

**New Mexico Local Government Accreditation Program
Adult Detention Professional Standards Council**

**Headquarters: New Mexico Association of Counties
444 Galisteo Street, NM 87501**

PROCEDURES FOR ACCREDITATION OF ADULT DETENTION FACILITIES

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Section 1. Definitions

- a) The term *detention facility* shall mean any Adult Detention facility operated by any county or municipality of the state of New Mexico.
- b) The term *council* shall mean the New Mexico Adult Detention Professional Standards Council.
- c) The term *program* shall mean the New Mexico Adult Detention Accreditation Program.
- d) The term *program staff* shall mean employees of the New Mexico Municipal League and New Mexico Association of Counties who have been assigned to work on the New Mexico Adult detention Professional Standards Program.

Section 2. New Mexico Adult Detention Professional Standards Council

- a) The Council shall approve standards for New Mexico Adult Detention operations.
- b) The Council shall recommend rules and regulations establishing an accreditation process that encourages and provides adult detention facilities with a voluntary opportunity to demonstrate that they meet the standards developed by the Council.
- c) Program standards address a variety of topics relevant to the delivery of professional adult detention services. Standards may fall within categories that include: administration, physical plant, safety/sanitation, security control, medical/mental health and inmate programs.
- d) Nothing in this program shall limit or be construed as limiting the power of the adult detention facility or other agency or department of any city or county to enact rules and regulations which establish higher standards than required by the accreditation program. Detention facilities are encouraged to exceed program requirements whenever possible.

- e) The accreditation process shall be non-adversarial in nature and shall actively promote the cooperation of the council, program staff and assessors with participating adult detention facilities.

Section 3. Application

- a) Applications for accreditation shall be submitted by the facility Detention Administrator and must be approved by the County/City Manager. The application process may require the adult detention facility to submit background information deemed necessary and appropriate by the council.
- b) Detention facilities desiring to participate in the program shall be assessed an accreditation fee according to the following schedule as of July 1, 2015:

<u>Type</u>	<u>Fee</u>
• Accreditation (all counties, except Class A)	\$2,500.00
• Class A Counties (Bernalillo, Doña Ana, San Juan, Sandoval and Santa Fe)	\$3,500.00
• Reaccreditation	\$1,500.00

- a) Applicants who are not members of the New Mexico Municipal League or the New Mexico Association of Counties will be assessed a 50% surcharge.
- b) Program staff shall provide program manuals, technical assistance and other resource materials as available at no cost to the adult detention facility.

Section 4. Waiver of standards

- a) Detention facilities seeking accreditation shall be expected to comply with all applicable program standards. However detention facilities may petition the council to waive an applicable standard(s) by submitting a written request that includes a detailed description of the reasons for the desired waiver.
- b) The Council shall grant a waiver only upon finding that compliance with a particular standard by the applicant is impossible or impractical due to unique or unusual circumstances of that detention facility that creates compliance issues, and only upon a finding that the overall objectives of the program will not be compromised by the granting of such a waiver.
- c) Upon granting a waiver, the council may impose such conditions or alternative standards upon the applicant adult detention agency as it deems necessary to assure that the overall objectives of the program are not compromised.
- d) A waiver shall be granted only when approved by a majority vote of the council.

Section 5. Authority of program staff

- a) Program staff provides support services to the council and are responsible for the day-to-day administration of the program.
- b) The Council retains the authority to make final decisions in all matters that impact on adult detention facility status in the program, Program staff shall, however, have the authority to make tentative decisions on behalf of the Council concerning matters such as the following:
 - I. adult detention agency eligibility
 - II. identification of applicable standards
 - III. interpretation of the standards
 - IV. program staff has mediation authority during on site assessments

