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ADMINISTRATIVE OFFICE OF THE COURTS

Review of Drug Court Programs
September 16, 2002

Report to

the LEGISLATIVE FINANCE COMMITTEE

LEGISLATIVE FINANCE COMMITTEE

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The Honorable Patricio Serna
Chief Justice of the Supreme Court
Supreme Court Building
Santa Fe, New Mexico 87501

Dear Chief Justice Serna:

On behalf of the Legislative Finance Committee (Committee), we are pleased to transmit this report of the drug court programs. We believe this report addresses the issues the Committee asked us to review and hope the courts will benefit from our efforts.

The performance audit review team interviewed key personnel, examined court documents to prepare this report which will be presented at a public hearing of the audit sub-committee on September 16, 2002. The contents of this report were discussed with you, Honorable Richard J. Knowles, Judge 2nd Judicial District Court, and other judiciary staff several times.

We appreciate your cooperation and assistance.

Sincerely,

David Abbey
Director

DA/lc

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PURPOSE

Pursuant to a request from the Legislative Finance Committee (LFC) the performance auditors conducted a review of issues relating to the state district court drug court programs.

The purpose of this review was to:

- Determine authority of drug courts to collect fees from participants;
- Determine compliance of drug court provider contracts with the state Procurement Code, rules and regulations;
- Determine compliance of procedures for the collection and disbursement of participant fees;
- Examine data collection system; and
- Determine cost of drug court programs.

FINDINGS

1. Authority to Collect Fees from Participants. Bernalillo County Metropolitan (Metro) Court has statutory authorization to charge fees to drug court participants. However, most adult drug courts and some juvenile drug courts also charge participant fees. AOC has not issued standardized rules/regulations addressing this subject, so the drug courts have been operating without guidance in this area.

National literature suggests that the payment of fees by adult offenders may be an important component of their rehabilitation.

2. Provider Contracts. Judicial district drug courts generally appear to have followed the statutory requirements to procure treatment providers. Some drug courts contracted with providers to collect participant fees on behalf of the drug court programs and deposit them in provider bank accounts. Department of Finance and Administration's (DFA) contract review process failed to detect or correct this provision in Department of Correction's (DOC) treatment contract for the 2nd Judicial District adult drug court. AOC's contract review process also failed to detect potential problems with district court contract provisions. Participant fees are public funds which should be deposited with the State Treasurer.

3. Expenditure of Participant Fees. The procedures for expending participant fees vary greatly from court to court. However, the courts do not have constitutional authority to expend funds that have not been appropriated by the Legislature and are not included in the budget of the district courts. Even though expenditures are generally approved by drug court staff, some uses of the fees are not allowable under state law. Most providers have signature authority on the bank accounts.

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In the 3rd Judicial District Court, expenditures related to local law enforcement and reimbursement requests were processed through the provider's account rather than processing the necessary budget adjustment requests, receipts and disbursements in district court accounts through DFA. Some expenditure of funds collected in the adult drug court also have been made to benefit the juvenile drug court which collects no fees. Metro Court offsets participant fees against amounts billed by the treatment provider. All drug court personnel we spoke with appear to have been aware of the state Procurement Code and should have followed it.

4. Drug Court Databases. Databases maintained by state drug courts vary greatly and it is difficult to compare data among the courts. The University of New Mexico's (UNM) Institute of Social Research (ISR) first designed a database for the 2nd Judicial District drug court which was later modified for other district courts. However, ISR was not paid to maintain the database for all courts and the courts were not required to band together to maintain/upgrade the database. As a result, each court is maintaining its own database and there is currently very little standardization of data collection among the courts. For example, most drug court databases run on *Access* software, but run on different versions of *Access* that are not compatible. Not all courts enter complete data into their databases. Consequently, LFC auditors were unable to extract the same data from each court and make

comparative analyses to determine the effectiveness (such as recidivism rates) of the drug court programs.

5. Program Costs. Each drug court accounts for its costs differently. Some courts maintain separate cost centers identifying drug court costs and some do not. However, no drug court appears to have a complete accounting of all court costs. Because judges carry a full regular court workload and drug court sessions are added responsibilities, salaries of drug court judges are usually charged to the regular court operation with no allocation to the drug court. Sometimes salaries of other drug court staff are also not allocated. Costs of supplies and other operating expenses are often charged to regular court operations or are charged to regular court operations when drug court budget runs out. In some cases, spreadsheets are kept and costs are listed as they are charged against funding sources. Debate as to what should be included in calculating costs is ongoing among the drug courts.

LFC cost estimates suggest that previously reported drug court program costs may have been understated or only the costs of the contracted treatment provider have been considered:

	Total Estimated Average Annual Cost Per Participant
Adult	\$ 5,374
Juvenile	\$10,814

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UNM's Institute of Social Research is attempting to collect data from the courts to assess cost effectiveness. However, UNM has had difficulty collecting complete and accurate data from some courts. A preliminary estimate of cost per day per participant according to a UNM/ISR draft report shows \$15.71, \$73.21 and \$27.00 for the 2nd Adult, 2nd Juvenile and 3rd Juvenile drug courts, respectively. Another unreleased study of the Bernalillo County Metro Court DWI program suggests that there are significant savings to the taxpayer compared to the costs of incarceration.

RECOMMENDATIONS

☞ Issue appropriate written guidance to the drug court programs regarding the ability of district drug courts and/or treatment providers to charge participant fees. If fees are considered an integral part of the treatment program for adult offenders, seek an amendment to state statutes authorizing drug courts to charge fees. Adopt a statewide policy regarding fee collection and use in accordance with state law.

☞ Amend provider contracts, deleting the requirement to manage public money in local bank accounts. Require balances in local bank accounts to be deposited with the State Treasurer. Receipts could be restricted for the use of the drug court.

☞ Establish a policy for all drug courts identifying the goods and services that can be purchased with participant fees. AOC needs to issue general procurement guidelines and standard cost accounting

rules for the drug courts with input from the Drug Court Advisory Committee and policy adopted by the Supreme Court.

☞ Retain UNM/ISR or some other organization to upgrade and maintain a standardized database program for the use of all New Mexico drug courts. Require all courts to maintain a minimum data set for all participants in the same version of software in the same format using the same codes and titles.

☞ Support AOC's statewide drug coordinator's efforts to obtain financial data from all drug courts. Instruct drug courts to provide data in the required format by specific dates.

RESPONSES

AOC Drug Court Coordinator responded that drug courts, since their introduction, have provided beneficial services. AOC is now taking a more participatory role in moving drug courts in a positive direction. The Supreme Court has also formed a statewide Drug Court Advisory Committee to standardize drug courts. November 1, 2002 is their deadline for submission of standards for the Supreme Court's review. Detailed responses are attached in back of the report.

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BACKGROUND

The operation of drug courts by state and local governments first started in Dade County, Florida in 1989 to relieve criminal courts of numerous drug related cases. Drug courts began operations in New Mexico in 1994 with federal grant funding. The purpose of drug courts is to stop the abuse of alcohol and other drugs and related criminal activity through a coordinated effort of courts, law enforcement, probation officers and local service agencies and avoid costly incarceration of nonviolent drug offenders. In exchange for successful completion of the treatment program, the court may dismiss the original charge or reduce a sentence. There are currently 23 active drug courts in New Mexico including six adult felony drug courts, 11 juvenile drug courts and six municipal and magistrate DWI courts as indicated in Exhibit A.

Key components of drug court programs include:

- Counseling of drug court participants;
- Frequent testing for drug/alcohol use;
- Intensive supervision by probation officers and treatment providers;
- Family involvement in treatment programs;
- Frequent appearances before the drug court judge;
- Community service; and
- Immediate sanctions for use of drugs/alcohol.

A Drug Court Advisory Committee (DCAC) was established by the Supreme Court in April 2002 to address standardization of drug court operations.

Authority for Review. The Legislative Finance Committee (LFC) has the statutory authority under Section 2-5-3 NMSA 1978 to examine laws governing the finances and operations of departments, agencies and institutions of New Mexico and all of its political subdivisions, the effects of laws on the proper functioning of these governmental units and the policies and costs of governmental units as related to the laws, and to make recommended changes to the Legislature. In the furtherance of its statutory responsibility, the LFC may conduct inquiries into specific transactions affecting the operating policies and cost of governmental units and their compliance with state law.

Procedures. LFC procedures included:

- Review of laws, regulations and procedures relating to the drug courts;
- Review of UNM/ISR drug court reports;
- Interviews with AOC, drug court and provider staff;
- Examination of drug court financial documents;
- Review of drug court databases; and
- Examination of other relevant documents.

Due to limitations of time and staff availability, the review focuses primarily on drug courts operating in the first, second and

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third judicial districts, and the Bernalillo

County Metro Court.

Audit Team Members.

Manu Patel, Audit Manager

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Auditor

Alicia Ortiz, Performance Auditor

Exit Conference. An exit conference was held August 20, 2002 with Chief Justice Patricio Serna; Justice Petra Maes; Gina Maestas, AOC Director; Patrick Lopez, Assistant to the Chief Justice; Oscar Arevalo, Fiscal Director; and Erma Sedillo, Project Manager.

Distribution of Report. This report is intended for the information of the Administrative Office of the Courts, the Judicial District Courts, the Department of Corrections, the Children, Youth and Families Department, the Office of the State Auditor, the Department of Finance and Administration, and the Legislative Finance Committee. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

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FINDINGS

1. Authority to Collect Fees from Participants. Except for Metro Court, New Mexico drug courts do not have specific statutory authority to charge participant fees. However, most adult drug courts and some juvenile drug courts charge fees. AOC has not issued standardized rules/regulations for the drug courts to follow.

National literature suggests that charging participant fees is an important component of adult drug court programs because it helps to obtain “buy-in” from adult participants. However, only Metro Court is specifically authorized to charge fees to program participants pursuant to Section 66-8-102(K) NMSA 1978 which states that the court “may order the offender to pay the costs of any court-ordered screening and treatment programs.” Other judicial district drug courts do not have specific statutory authority to collect participant fees. However, Section 31-20-6 NMSA 1978 allows district courts to refer individuals to programs that charge fees. AOC also has not issued standardized rules/regulations for the drug courts to follow.

Even though most drug courts do not have specific statutory authority to charge participant fees, they contracted with providers to collect fees from drug court participants. Most adult and some juvenile drug courts charge participant fees even though the district courts were funded to pay fees charged by treatment providers. It is not simply that treatment providers charge fees for their services, but rather that they are charging additional fees because they have been contracted to collect them by the drug courts. Drug courts determine the amount of additional fees charged to participants and whether those fees can be waived.

