

# NEW MEXICO DRUG/DWI COURT

## Peer Review Summary Report

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### Background and Overview:

A peer review process was conducted with Sample County Drug Court on July 24<sup>th</sup> and July 25<sup>th</sup> 2017 by Judge John Doe and Peer County Drug Court Coordinator, Jane Doe. This report summarizes the highlights of the review process.

### Summary of Best Practices:

The following practices that follow New Mexico Drug Court Standards have been implemented by this program. They are based on research demonstrating that programs with these practices have more positive outcomes than other programs. Congratulations on your program's achievements in these areas!

A full set of practices that is utilized by this program is included at the end of this report.

1. All key team members attend staffing (judge, prosecutor, defense attorney, treatment, program coordinator, and probation).
2. All key team members attend court sessions/status review hearings (judge, prosecutor, defense attorney, treatment, program coordinator, and probation).
3. The drug court works with two or fewer treatment agencies.
4. A prosecuting attorney is part of the drug court team.
5. A defense attorney is part of the drug court team.
6. The time between arrest and program entry is 50 days or less.
7. The drug court offers mental health treatment.
8. Program provides (or partners with service providers who provide) participants with legally prescribed psychotropic or addiction medication (MAT).
9. Drug test results are back in 2 days or less.
10. Participants are expected to have greater than 90 days clean (negative drug tests) before graduation.
11. The program has written incentive and sanctions guidelines and team members are given a copy of the guidelines.
12. Sanctions are imposed immediately after non-compliant behavior. (e.g., drug court will impose sanctions in advance of a client's regularly scheduled court hearing.)
13. Judge spends an average of 3 minutes or greater per participant during status review hearings.
14. The results of program evaluations have led to modifications in drug court operations.
15. All members of the drug court team are provided with training in the drug court model.
16. Treatment communicates with court via email.
17. There is a written policy and procedure manual for the drug court program.

### Priority Recommendations:

The following section lists several areas that are not currently aligned with New Mexico Drug Court Standards. These are areas that could benefit from enhancements. A full set of practices that are not yet utilized by this program are attached. Additional recommendations are listed at the end.



**RECOMMENDATION 1: The minimum length of the drug court program should be 12 months or more.**

Research has shows that programs that are a minimum of 12 months have significantly better outcomes than shorter programs. The program is encouraged to establish a minimum 12 months of supervision. Participant phases should also reflect the time in which participants are actually enrolled in program.

**RECOMMENDATION 2: In the first phase of drug court, drug tests should be collected at least 2 times per week.**

The program should administer drug tests on participants twice per week (at a minimum) during the first two phases of the program. A standardized system of drug testing, coordinated with probation and parole guidelines, should continue through the entirety of the program. Details of the drug testing schedule should also be documented by the program in the policy and procedure manual or other related materials.

**RECOMMENDATION 3: Review of data and/or regular reporting of program statistics should lead to modifications in drug court operations**

Establish a regular interval for reviewing program data and statistics. Review information gathered as a team. Discuss how to make related program modifications. Use feedback to analyze operations, modify program procedures, gauge effectiveness, change therapeutic interventions, measure and refine program goals, and make decisions about continuing or expanding the program.

This section of the report offers areas that you may want to consider implementing in your program in the future.

**1. Participants are required to pay court fees**

Research has demonstrated that drug courts that require participants to pay fees have higher graduation rates and lower recidivism than drug courts that require no fees (Carey, et al. 2005; Carey, Pukstas & Finigan, 2008; Carey & Perkins, 2009; Carey, Waller, & Weller, 2010). Paying fees may increase the sense of accountability, as well as a sense of valuing the program as something that they have paid for. The team may consider the idea that indigent participants could “work off” these fees through community service or good behavior, rather than paying with cash, creating another method of providing incentives and/or sanctions.

**2. In order to graduate participants must have pay all court-ordered fines and fees (e.g., fines, restitution).**

Add “full payment of all court-ordered fines and fees” as a graduation criterion for new participants



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### Participant Feedback:

An important part of the peer review process was to hear from program participants about their experiences with the program. During the visit, we spoke with 9 participants (8 in Phase II and 1 in Phase I). Here is a summary of their feedback.

