

**NATIONAL CENTER FOR STATE COURTS**

**PERFORMANCE EVALUATION  
AND OPERATIONS REVIEW  
OF THE DRUG COURT**

**for**

**OFFICE OF COURT ADMINISTRATION  
in the  
COMMONWEALTH OF PUERTO RICO**

**FINAL REPORT  
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**Project Director  
Timothy F. Fautsko**

**Project Staff  
Dawn Marie Rubio, Esquire  
Christopher T. Ryan**

**Vice President  
Daniel J. Hall**

**COURT CONSULTING SERVICES  
1331 Seventeenth Street, Suite 402  
Denver, Colorado 80202  
(303) 293-3063**

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- Appendix D: Evaluation of Drug Court Questionnaire**
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## **Purpose of the Report**

The purpose of this report is to provide the Supreme Court and Office of Court Administration (OCA) in Puerto Rico an objective evaluation of the effectiveness and efficiency of drug court programs operating in the commonwealth. The report is not meant to be a prescriptive package used for the proliferation of new drug courts, but rather provides guidelines for improving operations of existing drug courts, as well as what components should be included in the future implementation of a successful model drug court.

Once the report is reviewed by officials of the OCA, every effort should be made to discuss the purpose of the report, its findings, and recommendations with court staff at existing drug court sites. Once this is accomplished, a Drug Court Program Council should be established to oversee the implementation of report recommendations, the development of procedural manuals, and the establishment of a model drug court. In this way, while existing drug courts are improving, a model can be developed that sets the standard for the logical and planned development of additional sites in other judicial regions in Puerto Rico.

## **I. INTRODUCTION**

### **A. Historical Perspectives**

#### **1. The Drug Court Movement<sup>1</sup>**

Drug Courts began in the United States in 1989 as an experiment. The Dade County Circuit Court was the first trial court to take an active judicial role in managing an intensive, community-based treatment, rehabilitation, and supervision program for felony drug offenders. This effort started to halt rising recidivism rates for drug offenders has evolved into a national movement.

The appeal of the drug court is multifaceted: enhanced supervision of offenders in the community; more accountability of offenders for complying with terms and conditions of release or probation; improved synchronization and accountability of public services provided, including reduction of duplication of services and costs to taxpayers; and more efficiency for the court system by removing a class of cases that places significant resource demands for processing, both initially, as well as with probation violations and new offenses that otherwise would undoubtedly occur. These benefits do not, however, explain the tremendous personal impact that drug courts have on all who have been involved with them -- even the casual observer of a drug court session.

What has made the drug court movement so powerful and infectious is its human element. Drug court participants reflect all segments of the community. Most drug court participants have been using drugs for numerous years and have never been exposed to treatment previously, although large majorities have already served jail or prison time for drug related offenses.

Unlike traditional treatment programs, becoming "clean and sober" is only the first step toward drug court graduation. Almost all drug courts require participants (after they have become clean and sober) to obtain a GED; maintain employment; be current in all financial obligations, including drug court fees and child support payments, if applicable; and have a sponsor in the community. Many programs also require participants to perform community

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<sup>1</sup> *Looking at a Decade of Drug Courts*, Drug Court Clearinghouse and Technical Assistance Project, Office of Justice Programs, U.S. Department of Justice.

service for the community that is supporting them through the drug court program. One drug court requires prospective graduates to prepare a two-year "life plan" following drug court graduation. The life plan is discussed with a community board to assure the court that the participant has developed the skills to lead a drug-free and crime-free life.

## **2. The Drug Court Movement in Puerto Rico<sup>2</sup>**

Interest in applying drug court concepts appeared in Puerto Rico in the late 1980s. The first incarnation of the Puerto Rico Drug Court, known as Expedited Case Management, primarily involved a caseload management approach to case processing. This Expedited Case Management approach, funded by the Puerto Rico Department of Justice through a Drug Control and System Improvement Program, focused on eliminating delays and ensuring the quick disposition of drug-related court filings. Courts in the judicial regions of Arecibo, Carolina and Ponce implemented the Expedited Case Management approach into their criminal operations. The Department of Justice (DOJ) federal funding lasted from 1990 through 1995.

The second incarnation of the Puerto Rico Drug Court, known as the Treatment Approach, appeared in 1996. The Treatment Approach to drug-related court filings involves a combination of coordinated responses from criminal justice system stakeholders (i.e., the judicial branch, prosecutor, public defender, probation providers, law enforcement agencies, treatment services, drug treatment services, and intensive judicial supervision). To date, six judicial regions use the Treatment Approach (also referred to as the Drug Treatment Court Approach) for the disposition of qualifying drug-related offenders. These judicial regions include Arecibo (1996), Bayamon (2000), Carolina (1996), Guayama (2000), Ponce (1996) and San Juan (1997). Currently, discussions are in place to expand the Puerto Rico Drug Court.

Initially, the Department of Justice was the recipient of federal monies (Edward Byrne Memorial Program and the Local Law Enforcement Block Grant) to fund each of the agencies participating in the Treatment Approach to drug courts. During fiscal years 1999/2000 and 2000/2001, the Puerto Rico legislature funded, in part, the various Drug Treatment Court agencies, through allocations to the Department of Justice. This funding structure is controversial because (1) it appears to violate the separation of powers doctrine and (2) the

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<sup>2</sup> For a comprehensive overview and current status of the of the Puerto Rico Drug Court, see *Appendix A Program Profile Fiscal Year 2001: Puerto Rico Drug Courts Program*.

Department of Justice (an executive branch agency) dictates the manner in which the judicial branch (the primary agency of the Drug Treatment Court Approach) spends the allocated monies to operate its courts. In fact, the judicial branch has been forced to absorb the costs of drug treatment courts on its own due to the rigid requirements associated with allocation of funds from the Department of Justice.

The Puerto Rico Drug Treatment Court is a two-prong post-adjudication model.

1. The defendant is referred to the Drug Treatment Court and meets the eligibility criteria.

- (1) Non-violent crime
- (2) Demonstrated drug abuse
- (3) Willingness to participate in drug treatment services
- (4) Limited non-violent criminal history

2. The defendant pleads guilty or is found guilty after trial and qualifies for deferment of the drug-related charges through one of two specialized probation services.

(5) Department of Corrections (DOC)-Statute 404, Article B of the *Controlled Substances Act*. See *Appendix B*.

(6) Treatment Alternatives to Street Crime Corrections-Rule 247.1 of the *Puerto Rico Rules of Criminal Procedure*. See *Appendix C*.

After an intensive investigation by several agencies (i.e., drug court coordinators, Treatment Alternatives to Street Crime (TASC) screening, TASC probation, DOC probation and the prosecutor), a recommendation is made to the Court regarding the defendant/candidate's appropriateness (based upon the criteria mentioned earlier) for the Drug Treatment Court. The drug court judge makes the final decision as to whether the candidate is admitted. Upon admission, the defendant/candidate (now known as a "participant") participates in a series of drug-treatment services under the direct supervision of a TASC or DOC probation officer and the general supervision of the drug court coordinator. Additionally, the participant appears before the drug court judge at regular intervals to monitor progress. If the participant successfully completes the drug-treatment services, the participant graduates and the original drug-related charges are dismissed or reduced. If the participant does not successfully complete the drug-treatment services, the court will impose a sentence on the original drug-related charges.

## **B. Methodology**

In order to complete the Puerto Rico Drug Court operations assessment, the NCSC project team conducted two visits to the island. During the first visit, the NCSC project team traveled to four (Arecibo, Carolina, Ponce and San Juan) of the six judicial regions with functioning drug courts to collect information about drug court operations. During the site visits, the NCSC project team interviewed members of the drug court team, judicial region administrators, and chief judges. The drug court team members interviewed included the drug court judge(s), the drug court coordinator, the prosecutor, the public defender, TASC screening personnel, TASC and DOC probation officers, treatment providers, and other stakeholders, to document the current practices and the overall operations of the drug court. Throughout each interview, the NCSC project team sought input regarding current issues facing the drug court.

Additionally, NCSC project team members observed drug court operations and attended court sessions during the site visit. The project team also reviewed the numerous documents provided by the general coordinator, the individual drug court coordinators, and members of the drug court teams. These included the *Program Profile (Fiscal Year 2001/2002): Puerto Rico Drug Courts Program*; organizational charts; caseload, drug court participant and graduation statistics; daily courtroom calendars; sample forms; and the drug court case-processing flowchart. The NCSC project team also reviewed the annual report (*Informe Anual 1997-98 Anuario Estadístico*) promulgated by the OCA and the Ponce Drug Court Information Systems module.

After the first site visit, with the assistance of the general drug court coordinator and the local drug court coordinators, the NCSC project team distributed a questionnaire to the drug court team members in each of the six judicial regions. The questionnaire presented in *Appendix D* is designed to capture perceptions and opinions regarding the local and territory-wide operations of the drug courts. During the second site visit, one member of the NCSC project team performed a manual review of recidivism information of drug court graduates. Finally, the NCSC project team analyzed the various issues that have implications on the efficiency and effectiveness of drug court operations. In its evaluation of the Puerto Rico Drug Court, the project team referenced national standards and practices for drug court operations. Specifically, the collected data was compared to the characteristics of national standards such as *Defining*

*Drug Courts: The Key Components*<sup>3</sup> and to statistics, information, and guidelines maintained by the Drug Courts Program Office of the Department of Justice's Bureau of Justice Assistance.

### **C. Work Plan**

The on-site activity took place over a period of three weeks and is illustrated in Table 1, which follows. The on-site activity included the following components:

- Meeting with the Chief Justice, the Administrative Director of the Courts, and the NCSC project team to discuss the purpose of the project.
- Meeting with the general coordinator, the six drug court coordinators, and the NCSC project team. This meeting included a discussion of (a) highlights of each region's drug court activity, (b) data and information gathering, (c) achievements, (d) deficiencies, and (e) plans for improvement.
- Visiting sites to observe operations and court sessions, and interviews with the individual drug court team members in Arecibo, Carolina, and San Juan.
- Visiting sites to review the automated information systems in the Ponce drug court.
- Visiting sites to review recidivism information from the Court's automated information system known as TRIB.

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<sup>3</sup> *Defining Drug Courts: The Key Components*, Drug Courts Program Office, U.S. Department of Justice, Washington, DC.

<b>Table 1. On-Site NCSC Project Team Work Plan</b>				
<b>Week 1</b>				
Monday October 15, 2001	Tuesday October 16, 2001	Wednesday October 17, 2001	Thursday October 18, 2001	Friday October 19, 2001
	<ul style="list-style-type: none"> <li>•Chief Justice, Administrative Director, and NCSC project team meeting.</li> <li>•General Coordinator, Drug Court Coordinators, and NCSC project team meeting.</li> </ul>	San Juan Drug Court	San Juan Drug Court	Ponce Drug Court (Information System Review)
<b>Week 2</b>				
Monday October 22, 2001	Tuesday October 23, 2001	Wednesday October 24, 2001	Thursday October 25, 2001	Friday October 26, 2001
Carolina Drug Court	Carolina Drug Court	Arecibo Drug Court	Arecibo Drug Court	
<b>Week 3</b>				
Monday November 26, 2001	Tuesday November 27, 2001	Wednesday November 28, 2001	Thursday November 29, 2001	Friday November 30, 2001
			TRIB Recidivism Manual Inquiry	TRIB Recidivism Manual Inquiry

**D. Performance Measurement**

There must be some standard or benchmark by which to evaluate the effectiveness of court-based programs. This holds true for determining the "success" of the drug court in Puerto Rico. Effective drug court management requires sufficient resources to do justice and to keep costs affordable. Yet drug courts must also use available resources wisely to address multiple and conflicting demands.<sup>4</sup> Accountability for the operation of the drug court program in Puerto

<sup>4</sup> See Bureau of Justice Assistance and National Center for State Courts, *Trial Court Performance Standards with Commentary* (Washington, DC: U.S. Justice Department, 1997), and commentary to Standard 4.2.

Rico is an appropriate concern for both court leaders and general government officials. As a spin-off from its findings and conclusions in the first four facets of this study, the NCSC will include suggestions for performance measures that can be implemented on an ongoing basis in the operation of the drug court. These measures should have the following characteristics:<sup>5</sup>

- They should be based on program goals and objectives.
- They should provide for comparisons over time.
- They should be reliable, verifiable, and understandable.
- They should be reported internally and externally.
- They should be used in decision-making.
- They should require monitoring.
- They should be limited in number and complexity so that they provide an efficient and meaningful way to assess the effectiveness of the program.

What are the specific outcome and process goals by which to measure the success of this venture? Through the review of the various documents accumulated during the preparation phase and the site visits to the judicial regions, the NCSC project team relied, in part, on the goals and measures developed by the judicial branch. Additionally, the NCSC project team looked to nationally recognized standards for the operation of drug courts.

### **1. Internal Goals**

The *Program Profile (Fiscal Year 2001/2002): Puerto Rico Drug Courts Program* lists several process measures for the drug courts. The process measures primarily articulate the plans and objectives for the implementation and operations of the Drug Court in each of the six judicial regions. The process measures used are as follows:

- Establish the organization necessary for the operation of the drug court.
- Refer 85 percent of drug court participants to ASSMCA to receive specialized and intensive treatment.
- Conduct status hearings for drug court participants until rehabilitation is complete.
- Conduct final hearings for drug court participants certified by ASSMCA as rehabilitated.
- Track participation, retention rates and graduation rates.

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<sup>5</sup> See Joni L. Leithe, *Implementing Performance Measures in Government. Illustrations and Resources* (Washington, DC: Government Finance Officers Association, 1998).

Finally, the *Program Profile* briefly discusses the reduction in recidivism as the primary outcome goal for the implementation and on-going operations of the Puerto Rico Drug Court. One interesting note, however, is that recidivism is not defined by the judicial branch in its operational documents including the *Program Profile*. The NCSC solicited the thoughts and opinions of system stakeholders to develop the operational definition of recidivism for evaluation purposes as discussed in Section II. B. 1.

## **2. External Goals**

An important development for the drug court movement was the establishment of the ten key components as aspirational goals upon which drug courts could organize their operations. Developed in 1997 by a diverse group of drug court professionals and experts assembled by the National Association of Drug Court Professionals, the ten key components serve as inspirational benchmarks that depict the very best practices for the design and operation of drug courts. Drawn from the successes and failures of early drug court efforts, the components serve, not as a rigid checklist, but rather as a functional framework for the development and implementation of drug court operations. The ten key components are listed in Table 2. The NCSC project team use the ten key components, representing "best practices" for drug courts as the framework to evaluate the operations of the drug court in Puerto Rico.

**Table 2. The Ten Key Components**

**Component #1--Drug courts integrate alcohol and other drug treatment services with justice system case processing.**

**Component #2--Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.**

**Component #3--Eligible participants are identified early and promptly placed in the program.**

**Component #4--Drug courts provides access to a continuum of alcohol, drug, and other related treatment and rehabilitative services.**

**Component #5--Abstinence is monitored by frequent alcohol and other drug testing.**

**Component #6--A coordinated strategy governs drug court responses to participants' compliance.**

**Component #7--Ongoing judicial interaction with each program participant is essential.**

**Component #8--Monitoring and evaluation measure the achievement program goals and gauge effectiveness.**

**Component #9--Continuing interdisciplinary education promotes effective drug court program planning, implementation, and operations.**

**Component #10--Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.**

## **II. FINDINGS**

The NCSC project team analyzed information collected during the site visits and data received from surveys, and compiled their findings into themes. Qualitative and quantitative information are presented separately in Section II. A. and Section II. B., respectively. These two sections are then synthesized in Section II. C. and presented as overall impressions in Section II. D.

### **A. Qualitative Information**

#### **1. Organizational Structure**

##### **a. Commonwealth Administration**

The drug court was formally established under a federal grant to the Puerto Rico Department of Justice in 1996. The justice department was the recipient of the original grant funding and subsequent funding from the Puerto Rico State Legislature. Under this arrangement the justice department administers the funding and determines the amount of funding distributed to each component of the drug court, including judicial and treatment functions.

The Deputy Director of the Office of Court Administration administers the judicial component of Puerto Rico's Drug Court. The deputy director coordinates the efforts of the multiple agencies involved in processing defendants through drug courts in the commonwealth. To administer the operations of the six drug court sites, she is assisted by a drug court general coordinator. The general coordinator is charged with monitoring the judicial component of the drug court; preparing annual budgets, work plans, and proposals; maintaining the statistical and administrative information about the program; and assisting the local drug court teams with solving problems. The general coordinator is additionally charged with supporting Puerto Rico's Family Court Program.

##### **b. Judicial Regions**

Drug courts are currently located in the cities of Arecibo, Bayamón, Carolina, Guyama, Ponce, and San Juan. The first drug courts commenced in the Arecibo, Carolina, and Ponce regions in 1996, and were expanded to San Juan in 1997, and to Bayamón and Guayama in 2000. As of February 2001, 2,990 participants have been admitted to the drug court since its inception. Table 3 displays the distribution of participants across each of the six judicial regions.

<b>Table 3. Cumulative Program Participants by Region Puerto Rico Drug Court 1996-2001</b>		
<b>Region</b>	<b>Participants</b>	
	<b>Number</b>	<b>Percentage</b>
Arecibo	863	29%
Bayamón	361	12%
Carolina	523	17%
Guayama	77	3%
Ponce	771	26%
San Juan	395	13%
<b>Total</b>	<b>2990</b>	<b>100%</b>

From 1996 to February 2001, 571 participants successfully completed drug court in Puerto Rico. The number of graduates by judicial region is shown in Table 4 below.

