



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-052000 Administration of Adult Community
Corrections Act

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Revised: 03/06/15

Alisha Tafoya Lucero, Cabinet Secretary

Original Signed and Kept on File

AUTHORITY:

NMSA 1978, Sections 33-9-1 through 33-9-10, as amended.

REFERENCES:

- A. ACA Standard 2-CO-4G-01, *Standards for the Administration of Correctional Agencies*, 2nd Edition.
- B. ACA Standards 4-APPFS-1A-03, *Performance Based Standards for Adult Probation and Parole Field Services*, 4th Edition.

PURPOSE:

To establish standards for the administration of the Adult Community Corrections Act.

APPLICABILITY:

Community Corrections administrative staff, all program providers funded under the Adult Community Corrections grant fund and Departmental employees involved with Community Corrections programs.

DEFINITIONS:

- A. Adult Community Corrections Act (Article 9): Legislation enacted by the 1982 Legislature establishing a method to provide community services for convicted felons.
- B. Adult Community Corrections Grant Fund: This is a fund for the purpose of providing programs and services for the diversion of criminal offenders to community-based settings.
- C. Community Corrections Administrative Staff: Department staff assigned to administer the Adult Community Corrections Fund in compliance with the act.
- D. Community Corrections Administrator: The employee of the Department directly responsible for the administration of the Adult Community Corrections Grant Fund.
- E. Community Corrections Advisory Panel: The application review panel as mandated by the Adult Community Corrections Act and appointed by the Secretary of Corrections which shall review all applications for funds and shall make recommendations to the Secretary of the Corrections Department regarding funding.

- F. Department: The New Mexico Corrections Department.
- G. Interagency Behavioral Health Purchasing Collaborative (BHPC): The body created by the New Mexico State Legislature during the 2004 Legislative Session that allows several state agencies and resources involved in behavioral health prevention, treatment and recovery to work as one in an effort to improve mental health and substance abuse services in New Mexico. This cabinet-level group represents 15 state agencies and the Governor's office.
- H. Legal Advertisement: An advertisement appearing in the legal section of a state newspaper of general circulation, stating that the Department wishes to receive proposals from the potential service providers to deliver adult community corrections services.
- I. Proposal Evaluation Criteria: A set of standard numerical criteria used to evaluate the contents of each application for funds.
- J. Request for Proposal (RFP): A document which conveys accurate information concerning the procurement, eligibility criteria, and services requested and requirements are pertaining to the proposal format.
- K. Secretary: The Cabinet Secretary of the NM Corrections Department.
- L. Statewide Entity (SE): The contracted behavioral health entity or management company (contracted with the Interagency Behavioral Health Purchasing Collaborative (BHPC)) that ensures the availability of behavioral health services throughout the state.

POLICY:

- A. The Department, as provided in the Community Corrections Act (Article 9), shall administer the fund and make grants to counties, municipalities or private organizations, individually or jointly, pursuant to the provisions of the Adult Community Corrections Act; provided that a grant shall not be made to a private organization which is not a nonprofit organization without the approval of the Secretary of Corrections. The Department may also utilize the fund; to contract directly for programs. The Department shall use no more than ten percent of the fund for administration and monitoring purposes by the state. In addition, the Department shall allow no more than ten percent of a grant from the fund to be used for administrative costs incurred by counties, municipalities and private organizations. The Department may contract for the management of the grant fund and contract directly for programs/services on behalf of the Agency.
- B. The Department shall establish standards for the delivery of services and establish criteria for applications in accordance with the Act within the RFP. If the Department has contracted for the management of the grant fund, whether individually or as part of the Interagency Behavioral Health Purchasing Collaborative (BHPC), then the contracted provider or entity may establish their own criteria for applications in accordance with the Act and with the approval of the Department.
- C. Inmates shall be provided with a structured release program. [2-CO-4G-01]

- D. The field agency shall support efforts to develop community resources that prevent crime. [4- APPFS-1A-03]
- E. Field staff shall maintain a cooperative working relationship with public and private service agents.



