

Drug Court Advisory Committee Meeting
3rd Floor Conference Room, 2nd Judicial District Court
Friday, February 13, 2004
12 noon - 2:00 pm

The Drug Court Advisory Committee (DCAC) meeting was called to order at 12:10 p.m. on February 13, 2004, in the 3rd floor Conference Room at the Second Judicial District, the Honorable Richard J. Knowles presiding.

Attending were:

The Honorable Richard J. Knowles, Second Judicial District
The Honorable Peggy Nelson, Eighth Judicial District
The Honorable Barbara Vigil, First Judicial District
David Eisenberg, Office of the Public Defender
Rick Gilsdorf, Twelfth Judicial District
Jim Stoker, Bernalillo County Metro Court
Brad Ullrich, Eleventh Judicial District
Peter Bochert, Administrative Office of the Courts

Also attending:

Marty Halvorson, Judicial Information Division
Andy Price, Judicial Information Division

The minutes of the December 12, 2003, meeting were approved unanimously.

Status of the Drug Court Standards

The Supreme Court approved the New Mexico Judiciary Drug Court Standards in an order signed January 16, 2004. Judge Knowles proposed that we start a new DCAC binder for 2004. The 2003 binder chronicled the preparation of the Drug Court Standards. The 2004 binder would focus on implementation of the standards and DCAC's 5-year plan for the growth of drug courts in New Mexico.

Brad Ullrich indicated that the standards are posted on the NMADCP web page www.nmadcp.org; Judge Knowles added that the committee needs to steer people to that web page because of the growing amount of information it contains related to New Mexico's drug court programs.

Peter Bochert asked if the Drug Court Standards should be formally bound. He was directed to contact the clerk of the Supreme Court to first see if the standards would be included in the Supreme Court's 2004 rule book.

Jim Stoker asked if there was an implementation deadline now that the standards had been approved by the Supreme Court. A review of the standards found two dates, one indicating that any drug court starting after July 1, 2003, must use the standard database format established by the Judicial Information Division, and a second indicating that courts had to report certain performance measures starting one calendar year from the date of the Supreme Court's approval of the standards.

Subcommittee Updates

New Drug Court Models Committee:

Peter summarized the committee's last substantive meeting, on December 15, 2003. At that meeting, the committee began work on a manual that would provide general background information on drug courts along with specific directions for starting a new drug court. Various research and writing tasks were distributed among the committee members, which will be reviewed at its next meeting in early March.

DCAC 5-Year Plan

Judge Knowles began the discussion by referring to a meeting held last year in a DCAC subcommittee with the Chief Justice in attendance. Three key points emerged at that time: (1) DCAC would act as a gateway for any new drug courts, reviewing the proposed court's plan and preparations before making a recommendation to the Supreme Court; (2) the 5-year plan would work towards establishing a drug court of some kind (adult, DWI, juvenile, or family) in each county in the state; and (3) for both expansion and new drug court funds, DCAC would encourage the courts to apply for federal funds first, and then seek state replacement as those grants lapse.

Judge Knowles suggested that a separate DCAC subcommittee should be formed to formulate the 5-year plan, but asked the attendees to brainstorm some of the components they would like to see as part of such a plan:

- David Eisenberg would like to see better coordination among the agencies making up the drug court team so that funding requests represent the needs of all parties, not just the judiciary
 - JABG funds for several Public Defender positions lapse on March 31st, and people will lose their jobs. Recent drug court legislation for lapsing federal funds had to be amended at the last minute to include additional funding for those public defender positions.
 - Judge Knowles agreed and sees the need for a better lobbying body, one representing all of the stakeholders, as we solicit further drug court funding
- David would like to see a unified budget approach developed for drug courts, much as the model already in place at the District Court level
 - Currently, it can seem as if every group is in it for themselves, competing for limited resources
 - Consensus is that we look better when we go into a hearing as a consortium
 - Judge Knowles suggests we may need an LFC analyst to help us map out such a unified budget, if we decide to move in that direction
- Establish a drug court of some kind in every county
- Coordinate with the Supreme Court in evaluating applications requiring federal or state funding, and in ensuring consistency with the drug court standards
- Track existing grants so DCAC can provide their expiration dates to the legislature
- Judge Knowles would like to develop criteria for use in evaluating requests for expansion funds, i.e., number of years in operation, period of time at maximum capacity, and so on.