<b>Table 4. Graduates by Region Puerto Rico Drug Court 1996-2001</b>		
<b>Region</b>	<b>Graduates</b>	
	<b>Number</b>	<b>Percentage</b>
Arecibo	153	27%
Bayamón	1	0%
Carolina	108	19%
Guayama	0	0%
Ponce	211	37%
San Juan	98	17%
<b>Total</b>	<b>571</b>	<b>100%</b>

Of those admitted to drug court, approximately 25 percent have been terminated from the drug court unsuccessfully. Table 5 depicts the breakdown of participant termination by region.

<b>Table 5. Terminations by Judicial Region Puerto Rico Drug Court 1996-2001</b>		
<b>Region</b>	<b>Terminations</b>	
	<b>Number</b>	<b>Percentage</b>
Arecibo	260	34%
Bayamón	44	6%
Carolina	140	19%
Guayama	2	0%
Ponce	201	27%
San Juan	107	14%
<b>Total</b>	<b>754</b>	<b>100%</b>

Graduation and termination rates by region are shown in Table 6 below. The columns include the number of participants admitted to programs, the number and percentage of participants successfully completing the program, and the number and percentage of terminations.

<b>Table 6. Admissions, Graduates, and Terminations by Judicial Region Puerto Rico Drug Court 1996-2001</b>					
<b>Judicial Region</b>	<b>Admissions</b>	<b>Graduates</b>		<b>Terminations</b>	
		<b>Number</b>	<b>Percentage</b>	<b>Number</b>	<b>Percentage</b>
Arecibo	863	153	18%	260	30%
Bayamón	361	1	0%	44	12%
Carolina	523	108	20%	140	27%
Guayama	77	0	0%	2	3%
Ponce	771	211	29%	201	26%
San Juan	395	98	25%	107	27%
<b>Totals</b>	<b>2990</b>	<b>571</b>	<b>19%</b>	<b>754</b>	<b>25%</b>

Note: The Graduate's percentage of 19 percent is derived from dividing 571 into 2990. The Terminations percentage of 25 percent is derived from dividing 754 into 2990.

**c. Eligibility Criteria**

Puerto Rico established admission to its drug court as a post adjudication model whereby offenders enter a guilty plea and receive a deferred sentence pending successful completion of the drug court.

There are two provisions that control the supervision of offenders under the drug court, one under Statute 404 Article B. of corrections administration and the other under Rule 247.1 of the Puerto Rico Rules of Criminal Procedure.

Puerto Rico established the following eligibility criteria for acceptance into the drug court program:

- Offender must have committed a non-violent offense.
- Offender must have demonstrated history of drug abuse.
- Offender must have an interest in receiving drug treatment and must be willing to accept drug treatment as a condition of their probation.
- Offender's criminal record, if any, must be limited to non-violent crime.<sup>6</sup>
- Offender may have no prior felony convictions.
- Offender must enter a plea of guilty.

Once admitted into the drug court, offenders generally must complete a course of drug treatment and remain drug free as monitored by frequent drug testing for the duration of their sentence to drug court (generally 18 to 30 months). Based on the needs of the client and recommendations of the TASC or DOC probation officer, the drug court may impose additional terms and conditions upon the offender, such as educational and employment requirements.

#### **d. System Stakeholders/Drug Court Team**

In Puerto Rico, the drug court team consists of the following components:

- Judge and Court Staff
- Drug Court Coordinator
- Prosecutor
- Defense Counsel
- DOC Probation Services
- TASC Probation Services
- TASC Screening Services
- Addiction Treatment Services provided by ASSMCA
- Drug Court Marshals

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<sup>6</sup> First time offenders have priority for acceptance into the drug court.

- **Police Agents**

Each component is funded separately by annual distributions through the Department of Justice. The funding is used to provide contract employment services and operational support, such as additional computers, photocopiers, vehicles, radios, and other items to provide the means through which each entity can meet its obligations in the drug court structure.

- e. Treatment Options**

Drug dependency assessments and drug treatment services are provided through Puerto Rico's Mental Health and Anti-Addiction Services Administration. The drug dependency assessment is performed by the UCA component of ASSMCA in Carolina and San Juan and the Center for Adult Treatment in Arecibo. ASSMCA provides inpatient and ambulatory (outpatient) drug treatment, as well as detoxification services. These services are limited and the waiting lists can be very long. Additional outpatient and inpatient treatment services are provided through private providers throughout Puerto Rico. The private outpatient services tend to be focused through faith-based organizations that may not be fully aware of the therapeutic justice model. However, given the limited means of most drug court participants and the limited number of spaces in government funded treatment programs, these faith-based programs are frequently the only options available to the majority of the drug court clientele.

- 2. Business Process**

The operations of each of the three judicial regions the NCSC team reviewed in-depth, are profiled in the following section.

- a. San Juan Drug Court**

Drug court operations commenced in San Juan in 1997. San Juan has the benefit of having the presiding judge handle a portion of the drug court caseload since the drug court began. Additionally, the consistency of having the same drug court coordinator over the years has had a dramatic impact on the overall functions of the drug court in San Juan. The drug court judge in San Juan employs a judicial philosophy where the client should be treated as family. He keeps detailed notes about the particular situation facing each of the clients, so he may converse with the participants about the details of their treatment and their lives. The judge demonstrates an interest in each of the drug court participants to help promote an understanding of their self

worth. Moreover, the judge avoids the use of legal terms, whenever possible, treats participants individually, and tailors treatment to each individual's set of problems.

### **1) Sanctions**

The judge works with the drug court clients to participate in a community service project that promotes a better understanding of the problems surrounding drug use and abuse--such as working in a hospital with AIDS patients. He also offers defendants a chance to choose a penalty as their sanction, such as restricted access to television, abstinence from smoking, writing papers, or the imposition of curfew restrictions. The judge will also use confinement as a sanction, but is reluctant to place offenders in jail, because he believes prolonged incarceration may reduce a participant's fear of jail itself, thus negating the impact of the sanction. To enhance the importance of the program, participants are supposed to voluntarily come forward and tell the judge if they are having a problem and admit their failures. If they do not do so, the judge will impose more substantial penalties for not coming forward and confronting their problems.

### **2) Rewards**

In granting rewards, the judge relies on his philosophy of trusting the participant as an individual. This tack promotes self worth and sends a message to all participants regarding the drug court's interest in their lives. The judge also uses public congratulations, praise, reduction in the frequency of court appearances, and reduction in time of sentence as rewards for good behavior.

### **3) Clientele**

The majority of participants in the San Juan Drug Court are male, with only about 5 percent female. It was reported that there has been a recent increase in the number of women in the drug court. The drugs of choice in San Juan are cocaine (both in powder and crack form) and heroin.

#### **4) Prosecution and Defense Counsel**

There are some concerns that defense counsel may recommend against clients participating in the program because of the intense level of supervision. It is far easier to complete a standard sentence than comply with all of the requirements for drug court.

#### **5) Status Hearings**

In San Juan, drug court status hearings (known as follow-up hearings) are held before four different judges who are handling a mixed caseload. Status hearings start at 2:00 to 2:30 p.m. each afternoon. Before a drug court session commences, staffing sessions are held to discuss the approximately ten to fifteen cases that have been calendared. Status hearings can often run late because the judge wants to ensure that each case has the amount of time needed to address the issues. The judge chooses to alternate cases where clients are performing well with those performing poorly to maintain a balanced atmosphere in the courtroom.

#### **6) Eligibility Criteria**

Only non-violent offenders, who have not used a weapon in the commission of their crime, are admitted into drug court. Some cases involving distribution of drugs are permitted, depending on the amount and circumstances surrounding the sale. In San Juan, the drug court makes a distinction between sales of drugs for profit versus a means to support a drug habit. Dual diagnosis cases are refused admittance into drug court due to lack of resources to handle mental health issues. Admission into the program would prohibit use of psychiatric medication.

#### **7) Drug Testing**

TASC screeners perform approximately 100 drug tests each month in San Juan. These tests provide only positive or negative results and levels of use are not evaluated. When a positive result is indicated, the sample is forwarded to a laboratory for confirmation.

#### **8) Treatment**

Due to the shortage of treatment opportunities, the drug court coordinator can only accommodate a limited number of participants in the program and still ensure good treatment. Judges in San Juan are often forced to send participants to other regions in the commonwealth

and where treatment beds are available. In San Juan, it takes approximately three months to place offenders in a treatment program.

## **9) Supervision**

TASC and DOC probation officers often work with problems of multiple drug dependencies in an offender's family, in order to address the many problems facing participants. The probation staff also works with the drug court coordinator to coordinate services for the participants to ensure that housing, employment, and educational services are available to participants. The police agent assigned in San Juan performs criminal history checks of candidates to the drug court and assists probation staff by monitoring curfews imposed on participants.

### **b. Carolina Drug Court**

Drug court operations commenced in Carolina in 1996. In 2001, another judge assumed the drug court calendar. The previous judge left the bench to become the Director of the Office of Drug Control for Puerto Rico, taking the drug court coordinator with him. As his replacement, the new drug court judge has done remarkably well in adhering to the drug court philosophy in a short period of time. The philosophy of rehabilitation appears consistent with the local legal culture in Carolina. The drug court in Carolina has an advantage over the other drug courts due to the local Llève program. This program provides housing and employment services for Carolina residents and works with the entire family of the client.

### **1) Sanctions and Incentives**

The Judge does not employ a formalized system of graduated sanctions and incentives. Some sanctions used may be jail time, increased time in the program, and a progression from outpatient to inpatient treatment. Incentives may include a reduction in sentence or reduction in the frequency of status hearings in a particular case. Additionally, the judge may award certificates of merit to recognize the progress made by individual participants.

### **2) Clientele**

Like San Juan, the majority of the clients in Carolina are male. The drug of choice used by most defendants who come to drug court in Carolina is a "speedball"; slang for a mixture of

cocaine and heroin. Most clients have progressed from initial use of marijuana into cocaine, then heroin, then a mix of the two.

### **3) Prosecution and Defense Counsel**

The project team had some concerns about participants' knowledge and availability of information about drug court at the preliminary hearing stage. There were also some concerns about the prosecutor taking too great a role in determining who should and should not be admitted into drug court. Generally, the interaction between the prosecutor and defense counsel appeared cooperative. The project team learned that they work well together and have no difficulty expressing their views at the staffing sessions.

### **4) Status Hearings**

Generally, drug court status hearings are only held before the judge on Fridays. Status hearings start at 9:00 a.m. in the morning and usually continue until 2:30 or 3:30 p.m. Staffing sessions are held on the Thursday preceding the status hearings. Each week approximately 40 cases are discussed before the next day's session.

### **5) Eligibility Criteria**

As in San Juan, only non-violent offenders (no use of a weapon) are admitted into drug court. Cases involving distribution of drugs may be admitted. However, the prosecutor scrutinizes those cases very closely in order to avoid admitting true drug dealers into the drug court. Unlike San Juan, dual diagnosis cases can be admitted into the program. Due to the availability of the Llève program, the drug court has some additional resources to deal with mental health issues as they relate to addiction, and does not preclude participants from using prescribed psychiatric medication.

### **6) Drug Testing**

The TASC screeners in Carolina perform approximately 100-150 drug tests each month. Like San Juan, the test utilized provides only a positive or negative result and no level of drug use is evaluated.

## **7) Treatment**

The drug court in Carolina, like San Juan, suffers due to the shortage of treatment programs. There is a long wait for residential treatment through ASSMCA. With approximately 60 to 75 percent of the clients in Carolina in inpatient treatment, this presents a particular problem for the drug court. As a result, the majority of the clients needing residential treatment have been pushed into faith-based treatment programs that may not be able to provide similar levels of services that government residential treatment facilities are able to provide. Additionally, the time spent in these programs is much longer than the time spent in residential treatment provided through ASSMCA. The length of time spent in faith-based programs may serve as a disincentive for offenders to participate in the Carolina drug court.

## **8) Supervision**

In order to address the problems of the drug court client, TASC and DOC probation officers often work with multiple dependency issues of offender's family. The probation staff works with the drug court coordinator to coordinate services for the participants to ensure that housing, employment, and educational services are available to participants. The police agent assigned to the drug court in Carolina performs criminal history checks of drug court candidates and assist probation staff by monitoring curfews.

### **c. Arecibo Drug Court**

The drug court judge in Arecibo has exclusively handled the docket since its inception in 1996. The drug court judge believes his background as a prosecutor assists him to better understand and analyze defendants' problems. The judge also views the role of drug court as a vehicle to open the participant's eyes to the world around them, especially when they are blinded by their addiction. The same coordinator has worked in the drug court since it began. The fact that both the judge and coordinator have worked together since 1996 has been a great benefit to the drug court in Arecibo, in terms of consistency of operation, stability, and effectiveness.

## **1) Sanctions and Incentives**

Graduated sanctions employed by the drug court may include increased time in the program, a progression from outpatient to inpatient treatment, and jail time. The judge views the

incentives of staying out of jail and the ability to obtain a clean record as primary motivators for participants in the drug court. Additional incentives may include the reduction of time in the program and increased opportunities for education.

## **2)      **Clientele****

Like the drug courts in San Juan and Carolina, the majority of the participants in Arecibo are male. Approximately 20 percent of the participants in the Arecibo drug court are female. The drugs of choice in Arecibo are marijuana, cocaine, and heroin. Most participants have progressed from use of a single drug to multiple drugs often mixing them to increase potency.

## **3)      **Prosecution and Defense Counsel****

Like Carolina, there are some concerns about knowledge and availability of information about drug court by defendants at the preliminary hearing stage. The interaction between the prosecutor and defense counsel appeared very cooperative. The NCSC project team learned that they work well together.

## **4)      **Status Hearings****

The judge presides over all of the drug court cases in Arecibo and hears a mixed docket of drug court cases and other criminal cases. He views this mixed docket as an opportunity to promote awareness of the drug court. The drug court does not hold formal staffing sessions, but the judge uses an open-door policy with the drug court team members and makes himself available to discuss issues related to a particular case at any time. Note: It is the opinion of the NCSC project team that weekly formal staffing sessions should be held by the judge.

## **5)      **Eligibility Criteria****

As in the other drug courts in Puerto Rico, only non-violent offenders (no use of a weapon) are admitted into drug court. Cases involving distribution of drugs may be admitted, depending on the quantity intended for distribution.

## **6) Drug Testing**

The Arecibo TASC screeners perform approximately 50 drug tests each month. Like the other Puerto Rico drug courts, the test utilized provides only a positive or negative result and level of use is not evaluated. Positive results are sent to ASSMCA for further verification.

## **7) Treatment**

Arecibo, like Carolina and San Juan, suffers due to the shortage of treatment opportunities. There is a long wait for residential treatment through ASSMCA throughout Puerto Rico. As a result, the majority of the clients needing residential treatment have been entered into faith-based treatment programs that do not provide the same level of services as government residential treatment facilities. Additionally, the time spent in faith-based programs is much longer than the time spent in residential treatment provided through ASSMCA and as a result may serve as a disincentive toward defendants wanting to participate in the drug court.

## **8) Supervision**

TASC and DOC probation officers often work with multiple dependency issues of offender's family in order to address the problems of the drug court participants. The probation staff works with the drug court coordinator to coordinate services for the participants to ensure that housing, employment, and educational services are available to participants.

## **3. Information Management**

Information is a necessity for any court to manage and evaluate operations on an ongoing basis. Considering the volume of information that needs to be managed and reported on an ongoing basis in a drug court program, the effective and efficient management of information is essential.

With the exception of the Ponce drug court, which has created an adaptation of the drug court database developed by the drug court in Buffalo, New York, most all records of the drug court locations are maintained manually. At the time of the NCSC project team's visit, there was no sharing of data among the drug court locations. As an example, the general drug court coordinator at the OCA must elicit paper copies of documents in order to prepare statistical reports on the performance of the drug court as a whole. This lack of a central database for drug

courts inhibits the ability of the drug court to produce detailed ongoing reports about program participants, program status, and to perform detailed statistical analysis. In order to promote continuity of procedures and reporting requirements among the all of the drug court locations a centralized database must be created and maintained by the Puerto Rico Drug Court.

#### **4. Compliance with Key Components**

In order to properly evaluate drug courts in the commonwealth, the question must be asked, "How well does the operation of Puerto Rico's drug court comply with the ten key indicators defined as national standards *Defining Drug Courts: The Key Components*?"

Each of the individual components and its individual performance benchmarks are listed below. Comments under each component discuss the progress of the Puerto Rico Drug Court in achieving these important benchmarks.

##### **a. Key Component #1-Drug courts integrate alcohol and other drug treatment services with justice system case processing**

#### **Performance Benchmarks**

1. Initial and ongoing planning is carried out by a broad-based group including persons representing all aspects of the criminal justice system, the local treatment delivery system, funding agencies, the local community, and other key policymakers.

Comment: The planning process for the establishment of the drug court in Puerto Rico was originally administered by the Department of Justice.

2. Documents defining the drug court's mission, goals, eligibility criteria, operating procedures, and performance measures are collaboratively reviewed, and agreed upon.