Amounts charged vary from court to court and by type, either adult or juvenile. Some courts waive fees if the individual’s income is severely limited or allow a participant to perform community service in lieu of paying fees. Fees may also be refunded if the participant drops out of treatment. Participants generally pay fees weekly, over the term of treatment, but the total fee must be paid in full by the time of “graduation” (i.e., completion of the program). Examples of fees charged are as follows:

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Fee Schedule

Court	Weekly Fee (except as indicated)	Maximum Fee	Reduced Fee
1st District: Adult, employed Adult, not employed Juvenile	\$13 \$8 \$5	\$390 \$240 \$180	Capped as indicated
2nd District: Adult through May 2002 Adult after May 2002 Juvenile	\$10 \$0 \$0	Not capped n/a	In lieu of fee, perform community service at \$5 per hour. n/a
Metro Court Adult monthly minimum Adult monthly maximum	\$20 \$160	Not capped	Sliding scale as indicated
3rd District: Adult Juvenile	\$7 \$0	\$425 (includes \$75 screening fee) n/a	Capped as indicated n/a
6th District: Juvenile	\$0	n/a	n/a
11th District: Adult, employed Adult, not employed	\$10 \$5	Not capped Not capped	At judge's discretion

n/a not applicable

Section 34-6-37 NMSA 1978 allows district court fees to be deposited into local bank accounts within two working days after receipt and subsequently transferred to a district court account in the name of the State Treasurer. LFC performance auditor observations indicate that some providers did not deposit fees within two days. In the 2nd Judicial District, the adult drug court provider often made only one deposit monthly and retained 20 percent of fees collected pursuant to a verbal agreement with the drug court. (That provider reported retaining \$11,850 in FY01 and \$13,666 in FY02.)

Personnel of the DFA met with AOC in May and June of 2002 and instructed AOC to direct state drug courts to stop collecting fees from participants and deposit all fees with the State Treasurer. DFA did not put this guidance in writing. However, AOC verbally conveyed DFA

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instructions to the district drug courts and all drug courts, except the treatment provider for the 11th Judicial District adult drug court, have stopped collecting fees as of FY03.

Recommendations:

Seek statutory authorization to charge fees if they are considered to be integral to the adult drug court program. Then:

- Issue appropriate written guidance to the drug court programs;
- Specify standard amounts for adult and juvenile drug courts for those circumstances where fees are allowable;
- Require fees to be collected by each district court clerk and deposited timely; and
- Require drug courts to transfer balances from local accounts to accounts in the name of the State Treasurer. Restricted funds can be established to retain funds for the sole use of the drug courts.

Requiring district courts to collect participant fees should not be a burden since the judicial court districts already have administrative staff in place to collect other court fees.

2. Provider Contracts. Drug courts generally followed the state procurement code to select treatment providers for drug court programs. However, providers should not have been contracted to collect participant fees for deposit to provider bank accounts.

AOC assisted the 3rd judicial district in writing the first request for proposals (RFP) for treatment providers. That RFP was subsequently modified for use by other district drug courts. However, there appears to have been little involvement of experienced procurement officers/financial personnel.

Providers for some drug court programs were contracted to obtain bank accounts in their name for the deposit of participant fees (public monies). Section 34-6-37 NMSA 1978 requires all district courts to “open an account in a bank...in the name of the state treasurer” and Section 6-10-3 NMSA 1978 requires any state agency receiving money from any source to deliver it to the State Treasurer. One drug court coordinator explained to LFC staff that participant fees were deposited in provider accounts because of concern about losing the fees to general operations if they were deposited in district court accounts. Although DOC’s contract for the 2nd Judicial District adult drug court was not effective until approved by DFA, DFA’s contract review process failed to detect or correct potentially inappropriate contract provisions. AOC’s contract review process also failed to remove similar provisions from district court contracts.

Section 13-1-30 NMSA 1978 establishes that the state Procurement Code applies to “every expenditure by state agencies and local public bodies for the procurement of items of tangible

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personal property, services, construction and concession contracts.” In general, written RFP were prepared and published, sealed bids were obtained and bids were rated by a panel of appropriate persons. The Metro Court and drug courts in the 1st, 2nd and 3rd judicial districts selected treatment providers as follows:

Provider Contracts

Drug Court	Type	Provider Name	Primary Services	Other duties
1 st District (Santa Fe)	Adult & Juvenile	Millenium Treatment Services (MTS)	Counseling, drug screening, case mgmt., etc	Collect fees from all participants and handle bank account
1 st District (Santa Fe & Espanola)	Adult	IHS Recovery Program (IHS)	Aftercare	n/a
1 st District (Espanola)	Adult & Juvenile	Amity Foundation	Counseling, drug screening, etc.	n/a
2 nd District (Albuquerque)	Adult	BI Incorporated	Counseling, drug screening, etc.	Collect fees from participants and keep account in BI's name
2 nd District (Albuquerque)	Juvenile	New Directions Institute	Wilderness program	n/a
2 nd District (Albuquerque)	Juvenile	U.S. Pre-Trial Service	Specimen testing	n/a
Metro Court (Albuquerque)	Adult	Daniel Blackwood	Counseling, drug screening, etc.	Collect fees from participants and use to reduce billings to court
3 rd District (Las Cruces)	Adult	Counseling & Recovery Inc.	Counseling, drug screening, etc.	Collect fees from all participants and control bank account
3 rd District (Las Cruces)	Juvenile	Counseling & Recovery Inc.	Counseling, drug screening, etc.	n/a

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Drug Court	Type	Provider Name	Primary Services	Other duties
3 rd District (Las Cruces)	Juvenile	Mr. Filosa	Special Master	n/a

Note: the 2nd judicial district juvenile drug court does not have a treatment provider contract. Treatment is provided in-house.

Southwest Counseling Services (SWCS) also provides treatment services to the 3rd Judicial District adult drug court, but is not under contract. Fees are paid to SWCS in the same amount as specified in a Dona Ana County magistrate court contract with SWCS.

Different methodologies are being used to compensate treatment providers. In FY02, Metro Court paid the provider an all inclusive one-time fee of \$1,810 plus gross receipts tax less treatment fees collected for each participant. A portion of the fee will be refunded to the court if an individual leaves the program before participating for 120 days. (Metro Court has one of the lowest costs per adult participant.) Until FY03, the 3rd Judicial District Court reimbursed its provider for actual costs plus allowed the provider use of participant fees. However, the most common method used is to pay for specific services at various contracted rates as indicated in Exhibit B. There is a general consistency of contracted rates among the courts, despite their geographic location.

Recommendations:

Immediately notify all drug court judges in writing that drug courts are subject to the same procurement and other fiduciary requirements as the district court in which they are located. Specifically:

- Delineate applicable state statutes and procedures; and
- Require contracts to be amended deleting requirement for providers to maintain local bank accounts on behalf of the drug courts.

AOC needs to issue general procurement guidelines with input from the Drug Court Advisory Committee and policy adopted by the Supreme Court. Have an experienced governmental attorney and/or procurement officer review all provider contracts to bring contracts in compliance with state procurement requirements.

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3. Expenditure of Participant Fees. Drug courts do not have constitutional authority to expend fees which have not been appropriated by the Legislature and are not included in the approved budget of the district courts. Some drug court expenditures do not appear to comply with state law, even though approved by drug court personnel.

Section 30, Article IV of the New Mexico Constitution states that “Except interest or other payments on the public debt, money shall be paid out of the treasury only upon appropriations made by the legislature. No money shall be paid therefrom except upon warrant drawn by the proper officer.” Nevertheless, drug courts are expending participant fees and drug courts vary greatly in how those funds are used.

Millenium Treatment Services (MTS), one of the providers for the 1st Judicial District adult drug court, has check writing authority for both the Santa Fe and Espanola drug courts. MTS submits all bank statements, canceled checks and receipts for purchases to the drug court administrator monthly. The drug court administrator indicated that he gave prior verbal approval for all purchases. However, it is unlikely that some purchases, such as meals for program meetings would have been approved by DFA had the funds been on deposit with the State Treasurer.

One handwritten notation indicated that \$200 was spent on a court luncheon in August 2000, but there was no receipt confirming that purchase. Five of 27 checks written in FY01 and seven of 50 checks written in FY02 could not be located. Eleven receipts out of 49 purchases were missing for FY01. Seven percent of receipts were missing for FY02 purchases. Approximately \$6,200 was spent in FY01 and \$7,400 in FY02.

Nevertheless, most expenditures appear to have directly benefitted participants such as the periodic purchase of food for participant meetings and an annual picnic. In October 2000, the court established the following written policy governing use of those fees:

- Purchase of treatment or program materials, including books, supplies and video tapes;
- General Education Diploma (GED) testing of program participants;
- Prescription drugs required to treat indigent participants (with prior approval of the drug court judge); or
- Program activities, including annual picnic, graduation and holiday celebrations.

First Judicial District drug court program fees may not be used for staff training or travel.

Fees collected for the 2nd Judicial District adult drug court supplemented operational expenses of the Department of Correction’s (DOC) probation and parole officers (PPO). The bank account was under the name of the treatment provider; however, a DOC supervisor controlled the account. This court mostly spent its fees for computers and other electronic equipment and

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for PPO staff to attend the annual meeting of the National Association of Drug Court Programs (NADCP). Other purchases of PPO clothing and office decorations were also made. Purchases were often made using bank cards. The use of those cards stopped in January 2002 and the cards were destroyed when the account was closed. Additionally, LFC found that purchased equipment is not listed on the fixed asset listings of either DOC or the 2nd Judicial District Court. Unlike the First Judicial District Court, the 2nd Judicial District adult drug court had no written policy regarding the use of participant fees.

As indicated in Exhibit C, this drug court program expended \$78,762 from July 2000 through January 2002. No expenditures were made after a question was raised about the appropriate use of the fees and no fees have been collected since May 2002. On July 5, 2002, the balance (\$33,760) of the bank account was deposited with the State Treasurer under the name of the Department of Corrections, rather than with the 2nd Judicial District drug court program.

Albuquerque's Metro Court uses participant fees to reduce monthly billings from the treatment provider. In FY01, treatment provider billings were reduced by \$35,321. Metro Court staff feel that more participants are served by this methodology.

In the 3rd Judicial District Court, participant fees supplement the operating expenses of the treatment provider. Expenditures include a \$1,000 payment against the company's personal line of credit and occasional payments for federal/state payroll tax deposits when the provider's operating account was short of funds. A portion of these payments covers expenses not directly related to the adult drug court, the source of participant fees. However, in all fairness, this treatment provider has been providing services at cost to the 3rd Judicial District Court and probably could not afford to provide the services without supplementation from participant fees. It is not clear what would happen to the participant fees if the provider's contract terminated.

