



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-103000 Reentry Drug Court	Issued: 04/12/06 Effective: 04/12/06	Reviewed: 04/26/24 Revised 06/09/16
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

- A. NMSA 31-21-27
- B. Policy *CD-000100*

REFERENCE:

- A. ACA Standard 2-CO-4G-01, *Standards for the Administration of Correctional Agencies*, 1993.
- B. ACA Standard 5-ACI-5E-11, 5-ACI-5E-12, and 5-ACI-5E-13, *Standards for Adult Correctional Institutions*, 4th Edition.

PURPOSE:

To provide a process for review and approval/denial of applications from inmates who may be eligible to participate in a reentry drug court program under the supervision of the reentry drug court in collaboration with the Probation Parole Division (PPD).

APPLICABILITY:

New Mexico Corrections Department (NMCD) employees and inmates.

FORMS:

- A. **Application to Reentry Drug Court Program** form (*CD-103001.1*) (3 Pages)
- B. **Drug Court Consent for the Release of Confidential Information** form (*CD-103001.2*)
- C. **Drug Court Requirements** form (*CD-103001.3*)
- D. **Possible Sanctions** form (*CD-103001.4*)
- E. **Standard Drug Court Conditions** form (*CD-103001.5*)
- F. **Authorization to Release from Institution to Reentry Drug Court Program** form (*CD-103001.6*)

ATTACHMENTS:

- A. **Warrant for Arrest of Reentry Drug Court Inmate** Attachment (*CD-103001.A*)
- B. **Adult Parole Board Docket** Attachment (*CD-103001.B*)
- C. **Petition for Acceptance to Reentry Drug Court** Attachment (*CD-103001.C*)

DEFINITIONS:

- A. Reentry Drug Court Program Coordinator: NMCD employee assigned to coordinate the release and return of inmates to and from Reentry Drug Court Programs.
- B. Classification Committee: At facilities with Unit Management, the Classification Committee shall be composed of the Unit Manager, Classification Supervisor or Program Coordinator and for Special Management, a representative from the Mental Health Department. At facilities without Unit Management, the Classification Committee shall be composed of the Classification Supervisor or Program Coordinator.
- C. Classification Officer: An NMCD employee responsible for the inmate's classification within the facility. The Classification Officer is responsible for managing the inmate's case in relation to good time, program assignment and acts as a liaison between the public, administration and other agencies. The Classification Officer is also responsible for assigned duties and functions detailed in this NMCD policy.
- D. Classification Supervisor: An NMCD employee assigned to oversee the overall classification system within each assigned facility.
- E. Clear Conduct: Absence of both major and minor misconduct reports.
- F. District Supervisor for Reentry Drug Court: Probation and Parole District Supervisor assigned to oversee the Drug Court Unit and to coordinate the referrals of Reentry drug court applicants with the Drug Court Judge.
- G. Division: NMCD Adult Probation Parole Division (PPD).
- H. Inmate: A person incarcerated within the New Mexico Corrections Department penal system regardless of whether the person was convicted in New Mexico or is in New Mexico pursuant to an interstate compact agreement.
- I. Offender: Means an adult placed under, or made subject to, supervision, probation, and/or parole, as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.
- J. Probation Parole Officer (PPO): Officer assigned to the case for supervision.
- K. Reception and Diagnostic Center (RDC): The intake center for the New Mexico Corrections Department.
- L. Reentry Committee (RC): A committee established within each institution, which meets to develop a reentry plan for each inmate prior to release to the community. The Committee Chairperson is the Classification Designee. The committee is comprised of the Classification Supervisor (or the Unit Manager at facilities without a Classification Supervisor), the assigned

Classification Officer, and representatives from the Education Bureau, Mental Health Bureau, Addiction Services Bureau, Medical Services, Security (sergeant or above), and the Security Threat Intelligence Unit (when reviewing a case involving a validated or suspected member of a security threat group, disruptive group or street gang).

- M. Reentry Drug Court Program: A program for non-violent, drug related offenders in which the District Court may approve early release for inmates who are within eighteen months of release or parole eligibility into the community in order to participate in drug treatment. Offenders in Reentry drug court are under the supervision of the District Court Judge as well as the Department's PPD.
- N. Sex Offense:
- Aggravated criminal sexual penetration or criminal sexual penetration in the first, second, third or fourth degree;
 - Criminal sexual contact in the fourth degree;
 - Criminal sexual contact of a minor in the second, third or fourth degree;
 - Sexual exploitation of children;
 - Sexual exploitation of children by prostitution;
 - Kidnapping, when the victim is less than eighteen years of age and the offender is not a parent of the victim;
 - False imprisonment, when the victim is less than eighteen years of age and the offender is not a parent of the victim;
 - Aggravated indecent exposure;
 - Enticement of a child;
 - Incest when the victim is less than eighteen years of age;
 - Child solicitation by electronic communication device;
 - Solicitation to commit criminal sexual contact of a minor in the second, third, or fourth degree; or
 - An attempt to commit any of the sex offenses listed above.
- O. Substance Abuse: the use or consumption of any controlled substance for purposes other than for treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings, the use or consumption of any illegal substance, and/or the use of alcohol, which may result in the impairment of social functioning and prosocial behaviors, and may cause physical or mental health problems.
- P. Victims' Services Coordinator: The designated NMCD employee assigned to oversee the implementation of programs, services and policies to ensure that the rights of victims of the Department's offenders are enforced.
- Q. Serious Violent Offense:
- Second Degree Murder;
 - Voluntary Manslaughter;
 - Third Degree Aggravated Battery;
 - Third Degree Aggravated Battery Against a Household Member;