Comment: The Office of Court Administration has promulgated some documents relating to the operations of the Puerto Rico Drug Court. For example, the *Program Profile (Fiscal Year 2001/2002): Puerto Rico Drug Court Program*, promulgated annually, publishes the goals, mission, eligibility criteria, and statistics of the Puerto Rico Drug Court. The Administrative Office of Court Administration has not developed a policy and procedures manual, however, discussions are in progress for its development. It's anticipated that a policy and procedures manual will assist with enhancing uniformity among the six sites. Arecibo, Carolina, and San Juan have not developed written procedures, however, most agree that it should be a priority.

3. Abstinence and law-abiding behavior are the goals, with specific and measurable criteria marking progress.

Comment: A primary goal of the Puerto Rico Drug Court is that the participant remain drug free and law abiding during the intensive judicial and agency supervision. Additionally, participants are expected to comply with additional terms of probation as needed. Drug court participants sign an acknowledgement of their obligations as a drug court participant.

4. The drug court and treatment providers maintain ongoing communication, including frequent exchanges of timely and accurate information about the individual participant's overall program performance.

Comment: Two of the three judicial regions have weekly staffing meetings of the drug court team with the active participation of the drug court judge. The drug court of one region has an "open-door" policy wherein drug court team members are encouraged to contact the judge in the event of problems with a drug court participant. The drug court team members do not meet separately without the judge.

Generally, weekly staffing meetings are not the only communication regarding a participant, the drug court receives reports from probation officers and treatment providers. In the event of problems, most judges are available immediately to handle crisis situations.

5. The judge plays an active role in the treatment process, including frequently review of treatment progress. The judge responds to each participant's positive efforts as well as to noncompliant behavior.

Comment: Each judge responds with his or her own level of comfort, however, all of the judges in the three judicial regions actively supervise the progress of the drug court participants via participation in drug court team staffings (in two of the three judicial regions), review probation reports, actively engage the other drug court team members in discussions about participants' progress. All of the judges in each of the judicial regions agree that, notwithstanding the recommendations of the probation officers and treatment providers, the judge is the final decision maker regarding the status of the participant.

Finally, the drug court judges in each of the three judicial regions will praise compliant behavior. This, of course, varies in degree based on the personal style of the drug court judge and can range from words of praise, applause, and other rewards. However, even though judges' styles of praising participants may vary, it is important for drug court judges at all sites to follow the same policies and procedures and hold weekly staffing meetings.

6. Interdisciplinary education is provided 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.

Comment: While many of the drug court team members in each of the judicial regions have received some training related to his or her specific role in the drug court, i.e., National Drug Court Institute Training for Drug Court Coordinators, most of the drug court team members in each of the judicial regions have not had the opportunity to attend inter-disciplinary trainings and forums. Most agree that this would be an excellent opportunity to share

perspectives and learn about other drug court team members' roles and responsibilities in the larger picture.

Oftentimes, in fact, drug court team members are not formally trained in their own job functions. More often than not, drug court team members learn "on the job" or by shadowing another, until the next orientation training is scheduled.

7. Mechanisms for sharing decision-making and resolving conflicts among drug court team members are established to ensure professional integrity.

Comment: In two of the three judicial regions, staffings were the primary means for discussion about participants. The third judicial region has an "open-door" policy regarding access to the judge and information exchange. There is, however, no additional formalized and routine mechanism for generalized discussions about drug court operations among the drug court team. Such a forum would be a good opportunity, however, to discuss operations, concerns, role boundaries, modifications to operations, etc.

**b. Key Component #2-Using a non adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights**

**Performance Benchmarks**

1. Prosecutors and defense counsel participate in the design of screening, eligibility, and case-processing policies and procedures to guarantee that due process rights and public safety needs are served.

Comment: The prosecutors in each of the judicial regions play a significant role in making the initial referral or in assessing referrals from other drug court team members.

The public defenders in each of the judicial regions actively represent the interest of their clients: advocating for drug court when there is an eligible client, negotiating pleas when the client wants to participate in drug court, assessing the strength of the prosecutor's case when a client has been referred to drug court, advocating against an pro-prosecution mentality when a client has a positive urinalysis as a part of the rehabilitation process.

Although there may be philosophical differences in their perspectives, the prosecutors and the public defenders set them aside, for the most part, to assist in the rehabilitation of the participant.

2. For consistency and stability in the early stages of drug court operations, the judge, prosecutor, and court-appointed defense counsel should be assigned to the drug court for a sufficient period of time to build a sense of teamwork and to reinforce a non-adversarial atmosphere.

Comment: The stability of the drug court team members varies by position. Only two of the seven drug court judges dispersed among the three judicial regions have been with the drug court since the inception of the drug treatment approach--one in San Juan and one in Arecibo.

The prosecutors and public defenders are generally young attorneys in his or her first assignment. Career opportunities oftentimes relocate these young attorneys out of drug court and into other assignments. Most of the prosecutors and public defenders note, however, that the drug court assignment is an excellent learning opportunity. Generally, changes in the prosecutor are initially accompanied by a shift to more stringent prosecutorial decision-making due to the unfamiliarity with drug court philosophies and concepts.

### 3. The prosecuting attorney

- Reviews the case and determines if the defendant is eligible for the drug court program.
- Files all necessary legal documents.
- Participates in a coordinated strategy for responding to positive drug tests and other instances of noncompliance.
- Agrees that a positive drug test or open court admission of drug possession or use will not result in the filing of additional charges based on that admission.
- Makes decisions regarding the participant's continued enrollment in the program based on performance in treatment rather than the legal aspects of the case, barring additional criminal behavior.

Comment: The prosecutors in each of the judicial regions are active members in the drug court team, serve a very necessary purpose, and perform all of the listed benchmarks.

### 4. The defense counsel

- Reviews the arrest warrant, affidavits, charging documents, other relevant information, and reviews all program documents.
- Advises the defendant as to the nature and purpose of the drug court, the rules governing participation, the consequences of abiding or failing to abide by the rules, and how participating or not participating in the drug court will affect his or her interests.
- Explains all of the rights that the defendant will temporarily or permanently relinquish.
- Gives advise on alternative causes of action, including legal and treatment alternatives available outside the drug court program, and discusses with the defendant the long-term benefits of sobriety and a drug-free life.
- Explains that because criminal prosecution for admitting to AOD use in open court will not be invoked, the defendant is encouraged to be truthful with the judge and with the treatment staff, and informs the participant that they will be expected to speak directly to the judge, not through an attorney.

Comment: The public defenders in each of the judicial regions are also active members of the drug court team. The public defenders do not abrogate their very critical role to the drug court coordinator or probation officers. The public defenders review all of the associated criminal documents, explain the purpose of drug courts to the participants, the consequences of noncompliance, other dispositional alternatives, and the importance of being candid with treatment providers and the drug court.

**c. Key Component #3-Eligible participants are identified early and promptly placed in the program**

**Performance Benchmarks**

1. Eligibility screening is based on established written criteria. Criminal justice officials or others are designated to screen cases and identify potential drug court participants.

Comment: Each of the three judicial regions uses the same criteria for eligibility screening. Interpretation of the criteria, however, is often a function of role. For example, prosecutors are often perceived as having the most rigorous interpretation of the criteria. Generally, screening is a multi-part process where several drug court team members from various agencies (the drug court coordinator, TASC screening, UCA, and, in Arecibo, the Center for Adult Treatment) screen candidates for eligibility. During the screening interviews, each of the agencies completes its own screening questionnaire.

2. Eligible participants for drug court are promptly advised about program requirements and the relative merits of participating.

Comment: For the most part, once a candidate is involved in the screening process, the drug court coordinator and the TASC screener will discuss the drug court process with potential participants.. It appears that this exchange is informational and factual only. Generally, it is the public defender who will discuss the benefits and detriments of participation in drug court.

3. Trained professionals screen drug court-eligible individuals for alcohol or drug (AOD) problems and suitability for treatment.

Comment: TASC screeners have been trained in the detection of AOD problems and are generally responsible for the initial screening and subsequent referral to the next stage of the process--referral to addiction and mental health specialists through UCA or the Center for Adult Treatment.

4. Initial appearance before the drug court judge occurs immediately after arrest or apprehension to ensure program participation.

Comment: In the vast majority of cases, the candidate is referred to the drug court after the preliminary hearing but some are referred after there has been a plea or finding of guilt. The candidate must meet the eligibility criteria and complete the screening process. The process,

from referral to participation, is approximately 30-45 days. Note: It is the opinion of the NCSC project team that the number of days participants wait from referral to participation is too long and needs to be shortened to at least seven days.

In some instances, referral is made even earlier in the criminal process. Each of the three drug court sites is making efforts to educate all judges, prosecutors, and public defenders about drug court to enhance the likelihood of early identification and admission into drug court.

5. The drug court requires that eligible participants enroll in AOD treatment services immediately.

Comment: Treatment recommendations are developed by the drug court team, i.e., a TASC or DOC probation officer or the drug court coordinator, and the addictions and mental health specialist through UCA (Carolina and San Juan) or the Center for Adult Treatment (Arecibo). Treatment is a condition of probation. The probation officer generally arranges the referral to addiction treatment services such as detoxification, in-patient or outpatient (referred to as ambulatory) treatment. There is an expectation that the treatment services should begin as soon as possible. For detoxification and outpatient treatment, availability, access, and entry into these services is not problematic. The delay for enrollment and participation in treatment services is for inpatient facilities. Almost everyone interviewed identified the lack of inpatient services as the single most important problem facing the drug court effort in Puerto Rico.

**d. Key Component #4-Drug courts provide access to a continuum of alcohol, drug and other related treatment, and rehabilitative services**

**Performance Benchmarks**

1. Individuals are initially screened and thereafter periodically assessed by both the drug court and treatment personnel to ensure that treatment services and individuals are suitable matched.

Comment: The drug court provides initial screening of participants. Periodic assessment is conducted, at times on an ad hoc basis. Although insufficient in number, treatment programs offer traditional and non-traditional services. Other than periodic appearances in court, there is no system in place that evaluates and provides information to the court about whether participants are suitably matched and receiving the appropriate treatment services.

2. Treatment services are comprehensive.

Comment: Treatment services are varied and some programs appear to provide more service than others. However, due to the lack of sufficient treatment services throughout the commonwealth, treatment cannot be judged as comprehensive.

3. Treatment services are accessible.

Comment: Most treatment services are physically accessible, unless a participant is transferred to another facility in another region. However, due to the small numbers of facilities that are available, many facilities are full. For example, for one month treatment service, personnel in Carolina requested that there be no referrals for inpatient treatment.

4. Funding for treatment is adequate, stable, and dedicated to the drug court.

Comment: Funding for existing and new treatment facilities is not adequate. Additional funding should be provided to ASSMCA dedicated to increasing funding for existing facilities, as well as to start new facilities that offer the types of services needed by participants.

5. Treatment services have quality controls.

Comment: Most treatment facilities have some type of individualized quality control. However, there is not a standard system in place that objectively evaluates the care, control, and custody treatment facilities should exercise over participants. This is especially true for faith-based treatment programs.

6. Treatment agencies are accountable.

Comment: Most treatment agencies are accountable to their funding source. However, there are no set policies or standards of accountability for treatment programs that can be applied to public and private treatment programs alike.

7. Treatment design and delivery systems are sensitive and relevant to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.

Comment: This precept could not be objectively determined by the NCSC project team.

**e. Key Component #5-Abstinence is monitored by frequent alcohol and other drug testing**

**Performance Benchmarks**

1. AOD testing policies and procedures are based on established guidelines.

Comment: AOD testing is performed and monitored by TASC screening personnel. The number of screeners range from one in Arecibo and Carolina, to two in San Juan. Only in San Juan is there a male/female team. In the other judicial regions, the female TASC screeners solicit the assistance of male drug court team members to monitor the testing process for male participants. While there is a formality to the testing process, there are no written and established guidelines.

Drug testing is performed with standard equipment used by all three judicial regions. The equipment tests for the presence of drugs and the temperature of the specimen. The equipment does not, however, identify the amount of drug present in the specimen. Positive drug testing results are shipped to a laboratory for additional testing on a weekly basis.

2. Testing may be administered randomly or at scheduled intervals, but occur no less than twice a week during the first several months of an individual's enrollment. Frequency thereafter will vary depending on participant's progress.

Comment: Drug testing is administered by the treatment provider at regular intervals during a participant's treatment. Additionally, all participants are required to submit to a drug test at the request of probation officers, at each status hearing and prior to graduation.

3. The scope of testing is sufficiently broad to detect the participant's primary drug of choice as well as other potential drugs of abuse, including alcohol.

Comment: Drug testing is performed with standard equipment used by all three judicial regions. The equipment tests for the presence of THC, cocaine, opiates, and the temperature of the specimen. The equipment does not, however, identify the amount of drug present in the specimen or for the presence of alcohol. As in 1, positive drug testing results are shipped to a laboratory for additional testing on a weekly basis.

4. The drug testing procedure must be certain.

Comment: Drug testing is performed with standard equipment used by all three judicial regions. Again, the equipment tests for the presence of drugs and the temperature of the specimen; the equipment does not, however, identify the amount of drug present in the specimen; and positive drug testing results are shipped to a laboratory for additional testing on a weekly basis.

5. Ideally, tests results are available and communicated to the drug court and the participant within one day.

Comment: The participant and the drug court are notified of the results immediately. In the instance of positive results, the participant is advised that the specimen will be sent to a lab for confirmation. In most instances, the drug court judge is notified of results at the staffing in Carolina and San Juan. In Arecibo, there are no official drug court team staffings. Instead, the DOC and TASC probation officers have easy access to the drug court judge to notify him of participant problems. In addition, probation officers submit written reports for the judges' review at follow-up hearings. Drug tests are administered during each status hearing in Arecibo, and the drug court and participant are notified of the results before the end of the hearing.

6. The drug court is immediately notified when a participant has tested positive, has failed to submit to AOD testing, has submitted the sample of another, or has adulterated a sample.

Comment: None of the three judicial regions has written policies and procedures for reporting positive or fraudulent AOD testing to the drug court.

The drug court coordinator, TASC and DOC probation officers, TASC screeners and the treatment providers stay in constant communication with each other about the progress and compliance of individual participants. Depending on the severity of the AOD testing issue, the team members determine whether to bring the problem to the immediate attention of the drug court judge or wait for the weekly staffings.

Two of the three judicial regions have weekly staffings of the drug court team with the active participation of the drug court judge. The drug court of the other judicial region has an "open-door" policy wherein drug court team members are encouraged to contact the judge in the event of problems with a drug court participant. The drug court team members do not meet separately without the judge.

Generally, weekly staffings are not the only communication regarding participants; the drug court receives reports from probation officers and treatment providers. In the event of problems, most judges are available immediately to handle crisis situations. Results of drug tests administered by the TASC screeners during status hearings are reported to the drug court and the participant immediately.

7. The coordinated strategy for responding to noncompliance includes prompt responses to positive tests, missed tests, and fraudulent tests.

Comment: None of the three judicial regions has written policies and procedures for responding to positive or fraudulent tests.

The drug court coordinator, TASC and DOC probation officers, TASC screeners, and the treatment providers stay in constant communication with each other about the progress and compliance of individual participants. Depending on the severity of the noncompliance, the team members determine whether to bring the problem to the immediate attention of the drug court judge or wait for the weekly staffings.

8. Participants should be abstinent for a substantial period of time prior to program graduation.

Comment: None of the three judicial regions has written criteria for the length of abstinence prior to graduation. Each of the three judicial regions, however, submits participants to drug tests prior to graduation. A laboratory-verified positive urinalysis will exclude the participant from graduation. The minimum time for treatment is 12 months followed by six months of continued judicial supervision. It is informally agreed that there is a six-month abstinence guideline for graduation.

**f. Key Component #6-A coordinated strategy governs drug court responses to participants' compliance**

**Performance Benchmarks**

1. Treatment providers, the judge, and other program staff maintain frequent, regular communication to provide timely reporting of progress and noncompliance to enable the drug court to respond immediately. Procedures for reporting noncompliance are clearly defined in the drug court's operating documents.

Comment: None of the three judicial regions have written policies and procedures for reporting noncompliance.

As in e.7, the drug court coordinator, TASC and DOC probation officers, TASC screeners, and the treatment providers stay in constant communication with each other about the progress and compliance of individual participants. Depending on the severity of noncompliance, the team members determine whether to bring the problem to the drug court judge's immediate attention or wait for the weekly staffings.

Two of the three judicial regions have weekly staffings of the drug court team with the active participation of the drug court judge. The drug court of the third judicial region has an "open-door" policy wherein drug court team members are encouraged to contact the judge in the events of problems with a drug court participant. The drug court team members do not meet separately without the judge.

Generally, weekly staffings are not the only communication regarding participants, the drug court receives reports from probation officers and treatment providers. In the event of problems, most judges are available immediately to handle crisis situations.

2. Responses to compliance and noncompliance are explained verbally and provided in writing to drug court participants before their orientation. Periodic reminders are given throughout the treatment process.