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AUTHORITY:

Policy *CD-052000*

PROCEDURES:

- A. The Probation and Parole Division shall designate an administrative staff member whose primary responsibility shall be the administration of Community Corrections activities.
- B. The Department will place a public notice in New Mexico stating that Adult Community Corrections Grant Funds are available for award to eligible and interested bidders. The public notice will provide the date proposals are due; address, telephone number and the name of the Community Corrections administrative staff who will supply the "Request for Proposal" to interested bidders. In the event that an act of the Legislature, such as the act of establishing the Interagency Behavioral Health Purchasing Collaborative (BHPC) (2004), establishes a different procurement process than that of the original Community Corrections Act, then the requirements of the 2004 Act establishing the BHPC shall supersede those set forth in the Community Corrections Act.

The Department shall ensure the same process is followed for the selection of a provider for the management of the fund on behalf of the Department. If the Department does select a provider for the management of the fund, that provider shall then establish criteria for the advertising and selection of direct service providers with the approval of the Department. If the Department remains part of the BHPC, then the articles set forth in the Act establishing the BHPC shall supersede the provider selection process set forth herein.

- C. In accordance with New Mexico Statutes, eligible entities, individually or jointly, may apply for grant funds including counties or municipalities to purchase contractual services from private organizations provided that:
 1. The application is for funding a program with priority use being for convicted felons.
 2. The applicant must certify that he or she is willing to operate the program according to standards established by the Department. These standards include negotiation of a behavioral contract between the offender and the program; provision of victim restitution or community service; substance abuse treatment and monitoring; job development services; volunteer services; housing assistance; monitoring; case management services; and family involvement in treatment.

3. Applicants for funds must demonstrate the support of the county or municipality where the program will provide services.
- D. Applications for funds will be reviewed and evaluated by a proposal review committee comprised of Community Corrections Advisory Panel members, to the extent possible, Probation and Parole staff and others (this may include contracted management staff). If the Department remains part of the BHPC, then the articles set forth in the Act establishing the BHPC shall supersede the CCAP selection and review process set forth herein.

Proposal reviewers will meet to discuss and rate each proposal and will forward, in writing, recommended funding options to both the Community Corrections Administrator and to the Community Corrections Advisory Panel Chair and Vice Chair. If the Department remains part of the BHPC, then the articles set forth in the Act establishing the BHPC shall supersede the provider selection and approval process set forth herein.

Recommendations will be made with consideration given to availability of funds, need for programs, demonstrated ability of a potential bidder to provide needed services, and the cost effectiveness of each proposal. The Community Corrections Advisory Panel will present their written recommendation to the Secretary of Corrections regarding the awarding of funds as will the Community Corrections Administrator after review with the Director of Probation and Parole. The Secretary will review both recommendations and will make the final decision regarding the granting of awards. If the Department remains part of the BHPC, then the articles set forth in the Act establishing the BHPC shall supersede the provider award and notification process set forth herein.

The Secretary, Director of PPD, Community Corrections Administrative Office or their designee, and/or the provider contracted to manage the fund will notify each bidder in writing of the decision to award, modify or not award Adult Community Corrections Grant Funds.

- E. Entities receiving Adult Community Corrections grant funds will enter into a written contract with the Department and/or the provider and/or the Statewide Entity (SE) contracted to manage the fund, subject to the approval of the Department and/or the New Mexico Department of Finance and Administration and/or the BHPC, as appropriate. The contract will include a specific scope of services, special conditions and payment schedule for services delivered in compliance with all state laws, codes, guidelines and regulations.
- F. The Probation and Parole Division will develop standards governing the delivery of services to convicted felons with which applicants receiving Adult Community Corrections Grant funds must comply and these standards shall be included in any program/service contract.
- G. Entities receiving Adult Community Corrections grant funds shall promulgate program policies and procedures that are compatible with Department standards in the operation of their programs and delivery of service.
- H. Entities receiving Community Corrections grant funds will ensure that facilities meet zoning ordinances, local laws, building codes, sanitation codes, health codes, fire codes and are in compliance with ADA standards.

- I. The Department staff and/or contracted management staff and/or the SE shall be responsible for monitoring and conducting treatment provider audits per PPD Region per contract year and will make written reports and any recommendations regarding program status available to the Secretary, Director of PPD, Community Corrections Administrative Office.