- First Degree Kidnapping;
- First and Second Degree Criminal Sexual Penetration;
- Second and Third Degree Criminal Sexual Contact of a Minor;
- First and Second Degree Robbery;
- Second Degree Aggravated Arson;
- Shooting at a Dwelling or Occupied Building;
- Shooting at or from a Motor Vehicle;
- Aggravated Battery Upon a Peace Officer;
- Assault with Intent to Commit a Violent Felony Upon a Peace Officer;
- Aggravated Assault Upon a Peace Officer; and
- A conviction of an offense from another jurisdiction that is substantially the same as the violent offenses set forth in paragraphs above.

R. Serious Violent Offense if deemed by the court:

- Involuntary Manslaughter;
- Fourth Degree Aggravated Assault;
- Third Degree Assault with Intent to Commit a Violent Felony;
- Fourth Degree Aggravated Assault Against a Household Member;
- Third Degree Assault Against a Household Member with the Intent to Commit a Violent Felony;
- Third and Fourth Degree Aggravated Stalking;
- Second Degree Kidnapping;
- Second Degree Abandonment of a Child;
- First, Second and Third Degree Abuse of a Child;
- Third Degree Dangerous Use of Explosives;
- Third and Fourth Degree Criminal Sexual Penetration;
- Fourth Degree Criminal Sexual Contact of a Minor;
- Third Degree Robbery;
- Third Degree Homicide by Vehicle or Great Bodily Injury by Vehicle;
- Battery Upon a Peace Officer;
- Any other crime which a judge determined to be a serious violent crime at the time of sentencing; and
- A conviction of an offense from another jurisdiction that is substantially the same as the violent offenses set forth in paragraphs above.

POLICY:

It is the policy of the NMCD to join with Reentry Drug Courts to provide supervision to offenders who qualify under the individual policies of each drug court, typically non-violent offenders who have a serious substance abuse problem, in order to assist the individual with his/her transition back to the community, with the help of substance abuse treatment and the Drug Court program.

- A. Inmates shall be provided with a structured release program. [2-CO-4G-01]

- B.** The Department shall provide for substance abuse programs, to include monitoring and drug testing, for inmates with drug and alcohol addiction problems. **[5-ACI-5E-11]**
- C.** Alcohol and drug treatment programs shall have a written treatment philosophy within the context of the total corrections system, as well as goals and measurable objectives. **[5-ACI-5E-12]**
- D.** Any inmate assigned to the Reentry Drug Court program may be required to wear an electronic monitoring device and will be subject to frequent and random urinalyses.
- E.** Appropriate range of primary treatment services for alcohol and other drug abusing inmates shall include, but not be limited to the following: **[5-ACI-5E-13]**
- Inmate diagnosis;
 - Identified problem areas;
 - Individual treatment objectives;
 - Treatment goals;
 - Counseling needs;
 - Drug education plan;
 - Relapse prevention and management;
 - Culturally sensitive treatment objectives, as appropriate;
 - Gender-informed and gender-responsive programming;
 - The provision of self-help groups as an adjunct to treatment;
 - Pre-release and transitional service needs; and
 - Coordination efforts with community supervision and treatment staff during the pre-release phase to ensure a continuum of supervision and treatment.



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Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

Policy *CD-103000*

PROCEDURE:

A. Eligibility:

An inmate must, at a minimum, meet the following criteria in order to be eligible for Reentry Drug Court:

- Must be serving only a non-violent offense(s) motivated by substance abuse;
- Must not have any felony Warrants or Detainers;
- Must not be serving a sentence for a violent offense;
- Must not have any convictions for a violent offense;
- Must not have any convictions for a sex offense;
- Must not have any convictions for any crime that was pled down from a sex offense;
- Must not have any convictions for any crime where the circumstances were sexual in nature, irrespective of the crimes(s) of conviction;
- Must be within eighteen (18) months of projected release or eligibility for parole;
- Must have maintained clear conduct within previous six (6) months and/or since arrival at Reception and Diagnostic Center whichever is shortest;
- Must have a stable address in the county of the Reentry Drug Court;
- Conviction must have been rendered in the county of the Reentry Drug Court;
- Must not be currently serving a sentence for a DWI conviction;
- Must be able to reside in the county of the Reentry Drug Court or in one of the counties served by the Reentry Drug Court; and
- May have participated/graduated from a Residential Drug Abuse Treatment Program.

B. Inmate Application Process:

1. The application process for the Reentry Drug Court program may be initiated by an inmate, a classification officer, or through a recommendation by any qualified Addictions Services Bureau staff member. The inmate or the addiction services staff member must notify the inmate's assigned classification officer that the inmate is interested in participating in the program.