- David asks that we build an educational component into the plan
 - Recent visit to a judicial district made clear that many who would be involved are not interested in starting a drug court in their area
 - Suggestion is to reach out to the legislators, invite them to graduations, or even stage graduations in the Roundhouse. Judge Knowles points out that legislators are often notified and invited to drug court sessions and special events
- Peter would like to see a Plan B developed, as even with everything else in place (strong sponsor, consortium approach, unified budget, etc.) we can run afoul of a legislative session facing insufficient revenues, and lose drug courts whose federal funds are lapsing
 - Brad indicates that program fees are non-revertible and so could possibly be set aside for such a funding shortfall
 - David asks if we can develop a non-revertible drug court budget, so that funds not spent one year would still be available the next, possibly helping with a funding shortfall
 - As a model could look to the Public Defender Department's budget, which is non-revertible
- Andy Price suggests using metrics as a way to drive the 5-year plan
 - First establish how many drug courts DCAC would like to establish within 5-years, and how many per year
 - From that establish how much money is needed per year
 - Continue to work from such metrics to quantify DCAC's periodic goals
 - Brad suggests a subcommittee look at what each county needs and build from there

Legislative Session Update

Peter has been issuing periodic email updates to the courts and DCAC summarizing the most recent legislative activity related to drug court legislation. Most recently, Senator Diane Snyder generously earmarked \$100,000 to replace lapsing federal funds at the four drug courts that are part of SB 129. The AOC also worked with DOH Secretary Hyde to amend language in SB 292, freeing AOC and the courts of the need to directly comply with the directives of the proposed Behavioral Health Planning Council. If the bill passes, Secretary Hyde would like to attend a DCAC meeting in order to explain the purpose of the Planning Council and its potential effect on drug courts and the treatment services provided around the state..

Program Fee Expenditure – Revisited

Procedure for receipting Adult Drug Court program fees into the FACTS Case Management System has been approved and posted on the Judiciary's web page, <http://inside.nmcourts.com>. Brad will update the NMADCP web page with the procedure. Peter has notified the courts that the procedure has been posted and should be followed by any court electing to collect program fees.

Third Judicial District Adult Drug Court submitted its program fee collection policy, as mandated by the Drug Court Standards. Discussion indicated that the standards did not require DCAC's approval, just that each court provide such a written policy. The Third's policy looked comprehensive to the attendees, and may serve as a template for other courts' written policies.

Brad asked if the standards would allow his court to spend program fees on basic program operation costs, such as phone bills. Judge Knowles referred to Section E of the standards, which indicate that any requested expenditures outside of the 10 enumerated categories need to be submitted first to the Supreme Court for approval. He does not believe that DFA would need to be part of that approval process. Brad will submit his court's request to the Supreme Court.

Drug Court Data and Report Project

Marty Halvorson and Andy Price presented a writeup of the project, outlining the mechanism by which data from the individual drug courts would be transmitted to the JID Central Repository. Programs running on the central repository would extract pertinent data and produce statistical and performance reports for each drug court, which would be web-enabled. Discussion led to the following elaborations:

- MySQL would probably be used on the central repository as the database engine, rather than Microsoft Access. This was welcomed by several attendees due to the greater reliability of MySQL, and especially since this would have no effect on the current drug courts and their databases
- Though the project writeup shows three transmission mechanisms, the intent is to automate the process as much as possible, and eliminate the current dependence on "sneakernet" transmissions and mailings.
- The reports "customers" would be limited to the AOC's Statewide Drug Court Coordinator and each court's drug court coordinator at this time. Legislators and other external customers will need to request reports from the AOC.

DCAC was asked for and gave its approval for proceeding with the project. Marty and Andy were asked to provide sample reports at the next DCAC meeting.

Expired Terms of DCAC Members

Several DCAC members terms expired on 12/31/2003: Judge Barbara Vigil, Judge Gary Jeffreys, and Erma Sedillo. The Supreme Court has already reappointed each of them to a new three-year term.

Miscellaneous

Judge Nelson asked if we could schedule a full afternoon meeting for further discussion of the 5-year plan and Drug Court Data and Report Project. Peter reported that Joyce Johnson, Project Manager of the Local DWI Grant Program at the DFA, called asking for a definition of Drug Courts. She is rewriting their rules and regulations, and since statute now indicates that Local DWI Grant Funds can go to Drug Courts, she wanted to collaborate on a definition that allowed them to provide funds to drug courts, without those funds going to courts we did not feel fully complied with the approved criteria. Peter read the definition aloud that he had provided:

Drug Court: A specially designed court calendar or docket, the purposes of which are to achieve a reduction in recidivism and substance abuse among nonviolent substance abusing offenders and to increase the offenders' likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, and use of appropriate sanctions and other habilitation services.

Joyce indicated that she may need to change references to “substance abuse” to “DWI/alcohol abuse” so their organization can control fund allocation to their satisfaction. This definition will have no effect whatsoever on the \$1.5 million already allocated to drug courts out of the Local DWI Grant Fund. It will instead affect any other requests made for money from that fund. She will send her modified definition to Peter for his review.

Next Meeting

Judge Knowles suggests we meet the afternoon of Friday, March 5, and in keeping with Judge Nelson’s request focus that meeting on the 5-year plan and Drug Court Data and Report Project. Peter will conduct a poll to check the members availability for such an extended afternoon session.

Adjourn

The meeting adjourned at 2:15 p.m.