Comment: In each of the three judicial regions, incentives and sanctions are explained at the initial screening process by every agency involved (e.g., the drug court coordinator, TASC screeners, TASC or DOC probation officers, prosecutor and public defender). The drug court judge advises the participant at the initial court contact with the drug court and reinforces this message at the status hearings. TASC and DOC probation officers issue frequent verbal reminders during the probation supervision period. Recommendations made to the drug court for sanctions or incentives based on non-compliant behaviors are also explained to the participant. Finally, the public defender will advise the participant of the positive and negative consequences of compliant or non-compliant behavior. Participants are given notice about the potential use of incentives and sanctions as consequences for compliant and non-compliant behavior.

3. The responses for compliance vary in intensity.

Comment: None of the three judicial regions have formalized written policies regarding incentives. Generally, the incentives are within the judge's discretion but the judge will entertain recommendations from the drug court team members. Most of the judges reported, however, that there are no uniform incentives. Instead, the judge will match to the participant so that the incentive is meaningful to that specific participant. Graduated incentives include (1) decrease the length of probation and judicial supervision, (2) less frequent status hearings, (3) acknowledgment of good performance in courtroom with words of praise, applause, etc., (4) visitations with participants at the treatment centers, (5) introduction of privileges such as television, cigarettes, removal of in-home restrictions, and opportunity to work and study past curfew hours.

4. Responses or sanctions are issued for noncompliance.

Comment: None of the three judicial regions have formalized written policies regarding sanctions. Generally, the sanctions are within the judge's discretion but the judge will entertain recommendations from the drug court team members. Most of the judges reported, however, that there are no uniform sanctions. Instead, the judge will match to the participant so that sanction is meaningful to that specific participant. Graduated sanctions may include: (1) increased length of probation and judicial supervision, (2) more frequent status hearings, (3) community service, (4) incarceration, (5) preparation of essays, (6) in-home restrictions, (7) restrict privileges such as television, cigarettes, travel, and (8) revocation as a last resort.

**g. Key Component #7-Ongoing judicial interaction with each program participant is essential**

**Performance Benchmarks**

1. Regular status hearings are used to monitor participant performance.

Comment: Each of the three judicial regions uses judicial supervision via regular status hearings (also known as follow-up hearings) to monitor the progress of participants. The frequency and time between hearings is dependent upon several factors including the length of time in the drug court, the participants' compliance behaviors, and the participants' progress. Generally, in each of the judicial regions, participants appear weekly for follow-up hearings in the early stages of the drug court process. Appearances are reduced to every other week, to monthly, then to quarterly. All the while, the TASC or DOC probation officers maintain contact with the participants and submit updates to the judges.

2. The drug court applies appropriate incentives and sanctions to match the participant's treatment progress.

Comment: None of the three judicial regions have formalized written policies regarding sanctions and incentives. Generally, the sanctions and incentives are within the judge's

discretion but the judge will entertain recommendations from the drug court team members. Most of the judges reported, however, that there are no uniform sanctions or incentives. Instead, the judge will match to the participant so that a sanction or an incentive is meaningful to that specific participant. Graduated sanctions may include: (1) increased length of probation and judicial supervision, (2) more frequent status hearings, (3) community service, (4) incarceration, (5) preparation of essays, (6) in-home restrictions, (7) restrict privileges such as television, cigarettes, travel, and (8) revocation as a last resort. Incentives include (1) decrease the length of probation and judicial supervision, (2) less frequent status hearings, (3) acknowledgment of good performance in courtroom with words of praise, applause, etc., (4) visitations with participants at the treatment centers, and (5) introduction of privileges such as television, cigarettes, removal of in-home restrictions, and opportunity to work and study past curfew hours.

3. Payment of fees, fines, and/or restitution is part of the participant's treatment. The drug court supervises each payment and takes into account the participant's financial ability. The drug court ensures that no one is denied participation in drug court solely because of inability to pay fees, fines, or restitution.

Comment: None of the three sites impose fines and/or fees as a condition of probation and judicial supervision.

**h. Key Component #8-Monitoring and evaluation measure the achievement program goals and gauge effectiveness.**

**Performance Benchmarks**

1. Management, monitoring, and evaluation processes begin with initial planning. As part of the comprehensive planning process, drug court leaders and senior managers should establish specific and measurable goals that define the parameters of data collection and information management.

Comment: As stated in the *Program Profile (Fiscal Year 2001: Puerto Rico Drug Courts Program)*, the primary goal of the Puerto Rico Drug Court is to "contribute to the reduction of recidivism of offenders with drug problems." There are two issues with this goal. First, recidivism is not defined. Second, there is no mechanism in place by which to track recidivism other than a manual review like the one performed by the NCSC project staff.

The goals should help measure and articulate the plans and objectives for the implementation and operations of the drug court in each of the six judicial regions. The goals should: (1) Establish the organization necessary for the operation of the drug court, (2) Refer 85 percent of drug court participants to ASSMCA to receive specialized and intensive treatment, (3) Conduct status hearings for drug court participants until rehabilitation is complete, (4) Conduct final hearings for drug court participants certified as rehabilitated by ASSMCA, and (5) Maintain participation, retention rates and graduation rates.

There has been no revision or updating of these goals to reflect the operations of older courts. Additionally, there is no evaluation component in the current measures to help define

what data elements should be collected in order to determine whether the program is on- target with established process and outcome goals.

The three judicial regions have adopted these process goals and outcome measures, as is, without consideration for the individual needs of the judicial regions. For example, defining target population based on the locality.

2. Data needed for program monitoring and management can be obtained from records maintained for day-to-day program operations, such as the numbers and general demographics of individuals screened for eligibility; the extent and nature of AOD problems among those assessed for possible participation in the program; and attendance records, progress reports, drug tests results, and incidence of criminality among those accepted into the program.

Comment: Generally, the drug court coordinators are responsible for manually maintaining program statistics and information on standardized forms. These forms are then forwarded to the general coordinator at the OCA for the preparation of the annual *Program Profile*. Monthly and annual statistics are aggregated and reported on the same form. Additionally, the individual agencies maintain internal records (primarily paper based). There is, however, no centralized automated interagency database for the various agencies involved in the drug court.

3. Monitoring data and management information is assembled in useful formats for regular review by program leaders and managers.

Comment: Again, the drug court coordinators are responsible for manually maintaining program statistics and information on standardized forms. These forms are then forwarded to the general coordinator for the preparation of the annual *Program Profile*. Monthly and annual statistics are aggregated on the same form. The usefulness of the forms is questionable. Categories are somewhat confusing. For example, there is a space for aggregate data that may be interpreted alternatively as aggregate from the inception of the drug court or aggregate for the specific year. The drug court coordinators, while comfortable with this reporting format, agree that a revised form is needed with accompanying instructions for completion. This is an articulated priority for the general coordinator.

4. Ideally, much of the information needed for monitoring and evaluation is gathered through an automated system that can provide timely and useful reports. If an automated system is not available, manual data collection and report preparation can be streamlined. Additional monitoring information can be acquired by observation and through program staff and participant interviews.

Comment: The only judicial region with a fully automated information system is Ponce. Drug court information is maintained on a locally developed Microsoft Access© database. Otherwise, the drug court coordinators are responsible for manually maintaining program statistics and information on standardized forms.

5. AOD testing policies and procedures are based on established guidelines.

Comment: There are no articulated guidelines detailing when testing will occur, beyond the testing associated with court appearances. This could be the function of several factors, such as the availability of the probation officer, the resources at the treatment center, or the performance of the participant.

6. Monitoring reports need to be reviewed at frequent intervals by program leaders and senior managers. They can be used to analyze program operations, gauge effectiveness, modify procedures when necessary, and refine goals.

Comment: The drug court coordinators submit monthly and annual reports to the general coordinator.

7. Process evaluation activities should be undertaken throughout the course of the drug court program, particularly in the early stages of program implementation.

Comment: There has been no "official" process evaluation of the Puerto Rico Drug Court to date. However, the Program Profile does list several process goals relating to the start-up and implementation of the drug court.

8. If feasible, a qualified independent evaluator should be selected and given responsibility for developing and conducting an evaluation design and for preparing interim and final reports.

Comment: The OCA retained the National Center for State Courts in August 2001 to conduct the evaluation of the Puerto Rico Drug Court. As part of the contracted services, the NCSC will issue a final report containing findings and recommendations.

9. Useful data elements should be maintained to assist in the management and monitoring of drug courts.

Comment: The three judicial regions maintain several data elements. It appears, however, that these data are for reporting purposes rather than the continued management and refinement of drug court operations. These statistics include: the number of candidates screened for eligibility, the number of participants admitted to the drug court, limited demographic information, the number of positive urinalyses, number of graduates, number of terminations, and criminal offenses while under drug court supervision. Most of this information is compiled and maintained by the drug court coordinator in a separate file rather than the drug court file.

10. When making comparisons for evaluation purposes, drug courts should consider the following groups: graduates, terminations, individuals referred but who did not appear for treatment, and individuals who were not referred for drug court services.

Comment: The three judicial regions maintain statistics for the following categories: the number of graduates, the number of terminations, the number of referrals to drug court, and the number of participants accepted. This information is maintained, but not used, to make comparisons against a non-participating, drug-related criminal population.

11. At least six months after exiting a drug court program, comparison groups should be examined to determine long-term effects of the program.

Comment: The three judicial regions have not pursued this post graduation information. Almost all agreed, however, that this would be a useful and interesting opportunity that would assist in the continued refinement of drug court.

12. Drug court evaluations should consider the use of cost-benefit analysis to examine the economic impact of program services.

Comment: This is certainly an area of interest for the judicial branch that has yet to be examined. It is hypothesized, however, that additional costs are borne by the judicial branch (due to the increased judicial supervision and associated costs to the drug court) and the short-term cost benefit is in the savings for incarceration. It is also anticipated that the long-term cost benefit is in the reduction or elimination of additional criminal case filings due to the reduction in recidivism by drug court graduates when compared to traditional criminal case processing. It is difficult to calculate the cost-benefit of drug court, because much of the financial documentation lies with the DOJ and DOC. It is likely that insufficient time has passed to truly measure this benefit to the judicial branch.

**i. Key Component #9-Continuing interdisciplinary education promotes effective drug court program planning, implementation, and operations**

**Performance Benchmarks**

1. Key personnel have attained a specific level of basic education, as defined in staff training requirements and in the written operating procedures. The operating procedures should also define requirements for the continuing education of each drug court staff member.

Comment: Each of the agencies (e.g., TASC, DOC, ASSMCA, DOJ, and Legal Aid) in each of the judicial regions has its own established criteria for hiring. Generally, the hiring criteria for drug court are not different from other courts. Currently, drug court coordinators are not properly classified in the judicial branch's pay and classification scale. It is a goal of the general coordinator to reclassify the drug court coordinator positions and develop appropriate educational standards for hiring and continuing education. There is no specific requirement that drug court judges receive specialized training before accepting the assignment. In fact, a few of these judges have received no formalized drug court training at all.

There are no standardized requirements for the continuing education of drug court team members. Most agree, however, that ongoing education and training is a necessity.

2. Attendance at education and training sessions by all drug court personnel is essential. Regional and national drug court training provide critical information on innovative developments across the nations. Sessions are most productive when drug court personnel attend as a group.

Comment: Opportunities for education and training are limited. To date, there has been no annual conference or meetings with an educational component for the entire drug court team across Puerto Rico. Basic training is offered to TASC and DOC probation officers but there is no specialized training in drug court-related probation services. Prosecutors and public defenders primarily learn on the job. Most of the drug court coordinators and drug court judges have been exposed to national training, i.e., National Drug Court Institute. Some prosecutors and public defenders have been exposed to the national, i.e., National Drug Court Institute courses, and local training in their respective offices with specialized information related to drug courts.

3. Continuing education institutionalizes the drug court and moves it beyond its initial identification with the key staff who may have founded the program and nurtured its development.

Comment: Continuing educational opportunities are not readily available. Most of the drug court coordinators have attended training offered by the National Drug Court Institute.

4. An education syllabus and curriculum are developed, describing the drug court's goals, policies, and procedures.

Comment: The three sites have not developed local or commonwealth educational programs that describe the drug court's goals, policies, and procedures. Generally, these concepts are learned on the job, through word of mouth, and through the absorption of the routine processes associated with the drug court.

**j. Key Component #10-Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness**

**Performance Benchmarks**

1. Representatives from the drug court, community organizations, law enforcement, corrections, prosecution, defense counsel, supervisory agencies, treatment and rehabilitation providers, educators, health and social service agencies, and the faith community meet regularly to provide guidance and direction to the drug court program.

Comment: None of the three judicial regions has established this interagency forum to discuss operations, monitor drug court services, and provide direction to the drug court program. Most of those interviewed indicate that this would likely be an effective mechanism for gaining community support and increased funding for the effort.

2. Partnerships between drug courts and law enforcement and/or community policing programs can build effective links between the drug court and offenders in the community.

Comment: The Puerto Rico Drug Court has developed and fostered an effective link with the police departments in Puerto Rico. Full-time, armed police agents are active members of the drug court teams in all three locations. The agents serve a variety of purposes across the three judicial regions including: investigations of candidates, criminal history records checks, curfew checks, participation in staffing, drug test (urinalysis) supervision, coordination of community service, and "cleansing" of criminal records.

3. Participation of public and private agencies, as well as community-based organizations, is formalized through a steering committee.

Comment: The three drug court programs do not utilize a steering committee to encourage community participation.

4. Drug court programs and services are sensitive to and demonstrate awareness of the populations they serve and the communities in which they operate. Drug courts provide opportunities for community involvement through forums, informational meetings, and other community outreach efforts.

Comment: None of the three judicial regions have a community forum to discuss operations, needs of the community, and the intersection of the two. Most of those interviewed indicate that this would likely be an effective mechanism for gaining community support and increased funding for the effort.

5. The drug court hires a professional staff that reflects the population served, and the drug court provides ongoing cultural competence training.

Comment: The population served by the drug court primarily consists of 19-25 year old males in the lower socioeconomic levels. The drug court staff is not reflective of the drug court population in terms of education and life experience. However, the drug court staff appears to relate to the participants very well, having developed a great understanding of the challenges faced by the participants in coming to terms with addiction. The three judicial regions do not provide ongoing cultural competency training.

## **B. Quantitative Analysis**

The NCSC project team, as part of its evaluation of Puerto Rico's drug court, conducted a study to assess the rate of recidivism among drug court participants. For purposes of the study, recidivism was defined as: *the filing of criminal charges on a drug court graduate*. This definition was developed from the thoughts and opinions of drug court stakeholders and the

capability of the court's automated information system known as TRIB. From a list of 532<sup>7</sup> graduates collected by the general coordinator, the NCSC project team selected a stratified random sample of 227<sup>8</sup> cases that represent the graduates of Puerto Rico's drug courts.

Stratified random sampling uses information known about the total population prior to sampling to make the sampling process more efficient. To develop a stratified random sample, the initial population of graduates was divided into subpopulations based on the region and the year of graduation. A random sample was then selected from each subpopulation that controlled for the proportional representation of each subpopulation in the overall sample. This guaranteed that the sample was representative of the population by fixing the proportion of different strata within the sample.

### **1. Data on Recidivism**

Data collected from the stratified random sample yielded good results on the rate of recidivism in the Puerto Rico Drug Court. Recidivism by judicial region is presented in Table 7 below. However, it is important to note, according to a recent national drug court activity update,

Most drug courts have noted substantial reductions in recidivism following program implementation. However, because programs vary widely in terms of the nature of populations being served, follow-up periods and sources of information used to compile recidivism data, and measures being used to compile "recidivism" information, (e.g., arrests vs. convictions; the nature of offenses being included, etc.), this data is not comparable from jurisdiction to jurisdiction and any data that has been compiled by individual jurisdictions cannot be considered to comprise national recidivism data and is therefore not included in this report. A more accurate comparison to be made is between specified recidivism data for drug court participants in a specific jurisdiction and comparable data for a comparison group of non-drug court defendants in that same jurisdiction.<sup>9</sup>

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<sup>7</sup> The list of graduates included cases from the regions of Arecibo, Carolina, Ponce and San Juan.

<sup>8</sup> Data from a sample of 227 cases provides a margin of error of about  $\pm 4.9\%$  from what would be learned from reviewing information from all graduates in the population. To reduce the margin of error to  $\pm 2.5\%$ , it would be necessary to gather data from a representative sample of up to almost 400 cases. See Herbert Arkin and Raymond R. Colton, *Tables for Statisticians* (New York: Barnes & Noble, 1963), Table 20.

<sup>9</sup> OJP Drug Court Clearinghouse and Technical Assistance Project, *Drug Court Activity Update*. June 20, 2001 Report.

<b>Judicial Region</b>	<b>Rate</b>
Arecibo	8.75%
Carolina	4.26%
Ponce	2.33%
San Juan	3.51%
<b>Total Population</b>	<b>5.29%</b>

Of the 12 graduates who re-offended after completing the drug court program, six were charged with a drug related offense with the remaining graduates committing offenses that were classified as non-drug related.

According to the Drug Courts Program Office, most criminal justice system professionals estimate that at least 45 percent of defendants convicted of drug possession will recidivate with a similar offense within two to three years. The more frequently a defendant has been arrested for a drug offense, the more likely they are to recidivate. A high percentage of defendants convicted of drug possession are also arrested for property offenses during the period they are using illicit substances, and a substantial percentage have either committed violent offenses or are considered likely to do so, particularly as their addictions progress.