2. The Classification Officer shall provide the inmate with an **Application to Reentry Drug Court Program** Attachment (*CD-103001.1*). During the initial application process the inmate may opt out of being considered for the Reentry Drug Court program should he/she choose not to be considered.
3. The Classification Officer must have the inmate read or have read to him/her the **Application to Reentry Drug Court Program** Attachment (*CD-103001.1*) and explain the information to the inmate as needed. The inmate must initial each paragraph where indicated and sign acknowledging his/her understanding of what has been read and explained to him/her on the **Drug Court Requirements** form (*CD-103001.3*).
4. Following completion of the Inmate Application for Reentry Drug Court by the inmate, the Classification Officer will review the application as well as the inmate's file to determine if the inmate meets the eligibility criteria for the Reentry Drug Court Program.
5. For inmates actively participating or who have graduated from a Residential Drug and Alcohol Program (RDAP), the Addiction Services Manager will review the Inmate Application for Reentry Drug Court and will sign the application upon determining that the inmate is suitable for participation in the Reentry Drug Court program.

C. Reentry Drug Court Packet:

1. The following steps will apply to:
 - Inmates with more than six (6) months remaining until their projected release dates who have not developed a parole plan.
 - Inmates with less than six (6) months remaining until their projected release dates that have not developed a parole plan but at an accelerated schedule.
 - a. If the inmate is eligible for participation in the Reentry Drug Court program, the Classification Officer will meet with the inmate to discuss proposed residence, work, and/or education, in order to begin a progress report. The classification officer will prepare a **Reentry Drug Court Packet** and submit the packet to the Classification Supervisor/Unit Manager for review. This packet must be completed within ten (10) working days following receipt of the application from the inmate.
 - b. The Reentry Drug Court Packet shall, at a minimum, consist of the following documents:
 - Petition for Acceptance to Reentry Drug Court;
 - Inmate Application for Reentry Drug Court;
 - Prison Admission Summary;
 - Pre-Sentence Report;
 - Post-Sentence Report (if applicable);

- DNA Verification;
 - Judgment and Sentence(s);
 - FBI Rap Sheet;
 - NCIC/III;
 - Police Report(s);
 - STG/STIU Report;
 - NMCD Community Risk Assessment;
 - Updated Goodtime Figuring Sheet;
 - Progress Report (Parole Plan);
 - Reentry Committee Meeting recommendations (Pre-parole planning and Reentry Committee Meeting form *(CD-083001.5)*);
 - Any other pertinent documents regarding reentry; and
 - Reentry COMPAS Assessment.
- c. The Classification Supervisor/Unit Manager will review the packet to ensure that it is complete and will make a determination on whether the inmate meets the eligibility criteria for participation in the program. The Classification Officer shall sign and date the packet.
- d. If the inmate meets the eligibility criteria, the Classification Supervisor/Unit Manager will submit the packet.
- e. The Classification Officer will complete the Reentry COMPAS Assessment and the **NMCD Community Risk Assessment** form *(CD-083001.3)* and the forms will be included in the Reentry Drug Court Packet
- f. Following the completion of the packet the classification officer shall schedule the inmate for review by the Classification Committee.
- g. The Classification Committee will be responsible for making the decision on whether to refer the inmate to the Reentry Drug Court for participation in the program.
- h. The Classification Committee will consider whether the inmate would be a reasonable risk if placed in the community including the information contained in the Community Risk Assessment form.
- i. All inmates approved by the Classification Committee will be scheduled by the Classification Officer for review by the Reentry Committee.
- j. The Classification Officer will present information to the Reentry Committee members who will discuss the release plans with the inmate.
- k. Following review by the Reentry Committee, the Classification Officer will finalize the progress report and forward the completed Reentry Drug Court Packet to the Classification Supervisor/Unit Manager.

Central Office Reentry Drug Court Program Coordinator with a copy of the approved parole plan.

- b. For inmates who do not have an approved parole plan in place, the Classification Supervisor/Unit Manager will need to submit the Reentry Drug Court packet to the appropriate district probation and parole office for completion of the pre-parole plan investigation.
 1. Upon receipt of the packet, the District Probation and Parole Office Supervisor will assign the case to a PPO for investigation.
 2. Within five working (5) days of receipt of the packet, the PPO will investigate the plan and submit a pre-parole plan notification to the Classification Supervisor/Unit Manager and the Central Office Reentry Drug Court Program Coordinator, indicating acceptance or disapproval of the plan.
 3. If the plan is approved by the PPO, the Classification Supervisor/Unit Manager will include a copy of the pre-parole plan approval with the Reentry Drug Court Packet.
- c. All actions shall be entered into the Parole Plan Tracking System (PPTS).