The 3rd Judicial District adult drug court has negotiated a new contract for FY03 and will pay the provider actual direct costs with a 10 percent allowance for indirect costs. This arrangement may prove to be unsatisfactory because the provider has no clientele other than DWI and drug court participants. There are no higher paying private clients.

Personnel of the 3rd Judicial District drug courts were generally unaware of how participant fees were being used. LFC auditors found several expenditures made from fees collected from the adult drug court which were used to pay for training and other expenses related to personnel of the juvenile drug court. This appears to have been a practice carried over from the time when the adult and juvenile courts were administered as one program. Also, the 3rd Judicial District Court had no written policy regarding the use of participant fees.

In the 3rd Judicial District juvenile drug court, \$42,722 of FY02 expenditures related to local law enforcement and reimbursements have been processed through the provider's account rather

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than processing the necessary budget adjustment requests, receipts and disbursements in district court accounts through DFA.

Third Judicial District Court personnel failed to properly review provider billings before approving them for payment. Because the provider billed at cost, the provider included time sheets of its employees with hours worked on the adult and juvenile drug court programs. However, the time sheets did not include dollar amounts. Court staff were unable to assign dollar amounts to those time sheets for LFC auditors and thus could not confirm the accuracy of the billing. The treatment provider gave LFC auditors that information upon request which substantiated amounts billed. Failure to properly review billings could have allowed over billing.

Also, the provider for the 3rd judicial district adult drug court does not segregate expenditures by each program (i.e., adult, juvenile, and DWI) so it is difficult to determine the true costs of running these programs. For example, the provider was billing and receiving funds for DWI services; however, none of the costs to provide those services were being segregated from the adult court expenditures.

Drug court personnel we spoke with appear to have been aware of the Procurement Code and its requirements, but failed to recognize its applicability to the drug courts.

Recommendations:

Research this issue further and issue written guidance to all drug courts which standardizes the allowable uses of drug court fees and complies with state law. If desired purchases are not allowed by state law, seek budgetary/statutory authorization. Once established, include all program activities in the program description for the annual budget request.

Then amend contracts with drug court providers, as needed. Also establish standard billing units or a flat fee arrangement in the 3rd Judicial District Court to put all transactions at “arm’s length” and allow for adequate reimbursement for services without supplementation.

Contracts could require providers to make periodic purchases of food and related items for participants.

Include all equipment purchases in the fixed asset listing of either the judicial district or DOC as appropriate.

Transfer \$33,760 from the Department of Corrections account to a 2nd District Court/State Treasurer account.

4. Drug Court Databases. Databases maintained by state drug courts vary greatly and it is difficult to compare data among the courts. Most databases run on Access software, but run on different versions of Access that are not compatible. Data entry by drug court programs is not always complete.

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The University of New Mexico's (UNM) Institute of Social Research (ISR) first designed a drug court database for the 2nd Judicial District adult drug court which was later modified for other drug courts. However, ISR was not paid to maintain the database for all courts and the courts were not required to band together to maintain/upgrade the database. Consequently, data collection is not standardized among the courts despite a 1997 UNM/ISR recommendation that AOC maintain a single state database. The databases are usually housed with the treatment provider.

Most judicial district drug court databases run on *Access* software, but run on different versions of *Access* that are not compatible. Therefore, data would need to be keyed into the same version of *Access* in order to compare courts in different judicial districts. Currently, the 2nd Judicial District adult drug court maintains the most comprehensive database and has obtained its own computer programmer for upgrades. Courts that are using a UNM/ISR modified data base include:

Adult Courts	1 st , 2 nd , 3 rd and 8 th Judicial District Courts and Metro Court
Juvenile Courts	2 nd , 3 rd , 6 th , 8 th , 11 th , 12 th and 13 th Judicial District Courts

There is also great inconsistency in the type of information each court is collecting and how they collect data. All courts collect certain demographic information such as participants' names, addresses and social security numbers; however, they do so using different forms with different names. As indicated in Exhibit D, all courts use an activity table; however, the data collected differs in each table. For example, the 1st Judicial District adult drug court collects ethnicity information in its *Assessment Form*, while the 3rd Judicial District adult drug court collects that information in its *Screening Form*. LFC auditors attempted to track several drug court participants from screening/intake through exit/disposition and found it extremely difficult. Because of these differences, one program cannot be written to access the same data in the databases of each court. Data would have to be manually extracted for each participant. Other differences in drug court databases include:

- Variations in design and appearance;
- Variations in location of files in the main menu;
- Variations in data codes;
- Missing data due to failure of courts to enter complete data in the database for all participants;

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- Courts not required to enter data from assessment tools such as Addiction Severity Index (ASI), Substance Abuse Subtle Screening Inventory (SASSI), Children's Functional Assessment Rating Scale (CFARS) into database;
- Lack of data on recidivism rates of program participants and graduates; and
- Lack of a mechanism to ensure data integrity.

The 2nd Judicial District adult drug court has adopted a mechanism by which the official database is housed at the district court where data is reviewed by DOC probation officers. The treatment provider enters the data at its location which is downloaded weekly. While this is the most comprehensive database used by the drug courts, it doesn't solve the problem of standardizing data among the drug courts.

Some drug courts also do not submit their databases to UNM/ISR on a regular basis even though AOC staff advised LFC auditors that they did. Most courts submit their databases only when requested to do so.

All drug courts contacted by LFC auditors agree that a common database and minimal data set is desirable, but expressed reluctance to adopt a single database without a requirement to do so. UNM/ISR has developed a draft list of variables to serve as a minimum data set which could be used as a guideline for the Drug Court Advisory Committee (DCAC). See Exhibits E and F.

Recommendations:

Retain computer consultant to upgrade and maintain a single database in the same version of *Access* (or other software) for all drug courts in New Mexico. Provide courts with upgraded versions as needed. This position is in addition to a permanent, full-time statewide drug court coordinator.

Standardize drug court database/software and specify data codes and format which all drug courts must maintain. Adopt a minimum data set for all drug courts which tracks a participant's progression from referral and screening, through intake, treatment and separation.

Create forms and tables that are consistent from court to court and use the same name for each. Also use same navigation design for all courts and use standard data codes.

Specify other data which courts must maintain and submit in standardized formats. Require all information from assessment tools (ASI, TASI-R, etc.) to be entered into the database.

Develop a mechanism to ensure data integrity.

Require drug courts to submit databases to AOC on a regular basis, such as quarterly.

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5. Drug Court Costs. Drug courts have not kept a complete accounting of total costs to operate drug court programs. Consequently, previous reports of program costs appear to have been understated and to have primarily reported costs for treatment providers. Previously reported costs did not include salaries of court personnel or other operating expenses. However, a recent study of the Metro Court DWI program indicates significant savings to taxpayers over incarceration of offenders. Additional analysis is required.

Each drug court accounts for its costs differently. However, none appears to have accounted for all of the costs of operating its drug court program. Some courts maintain separate cost centers identifying drug court costs and some do not. Because judges carry a full regular court workload and drug court sessions are added responsibilities, salaries of drug court judges are usually charged to general court operations with no allocation to the drug court. Sometimes salaries of other drug court staff are also not charged or only partially charged to the drug court cost center. Drug court supplies and other operating expenses are often charged to regular court operations which makes it difficult to identify total program costs. In some cases, it appears that cost centers account only for additional costs related to grants received from federal, state or local sources.

Sometimes only the treatment provider fees are charged to the drug court cost center. For example, the 1st Judicial District Court did not retain a complete set of hard copy bills (FY01 or FY02) from its treatment providers and could not retrieve a listing(s) from its computer system. Different cost centers appear to have been charged and there was no audit trail to identify where charges were posted.

Another complication exists when drug court personnel are not court employees. For example, probation officers at the 2nd judicial district adult drug court are employees of the Department of Corrections (DOC), not court employees. So estimated salaries/benefits of \$360,000 and other expenses such as office supplies are charged to DOC. This makes a total accounting of that drug court's costs difficult to determine.

We also found it difficult to match budget data with expense data. Grants from federal and state agencies often crossed fiscal years and it was also difficult to match budget documents and budgeted amounts to a particular fiscal year. Prior to FY03, drug court budgets were not broken out separately from regular court operations which also complicates cost accounting.

LFC auditors estimated actual costs based on budgetary and actual cost data for FY01, FY02 and FY03 which suggest that previous reports of drug court program costs have been understated and sometimes only included amounts paid to treatment providers. (Exhibit G contains AOC's current report of FY02 treatment costs and performance measures for the district courts.) Because of problems accessing data in drug court databases as previously

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discussed, the LFC estimate is based on cost per participant position rather than cost per participant. Estimated program costs per position are as follows:

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Estimated Annual Cost of Drug Court Programs

	Payments to Treatment Providers	Estimated Total Cost (including participant fees expended)	Number of positions for program participants	Estimated cost per participant position
1 st Adult	\$147,000	\$305,390	36	\$8,483
2 nd Adult	\$353,800	\$970,450	185	\$5,245
3 rd Adult	\$241,150	\$364,050	68	\$5,354
Metro(Adult)	\$219,100	\$526,320	134	\$3,928
8 th Adult	\$244,000	\$268,340	30	\$8,945
1 st Juvenile	\$165,000	\$249,550	40	\$6,239
2 nd Juvenile	\$0	\$508,900	46	\$11,063
3 rd Juvenile	\$423,350	\$805,300	32	\$25,166
6 th Juvenile	\$48,400	\$161,280	30	\$5,376
8 th Juvenile	\$152,800	\$301,030	30	\$10,034
13 th Juvenile	\$ 88,900	\$277,240	35	\$ 7,921

Note: Cost estimates of other drug courts are not included because data appeared to be incomplete and/or inaccurate.

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UNM/ISR is attempting to collect drug court data to assess cost effectiveness and a report should be available within the next year. UNM/ISR has had difficulty obtaining complete and accurate data from all courts. However, UNM has preliminary data and number of days of service for some drug courts. Using UNM/ISR's report of number of service days, LFC calculated cost per day which compares to UNM/ISR daily cost as follows:

	UNM Days of Service FY01	UNM Estimated Cost Per Day FY01	LFC Estimated Cost Per Day FY02
2 nd Adult	53,386	\$15.71	\$18.17
2 nd Juvenile	6,239	\$73.21	\$81.56
3 rd Juvenile	14,083	\$27.00	\$57.18

UNM/ISR has also attempted to evaluate drug court effectiveness, but has been unable to statistically validate findings because of database problems and missing data from some courts as previously discussed. UNM/ISR studies reflecting graduation rates are being prepared; initial drafts of the study show a graduation rate of 33 percent for the 2nd Judicial District adult drug court. Successful graduates usually spend 10 to 12 months in a drug court program.