Section 6. On-site assessment

- a) An on-site assessment shall be conducted to verify adult detention facility compliance with program standards prior to awarding accreditation status. Such assessments shall be done by qualified assessors, trained specifically for this purpose. All assessors must meet minimum qualifications established by the Council and must successfully complete a period of training conducted by the program staff.
- b) Program staff shall assign assessors to review the policies and procedures of participating adult detention agencies in a way that assures the objectivity of the assessment process.
- c) Program staff shall provide the adult detention facility seeking accreditation with a list of potential assessors prior to the on-site assessment. Detention facility officials shall have the right to disqualify any individual whose participation in the assessment process would represent a conflict of interest. Assessors may also be disqualified for other compelling reasons that are brought to the attention of program staff.
- d) Detention facilities seeking accreditation shall have the burden of proving that they are in compliance with all applicable requirements. The Council reserves the right to review any or all of the documentation shown to the program assessors.
- e) Upon completion of the assessment, assessors shall meet with the Administrator of the adult detention facility or his designee to present a verbal summary of the findings and recommendations that will be made to the Council. Assessors shall prepare a written report of their findings and recommendations in a standard format approved by the Council. Assessors shall submit this report to program staff within 30 calendar days of the assessment. Program staff shall mail a copy of the written report to the facility and county manager as well as to each member of the Council before the Council meets to consider accrediting such facility.

Section 7. Council Review

- a) Representatives of the detention facilities being considered for the accreditation shall have the right to address the Council, to present evidence on their behalf and to respond to concerns raised by the Council.

- b) Detention facilities, which meet the program standards, shall be accredited for a period of three years.
- c) If a decision is made to defer a detention agency's accreditation, the Council shall notify facility and county manager in writing of the reasons for its decision and of the steps that must be taken to become accredited.
- d) Detention facilities whose accreditation is deferred may have their application reconsidered at the next meeting of the Council by filing a written appeal with program staff within 30 calendar days of the initial decision.

Section 8. Maintaining accreditation status

- a) Accredited detention facilities are expected to maintain compliance with all applicable program standards in effect at the time that they were accredited.
- b) Detention facilities that are unable to continue complying with any of the standards in effect at the time that they were accredited shall notify program staff within 30 days regarding the nature of and reason for their non-compliance. The council shall determine what action should be taken on a case-to-case basis.
- c) Accredited detention facilities are required to file an annual report in a standard format approved by the Council regarding major development that may affect their accreditation, The report should address items such as the fiscal impact of accreditation on the detention facility, recent court orders or consent decrees that affect detention facility operations, and any problems relating to the detention facility continued compliance with applicable program standards.
- d) The council shall have the authority to suspend or revoke a detention facility accreditation for disregarding applicable standards or committing serious violations of program rules and regulations. Detention facility representatives shall be given an opportunity to appear before the council prior to any such suspension or revocation.

Section 9. Reaccreditation

- a) Detention facilities wishing to be reaccredited must submit a new application in accordance with procedures established by the council. The Council will accept applications for reaccreditation no more than 12 months prior to the date on which the detention facility accreditation is scheduled to expire.
- b) If there is no lapse in a detention facility's accreditation status, reaccreditation shall be contingent upon the detention facility compliance with all program standards and requirements in effect at the time of the new application and upon demonstration that the facility was in continual compliance with all applicable program standards and requirements in effect throughout the time of the facility's previous accreditation.
- c) The Council may vote on a detention facility application for reaccreditation no more than six months prior to the date on which the initial accreditation is due to expires. If the Council votes to reaccredit a detention facility while the facility is still accredited, the period of reaccreditation will begin on the date that the initial accreditation expires.
- d) Reaccreditation shall be granted for a period of three years.

- e) Notwithstanding any other provision to the contrary, if there is a lapse in a detention facility's reaccreditation status which does not exceed a period over 12 months, such detention facility seeking reaccreditation must comply with those accreditation program standards and requirements in effect at the time of the new application and additionally demonstrate that the adult detention facility was in continual compliance with all applicable program standards and requirements in effect throughout the time of the facilities previous accreditation. If the lapse in a detention facility accreditation status exceeds a 12-month period, such detention facility seeking accreditation must comply with those accreditation program standards and requirements in effect at the time of the new application.