In comparison, drug court programs in the United States have experienced a significant reduction in recidivism among participants. Depending upon the characteristics of the population targeted and the degree of social dysfunction they reflect (e.g., employment status, family situation, medical condition, etc.), recidivism among all drug court participants has ranged between 5 percent to 28 percent and less than 4 percent for graduates.<sup>10</sup> The data for Puerto Rico's drug courts program are yielding similar results.

## **2. Data on Program Participants**

In order to evaluate the rate of recidivism for the drug courts based on the stratified random sample of graduates selected, the NCSC project team also evaluated data on the average

<sup>10</sup> *Looking at a Decade of Drug Courts*, Drug Court Clearinghouse and Technical Assistance Project, Office of Justice Programs, U.S. Department of Justice.

length of stay in the drug court program from admission to graduation. The following Table reflects the average length of stay, in days, for each region and the drug court as a whole.

Note: It is the opinion of the NCSC project team that the average length of stay of 813 days from admission to graduation is entirely too long. A more realistic target of 548 to 730 days or 18 to 24 months is recommended.

<b>Table 8. Length of Stay by Region Puerto Rico Drug Court 1998-2001</b>		
<b>Judicial Region</b>	<b>Days in Program</b>	
	<b>Mean</b>	<b>Median</b>
Arecibo	871.98	800.00
Carolina	763.94	791.00
Ponce	949.44	923.00
San Juan	822.40	815.00
<b>Entire Drug Court</b>	<b>851.83</b>	<b>813.00</b>

### 3. Data on Retention Rates

Table 9 reflects the retention rates for each of the drug courts.

<b>Table 9. Rate of Retention by Judicial Region Puerto Rico Drug Court 1998-2001</b>	
<b>Judicial Region</b>	<b>Rate</b>
Arecibo	70%
Carolina	73%
Ponce	74%
San Juan	73%
Bayamón	88%
Guayama	97%
<b>Entire Drug Court</b>	<b>75%</b>

According to the Drug Courts Program Office, the retention rates for drug courts in the United States remain high, generally 67 percent,<sup>11</sup> despite (1) the difficult populations most drug courts are targeting, (2) the rigid participation requirements of these programs, (3) the recent

<sup>11</sup> OJP Drug Court Clearinghouse and Technical Assistance Project, Drug Court Activity Update. June 20, 2001 Report.

proliferation of drug courts, and (4) their expansion to more complex caseloads. The Puerto Rico Drug Court, as evaluated, appeared to be on-target with its 75 percent rate of retention.

### C. Self Evaluation

As part of the assessment of the drug court, the NCSC project team used a self-assessment instrument. The self-assessment questionnaire,<sup>12</sup> distributed in Spanish to drug court professionals and developed to assess the ten key components, uses a 5-part Likert scale to rate a drug court's performance in functional areas related to court's compliance with the ten key components as aspirational goals. The results are then mapped to depict how the stakeholders on the drug court team view the implementation and operations of the drug court. The results of the self-evaluation reveal a great deal about the team members' positive perceptions about individual contributions and their investment in the drug court process.

Figures 1 - 6 depict impressions of drug court team members for the entire commonwealth, for each of the six judicial regions individually, and by stakeholder group. The ten key components in Figures 1 - 6 are indicated horizontally (ten key components) with the impressions on performance vertically (score). The total number of respondents was 84.

The survey presents 52 statements representing different indicators that are present in optimally operating drug courts. The 52 specific indicator statements represent an "ideal" set of characteristics, and those completing the self-assessment questionnaire indicate, by their responses, how closely they believe their drug court efforts approach such an "ideal" level. If all survey respondents in a drug court give their court a "5" rating for all 52 statements in the questionnaire, that would indicate a consensus that the court has an optimally operating drug court. If all the respondents gave a "1" rating for every statement, the result would suggest that they consider their drug court to be in critical need of improvements. A "4" suggests that respondents give their drug court a generally positive rating; a "3" suggests mixed performance; and a "2" indicates less-than satisfactory performance.

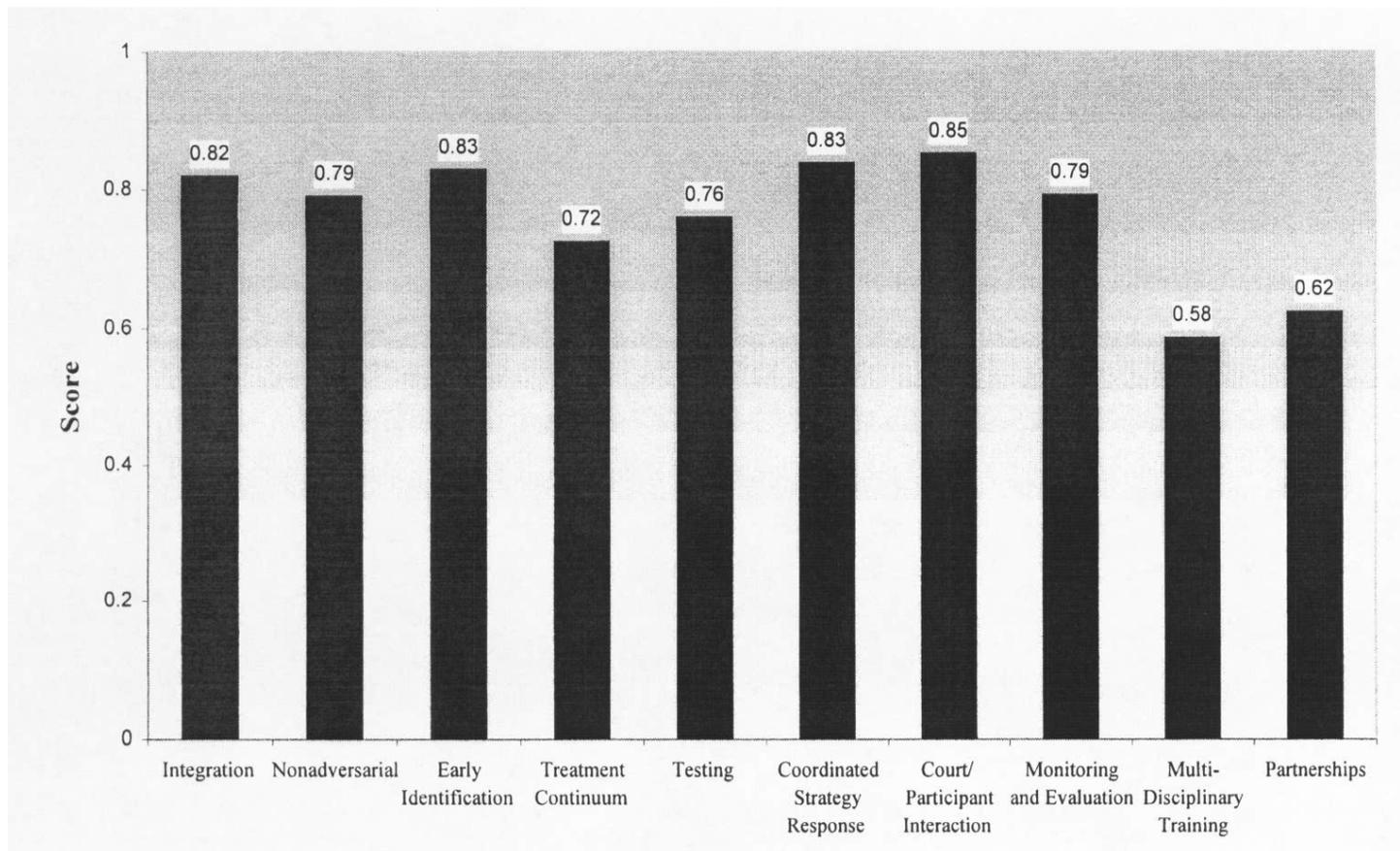
To score the self-assessment questionnaire, the 52 indicator statements are organized under the ten key components of a drug court and then tabulated. If survey respondents were to give themselves maximum scores for each indicator statement under any of these categories, the

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<sup>12</sup> The instrument is formally titled *Drug Court Self-Assessment: Utilizing the 10 Key Components as a Standard*© Judge William G. Meyer, Denver, CO 1998.

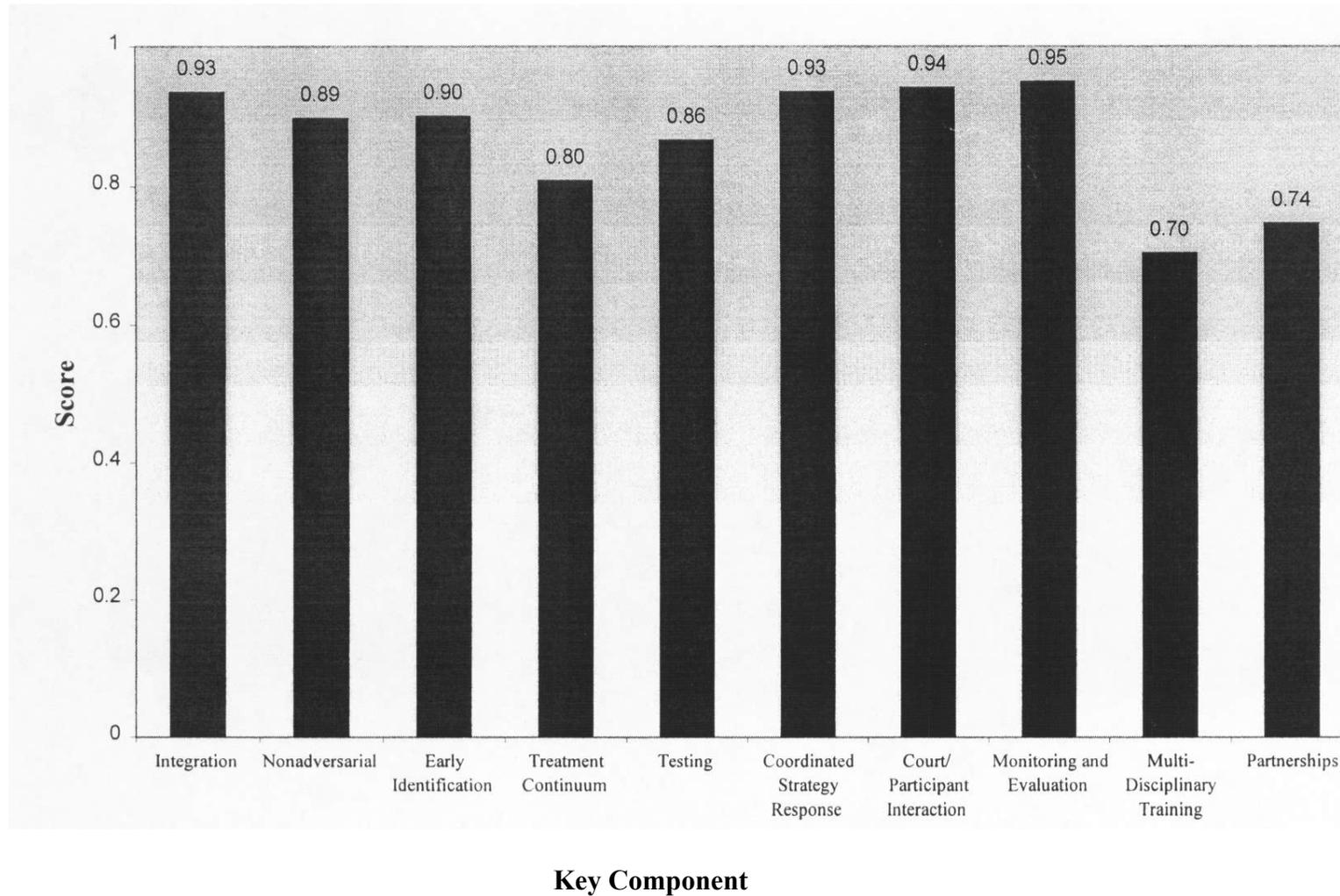
drug court would receive a maximum score of "1.000" on the scoring sheet for the self-assessment survey. The more they considered themselves to depart from the "ideal" under any category, the further their score for that category would depart from a "perfect 1.000" score. See *Appendix D*.

