jurisdiction over criminals, youthful offenders, and children.
 - (c) Parole services for persons committed by criminal courts to institutions within the department. The parole board established by [reference to section establishing parole board] shall be continued and shall be responsible for those duties specified in sections [...].¹³

Although an alternative organization is offered, the first is viewed as being the most effective for the State of New Mexico in providing clarification of objectives; an overall uniformity of procedure in the care, handling, and treatment of juveniles; competence of personnel and training; and greater possibilities for the coordinated efforts of developing resources and uniform statistical gathering and planning.

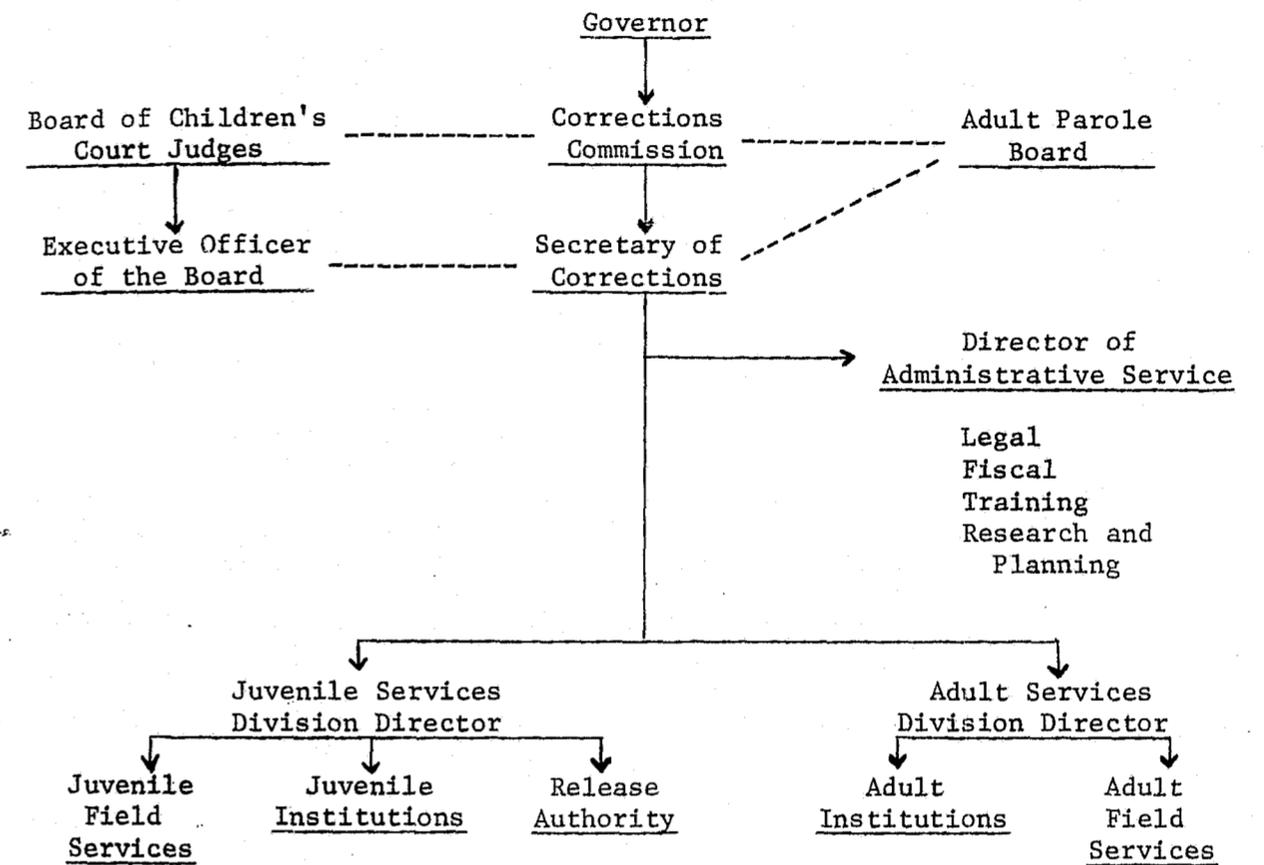
The recommended organizational structure assumes: (1) creation of a state Board of Children's Court Judges to establish policies pertaining to children's court operations and to act in an advisory capacity to the Department of Corrections; and (2) creation of a separate field services unit composed of existing district probation departments and aftercare service under a Juvenile Services Division within the Department of Corrections (see Figure I).

IMPLEMENTING THE ORGANIZATION

While it is desirable that the complete organizational structure as recommended below be implemented as soon as possible, it is recognized that a phasing process may be more practicable. Therefore, three transitional phases are offered to be used as a guideline to move from the current level of service to the final state correctional field service for juveniles.

In addition to the suggested tasks to be accomplished within each phase, there are a variety of changes and improvements that should be made simultaneously. First, there should be immediate implementation of recommendations pertaining to probation, court and aftercare working procedures and practices. Second, increased state budget support will be required throughout the phasing processes to insure the availability of new positions and additional personnel.

FIGURE 1
DEPARTMENT OF CORRECTIONS RECOMMENDED ORGANIZATION



IMPLEMENTATION PHASES

PHASE I

- a. Development of Juvenile Services Division within Department of Corrections.
- b. Creation of State Board of Children's Court Judges with employment of Executive Director.
- c. Initiation of dialogue and mutual plan development for state service around the Department of Corrections and Board of Children's Court Judges.

PHASE II

- a. Department of Corrections and Board of Children's Court Judges entrance into contractual agreement for shared provision of correctional services for children.
- b. Mutual development by Department of Corrections and Board of Judges for shared staff development and training program and production of state operational manual for correctional field workers.
- c. Completion of plan by Board of Judges and Department of Corrections for merged correctional field service for juveniles.

PHASE III

- a. Legislative implementation of plan for state correctional field services for juveniles.
- b. Provision of total staff complement for all facets of recommended service with complete geographic staff coverage.
- c. Ongoing staff recruitment, development and training programs.
- d. Statewide application of supervised working operations and practices.

As the change process occurs and after each phase is completed, there should be an evaluation of results and an assessment of needs not anticipated earlier. Ongoing planning by both the Department of Corrections and the Board of Children's Court Judges with the Court Administrator's Office is required.

The first phase of implementation of the recommended organization involves restructuring the Department of Corrections, creation of the Board of Judges, and mutual work between the two in preparing for the consolidated correctional field services for juveniles.

The Department of Corrections should create two separate divisions between juvenile and adult services. Within the juvenile division there should be units or subdivisions of (1) field services, (2) institutions, and (3) release authority. The field services subdivisions, if constrained only to the obligation of providing services to juvenile parolees, should be reorganizaed to not only make more effective utilization of manpower, but provide services to the general field of district court probation officers. This will lend to

the Department of Corrections more fully carrying out the present legislative mandates of providing consultation services to juvenile probation departments.

The Board of Children's Court Judges should be created with the consent of district judges handling children's cases. It should elect annually from among its members a chairman of the board. It should establish general policies for the conduct of juvenile courts and promulgate uniform rules and forms governing procedure and practices of the courts.

Subject to the consent of the Board of Judges, an executive officer should be appointed and staffed by the Department of Corrections. As an alternative, the position may be staffed by the state Court Administrator's Office. The Board of Children's Court Judges executive director should be responsible for initiating organizational coherence among probation operations that will be assumed when probation is transferred to the Department of Corrections. Those organizational requirements are: (1) implementing uniform standards of practice; (2) recruiting and certifying qualified staff and providing inservice training to all; (3) further enabling collection of statistical information with its application to program planning; and (4) developing cooperative relationships and program services with state and local social agencies.

Finally, completion of the first phase assumes that the Department of Corrections and Board of Judges and/or Court Administrator's Office have begun initial dialogue. This communication should help promote greater efficiency of probation and aftercare service for juveniles through more practical administration of each organization. The ground work should have been commenced for achievement of the proposed structure of service. While NCCD's recommended organization should be the ultimate goal, achievement of this first phase may constitute an alternative organization for the state.

The second phase of planning should permit the Department of Corrections and Board of Children's Court Judges to enter into contractual agreements to insure the provision of adequate correctional field services for all children in the state. Where there are qualified probation staff in the district courts, they should assist the efforts of aftercare workers in case study and supervision practices. Inversely, where needed, Department of Corrections staff should assist the work of district probation departments. In districts where the probation staff do not meet the personnel standards established by the Department of Corrections, contracts may be initiated with the Department of Health and Social Service to provide probation and aftercare service. Additionally, where there is insufficient manpower available, adult probation and parole officers may be requested on a temporary basis to supervise some juvenile caseloads.

On a shared cost basis, the Department of Corrections and district courts may develop additional probation-parole subsidy agreements to hire personnel meeting necessary qualifications to share duties of both probation and aftercare officers.

Given the availability of sufficient planning and funding, the above mutual agreements should help relieve workloads of both probation departments and aftercare workers. Department of Corrections existing juvenile parole officers should be reclassified as juvenile service consultants. In place of, or in addition to, those duties they are now performing, they should function as follows:

1. He becomes the liaison between the court and the Department of Corrections, with the goal of developing better working relationships and developing and interpreting policies.
2. He becomes the consultant and training specialist or catalyst for both juvenile parole officers or probation officers in the district to which he is assigned.
3. He becomes responsible for becoming the community organization specialist for the Department of Corrections and is, thus, responsible for developing resources such as foster homes, group homes, etc.
4. He arranges and assists with trial visits, furloughs and helping in the development of establishing the relationship between the client, the eventual aftercare officer, and the family.
5. He begins the community pre-release preparation through a joint effort of evaluating the family situation, school, employment possibilities, possible substitute living situations, etc.
6. Once the child is released, the officer becomes responsible for helping the parolee and aftercare officer develop the parole plan and evaluate progress or lack thereof.
7. In any instance involving a recommendation for parole revocation for technical reasons, he assumes the role of child advocate.
8. In appearances before the parole board for revocation proceedings he accompanies the child and helps or authorizes the report submitted by the aftercare officer.
9. The officer is assigned the juvenile at the time he or she is committed to an institution by the court and assumes immediate responsibility for following the child through his institutional period to his eventual release from parole. As such, he becomes the team leader in a total reintegrative approach of involving the institutional personnel with the field personnel in developing a total milieu-team management approach to treatment. He thus acts as the liaison between the community and the institution, thereby coordinating efforts and possibly eliminating unnecessary or duplicated delaying procedures.

In continuing this phase of implementation, the Department of Corrections with the assistance of the Board of Children's Court Judges should develop an operational manual to provide direction to the working operations of probation and aftercare. The manual should be inclusive of all areas of operation, with emphasis on probation intake screening services.

A correctional services management training program should be developed with allowance for total staff participation. The content of training should include such items as decision making, probation and parole management, group processes and community relations.

Phase two should be completed with a firm plan to merge district court probation into the Department of Corrections. If preceded by the aforementioned contractual agreements, uniform working procedures, ongoing training for all staff and working agreements between the Department and the Board, the transfer should be made with relative ease.

An essential element of the third phase and final implementation of the proposed organization is that there remain distinct divisions of adult and juvenile services in the Department of Corrections. This is necessary in order to facilitate maximization and specialization of services, training and resources. While in theory it may be advantageous to have mixed caseloads of juveniles and adults for all correctional field officers, at this time in the development of services for children in New Mexico the separation is seen as being most practical. The reasoning is due to philosophical differences between the adult and juvenile officers. Most of the adult probation and parole officers supervising children on aftercare status feel that there is extreme difficulty in working with juveniles. Typically, they describe the differences of approach as "juveniles require handling with kid gloves, while a more authoritative stance can be successful with adults." However, eventually when services to children are fully developed and adult probation and parole officers have received the necessary training, it may be wise to merge the two divisions of field services.

