

American Civil Liberties
Union of New Mexico
PO BOX 566
Albuquerque, NM 87103



Fax: (505) 266-5916
psimonson@aclu-nm.org
www.aclu-nm.org

ACLU and CYFD Reach Agreement on Juvenile Justice Facilities

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Contact:
Peter Simonson, ACLU of NM Executive Director
(505) 266-5915 x1002

ALBUQUERQUE— In a settlement reached today with the ACLU of New Mexico and the Youth Law Center (San Francisco, CA), the State of New Mexico Children, Youth, and Family Department (CYFD) agreed to continue to make substantial improvements to essential health and safety services for youth in their custody. Today's settlement stems from a lawsuit that the ACLU filed in 2007 to enforce the terms of a 2006 contract between the two agencies which resulted in the closure of Springer boy's school and set forth promises to improve security, behavioral health screening and treatment, and quality assurance systems.

“This agreement demonstrates the commitment of CYFD Secretary Dorian Dodson to providing improved health and safety to youth in their custody,” said ACLU Executive Director Peter Simonson. “Rather than fighting it out in court, we sat down to agree on what needed to improve and how it was going to be accomplished. We designed a flexible, cost-effective agreement based on best practices in the field.”

The agreement includes an appendix entitled, “The Way Forward,” which outlines detailed improvements that CYFD will make in areas of accountability, quality assurance, safety and protection of youth, health services, and educational programming. Major points of the agreement include commitments by CYFD to:

- Invite nationally-recognized juvenile justice expert Paul DeMuro to take part in a Technical Advisory Committee to advise and work with CYFD to implement the agreement;
- Re-focus CYFD's Office of Quality Assurance on continuous quality improvement processes, including regular and detailed reviews of juvenile justice facilities;
- Implement an effective system for abuse investigation and filing of grievances, and ensure timely and appropriate corrective action is taken in response to substantiated grievances. This includes the creation of new grievance officer positions in YDDC, Camino Nuevo, and J. Paul Taylor Center.

- Reduce living units to twelve youths or less, providing safer places for youth to live;
- End abusive and coercive lockdown procedures and revise policies on physical restraints;
- Revise policies for managing older youth (more than 60% of youth in CYFD custody are older than eighteen);
- Implement the Missouri model of youth detention and rehabilitation;
- Establish transition care for youth that will begin at the individual's commitment and continue through his or her reintegration into society;

The ACLU will maintain a continuing monitoring presence in CYFD facilities through December 31, 2010 to ensure goals are met.

Simonson said, "CYFD agrees with the ACLU that youth detention centers should not be warehouses for New Mexico's future adult criminals. These facilities must provide youth with a safe environment, adequate behavioral health services and, above all, a genuine opportunity to rehabilitate themselves."

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