A statistically validated but unreleased 2001 UNM/ISR study of the Metro Court DWI program suggests significant savings to taxpayers. A similar comprehensive study of drug courts is needed to assess the effectiveness of drug courts on non-DWI offenders. Cooperation of the drug courts is required.

Drug courts first began operation in New Mexico in 1994 with federal grant funds. In FY03 New Mexico drug courts will receive an estimated \$2.6 million in federal grants and one million in other funds. Federal assistance will terminate in FY03 (\$1.4 million) and subsequent fiscal years. It therefore appears that continuation of drug court programs will require increases in general fund appropriations. In order to be competitive with other agencies seeking additional funding, drug courts will need to provide consistent, reliable data addressing the cost effectiveness of their programs.

Recommendations:

AOC issue regulations with advisory committee input subject to policy adoption by the Supreme Court regarding standard cost accounting rules for the drug courts which provide a complete accounting for all costs of drug court operations.

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Provide the LFC and other legislative subcommittees with accurate and complete data analyses to support requests for funding drug court program expansion, including consideration of transferring drug court probation officers from DOC to the district courts or exploring opportunity for better coordination. All drug courts must provide this information to the statewide drug court coordinator. For example, include:

- Instruction to calculate participant costs by days of service provided to program participants;
- Instruction on what costs to include/exclude from cost calculation;
- Instruction that services to family members, such as those provided by juvenile drug courts should be disclosed for informational purposes only;
- Instruction to track recidivism of program participants over several years, such as five years, to ascertain a true recidivism rate; and
- Instruction to report number of participants graduated.

Release the 2001 Metro Court study.

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EXHIBITS

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Exhibit A

DRUG COURT LOCATIONS & PRESIDING JUDGES

First Judicial District

Española:	Adult	-	Judge Michael Vigil
	Juvenile	-	Judge Barbara Vigil
Santa Fe:	Adult	-	Judge Michael Vigil
	Juvenile	-	Judge Barbara Vigil

Second Judicial District

Albuquerque:	Adult	-	Judge Richard J. Knowles
		-	Judge Albert Murdoch
	Juvenile	-	Judge Geraldine Rivera

Third Judicial District

Las Cruces:	Adult	-	Judge Lourdes Martinez
		-	Judge Stephen Bridgforth
	Juvenile	-	Judge Robert E. Robles
			-

Sixth Judicial District

Deming:	Juvenile	-	Chief Judge Gary Jeffreys
Silver City:	Juvenile	-	Judge V. Lee Vesely

Eighth Judicial District

Taos:	Adult	-	Chief Judge Peggy Nelson
	Juvenile	-	Special Master Frank Padilla

Eleventh Judicial District

Aztec:	Adult	-	Judge George Harrison
Farmington:	Juvenile	-	Judge Byron Caton

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- Judge Paul R. Onuska

Twelfth Judicial District

Alamogordo: Juvenile - Judge Jerry Ritter

Thirteenth Judicial District

Bernalillo: Juvenile - Judge Louis McDonald
- Special Master Mary Dougherty

Los Lunas: Juvenile - Judge John Pope

Municipal Courts

Bernalillo County Metropolitan Court

- Judge J. Michael Kavanaugh
- Judge Marie Baca

Las Cruces - Judge Melissa Miller-Byrnes
- Judge Dino Villani

Mesilla - Judge Susan Krueger

Santa Fe - Judge Frances Gallegos

Magistrate Courts

Dona Ana County (Las Cruces) - Judge Patrick Curran
- Judge Susana Chaparro

McKinley County (Gallup) - Judge George Galanis

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**Amounts Paid for Various Treatment Services
 by District Drug Court Programs**

Exhibit B

Service Type	1st JDDC Adult Santa Fe	1st JDDC Juvenile Santa Fe	1st JDDC Adult Rio Arriba	1st JDDC Juvenile Rio Arriba	2nd JDDC Adult	Metro Adult	11th JDDC Adult	13th JDDC Juvenile
Assessment	\$85.00	85.00	85.00	85.00	40.00	n/a	125.00	\$80 to \$210
Individual Counseling (15 min) (60 min)	50.00	50.00	25.00	25.00	55.00	n/a	13.00	55.00
Group Counseling (90 min)	15.00	20.00	18.00	25.00	10.00	n/a	21.00	35.00
Urine analysis: in-house test	12.50	12.50	20.00	15.00	8.50	n/a	10.50	5.50
lab confirmation						n/a	45.00	
					Plus supplies			Plus supplies
All inclusive rate per person						\$1,810.00 plus tax less fees		

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			Exhibit C
Court Bank Activity: 2nd Judicial District Drug Court			
Credit Card /			
Check No.	Payee	Amount	Purchase
:	Bank of America	\$ 12.00	Buy Checks
:	Best Buy	\$ 283.56	Printing
:	Best Buy	\$ 520.56	Printing
:	Office Max	\$ 34.88	Business Cards
:	Office Max	\$ 100.51	P-Touch Tape
:	Target	\$ 27.49	Mouses
:	Dell Catalog	\$ 310.76	Docking Station
:	Best Buy	\$ 15.84	Mouses
:	Kaufman West	\$ 2,523.15	Jackets & Shirts
:	Office Max	\$ 668.99	Ink, Palm UX, Case
:	Office Max	\$ 105.79	KeyBoard, Cordless Wheel
:	Circuit City	\$ 317.43	Computer Monitor
:	Kaufman West	\$ 332.21	Cuffs & Cuff belts
:	Circuit City	\$ 1,798.78	Desktop
:	Circuit City	\$ 299.99	Extended Service
:	NADCP	\$ 150.00	Organizational Membership
001	Kesselman-Jones	\$ 70.00	Workshop Registration
:	Botach/LA	\$ 136.65	Scabbards & Batons
:	Compusa	\$ 194.16	Corel Custom Photo, CD
:	Blue Nomad	\$	Software Installation

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		29.95	
	Compusa	\$ 3,354.20	Desktop
	Compusa	\$ 2,116.19	Desktop
	Continental Air	\$ 287.50	Airfare for 10 passengers
	Continental Air	\$ 2,065.50	Airfare for 10 passengers
	Agent Fee	\$ 50.00	Airfare for 10 passengers
	Agent Fee	\$ 20.00	Airfare for 10 passengers
	Agent Fee	\$ 30.00	Airfare for 10 passengers
	Best Buy	\$ 49.29	Mouse, Batteries
	Office Max	\$ 119.04	P-Touch Tape, Cd's
	Compusa	\$ 84.64	Floppy Drive
	Sony E-Solutions	\$ 414.44	Lithium Battery
	Office Max	\$ 295.06	Certificates, recorder, cd's
	Compusa	\$ 814.66	Printer Memory
	Ultimate Electronics	\$ 3,174.31	CD Writer
002	Rio Grande	\$ 1,110.00	Convention Registration
	Palm Computing	\$ 89.85	Palm Connect, recharger
	Compusa	\$ 878.17	Scanner, Hand-held
	Compusa	\$ 476.11	Digital Cameras
	Creative Casting	\$ 349.50	Belt Buckles
	Creative Casting	\$ 174.75	Belt Buckles
	Best Buy	\$ 126.95	Cellular Batteries
	Office Max	\$ 488.17	Ink, Office Supplies
003	NM Gang TaskForce	\$ 50.00	Taskforce Registration
004	NADCP	\$	Staff Registrations

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		4,450.00	
	Compusa	\$ 460.23	Printer
	Ultimate Electronics	\$ 63.43	Battery Pack
	Compusa	\$ 121.66	Printer, Computer Case
105	Classified Parking	\$ 505.00	Parking
106	Dion's	\$ 138.84	Pizza for Program Meeting
107	Avant-Garb	\$ 330.14	Team Shirt
108	First Impression Inc.	\$ 411.61	Printing
109	First Impression Inc.	\$ 183.06	BSN. Cards
	Best Buy	\$ 428.51	Software
	Fred Pryor Seminars	\$ 156.45	Secy Seminar
	Continental Air	\$ 155.50	Change Flight
	Palm Computing	\$ 459.95	Palm Handheld
	City Brew/New Orleans	\$ 591.49	Dinner 10 People
	Hyatt Hotels/New Orleans	\$ 418.92	Hotel-Dave Lapor
	Compusa	\$ 59.22	Electronics
	Hyatt Hotels/New Orleans	\$ 1,396.40	NADCP Conference Lodging
	Hyatt Hotels/New Orleans	\$ 977.48	NADCP Conference Lodging
	Hyatt Hotels/New Orleans	\$ 977.48	NADCP Conference Lodging
	Hyatt Hotels/New Orleans	\$ 977.48	NADCP Conference Lodging
	Hyatt Hotels/New Orleans	\$ 558.56	NADCP Conference Lodging
	Hyatt Hotels/New Orleans	\$ 558.56	NADCP Conference Lodging
	Hyatt Hotels/New Orleans	\$ 558.56	NADCP Conference Lodging
	Hyatt Hotels/New Orleans	\$ 558.56	NADCP Conference Lodging
	Compusa	\$	2 computers/ 2 505L

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		4,692.45	st2wint
	Circuit City	\$ 502.60	Sony PEGN 710C
	Compusa	\$ 846.45	Sony PCGA, Sony CD51, 3 Palm Pilots
	Compusa	\$ 37.01	Target Palm
	Sony E-Solutions	\$ 248.10	Sony Lap Top 505
	Sony E-Solutions	\$ 3,551.99	Sony Lap Top 505
	Sprint PCS	\$ 275.09	Initial Phone Purchase
	Compusa	\$ 37.01	Target Palm
005	Classified Parking	\$ 505.00	Parking
010	Classified Parking	\$ 1,265.00	Parking
	Office Max	\$ 39.08	Computer Supplies
	Office Max	\$ 59.71	Surge Protector
	Office Depot	\$ 177.50	Office Supplies
	Enchanted Skies	\$ 1,057.24	Wall Art for Office
	Kmart	\$ 125.88	Microwave
	Enchanted Skies	\$ 354.58	Wall Art for Office
	Best Buy	\$ 560.78	Computer Equipment
	Compusa	\$ 253.93	Computer Equipment
	Best Buy	\$ 49.98	Computer Equipment
	Circuit City	\$ 37.02	Cables
	Office Max	\$ 361.30	Hanging Files, USB/AB Device
	Compusa	\$ 629.50	Sony Die Pegs
	Heights Lock & Key	\$ 60.82	Jailers Keys
	Compusa	\$ 1,089.82	Fuji Fine Pix Dig. Cams
	Heights Lock & Key	\$	Keys