Within the Juvenile Services Division, it is recommended that there be three subdivisions as illustrated in Figure II: (1) field services; (2) juvenile institutions; and (3) release authority.

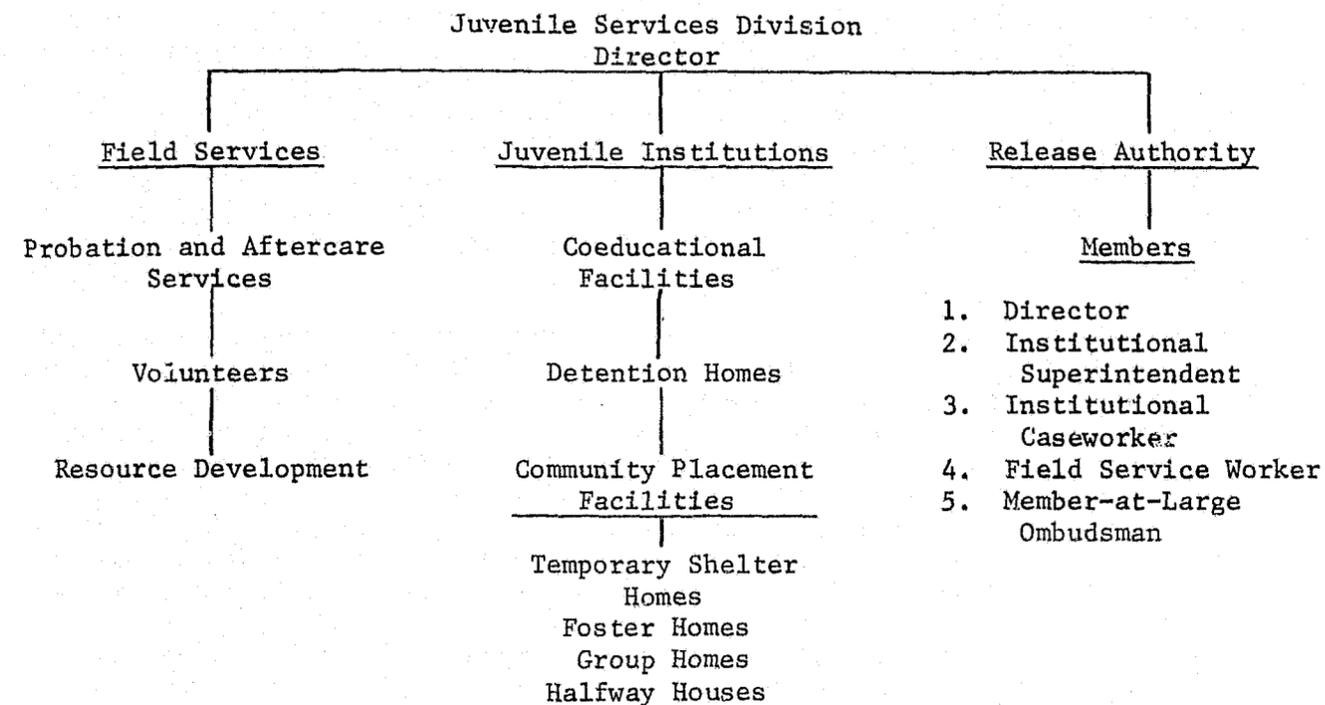
The first subdivision, (correctional) field services, would consist of the Department of Corrections' existing Juvenile Probation Services Division with its attendant aftercare officers and program and all district court juvenile probation departments. It is within this subdivision that the proposed State Board of Children's Court Judges and the executive officer would concentrate in their policy setting and advisory capacity.¹⁴ The Children's Court judge should be involved in the selection of field personnel serving his district after the

¹⁴

While the emphasis here is that the Board of Children's Court Judges serve in an advisory capacity to the corrections commission, the *Standard Juvenile Court Act* allows for certain administrative duties:

2. Subject to the approval of the Board, the presiding judge shall appoint a chief administrative and executive officer for the Board, who shall have the title of director of the juvenile court. Under the general supervision of the presiding judge and within the policies established by the Board, the director shall:
 - (a) prepare an annual budget for the court;
 - (b) formulate procedures governing the administration of court services;
 - (c) make recommendations to the Board for improvement in court services;

FIGURE II



officer has been properly certified as being qualified by the Department of Corrections and State Personnel Board. Field service officers would handle mixed caseloads composed of juvenile probationers and children on aftercare status.

Within the juvenile institution subdivision it is recommended that the two basic facilities now existing, New Mexico Boys' School and New Mexico Girls' School, be made coeducational facilities at the earliest possible legislative

-
- (d) with the approval of the presiding judge, appoint supervisory, consultant, and necessary clerical personnel to perform the duties assigned to the Board and the director;
 - (e) collect necessary statistics and prepare an annual report of the work of the court;
 - (f) provide supervision and consultation to the district staffs regarding the administration of court services, recruitment of personnel, inservice training and fiscal management;
 - (g) perform such other duties as the presiding judge shall specify.

opportunity. With field services being maximized, which should lessen the number of commitments to institutions, this will serve the functions of not only allowing more modern techniques of heterosexual treatment and interaction but would afford greater opportunity for flexibility of placement when needed. This division would also be responsible for overseeing and regulating detention facilities as now mandated by the new Children's Code. Finally, in conjunction with field services it would be responsible for the development of community placement facilities and alternatives such as temporary shelter homes, foster homes, group homes, and other alternatives to institutionalization. In order to help finance correctional field services and to increase the reality of community-based correctional facilities where needed, it is recommended that the remotely located training schools and forestry camps be eventually phased out and that the personnel and funds now being expended on them be allocated to this endeavor.

The third subdivision involves the enlargement of the release authority or the Juvenile Parole Board. In that the present board composition is heavily weighted with institutional personnel, it is necessary that it be expanded to become a more objective governing body. In addition to the three members currently serving, the director of Juvenile Probation Services (under this new organization, the director of Field Services), the institution superintendent, and the child's caseworker, there should be assigned a field service worker or workers. Included should be a volunteer who is not an employee of the Department of Corrections and who would serve as the child's advocate.

The composition of the releasing authority is preferable to that of the parole board serving adults. Responsibility for aftercare should be vested in the state agency that is responsible for administering institutional and related services for delinquent children.¹⁵

It is recommended that the first phase of implementation be effected at the earliest possible time. Maximum time required for implementation of the first phase (which may serve as an alternative to the recommended structure) should not exceed one year. Three years' time should be sufficient for the necessary legislation, development of required funding, and recruitment of the needed staff for full implementation of the recommended combined service at the state level.

¹⁵

President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*, U.S. Government Printing Office, Washington, D.C., 1967, p. 208.

III. ADMINISTRATION OF JUVENILE CORRECTION SERVICES

INTRODUCTION

Important functions and responsibilities of administration are: development of philosophy and policy; insurance of uniform adequate standards of service; employing, assigning, supervising and training staff; developing management information; administering fiscal and budget matters; and maintaining liaison with governmental, judicial and other public and private groups.

In New Mexico, juvenile parole service is provided these administrative functions by the Department of Corrections. Juvenile probation service administrative tasks are provided locally by the district judge and chief probation officer. In both areas, however, there are demonstrated weaknesses in administration. This section of the report reviews the present level of administration of probation and parole services. Recommendations are advanced for the administrative requirements of correctional field services for juveniles within the proposed new organization.

PROBLEMS OF ADMINISTRATION

In the majority of juvenile court jurisdiction in the United States the task of administration is most often relegated to the chief probation officer or the court administrator. In jurisdictions where juvenile probation services are administered by agencies other than the juvenile court, a cooperative arrangement of policy development is usually in existence where the juvenile judge either participates directly or provides policy guidelines to the administering body. In these jurisdictions, however, the chief probation officer is held completely responsible for administration and supervision of probation services, usually under the direction and supervision of the administering agency.

In most judicial districts in New Mexico, the chief probation officer is relegated the responsibility for day-to-day administrative supervision of the probation department. While judges generally are not involved in direct administration of services, they are often available to assist in decision making when asked for opinions. While routine probation department meetings are not scheduled in most departments, judges are often available to meet with officers to discuss policy issues.

Universally, judges are not normally viewed as good probation administrators. The majority of their time is delegated to judicial matters leaving little time for administrative matters regarding probation service. Probation services are seen by some judges as being needed, but it is questionable in New Mexico whether all the judges understand the real purpose and subsequent value of probation. Most judges depend upon the probation department to act as a screening agent to the juvenile court, to prepare pre-disposition study reports and to provide supervision to official and unofficial probationers, but some see probation officers' roles differently. In many jurisdictions,

chief probation officers have been responsible to act as court referees, especially when hearing traffic cases. In at least one district, the chief probation officer was designated as an official court referee to hear arraignment cases. In several districts, it was obvious that the district judge wanted not to hear any juvenile matters and, with the exception of serious felonious cases, relegated to the probation department all juvenile offense matters.

Relationships between judges and chief probation officers in most districts appear amiable and workable, but there is a definite need for clarification of roles. The proposed organization envisions that policies of probation operation will be clarified and developed in concert with the judiciary, the chief probation officer, and probation staff. Policies need to be written down in procedural manuals and made available to all concerned. The Third Judicial District Probation Department has prepared such a manual which might be used as a pattern for all departments.

Under the proposed organization, implementation of policy should be the responsibility of the chief probation officer (or office supervisor) under the supervision of the Juvenile Services Division of the Department of Corrections. The informality of relationships that exists, especially in the rural areas, is desirable, yet, meetings should be regularly scheduled to discuss policy and procedural matters. Chief probation officers should be held responsible for the administration of legitimate and meaningful probation services. Functions such as referee, court bailiff, political campaigning and other duties that are characterized as "serving the judge" should be discontinued.

Currently, direct supervision of probation department activities is diversified throughout the state. In the larger metropolitan areas, chief probation officers do act as department managers. Meaningful functions are performed, such as overseeing the operations of the department, insuring that intake screening is appropriately performed, insuring that pre-disposition study reports are conducted on juvenile cases going before the court, and insuring that meaningful probation supervision is carried out. Often, the chief probation officer performs other administrative duties such as meeting with representatives of community social agencies, the schools, the community clubs and civic groups, to interpret probation services. However, few are involved in child advocacy proceedings or in stimulating needed resources.

In smaller judicial districts, where there may be only several probation officers employed, the chief probation officer occupies himself with performing line operation tasks. Some of these include conducting all intake screening, representing the probation department in juvenile court, and supervision of cases on probation. While the smaller probation departments may not be able to justify the chief probation officer as full-time administrator, the lack of appropriate numbers of skilled staff often causes him to neglect needed administrative attention to the department.

With the provision of adequate numbers of staff in the communities to adequately perform probation and parole supervision and with the necessary guidelines and supervision, roles of chief probation officers or office supervisors should become more clearly defined to provide meaningful administration of services.

As indicated earlier, the administrative functions of aftercare have not received the necessary emphasis by the Department of Corrections. Lines of communication and relationships among juvenile parole officers, adult probation and parole officers, and field supervisors have not been fully defined. Some of these problems may be attributed to poor planning before implementation of the service. Additionally, several of the officers were new to the field and did not receive sufficient orientation to the Department of Corrections or to the field in general. This is in conflict with the LEAA grant requiring 80 hours of training.