D. Institutional Referral Process:

Once the Reentry Drug Court Packet has been completed, the Classification Supervisor/Unit Manager will be responsible for the following:

1. Notifying the NMCD Victim Services Coordinator of the inmate's qualification for the Reentry Drug Court Program, **ONLY** if the offender's crime involved a victim.
2. If approved by the Classification Committee, the **Reentry Drug Court Packet** will be reviewed by the Warden who will make a determination on whether to refer the inmate to the Reentry Drug Court for participation in the program. The Warden shall sign the **Application to Reentry Drug Court Program** Attachment (*CD-103001.1*) indicating the Warden's approval or disapproval and shall forward the packet to the Director or Deputy Director of Adult Prisons.
3. The Director or Deputy Director of Adult Prisons will make a determination on whether to refer the inmate to the Reentry Drug Court for participation in the program. The Director or Deputy Director shall review the **Petition for Acceptance to Reentry Drug Court** Attachment (*CD-103001.C*) and shall return the **Reentry Drug Court Packet** to the facility Classification Supervisor/Unit Manager.
4. If approved by the Director or Deputy Director of Adult Prisons, submission of the Reentry Drug Court Packet through the region manager to the District Supervisor for

Reentry Drug Court to coordinate review by the Drug Court Judge. A copy of the packet will be placed in the inmate's file.

5. Notifying the Central Office Reentry Drug Court Program Coordinator that a Reentry Drug Court Packet has been submitted to the District Supervisor for Reentry Drug Court.

E. Victim Services Notification to Reentry Drug Court:

1. Following notification of the inmate's qualification for the Reentry Drug Court program, the NMCD Victim Services Coordinator will notify the Administrative Office of the District Attorney's victim notification coordinator of the inmate's application to the Reentry Drug Court program, **ONLY** if the offender's crime involved a victim.
2. Notification to the victim will be completed by the District Attorney's victim advocate or by the NMCD victim services coordinator.
 - a. The victim will be informed that the inmate is applying for the Reentry Drug Court program.
 - b. The victim will be informed that if they have any opposition to the inmate's application to the program, they may submit a victim impact statement to the NMCD Victim Services Coordinator
3. The NMCD Victim Services Coordinator will forward any victim impact statements to the District Supervisor for Reentry Drug Court.

F. Review by Drug Court Judge:

1. Following receipt of the Reentry Drug Court Packet from the Classification Supervisor/Unit Manager as well as any victim impact statements from the NMCD Victim Services Coordinator, the District Supervisor or designee for Reentry Drug Court will submit the packet and any victim impact statements for review by the Drug Court Judge. **Petition for Acceptance to Reentry Drug Court Attachment (CD-103001.C)**
2. Following the decision by the Drug Court Judge regarding the inmate's approval or disapproval into the program, the District Supervisor for Reentry Drug Court will be responsible for obtaining the judge's Order and taking the following actions:
 - a. Notifying (via e-mail) of the judge's decision to the Central Office Reentry Drug Court Program Coordinator, if applicable, the NMCD Victim Services Coordinator, the Institutional Classification Supervisor/Unit Manager, and to the assigned Probation and Parole Officer.
 - b. Sending a copy of the Judge's Order to the Central Office Reentry Drug Court Program Coordinator who will maintain a file on the inmate at central office.

G. Approval of Release from Facility to Reentry Drug Court Program: [2-CO-4G-01]

1. Following receipt of the Judge's Order approving the inmate's release to the Reentry Drug Court Program, the Central Office Reentry Drug Court Coordinator will be responsible for coordinating the inmate's release by taking the following actions:
 - Communicating with the assigned PPO to obtain the date that the inmate will be released to the program based on available openings.
 - Communicating with the Classification Supervisor/Unit Manager to obtain the date of the inmate's projected parole date, taking into account any changes that may have occurred due to issues involving good time.
2. Once the Central Office Reentry Drug Court Coordinator has obtained the date of the inmate's release to the program as well as the projected parole date of the inmate, the Central Office Reentry Drug Court Program Coordinator will complete section **I.** of the **Authorization to Release from Institution to Reentry Drug Court Program** form (*CD-103001.6*) and forward the form to the Classification Supervisor/Unit Manager with attached copies of the Judge's Order.
3. Following receipt of the **Authorization to Release from Institution to Reentry Drug Court Program** form and the Judge's Order, the Classification Supervisor/Unit Manager will complete section **II.** The form and obtain an authorizing signature from the Warden/Contract Monitor.
4. The Classification Supervisor/Unit Manager shall forward copies of the **Authorization to Release from the Institution to Reentry Drug Court Program** form and the Judge's Order to the Region Manager, the assigned PPO, the Central Office Reentry Drug Court Program Coordinator, and NMCD Victim's Services Coordinator.
5. Following receipt of the **Authorization to Release from Institution to Reentry Drug Court Program** form, the victim services coordinator will notify the Administrative Office of the District Attorney (AODA) victim notification coordinator of the inmate's release date. The AODA victim notification coordinator will, in turn, notify the district attorney's victim advocate.
6. On the date of the inmate's release from the facility the Classification Supervisor/Unit Manager shall complete section **III.** The **Authorization to Release from Institution to Reentry Drug Court Program** form (*CD-103001.6*) including the inmates acknowledgement.
7. Immediately following the release of the inmate, the Classification Supervisor/Unit Manager shall notify via e-mail and forward copies of the **Authorization to Release from the Institution to Reentry Drug Court Program** form and the Judge's Order to the Region Manager, assigned PPO, the Central Office Reentry Drug Court Program Coordinator, and NMCD Victim's Services Coordinator. The original **Authorization to**

Release from the Institution to Reentry Drug Court Program form and the Judge's Order shall be placed in the inmate's file.