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		53.90	
:	Office Max	\$ 717.54	Ink Carts., Printer Supplies
:	Global Mart	\$ 326.05	4 Intercoms
:	Dillard's	\$ 153.43	1 Pair Shoes (DOC uniform)
:	Compusa	\$ 2,327.83	Sony FX 370 & Scanner
:	Best Buy	\$ 423.21	Earthmate/Brief Case
:	Compusa	\$ 158.72	Computer Equipment
:	Compusa	\$ 300.99	Computer Equipment
:	Connect Globally	\$ 65.90	Power Converter for Cars
:	Power Bottle USA	\$ 395.00	100 Bike water bottles for clients
:	Compusa	\$ 518.46	Computer Equipment
:	Office Max	\$ 496.17	Misc. Ofc supplies/BJC-85
011	Kaufman's	\$ 4,633.50	Uniforms (jackets)
:	Sprint PCS	\$ 152.98	2 mos. Cell phone
:	Crystal Springs	\$ 30.00	Bottled Water
012	Classified Parking	\$ 2,560.00	Parking
:	Crystal Springs	\$ 21.70	Bottled Water
:	Compusa	\$ 4,028.19	Sony FxA 36 + MS windows
:	Compusa	\$ 2,010.40	Sony FxA 36 + MS windows
:	Compusa	\$ 1,333.21	MS ofc & 2 MS Access
:	Sprint PCS	\$ 89.92	2 Cell Phones
:	Botach/LA	\$ 100.44	Lighted handcuff keys
:	Crystal Springs	\$ 16.14	Bottled Water
:	Sprint PCS	\$ 90.08	2 Cell Phones (Walt & Gene)
:	Beyond McAfee	\$	Virus Software

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		39.95	
	Sony E-Solutions	\$ 472.49	PEGN 760 CKIT hand computer
	Mcafee.com	\$ 379.50	10 anti-virus licenses for ofc.
	Total	\$ 78,761.66	

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Exhibit D

Drug Court Database Review

The following chart illustrates the variety of data tables used by each of the adult drug courts:

Presence and Use of Tables

	1 st Judicial District	2 nd Judicial District	3 rd Judicial District	8 th Judicial District	Bernalillo County Metro Court
Activity	Using	Using	Using	Using	Using
ASI	Not Present	Not Present	Tables 1 & 2	Tables 1 & 2	Not Present
Assessment	Using	Using	Not Present	Not Present	Using
Assigned	Not Present	Using	Not Present	Not Present	Not Present
Client List	Not Present	Not Present	Not Present	Not Present	Using
COR Client Information	Not Present	Using	Not Present	Not Present	Not Present
Court Activity	Not Present	Not Present	Limited Use	Not Present	Not Present
Criminal History	Not Present	Not Present	Using	Not Present	Not Using
DSM IV	Not Present	Not Present	Using	Not Present	Not Present
Exit	Not Present	Using	Using	Using	Using
Intake	Not Present	Not Present	Using	Not Present	Not Present
Referral	Not Present	Not Present	Not Present	Using	Not Present
Screening	Not Present	Not Present	Using	Not Present	Not Present

Although the Activity Tables appear to be consistently used, the following chart illustrates the extent of variety within the Activity tables used by each adult drug court:

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Presence and Use of Data Cells Within Tables

	1st Judicial District	2nd Judicial District	3rd Judicial District	8th Judicial District	Bernalillo County Metro Court
Program ID #	Using	Using	Using	Using	Not Present
Treatment Phase	Using	Not Present	Not Present	Not Present	Not Present
Date	Using	Using	Using	Not Present	Using
Activity	Using	Using	Using	Not Collecting	Using
Fee Amount	Using	Using	Not Collecting	Not Present	Not Present
Agency	Using	Using	Using	Not Present	Using
Provider	Not Present	Not Present	Not Present	Using	Not Present
Memo	Using	Not Collecting	Not Present	Using	Not Present
Cost	Not Present	Not Collecting	Not Present	Not Present	Limited Use
Community Service	Using	Using	Not Present	Not Present	Not Present
Education Type	Not Present	Not Present	Not Collecting Consistently	Not Present	Not Present
MRT Type	Not Present	Not Present	Not Collecting Consistently	Not Present	Not Present
Memo	Not Present	Not Present	Using	Not Present	Limited Use
Counselor #	Not Present	Not Present	Using	Not Present	Not Present
Time From	Not Present	Not Present	Using	Not Present	Not Present
Time To	Not Present	Not Present	Using	Not Present	Not Present
Social Security Number	Not Present	Not Present	Not Present	Not Present	Using
Offense	Not Present	Not Present	Not Present	Not Present	Using
Case #	Not Present	Not Present	Not Present	Not Present	Using
Points	Not Present	Not Present	Not Present	Not Present	Not Using

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The following chart demonstrates that similar data is found in different tables in each drug court's database, even though each court is using a variation of the UNM/ISR database:

Location of Key Information Within Databases

	1st Judicial District	2nd Judicial District	3rd Judicial District	8th Judicial District	Bernalillo County Metro Court
Social Security Number	Assessment Table	Assessment Table COR Client Information Table Exit Table	Criminal History Table Exit Table Screening Table	Referral Table	Activity Table Assessment Table Client List Table Exit Table
Screening Date	Not Present	Not Present	Not Present	Not Present	Assessment Table
Intake Date	Not Present	COR Client Information Table	Not Present	Not Present	Client List Table
Exit Date	Not Present	Exit Table	Exit Table	Exit Table	Exit Table
Disposition	Not Present	Exit Table	Exit Table	Exit Table	Exit Table

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Exhibit E

UNM/ISR

Draft Minimum Dataset

- . Last Name
- . First Name
- . SSN
- . Case No.
- . Unique Program ID
- . Screening Date
- . Intake Date
- . Exit Date
- . Criminal History
- . Eligibility Criteria - we need to know if screened individuals meet eligibility criteria or not. Eligibility criteria varies between juvenile and adult courts and to some degree between courts. Criteria include: history of violent crime, history of mental health or medical problems that would limit a persons ability to participate, whether referring offense is a first degree felony, does individual have a substance abuse problem?
- . Type of Client - post-indictment, pre-indictment, probation violation, etc.
- . Referring Offense
- . Primary Substance of Abuse
- . Age at First Use
- . Years of Use
- . Race/Ethnicity
- . Sex
- . Marital Status
- . Living Arrangements
- . Years of Education Completed
- . Date of Birth
- . Employed?
- . In School? (juveniles)
- . If not in School, Why? (juveniles)
- . Graduated from school? (juveniles)
- . Referred by?
- . All Services Received by date and type of service - types of service would include UAs, meetings, counseling, sanctions, etc.
- . Exit Status - graduate, terminated, etc.

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Exhibit G

Statewide Annual FY02 - Drug Court Performance Measures

Court	Reporting Period	Retention Rate of Drug Court Participants	Re-arrest of Drug Court Graduates	Employment of Drug Court Graduates (Adult)	Educational Attainment of Drug Court Graduates (Juvenile)	Treatment Costs Per Client for Court Participant
Judicial	July 1, 2001 to June 30, 2002	80.7% 84 total 34 active 22 graduates 33 terminations (20 absconders)	13.6%	98%	n/a	\$2,85
Judicial	July 1, 2001 to June 30, 2002	87.6% 54 total 23 active 11 graduates 11 terminations (9 absconders)	9.1%	n/a	18%	\$3,22
nd Judicial	July 1, 2001 to June 30, 2002	119.8% 450 total 185 active 154 terminations 105 graduates	Year 1: 4.57% Year 2: 7.4% Year 3: 9.8% Year 4: 10.3%	84.8%	n/a	\$3,09
nd Judicial	July 1, 2001 to June 30, 2002	21.6% 40 total 15 active 12 graduates 13 terminations	Year 1: 28% Year 2: 38.5% Year 3: 0%	n/a	100%	\$3,64

Statewide Annual FY02 - Drug Court Performance Measures

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Court	Reporting Period	Retention Rate of Drug Court Participants	Re-arrest of Drug Court Graduates	Employment of Drug Court Graduates (Adult)	Educational Attainment of Drug Court Graduates (Juvenile)	Treatment Costs per Client for Drug Court Participant
Judicial	July 1, 2001 to June 30, 2002	86% 68 total 59 active 15 graduates 31 terminations	8.5%	100%	n/a	\$1,45
Judicial le	July 1, 2001 to June 30, 2002	70% 79 total 32 active 23 graduates 24 terminations		n/a	92%	\$4,11
Judicial le Grant y	July 1, 2001 to June 30, 2002	72% 14 total 2 active 8 graduates 4 terminations	8%	n/a	100%	\$6,01 (includes cost)
Judicial le County	July 1, 2001 to June 30, 2002	84.3% 19 total 10 active 6 graduates 4 terminations	10%	n/a	100%	\$4,42
Court	Reporting Period	Retention Rate of Drug Court Participants	Re-arrest of Drug Court Graduates	Employment of Drug Court Graduates (Adult)	Educational Attainment of Drug Court Graduates (Juvenile)	Treatment Costs per Client for Drug Court Participant
Judicial	July 1, 2001 to	76%	n/a	90%	n/a	\$5,33

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	June 30, 2002	45 total 26 active 10 graduates 9 terminations				
1st Judicial District	July 1, 2001 to June 30, 2002	80% 66 total 26 active 25 graduates 13 terminated 2 transfers	0%	n/a	92%	\$4,61
4th Judicial District	July 1, 2001 to June 30, 2002	78% 126 total 42 active 19 graduates 38 terminations	3%	68%	n/a	\$3,57
5th Judicial District	July 1, 2001 to June 30, 2002	93% 41 total 23 active 11 graduates 3 terminations	9%	n/a	100%	\$3,34
9th Judicial District-Sandoval County	July 1, 2001 to June 30, 2002	83% 59 total 35 active 13 graduates 11 discharged or terminated	0%	n/a	100%	\$2,00
Court	Reporting Period	Retention Rate of Drug Court Participants	Re-arrest of Drug Court Graduates	Employment of Drug Court Graduates (Adult)	Educational Attainment of Drug Court Graduates (Juvenile)	Treatm Costs F Client for Cour Particip
Santero County	January 1, 2002 to	78.8%	Year 1: 5.9%	96%	n/a	\$3,20

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politan DWI	March 31, 2002	340 total 165 active 103 graduates 72 discharges	Year 2: 8.8% Year 3: 10.3% >3 years: 10.6%			
ley trate Drug Court	January 1, 2002 to March 31, 2002	24% 88 total 54 active 11 graduates 21 terminations	0%	100%	n/a	\$246