ADMINISTRATIVE NEEDS OF ORGANIZATION

The proposed juvenile correctional field services unit of the Division of Juvenile Services within the New Mexico Department of Corrections assumes shared administrative responsibility between unit and division directors within the department.

The major facets of administration are: (a) operating the system of personnel administration; (b) developing program policy and procedure; (c) program evaluation and planning; (d) liaison and information service; and (e) fiscal and budget control.

PERSONNEL ADMINISTRATION

Required in this area of administration is recruitment, employment and dismissal of all staff persons. Creation of job descriptions for all levels of staff and an inservice training program is a necessity. Making opportunities available for staff development is important. The chief administrator assigns personnel to various locales and areas of work responsibility and insures that, where necessary, transfers and promotions occur. Supervision of staff activity and program is required in conjunction with other appointed supervisory staff persons. Within this component of administration, there is assurance of vertical and horizontal communication.

DEVELOPMENT OF PROGRAM, POLICY AND PROCEDURE

A description of field service operations should be developed by the administration and articulated in written form in a procedural manual available to all staff. Policy should be developed in concert with existing probation and aftercare officers including consultation with the judiciary. Consideration should be given to local needs to permit flexibility in operations. The policy manual should be used as a basic tool for staff training.

LIAISON AND INFORMATION SERVICES

Communication to and with agencies ancillary to correctional field services and with the public in general is an administrative requisite. The recommended Board of the Children's Court Judges should have available information regarding correctional field services. Liaison and positive working relationships should be developed with state and local governmental officials and other

public and private agencies or groups concerned with the operations of correctional field services. Line staff assigned to local areas should also assist in this administrative responsibility. Lack of communication with district judges was most notable in the failure to assume this responsibility.

PROGRAM EVALUATION AND PLANNING

A necessity of administrative action is to collect statistical information on which to base future planning. While the current *Juvenile Court Statistical Report* does contain a great deal of usable information, there are limitations where planning is concerned. Specifically, information should be collected which illustrates the activity of the various components of the juvenile justice system, including law enforcement, the courts, and corrections. Administration should conduct evaluation of all facets of the correctional field services operation using the statistical information as a basis. Where indicated, any area of the operation should be redirected, changed, and/or new programs should be stimulated by administration.

The statistical report does indicate number of referrals from law enforcement to the juvenile probation department. It does not, however, explain how many cases were contacted by law enforcement and dismissed through station adjustment, referral to other agencies or other means. Nor does the information presented specifically state whether all "arrests" are referred to the probation department and/or juvenile court. In many jurisdictions an arrest may be official yet a police department juvenile bureau may handle this case unofficially without further referral.

Information on juvenile court dispositions should be available. By using the term "juvenile court," it is assumed that probation department intake services makes the initial screening decision in determining where cases should be channeled. The statistical report does not, however, indicate dispositions at intake. There are many possible: adjustment with unofficial handling, petitioning, dismissal, referral to another agency, referral to another court, and detention which may be used in conjunction with the foregoing decisions. All of this should be included.

Information presented on court dispositions, probation and commitments, points up the number of children committed to state training school or to other institutions. However, there is specificity lacking on the definition of probation and suspended commitment. There is presented information on "probation officer to supervise," but it is not indicated whether this is an official court disposition after the child has appeared before a juvenile judge or whether this is a probation officer disposition.

For statistical information to be relevant, it is necessary that the above pieces of information be presented. The information must be presented specifically, it must have clarity, it must be interlocking and coordinated, and it should be accurate. Most important is that the information source report uniformly to the central information center.

FISCAL AND BUDGET CONTROL

Administration must estimate cost of the required service. Included are staff salaries and benefits, physical facilities and equipment, purchase-of-care and other contracts. Necessary accounting and auditing procedures require implementation.

IV. CORRECTION PROCEDURES AND PRACTICES

INTRODUCTION

Perhaps the most important contributions to the effectiveness of field service operations are its working procedures and practices. The existence of probation intake screening can make significant differences in whether diversion is needed, whether detention is required, or whether the child should go before the children's court. The methods by which probation and aftercare supervision are conducted contribute to the child's successful adjustment in the community. The reintegration process of phasing the child out of the training school back into the home environment is influential in final adjustment.

In New Mexico, the working operations of juvenile probation and parole can be improved to create a more desirable juvenile justice system. The following discussion is critical of many practices observed in the various districts. The intent is not to compare districts but to provide an overview of the recommended processes and the working procedures of correctional field services throughout the state.

JUVENILE PROCEDURE OVERVIEW

Juvenile procedures and practices are questionable in many of the phases of the juvenile justice system in New Mexico. For example, in many jurisdictions children are admitted to detention and/or jail by police before admission screening by probation or a judicial detention hearing. Further, some of the jurisdictions use jail time as a dispositional treatment at the order of the juvenile court and/or probation officer.

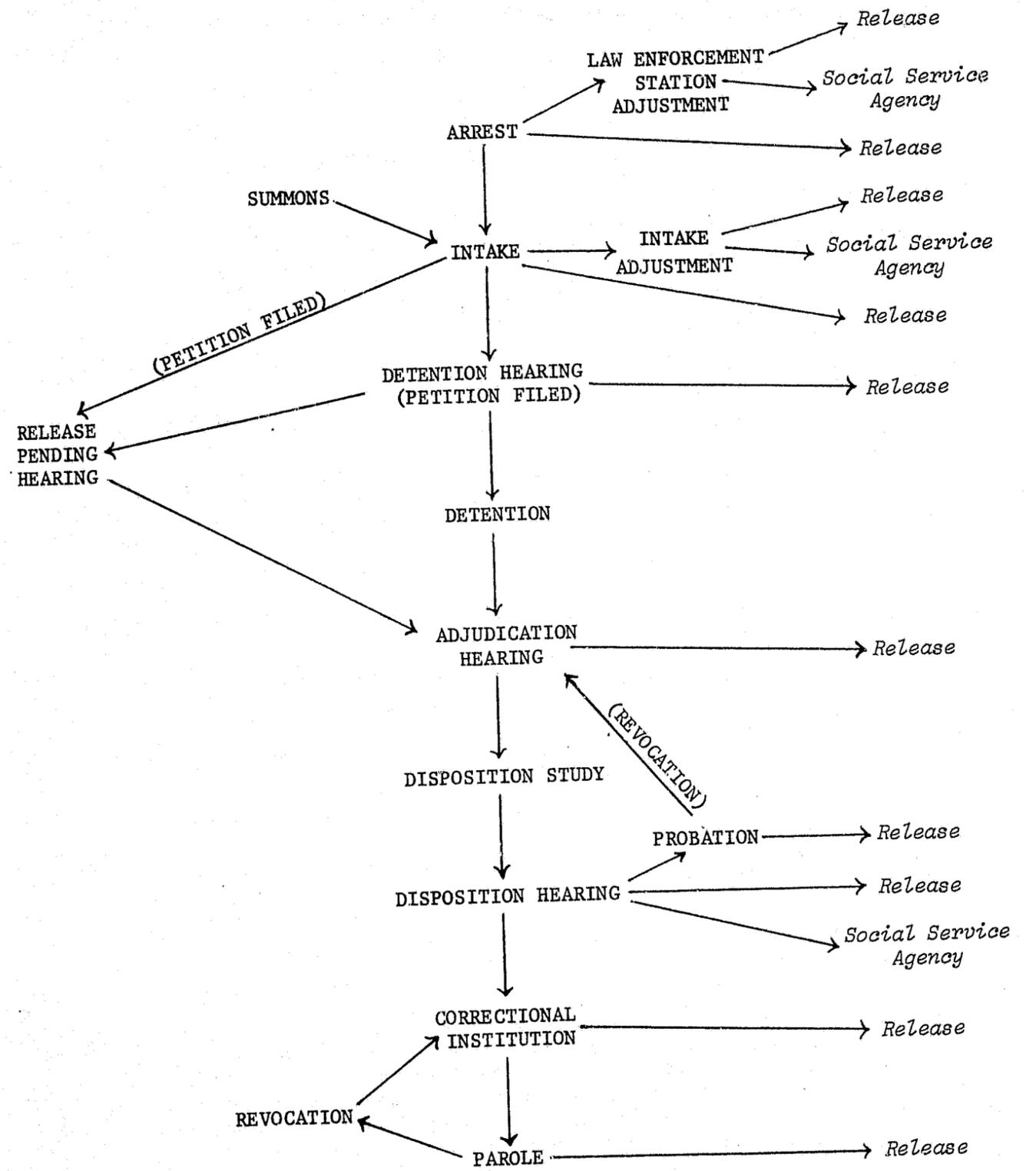
Another criticism is that the majority of all juvenile offenders and cases throughout the districts are handled on an unofficial basis by probation officers. The majority of all unofficial cases have not had petitions filed nor have they gone before the juvenile court to determine whether adjustments of any nature were necessary.

It is apparent in some districts that the juvenile judges avoid hearing juvenile cases unless commitment is expected to be the likely outcome. This late action precludes separation of the adjudication and disposition hearing and otherwise the intent of juvenile justice.

Procedures and practices of law enforcement, the courts, and correctional field services need definition and revision.

Figure I illustrates the proposed procedure of juvenile justice for New Mexico. All children arrested would have their cases closed through "station adjustment" or they would be taken immediately to probation intake to have the need for detention determined. Children would be entitled to a detention hearing before the court. Hearings for adjudication of delinquency and disposition of a child found delinquent would be separate and would allow time for the judge to consider the probation pre-disposition reports. Unofficial probation in its current form would be abolished but adjustment would be used in some cases; revocation of probation and parole would require most of the formalities of an adjudication hearing.

FIGURE I
PROPOSED JUVENILE PROCEDURE IN NEW MEXICO



The following discussion more specifically points up problem areas in each facet of the juvenile justice system in New Mexico. Table I, presented here, on which much of the discussion is based, illustrates statistically the flow of cases from the point of referral through court disposition by district. The comments in the discussion are critical and are applicable to only some districts in the state. Recommendations are advanced for improvement of procedures and practices.

TABLE I
PROCESSING JUVENILE CASES BY DISTRICT

<u>District</u>	<u>Referrals</u> ¹	<u>Petitions</u> ²	<u>Court Dispositions</u> ³	<u>Probation</u> ⁴	<u>Commitments</u> ⁵
I	1,723	809	76	66	14
II	9,773	509	765	1,456	54
III	1,247	262	301	103	18
IV	765	83	46	253	25
V	1,313	274	315	402	127
VI	1,125	615	682	98	14
VII	467	249	315	73	11
VIII	851	18	27	155	7
IX	883	51	85	142	32
X	187	187	85	0	14
XI	2,814	55	121	50	36
XII	1,228	30	118	47	7
XIII	1,048	217	25	271	4
	23,424	3,359	2,961	3,116	362

¹ Source: Department of Corrections *Juvenile Statistical Report*, includes total number of referrals for all offenses to court and probation for calendar year 1970. The accuracy of the reported number of referrals is subject to question. First, there is no uniform acceptance of a common definition of referral. NCCD defines a referral as a casework unit coming to the attention of probation intake. One child may be referred four times during a given year; this

ARREST

The majority of all referrals to the probation departments and juvenile courts came from law enforcement agencies. A total of 23,424 referrals were made in 1970; 22,698 of those originated from law enforcement agencies, the remainder came from public schools, social agencies, parents and other sources.