8. Prior to release all files shall be audited in accordance with policy (*CD-040100*) **Inmate Records** and all releases shall be in accordance with established release procedures per policy (*CD-080100*) **Institutional Classification, Inmate Risk Assessment and Central Office Classification** and policy (*CD-083000*) **Reentry Planning and Transition Process for Inmates Releasing to the Community from Incarceration**.

H. Good Time Review:

1. Following the inmate's release to the Reentry Drug Court Program, the Classification Supervisor/Unit Manager at the sending facility is responsible for ensuring that the inmate's good time is updated.
2. Good time will be awarded and updated monthly by the Classification Supervisor/Unit Manager until the date that the inmate successfully completes the program and is placed on parole status or until the date that the inmate is terminated from the program.

I. Denial of Release from Facility to Reentry Drug Court Program:

1. Denial by Judge:

- a. Following receipt of the Judge's Order denying the inmate's release to the Reentry Drug Court Program, the Classification Supervisor/Unit Manager will notify the Classification Officer of the denial who in turn will notify the inmate and place the Judge's Order in the inmate's file. The Classification Officer will notify the PPO.
- b. Following receipt of the Judge's Order denying the inmate's release to the Reentry Drug Court Program, the Victim Services Coordinator will notify the AODA Victim Notification Coordinator of the denial. The AODA Victim Notification Coordinator will, in turn, notify the district attorney's victim advocate.

2. Denial by Facility:

An inmate who no longer meets the criteria for eligibility shall be reviewed by the Classification Committee for the approval to be rescinded. The Classification Committee's decision shall be final and the Classification Supervisor/Unit Manager shall be responsible for notifying the Region Manager, assigned PPO, the Central Office Reentry Drug Court Program Coordinator, and NMCD Victim's Services Coordinator.

J. Parole Board Review:

1. Reentry Drug Court Inmates with more than three (3) months remaining on sentence:

For inmates released to the Reentry Drug Court Program with more than three months to serve on their sentences who have not been reviewed by the Adult Parole Board, the PPO will coordinate the Parole Board review by taking the following steps:

- a. At the time that the inmate has four months remaining on the sentence, the PPO will provide a **Parole Board Docket** Attachment (*CD-103001.B*) via e-mail and by mail, 30 days in advance to the Adult Parole Board indicating the required victim notification information. The location of the parole board hearing will be determined on a case-by-case basis. A copy of the docket will also be e-mailed to the NMCD Victim Services Coordinator.
 - b. The PPO will include with the mailed parole board docket, a copy of the Reentry Drug Court packet as well as a report indicating the inmate's conduct and degree of participation in the Reentry Drug Court Program.
 - c. The Reentry Drug Court program may be made a part of the inmate's parole conditions with the approval of the Parole Board.
 - d. Following receipt of the parole certificates, the PPO will have the inmate sign them, and agree to the parole conditions and will make proper distribution of the signed certificates.
 - e. If at any time an inmate refuses to agree with his or her parole conditions, he or she shall be immediately terminated from the drug court program pending a termination hearing.
2. Reentry Drug Court Inmates with Less than Three (3) Months Remaining on Sentence:

For inmates released to the Reentry Drug Court Program with less than three months to serve on their sentences who have already been reviewed by the Adult Parole Board and have their parole plan approved, the PPO will receive the certificates from the Parole Board and have the inmate sign the parole certificates and shall forward the signed certificates to as follows:

- The inmate shall receive one (1) of the original certificates;
- The inmate's file shall receive one (1) of the original certificates;
- The parole board shall receive one (1) of the original certificates;
- The PPO shall receive one (1) of the original certificates;
- The Classification Officer shall receive (1) of the original certificates; and
- A copy shall be forwarded to the PPO Interstate Compact Coordinator.

K. Placement on Parole in the Drug Court Reentry Program:

1. Upon the inmate's placement on parole status, the PPO will notify the Central Office Reentry Drug Court Coordinator as well as the Classification Supervisor/Unit Manager from the sending facility that the inmate has completed the basic sentence; has signed

the parole certificates and agrees to the parole conditions and will specify the date that the inmate has been placed on parole status.

2. The Classification Supervisor/Unit Manager from the sending facility will ensure that the inmate's file is audited and that the good time is updated to the date that the inmate completes the basic sentence.
3. Upon completion of the good time update, the inmate file will be returned to RDC.
4. Once the inmate is on parole he/she will be subject to the jurisdiction of the Parole Board.