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Exhibit H

DATA of OTHER DRUG COURTS (Not Audited)

Provider Information

Drug Court	Type	Provider Name	Primary Services	Other duties
5 th Judicial	Juvenile	No contracts.	n/a	n/a
6 th Judicial	Juvenile	S.E.D. Medical Labs	Drug testing	n/a
6 th Judicial	Juvenile	Public Defender Department	Criminal defense consultation	n/a
6 th Judicial	Juvenile	Border Area Mental Health Services, Inc.	Treatment services.	Maintain database.
8 th Judicial	Juvenile	Human Resource Development Associates, Inc.	Treatment services.	Database. Provide for Wilderness Day program.
8 th Judicial	Juvenile	Frank Padilla	Special Master	n/a
11 th Judicial	Adult	Presbyterian Medical Services	Treatment services.	n/a
12 th Judicial	Juvenile	C&D Groupworks	Treatment services.	Database.
13 th Judicial	Juvenile	Mary Dougherty	Special Master	n/a
13 th Judicial	Juvenile	U.S. Pretrial Services	Specimen testing.	n/a
13 th Judicial	Juvenile	Public Defender Department	Criminal defense consultation	n/a
13 th Judicial	Juvenile	La Buena Vida	Treatment services.	n/a
13 th Judicial	Juvenile	Pamela Moreno	Surveillance services.	n/a
13 th Judicial	Juvenile	Darrell Sanchez	Surveillance services.	n/a
13 th Judicial	Juvenile	Sharon Torres	Surveillance services.	n/a

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Drug Court	Type	Provider Name	Primary Services	Other duties
13 th Judicial	Juvenile	Agnes Lovato	Surveillance services.	n/a
13 th Judicial	Juvenile	Laurel Tinagero	Surveillance services.	n/a
13 th Judicial	Juvenile	Jorge Trujillo	Surveillance services.	n/a
13 th Judicial	Juvenile	Maria Herrera	Surveillance services.	n/a
13 th Judicial	Juvenile	Gazq Pals	Surveillance services.	n/a

Note: surveillance officers in the 13th judicial district drug court work on a part-time basis.

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COURT RESPONSES

Supreme Court of New Mexico

Administrative Office of the Courts

Gina M. Maestas, Director

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September 11, 2002

Mr. David Aboey, Director
Legislative Finance Committee
State Capitol North Annex
Santa Fe, NM 87501

RE: Response to LFC Dug Court Review

Dear Mr. Aboey:

I appreciate the opportunity to respond to the recent LFC dug court review that was conducted by your staff this year. Although there were significant findings, it is my impression that dug courts, since their introduction to New Mexico in 1994, have provided beneficial services to the many participants who have either entered or completed the program. The dug courts developed independently with federal funding but were also required to adhere to strict federal guidelines and reporting instructions.

The Administrative Office of the Courts (AOC) is now taking a more participatory role in moving dug courts in a positive direction. We are asking for the permanent funding of a state dug court coordinator to assess and give direction to all dug courts. We are asking for funding of the continuation of the dug court cost study/evaluation. We are developing a centralized data collection system that will be housed at the AOC. As long as the data is inputted regularly, updated information will be readily available. The Supreme Court has also formed a statewide Dug Court Advisory Committee to standardize dug courts. November 1, 2002 is the deadline for submission of standards for the

**Administrative Office of the Courts
Response to the LFC Drug Court Review
September 11, 2002**

1. Authority to Collect Fees from Participants

The AOC has made drug courts aware of the problem of collecting fees and has made every effort to discourage the continued collection of these fees. There are no drug court contracts that allow the collection of fees in FY 03.

The Ten Key Components of Drug Courts, as adopted by the Office of Justice Programs, Drug Court Programs Office, in cooperation with the National Association of Drug Court Professionals, encourage the collection of fees from participants. The Drug Court Advisory Committee, as ordered by the New Mexico Supreme Court, is looking into drafting legislation that would enable drug courts to collect fees and make this an integral component of an offender's recovery.

2. Provider Contracts

Court personnel should be aware of the State Procurement Code guidelines and are expected to adhere to it. The FY 03 district court contracts do not include any provisions requiring providers to collect participant fees on behalf of the drug court programs.

3. Expenditure of Participant Fees

The expenditure of participant fees has been discussed at length with drug court personnel. Most of the courts kept careful documentation of any and all expenditures. Since drug courts are no longer collecting fees, this issue has been resolved. Some drug courts used the funding to provide graduation ceremonies and incentives for participants.

Not all drug courts spent the money they collected. For example, the 11th Judicial District adult drug court did not spend any of the fees they collected. All participant fees that were collected have been deposited into the State Treasury.

4. Drug Court Databases

The Judicial Information Division requested an extension on a federal grant that will allow them to set up a central database at the AOC for the state drug court coordinator to have access to all data that is entered for drug courts statewide. The data currently is not entered accurately and timely and this project, with guidelines established for data entry, will address this issue. Date for completion of this project is December 2002. The existing database has not been as user friendly as the drug courts anticipated. It is anticipated that data entry will be simplified under this project. Funding to continue and maintain the upkeep of the database will end in December 2002. Since this funding will end shortly, we will need additional funding to continue this very important project.

5. Drug Court Costs

There have been several different approaches to figuring the cost of a drug court. The performance measures that were adopted by the Chief Judges Council last year, collect cost information that does not include judge costs. The preliminary draft of the University of New Mexico's Institute for Social Research cost study takes into account all costs associated with a drug court operation. Many of the courts have concerns that attempting to calculate the time spent by

the judges would make it more difficult to compare drug court costs with other programs such as regular probation or community corrections. Judge time associated with participant costs are not calculated for regular probation or community corrections. Debate in this area is ongoing.

Other agency costs, such as the Corrections Department drug court personnel, are delineated in business rules (attached) of the performance measures for cost per client. The costs do not include the Special Master or the judge's cost, but they include any personnel dedicated full time to the drug court operation for direct services pertaining to treatment. Supervision of clients is considered part of treatment.

While most drug courts are already in compliance with the performance measures that have been adopted, it should be made clear that the information required by the performance measures must be provided. Additionally, the performance measures themselves may need further review to standardize the information provided. It is essential that all drug courts provide the same information in the same format.

Funding is needed to continue a cost study of drug courts after December 2002 when federal funding expires.

All drug courts have adhered to the Ten Key Components as follows:

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies and community-based organizations generates local support and enhances drug court program effectiveness.

Drug courts receiving federal funding must ensure that all the components are being followed to the fullest extent possible. Many drug courts that are no longer receiving federal funding remain in compliance with the Ten Key Components.

The Drug Court Advisory Committee as ordered by the Supreme Court (Exhibit G) is developing standards for the following:

Current Eligibility Standards

Suitability Standards
Operational Standards
Courtroom Standards
Progressive Sanctions
Incentives
Role of the Drug Court Team
Confidentiality
Program Fees
Data Collections and Program Evaluations
Budget Issues
Performance Based Budgeting
Treatment Standards
Treatment Provider Standards

The Drug Court Advisory Committee is required to have the standards ready for review by the Supreme Court by November 1, 2002.

Also attached are individual responses to the drug court review from the following drug courts:

Second Judicial District Adult Drug Court
Second Judicial District Juvenile Drug Court
Third Judicial District Adult Drug Court
Third Judicial District Juvenile Drug Court
Metropolitan DWI Drug Court

Performance Measures for Juvenile, Adult and DWI Drug Courts

Measure	Business Rules	Unit	Reporting Period	Reporting Measure
Retention Rate of drug court participants	Current participants & graduates during current fiscal year/# accepted into the program	Each court* and statewide for the three categories -- juvenile, adult and DWI drug courts	Fiscal year	Percentage
Re-arrest of drug court graduates	<u>Adult</u> - NM felony arrests for 1,2,3 years after graduation <u>Juvenile</u> - Number of petitions filed by the DA (including petitions to modify or revoke probation) plus felony arrests for graduates who have reached majority for 1,2,3 years <u>DWI</u> - Re-arrests for DWI in NM for 1,2,3 years after graduation**	Each court and statewide for three categories – juvenile, adult and DWI drug courts	Cumulative reporting (i.e., for all participants during the history of the drug court) compiled at the end of each fiscal year	Percentage of graduates with one or more re-arrest events for 1,2,3 years as program data is available
Employment of drug court graduates	<u>Adult & DWI only</u> - % of graduates who are employed or full-time students, retired or disabled (for reasons other than drug use) upon graduation	Each court and statewide for the two categories – adult and DWI drug courts	Fiscal Year	Percentage
Measure	Business Rules	Unit	Reporting Period	Reporting Measure

Educational attainment of drug court graduates	<u>Juvenile only</u> - % of graduates who have high school diploma, GED or current school enrollment upon graduation	Each court and statewide for all juvenile drug courts	Fiscal Year	Percentage
Cost per client for drug court participants	Costs: Treatment costs, to include the costs of treating family members of drug court participants, drug testing costs & staff costs (including Corrections Dept. costs for probation officers providing direct support for drug court) <u>not</u> including judge costs (including TCAA, reporter) or indirect administrative costs (fiscal, HR, etc.) but including costs of Special Masters in juvenile drug courts only. Does <u>not</u> include DA, PD or CYFD staff costs.	Each court and statewide for three categories – juvenile, adult and DWI drug courts	Fiscal year	\$/Enrollments (including family members) for a fiscal year
% of eligible clients accepted into program	Not feasible at this point; No accurate counts for potential clients			

* Each court is defined as individual juvenile, adult and DWI Drug Court.

**Rule: Continue to collect information beyond three years

9/7/01, Rev. 9/14/01, Rev. 9/19/01

Memorandum

*From: Richard J. Knowles, 2nd Judicial District Drug Court Judge
To: Manu Patel, Audit Manager c/o Gina Maestas, Director AOC
Re: September 11, 2002 (4:29 p.m.) Draft of the Review of Drug Court Programs
Date: September 12, 2002*

Introduction

I have had a brief opportunity to review this draft of the Review of Drug Court Programs (Review) and offer this memorandum in response. I don't speak for all drug courts in preparing this response. There was insufficient time to meet with representatives from the other drug courts before preparing this response. However, I have some comments to make regarding the Review generally and to certain specific aspects of the Review as they relate to the 2nd District Adult Drug Court Program (2nd Adult). It is my hope that this response will be attached as an exhibit to any response offered by the AOC.