The child's initial contact with the juvenile justice system is most often with a law enforcement officer. The manner in which he is handled has a significant effect on his responsiveness to the total system. Often this first contact has distinct bearing on whether the child furthers his delinquent activity.

One of the major problem areas is that far too many juveniles are detained on the authority of police without approval of the probation departments. Jail- ing of children without formal approval of the court is common throughout the state. In one district, an estimated 900 juveniles were detained in 1971. By matter of juvenile court policy, law enforcement officers should always have the approval of the court through the probation department before any child is placed in detention.

constitutes four referrals. If a child is referred one time during the period with three offenses charged, this is still only one referral.

²Source: Department of Corrections, *op. cit.*

³Source: 1971 Annual Report to the Director of the Administrative Office of the Courts. Juvenile cases closed as of December, 1971. This table is used rather than 1970 because it contains estimated information on cases handled in the Twelfth and Thirteenth Districts. Some variation exists in 1970 and 1971; a total of 2,949 cases were closed in 1970 compared to 2,961 in 1971. These figures represent juvenile court dispositions but do not necessarily indicate the official court hearings conducted by the judge. In some cases the chief probation officer may have acted as referee.

In comparing the district petitions to court dispositions, the dispositions in some cases may be a greater number due to court hearings carried over from previous years. There is also indication of inaccurate reporting by probation and the courts; for example, the Eighth District Court reported 84 cases commenced in 1970 yet probation indicates only 18 petitions being filed.

⁴Source: Department of Corrections, *Juvenile Court Statistical Report*. Number of probation cases includes both unofficial (without petition) and official (with petition and court hearing). The report also states that 86 per cent of cases are handled without petition on unofficial basis. It might be assumed that 14 per cent of the 3,116 probations or 443 cases were officially on probation.

⁵Source: Department of Corrections, *Annual Report, 59th Fiscal Year, July 1, 1970, through June 30, 1971*. These figures represent new commitments to the Boys' School and Girls' School within the period. Some variation exists with the probation reported figures of 337 commitments for calendar year 1970.

There are indications that far too many juveniles are apprehended by police for noncriminal offenses--offenses that are not considered criminal when committed by an adult. During 1970, a total of 5,503 juveniles were referred to court and probation for offenses such as truancy, curfew violation, running away, and incorrigible. Compared to the total 6,412 criminal offenses committed by juveniles and referred to court, there is much law enforcement activity with children exhibiting what might be behavioral problems rather than criminal offenses.

Many of the children in this latter category (offenses that apply to juveniles only) may be screened out of the justice system initially by the police. Implementation of procedure by police administration may dictate that these children not be arrested.

Another procedure is available for many children committing criminal offenses that will serve as an advisable alternative to juvenile court handling. "Police station adjustment" serves to settle the matter by contacting the child's parents or guardian and coming to an agreement jointly. The adjustment should be made non-coercively and should be satisfactory to all parties concerned--the complainant, parents or guardian, and the child.

The creation of juvenile bureaus or police units designed to focus on juvenile crime is helpful in resolving police-juvenile procedural problems. The Albuquerque Police Department does have in operation such a unit, and in some of the smaller departments individual officers are assigned this function. There is need throughout the state to develop standard guidelines to regulate police procedure from arrest to juvenile court referral. Juvenile courts and police administrators are urged to work cooperatively to develop a better understanding of the roles and functions of each.

PROBATION INTAKE

Intake screening is a function of probation which makes the determination as to whether a child's case should be dismissed, adjusted, or referred for court action. It determines whether the child needs temporary detention before the court hearing; and it initiates the appropriate court petition when court action has been deemed necessary.

Only in one judicial district probation department is there a designated intake unit staffed by individual probation personnel on a full-time basis. In the other districts where there are fewer probation officers employed, all personnel conduct the intake interview at the point of referral.

More than half (12,109) of the 23,424 referrals to the probation department were traffic offenses. The majority of these referrals did not require normal intake screening activities but were transferred to a designated officer in the probation department, usually the chief probation officer, for a disposition of the case. Almost half of the traffic offenses, 5,829, were dismissed; in the majority of the remaining cases the child's driver's license was held, he was fined, requested to attend drivers training school, or some other disposition. Only in 342 of the traffic cases did the probation officer provide further supervision.

There were a total of 10,314 remaining referrals to the probation department and juvenile court. Of that number, over half were offenses applicable to juveniles only, such as running away, truancy, curfew violation, incorrigible, drinking liquor, and other offenses such as "deporting oneself so as to endanger the health, welfare, or morals of oneself or others." As indicated earlier in the law enforcement discussion, these types of offenses should not be handled by the juvenile court; if attention is needed, they should be referred to an appropriate community agency: health and social services, the church, YMCA, welfare, family service, etc.

Probation officers generally indicate that the greatest portion of their time is devoted to working with children at the point of referral. What is usually considered an adjustment in other juvenile courts, filing a petition, adjusting the case at the adjudication hearing to be reviewed three months or six months later to determine whether the child has successfully adjusted without supervision, is not normally practiced in New Mexico. Unofficial probation is used in the majority of judicial districts in New Mexico. In several of the thirteen judicial districts the probation departments file the petition with the district attorney before working with the child, but often without the judicial hearing.

In 1970, 86 per cent of all cases referred to the probation department were handled in this unofficial capacity. These children were often supervised and treated in the same manner as are official probationers. The petition was not filed, and the pre-disposition report was not conducted to determine accurately the needs of the child, nor was an adjudication hearing held.

Unofficial cases are subject to the same conditions as are official cases. Children are compelled to abide by curfew laws; limit their association to peers who have not been in trouble with the law; make themselves available at school, their place of employment, or home to be visited by the probation officer; report to the office regularly, and/or complete written reports upon request; and fulfill any other conditions imposed by the probation officer. The majority of these children have not had legal counsel.

None of these unofficial probation cases have been legally tested for their constitutionality; yet, it is apparent that probation officers are assuming control over children without legal safeguards. Further, the use of the term "unofficial" probation is erroneous since probation is a court disposition made only by the children's court judge.

Unofficial probation in its present form should be discontinued. Where it is determined by intake that the child is responsive to the seriousness of his delinquent act and when agreeable by voluntary consent of all parties concerned, an adjustment may be effected. This should occur only if dismissal is not in order, and it is the opinion of intake that the case should be reviewed thirty to forty-five days later.

The recommended administration should insure that all probation intake activities throughout the state are regulated by operational procedure.

DETENTION CONTROL

Detention control is a responsibility and function of probation intake services. While intake may make the initial decision to detain, there should be within

forty-eight hours a detention hearing by the juvenile judge to determine whether continued detention is needed.

As indicated earlier, detention control in most of New Mexico's judicial districts is a function shared by the police and by probation personnel. While the police is the authority responsible for arrest of the child, they do in many districts detain children before contacting the court or probation department.

Probation officers often feel hampered in gaining authority to work with police in decision making. In about half of the districts, a representative of the probation department visits the city and/or county jail each morning to determine whether or not there are any detained children. In another district, however, the probation department is successfully working with police authorities so that upon a child's apprehension the probation department is notified immediately. This is the desired method and should be implemented accordingly by the judiciary in all districts.

There are indications that in nearly every district in New Mexico detention is over-used. Jails are commonly in use for the detention of children since only two districts, the First and Second, operate detention homes.

Not only is detention used after apprehension and arrest, but oftentimes it is used as a dispositional resource by the juvenile court as a treatment measure and by some probation departments. This may occur for children in official and unofficial probation status depending upon the judicial district. Jailing of children is not seen as a desirable method of treatment by most judges and probation officers; yet, for lack of utilizing other resources, jails are frequently used. As a means of punishment, it is not infrequent in several districts that children are ordered to report to the jail after school hours during the week, to spend the night and to be released the following morning to attend school. Some judges sentence children to jail over the weekends for periods of three to six weekends in succession.

Although current methods of record keeping do not reflect accurately the incidence of jail detention in New Mexico, there is every indication that it is misused.

Children should be detained only: (1) if there is probable cause that they will commit another criminal offense; (2) if they are considered dangerous to themselves or others; and (3) if there is certainty that they will run away before the court disposes of their cases. In no instance should a child be detained in a jail. Where required, agreements should be initiated to use detention space in the two existing facilities.

PRE-DISPOSITION REPORTING

The pre-disposition study report should include the nature of the alleged offense, a social history of the child, conditions surrounding the family and home, and other pertinent psychological and sociological information about the child. It is used to assist the judge in the disposition hearing if the child is adjudicated delinquent. It should include the disposition recommendation by the probation officer in determining the course of action for the child. The plan of treatment should be an integral part of the pre-disposition study.

In the majority of judicial districts the pre-disposition report is prepared in some fashion for children appearing before the court. Most often the reports are written; infrequently there is only a verbal presentation made.

In the majority of reports, much attention was paid to conditions surrounding the offense allegedly committed. For the most part, reports contained a home evaluation or a synopsis of the physical setting of the home and a brief description of the family. Some of the pre-disposition reports did contain a recommendation to the judge for disposition. Most of these, however, were not well thought out nor substantiated by a thorough investigation of the child's social and psychological problems and needs. None of the pre-disposition reports reviewed contained a structured plan of treatment for the child.

A better quality of pre-disposition reports complete with a recommendation and plan for all children going before the juvenile court is required. These should be reviewed by the judge after adjudication to assist in making an appropriate disposition.

PROBATION SUPERVISION

Probation supervision is designed to protect the community and to help the probationer adjust successfully without further illegal behavior. Related to the earlier stated objectives, probation services should assist the child in conforming to necessary social and legal restrictions; it should help him to satisfactorily alleviate his problems and establish a more constructive environmental adjustment. Supervision services should provide a tailor-made probation program in accordance with each child's individual needs. While there are some general terms of probation that may be applicable to all children under supervision, each condition should be reviewed to determine its relevance for the particular child.

The majority of probation officers' time in New Mexico is allocated to functions such as attempting to resolve disputes, initial counseling with the child and his parents, responding to complaints from public schools and, in some cases, assisting law enforcement investigations. Probation supervision, whether it be used with an official or unofficial case, takes on a variety of forms. Most probation officers require that the child report to the office periodically. Individual judgments by the probation officer regulate the child's office visits. Most often, after the initial contact and determination that probation services should be provided, the officer requires a weekly visit with each child. After determination that satisfactory adjustment is being made, the requirement for office reporting may be readjusted to two visits per month, and later to a monthly visit.

In their methods of dealing with children, the majority of officers in the smaller districts rely, to a great extent, on written conditions of probation. Each probation department has a standard form that it circulates to children on probation. Few jurisdictions differentiate between conditions of official and unofficial probation.

While there is some variation of probation rules from jurisdiction to jurisdiction, the following format in one district is presented as an example:



CONTINUED

1 OF 2

Agreement to Follow Rules

1. Day-to-day supervision is the parents' responsibility. You must obey them and break no laws. Parents must agree to tell the juvenile probation officer if you fail to follow these rules. Your probation officer has the authority to add any rules which he believes are needed.
2. Unless the family having legal custody of you is changed by the court, you must continue to live in this home.
3. Do not violate any municipal, state, or federal laws and cooperate fully with all law enforcement officers.
4. If you cause or have caused loss or damage to the property of others, you and your parents are expected to make arrangements to pay for the loss or damage.
5. You are within the provisions of the juvenile code as a ward of the juvenile court until your 21st birthday unless otherwise ordered by the court.
6. Keep away from saloons, bars, roadhouses, and other undesirable establishments. Do not use intoxicants or narcotic drugs of any kind. Do not associate with persons having a criminal record, juvenile record, or bad reputation. Do not possess any firearm, knife, or anything else which might be used as a weapon.
7. You are subject to the compulsory school attendance law until your 17th birthday. You are required to be in school every school day and cooperate fully with all school officials.
8. Your parents should know where you are at all times. When not at school or on the job, you will be expected to stay at home. Before going anywhere else, you should have specific permission from your parents to go to a specific place and come home prior to a specific time.
9. Report promptly on all dates fixed by the juvenile probation officer. If absence is unavoidable, promptly advise the probation officer.
10. Violations of these rules or your failure to get along with other members of your family will be sufficient cause to be brought before the court on a motion to revoke parole.