Participants most like and appreciate the following parts of the program:

- Lisa, a counselor who is transitioning to Milestones, was admired by all. Comments included; she is “understanding,” “caring,” “open,” “amazing,” “gives positive feedback,” and is “the foundation of the program.”
- The Public Defender, Rob Kelly, was also highly regarded. The focus group viewed him as “having their back” and definitely felt supported and respected by him.
- The focus group appreciated the built in accountability of the BC drug court and the skills they’ve been taught to “deal with stuff sober.”
- The pro social activities that the Drug Court Team offered were highly regarded. A few of those mentioned were the bowling extravaganza, bingo events, and the softball games.
- The MRT class was praised and viewed as very productive.
- The focus group felt that the Judge was very respectful and went that “extra mile” for them.
- Another aspect the focus group appreciated was the connection the Drug Court Team has to the community in general and community resources in particular – i.e. housing assistance, transportation assistance, and employment leads, etc.  
One woman mentioned she was having a difficult time securing housing due to her criminal history. Reference letters from several team members to the landlord helped her with this.

Participants reported that the following parts of the program are most challenging for them:

The focus group felt that the team could improve upon keeping timely appointments and returning phone calls - especially at the Probation Office. One focus group participant summed it up by saying, “Sometimes the team holds us way more accountable than they hold themselves.”

Participants offered the following suggestions for the program to consider:

- Improve communication by answering phone calls consistently.
- Make it a priority to stick to appointment time schedules.
- Update handbook: there was some concern that the version being used does not reflect current program activities.
- Consider waiving supervision fees as milestones are met or as an incentive/reward for positive behavior.



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### Additional Observations:

- Positive and direct interaction between the Judge and all Participants.  
e.g., “I am noticing the effort you are putting in ...,” “I am proud of your progress ...,” “I know that you can do this ...,” “Good to see you smile ...,” “We want you to do well and succeed ...,” “We’re hoping this will be a motivator for you ...,” “We are pulling for you.”
- The A Team designation for those in compliance for the week is an innovative practice that seems to be a positive for the program.
- The pro social activities that are offered add to the quality of the program and increase the successful outcome bottom line by helping the participants become engaged and ultimately make life changes.
- The community connections are a big strength of the program – i.e., the Elks Club and the Kiwanis Club.
- The 8-hour community service work per week in exchange for housing seems to be working and gives the participants a sense of giving back and paying for resources given.
- The enthusiasm toward, and commitment to, the drug court program, by all of those on the Sample County Drug Court Team was noticed and only works in favor of achieving successful outcomes by those participating in your program!



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**Checklist of Guidelines and Standards:**

**Best Practices Table:**

The following table includes a list of the best practices related to New Mexico’s Drug Court Standards to include during your peer review process. Based on the online survey results, the items are marked as “yes” if the program has this practice and “no” if the program has not implemented this practice. *Please note that for efficiency, this list includes most, but not all, of the Standards.* Many of the Standards have one associated practice (one row or check box), but several standards are related to multiple practices (and show up in multiple rows of the table). The numbers in [brackets] are the Standard numbers, for easier cross-referencing. Please see the sample recommendations document for sample language for providing suggestions to the programs, as well as the report summary template for an outline of how to write up your findings. Feel free to take notes on a separate page as needed. Please leave a copy with the program at the end of the visit before leaving the site. If you conduct an exit interview or closing meeting with the team, copies can be made of the checklist to distribute to attendees.

**Program Background:**

- Program began operation in **January 2010**.
- **Cocaine** is the most common drug of choice among participants.
- The program has had **35** graduates and **15** terminations since inception.
- Currently, there are **20** active participants as of **May 2016**, with a reported capacity of **20** participants.
- This program accepts **moderate and high** risk participants.
- This program accepts **high** need participants.
- If more than one risk and/or need level, does the program have multiple tracks? **No**

“Yes” indicates that program reports performing this practice.

“No” indicates that program reports not performing this practice.

“N/A” indicates that program did not respond to this question on the survey.