**Figure 1. The Puerto Rico Drug Court**

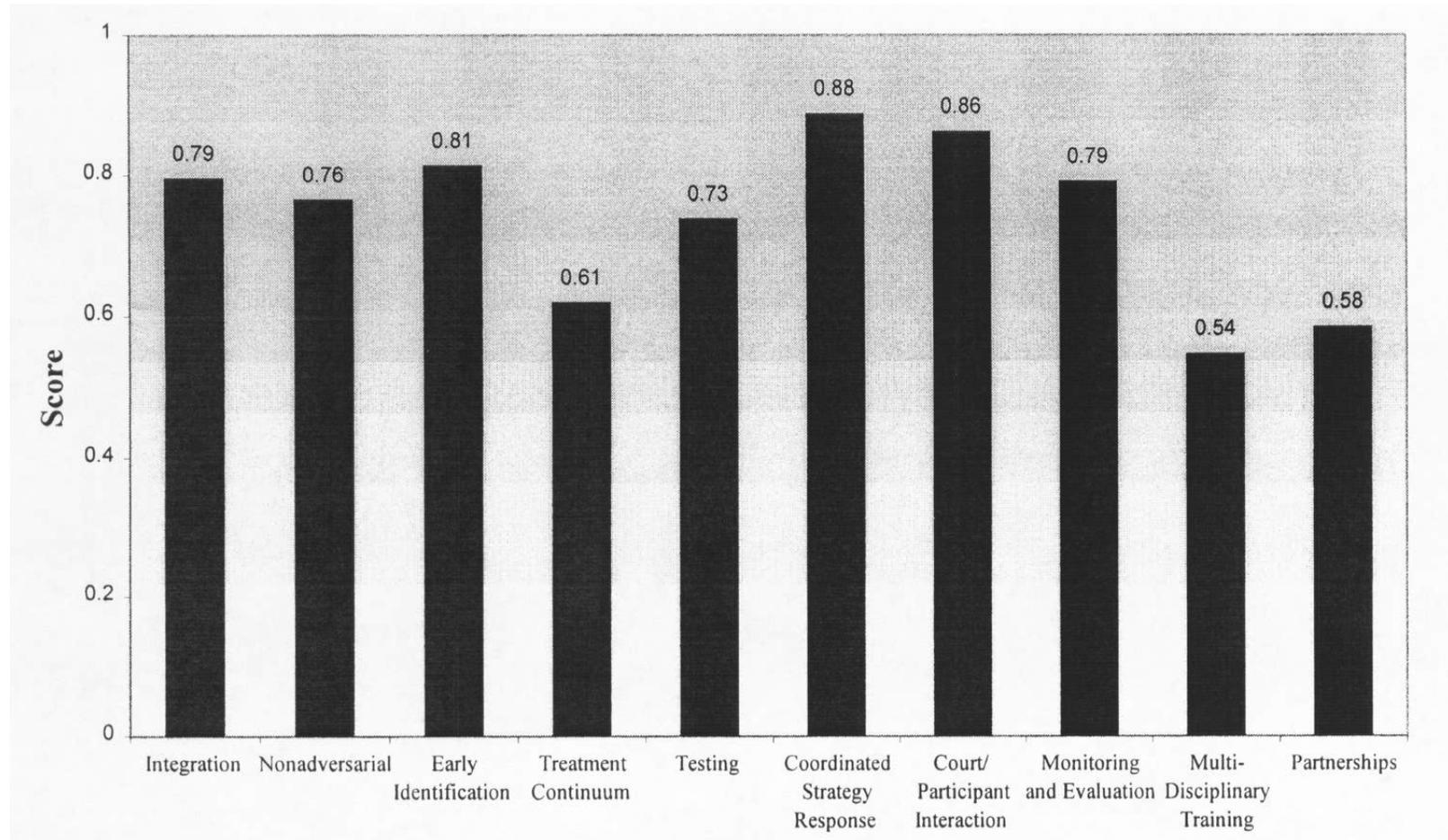


**Key Component**

Figure 2. Arecibo Region



**Figure 3. Carolina Region**



**Key Component**

Figure 4. Guayama Region

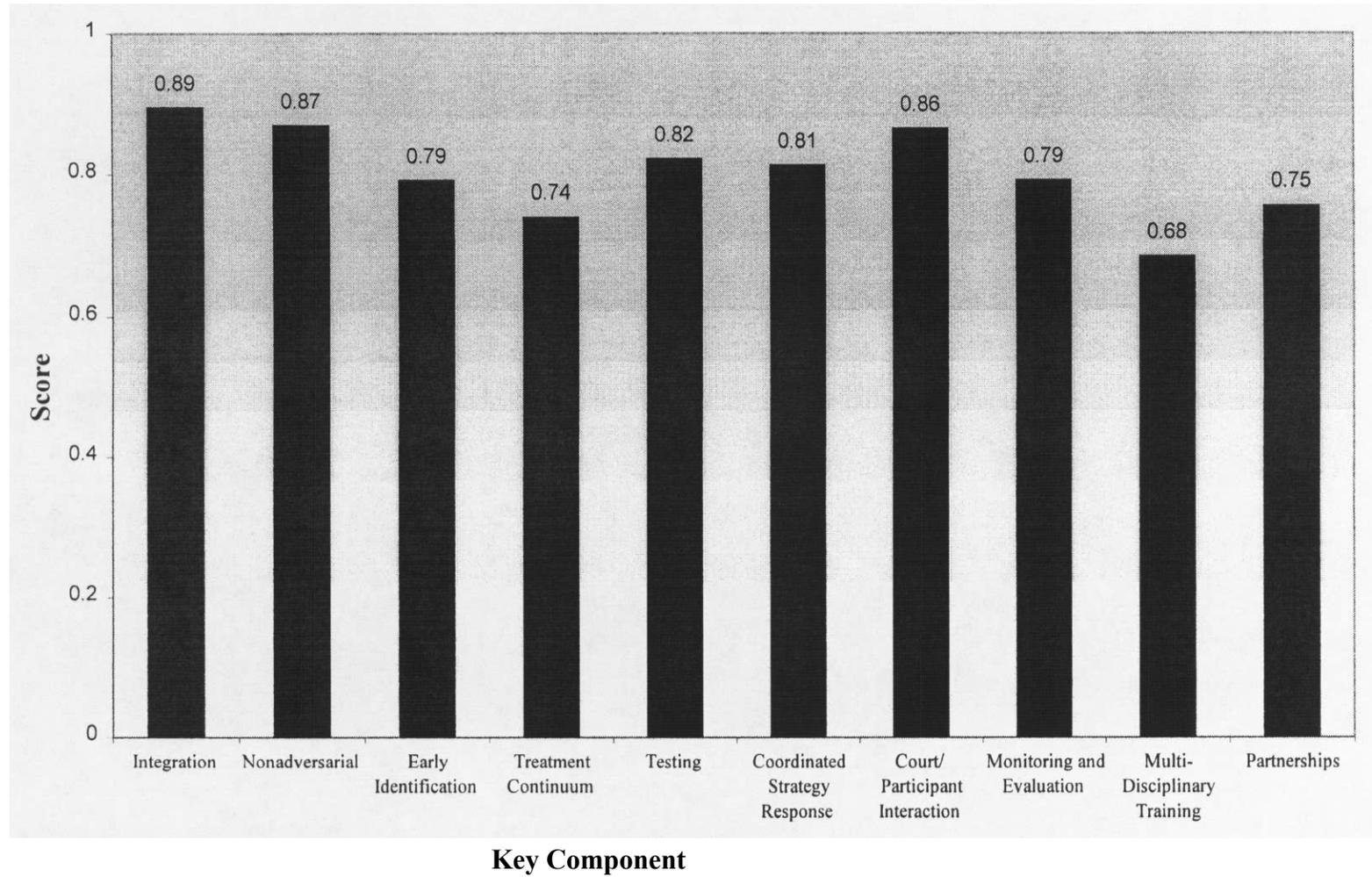


Figure 5. Ponce Region

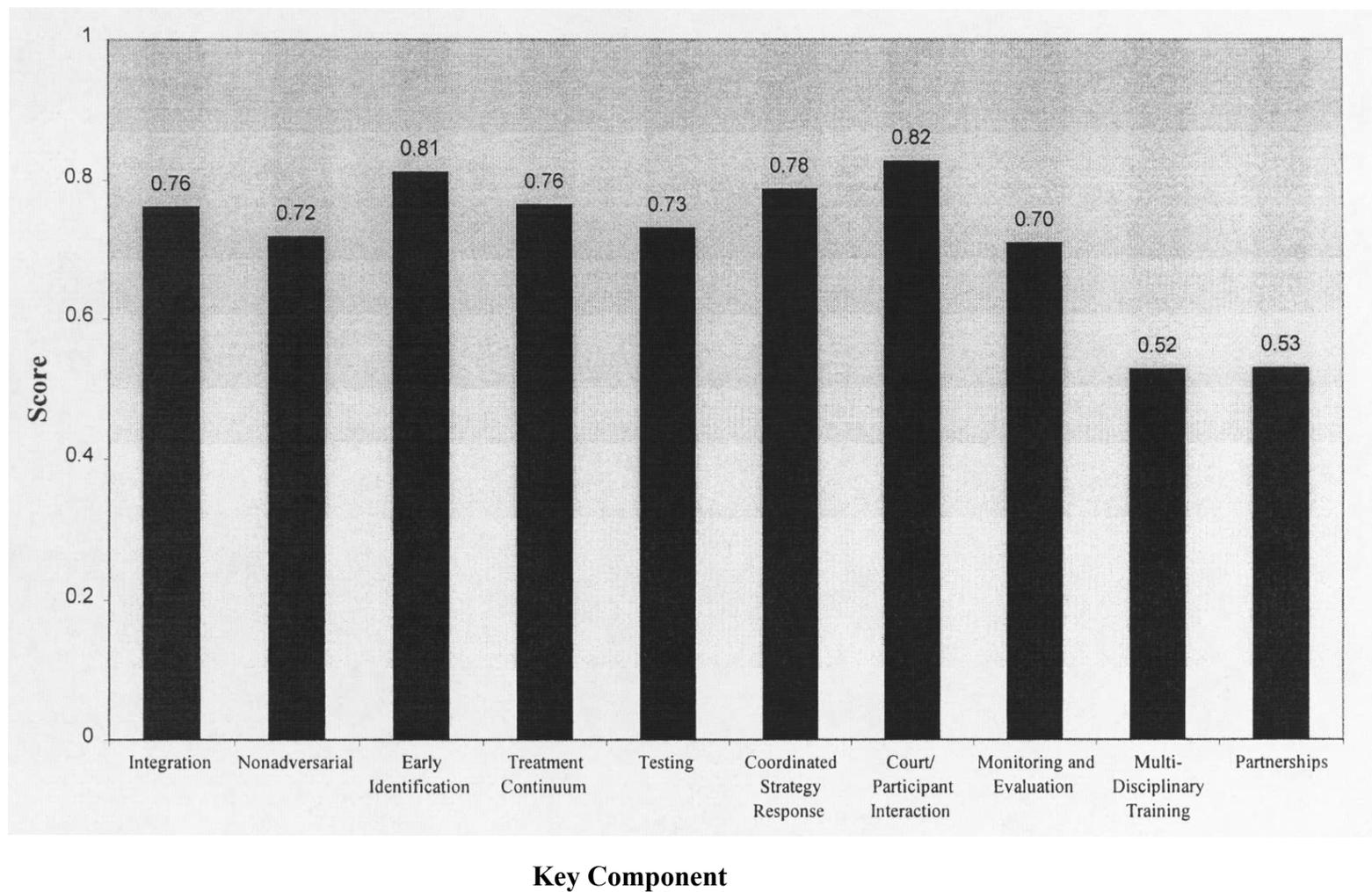
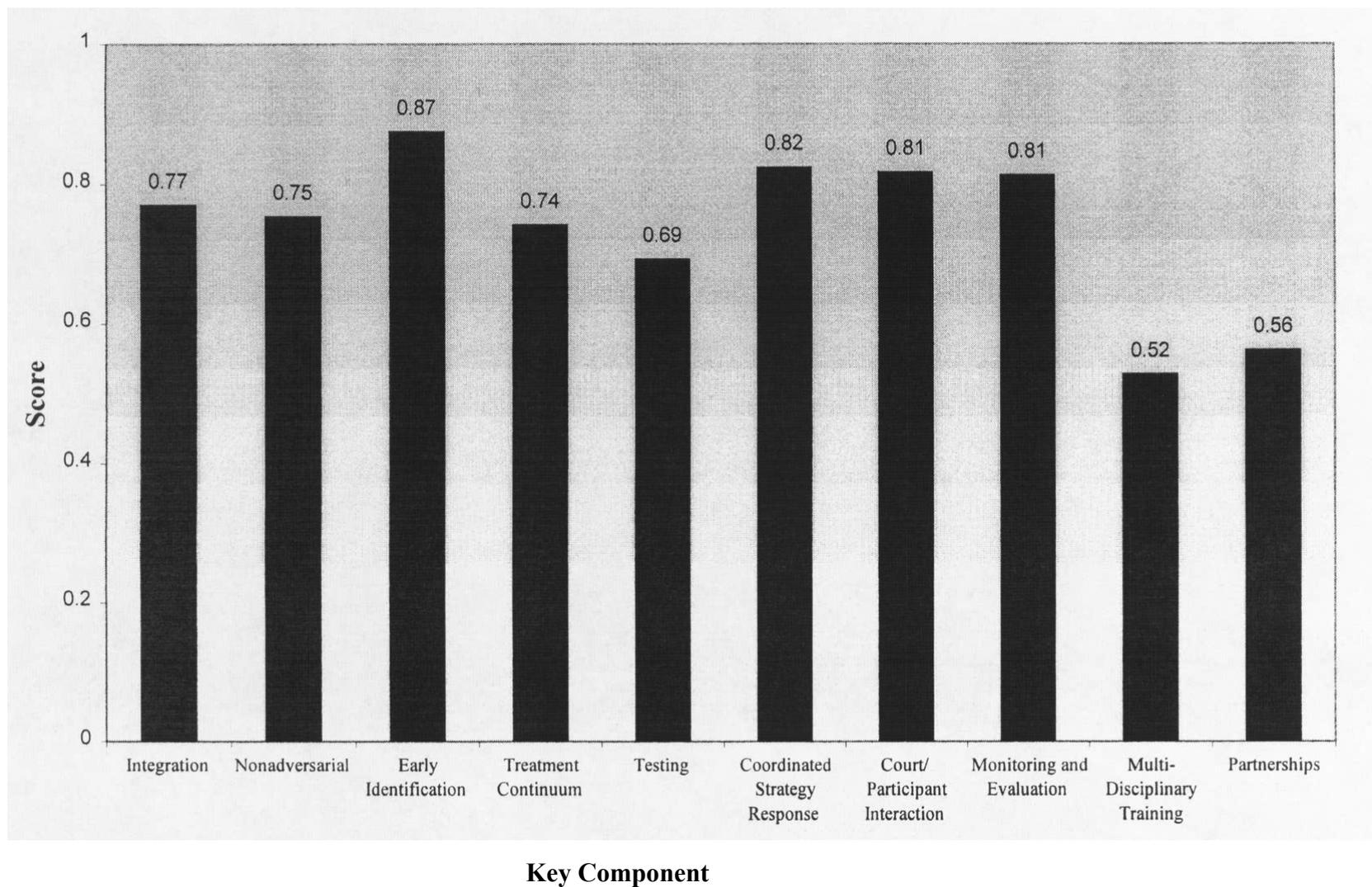


Figure 6. San Juan Region



#### **D. Impressions of the Puerto Rico Drug Court**

The Puerto Rico Drug Court serves an invaluable purpose for all of its citizens: both those participating in drug court and those receiving the indirect benefit from the reduction in drug-related offenses and recidivism rates. In its approach to program implementation and operation, the drug court has embraced the therapeutic justice model. The difference between the therapeutic approach and traditional means of court processes is that the therapeutic approach becomes a mechanism for social change. Overall, the Puerto Rico Drug Court is operating as well as can be expected given the current status of its funding, staffing levels, and treatment program resources. The NCSC project team believes the fact that the drug court is functional is a testament to the good work, resourcefulness, and collaboration from the Office of Court Administration and the drug court team members in each of the regions where the drug court operates.

According to interviews conducted by the project team with drug court team members in each of the judicial regions, the enhanced performance of the drug court is affected by (1) the lack of treatment services, (2) the lack of supporting community resources, (3) the lack of operational resources, (4) the lack of adequate funding, and (5) the lack of an effective information and data management system and connectivity with the other drug court teams.

The strength of the Puerto Rico Drug Court lies in its commitment to the ten key components that are related to the underlying conceptual framework of any drug court (e.g., treatment services coupled with intensive judicial supervision, service delivery to the participant, non-adversarial process, identification of eligible candidates for drug court, delivery of sanctions and incentives, and frequent AOD testing). On the other hand, the weakness of the drug court lies in the lack of an integrated automated record keeping system; the development of standard policies, procedures, and documents; the lack of operational consistency among the judicial regions; the lack of meaningful process and outcome self evaluations; and the lack of local and commonwealth training, team building, and interagency collaboration.

The results of the self-assessment questionnaire suggest that the drug court team members perceive the drug court to be operating closely to the ideals articulated by *The Key Components* in seven of the ten components. Drug court team members rated themselves the highest in:

- Court and participant interaction (.85 out of 1.0)
- Early intervention (.83 out of 1.0)
- Coordinated strategy and response (.83 out of 1.0)

Responses from drug court team members suggest that improvements are needed in the following areas:

- Treatment continuum (.72 out of 1.0)
- Partnerships (.62 out of 1.0)
- Multidisciplinary training (.58 out of 1.0)

Based upon these responses, drug court team members suggest that these are the areas where significant attention should be directed.

The single published and openly accepted outcome measure related to the delivery of the drug court treatment approach is the reduction in recidivism. Recidivism, however, is not formally defined, thus making measurement even more difficult. Therefore, the NCSC project team developed a working definition and collected data to determine recidivism rates of drug court graduates, without comparison to criminal defendants in the traditional criminal system due to the inability to create a comparable population sample. Therefore recidivism rates were compared to national averages. Moreover, the drug court does not maintain the information needed to monitor recidivism on an on-going basis. The results of the recidivism survey indicates a favorable showing for the drug court with a rate of 5.29 percent. This is slightly higher than the national average in the United States of 4 percent. Given the size of the sample and the population, however, recidivism rates are good and are generally on-target.

### **III. ISSUES AND RECOMMENDATIONS**

After several years of operation, has the Puerto Rico Drug Court fully realized its potential? Other than the conceptual shift from the expedited case management approach to the treatment approach, there has been little change to the basic policies and procedures developed at the outset of the drug court. This may be due, in part, to the fact that (1) there has not been a perceived need for change, (2) there is little in the way of documented historical and experiential information upon which to build, or (3) drug court team members are so busy servicing drug court participants that the refinement of policies, procedures, documents, and data sources that information system development is a task that is often, by necessity, placed on the end of the "to do" list. It is the latter that the NCSC project team believes is the greatest impediment to the realization of the drug court's potential.

During the evaluation of the Puerto Rico Drug Court, it was apparent that there are strengths and weaknesses upon which the full realization of its potential for success may hinge. The NCSC project team identified and categorized the various issues that emerged during the course of the evaluation. In order to further institutionalize the drug courts, it is important to consider the lessons learned from the experiences of the last eleven years. These issues and subsequent recommendations are discussed below and include: (A) Barriers to Institutionalization, (B) Education and Training, (C) Performance Measurement, (D) Information and Records Management, and (E) Lack of Drug Treatment, Mental Health, Family and Community Services

#### **A. Barriers to Institutionalization**

##### **1. Funding**

The Puerto Rico Drug Court was initially funded through a federal grant to Puerto Rico's Department of Justice, which was responsible for administration of the funding. Once the federal funding expired, the Puerto Rico legislature continued the funding for drug courts, and continued to use the DOJ as the administrative body to oversee the disbursement of funds. This mechanism for funding the drug court is not an optimal structure under which the actions of all of the components should be organized. This type of structure worked fine for the administration of grant funds, but does not empower court administration to take ownership of the drug court program. With this in mind, the NCSC project team recommends:

**Recommendation 1:** The Office of Court Administration and representatives from the Puerto Rico legislature should review the mechanism through which the drug court receives funding. Efforts should be made to fund the operations of the drug court directly to OCA to reduce the amount of unnecessary bureaucracy and to streamline operations. Direct allocation of funds from the legislature to the judicial branch will allow the drug court to achieve an optimal level of effectiveness.

Once funding has been centralized within each agency, the judicial portion of the program should be organized around a central administration. The general coordinator is currently charged with administering the family court program as well as the drug court.

**Recommendation 2:** The Office of Court Administration should assign a drug court program coordinator and support staff to focus solely on the operation of the drug court.

Note: This position will be able to take the drug court to the next level by centralizing operations and promoting greater consistency between the judicial regions. Additionally, this position would serve as an administrative unit for the drug court, maintain statistics and budgeting for the entire program, and be able to monitor performance of each of the judicial regions as units of one court. This will allow the central administrative office to promulgate rules and standards for drug courts under a central authority. The drug court coordinator should report to the deputy administrative director of the OCA. See *Appendix E* (Drug Court Coordinator Job Description).

## 2. Lack of Written Policies and Procedures

Other than an outdated flowchart diagramming the flow of a drug court case, there are no written policies and procedures governing the various judicial regions of the Puerto Rico Drug Court.

**Recommendation 3:** Current policies and procedures utilized by the various regions should be assembled into a standard set of policies and procedures governing drug court operations.

Note: Generating this documentation will serve as an invaluable resource by providing guidance to existing regions and promoting consistency of operations for the drug court and in judicial regions.

## 3. Job Classification of the Drug Court Coordinator

The current job classification for the drug court coordinators does not accurately reflect the duties the coordinators are performing. The classification and duties of the drug court coordinators should be examined to standardize the classification and to equalize pay scales.

This review should entail a detailed assessment of the duties and functions performed by the drug court coordinators to determine if a reclassification is warranted.

**Recommendation 4:** The human resources section of the Office of Court Administration should review and standardize the classifications of drug court positions they fund.

#### **4. Employee Classification for TASC and DOC Staffing Standards**

An additional disparity exists in the current use of temporary and regular employees in the drug court. Most of the probation officers are on temporary status. This can result in higher employee turnover rates and act as a disincentive for employees investing themselves in the program.

**Recommendation 5:** Because the drug court has been in operation for several years in Puerto Rico, it is recommended that, as feasible, sponsoring agencies of employees working in the drug court reclassify temporary employees to a permanent or regular status.