I have read and understand these rules and promise to live by them.

Signed _____

I (we) understand these rules and promise to enforce them to the best of our ability and will report to the probation officer if we are unable to do so.

Signed _____

(parents)

It is obvious that some of the above rules are not applicable to all children. Regarding #7 above, there are many children who are expelled from school. To require a child as a condition of probation to attend school when he is not allowed to do so and to indicate a court motion for revocation places the child in a condition of unavoidable problems. Regarding #8, some children are naturally more mature than others and may have a relationship where they may assume responsibility for being placed without the necessary permission of parents. This condition of probation also permits the parents to act against the juvenile should they so desire.

On another standard form of probation conditions, it is required that the child attend a church of his choice at least once weekly. This is an extremely questionable practice.

Another standard probation form requires children not to associate or visit with "juveniles who have been in trouble," or those with "bad reputations." It should be recognized that if a child is in trouble it may well be likely that his peers also may have a juvenile record. Hence, this particular requirement places many children in jeopardy of unfair revocation.

Another probation agreement states that "you will permit your probation officer to visit you at home, school, and place of employment. You will permit your probation officer to administer any tests or examinations which the officer feels necessary for purposes of evaluation, counseling, and referral." The skilled probation officer should have the type of relationship with a child that is conducive to visitation at the child's home with him and his parents. However, the requirement that gives the probation officer the privilege of entry to the child at school and/or place of employment is questionable. Further, it may cause extreme embarrassment and other difficulty to the child. Where the child is on unofficial probation, it is questionable as to whether the probation officer may "administer any tests or examinations" that the child is opposed to.

In summary, the jurisdictions should discontinue use of the current probation forms.

Many of these rules of probation are of questionable value as a tool of probation for many of the official probationers. Of greater concern is that in most jurisdictions these same conditions are applied to children on unofficial probation. Without sanction of the court through an official court petition and final court order, it is questionable whether probation officers may unofficially exert the authority as attested to on the standard probation forms.

Probation supervision should involve methods of casework and counseling to assist the child in understanding himself and his situation and to develop methods of behavior that will not cause him to come into conflict with the law. The "casework approach" has very definite advantages where the "punitive approach" assumed by some officers has a negative effect.

Casework treatment occurs primarily through the interview process by which the offender comes to more clearly recognize his goals, capabilities, and problems and is able to either perceive more

rational ways of achieving his goals or of redefining them consistent with his capabilities and available opportunities. Treatment goals and problems are indicated by the offender but it is the worker's function to articulate and--when necessary--redefine them.

The major treatment efforts of the social worker in direct relationship with the offender are generally centered on what may be called "ego-strengthening." The effort is to support--to reinforce--the latent abilities of the offender so that he may use them more effectively. Techniques such as lecturing, punishment, and blame are thereby precluded as either destructive or ineffective. The worker "begins where the client is" with problems and situation, encourages the offender to gradually express those related conscious feelings which they can securely deal with, and helps the offender examine and test alternative ways of behaving and their likely consequences. It is not all problems and feelings which the worker tries to help the offender identify and come to terms with, but only those which the client, in view of his motivation and capacity, is able to consciously express and deal with productively in the casework relationship.

The punitive officer's supervision methods reflect his conception of offenders as malingerers and his goal of compelling conformity with ideal standards. The punitive officer's ongoing task is to define for the offender the full range of his social responsibilities. The law and court or parole orders define a part of man's responsibilities, but they protect only the most valued and crucial aspects of men's lives. They reflect only part of the ideals of behavior. Men have moral obligations undefined by law which nevertheless are important. Formal agency conditions of probation/parole also define obligations, and strict enforcement of these rules is one basis of supervision. Nevertheless, the rules, like the law, do not completely define an offender's responsibilities. The officer continues to do so for the offender throughout the period of supervision, evaluating each situation in terms of the rights and demands others have to make upon the offender.

The officer makes decisions for the offender, not with him, in minor matters as well as important ones. The officer sees this as in the best interest of the offender because the officer is certain that his own determination of what is best for an offender is correct. It is not an issue of having a right to interfere in an offender's decisions; he has an obligation to do so by virtue of his commitment as the legal representative of an orderly society.

The officer's orientation rules out *a priori* any supervisory approach which necessitates allowing gradual improvement. The officer cannot allow moral lapses. Work decisions are made on the supposition that forced temporary conformity will become habitual or that temporary conformity is better than none at

all. The ultimate justification for enforcing conformity is that conformity is good in itself. Fulfilling a social obligation is a duty, and living up to duty is good. Whether or not the offender continues after supervision ends is not the real issue.

Evidence on conformity is gathered in a number of ways. Supervisory interviews are sources of information about behavior. The officer probes, questions, confronts, and looks for internal consistency or contradiction. Reports by others are another source of information, and the officer cultivates informants among relatives, police, landlords, bartenders, offenders and others. The officer also attempts to place the probationer/parolee in a work and living situation where he can be carefully watched. Finally, the officer uses surveillance to obtain information about the offender's behavior.

The punitive officer relies upon negative sanctions to obtain conformity. He uses lectures, reprimands, and threats as devices to make the offender aware that the price of nonconformity is too high. The threat of revocation is implicit and sometimes explicit in supervisory interviews, and its application is not restricted to violations of law or written rules of supervision. Short of revocation, the officer has other techniques for punishing the nonconformist. A common one is the increase of restrictions for the offender who has done, or is suspected of having done, something of which the officer disapproves. Progressive imposition of restrictions characterizes punitive supervision. The officer also believes that jailing the probationer/parolee for short periods is an effective technique of "shock treatment."⁶

The "punitive approach" taken by some probation officers in New Mexico should be replaced by the more effective "casework approach." Probation supervision should include utilization of appropriate community resources. In many communities there are existing agencies which may provide comprehensive child and family services, diagnostic and evaluation services, recreation and other forms of outlet for juveniles, special education programs, financial assistance, and vocational training.

A majority of probation departments in New Mexico do have good working relationships with law enforcement agencies and with the public schools. For intake services it is desirable that communications be open with police; infrequently, however, law enforcement does not serve as a dispositional resource. Some probation officers do frequently work with the public schools. In several jurisdictions, probation departments work with the schools to

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Youth Development and Delinquency Prevention Administration, Department of Health, Education and Welfare, *A Study of Practice Theory in Probation/Parole*, U.S. Government Printing Office, Washington, D.C., 1971, pp. 46-49.

help reintegrate the child into classwork, to develop special programs, or to otherwise enable the child to function in the public school setting. Oftentimes, however, the type of communication which exists is that the school official contacts probation to advise of truancy or a school behavior problem.

In most judicial districts some contact is had with the Department of Health and Social Services toward providing available resources to the child on probation. In other districts the Neighborhood Youth Corps and other federally-funded programs have been worked with frequently toward providing service to juveniles.

It is evident, however, that the majority of probation departments do not reach to the community to assist in providing special services. Religious groups and churches often provide family counseling services which may, in many situations, be advantageous. Other youngsters may profit from vocational training which is provided by the New Mexico Division of Vocational Rehabilitation. Some contact has been had with that agency in some jurisdictions; it would appear that many could profit from this service if contact were made.

In another jurisdiction, there was indicated a great need for resources to provide diagnostic evaluations for children adjudicated delinquent. Within that community existed a state university with the probable resources needed, yet contact had not been made there. Services such as this may be made available after contact and exploration of problems and needs.

Foster home and group home placement has long been one of the most commonly used alternatives to detention and institutionalization. Additionally, a sizable proportion of juvenile correctional programs nationally make these placements a routine part of their work. Such placements keep the juvenile offender in the community where he must eventually settle. It is obvious that many delinquent youngsters come from badly deteriorated family situations and that such conditions are significant, perhaps critical, factors in generating delinquent behavior.⁷

Where residential care is needed, a facility such as a group home or foster home in the community is much more advantageous than treatment in the state training schools. From the cost standpoint, community residential care is more economically advantageous as illustrated below.

What is needed in most communities is for probation departments to survey available community resource agencies and groups that might offer potential services for children in trouble. Utilization of community resources, group homes, and foster care is a requisite adjunct to probation supervision.

⁷ President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*, A report prepared by the Task Force on Corrections, U.S. Government Printing Office, Washington, D.C., 1967, p. 40.

TABLE II

	<u>Cost Per Year Per Child</u>	<u>Cost Per Day Per Child</u>
New Mexico Boys' School	\$6,000.38	\$16.44
New Mexico Girls' Welfare Home	9,048.93	24.79
Average Cost of Group Home in New Mexico ⁸	3,500.00	9.59
Average Cost of Group Home Care Paid for by New Mexico Health and Social Services	1,423.50	3.90
Foster Care Paid for by New Mexico Health and Social Services ⁹	959.95	2.63

COURT PROCESSING

Although the focus of this report is on correctional procedures and practices, there are problems in the area of juvenile court operations worthy of note.

One of the major concerns, as indicated in the discussion on law enforcement and probation intake, is that of children charged with non-criminal offenses being processed through the juvenile system. It is not suggested that children charged with offenses that are applicable to juveniles only do not require any attention. The majority of children who may be exhibiting what might be typified as a behavior disorder can more efficiently be handled by agencies other than juvenile court and probation service. It is suggested that the juvenile courts establish policies which will require probation intake screening services to refer these types of cases to other more appropriate community agencies. The alternate service applies to the category of "children in need of supervision" created in the new children's code.

⁸ Source: *Juvenile Corrections in New Mexico*, A Study by the Governor's Policy Board for Law Enforcement, 1969, p. 21.

⁹ Source: The Health and Social Services rate includes room, board, clothing, medical and miscellaneous.

As indicated in Table III below, there is a surprisingly high number of commitments and probation dispositions in relation to the number of petitions filed. During 1970, 3,359 petitions were filed. During that same year there were 3,108 probation dispositions, 352 commitments to training schools, and 34 suspended commitments. (The greater number of dispositions than petitions may be attributed to cases being carried over from the previous year.)

The consent decree which is used for unofficial probation should not be used in its current form. It should be modified as an adjustment with compulsory court review without the application of probation supervision.

In several judicial districts in New Mexico, juvenile court does place on official probation some children without their appearance before the juvenile judge. In particular, one district may place on probation a child with the order being stimulated by the chief probation officer and signed by the judge. This type of practice should be discontinued. Children should not be placed on probation unless adjudicated and disposed as such by the juvenile judge in a juvenile court hearing.

The problem of the availability of defense counsel was mentioned by several district judges. It was indicated, especially in the more rural areas, that it is difficult for the court to retain interested and competent defense counsel for children. Several judges suggested the need for a state-sponsored public defender association to represent both juveniles and adults in court. All children appearing in court should be represented by legal counsel whether or not they have capability to pay. The state should develop this service, but not within the administration of the courts.

