



**Drug Court Advisory Committee Meeting**  
**3<sup>rd</sup> Floor Conference Room, 2<sup>nd</sup> Judicial District Court**  
**Friday, September 17, 2004**  
**12 noon to 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 3<sup>rd</sup> 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  
Rick Gilsdorf, Twelfth Judicial District  
Jim Stoker, Bernalillo County Metro Court  
Brad Ullrich, Eleventh Judicial District  
Henry Valdez, Office of the District Attorney  
Peter Bochert, Administrative Office of the Courts

Also attending:

Sheri Buie, Fifth Judicial District  
Marty Halvorson, Judicial Information Division  
Andy Price, Judicial Information Division

The minutes of the July 2, 2004, meeting were approved unanimously.

**Cost-per-Client**

The main topic of the meeting was a discussion of the performance measure Cost-per-Client-per-Day. The state's drug court coordinators have been completing a quarterly worksheet created by Peter Bochert which walks them through the calculations of the various performance measures. To complete the worksheet, the coordinators would collect the necessary performance measure data, plug it into the appropriate parts of the worksheet, and calculate the end value. The business rule for each performance measure, as defined in the New Mexico Judiciary Drug Court Standards, is displayed at the top of the page dedicated to that performance measure's calculation.

Peter presented copies of the Cost-per-Client page from various worksheets he had received during the last reporting period. The worksheets were significant in that they

showed one court calculating cost-per-client based only on the treatment costs and the salaries of a few drug court team members, while another included far more cost data, such as travel, phone charges, printing, and other operational costs. Peter indicated that both calculations seemed to follow the business rule but they revealed a troubling discrepancy in interpretation of what costs should be included in the final calculation. In his most recent quarterly meeting with the coordinators, they had asked DCAC to advise as to what level of cost-detail should be included in the calculation.

Though long and wide-ranging, the discussion focused on some key issues, as follows:

- ✍ The current business rule had been arrived at after lengthy consideration by the drug court coordinators and DCAC subcommittees
  - Therefore, this committee should not summarily make a serious change to the rule without facilitating a comment period
- ✍ Drug court costs are often compared to the cost of incarceration, and Erma Sedillo confirmed that the state's average daily cost of incarceration of \$80.98 included all operational costs, such as administrative costs, supplies, and so on
  - Therefore, it would be beneficial to follow the cost reporting of the more detailed sample, as that would allow a full operational cost analysis of a program, ensuring an apples-to-apples comparison to the cost of incarceration
  - If structured correctly, data would still be collected allowing calculation of just the treatment costs of the program, enabling comparison with nationally reported drug court costs as they often seem restricted to just program treatment costs
- ✍ Personnel costs should focus on those costs which are only incurred due to existence of drug court program
  - The judge's salary should not be included, for example, as the judge would still be in place regardless of the drug court program
  - Personnel who contribute significant percentages of their time to drug court may well lose their positions if the drug court program were to shut down
    - ✍ Therefore, propose only including personnel costs of those who contribute more than .2FTE (equivalent to one 8-hour day per week, on average), and which are paid directly by the drug court program

End result of the discussion was that Peter would use current business rule language, but would break it up more clearly into Treatment Costs, Operational Costs, and Excluded Costs. He should also take operational cost examples from the more detailed sample

worksheet and add it to the Operational Cost section of the business rule, as examples of costs to include. He should further add the .2FTE cap to the Excluded Costs section. Peter will send that amended business rule out to DCAC for review and then out to the drug court community for comments. He'll consolidate those comments and present them to DCAC at a later meeting.

### **Children's Code Revision Task Force**

Rick Gilsdorf heard through a member of the Delinquency Task Force, a subcommittee of the Children's Code Revision Task Force, that the Delinquency Task Force was in final review of a proposal to limit detention of juveniles to 15 days a year. From what Rick has heard, the task force believes judges abuse discretion in detaining juveniles.

Rick asked that the judiciary send a clear message to the task force that such a limitation would be fatal to juvenile drug court programs, wherein the ability to sanction participants for non-compliance is at the heart of the programs' success. Judge Nelson pointed out that Judge Caldwell is working with the task force and knows of this issue. She asked for clarification on the 15-day limitation, wondering if it pre-trial or just post-trial detention.

Judge Knowles stated that he believed it was beyond the jurisdiction of DCAC to comment directly, but that we should do two things: (1) Rick would get a list of the members of the task force and distribute it (through Peter) to the DCAC members, and (2) Peter would contact the drug court community, especially those associated with juvenile drug court programs, and encourage them to attend the task force's next meeting (Tuesday, September 28, 1:30 – 4, at the Juvenile Justice Center in Albuquerque), so they could voice their concerns to the task force.

Jim Stoker asked if the Supreme Court should be notified of the issue and Peter indicated that he would communicate it to Gina Maestas and ask her advice.

### **Next Meeting**

The next DCAC meeting was set for Friday, October 15, from 12 noon to 2 p.m.

The meeting adjourned at 2:10 p.m.