(\*Please note that some practices may include footnotes)

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing	Performing this practice?
1.1 Program has a Memorandum of Understanding (MOU) in place between the drug court team members (and/or the associated agencies)	Yes
a. MOU specifies team member roles	Yes
b. MOU specifies what information will be shared	Yes
1.2 Program has a written policy and procedure manual	Yes



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1.3	All key team members attend staffing (Judge, prosecutor, defense attorney, treatment, program coordinator, and probation)	Yes
1.4	All key team members attend court sessions/status review hearings (Judge, prosecutor, defense attorney, treatment, program coordinator, and probation)	Yes
1.5	Law enforcement (e.g., police, sheriff) is a member of the drug court team	Yes
1.6	Law enforcement attends drug court team meetings (staffings)	Yes
1.7	Law enforcement attends court sessions (status review hearings)	Yes
1.8	Treatment communicates with court via email	Yes
Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights		
2.1	A prosecuting attorney attends drug court team meetings (staffings)	Yes
2.2	A prosecuting attorney attends court sessions (status review hearings)	Yes
2.3	The defense attorney attends drug court team meetings (staffings)	Yes
2.4	The defense attorney attends court sessions (status review hearings)	Yes
Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.		
3.1	The time between arrest and program entry is 50 days or less	Yes
3.2	Current program caseload/census (number of individuals actively participating at any one time) is less than 125	Yes
3.3	The drug court allows other charges in addition to drug charges	Yes
3.4	The drug court accepts offenders with mental health issues, as long as appropriate treatment is available	Yes
3.5	The drug court accepts offenders who are using medications to treat their drug dependence	Yes
3.6	Program uses validated, standardized assessment to determine eligibility	Yes
3.7	Participants are given a participant handbook upon entering the program	Yes
Key Component #4: Drug courts provide access to a continuum of alcohol, drug and other treatment and rehabilitation services		
4.1	The drug court uses no more than two treatment agencies to provide treatment for a majority of participants or a single agency/individual provides oversight for any other treatment agencies treating drug court participants	Yes
4.2	The drug court requires participants to meet individually with a treatment provider or clinical case manager weekly in the first phase of the program	Yes
4.3	The drug court offers a continuum of care for substance abuse treatment (detoxification, outpatient, intensive outpatient, day treatment, residential)	Yes
4.4	Program uses validated, standardized assessment to determine level or type of services needed	Yes



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4.5	Treatment providers administer evidence-based, manualized behavioral or cognitive-behavioral treatments	Yes
4.6	The drug court offers or make referrals to gender specific services	Yes
4.7	The drug court offers or make referrals to mental health treatment	Yes
4.8	The drug court offers or make referrals to parenting classes	Yes
4.9	The drug court offers or make referrals to family/domestic relations counseling	No
4.10	The drug court offers or make referrals to health care	No
4.11	The drug court offers or make referrals to dental care	Yes
4.12	The drug court offers or make referrals to anger management classes	Yes
4.13	The drug court offers or make referrals to housing assistance	Yes
4.14	The drug court offers trauma-related services	Yes
4.15	The drug court offers a criminal thinking intervention	Yes
4.16	The drug court provides relapse prevention services for all participants	Yes
4.17	The drug court provides referrals to services for participant's children	Yes
4.18	The drug court provides childcare while participants are in treatment or in court (or participating in other drug court requirements)	Yes
4.19	Program provides (or partners with service providers who provide) participants with legally prescribed psychotropic or addiction medication (MAT)	Yes
4.20	The minimum length of the drug court program is 12 months or more	No
4.21	Treatment providers are licensed or certified to deliver substance abuse treatment	Yes
4.22	Treatment providers have training and/or experience working with a criminal justice population	Yes
4.23	The treatment court program has processes in place to ensure the quality and accountability of the treatment provider	No
4.24	Caseloads for probation/supervision officers do not exceed 30 active participants (up to 50 if mix of low risk and no other caseloads/responsibilities)	Yes
4.25	Caseloads for clinicians providing case management and treatment do not exceed 30 active participants (up to 50 if counseling OR case management)	Yes
<b>Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing</b>		
5.1	Drug testing is random/unpredictable	Yes
5.2	Drug testing occurs on weekends/holidays	Yes
5.3	Collection of test specimens is witnessed directly by staff	Yes
5.4	Staff that collect drug testing specimens are trained in appropriate collection protocols	Yes
5.5	Drug test results are back in 2 days or less	Yes
5.6	Drug tests are collected at least 2 times per week <sup>1</sup>	No

<sup>1</sup> Assessment asks about frequency of testing during the program’s first phase. If this item is marked “Yes”, verify that program maintains drug testing frequency for the duration of the program.