Commitments to juvenile detention homes, jails, and the training schools need clarification. First, the Department of Corrections has permitted its training schools to be used as facilities for diagnosis by the juvenile court. As a result, there are being made a number of commitments both to the Girls' School and Boys' School for the purpose of diagnosis and evaluation. For several reasons this is an exceedingly poor practice. First, if there is available to the juvenile courts sufficient numbers of qualified probation officers, diagnosis can occur in the community without custodial care. If custody is absolutely required, a contractual agreement should be made with one of the two existing detention homes in the state for this service. Secondly, there is in evidence an abuse of the diagnostic commitment by the courts. Indications made by the probation staff and institutional staff are that the courts commit to the training schools for thirty days for the purpose of shock treatment or therapy rather than the stated purpose of diagnosis. There is, however, no available literature that indicates this type of shock therapy has any value. Third, the training schools are not programmed or staffed to provide meaningful diagnosis and evaluation.

At the Boys' School when a child is received on diagnostic commitment, he is enrolled into the regular training school program with no differentiation in treatment or handling from other regular commitments. There are no available psychometrists, psychologists, or diagnostic facilities that might provide diagnostic service. Further, probation officers state that the evaluation report they receive after the thirty-day commitment includes no more information than that which was included in the pre-disposition study report. Therefore, the thirty- and sixty-day diagnostic commitments to the Boys' School and Girls' School should be discontinued immediately.

TABLE III
REFERRALS AND DISPOSITIONS

District	REASON FOR REFERRAL					DISPOSITION OF CASES				
	Total	Criminal	Juvenile	Traffic	Other Traffic	Total	Adjustment	Commitment	Probation	Other
I	1,723	461	167	18	1,077	1,723	751	23	66	883
II	9,773	2,602	1,076	109	6,586	9,773	5,489	70	1,456	2,758
III	1,247	329	152	15	751	1,247	385	24	103	735
IV	765	238	251	60	216	765	247	16	253	249
V	1,313	671	590	8	44	1,313	509	128	402	274
VI	1,125	148	416	24	537	1,125	425	14	98	588
VII	467	61	192	38	176	467	75	37	73	282
VIII	851	225	452	13	161	851	174	8	155	514
IX	883	340	500	25	18	883	442	15	142	284
X	187	43	58	7	79	187	11	20	0	156
XI	2,814	805	1,073	72	864	2,814	1,828	26	50	910
XII	1,228	296	345	8	579	1,228	583	8	47	590
XIII	1,048	193	231	21	603	1,048	527	4	271	246

Source: New Mexico Department of Corrections, *Juvenile Court Statistical Report*, 1971.

Additionally, several district court judges utilize a thirty-day commitment to one of the county juvenile detention homes as a court disposition. This illustrates misuse of detention, since its purpose is only to provide secure custody until court disposition occurs and then only if needed for children who will probably commit another offense, present a danger to themselves or to others, and those who probably will run away. The detention facility should be equipped to provide diagnosis and evaluation that will assist the court in making dispositions, yet it is not programmed nor does it have or should it have the staff and physical facilities to provide the services as would be provided in a training school. Again, if there are adequate numbers of trained correctional field services staff available, commitment for treatment purposes will not be necessary. This practice of committing children to detention should be discontinued. Jail detention for children is exceedingly damaging and its use should be curbed immediately.

PRE-PAROLE PLANNING

Analysis of the pre-parole procedure, as it is being performed and as it is viewed by the juvenile parole officers and adult probation and parole officers, indicates an overwhelming structural gap between the officer's contact with the child while institutionalized and the moment he returns to the community on parole. With the exception of two juvenile parole officers, the staff voiced a conceptual opinion that they were not expected to become involved at the planning level, nor were they encouraged to do so.

Several of the new juvenile parole officers, as well as several of the adult probation and parole officers had, in fact, never visited the two schools. The majority were unfamiliar with the operations and programs of the training schools except for what they had learned from their clients. One juvenile parole officer, although previously stationed in Albuquerque for several months prior to this new assignment, had never been in the Girls' School. Several officers stated that they were being discouraged from involvement with the institutions. They had been advised not to communicate directly with the institutions without going through the chain of command of discussing the matter with their supervisors. This person then communicated with the Juvenile Parole Office Division Director who was followed by a related approval or disapproval to the officer, by his supervisor. This communication procedural lag was referred to several times in various contexts, most frequently in written communications regarding parole revocation and recommendations for discharge.

There appeared to be a much greater consensus of opinion and eagerness for pre-parole involvement through institution visitations with the juvenile parole officers than with the adult probation and parole officers. However, all agreed that it would be most advantageous for initiating sound therapeutic intervention to establish the relationship with the clients as soon as possible. This would promote a greater degree of success once the child was released, since most clients experienced the greatest difficulty within the first few months of release from the institution. The primary objections to this early involvement were: an uncertainty whether the child would be released to his jurisdiction; lack of early notification that a child from his jurisdiction was institutionalized; lack of time or low in time assessment of priority; distance from office to institution; and lack of encouragement and/or direction from the administration to become involved at this level.

The officers did indicate that they were notified of a child's institutionalization sooner by the Girls' Welfare Home than by the New Mexico Boys' School. Further, in those areas or districts where there is close coordination between the probation staff and the parole division, some officers were notified shortly after commitment by the probation staff.

Field investigation and pre-parole preparations within the community are viewed by the officers in the field as an extremely difficult procedure. It is hampered by the short notification given (generally sixty days), a knowledge of their client gained only through written reports, a lack of and inability to locate community resources, and no definite assurance of when the client will be released. This does not negate the seriousness with which they approach this task nor the ability to perform it. Rather, it again demonstrates the need for and actual lack of personal contact with the client and integral interaction with the pre-parole process.

Each of the sub-tasks illustrated below, from family through recreation facilities, presents unique problems within the various communities and with the individual clients.

Pre-Parole Integration Tasks

1. Pre-parole institutional interviews
2. Field investigation and pre-parole preparations
 - a. Family
 - b. Substitute placement
 - c. School
 - d. Medical/psychological assistance
 - e. Employment and/or financial assistance
 - f. Recreation
 - g. Community receptiveness
 - h. Court
3. Trial visits
4. Recommendation, presentation and interaction with parole board
5. Preparation for release once parole granted
6. Continued interaction if parole denied

Many officers were reluctant to recommend that the child return to his or her home immediately upon release from the institution, preferring an interim placement facility until family problems could be worked out. However, with but a few exceptions, the officers cited a lack of funds for and/or a lack of resources for substitute placements. Several of the officers had worked out good arrangements with the Department of Health and Social Services to help them develop substitute placements or had developed them on their own.

A consistent objection by the officers was the lack of coordination with the public schools in their area regarding the timing of the client's release and public school semesters. They felt that it put their clients at a definite disadvantage to have to enroll in school after the semester had started or when just a few weeks remained. All officers mentioned the difficulty of securing employment for their clients as a primary problem.

Consistent with the frustrations associated with the above tasks, the parole officers were in agreement that there would be substantial therapeutic value in the use of trial home visits. Use of the same would necessarily give them an opportunity to observe family relationships, peer group interactions, community responses; to locate needed community resources; and to begin the development of the parole officer-parolee relationship.

All officers interviewed were high in praise of the reintegrative service performed by the Girls' Welfare Home which, in part, serves the task described above. Noticeable was the lack of a like service being performed by the Boys' School.

The task of making recommendations to the parole board by completing a prescribed form upon request when a child is being considered for parole is viewed by most officers as more of a clerical or procedural function mandated by policy than as an integral part of the correctional continuum. For most officers, this is the first notification that a child is nearing readiness for release and is his signal to begin getting involved in the pre-release study, that the decision to parole the child has already been made. Their report and recommendation is, therefore, of little consequence.

In that the officer is not present at the parole hearing and that in many instances he has never met the client, he believes little credence is placed in his report. This was exemplified by a statement from one parole officer, who related that the report submitted indicated that placement of the child back in her own home would be detrimental to her welfare, yet the parole board placed the child in the home without explanation to the officer.

At the Girls' Welfare Home, preparation for release once parole is granted is handled by the girl's caseworker and the reintegrative worker; at the Boys' School, by the caseworker. During this preparation period and prior to the child's release, the parole agreement is signed and forwarded to the parole officer. However, the parole officers reported that frequently they learn of a child's release when they show up at the office for the initial interview and introduce themselves. The officers stated there is frequent communication breakdown on notification of the granting of parole and more frequently in the forwarding of the parole agreement.

Continued interaction is needed between the client and the field services officer in order to provide an opportunity to plan for the future. This is contingent upon expanded communications, understanding, and working relations between the aftercare worker and institutional personnel.

PAROLE SUPERVISION AND ENFORCEMENT

Although departmental regulations request adherence to the parole classification reporting system of minimum (monthly), medium (every other week), and maximum (weekly) periods, it appears that the officers adhere to it for "statistical purposes" only. Because of their assumption of professional responsibility of re-evaluation or assessment of progress or regression, and the fact that the juvenile client experiences more frequent "crisis" situations that demand more frequent reporting, more officers rate the vast majority of their cases as reporting on a maximum basis. Additionally, the officers view the mandatory report writing as a bureaucratic responsibility. They feel a more practical approach of filing reports on the basis of the parolee's progress, lack thereof, or surrounding circumstances is needed. This is subscribed to by NCCD.

Parole Supervision and Enforcement Tasks

1. Initial interview upon release
 - a. Review of parole plan/goals
 - b. Review of parole agreement
2. Routine contacts
 - a. Parole
 - b. Family/substitute placement
 - c. Collateral
3. Develop referral resources
4. Evaluation/assessment of plan/goals progress vs. regression
5. Submission of requested reports
6. Specify obligations
 - a. Self
 - b. Family
 - c. Community
 - d. Courts
 - e. Department/agency
7. Confront with infractions/charge
8. Detain only if violation/conditions warrant with court order
9. Submit parole violation report
10. Return to court if new delinquency act
11. Provide for due process hearing

12. Return to institution if violation/conditions of parole board warrant
13. Discharge from parole.

Regarding discharge from parole, most officers utilize the standards of one year on parole or attainment of the eighteenth birthday. The use of the "unsatisfactory discharge" was questioned particularly when it was obvious that the client was being returned to the institution. It was stated that this might tend to give the reader of statistics the misleading impression of a greater parole success rate than was actually being achieved since all parole discharges for statistical purposes are lumped together.

While exercising their professional roles, responsibilities and prerogatives to the best of their ability to enforce conditions of parole, the officers feel constrained by several existing conditions or circumstances. Primarily, they experience a pressure from the district judge to remove clients from the community who have violated the law and they felt that frequently the parole board does not follow their recommendation to revoke the parole.

Where there is a denial of an alleged law violation, determination of guilt or innocence should be made by the court rather than the parole board. As the desired practice, the probation department, under the direction of the judge, files a new delinquency petition, brings the child into court and recommits him or her to the institution. Although the local parole officer is often forced into a position of criticism by the judge and probation staff with whom he must maintain communication, it is desirable that parole revocation be a judicial order rather than an administrative one.

The officers have an undue communication time-lag between the filing of a parole revocation report and the return of the decision by the parole board. This could be reduced by direct involvement of the aftercare worker in the judicial revocation hearing process. The worker may then explain in detail not only the allegation, but also give the client and his counsel an opportunity to relate his account of the extenuating circumstances surrounding it.

