

NEW MEXICO DRUG/DWI COURT

Peer Review Summary Report



Background and Overview:

A pilot peer review was conducted with the New Mexico Sample Judicial Circuit Drug Court on February 20 and 21, 2017, by Judge John Doe, Coordinator Jane Doe, and Treatment Provider Jane Doe from the Sample Judicial Circuit Drug Court. James Doe from the Administrative Office of the Courts provided support as well. 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. A prosecuting attorney is part of the drug court team.
4. A defense attorney is part of the drug court team.
5. The minimum length of the drug court program is 12 months or more.
6. The drug court offers mental health treatment. Program provides (or partners with service providers who provide) participants with legally prescribed psychotropic or addiction medication (MAT).
7. In the first phase of drug court, drug tests are collected at least 2 times per week.
8. Participants are expected to have greater than 90 days clean (negative drug tests) before graduation.
9. The program has written incentive and sanctions guidelines and team members are given a copy of the guidelines.
10. 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.)
11. The results of program evaluations have led to modifications in drug court operations.
12. Review of the data and/or regular reporting of program statistics has led to modifications in drug court operations.
13. All members of the drug court team are provided with training in the drug court model.
14. Treatment communicates with court via email.
15. There is a written policy and procedure manual for the drug court program.



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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.

1. **If possible, the program should work to reduce the time between arrest and program entry to 50 days or less.**

The program may want to conduct an in-depth review to determine if there are places where time could be saved between arrest and identification for treatment court. An analysis of case flow to identify bottlenecks or structural barriers, and points in the process where potential adjustments to procedures could facilitate quicker placement into treatment court would be helpful. In addition, a more systematic identification and referral process may be able to shorten the time between arrest and treatment court entry. The team could review the systems of programs that have shorter lapses between arrest and treatment court entry, to gain ideas. The program should set a goal for how many days it should take to get participants into the program, and work toward achieving that goal, keeping in mind that the sooner individuals needing treatment are connected with resources, the better their outcomes are likely to be.

2. **If possible, the drug court should consider working with two or fewer treatment agencies.**

Work on moving to a model where the drug court utilizes at most two core treatment agencies, or establish a communication system that designates a single entity (one of the providers or a different organization as appropriate) to oversee and coordinate treatment services as well as communication with the rest of the team. Referrals to ancillary services as needed are still appropriate on an individual basis.

3. **Drug test results should be back in 2 days or less.**

Establish protocols to obtain drug testing results as soon as possible, and within 48 hours at the longest.

4. **Judge should work to spend an average of 3 minutes or greater per participant during status review hearings.**

An *average* of three (3) minutes per participant is related to graduation rates 15 percentage points higher and recidivism rates that are 50% lower than drug courts that spend less than 3 minutes per participant (Carey, Waller, & Weller, 2010).

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 10 participants. Here is a summary of their feedback.



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

- Focus group participants regarded the judge very highly. They felt the judge took the time to get to know the participants and then dealt with each one on a personal level.
- Likewise, the group felt the counselors really cared about them. Comments included, “they get to know you,” and “they can tell when something is wrong.”
- Participants reported being happy with the drug court’s structure, the level of personal accountability, and additional resources that the drug court offered them.
- Participants enjoyed that they get to build relationships as part of the program.

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

- Many of the participants believe that diluted urine samples should not automatically be treated as positive screens.
- Participants expressed difficulties with the drug testing call-in line. Several explained that they have called and it has taken more than 20 minutes to get through and find out if they needed to report for a test.
- Some participants mentioned unprofessional behavior among drug court staff such as staff members talking about other participants when they weren’t present. There was also a feeling that some participants are treated better or are staff favorites.
- Many of the participants expressed that the program fees are too high and are often difficult to pay.

Participants offered the following suggestions for the program to consider:

- Participants suggested that the court hold more graduations, to prevent delays in participants completing the program.
- Participants suggested that when a urine sample appears to be diluted, that they be given a time limit to produce another sample as long as they do not leave the test facility.
- Participants that felt the program fees are too high suggested that fees be reduced in later phases of the program since they receive fewer services.
- Participants suggested adding a second line to the drug testing call-in system.

Additional Observations:

- The program has made efforts to increase use of incentives, and was evident during the court observation, as many participants received unique incentives from the judge
- Sanctions are also creative, such as writing assignments in court, which team members reported to be effective in changing participant behavior.



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- The inclusion of a work release representative in the staffing allows for quick decision making regarding participants in need of additional housing and employment options.
- All drug court team members are enthusiastic and committed to the program. All members appear to have a strong knowledge of their roles and other staff members' roles. The team members also do a great job sharing information and building excitement about the drug court program to their coworkers and contacts outside of the drug court.

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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 **May 2006**.
- **Methamphetamine** is the most common drug of choice among participants.
- The program has had **100** graduates and **50** terminations since inception.
- Currently, there are **40** active participants as of **January 2016**, with a reported capacity of **50** participants.
- This program accepts **low, 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.

“Missing” 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	No
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	No
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 residential treatment	No
4.11	The drug court offers or make referrals to health care	No
4.12	The drug court offers or make referrals to dental care	Yes
4.13	The drug court offers or make referrals to anger management classes	Yes
4.14	The drug court offers or make referrals to housing assistance	Yes
4.15	The drug court offers trauma-related services	Yes
4.16	The drug court offers a criminal thinking intervention	Yes
4.17	The drug court provides relapse prevention services for all participants	Yes
4.18	The drug court provides referrals to services for participant's children	Yes
4.19	The drug court provides childcare while participants are in treatment or in court (or participating in other drug court requirements)	Yes
4.20	Program provides (or partners with service providers who provide) participants with legally prescribed psychotropic or addiction medication (MAT)	Yes
4.21	The minimum length of the drug court program is 12 months or more	Yes
4.22	Treatment providers are licensed or certified to deliver substance abuse treatment	Yes
4.23	Treatment providers have training and/or experience working with a criminal justice population	Yes
4.24	The treatment court program has processes in place to ensure the quality and accountability of the treatment provider	Ask in Interviews
4.25	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
4.26	Caseloads for clinicians providing case management and treatment do not exceed 30 active participants (up to 50 if counseling OR case management)	Yes
Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing		
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



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5.5	Drug test results are back in 2 days or less	No
5.6	Drug tests are collected at least 2 times per week ¹	Yes
5.7	Participants are expected to have greater than 90 days clean (negative drug tests) before graduation	Yes
Key Component #6: A coordinated strategy governs drug court responses to participants' compliance		
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)	Yes
6.8	Participants are required to pay drug court fees	Yes
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
Key Component #7: Ongoing judicial interaction with each participant is essential		
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	No
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
Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness		
8.1	The results of program evaluations have led to modifications in drug court operations	Yes

¹ 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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8.2	Review of program data and/or regular reporting of program statistics has led to modifications in drug court operations	Yes
8.3	The drug court maintains data that are critical to monitoring and evaluation in an electronic database (rather than paper files)	Yes
Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations		
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



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Additional Recommendations:

- Staff members expressed concern for the current process of performing home visits, noting that the sheriff's deputy frequently completes these visits without any back up personnel. Team members noted the difficulties the compliance officer currently faces, such as when the home is occupied by multiple residents or when a male officer is conducting the home visit with only a female participant present. If possible, consider hiring compliance officers or paying overtime to deputies to provide assistance to the current officers and the drug court team. Additional compliance officers on the team will allow your court to conduct safer field visits more quickly and efficiently. Additional male or female compliance officers can also reduce the risk of false accusations against the current officers during field visits. It may also allow your team to monitor compliance at later or earlier times during the day.
- Several team members and participants discussed the high program fees. A reduction in program fees would not only reduce the financial burden on current participants, but it would likely open the program to more offenders. It may be helpful to perform a review of drug court fees around the state for presentation to your commission.
- It was stated that participants receive treatment from parts of various curricula. While it is important to have options based on participant needs, successful outcomes are better achieved from fidelity to the treatment model. Your court should attempt to follow evidence based treatment curricula as closely as possible to maximize positive outcomes.
- Several team members discussed increased use of incentives and participants expressed that they enjoy receiving incentives like gift certificates. However, your court should consider creating an incentive matrix or list to guide use of rewards. Standardization of the incentive process will allow participants to more easily draw the connection between rewards and desired behavior and will reduce the appearance of favorable or unfair treatment among the participants.

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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.

[PLEASE INSERT THE KEY RECOMMENDATIONS FROM THIS REPORT UNDER THE “RECOMMENDATION” COLUMNS BELOW]

Recommendation	Responsible individual, group, or agency	Action plan	Target dates	TA or training needed?
1. The time between arrest and program entry should be 50 days or less				
2. If possible, the drug court should consider working with two or fewer treatment agencies.				
3. Drug test results should be back in 2 days or less.				
4. Judge should work to spend an average of 3 minutes or greater per participant during status review hearings.				
5. 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 10th) 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



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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.