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FISCAL IMPACT REPORT

ORIGINAL DATE 1/25/08

SPONSOR King, R. LAST UPDATED _____ HB 421

SHORT TITLE Torrance County Drug Court SB _____

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$50.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non- Rec	Fund Affected
Total			Indeterminable		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMAT

LFC Files

Responses Received From

Administrative Office of the Court (AOC)

Department of Corrections (DOC)

SUMMARY

Synopsis of Bill

This bill appropriates \$50,000 from the general fund to the seventh judicial district for expenditure in fiscal year 2009 to start a drug court in Torrance County. Any unexpended balance remaining at the end of fiscal year 2009 reverts to the general fund.

FISCAL IMPLICATIONS

HB 421 appropriates \$50,000 in recurring general funds to start a drug court in Torrance County.

The initial cost of the program of \$50 thousand in fiscal year 2009 is subject to increased costs resulting from any increases in participants and treatment costs.

SIGNIFICANT ISSUES

According to the AOC, drug court performance measures show that the drug court programs are good stewards of the taxpayers' money. Cost-per-client-per-day for drug courts is significantly lower than the costs of incarceration, averaging \$25.27 in FY07 versus the average cost of incarceration of \$81.35. Though quantifying the exact savings of drug courts in New Mexico in criminal justice and victimization costs is difficult, a recent study by the Washington State Institute for Public Policy (WSIPP) provides some helpful points of comparison. It was commissioned by that state's legislature to identify alternative options to incarceration that could (a) reduce the future need for prison beds, (b) save money for state and local taxpayers, and (c) contribute to lower crime rates. WSIPP found and analyzed 571 rigorous comparison-group evaluations of adult corrections, juvenile corrections, and prevention programs. Among other findings, WSIPP determined that both adult and juvenile drug courts provided significant reductions in recidivism over treatment as usual, and even more importantly determined that each could lead to overall costs savings of over \$4600 per participant. Using that general savings figure with the number of adult and juvenile drug court participants in FY07 would indicate an overall savings to the citizens of New Mexico in criminal and victimizations of almost \$3,000,000 in FY07.

Other studies have looked at the cost benefits of drug court programs from a larger perspective, considering not just avoided incarceration costs, but the following comparisons with probationers: (1) drug court graduates' wages are higher during and after drug court than probationers; (2) they work longer than probationers, resulting in higher taxes and FICA payments, lower TANF and food stamps use; and (3) drug court graduates health care costs and mental health services were significantly lower than those for probationers. Various city and county studies around the country have traced such cost savings for their drug court programs and realized that for every \$1 they spent on their drug court programs they were saving from \$2 to \$10 in other costs.

According to the AOC, other cost savings are realized through the birth of drug-free babies to participants of the drug court programs. There were at least 20 drug-free babies born to program participants in FY05, many of whom would have been drug-affected if not drug-addicted without the mother's participation in the drug court program. Hospitalization and ongoing health care costs for drug-affected or addicted babies are substantial. For example, children with fetal alcohol syndrome can require \$1.4 million in treatment over their lifetime.

ADMINISTRATIVE IMPLICATIONS

Probation/parole caseloads typically increase in districts that add adult drug courts. If existing staff must supervise these additional drug court cases with no additional staffing, it could have a significant impact on the supervision of the drug court participants. Typically, probation and parole officers are required to spend more time with drug court participants, i.e., more drug

testing, more time spent on case management, and more time spent in court appearances.

OTHER SUBSTANTIVE ISSUES

The Drug Court Advisory Committee (DCAC) five-year strategic plan states that a drug court is a specially designed court calendar or docket, the purposes of which are to achieve a reduction in recidivism and substance abuse and to increase the participants' likelihood of successful rehabilitation through early, continuous, and intense judicial oversight, treatment, supervision, mandatory periodic drug testing, and use of appropriate sanctions, incentives, and other community-based rehabilitation services.

Drug courts all share three primary goals: (1) to reduce recidivism, (2) to reduce substance abuse among participants, and (3) to rehabilitate participants.

Achieving these goals requires a special organizational structure. Specifically, the drug court must include the following 10 key components:

- Incorporating drug testing into case processing
- Creating a non-adversarial relationship between the defendant and the court.
- Identifying defendants in need of treatment and referring them to treatment as soon as possible after arrest.
- Providing access to a continuum of treatment and rehabilitation services.
- Monitoring abstinence through frequent, mandatory drug testing.
- Establishing a coordinated strategy to govern drug court responses to participants' Compliance.
- Maintaining judicial interaction with each drug court participant.
- Monitoring and evaluating program goals and gauging their effectiveness.
- Continuing interdisciplinary education to promote effective drug court planning, implementation, and operations.
- Forging partnerships among drug courts, public agencies, and community-based organizations to generate local support and enhance drug court effectiveness.

In New Mexico, there are four basic types of drug courts: Adult, Juvenile, DWI, and Family Dependency Drug Courts. Adult Drug Courts take participants 18 years of age or older. Juvenile Drug Courts treat participants within their jurisdiction. DWI Drug Courts focus on DWI offenders. Family Dependency Drug Courts target abuse, neglect, and dependency cases where parental substance abuse is a primary factor.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Drug offenders will not receive the treatment and attention they need. Thus, they may violate their probation conditions and be sent back to prison.