Although the Department of Corrections may still have legal custody of a child after release from the institution and under the supervision of a parole officer, a technical violation of parole does indicate the need for review of the child's case. The parole board may act as a review panel to reconsider the child's individual treatment plan and its failure to achieve the desired results with him. Accompanying the review panel should be the child, his parents or guardian, and the aftercare worker. It might be determined jointly that the parole rules (generalized to all parolees) are too stifling for the child and require individualized exception. The revised plan should pinpoint problems with readjustment that the youth may be experiencing with commonly acceptable solutions toward rectifying the problems and continuing progress.

V. CORRECTION MANPOWER AND BUDGET REQUIREMENTS

INTRODUCTION

Correctional field services for juveniles can function effectively given the availability of sufficient numbers of experienced, qualified, and properly compensated staff. In New Mexico, there is indicated a need for upgrading qualifications, training, salary, benefits and working conditions. This section of the report addresses current conditions of the staffing function. Requirements for manpower and workload are assessed under the proposed re-organization. This discussion also addresses the funding of the service.

STAFF QUALIFICATIONS

The majority of all juvenile probation officer personnel employed throughout the state of New Mexico are genuinely interested individuals concerned about the welfare of children. Among the sixteen Chief Probation Officers employed, more than one-half have had at least ten years' experience in probation work; the remainder have had three or more years' experience in probation. More than half of the chief probation officers in the state have background experience in law enforcement, received from police departments or county sheriffs' offices. Where chief probation officers have had a large part of their training in law enforcement agencies, it is not uncommon for the philosophical direction of the department to be a quasi-law enforcement type of operation.

Three of the chief probation officers working with juvenile departments in New Mexico are qualified with the necessary background training. NCCD standards call for probation officers to be equipped with a college degree. In these departments there are differences noted in their modes of operation. By comparison, these departments communicate better with other social agencies in the community and attempts are made to make utilization of their resources. They tend not to assist police officers in investigative work as is common in other departments. There is more involvement with the total family in resolving problems with casework methods. Pre-disposition reports in these departments show greater reliance on psychological and sociological conditions surrounding the child and his involvement in illegal behavior. Plans for treatment are usually better thought out and more appropriately stated. The quality of operation exhibited by probation departments is directly related to the qualifications and background experience of chief probation officers.

Probation work requires full-time employment. It requires that the officer be available daily, as well as on call during the evening and weekends, should emergency situations occur. Decisions regarding detention, when not well established with other authorities, are needed frequently at odd hours. All of the sixteen chief probation officers are employed full-time in the state but nineteen of the fifty-one probation officers are employed on part-time status. Other jobs held by these persons include secretary, school teacher, student, court bailiff, process server, welfare worker, policeman, and truant officer. While it may be desirable that part-time officers work on their off-duty hours in positions associated to probation work, it is also desirable that both positions be compatible. More than several persons are employed, in

addition to their part-time duties as probation officers as law enforcement workers.

It is difficult to rationalize that these two jobs are compatible in nature. Law enforcement often assumes an authoritative role while probation officers should be helping persons. As recommended earlier, a better alternative would be for part-time officers to be employed on a full-time basis and work with both juvenile probationers and parolees to complete full-time employment.

The personal quality and professional ability of the personnel employed by the Department of Corrections to supervise juvenile parolees was, with but a few exceptions, most impressive. All officers do have the required college degree. Despite the fact that overall supervision assumes the posture of allowing a great deal of professional latitude and individual exercising of discretion with cases, the parole officers voiced a remarkable similarity of philosophy in their basic approaches to the care and handling of their clients. They did however, voice a need for increased in-service and/or advanced professional training.

The responsibilities and duties of persons employed in field officer positions demand that they meet certain personal, educational and experience requirements. First, officers performing the basic probation functions should possess the highest personal attributes. They should have emotional and intellectual maturity, ability in interpersonal relations, positive value systems, and a dedication to the service of others. Second, they should have the training and experience that will supply the knowledge and skill necessary for their enormously complicated work. Since their tasks include diagnosis and treatment, they must have professional training in these functions.

Preferred educational requirements for supervising field officers are a master's degree from a recognized school of social work or a master's degree in the social or behavioral sciences. Three years of paid, full-time social work experience in an agency maintaining acceptable professional standards is recognized as the sufficient minimum requirement for experience. Chief probation officers, in addition to the required personal qualities for probation officers, should have (1) the ability to develop social skills in others in an authoritative setting and to interpret departmental policies and procedures to staff, (2) demonstrated administrative and organizational abilities, (3) ability to write and speak effectively, and (4) demonstrated ability to establish and maintain effective working relationships with individuals. Minimally, the probation officer should have a bachelor's degree with a major in the social or behavioral sciences and courses in delinquency and crime. The master's degree in social work or in the social or behavioral sciences is preferable.

¹President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*, U.S. Government Printing Office, Washington, 1967, page 136.

SALARIES AND BENEFITS

The average annual salary for chief probation officers within the state is \$10,430. For juvenile probation officers the average is estimated at \$8,867 annually. While these salaries are not seen with disfavor in comparison to salaries paid by the Department of Corrections, there are indications that more qualified personnel would be recruited and retained if salary ranges were made more attractive. The following illustration reflects recommended salary ranges for the correctional field services division.

RECOMMENDED SALARY RANGES FOR
CORRECTIONAL FIELD SERVICE WORKERS

Director	\$15,200 - \$19,400**
Area Supervisors	\$12,400 - \$17,200**
District Supervisors*	\$ 9,600 - \$13,800**
Field Workers	\$ 8,500 - \$12,600**
Field Worker Trainee	\$ 7,200 - -----**
Clerical	\$ 4,620 - \$ 7,800**

* Counterpart to the former chief probation officer positions.
** Five steps are recommended from beginning to top of range.

Benefits comparable to those in the best private social agencies should be established for sick leave, annual leave, hospital and medical insurance, disability and retirement coverage, etc.²

STAFF NEEDS

There are several methods by which workload and subsequent numerical staff needs for juvenile correction field services may be computed. One method may be simply to assume that past and current workload and manpower are sufficient. Yet, this method is inferior, since workload assumed by the probation departments and parole officers varies from district to district and from area to area. The variation in average probation caseloads is illustrated below.

The method of using past or current workload as a guide to determining numbers of staff required is also erroneous, since the supervision of unofficial probation as used is recommended to be discontinued. Further, average caseload is an indicator of supervision workload only and does not reflect the amount of work units required for additional probation/parole functions, such as intake screening and case study.

²President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*.

Average Caseload Per Probation Officer By District³

<u>District</u>		<u>Official</u>	<u>Unofficial</u>
I	34	34	0
II	103	66	37
III	75	65	10
IV	20	10	10
V	Div. I 45	40	5
	Div. II 48	28	20
	Div. III 30	5	25
VI	52	3	49
VII	53	14	40
VIII	16	0	16
IX	44	24	20
X	4	4	0
XI	Div. II 38	1	37
	Div. I 38	6	32
XII	28	28	0
XIII	50	13	37
TOTAL	679	341	338
Average Caseload Per Officer	42.4	21.3	21.1

The most acceptable method of determining staff needs for probation and aftercare is to separate the necessary functions, determine numerically the number of children processed through or by each function of service and then apply workload standards for computing manpower requirements. Based on NCCD's experience in the field of juvenile probation and parole, the following guidelines for determining workload have been developed and adapted as national standards.

Intake Screening

One professionally qualified and experienced officer may conduct satisfactorily no more than 500 intake interviews annually to fulfill the intake screening function.

Pre-Disposition or Pre-Release Study

One professionally qualified officer may satisfactorily complete no more than 120 pre-disposition or aftercare pre-release studies annually.

³Caseloads reflect in most instances the number reported by the chief probation officer, in others estimates were made by NCCD. The average includes caseloads for full and part-time officers and for caseloads carried by chief probation officers in districts where applicable. Work units or amount of workload by officer to include intake and pre-disposition study work units are not reflected here. Estimates were taken in April, 1972.

Probation or Aftercare Supervision

One professionally trained officer may supervise on probation or aftercare supervision no more than an average of 50 cases annually.⁴

Applying these standards to available data in New Mexico, the total staff requirements for juvenile correction field services is one hundred fifty-four persons. The number includes five administrative, twenty supervisory, thirty-eight clerical and ninety-one field service worker positions. This figure was arrived at by the method illustrated below. The recommended geographic and district assignment of officers is attached.

It is recognized that this application of national standards to the State of New Mexico at this time may not be economically practical. The importance of the assessment of staff requirements does illustrate that many of the district probation departments are greatly understaffed and it should be the goal of the State to fully staff the service as soon as possible.

Some other important conclusions can be drawn from the resultant staff complement, as determined by national standards. First, the projected staff needs may be decreased appreciably if children allegedly involved in offenses applicable to children only (truancy, incorrigible, curfew violators, etc.) are removed from the aegis of probation departments as recommended earlier in this report. Second, alterations of staff needs may be required after implementation of the recommendations contained in the study. The variable having the greatest effect is that of law enforcement referrals to the children's court. Should referrals be reduced by use of "police station adjustment", probation and aftercare staff needs will be affected accordingly. Third, staff needs may be decreased partially with the use of volunteers in juvenile correction, as is currently being utilized in at least one district in the state.

For quality service to children in New Mexico, it is necessary that provisions for required staff be made available.

COST OF SERVICE

The national average for the cost of providing correctional field services for juveniles is 84 cents per day for children on parole and 92 cents per day for children on probation.⁵ The current funds expended for juvenile field services is substantially below the national figure. Information is not available on probation yet an average of 23 cents per day was the amount expended by aftercare in fiscal year 1959. To provide quality service, increases in budget will be required.

⁴This standard assumes that caseloads may be weighted according to intensiveness of supervision required for each probationer or parolee. For example, a caseload of 10 might be considered maximum for an officer working with children requiring intensive supervision, while another officer might supervise 200 children requiring only light supervision.

⁵President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*, U.S. Government Printing Office, Washington, D.C., 1967, page 194.

COMPUTED STAFF NEEDS

Judicial District	⁶ Intake	Staff	⁷ Pre-Disp.	Staff	⁸ Prob. Sup.	Staff	⁹ Aft. Plan	Staff	¹⁰ Aft. Sup.	Staff	Total	¹¹ Adm.	¹² Sup.	¹³ Cler.	Total
I	628	1.26	126	1.05	101	2.02	23	.19	18	.36	4.88		1	2	8
II	3,678	7.36	736	6.13	589	11.78	70	.58	55	1.10	26.95		5	11	43
III	481	.96	96	.80	77	1.54	24	.20	19	.38	3.88		1	2	7
IV	489	.98	98	.82	78	1.56	16	.13	13	.26	3.75		1	2	7
V	1,261	2.52	252	2.10	202	4.04	128	1.06	101	2.02	11.74		3	5	20
VI	564	1.13	113	.94	90	1.80	14	.12	11	.22	4.21		1	2	7
VII	253	.51	51	.43	41	.82	37	.31	29	.58	2.65		1	1	5
VIII	677	1.35	135	1.13	108	2.16	8	.07	6	.12	4.83		1	2	8
IX	840	1.68	168	1.40	134	2.68	15	.13	12	.24	6.13		1	2	9
X	101	.20	20	.17	16	.32	20	.17	16	.32	1.18		1	1	3
XI	1,878	3.76	376	3.13	301	6.02	26	.22	21	.42	13.55		2	5	21
XII	641	1.28	128	1.06	102	2.04	8	.07	6	.12	4.57		1	2	8
XIII	424	.85	85	.71	68	1.36	4	.03	3	.06	3.01		1	1	5
TOTAL	11,915	23.84	2,384	19.87	1,907	38.14	393	3.28	310	6.20	91.33	5	20	38	156

During the last year \$86,745.00 was expended on juvenile aftercare services; \$499,144.00 was spent the 60th fiscal year for district court probation and secretarial personnel. The total amount of funds spent during the sixtieth fiscal year for probation and aftercare was \$585,889.00.