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5.7	Participants are expected to have greater than 90 days clean (negative drug tests) before graduation	Yes
<b>Key Component #6: A coordinated strategy governs drug court responses to participants' compliance</b>		
6.1	Program has incentives for graduation, including avoiding a criminal record, avoiding incarceration, or receiving a substantially reduced sentence	Yes
6.2	Sanctions are imposed immediately after non-compliant behavior (e.g., drug court will impose sanctions in advance of a client's regularly scheduled court hearing)	Yes
6.3	Team members are given a written copy of the incentive and sanction guidelines	Yes
6.4	Program has a range of sanction options (including less severe sanctions such as writing assignments and community services and more severe sanctions such as jail time)	Yes
6.5	In order to graduate participants must have a job or be in school	Yes
6.6	In order to graduate participants must have a sober housing environment	Yes
6.7	In order to graduate participants must pay all court-ordered fines and fees (e.g., fines, restitution)	No
6.8	Participants are required to pay drug court fees	No
6.9	The drug court reports that the typical length of jail sanctions is 6 days or less	Yes
6.10	The drug court retains participants with new possession charges (new possession charges do not automatically prompt termination)	Yes
<b>Key Component #7: Ongoing judicial interaction with each participant is essential</b>		
7.1	Participants have status review sessions every 2 weeks, or once per week, in the first phase	Yes
7.2	Judge spends an average of 3 minutes or greater per participant during status review hearings	Yes
7.3	The judge's term is as least 2 years or indefinite	Yes
7.4	The judge was assigned to drug court on a voluntary basis	Yes
7.5	In the final phase of drug court, the clients appear before the judge in court at least once per month	Yes
<b>Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness</b>		
8.1	The results of program evaluations have led to modifications in drug court operations	Yes
8.2	Review of program data and/or regular reporting of program statistics has led to modifications in drug court operations	No
8.3	The drug court maintains data that are critical to monitoring and evaluation in an electronic database (rather than paper files)	Yes
<b>Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations</b>		





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9.1	All new hires to the drug court complete a formal training or orientation	Yes
9.2	All members of the drug court team are provided with training in the drug court model	Yes
9.3	Drug court staff members receive ongoing cultural competency training	Yes
Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness		
10.1	The drug court has an advisory committee that includes community members	Yes
10.2	The drug court has a steering committee or policy group that meets regularly to review policies and procedures	No

**Additional Recommendations:**

- Consider working with law enforcement to get full support for having them stay throughout the court session. It’s important that local and state police understand their participation with treatment court as a cost-effective way to deal with repeat offenders who have substance abuse problems. Participation by law enforcement on the team can change participants’ view of law enforcement and can law enforcements’ view of participants. Additionally, the program should be seen as an avenue for addressing quality of life issues and preserving public safety. Research in this area has shown that greater law enforcement involvement increases graduation rates and reduces outcome costs (Carey, Mackin & Finigan, 2012). Their presence for the duration of the session would also allow the Judge to address those participants in custody, or going into custody, last rather than first so that they can learn from the positive behavior of those who have been successful throughout the week.
- Judge Doe spent an average of 2.5 minutes with each participant during the court session. He used positive feedback with each and spoke to them in a caring manner. He might want to consider using the “drama of the courtroom” as a teaching tool in both his tone and volume, to engage more, and in selecting the order of participants to call to the table. For example, he could discuss with a participant a positive outcome that they were able to achieve and then next call up a participant who will be receiving a sanction for a violation.
- You might want to consider investigating and implementing medication assisted treatment.
- Several Team Members discussed the case management position and the need for one individual to be identified and assume this role. A Case Manager could assist in providing quality services in the most efficient and effective manner to individuals with multiple complex needs. The Case Manager could arrange, coordinate, monitor, evaluate, and advocate for a package of multiple services to meet a specific client’s complex needs.
- It was suggested that Family Therapy be available to all clients.