Different judicial regions and supervising bodies from TASC and DOC have widely varying drug court participant caseloads. This results in differences in workload in each drug court site and affects employee productivity.

**Recommendation 6:** The Office of Court Administration should work with TASC and DOC to establish staffing standards for drug court staff that can be applied to all drug court sites.

Note: Establishing staffing standards related to caseload will ensure the most efficient distribution of services and will promote more effective supervision of drug court participants.

#### **B. Education and Training**

Since the inception of the drug court in Puerto Rico, some measure of ongoing training has been provided. However, since these training courses were conducted, the drug court has evolved and is operating beyond the functional framework originally envisioned for the grant-funded program.

**Recommendation 7:** A comprehensive new employee orientation and in-service training programs should be developed for all staff working in the drug court. Additionally, high-level training sessions should also be offered to provide advanced training for judges, drug court coordinators, prosecutors, and public defenders.

There is no mechanism in place for conferencing and the sharing of ideas among the commonwealth's drug court sites. These sessions or meetings could be used by drug court staff as a proactive forum to plan, to address problems, and to draw on successes and solutions of each drug court site.

**Recommendation 8:** The general drug court coordinator should hold bi-monthly meetings for drug court coordinators and quarterly meetings for agency staff that provides service to the drug court.

### **C. Performance Measurement**

The OCA stated that the drug court goal is to reduce recidivism. As part of the recidivism evaluation included in this report, the NCSC project team created a working definition of recidivism. It is in the interest of the Puerto Rico Drug Court that a definition of recidivism be developed and utilized uniformly. When a definition is agreed upon, it should be used to measure the effectiveness of the drug court as a whole.

Recidivism should be defined so that it becomes a realistic measure rather than just a concept. For the judicial branch, recidivism should be defined on two levels: (1) the drug court participant does not commit any criminal offense while under the supervision of the drug court and (2) the drug court graduate does not commit any criminal offense resulting in a new criminal case filing before the court.

The drug court needs to ensure that the data on performance measures is easily collectible and reported in a uniform fashion and at regular time intervals. Any data required from each judicial region should be used and reported in an ongoing manner.

**Recommendation 9:** The administration of the Puerto Rico Drug Court should develop a definition for recidivism that measures success in terms of the criminal activity of its participants and graduates.

### **D. Information and Records Management**

With the exception of inadequate treatment resources, information management is the greatest problem facing the drug court at the present time. The Office of Court Administration is not currently networked with other judicial regions. There is no central automated database maintained for the drug court, and with the exception of Ponce, most of the records of the drug courts are kept manually. Absent an information management system, the drug court has to constantly create and recreate lists, such as the graduates list needed by the NCSC to collect data

on recidivism. An automated case processing and participant tracking system, as proposed by the Director of the Office of Court Administration and the general coordinator of the drug court, should be implemented as soon as possible using the Ponce system as a model.

**Recommendation 10:** The Office of Court Administration should continue to implement an automated case processing and participant tracking system for all drug courts and pattern that system after the drug court case processing system used in Ponce.

In addition to maintaining a centralized database for the drug court, the Office of Court Administration, at the direction of the general coordinator, should develop a method for tracking drug court cases in its case management system TRIB or SIAT. Absent this type of identifier, there is no method for matching information on the underlying drug court case with the information maintained in the database by the drug court coordinator.

Due to the volume of information necessary to manage drug court cases, all of the judicial regions need to utilize the drug court database developed by the drug court coordinator in Ponce, which is similar to a system used by a drug court in Buffalo, New York. Although this database does not integrate with the TRIB case management system, it would provide a uniform platform for the reporting of statistics and organizing the data into one larger database that can be used to monitor the effectiveness of the drug court on an ongoing basis. A great deal of useful demographic information could be generated from such a system, in addition to providing volumes of data for judges and drug court staff, could result in a time savings for the drug court coordinators.

**Recommendation 11:** If deterring recidivism is to remain a goal of the Puerto Rico Drug Court, the general coordinator should develop the capacity to track recidivism on an ongoing basis.

Note: This could be accomplished by retaining centralized information at the OCA, including the names of drug court graduates with associated case and social security numbers.

#### **E. Lack of Drug Treatment, Mental Health, Family and Community Services**

Another major problem facing the drug court in Puerto Rico is the lack of public-funded drug treatment services, mental health services, family and community services and, in particular, in-patient treatment. In the words of one interview respondent "the drug court is losing credibility because of the lack of treatment and supporting services."

For the most part, the drug court team members interviewed indicated that the public services provided by ASSMCA were generally good. Unfortunately, delays in accessing services and long waiting lists for in-patient drug-treatment services influence the effectiveness of the drug court and the immediacy of judicial sanctions.

The scarcity of resources for drug courts extends beyond treatment services. With the exception of Carolina, which is fortunate to have access to the *Llave* Program, there is a shortage of life services to support participants and their families in the rehabilitation process. These services include housing, medical, childcare, employment, and education services.

Treating drug addiction is often only part of the drug court team's role. Often, the drug court coordinator and TASC and DOC probation officers must coordinate life services for the family so that the participant can go through in-patient treatment. Moreover, the drug court team members coordinate services such as housing, employment, and education so that a participant can remain drug free after in-patient treatment or during outpatient treatment.

The Puerto Rico Drug Court has expended much energy fighting the treatment and life service battle. Although the availability of treatment and life services is not under its direct control, the drug court must continue to engage ASSMCA, the Office of Drug Control, and other public service agencies in regular problem solving sessions to increase the availability of drug treatment and life services. Moreover, the drug court should take the stance that, absent additional treatment services, the drug court will restrict participation in its existing judicial region and terminate expansion plans into additional judicial regions. This will enhance the likelihood that a small population of drug court participants receive quality services rather than a large population of drug court participants receiving poor or limited services. In other words, before the drug court expands into new judicial regions in the commonwealth, it is essential that efforts must be made to improve the operation of existing drug court sites and to expand the treatment and life services agencies that support them.

There are several services that drug court coordinators could supervise. For example, there is no mentoring program or on-going support network for drug court participants and graduates. Those drug court coordinators interviewed agreed that this is likely a worthwhile venture and indicated a willingness to lead this effort.

**Recommendation 12:** Before new drug court sites are opened, the Office of Court Administration and all drug court agencies should work together to improve the

operation of the existing six sites, as well as determine ways to expand treatment and life services.

**Recommendation 13:** The Office of Court Administration, through a consensus process bringing together the general coordinator and drug court coordinators, should develop a model drug court before new drug courts are opened.

Note: Although it may be politically expedient to fund and open new drug court sites across Puerto Rico, the NCSC project team strongly believes that it is more important to improve and standardize the operation of existing drug court sites, while simultaneously developing a "model drug court."

#### **IV. BEST PRACTICES/DEVELOPMENT OF A MODEL**

Currently, the Puerto Rico Drug Court is operating in six sites in five judicial regions. During the study, the OCA advised the NCSC project team that expansion of drug court operations is in the planning stages for three additional judicial regions. Given the current level of resources devoted to the drug court, the OCA should seriously consider the strain on existing resources that would be caused by this expansion, carefully weighing the benefit to the additional judicial regions against further strain on the already limited treatment resources in. As stated in the recommendations on the previous page, the NCSC project team believes that it is ill advised to expand the drug court into additional judicial regions, without strengthening current operations and treatment resources in the existing drug court sites.

There will come a time, however, when expansion of the drug court to the additional judicial regions is warranted, practicable, and advisable. The following discussion outlines the critical elements that must be incorporated to enhance the likelihood of successful drug court operations in the new judicial regions. In addition to incorporating the recommendations made in Section III, the necessary framework for the implementation and ongoing operations of the drug court must also include, (A) planning and implementation, (B) operations, (C) data and information systems, (D) personnel and resource allocation, (E) treatment resources, and (F) funding.

##### **A. Planning and Implementation**

When new drug courts are developed, two levels of planning must be conducted: one at the OCA level and one at the regional level. Any planning effort would include the OCA, the legislative and executive branches that fund drug courts. Planning procedure would address criteria for drug court expansion (i.e., indicators of need such as drug crime link, drug use in the general population, availability of treatment resources, and recidivism) boundaries, funding streams, and pave the way for ease of implementation at the local level. The resulting agreement should be articulated in a memorandum of understanding defining interaction, the manner in which future problems will be identified and addressed, and identification of commonwealth goals for the drug court.

At the regional level, planning should entail developing standards for local operations, treatment services, protocols, and procedures. Additionally, each drug court site should address

local variations from standard practices where applicable, target populations, additional local educational and vocational services, incentive and sanction guidelines, drug testing protocols and frequencies, and the identification of local goals.

It is essential that the OCA should receive legislative funding for the operation of existing drug courts and future expansion of the drug court. For example, to determine the need for new drug court sites according to established criteria. Once this is determined, a separate training session can be held with new drug court team members to develop action plans, set timelines, and understand performance measures.

## **B. Operations**

The operations of existing and new drug court sites must strike a balance between consistency and flexibility across each of the judicial regions. Basic guidelines for operation ensure that each drug court site is adhering to basic standards of operation that are structured around the aspirational goals put forth in the ten key components. All drug court sites should be operating in accordance with the guidelines set forth in the recommended policies and procedures manual developed by the OCA. Further, all drug court sites should conduct operations in accordance with standardized procedures (i.e., file management, content and appearance of files, and reporting structures).

Optimally, all existing and new drug court team members should receive interdisciplinary training to develop an understanding of how the Puerto Rico Drug Court and related agencies operates. Facilities need to be conducive to drug court operations. All drug court personnel should be co-located in the same area, and there should be appropriate facilities to perform on-site AOD testing. Ideally, one male and one female TASC screener should perform drug screening, test for levels of use, and track the collection of samples.

Further, probation officer standards should ensure that caseloads remain under acceptable and uniform levels, as dictated by the American Probation and Parole Association. Although there are no current standards for drug court probation caseloads, the most closely related standard is for intensive supervision probation, which operates on a 25:1 ratio. Finally, at each drug court site, in addition to staffing meetings, the drug court team should meet monthly to review and improve local operations and paper flow.

### **C. Data and Information Systems**

As mentioned in Section III, an integrated case processing system is essential to the success of any (model) drug court. As the general coordinator exports Ponce's case processing and data gathering model to existing and new drug courts, every effort should be made to integrate the model with the TRIB or SIAT system. Of course, confidential information on the system should have controlled access, as well as the availability of treatment providers and determinations regarding their effectiveness.

### **D. Personnel and Resource Allocation**

Each existing and new drug court should have staffing that is basically the same in operation and in classification. The following outlines the basic staff classifications that are needed to operate a drug court:

- judge
- coordinator
- prosecutor(s)
- public defender(s)
- court clerk
- secretary
- TASC and DOC probation officer(s)
- TASC drug court screener(s)
- marshall(s)
- police agent(s)

### **E. Treatment Resources**

The primary difference between drug court operations and traditional criminal case processing of drug-related criminal offenses is the intensive supervision by the judge. Treatment services have always existed to combat the problem of drug addiction. Absent treatment resources, intensive judicial supervision, on its own, simply cannot support rehabilitation of the drug court participant. Therefore, public services agencies, primarily operated out of the executive branch, must ensure that adequate and affordable drug treatment and life services are available to the drug court population. As new services are developed to advise of needed

services for target populations, the opinions and ideas of the drug court team members should be submitted to the treatment agencies, at both a local and commonwealth-wide level.

#### **F. Funding**

Historically, the funding of the Puerto Rico Drug Court has come from various sources. At times this has caused controversy. However, in order to improve the effectiveness and efficiency of operations of the drug court, the NCSC project team strongly believes, as a precept of separation of powers, all funding for court based drug court operations (i.e., the judges, coordinator, court clerks, secretaries, etc.) should be administered by the OCA. This centralization of drug court funding would directly improve the operation of existing drug courts, the development of the model drug court in Fajardo, and in time the expansion of new drug courts into other regions.

## **V. CONCLUSION**

It was a pleasure for the National Center for State Courts project team to work with the chief judge, administrative director, deputy administrative director, judges, general coordinator, drug court coordinators, drug court staff, and the many stakeholders during our evaluation of the Puerto Rico Drug Court.

Over the years a great deal of money, time, effort, and energy have been invested to make the drug court a success. Through this study, it has been objectively determined that the drug court in Puerto Rico adheres to the underlying conceptual framework of drug courts in effectively dealing with defendants charged with first time drug offenses. The drug court provides participants treatment services coupled with intensive judicial supervision, adheres to a non-adversarial process, identifies eligible candidates for the drug court, delivers sanctions and incentives, and provides frequent AOD testing.

On the other hand, the drug court is not necessarily efficient or cost effective. Treatment facilities are overloaded and defendants and paperwork are processed manually. There is a lack of an integrated automation system, operational standards, policies and procedures, sentencing consistency, coordinated training, assessment of outcomes, and inter-agency collaboration. In short, there are improvements that need to be made and as well, a model drug court needs to be established before drug courts are proliferated across the commonwealth.

The recommendations of this report should be instituted at two levels: at the commonwealth level and local level. To improve coordination and to standardize reporting and procedures, the OCA should establish a Drug Courts Program Council that meets bi-monthly. As members of this Council learn more about the drug court operations and organize a plan for the implementation of some of the recommendations of this report, the drug court can garner a broader base of support. Moreover, it is important that support for the drug court must be improved with communities, cities, law enforcement agencies, and at the drug court sites. To develop this level of support, the drug court must show accountability through reliable record keeping and improved automated data collection. With appropriate monitoring of the drug court, existing sites should be able to demonstrate to the community both cost savings and reduced recidivism.

Implementing the recommendations presented in this report will require the joint participation and commitment of the drug court teams at each site as well as the OCA. Consensus needs to be developed on what needs to be changed, the process of implementation, and the division of labor and responsibilities. This discussion will help strengthen the shared decision-making process in the drug court and promote each individual team member's investment in the process and outcomes. With guidance from the ten key components, this evaluation, coupled with the knowledge and experience of drug court staff at the local and commonwealth level, Puerto Rico can not only improve the operations and outcomes of the drug court, but achieve its goals of being effective, efficient, and responsive to the needs of the communities its serves.

**"When we work together we are stronger than when we work alone"**

**Timothy James**

**APPENDIX A**

**PUERTO RICO DRUG COURT  
PROGRAM PROFILE  
(Fiscal Year 2001/2002)**



COMMONWEALTH OF PUERTO RICO  
GENERAL COURT OF JUSTICE  
ADMINISTRATIVE OFFICE OF THE COURTS

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# **Program Profile**

(Fiscal Year 2001 / 2002)

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## Puerto Rico Drug Courts Program

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# Foreword

The present work plan constitutes the efforts in which the Administrative Office of the Courts will be engaged in regarding the Drug Courts Program during the current fiscal year. These activities are marked by two new elements in our context:

1. Endorsement by the Puerto Rico Judicial Branch to the Conference of State Courts Administrators resolution (COSCA 00-A-4) about Problem-Solving Courts.
2. Strategy 8, included in the Draft of the Strategic Plan for the Puerto Rico Judicial Branch 2001 / 2006 (*integration of the principles grounded in the Therapeutic Jurisprudence approach*).

The plan is also nourished by the goals and objectives relevant to the program and contained in the Annual Plan of the Judicial Branch that is described in the Budget Request document - FY 2001/2002. **(Objectives 2.1, 3.1 y 8.1)**

It is intended that such objectives give guidance for the continuance of the program operations and for any further extension of it to other system sites. Also is intended that these objectives guide the Judges and support personnel performance.

Legal and program basis are briefly described here for this model under the treatment approach. The organizational structure is exposed, too. Next, the budget and target areas are described. Finally, the proposed work plan is detailed with its goals and objectives, and the activities to implement them.

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## Section

# 1

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# Introduction

## Program Overview

The judicial system in Puerto Rico has had a substantial increase in the criminal caseload, specifically in those related to the use of illegal drugs. Many defendants have problems of drug addiction and a high predisposition to criminal recidivism since they have not been rehabilitated from his addiction. Given this reality, the components of the Criminal Justice System in Puerto Rico decided to explore new approaches to deal with the myriad of crimes committed by defendants with problems of drug addiction.

As a response to the increase in drugs-related caseload, from 1990 to 1995 the Judicial Branch implemented the drug courts under de **Expedited Case Management (ECM)** approach in the Judicial Parts of Arecibo, Carolina and Ponce. This project, funded by the *Drug Control and System Improvement Program* of the Department of Justice of Puerto Rico, was directed toward the reduction of delays in the processing of drug cases in the trial courts. Federal funds granted to this project finished in July 1995. However, these specialized courts under the ECM approach remained working with the ordinary funds of the Judicial Branch, with Judges assigned and their corresponding support personnel.

To deal with the problem of recidivism, which constitutes one of the main problems that cause the use and abuse of drugs, Drug Courts under the *Treatment Approach* was designed and implemented. This kind of specialized courts implies the shift from the traditional approach by which the court intervenes with defendants that are detected with addiction problems. This approach includes the identification of drug users and their referral to treatment combined with an intensive judicial supervision, targeted to reduce their problem of recidivism.