Overall impressions

My overall impression is that the Review was the result of a tremendous effort by the LFC staff and is a good faith effort to achieve its stated purposes. A key issue that remains is that the Review seems to conclude that all of the fees collected by all of the programs are public funds. I agree with the ultimate conclusion that unless clarified, no fee collection or expenditure of fees by courts other than the Metropolitan Court Drug Court should occur if the treatment is already fully funded until this is resolved by statutory enactment and adoption of policies on this issue. I do not agree that this is a clear issue that is not subject to debate. Let me emphasize that I support the spirit of the recommendations of the Review. The contract providing for the collection of fees by the 2nd Adult program was submitted for review to DFA. It was prepared by the Corrections Department and subject to their review. From the perspective of the 2nd Adult program, no effort was made to do anything that was not above board with respect to fee collection or use.

Specific Sections

3. Expenditure of Participant Fees.

In the body of the Review, the recommendation is made to: "Research this issue further and issue written guidance to all drug court fees and complies with state law." As the Recommendation reflects, further research is desirable. This recommendation reflects that this is recognized as a unique question. My only suggestion is that this matter be resolved by statutory enactment, adoption of appropriate rules, and consultation with LFC so that no question remains on this issue.

4. Drug Court Databases.

The statement is made in the body of the Review that: "Some drug courts also do not submit their databases to UNM/ISR on a regular basis even though AOC staff advised LFC auditors that they did." It is my understanding that 2nd Adult does submit its database on a monthly basis.

The comment is also made that: "All drug courts contacted by LFC auditors agree that a common database and minimal data set is desirable but expressed reluctance to adopt a single database without a requirement to do so." Drug courts are evolving into an accepted and effective program utilized by numerous jurisdictions in this state. No one has funded drug courts to prepare such a database. I agree with the recommendation that a computer consultant be retained (and the position funded by the legislature) to achieve this goal. My only concern would be if a mandate is adopted without funding to assist compliance.

The comments in the Review notwithstanding, I suspect drug courts have more information available for researchers than comparable programs. The corrections department is still working on its database and it has been in existence in one form or another since New Mexico became a state.

5. Drug Court Costs.

Business rules in relation to performance measures have been adopted and provided to LFC. While the reviewers question the decision not to include drug court judge salaries, the salaries are appropriately not included under the business rule. If the only responsibility of a drug court judge was drug court, then inclusion of the salary would be logical. That's why in the business rule the salary of a drug court special master is included. As the Review notes, in many cases there is no caseload reduction in consideration of the time spent by judges on drug court. In other words, the drug court time is in addition to all other responsibilities.

Later in the text of the Review it refers to estimated salaries/benefits of \$360,000 being charged to DOC and concludes that this makes a total accounting of costs difficult to determine. I'm not sure why it would be any more difficult than determining the cost of a treatment provider or any other cost. You just add in the figure. It's provided for under the business rule and the costs calculated under that rule and submitted to the AOC.

Under the table captioned: "Estimated Annual Cost of Drug Court Programs", a decision was apparently made to calculate costs based on participant position. It isn't clear why. For example, while the funding in the 2nd Adult program was for 185 positions, according to Walt Lang, Program Supervisor, the average population of the program was 195.26. A much more meaningful number is provided by the UNM/ISR preliminary data, which reflects actual costs per day per participant, not merely per position. It's not how many positions you have, it's what you do with them. The 2nd adult program uses its positions efficiently and effectively. That is not something that can be measured by calculating position cost. I support the recommendation to calculate participant costs by days of service provided to program participants. In the 2nd Adult program we track recidivism since the program started.

Exhibit D.

Quite a few of the items in the chart that are indicated as being not present under the 2nd adult program are actually present. However, that the reviewer was unable to find it suggests the need for funding a computer consultant position to assist the statewide drug court coordinator in the AOC to standardize data.

Conclusion

Even though I disagree with some of the statements and opinions expressed in the Review, I applaud the effort and the effect. If a procedure is subject to any question at all, my belief is that it should be reviewed and that modified as necessary to achieve a consensus. Drug courts will be better for this Review. My hope is that similar data standards will be encouraged for other programs so that we might have something to contrast with drug courts. Otherwise the effort to standardize data and cost calculations will be interesting, but won't provide much insight as to whether drug courts really do save money and effectively reduce recidivism by their graduates.

September 11, 2002

TO: Erma Sedillo, A.O.C.

FROM: Jim Stoker, Program Director
DWI Drug Court

RE: Response to Second Draft of LFC Drug Court Audit Report

The following is a response to the above second draft. A copy of the original response is attached hereto and should be considered incorporated in this response.

1. Authority to Collect Fees from Participants "It is not simply that treatment providers charge fees for their services, but rather that they are charging additional fees because they have been contracted to collect them for the drug courts."

The report makes this blanket statement. However, the Bernalillo County Metropolitan Court's contract specifies that client co-payments (fees) be used to reduce the amount billed to the court. The treatment provider does not charge any additional fees.

1. Authority to Collect Fees from Participants
"Recommendations: ... Specify Standard Amounts for adult and juvenile drug courts for those circumstances when fees are allowable; ..."

We strongly reiterate our position included in the first response that use of a sliding scale to determine fees is the most appropriate system. This allows use of State funds to subsidize treatment services for those most in need and not for those who can afford otherwise. We believe this is a more responsible use of State funds.

3. Expenditure of Participant Fees "Albuquerque's Metro Court uses participant fees to reduce monthly billings. In FY01, treatment provider billings were reduced by \$35,321. Metro Court staff feel more participants are served by this methodology."

It is not that "Metro Court staff feel more participants are served by this methodology." In FY01, approximately nineteen (19) additional clients were able to be served due to the sliding fee system. This is a fourteen percent (14%) increase over those anticipated being able to be served in the program.

4. Drug Court Databases "... Require all information from assessment tools (ASI, TASI-R, etc.) to be entered into the database."

This is a huge amount of information to be included in the databases, the most pertinent of which is redundant. For other than an extremely comprehensive and costly research project that is not likely to be undertaken, there is no purpose for inclusion in the database. The time, effort and cost of this requirement should be thoroughly evaluated in a practical manner rather than just an academic one.

5. Drug Court Costs "Drug courts have not kept a complete accounting of total costs to operate ..." "... costs appear to have been understated and to have primarily reported costs for treatment providers..."

As indicated in the response to the first draft, the Bernalillo County Metropolitan Court's submission of costs appears not to be understated and when calculated appropriately appear to actually reflect slightly more cost than the LFC estimate.

The blanket statements made do not appear accurate.

5. Drug Court Costs "... salaries of drug court judges are usually charged to general court operations with no allocation to the drug court."

The drug court judges of the Bernalillo County Metropolitan Court provide these services in addition to all of their regular duties. There is no reduction in dockets or other offsets. Therefore, we consider it inappropriate to include an allocation of salaries and benefits in our cost structure. However, if this was included it would be a nominal cost increased due to their contribution of time above their normal duties.

5. Drug Court Costs "... Estimated costs per position..."

We reiterate our prior response and contend that the cost per position basis is not an accurate reflection due to the Bernalillo County Metropolitan Court's program length of stay, nine months, and treatment cost structure.

5. Drug Court Costs "Recommendation: ... Release of the 2001 Metro Court Study."

As previously reported the final draft by the researcher was scheduled to be delivered to the court by September 10. On this date the researcher submitted the "final" draft. It is anticipated that a week will be required for review prior to release. The AOC and LFC shall be notified of release. It should again be noted that a draft of the report was supplied to the LFC auditors.

*Xc: Judith Nakamura, Chief Judge
Judge J. Michael Kavanaugh
Judge Marie Baca
Gina Maestas, Director, A.O.C.
Toby Martinez, Court Administrator
Marc Saavedra, Deputy Court Administrator
Jim Kidd, Deputy Court Administrator
Mark Pickle, Chief Probation Officer*

September 11, 2002

SECOND LFC AUDIT RESPONSE

The first response submitted previously to Ms. Sedillo at AOC should still be considered a valid response. In addition, the following points should also be noted:

1. Page 10—Southwest Counseling Services provided limited treatment services to the adult drug court program. That agency was able to bill for services via the Dona Ana County's DWI Grant program. As of July 1, 2002, Southwest Counseling is no longer accepting any client referrals from the district court's drug court program and is also ceasing its operation of the in-jail treatment services it provided to all the courts in the Third Judicial District.
2. Page 13—The new contract was reviewed by the state drug court coordinator and it was ultimately decided that the program would pay the provider direct costs, billed per units, and allow a 10 percent allowance for indirect costs. This was suggested by AOC as being acceptable, and this was approved by the Court Administrator.
3. Treatment provider billings were being reviewed, with a balance provided on each invoice. Billing was monitored monthly. Time sheets now do include dollar amounts, as per the suggestion of the LFC auditors.
4. We did not develop a policy for the program fees previously. We were also awaiting direction from AOC regarding the use of the fees and were under the impression for several months that a decision was forthcoming. We stopped collecting fees in July 2002.
5. Procurement code was not violated by this program director, as all purchases were reviewed and discussed with the Court Administrator.

Thank you again for your attention to this response. Our program continues to work in unison with AOC and will do so in all future endeavors.

Respectfully,

Virginia L. Acosta, LBSW
Program Director

THIRD JUDICIAL DISTRICT COURT
201 W. Picacho, Ste. A
Las Cruces, NM 88005

The Honorable Robert E. Robles
Chief Judge
(505)523-8225

Maggie O. Madrid
Trial Court Administrative Assistant
(505)523-8225

September 11, 2002

Ms. Erma Sedillo
Administrative Office of the Courts
237 Don Gaspar, Room 37
Santa Fe, NM 87503

Dear Erma:

Attached is our response to the September 6, 2002, LFC draft of the drug court audit. The responses submitted by us to the first draft of the audit were not considered. We continue to stand by our initial submission. In addition, the table on page 18 with regard to the estimated total cost for juvenile drug court there is an error. Upon reviewing the figures, the following adjustments should be NOTED:

Total Expenditures Reported to LFC	\$805,287.17
Amount Included for Estimated Judges' Salary	(13,752.74)
Amount Included for FY01 Encum. Paid in FY02	(17,850.96)
Amount of FY02 Encumb not expended	(5,372.57)
Amount of FY02 Expend. To be allocated to Adult	<u>(6,347.50)</u>
Reduced FY02 Expenditures to be included on table	\$761,963.40

The amount originally reported to LFC has been reduced by the \$43,323.77 listed above. We estimated the Judges' time spent on drug court was an estimated 20%. Their salaries and benefits were are paid out of court general funds. We have reduced our figures appropriately.