- Consider distributing daily planners to all new participants and require that they keep those planners on their person at all times. An updated planner enables participants to know what is expected of them on a given day and what they need to accomplish. Moreover, it teaches them how to handle things in a systematic manner and builds structure in lives that have otherwise not had it. It promotes good organizational skills that aren't just useful in the professional world, but in successful personal lives as well.
- We discussed the need for a Mental Health Psych Evaluation for many participants and the difficulty in paying for those on a regular basis. A possible alternative is an abbreviated Mental Health Assessment conducted by a Qualified Mental Health Professional either through your treatment provider or at your Parole and Probation office. It's always in the participants' best interests to identify early on in the program what potential mental health issues might exist and work within that framework from the start.
- Lastly, as the treatment component of the program transitions from one provider to the next, it will be important to replace the existing psychiatric services that 11 of your current participants are utilizing with an equivalent service from another provider.

### **Recommended Next Steps**

The results of this assessment can be used for many purposes, including 1) improvement of program structure and practices for better participant outcomes (the primary purpose), 2) grant applications to demonstrate program needs or illustrate the program's capabilities, and 3) requesting resources from boards of county commissioners or other local groups.

- Distribute copies of the report** to all members of your team, advisory group, and other key individuals involved with your program.
- Set up a meeting** with your team and steering committee, etc., to discuss the report's findings and recommendations. Ask all members of the group to **read the report** prior to the meeting and **bring ideas and questions**. Identify who will **facilitate** the meeting (bring in a person from outside the core group if all group members would like to be actively involved in the discussion).
- Contact your peer reviewer or staff at the state office** if you would like outside staff to be available by phone to answer questions.
- During the meeting(s), **review each recommendation**, discuss any questions that arise from the group, and **summarize the discussion, any decisions, and next steps [assign someone to take notes]**. You can use the format on the following page or develop your own.

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**Recommendation Review Form:**

Please complete the following table for each recommendation. For any recommendation there may be multiple tasks in the action plan.

<b>Recommendation</b>	<b>Responsible individual, group, or agency</b>	<b>Action plan</b>	<b>Target dates</b>	<b>TA or training needed?</b>
The minimum length of the drug court program should be 12 months or more				
In the first phase of drug court, drug tests should be collected at least 2 times per week				
Review of data and/or regular reporting of program statistics should lead to modifications in drug court operations				
Participants are required to pay court fees				
In order to graduate participants must have pay all court-ordered fines and fees (e.g., fines, restitution)				

**Responsible individual, group, or agency:** Identify who is the focus of the recommendation, and who has the authority to make related changes.

**Action plan:** Describe the status of action related to the recommendation (some changes or decisions may already have been made). Identify which tasks have been assigned, to whom, and by what date they will be accomplished or progress reviewed. Assign tasks only to a person who is present. If the appropriate person is not present or not yet identified (because the task falls to an agency or to the community, for example), identify who from the group will take on the task of identifying and contacting the appropriate person.

- Person: (Name)
- Task: (make sure tasks are specific, measurable, and attainable)
- Deadline or review date: (e.g., June 10<sup>th</sup>) The dates for some tasks should be soon (next month, next 6-months, etc.); others (for longer-term goals for example) may be further in the future.
- Who will review: (e.g., advisory board will review progress at their next meeting)

**Target dates:** Indicate the date that each task will be accomplished. Add task deadlines to the agendas of future steering committee meetings, to ensure they will be reviewed, or select a date for a follow-up review (in 3 or 6 months, for example), to discuss progress and challenges, and to establish new next steps, task lists, and review dates.

**TA or training needed:** Add a check mark in this column if training or technical assistance is needed to help address this recommendation.

**Send this completed form to the State Office. State staff will discuss any needed training and technical assistance and how to obtain them.**

