

**AGREEMENT BETWEEN
THE COUNTY OF BERNALILLO
AND THE STATE OF NEW MEXICO CHILDREN YOUTH AND FAMILIES
DEPARTMENT**

This AGREEMENT is made and entered into this _____ day of _____, 2010 by and between the County of Bernalillo (hereafter the "County") and the State of New Mexico's Children Youth and Families Department through its Sandoval County Juvenile Probation Office (hereafter the "State").

WHEREAS, the State of New Mexico 13th Judicial District Court has ordered the implementation of the "Protocol for Sandoval County Youthful Offenders made Eligible for the Bernalillo County Youth Services Center's (hereafter called "YSC") Community Custody Program" (hereafter called "CCP");

WHEREAS, the implementation of the Protocol requires the assistance from the State in order to effectively maintain clients in the community; and

WHEREAS, it is the desire of the parties hereto to provide intensive dual supervision to juveniles who are being charged as youthful offenders with an emphasis on protecting the public from undue risk and to provide immediate sanctions and post-incarceration support services as a cost-effective alternative to incarceration.

NOW THEREFORE, the parties hereto do mutually agree as follows:

1. The State shall assist the County with all necessary random drug testing supplies and shall be responsible for all costs incurred for drug testing of all Sandoval County youthful offenders participating in YSC's CCP.
2. The State shall assign a Community Support Officer (CSO) to conduct face to face welfare checks each Saturday and Sunday on each youthful offender CCP client regardless of the client's location.
 - a. The CSO shall e-mail case notes regarding each visit to the assigned CCP Officer by no later than the close of business the first business day following each visit.
 - b. The CSO shall immediately contact the on-call CCP officer and all other appropriate authorities as applicable in the event that any client is in non-compliance with the CCP requirements.
 - c. The CSO shall complete CYFD Field Incident Report within 24 hours of incident and submit to Chief JPO/designee.

- d. In the event the CSO has scheduled leave for any Saturday or Sunday, the State shall provide reasonable notice of such absence to the CCP officer.
 - e. In the event the CSO is unexpectedly absent on a Saturday or Sunday, the state shall immediately notify the on-call CCP officer and inform them of the CSO's absence.
3. The State shall provide for each CCP client designated by the assigned CCP officer to check in at the Sandoval County Probation Office and make face to face contact with the client's assigned Probation Officer/designee at a minimum of once per week. The day and time for such visits shall be mutually agreed upon by the parties.
4. Upon the assigned CCP officer submitting a written report detailing a CCP client's non-compliance and progressive sanctions utilized, the State shall prepare and submit to the assigned Judge an "Affidavit for Arrest Warrant" for such client. The State shall be responsible for completing the process for activating all arrest warrants.
5. Prior to a youthful offender's arraignment hearing, the assigned Probation Officer shall provide reasonable notice of the date and time of the hearing to the assigned CCP officer to allow a CCP representative an opportunity to be present at the hearing.
6. An endorsed copy of the "Order Setting Conditions of Release on a Youthful Offender" and the client's chronological shall be faxed to the assigned CCP officer by the assigned Probation Officer or designee at the conclusion of the arraignment hearing.
7. Any and all claims by third parties resulting from this Agreement are subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1 et seq. NMSA 1978, as amended. Neither of the parties shall be considered liable for the acts or omissions of the other party, nor for those of the other party's employees.
8. This Agreement may be terminated by either party by giving the other entity at least ninety (90) calendar days advance written notice. Such notice shall be provided by certified mail-return receipt requested to the person signing below or any successor thereto.

COUNTY OF BERNALILLO

**STATE OF NM CHILDREN YOUTH AND
FAMILIES DEPARTMENT SANDOVAL
COUNTY JUVENILE PROBATION**

Approved by:

Approved by:

Thaddeus Lucero County Manager
Printed name and title

Printed name and title

Signature

Signature

Date: _____

Date: _____

Approved as to Form:

County Legal