L. Termination from Reentry Status and Return to the RDC:

1. An inmate may be terminated by the District Drug Court Judge for violating the terms of early release as stated and listed in the petition.
2. Following the District Drug Court Judges decision the PPO will notify the Probation and Parole Hearing Officer that the inmate has been terminated from the Reentry status by submitting a recommendation to the Hearing Officer similar to those used for a parole violation hearing including a copy of the Judges Order.
3. For all inmates (not parolees) who have been terminated from the program, the Director or designee will issue a **Warrant for Arrest of Reentry Drug Court Inmate Attachment (CD-103001.A)**.
4. The Hearing Officer will coordinate the return of the inmate to RDC along with the PPO's recommendation and the judge's order.
5. The Hearing Officer will notify the Central Office Reentry Drug Court Coordinator as well as the Classification Supervisor/Unit Manager from the sending facility of the effective date that the inmate was terminated from reentry status.
6. The Classification Supervisor/Unit Manager from the sending facility will ensure that the inmate's good time is updated to the date that the inmate was terminated from reentry drug status.
7. Upon completion of the good time update, the inmate file will be returned to RDC.
8. Following the inmate's return to RDC, the Classification Committee will conduct a hearing to consider good time forfeiture.
9. The Classification Committee may forfeit good time based on the recommendation of the Hearing Officer.

NEW MEXICO CORRECTIONS DEPARTMENT
Application to Reentry Drug Court Program

(Please Print)

Inmate Name: _____ NMCD #: _____ DATE: _____

Date of Birth: _____ SSN #: _____

Current Offense(s): _____

Time Left on Sentence: _____

Proposed Residence:

Name: _____ Relationship: _____

Address: _____

City and Zip Code: _____

Telephone #: (____) _____

Case Workers Name: _____

Case Workers Office Telephone #: (____) _____

Facility: _____

.....
Please answer the following questions completely and truthfully:

1. Have you ever been in Drug Court before? _____
 2. List your current and all prior convictions: _____

 3. Do you have any outstanding warrants or detainers? _____
 4. Have you ever been convicted of a violent felony? _____
 5. Do you have any medical problems that require prescription drugs? (Please list all medications and conditions you are taking them for below): _____

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NEW MEXICO CORRECTIONS DEPARTMENT
Application to Reentry Drug Court Program
(Continued)

6. Have you been diagnosed with a mental illness: _____ If so, what? _____

7. Do you have a problem with drugs or alcohol? _____

8. Describe any drugs you have used in the past (including alcohol):

Drug Type	Age at First Use	# of times used per week	Amount used each time

9. Who do you plan on living with? (Include any children that may be in the household): _____

10. Have you ever received any substance abuse treatment? _____ Where? _____
For How long? _____ What type? _____

11. Do you have a driver's license? _____ If you do, is it suspended or revoked? _____

12. Will you have transportation to and from the drug court office and treatment center? (You will be required to report to both places up to 5 times a week). _____

13. Do you expect to have a job when you are released? _____ If so, where? _____
Employer: _____ Address/phone #: _____

14. If you do not have employment, list your job skills: _____

NEW MEXICO CORRECTIONS DEPARTMENT
Application to Reentry Drug Court Program
(Continued)

15. Have you read and understood the drug court requirements? _____ Are you willing to participate and abide by the rules of the program as outlined? _____
16. Do you have any special concerns regarding being able to fulfill the requirements of the program? _____

I have read and thoroughly understand the rules of the Drug Court Program. I understand that if I violate the Drug Court Contract by being unsuccessfully terminated or if I am arrested or charged with any further criminal activity, I will be immediately returned to the custody of the New Mexico Corrections Department for the remainder of my sentence. In submitting this application, I am accepting the terms and conditions of Reentry Drug Court.

I agree that I will not resist or fight any effort by any state to return me to New Mexico and I agree to waive any right I may have to extradition. I waive this right freely, voluntarily and intelligently.

Inmate's Signature: _____ / _____
(Print) (Sign) Date

Staff Witness: _____ / _____
(Print) (Sign) Date

Classification Officer/Manager: _____ / _____
(Print) (Sign) Unit Date

Addictions Services Manager: _____ / _____
(Print) (Sign) Date

.....
 Approve **Disapprove**

Warden/Contract Monitor: _____ / _____
(Print) (Sign) Date

NEW MEXICO CORRECTIONS DEPARTMENT
Drug Court Consent for the Release of Confidential Information
(Early Release Applicants)

I, _____, hereby consent to communication between _____ Treatment Facility, New Mexico Corrections Department, the _____ Judicial District Court, Attorney for the Defense, Attorney for the Prosecution and the Drug Court Advisory Board.

The purpose of and need for the disclosure is to inform the agencies listed above of my attendance and progress in treatment in order to monitor and coordinate my compliance with the conditions of the Drug Court Program. The extent of information to be disclosed is my diagnosis, information about my attendance at treatment sessions and 12 step meetings, recommendations for changes in treatment plans, sanctions imposed, my cooperation with the treatment program and urinalysis testing, prognosis, and results of urinalysis testing.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination or revocation of my participation in the _____ Drug Court Program, under which I was mandated into treatment.

I also understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient records and the recipients of this information may re-disclose it only in connections with their official duties.

Date

Signature of inmate

Witness: _____ / _____
(Print) (Sign)

NEW MEXICO CORRECTIONS DEPARTMENT
Drug Court Requirements

These requirements are a sample of what may be required of you. These requirements are subject to change, depending on which Drug Court you are applying for.