In our initial submission to you on August 22nd it was reported that there were 32 monthly average participants which made our cost per client per year to be extremely elevated. However, ***the actual number of clients served during FY02 was 77 youth.*** If our actual expended budget for FY02 is divided by the total number of 77 youth our cost per client per year is estimated to be \$9895.63. This is an accurate representation of our yearly cost per client to operate the juvenile drug court program in our district.

Statutorily parents are made party to the petition and are therefore required to participate in all treatment that is ordered by the child's probationary agreement. Part of the success of our Juvenile

Drug Court (also recognized as a mentor court) is attributed to the fact that parents are required to participate in individual parenting classes as well as family counseling. As situations arise in

Ms. Erma Sedillo

Page 2

children's lives, the need for more intensive interventions by treatment staff is also required. When looking at the number of participants served per year, LFC should take into account the extended family members who receive services from the treatment providers. This is a direct cost that affects our budget.

Also, this program has been fortunate enough to be recognized by the federal government as a mentor drug court. We have received additional grant funding directly related to the quality and quantity of services provided to both the youth and parents who reside within Dona Ana County, but outside the city limits. This program operates two groups, one in Las Cruces and the other in Anthony, NM. The Anthony Drug Court is our rural drug court. Due to its distinct population and location, additional funding has been necessary to hire staff and increase travel to support the a program that is 40 miles away from Las Cruces. We have participants who live as far as the Texas County line, as well as the Otero County line who are served and must be seen by our surveillance officers. Serving the rural community as we do in Dona Ana County is a distinction in our State. There is not another program such as ours that serve both the rural and the urban communities in their respective districts.

Resources are scarce in these areas and drugs are abundant the rural program has been in place in Anthony, NM since the inception of this program in December of 1997. The communities in the south valley have been very supportive of our program and they actively participate in all of our programming. The Gadsden Independent School District has donated their facilities for the program to operate as in-kind contribution and we are very grateful for their support. This has been achieved by our commitment to serve the youth in their rural community.

If you need further clarification to our response, please feel free to contact me at 523-8225.

Thank you,

submitted electronically on 9-11-02

Robert Robles
Chief Judge

Attachment - First Submission

xc: Nadine Sanchez, Court Administrator
Kristi Granados, Court Accountant
Rosie Medina, Administrative Assistant

Third Judicial District Juvenile Drug Court

Responses to August 22, 2002, draft of AOC Review of drug Court Programs by the Legislative Finance Committee performance auditors.

Page 4. *Key components.*

The last component should also address immediate use of incentives as well as sanctions. The purpose is to address negative behaviors with sanctions (consequences) and reward positive behaviors with incentives.

The National Association of Drug Court Professionals has developed the Ten Key Components of drug courts, which are significantly different from these components. Perhaps these should be stated as goals rather than components to avoid confusions.

Page 10. **Table.**

The primary services does not include public defender, electronic monitoring, psychiatrist, law enforcement. These are considered primary services because they have been part of the program since we began. Because we have gone with a new provider, we do not need the psychiatrist; however, we will replace that with our data base person.

Pages 8, 9, 11. *Provider Contracts.*

Our contracts were at one time reviewed by the court staff attorney. They are now reviewed by the Court Administrator. Once approved, copies are sent to the Program Manager at AOC.

Page 13. *Local Law Enforcement Grants (LLEBG)*

During FY 2000-2001, when we received LLEBG funds from the City of Las Cruces, our court accountant did not want to have the court to have to deal with these funds because they were on a cost reimbursement basis. This was a when we were trying to set up grant accounts and were still new at it, and we had difficulty with the cost reimbursement requirement. As result the treatment provider accepted the funds, paid for expenditures, and was reimbursed from the City. Thus, we have been operating in this manner since that time.

Page 13 & 14. *Billing.*

I know that the Juvenile Drug Court Administrative Assistant reviewed the billings for Juvenile Drug Court. They were sent to our office first for review before being given to the Financial Division for payment. When discrepancies were noted, they were brought to the

Response

attention of the treatment provider immediately. Time sheets were matched against copies of the checkbook registers so we could ensure that only those individuals working with Juvenile Drug Court were paid. We also checked against those individuals who were paid part-time from Adult and part-time from Juvenile. We could not, however, ensure that when someone said they worked 40 hours in a week, that was correct. We believe that was the responsibility of the treatment provider. We do not believe that at any time there was over billing.

Page 14. *Purchase regulations.*

I am not aware of the “small purchase regulations” that LFC reports we should have been aware of. I do not know what they are referring to.

Page 14. *Recommendations.*

The State Drug Court Advisory Committee is developing standards for program fees. I am the Chair of the subcommittee that is working on that and it has been addressed and will be presented to the entire committee.

We have a different treatment provider now, so the confusion between Adult, DWI, and Juvenile Drug Courts should be a moot point.

The recommendation that contracts could require providers to make periodic purchases of food and related items (incentives perhaps) is a good one.

Pages 14, 15, 16. *Drug Court Data Bases.*

ISR also designed the data base that is being used by the Third Judicial District Juvenile Drug Court. This data base has been provided to most (if not all) of the other juvenile programs in the state. It is my understanding, from ISR, that they were not contracted to maintain the data base. We have attended workshops and paid Paul Martin, who assisted in the design, to come to this court to provide a training (we included the Adult Drug Court Director and Administrative Assistant).

Our data base was housed with the Treatment Provider until August 1. It is now with the court and beginning September 2, we will have our own staff person who will do data entry and generate required reports. He did this for our previous treatment provider and is very knowledgeable about drug courts and Microsoft Access programming.

I agree that there is inconsistency in reporting. There has been **much** confusion regarding what needs to be reported and how we define what we need. This has been especially problematic with recidivism rates and cost per client. I am attaching a copy of the minutes of the last coordinators meeting to show that, as late as July 24, there was still discussion about what needed

Response

to be reported and how to interpret it to provide consistency in reporting. Also, my last two performance measures reports stated that our Court Administrator was working on getting clearance for the two drug court administrative assistants to be trained on NCIC so that we can provide that data for recidivism reporting. We have been told that “due to technical difficulties within the court” it cannot be hooked up, and I don’t know what else we can do to provide this number. The Office of the District Attorney has helped us in the past; however, each time we need an update the number grows and it is time consuming for them to look up this information for us. We really need a mechanism in our court that will allow us to determine recidivism. It is one of the required performance measures for drug courts.

The missing data referred to in the first bullet on page 16 (for this juvenile program) was due to the treatment providers not giving this information to the data entry person. Our new provider has a clause in their contract that states they will not be reimbursed if we do not have the data we need.

I believe that our database has been submitted to ISR on a timely basis.

Page 16. *Recommendations.*

These are all very good recommendations, and we fully support this. Again, my subcommittee is working on a minimum data set that can be entered on a web-based management information system that will allow AOC to provide all the required reports to LFC.

Page 17. *Drug Court Costs.*

Each time we discuss costs, there is a different interpretation of what is needed. In addition to the July 24 minutes of the Coordinators Meeting, I am attaching a copy of one of the quarterly reports I have submitted. I have provided our costs in several ways so that our Program Manager can report what she believes to be the best representation for our court.

The sentence that states, “Drug court supplies and other operating expenses are often charged to regular court operations which makes it difficult to identify total programs costs.” should not pertain to us. We have separated out our contribution to court operations in all of our budget. We have fully supported our own program.

Page 18. Grants from federal and state agencies have crossed fiscal years. Our JAIBG grants have begun in February and our OJP grants have usually begun in December or October. This year that changed and our JAIBG grant was effective July 1 as was our OJP grant. I believe that all of our funding through the court is now effective July through June each year.

Response

Page 18. *Table.*

This is confusing. On the attached quarterly report, you will see that the cost reported was \$2,232 for one three-month period. I believe that is where the AOC reported figure came from. My guess is that other are also incorrect. In addition, Children's Code allows us to make parents a 'party to the petition.' We do require parents to attend sessions and parenting classes. This was not taken into consideration in this table. The most recent draft report (attached) by ISR (dated July 2002) indicates that in 1999-2000 the cost per day for clients in the Juvenile Drug Court was \$21.22 for an average total days of 226.5 for a cost per client of **\$4,806.33**. In 2000-2001, the cost per day was \$27 for an average total days of 226.5 for a cost per client of **\$6,115.50**. The numbers from ISR are significantly different from those of LFC.

Page 19. *Recommendation.*

My subcommittee is attempting to determine what should be considered in the costs of operations. We do need some consistency, but there also needs to be an understanding that some courts, such as ours, operate an urban and a rural drug court which requires special needs such as a special master and public defender, additional travel expenses, additional surveillance officers (and therefore additional cell phones), and a greater need for law enforcement involvement (I think).

Response from Second Judicial District Juvenile Drug Court Leeann McCracken, Drug Court Coordinator

I have serious issue with the way it is being proposed on the way to figure drug court costs for juvenile drug courts. Family members that receive services through drug court need to be included into the cost figure. Because juveniles are still living in their parent's home and most have siblings, their substance abuse issues directly affect that family unit. It would be worthless to treat the individual and not the family. Our approach to treating juvenile substance abuse is to address chemical dependency as a family disease. Therefore, each client's immediate family which could include extended members and significant others is required to participate in all therapeutic endeavors. Research supports that adolescents treated without family involvement have a higher recidivism rate than adolescents who are treated within a family dynamic. Family issues have significantly contributed to our clients problems within the juvenile justice system. Long-term results depend on the success of the family being able to receive those issues that contributed to the problem in the first place. Each family's involvement significantly impacts the success of the client, therefore, it is important that family members be treated according to clinical necessity.

The information presented in the LFC draft makes no mention of capital equipment purchases. These items, such as computers, phones and office furniture are non-time expenditures. It appears that there was no accounting for depreciation on these purchases.

Drug court clients demonstrated the need to address issues around literacy. Because the literacy lab at Juvenile Justice Center did not have the means to purchase equipment that was needed, the drug court provided ten computers and software that is available not only for drug court clients but for all juveniles that pass through the doors of JJC. The same can be said regarding other items such as furniture and equipment for the court.

I am extremely bothered by the recommendation of including the judges salary in the cost. I know in my court, as well as a number of other jurisdictions, the time put into the program by the judges is donated time above and beyond their regular work day. These cases do not get counted in with their regular caseload. If their salaries are to be included, they should be given credit for carrying another caseload.

This report also makes mention of programs understanding actual costs. Programs were given direction from AOC via the performance measures on how and what information to report. I fail to understand how we can be taken to task for giving the type of information that was requested.

I am in agreement with the recommendation for a streamlined system of reporting data. A substantial amount of money was given to ISR for a database that was supposed to produce the very information that, according to this draft, is not being provided. Yet, this money is included into the cost to operate the drug courts. The question I have is who is going to provide the financial backing to "streamline" this information?