



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-053900 PPD Drug Courts	Issued: 09/29/97 Effective: 09/29/97	Reviewed: 11/22/23 Revised: 03/09/15
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

- A. Section 33-1-6 NMSA, 1978
- B. Policy *CD-000100*

REFERENCES:

National Association of Drug Court Professionals Drug Court Standards, 18 USC 16 and United States Sentencing Guideline 4B1.2.

PURPOSE:

Establish procedures for the referral and supervision of Drug Court participants. Drug Courts are designed to provide community-based treatment and supervision to selected offenders who are identified as having substance abuse issues and could benefit from drug education and treatment. Drug Courts require cooperation and collaboration of the judges, prosecutors, defense attorneys, probation and parole authorities and other corrections personnel, law enforcement, pre-trial service agencies, vocational rehabilitation, education and housing, and treatment providers.

APPLICABILITY:

All Probation and Parole Division staff and offenders and any individuals or programs contracting to provide services to Drug Court participants.

DEFINITIONS:

- A. Conditional Release: The Order issued by a judge that releases an individual with specific restrictions and conditions, in this case and in some jurisdictions, after a case has been approved for Drug Court.
- B. Probation violators: Offenders who are placed on probation who have been charged with violating their conditions of probation and referred to Drug Court as an alternative to incarceration.
- C. Recidivism: Any offender who has been convicted of a new felony and is returned to prison or jail either during or after probation/parole supervision has been completed.
- D. Violent offender: An offender possessing a documented criminal history of crimes containing elements of the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

- E. *Pre-Indictment Cases*: Cases in which formal criminal charges have been filed, but an indictment has not been issued by a Grand Jury or the case has not been bound over for trial following a preliminary examination. Clients may or may not have entered into a Diversion Agreement with the District Attorney but are released to the Drug Court on Conditions of Release.
- F. *Post-Indictment Cases*: Cases in which an indictment has been issued by a Grand Jury or the case has been bound over for trial following a preliminary examination. The cases may or may not have been adjudicated but are released to the Drug Court on Conditions of Release pending adjudication or sentencing.

POLICY:

The Probation and Parole Drug Court Program shall be evaluated annually by NMCD Quality Assurance Department, or they may choose an outside auditor for this purpose.

- A. The eligibility criteria, program management and treatment process for individual Drug Courts are established by the presiding judicial authority. Probation and Parole Officers shall support and utilize to the maximum extent possible Drug Courts as a diversion program for the treatment and rehabilitation of offenders, in particular, probation violators. A workload formula shall be used to allocate staff. Space and equipment shall be provided for the program.
- B. Probation and Parole Officers assigned to Drug Court shall meet any requirements of the court orders for their referrals to the program and maintain records that will reflect the following:
- Number of participants accepted in the program including gender and drug of choice;
 - Successful completion of the program;
 - Recidivism rates of all participants in the program;
 - Progress in the program;
 - Referrals;
 - Intake and client assessment (*CD-053901.1 and CD-053901.2*);
 - Judicial District Drug Court Locator form (*CD-053901.3*).
- C. In addition to the standard Basic training for Probation/Parole Officers, Drug Court Officers must receive 40 hours of orientation training through the district office in the Drug Court jurisdiction, which covers at a minimum:
- Mission, goals and objectives of the drug court program;
 - Offender eligibility criteria for program selection;
 - Case management;
 - Policy and procedures regarding Drug Court;
 - Scope of authority of Probation and Parole Officers within Drug Court parameters;
 - Program mission, goals and objectives;
 - Probation and Parole Division relationship with the Drug Court administration;
 - Confidentiality and maintenance of records.
- D. It is policy of Probation and Parole that all referrals to Drug Court, who are not probation cases or probation revocations and are under court ordered conditions of release, be placed under limited authority by the Probation and Parole Officer per the court order and may not be transferred to a

different County without a specific Court order allowing such a transfer.

- E. The Probation and Parole Department shall have an active plan to solicit and maintain the cooperation of other criminal justice authorities.
- F. It is the policy of Probation and Parole that Drug Court files will be considered confidential in accordance with applicable Federal law.



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AUTHORITY:

Policy *CD-053900*

PROCEDURES:

A. General:

1. Each local Drug Court must have standard operating procedures (SOP's), contained in a manual, which meet Probation and Parole Division and District Court requirements. The manual must include control procedures on urine collection, reporting requirements, community service, referral process, intake and assessment, sanctions and any other requirements or procedures in agreement with the local jurisdictions. The district supervisor shall track all record keeping and other requirements.
2. Drug Courts integrate alcohol and other drug treatment services with justice system case processing. The assigned Probation and Parole Officer for Drug Court shall schedule periodic meetings with the Judge, District Attorney, Public Defender and treatment providers to ensure consensus on the goals of the program and solve any problems that may arise.
 - a. The Drug Court Probation and Parole Supervisor will work collaboratively with the District Court to define the drug court's mission, goals, eligibility criteria, operating procedures and performance measures. This development shall be on-going with annual reviews from the Corrections Department.
 - b. Abstinence from drug use and law-abiding behavior are the primary goals of this program. Specific criteria will be developed to measure progress. Criteria may include compliance with program requirements, reductions in criminal behavior and substance abuse, participation in treatment, restitution to the victim or to the community and declining incidence of substance abuse.
 - c. The Probation and Parole Officers and treatment providers shall maintain ongoing communication with the court including frequent exchanges of timely and accurate information about the individual participant's overall program performance. This must comply with all contract requirements and any other written documentation needed to effectively manage the program.
 - d. Interdisciplinary education is provided by the Drug Court Probation and Parole Supervisor as needed for every person involved in Drug Court operations to develop a shared understanding of the values, goals and operating procedures of both the treatment and justice

system components. The Probation and Parole Officer must maintain records of this activity for auditing purposes.