Client Name: _____ Inmate Number: _____

MINIMUM REQUIREMENTS FOR PHASE I:

INMATE INITIALS

Report to your Probation and Parole Officer ONCE each week. (Minimum) _____
Meet with the Judge ONCE every two weeks, when available. _____
Attend group/individual treatment at the discretion of the treatment provider. _____
Attend a minimum of ONE 12-step meeting or ONE meeting with your sponsor each week _____

MINIMUM REQUIREMENTS FOR PHASE II:

Report to your Probation and Parole Officer ONCE each week. (Minimum) _____
Meet with the Judge ONCE every month, when available. _____
Attend group/individual treatment at the discretion of the treatment provider. _____
Attend a minimum of ONE 12-step meeting or ONE meeting with your sponsor each week. _____
*If you are not employed ½ time, in school ½ time, or a combination of work and school which totals ½ time, you must perform 15 hours per week of Community Service work. _____

MINIMUM REQUIREMENTS FOR PHASE III:

Report to your Probation and Parole Officer ONCE every two weeks. (Minimum) _____
Meet with the Judge ONCE every month, when available. _____
Attend group/individual treatment at the discretion of the treatment provider. _____
Attend a minimum of ONE 12-step meeting each week. _____
Attend a minimum of ONE meeting with your sponsor each week. _____
*If you are not employed full time, in school full time, or a combination of work and school which totals full time, you must perform 30 hours per week of community service work. _____

MINIMUM AFTERCARE REQUIREMENTS:

Report to your Probation and Parole Officer ONCE each month or as directed. _____
Attend group/individual treatment at the discretion of the treatment provider _____
Attend a minimum of ONE 12-step meeting each week. _____
Attend a minimum of ONE meeting with your sponsor each week. _____

NOTE: YOU MUST COMPLY WITH ALL REQUIREMENTS EACH WEEK IN ORDER TO ADVANCE TO THE NEXT WEEK IN EACH PHASE. YOU MUST EARN 12 WEEKS IN EACH PHASE AND AT LEAST 4 WEEKS IN AFTERCARE.

NEW MEXICO CORRECTIONS DEPARTMENT
Possible Sanctions

1ST positive sample: (1) One to three (1-3) days in jail, at the discretion of the judge, on the recommendation of the probation officer. (2) Increase 12 Step meetings to 3 times per week for the remainder of the Phase. (3) Loss of points will result in being returned to the middle of the previous Phase. (4) Any other Program changes deemed appropriate by the probation officer or the Judge.

2nd positive sample: (1) Two to seven (2-7) days in jail. (2) Increase 12 Step meetings to 30 times in 30 days. (3) Loss of Points to take you back to the middle of the previous Phase. (4) Any other program changes deemed appropriate.

3rd positive sample: (1) Three to thirty (3-30) days in jail. (2) Increase 12 Step meeting to 90 in 90 days. (3) Loss of Points to take you back to the middle of the previous Phase. (4) Any other program changes deemed appropriate.

EACH SUBSEQUENT positive sample: Same as 3rd positive sample, after 5 positive samples a termination will be considered by the Drug Court Officer, Judge and Advisory Board.

STALLS: The sanction that would apply for the next positive sample. A stall is treated the same as a positive sample.

Ways to Stall:

- Failing to report to PO or Treatment Facility to provide a sample.
- Reporting late to provide a sample.
- Not providing a sample during business hours.
- Providing a sample that is diluted or not acceptable for testing.

ADDITIONAL SANCTION FOR ATTEMPTING TO ALTER A SAMPLE: Any time a client attempts to falsify a drug test, the following **ADDITIONAL SANCTION** will apply as an enhancement to the sanction already determined as part of the Drug Court Program:

- (1) If the remand is for one day to six days, then an additional three days may be added.
- (2) If the remand is for seven days or more, than an additional seven days may be added.
- (3) Additionally, other program changes may be made, as deemed necessary.

THE ABOVE ARE SAMPLE SANCTIONS. SANCTIONS MAY INCREASE AT THE DISCRETION OF ANY CRIMINAL JUDGE. SANCTIONS MAY ALSO BE IMPOSED FOR ANY OTHER VIOLATIONS WHILE IN THE PROGRAM. AT ANY TIME A VIOLATION OCCURS, INMATE FACES TERMINATION FROM THE PROGRAM, DEPENDING ON A REVIEW FROM THE DRUG COURT JUDGE.

Date

Signature of inmate

Classification Officer: _____

(Print)

/ _____
(Sign)

NEW MEXICO CORRECTIONS DEPARTMENT
Standard Drug Court Conditions

In addition to the Standard Rules/Requirements of the Drug Court program, the following conditions are also conditions of release:

