



**Drug Court Advisory Committee Meeting
Via Webinar
Friday, March 18, 2011
12:00 pm to 2:00 pm**

Meeting Minutes

The Drug Court Advisory Committee (DCAC) was called to order at 12:13 pm on Friday, March 18, 2011, the Honorable Cristina Jaramillo presiding.

Attending were:

The Honorable Cristina Jaramillo, Bernalillo County Metropolitan Court
The Honorable Sandra Price, Eleventh Judicial District
The Honorable David Segura, Santa Fe Co. Magistrate Court
Virginia Acosta, Third Judicial District (ret.)
Cynthia Ferrari, Thirteenth Judicial District
Lupe Sanchez, First Judicial District
Peter Bochert, Administrative Office of the Courts

Also attending:

Michael Estrada, NM Corrections Department
Joey Moya, Supreme Court
Angela Peinado, Administrative Office of the Courts

Absent Members:

Judge Hartley and Judge Zamora

Approval of 2/18/11 Meeting Minutes

Prior to review of the meeting minutes from the last meeting, Peter pointed out the italicized indication he had included on the first page of the minutes of the members who were absent from that prior meeting. He indicated that given the rule DCAC formally adopted at its July 2010 meeting, that after three consecutive absences the Supreme Court would be asked to appoint a replacement, he wondered if the committee members would find it helpful as a reminder of missed meetings. Members indicated they would have no problem with such a listing in the meeting minutes. There being no further discussion of the prior meeting's minutes, Judge Jaramillo asked for a motion. Cynthia Ferrari moved to accept the minutes and Virginia Acosta seconded the motion. The motion passed unanimously.



Judge Jaramillo asked if there were any requests to change the agenda. There being none, the committee proceeded to the next agenda item.

Legislative Update: HB2 and LETF

Peter indicated he had sent a brief email statewide yesterday on House Bill 2 (HB2) and the liquor excise tax funds (LETF), and there was little to add at this time. HB2 did contain language that would direct the Department of Finance and Administration to transfer \$800,000 in LETF to the AOC for the state's drug courts. That \$800,000 was down from the \$1 million that we received last year, and that had been in HB2 earlier in the session. Peter showed the committee members the language in HB2 and pointed out that Governor Martinez could line-item veto the language. The Chief Justice was still trying to meet with the Governor, at which point he would emphasize how important that \$800,000 was to the state's drug courts. The Governor has twenty days in which to review and approve HB2, so we will have to wait and see what action she takes.

Judge Jaramillo asked what role, if any, DCAC would be asked to take regarding distribution of the LETF if the Governor left the transfer language intact. Peter said that was unclear at the moment. He indicated that last year we had \$1.3 million on the table and would have substantially less this time, while the need was still as great as last year. The Supreme Court and AOC may decide that given the extreme need, it may not make sense to solicit individual program requests for review but instead may make more sense to make a proportional distribution of some kind. Peter also pointed out that DCAC had three current vacancies and two of its members were new to the committee and had not participated in such a funding review process before. Peter did think that if DCAC was asked to be involved it would be given clear direction as to how to consider its funding distribution recommendations.

Transfer Rule: update and ramifications

Judge Jaramillo summarized the Rules Committee meeting she'd attended recently that discussed the version of the Transfer Rule that would apply to Metro Court. Judge Jaramillo had spoken out against adoption of the rule given the disparity between drug court programs around the state, and her concern that a judge might agree to a transfer assuming the drug court in the other jurisdiction was run similarly to the drug court the judge was familiar with. Judge Jaramillo indicated that the committee held off action on the rule pending today's DCAC discussion.

Joey Moya, Peter, and Judge Jaramillo discussed her concerns and the ramifications for the proposed Transfer Rules for district, magistrate, and metro courts, making the following points:

- The Supreme Court would be unlikely to approve a rule that applied to district and magistrate courts, but not metro court;



- The rule had been initiated by DCAC, and if DCAC was not in favor of the rule it clearly needs further discussion;
- As inconsistency between programs is the major concern, perhaps the rule could become part of a commitment to develop a program “certification” process, such as DCAC discussed at its December meeting;
- Joey would report to the Supreme Court of the ongoing discussion regarding the rule and await updates from DCAC.

During the discussion, it was proposed that any court that was asked to implement such a transfer from one jurisdiction to another jurisdiction’s drug court program notify the AOC prior to agreeing to the transfer. The committee discussed whether this would be an undue hindrance to court activity and members stated that they felt it would be helpful as a fact-gathering measure so long as the communication was clear to the courts as to what constituted such a transfer request, who they were to notify, and for what purpose. It was clarified that the AOC was not going to stop the transfer, but instead take note of it and pass along any information the AOC may have on the receiving program that the originating court might find helpful to its determination.

Certification Process: Peter asked if he could update the committee on some process considerations he had been working on since the December meeting discussion of a program certification process. He referred the members to the Supreme Court order establishing DCAC as a permanent committee, in which it provided the committee’s scope of work. Part of DCAC’s mandate is to assure communication and consistency among the state’s programs, while addressing drug court issues as they arise. Peter suggested that he could review the programs’ performance measures with DCAC on a biannual basis as a way of educating the committee about the programs’ operational issues and outcome measures. He plans to implement one-on-one webinars with each program coordinator, wherein the program’s performance measures are reviewed and questions answered regarding operations, standards, and concerns. He also planned to ask for permission to report performance measures on an annual, or at most biannual, basis to the LFC rather than quarterly.

Judge Jaramillo asked that review of the performance measures be put on the next meeting’s agenda, as the committee would like to review them with more time and opportunity to ask questions than was available at this point in the meeting.

Confidentiality Issue

Peter explained that after discussions with one of the judges who had been present during discussions at the Jiffy Judges User Group of the drug court event codes in FACTS, that he had been given the opportunity to address the User Group at its April 21 meeting. After related discussions with Carson Fox of NDCI, he would ask if the term “specialty



court” could be substituted for the current references to “drug court” so as to protect the confidentiality of program participants from public disclosure of their treatment for substance abuse on the judiciary’s case lookup web page.

Drug Court Standards

JID and Section H Updates: Peter explained that this agenda item referred to his planned request to submit performance measures annually or semi-annually to the legislature rather than quarterly. As discussion on that was pending, the agenda item was premature.

Treatment Cost Definition: Following a discussion at our last meeting, Cynthia Ferrari had submitted an expanded definition of Treatment Costs for consideration as part of the cost-per-client calculation. The committee reviewed it and determined that it affected juvenile drug court programs only since it focused on a breakout of Medicaid coverage. It was suggested that Peter could get this breakout from the program coordinators during his one-on-one webinars, but that the committee could discuss this further at the next meeting when it had its discussion of the 2nd quarter performance measures.

Cynthia also asked if treatment of family members should be included in the client day calculation that is central to the overall cost determination. The committee thought this also could be part of Peter’s webinar discussions with the juvenile program coordinators.

Next Meeting Date

The next meeting was set for Friday, April 15, from 12 noon to 2 pm, via webinar.

Adjourn

There being no further business, Lupe Sanchez moved to adjourn and Cynthia Ferrari seconded the motion. The meeting was adjourned at approximately 1:50 pm.