There are indications that the State and the Department of Corrections have not given high priority to funding correctional field service for juveniles in the past. As illustrated below, only three tenths of one percent of the Department's budget went for development of the juvenile probation division. Clearly, there is need for an increased budgetary allocation in this area.

Source of Data: New Mexico Department of Corrections, *Juvenile Court Statistical Report*, 1970.

⁶The number of cases was arrived at by deleting traffic from total number of referrals by district. Traffic cases which are projected to go before the children's court as stipulated by the new children's code are not included since this data was not available. It is not anticipated, however, that those cases would increase staff needs at intake greatly.

⁷The number of pre-disposition studies required is based on past practices in New Mexico. Probation has consistently screened out at least 80% of all cases referred. The projected 20% of cases requiring a court hearing should all have the pre-disposition study completed.

⁸Probation supervision staff needs are based on the 50 unit caseload and the assumption that at least 80% of all children adjudicated delinquent may be handled successfully on probation without institutionalization.

⁹Aftercare planning data based on actual number of commitments to Boys' and Girls' School in 1970. Staff needs are based on at least the same number of releases annually.

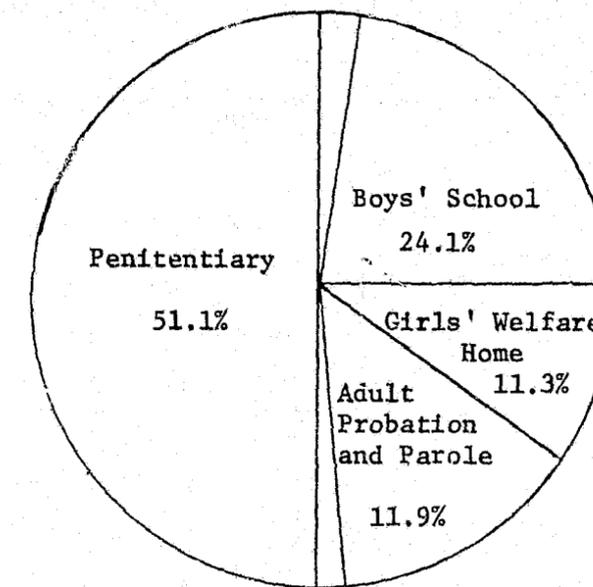
¹⁰Based on an estimated number of releases per year. The number is somewhat smaller than commitments, since the length of stay is averaged at 9.47 months by boys and girls. The actual number of parolees under supervision at the time of data collection in April and May, 1972, was 332.

¹¹The estimate of five administrative staff includes one as director of the overall division of juvenile correction field services. The four additional persons are in projected area supervisory positions consistent with the Department of Corrections geographic divisions.

¹²Supervisory positions were projected on national standards that for each six officers one supervisory position should be created. Additionally, because of New Mexico's large geographic area, it is recommended that each district office have at least one supervisor to act in a similar capacity, as is the case with the chief probation officer, yet under the supervision of recommended division of juvenile field services.

¹³Estimates of clerical needs are based on the standard of one clerical position for three professional staff.

1.3 Administration Central Office

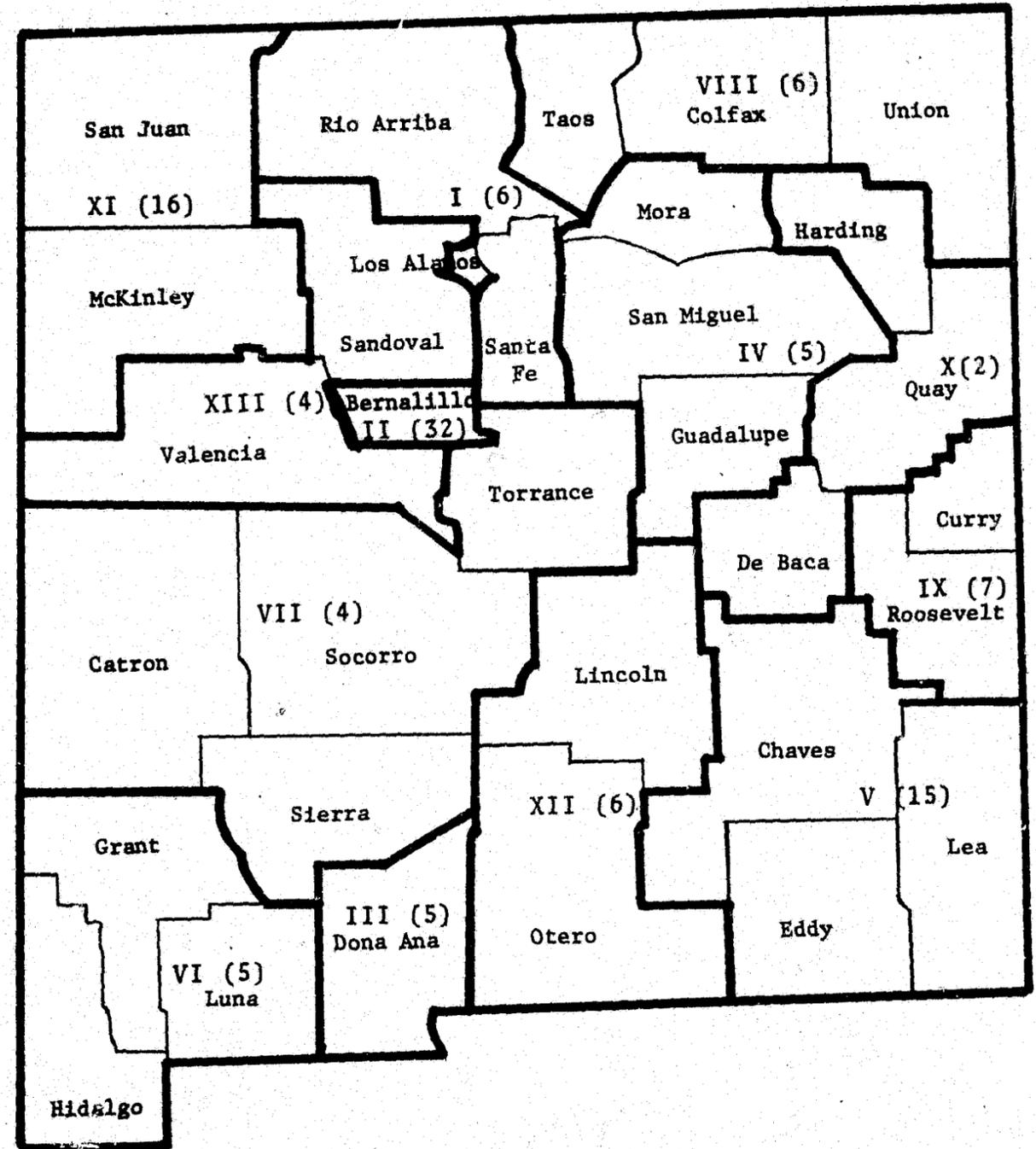


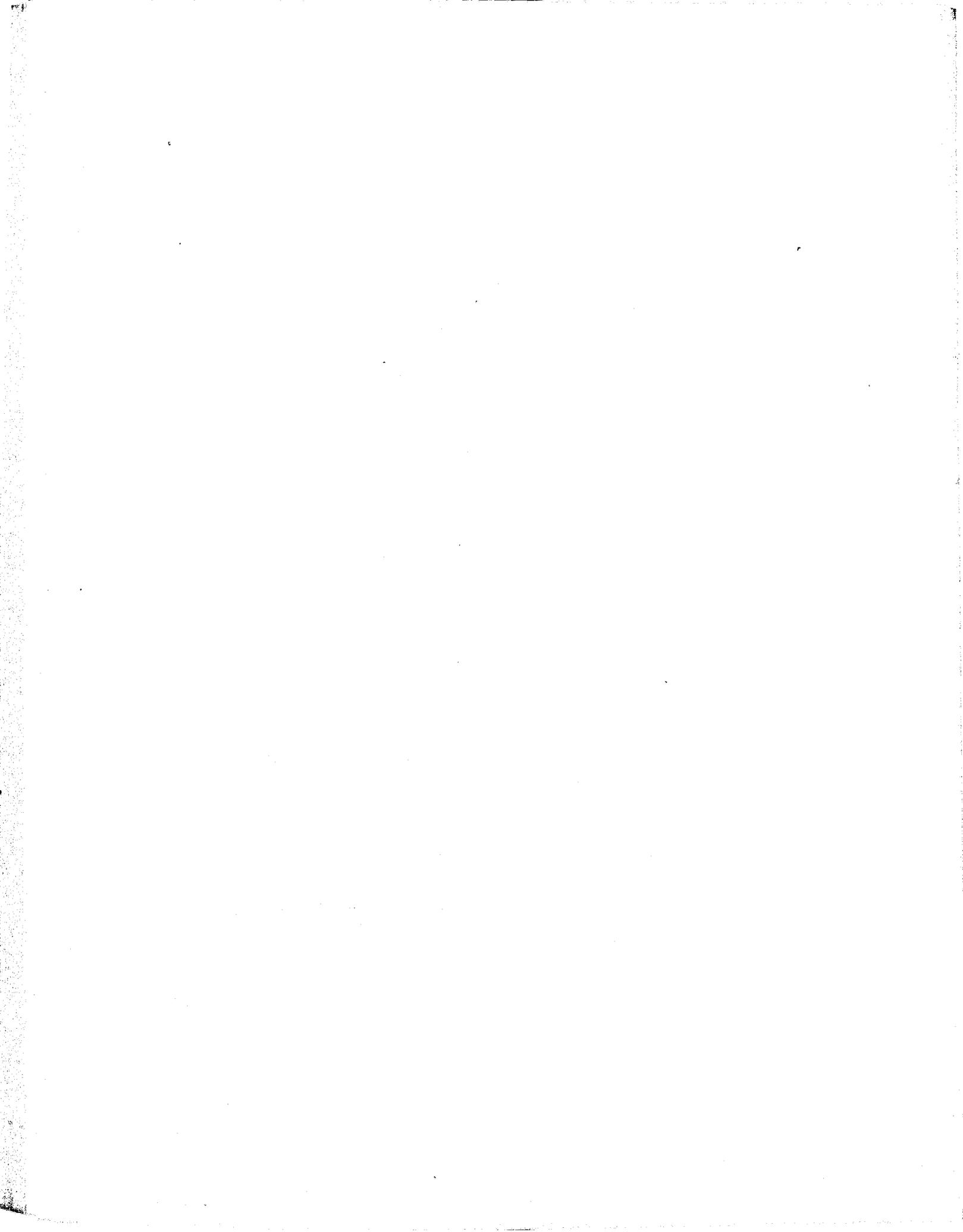
.3% Juvenile Probation

With the need for suitable numbers of qualified staff to adequately perform the juvenile correctional field services function the budgetary requirements will increase accordingly. It is anticipated that an additional \$500,000.00 will be required to develop the recommended service.

Implementation of the first transitional phase of upgrading services will require approximately \$750,000.00; the second phase should be increased to \$925,000.00. The final phase of complete implementation of the state correctional field services for juveniles will require funding in the approximate amount of \$1,000,000.00.

JUDICIAL DISTRICTS WITH RECOMMENDED FIELD WORKERS





END