- e. Regular team meetings will be scheduled to aid decision making and resolving conflicts among Drug Court team members, such as multi-disciplinary committees, to ensure professional integrity. Minutes of these meetings will be maintained by the supervisor or designee and provided to the Region Manager upon request.
3. Eligibility criteria will be determined by each Drug Court in the SOP's. Cases transferred to a different Drug Court will be supervised according to the standard policies of the receiving Drug Court.
4. Records will be audited by the Region Manager annually to ensure that the target offenders are participating in the program, and that the data collection system is providing accurate and useful information. The Drug Court program will be audited by NMCD Quality Assurance Department, or they may choose an outside auditor for this purpose.
5. For informational purposes, the district PPD office shall collect data that includes, at a minimum, the number of admissions, intake profile, number of days in the program, drug test results, movement through the program phases, termination by type, sanction tracking and type of treatment using the Drug Court Client Intake form and the Drug Court Client Assessment form (both forms located on the drug courts database).
6. Staff providing services for the PPD drug courts program shall have the opportunity to participate in evaluating the services and program. The evaluation shall assist in determining the extent to which the service has achieved specific objectives. An effort should be made to identify the factors, both individual and social, which have a direct relationship to success in the program.
7. The workload formula for allocating staff shall be in accordance with policy (*CD-032400*) **Manpower Deployment Management System.**

B. Information Handling/Records:

The Drug Court Program will use a standard file for each participant and a computer database of information if possible. The format of the file will be maintained in accordance with policy (*CD-050900*) **PPD Offender Case Records.**

1. When possible, a computer database will contain assessment and intake data, client case notes, client activity data, exit data, statistical data, and all other data needed for reports and tracking of clients in addition to standardized CMIS data.

This data will be updated daily by officers and weekly at the courthouse and Probation and Parole office if applicable.

- a. The database will be backed up frequently enough and secured in a location that will ensure that no unrecoverable loss of data occurs.

- b. When a computer database is being maintained, hard copies of information will only be generated and kept in the file as necessary.
 - c. Information contained in the computer database will only be released in accordance with applicable federal law and state law.
2. All case files and the database are to be properly maintained at all times and kept up to date.
 3. The labels for the “soft” and “hard” files will contain the client’s name, District Court number, program ID number and type of case (pre-indictment, post-indictment, probation violation or conditions of release).
 4. Each Drug Court Probation Officer is responsible for the upkeep of all assigned case files.
 5. The Drug Court Supervisor will audit a portion of each officer’s assigned caseload monthly.
 6. Field work standards will be developed in each Drug Court in order to accomplish the goals, mission, and objectives of that Drug Court. In addition to face-to-face contacts with clients, collateral contacts, employment and residence verification, Drug Court Officers will be encouraged to become involved in Community organizations, Community Policing and neighborhood activities, civic organizations, treatment activities, and any other activities that promote and further the objectives of the program.

PROBATION/PAROLE INTAKE DATA SHEET

TODAY'S DATE: _____ TIME: _____

Are you on: Probation Parole? If you're on probation, is this your first time? Yes No

(LAST) (FIRST) (MIDDLE)

What other names (or nicknames have you used)? Females include maiden name and former married names:

DATE OF BIRTH ___/___/___ PLACE OF BIRTH(CITY/STATE) _____

SEX: MALE FEMALE AGE: _____

PHYSICAL CHARACTERISTICS

Height _____ Weight _____ Eye Color _____ Hair Color _____

SOCIAL SECURITY NUMBER _____ / _____ / _____ PHONE NUMBER _____ / _____ / _____ RACE OR

NATIONALITY _____ RELIGION _____

HOME ADDRESS _____

CITY _____ STATE _____

Is this your mailing address? Yes No If not, what is that address? _____

Type of Residence: House Mobile Home Apartment Other

If living in an apartment/mobile home park, what is the name? _____

How long have you lived here? _____ Years _____ Months.

What are the major cross-streets closest to your home?
_____ and _____

What is your marital status? (Check one) SINGLE MARRIED WIDOWED DIVORCED

Are you a U.S. Citizen? (Check one) Yes No . If no give country of citizenship and alien registration number: _____

HAVE YOU EVER BEEN IN A MENTAL HEALTH FACILITY?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
HAVE YOU EVER BEEN IN A JUVENILE DETENTION CENTER?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
HAVE YOU EVER FAILED TO REPORT OR APPEAR FOR SUPERVISION?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
HAVE YOU EVER ESCAPED FROM JAIL OR PRISON?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

WHAT LANGUAGES DO YOU SPEAK/READ/WRITE? _____

EMPLOYEE YES NO UNEMPLOYED YES NO DISABILITY YES NO

Company Name: _____

Address _____

Phone number: _____

What is your position (title)? _____

When did you start? _____

What are your days off? _____ How much do you earn? _____

What hours do you work? _____ How often do you get paid? _____