1. I will not violate any of the laws or ordinances of the State of New Mexico or of any other jurisdiction, and I will not endanger the person or property of another.
2. I agree to report to my Probation and Parole Officer (Drug court Officer) as often as requested.
3. I will get permission from my Probation and Parole Officer and the Judge when applicable before:
 - a. Leaving the county where I live;
 - b. Changing jobs;
 - c. Changing residence;
 - d. Entering into a contract.
4. I will not associate with any person having a criminal record. (This condition may be changed in writing by the Probation and Parole Officer for any necessary reason that he or she considers appropriate.)
5. I will follow all orders and instructions of my Probation and Parole Officer, and I will promptly reply to any correspondence that I may receive from the Probation and Parole Office.
6. I will not have in my possession, any firearms, deadly weapons or explosives.
7. I will report any arrest or charge to my Probation and Parole Officer within **24** hours of the incident. Further, I will report any contacts made with law enforcement for any reason.
8. I will not use any substances that will cause a positive drug screen, including but not limited to narcotic prescriptions and/or over-the-counter drugs.
9. I will not possess or consume any alcoholic beverages nor will I enter any establishments whose primary business is the sale or distribution of alcoholic beverages.
10. I will not act as a confidential informant without the permission of the Director of Probation and Parole and the Drug Court Judge.
11. Other: _____

I have read and understand the terms of this agreement and will abide by all of the terms. I also understand that other conditions may be added upon my release.

Date

Signature of inmate

Classification Officer: _____ / _____
(Print) (Sign)

NEW MEXICO CORRECTIONS DEPARTMENT

Authorization to Release Inmate from Institution
To Reentry Drug Court Program
(Continued)

SECTION II.

The Release Checklist procedure outlined in Classification Policy (CD-080102) has been followed.

Classification Supervisor/Unit Manager: _____ / _____ Date: _____

(Print) (Sign)

Projected Parole Date: _____
(Actual Date Offender starts Parole Term)

Classification Committee Date: _____

Warden/Contract Monitor: _____ / _____ Date: _____
(Print) (Sign)

SECTION III.

The offender has agreed to all conditions of Reentry Drug Court Program.

Offender is to report to his assigned Probation and Parole Officer and/or Transitional Reporting Center immediately upon release or no later than the next business day at 8:00 a.m.

Offender Signature: _____ Date: _____

Date of Offender Release: _____

Classification Supervisor/Unit Manager: _____ / _____ Date: _____
(Print) (Sign)

STATE OF NEW MEXICO

CORRECTIONS DEPARTMENT
PROBATION AND PAROLE DIVISION

COUNTY OF _____

STATEMENT #: _____

**WARRANT FOR ARREST OF
REENTRY DRUG COURT INMATE**

ANY SHERIFF, DEPUTY SHERIFF, CONSTABLE, PEACE OFFICER AUTHORIZED WITH THE POWER OF ARREST, ANY NEW MEXICO CORRECTIONS DEPARTMENT PROBATION AND PAROLE OFFICER OR ANY NEW MEXICO CORRECTIONS DEPARTMENT WARDEN:

You are hereby authorized to arrest _____, _____, _____,
NAME SSN DOB

New Mexico Corrections Department No: _____ for violation of the conditions of Reentry Drug Court program.

The conditions of release violated are: _____

The individual was released from _____ on _____.
Institution Date

Upon arrest of the above named person you are authorized to hold the person in custody, or deliver the person to officers of the New Mexico Corrections Department for return to the New Mexico Corrections Department. You are directed to notify the Probation and Parole Division of the New Mexico Corrections Department of the arrest and release the person arrested to the New Mexico Corrections Department upon their request.

Authority here fore, and for all the official actions called for herein, is contained in New Mexico Statues Annotated, 1978 Compilation, Sections 31-21-13.1 and 33-1-10 as to Intensive Supervision Reintegration, and 33-9-9.1 as to Community Corrections Reintegration.

Dated at _____, New Mexico, this _____ day of _____, 19 _____

Probation and Parole Division Director/Designee

RETURN OF WARRANT FOR ARREST OF REENTRY DRUG COURT INMATE

TO: Probation and Parole Division of the New Mexico Corrections Department:

I, _____, arrested the above named person on _____, 20_____
Law Enforcement Officer Date

At _____, _____ and have detained said person at
City State

_____ and provided the person with a copy of this warrant.
Detention Facility

Law Enforcement Officer

**ADULT PAROLE BOARD
 DOCKET**

To: Adult Parole Board

From: (Facility Name)

DATE OF HEARING: _____

INMATE NAME PAROLE FROM FACILITY	NMCD#	DOB	COUNTY (S) OF CONVICTION	CAUSE # (S)	CRIME (S)	Projected Release Date

INMATE NAME PAROLE TO A CONSECUTIVE SENTENCE	NMCD#	DOB	COUNTY (S) OF CONVICTION	CAUSE # (S)	CRIME (S)	Projected Date of Parole to Consecutive Sentence

INMATE NAME PAROLE TO A CONCURRENT SENTENCE	NMCD#	DOB	COUNTY (S) OF CONVICTION	CAUSE # (S)	CRIME (S)	Projected Date of Parole to Concurrent Sentence

NEW MEXICO CORRECTIONS DEPARTMENT

Petition for Acceptance to Reentry Drug Court

TO: The _____ Judicial District Reentry Drug Court Program

The New Mexico Corrections Department pursuant to NMSA 1978, sec. 31-21-27 hereby petitions the Reentry Drug Court to consider inmate: _____ for the Reentry Drug Court Program. Attached is the inmate's application and Reentry Drug Court Packet.

Director/Deputy Director Adult Prisons Division

(Print)

(Sign)

Date: