



**Drug Court Advisory Committee Meeting  
Via Webinar  
Friday, December 17, 2010  
12:00 pm to 2:00 pm**

**Meeting Minutes**

The Drug Court Advisory Committee (DCAC) began its meeting without a quorum present at 12:20 pm on Friday, December 17, 2010, the Honorable Cristina Jaramillo presiding.

Attending were:

The Honorable Cristina Jaramillo, Bernalillo County Metropolitan Court  
The Honorable Teddy Hartley, Ninth Judicial District  
The Honorable Monica Zamora, Second Judicial District  
Virginia Acosta, Third Judicial District (ret.)  
Cynthia Ferrari, Thirteenth Judicial District  
Peter Bochert, Administrative Office of the Courts

**Approval of 11/19/10 Meeting Minutes**

None of those attending had any changes or additions to the minutes from the 11/19 meeting. As a quorum was not present, a vote to approve the minutes was deferred to the next meeting of the committee.

**Certification**

Peter Bochert summarized the two page document he had provided (see attached) on drug court program certification. The basic message of the document was that recent national research supported drug court programs' adherence to the 10 Key Components, and such "fidelity to the model" led to improved program success. In fact, some programs that were not following the drug court model were actually doing more harm than good in that their participants were reoffending more than those who had not gone through their programs. Because of the research, the NADCP was forming a national committee to explore development of program certification principles to help ensure programs were maintaining fidelity to the model. Peter reported on processes already in place in several states, such as Louisiana and Oklahoma, where each program is visited at least once a year and reviewed against that state's enabling statute and/or statewide standards. In New Mexico, Peter had worked with six programs since January on a self-assessment review process, which had been generally well-received. It had also turned up some questionable practices, but without enabling statute, court orders, or more specific guidelines in the NM Drug Court Standards, Peter pointed out that there was nothing to



prevent a district court from continuing such practices. The purpose of the presentation was to ask the committee if it felt there was a need for a “certification” process in New Mexico and what part it would like to play in its development and execution.

There was lengthy discussion at this point:

- Judge Hartley and Cynthia Ferrari asked whether questionable practices in New Mexico were due to lack of training for newer programs. Peter explained that the problems were with older programs as well, so it did not appear to be simply a training issue.
- Judge Hartley spoke of his concern about drug court funding, that since the drug courts had been identified as non-core court functions their funding had been used to protect court staff from furloughs and layoffs. He was concerned that pretty soon there wouldn't be any programs left and he wished to do something to help secure funding specifically for drug courts, possibly through creation of a separate entity that could receive and administer drug court funds.
- Judge Zamora suggested the committee think of the issue in terms of long-term and short-term goals. In the short-term the committee could work to help develop some sort of certification process, something that would help ensure the integrity of the programs. In the long-term the committee could explore how to develop the infrastructure that Judge Hartley referred to.
- Those present discussed and agreed that some form of centralized funding in order to protect program appropriations, even though that could lead to more centralized administration of their programs, was desirable.
- Discussion continued to the role of the Supreme Court and the AOC in relation to the current drug court funding situation. Judge Hartley commented that he thought the Supreme Court had reluctantly agreed to the determination that drug courts were non-core court functions. Judge Zamora related recent AOC involvement in the budget challenges faced by the 2<sup>nd</sup> and that the first thing suggested was to move drug court funds to court regular in order to offset furloughs. Peter explained that once the Supreme Court had made such a determination, the AOC had to act in keeping with that approach, as well as in line with the unified budget. In fact, the committee itself, as an advisory committee to the Supreme Court, had to act within the constructs of the unified budget approved by the Supreme Court.
- Judge Jaramillo asked Peter if he had any suggestions for what to do from here. He offered to draw up a questionnaire to be used in onsite visits with the courts, one that was based on the 10 Key Components but also reflected specific requirements defined in the NM Drug Court Standards. He would bring that back to the committee for review and advice. He would also consider how to leverage technology to structure such program review (perhaps through an online survey tool, such as Survey Monkey) in keeping with the AOC's limited staff resources for onsite visits. DCAC could consider information gathered through such a



- process and determine how to use that information, possibly as part of a formal certification process, possibly just as helpful information during funding reviews/budget discussions.
- Cynthia and Judge Jaramillo also discussed what role NMADCP could play in the review of programs, and suggested its board may want to discuss the topic at an upcoming board meeting.

## **Drug Court Standards**

### Review of Section G:

The committee reviewed section G up through G.13, making several changes. Judge Jaramillo and Cynthia questioned Practice #3 under G.3, wondering why the “Report on Drug Court Violations” was specifically excluded from the list of confidential documents. Peter related that Judge Gary Jeffreys had been on the DCAC subcommittee that drafted the bulk of section G, and he thought Judge Jeffreys had been directly involved in the drafting of that Practice. Peter offered to email Judge Jeffreys to see if he had any recollection of that Practice and he would report back to the committee.

Judge Jaramillo indicated the committee would pick up with G.14 at its next meeting.

(All of the changes agreed to in Sections G.1 through G.13 (as well as for Sections A through F) are in an attached document, with committee revisions in blue.)

## **Miscellaneous**

“Transfer” Rule Update: Joey Moya asked Peter to relate to the committee that the comment period for the proposed “Transfer” Rule had expired and no comments had been received. Normally, Joey would then send a rule directly to the Supreme Court for review. In this case, he wanted to let DCAC consider if it had any comments it wished to add before he submitted to the Supreme Court. Committee members had no issues with the rule. Judge Jaramillo asked if this was strictly a District Court rule, as she had asked the chair of Metro’s Rule Committee about the rule and he indicated he was unaware of the rule. Peter said he would contact Joey about Metro and Magistrate versions of the rule and let the members know what he found out.

Hellos / Goodbyes: Peter let the committee know that the Supreme Court had not made its official determinations on committee appointments yet, but he understood that DCAC’s recommendations were very likely to be approved. He also explained that this was to be the last meeting of the three members of DCAC whose terms expire at the end of December, but none of them had been able to attend. He expressed his own gratitude for the help over the years of Peggy Nelson, David Eisenberg, and Brad Ullrich, both to



the committee and to him professionally in his work with the drug court programs statewide.

### **Next Meeting Date**

Attendees reviewed their calendars and decided to schedule the next meeting on Friday, January 14, 2011, from 12 to 2 pm, via webinar. As that meeting would be just before the start of the legislative session, the committee would consider further meeting dates and times during the January 14 meeting.

### **Adjourn**

There being no further business, the meeting attendees agreed to adjourn at approximately 1:50 pm.