In Puerto Rico the *Drug Treatment Court* concept has resulted from the combined and coordinated efforts from public agencies from the Criminal Justice System, each one with its own component in the program (see figure 1). All components have it own administrative structure. Since the beginning of the program, each component receives funds from the Department of Justice. This agency serves as the recipient, both of federal and special state funds. In the last two Fiscal Years (1999/2000 and 2000/2001) program have been funded with monies from Puerto Rico's State Legislature. The term to receive federal funds from the Edward Byrne Memorial Program and the Drug Court Grant Program expired on September 2000.

<b>Program Component</b>	<b>Duties</b>
<b>Department of Justice</b>	Administration of federal and special state funds; prosecutors
<b>Mental Health and Anti-Addiction Services Administration (ASSMCA)</b>	Assessment, Treatment, and Investigation (provision 247.1 - TASC)
<b>Corrections Administration</b>	Probation and Community Supervision
<b>Legal Assistance Society</b>	Legal Representation (Pro-Bono Services)
<b>Police Department</b>	Support to the investigation and supervision activities of the Probation

Figure 1.

## **1.1 The Judicial Component**

The Judicial Component concept of Drug Treatment Courts in the Judicial Parts consists of six courtrooms dedicated to give supervision to sentenced defendants with problems of drug-addiction with the goal of contributing to its rehabilitation and to the reduction of recidivism.

To implement the Project the Judicial Branch, through its Administrative Office of the Courts, has received special funds from some outside sources to establish the concept of Drug Treatment Court in Judicial Parts, including those in the former approach (Expedited Case Management System - Arecibo,).

The direction of the program is actually entrusted to the Deputy Director of the Courts, Raquel Irlanda-Blassini, Esq. She is in charge of the coordination between the involved agencies and for the decision-making process at the management level. She also is assisted by a General Coordinator whose main tasks are:

- *Monitor the operations of the Drug Courts in the Judicial Parts*
- *Prepare work plans, proposals and budgets*
- *Maintenance of the general information (statistical and administrative) about the Program*
- *Prepare progress reports*
- *Assist judges, regional coordinators, and other related personnel in matters referred about the Program*

### Judges

The Superior Judges currently working at the Drug Courts Program in Puerto Rico are:

#### **Arecibo**

The Honorable Cristóbal Gallardo-Rodríguez

#### **Guayama**

The Honorable Ramón Orta-Berrios

**Bayamón Ponce**  
The Honorable Heriberto Sepúlveda-Santiago  
Carrasquillo

The Honorable Wilfredo Robles-

**Carolina**  
The Honorable Lilia Ortiz-Puig

**San Juan**  
The Honorable Carlos Rivera-Martinez

The appointment of the Judges to the Program is commended to the Presiding Judges of each Judicial Part.

### Coordinators

The Regional Coordinators of the Judicial Component of the Program are:

**Arecibo**  
Mr. Hermes Villanueva-De León

**Guayama**  
Mrs. Yolanda Rodríguez-Morales

**Bayamón**  
Ms. Enmeline Díaz-Ayala

**Ponce**  
Mrs. María Pérez-Quintana

**Carolina**  
Mr. José Luis Rodríguez Rodríguez

**San Juan**  
Mrs. Amneris Sánchez Velázquez

Their main tasks are:

- *Follow-up defendants charged and sentenced that are referred and admitted to the Program*
- *Assist judges in conducting status hearings*
- *Maintain a database about the progress of candidates and participants in the Program*
- *Work with members of the other program components in the team of the Drug Court for the coordination of referrals for treatment services and to get information about results*
- *Provide technical advise to judges and other program personnel*
- *Visit Treatment Centers, if necessary, for participants' follow-up*
- *Develop, analyze, and integrate statistical reports for the Program*
- *Provide information about the program to the community*
- *Evaluate and give recommendations regarding Treatment Programs*

## **1.2 Eligibility Criteria**

The eligibility criteria for all referred candidates to participate in the program are:

- **Non-violent offense**
- **Demonstrated drug abuse**
- **Interest and disposition to receive treatment**
- **Limited non-violent criminal record, if any, that does not include a felony**

- **Defendant's plea of guilty**
- **Defendant must qualify for deferment through one of the Special Supervised Probations**  
(Corrections Administration - 404 Art. B of Controlled Substances Act - or by TASC Program  
(Rule 247,1 of Criminal Procedure Rules)

Note: first offenders will have priority

The Drug Court intake process to identify candidates for the program begins with the phase of preliminary hearing. This is because at this stage defendant must already have legal assistance to protect his / her rights. Judges in charge of this stage, in determining cause, refer the candidates to a Case Manager of the Mental Health and Anti-Addiction Services Administration (ASSMCA) in the Courthouse; in addition, defendant is referred to the courtroom of the Drug Court Judge for the indictment hearing. The Case Manager submit defendant to an assessment process to identify drug use and addiction. If confirmed, ASSMCA refer defendant to detoxification. ASSMCA assessment report must be available previously to the indictment hearing before the Drug Court Judge.

Initially, the Preliminary Hearing Judge or, lately, the Drug Court Judge will request the Investigation Report for Probation to be prepared by the TASC specialists or by the Corrections specialists, depending the special probation that applies. In the case of the Corrections special probation, the report must be ready for the Judge's consideration before the issuance of the sentence.

Drug Court Judges must conduct status hearings, after defendant's acceptance to the program, with the following frequency:

- Monthly status hearings: during the first six months
- Bimonthly status hearings: during the following six months
- Each three months: during the following months until defendant completes treatment plan or as ASSMCA and / or Corrections Probation Officers recommend

The process described above place the Puerto Rico Drug Court Program in the Postadjudication approach<sup>1</sup>. The General Accounting Office presented in 1997 a report in which described this approach as follows:

*In the postadjudication approach, defendants plead guilty or are tried and, if convicted, their sentences are deferred and/or incarceration is suspended pending successful completion of drug court program requirements. This approach provides an incentive for the defendant to rehabilitate because progress toward rehabilitation is factored into the sentencing determination.(GAO/GGD-97-106 Overview of Drug Courts, p. 23)*

### **1.3 Start-Up / Implementation Plan**

When the Treatment Approach was approved for implementation in Puerto Rico the first three projects under it (Arecibo, Carolina, and Ponce Parts) were initiated on FY 1995 - 1996. Later, the program was extended through projects to San Juan Part (1997) and Bayamón and Guayama (2000). The goals, objectives, and activities identified for the Program in the first stages of the planning phase are described below.

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<sup>1</sup>GAO Report to the Committee on the Judiciary, U.S. Senate, and the Committee on the Judiciary, House of Representatives, *Drug Courts - Overview of Growth, Characteristics, and Results*, July 1997

**Goal:** To contribute to the reduction of recidivism of offenders with drug problems in the Judicial parts of Arecibo, Carolina, and Ponce

- **Objective 1.1:** *Establish the organization necessary for the operation of the Program in the aforementioned parts*

Activities identified and performed to pursuit this objective were:

- Conduct meetings with other Program components
  - Conduct meetings with Presiding Judges, Drug Court Judges, Executive Directors, Clerks of the Court, and Executive personnel from the AOC
  - Determine and get the necessary space for the Drug Court Coordinator
  - Develop the job description for the Drug Court Coordinator
  - Recruit the necessary personnel for the operation of the Program
  - Conduct meetings with the IT division to determine the necessary equipment for the proper information system
  - Design the forms for the collection of information about the Program
  - Establish the rules and procedures for the operation of the Program
  - Conduct meetings with personnel related with the different stages of the case processing in the Program to explain them its procedures
  - Conduct the evaluation and monitoring activities in the Program
  - Produce the quarterly reports about the Program performance
- **Objective 1.2:** *Refer the 85% of participants to ASSMCA to receive specialized and intensive treatment* (referral may be from Investigations Courtroom, Preliminary Hearing, during the trial, or after sentence pronounced).

Activities identified and performed to pursuit this objective were:

- Identify eligible cases as assessed by ASSMCA and gather files of cases to be addressed by the Drug Court Judge
- Conduct initial hearings to be acquainted with candidates and be advised about the case details, including the tests results that assess the severity of addiction
- Decide about candidates to be admitted to the program, based in recommendations from Prosecutors, ASSMCA, and Probation personnel from Corrections, as may apply.
- Sign participation agreement between the parties for each defendant admitted.
- Refer defendants admitted for treatment.

- **Objective 1.3:** *Conduct status hearings for defendants admitted (participants) to the program (monthly hearings - 6 months period / bimonthly hearings - 6 months hearings / quarterly hearings - until rehabilitation report may be released)*

Activities identified and performed to pursuit this objective were:

- Establish the status hearings calendar
  - Summon parties for status hearings
  - Summon Prosecutor, Case Manager, Probation official (as may apply), for the status hearings
  - Conduct the status hearings
- **Objective 1.4:** conduct final hearings for participants certified by ASSMCA as cleaned and rehabilitated

Activities identified and performed to pursuit this objective were:

- Summon participants to final hearing
- Summon Prosecutor, Case Manager, Probation official for final hearing
- Conduct final hearing

## 1.4 Information System

The information system that have been available to the Program is mainly a manual system consisting in forms with categories developed to gather relevant information about the program candidates, participants, and graduates. The main categories of information are two:

### 1.2.1 Client's Flow

Client's flow is measured with the following:

1. Referred Candidates: are the indicted ones with for whose there is preliminary information about problems of drug addiction to. The Drug Court Judge verify if the referred person qualify for any of the special probations. For that purpose, an assessment is conducted.
2. Participants:
  - a. admitted: are the ones admitted by the Drug Court Judge according to the established criteria
  - b. active: the sum of the participants currently in the Program and the new admissions minus the ones that concluded their participation (in any given period)
  - c. terminations: defendants that end their participation in the Program. There are two kinds:

- i. Withdrawals: defendants that fail to comply with conditions imposed to be active
- ii. Graduated: defendants that successfully complete their participation in their period of treatment and the special probation that is referred to. The period may vary from 18 months to 30 months, depending on the adjustments during the treatment and the probation imposed by the Judge.

### 1.2.2 *Success Indicators*

These are the information criteria about Program impact.

1. Retention Rate: the ratio between the sum of active participants and graduated, divided by the total of admitted participants since the beginning of the Program. It is expressed in percentage and inform the participants and graduates that have not relapsed. Hence, the conclusion is that they have been retained in the Program
2. Participation Rate: the relation of the participants admitted and the total of candidates referred.

### 1.2.3 *Tools for Information Gathering*

The main tools to gather information of defendants are mainly manual. Since its beginning, twenty-eight forms have been developed. In order to gather statistics, there are three forms for monthly, quarterly, and annual information.

The data analysis is made comparing the statistics for one specific period with the previous. The cumulative data is gathered since the Program start-up. Other information considered is the activity related the to planning, monitoring and evaluation meetings. Based on the information obtained, the proper measures are implemented.

## **1.5 Budget Information**

(See Grants, Allocations, and Expenses Chart enclosed)

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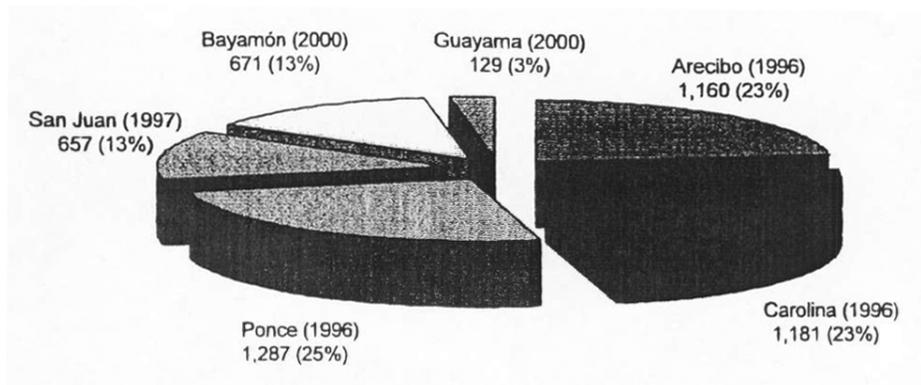
## Synopsis – Program Situation

Fiscal Year 2000 - 2001

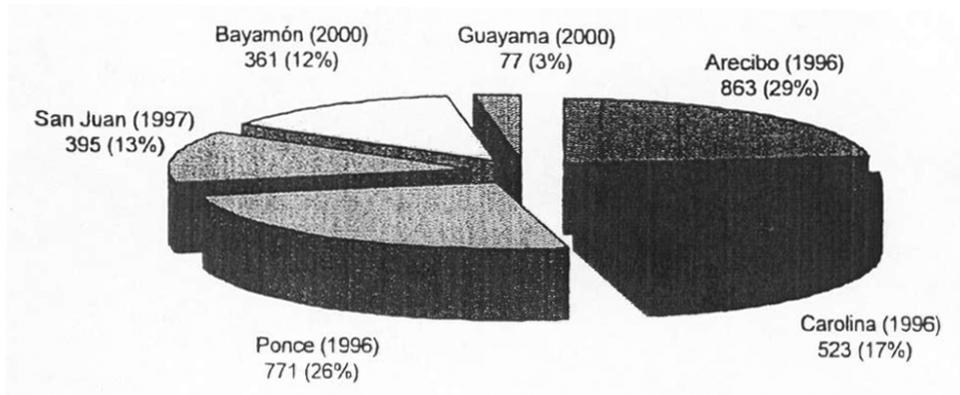
### 2.1 Success Factors

Regarding the success indicators, as of February 2001, the following graphics show the cumulative information about the Program participants:

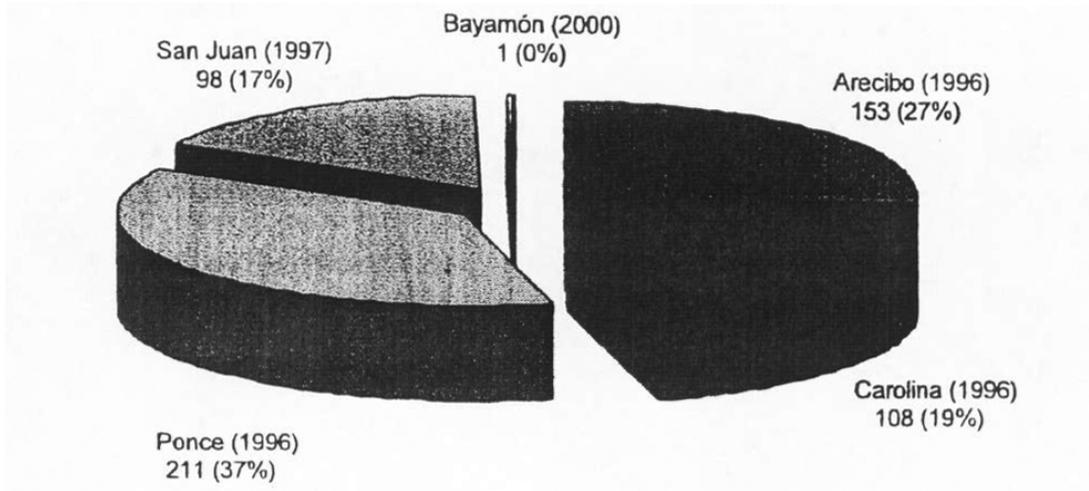
#### REFERRED PARTICIPANTS (CUMULATIVE)



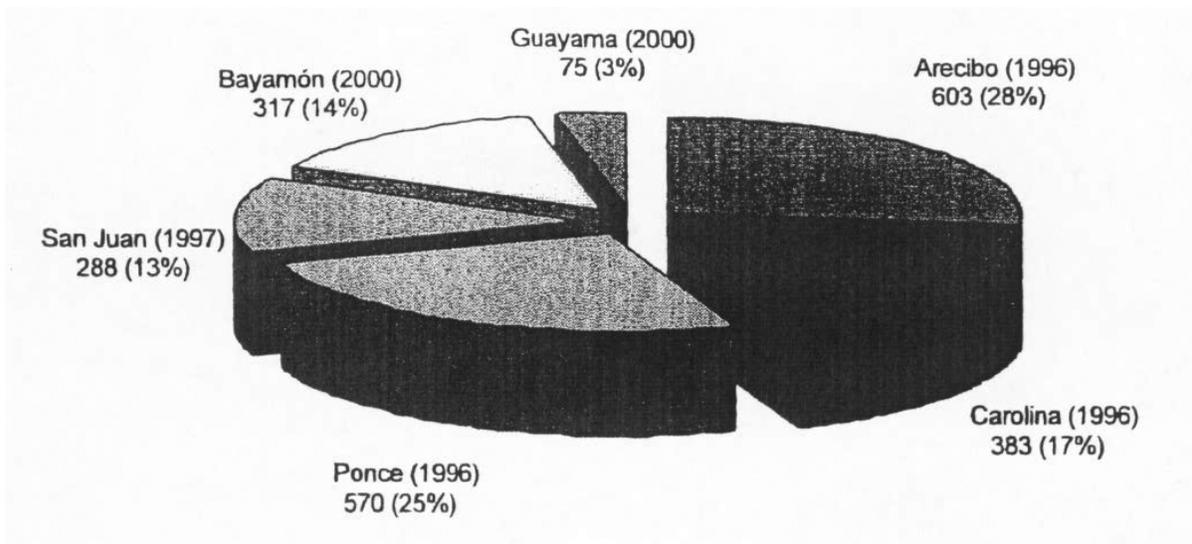
#### ADMITTED PARTICIPANTS (CUMULATIVE)



## GRADUATED PARTICIPANTS (CUMULATIVE)

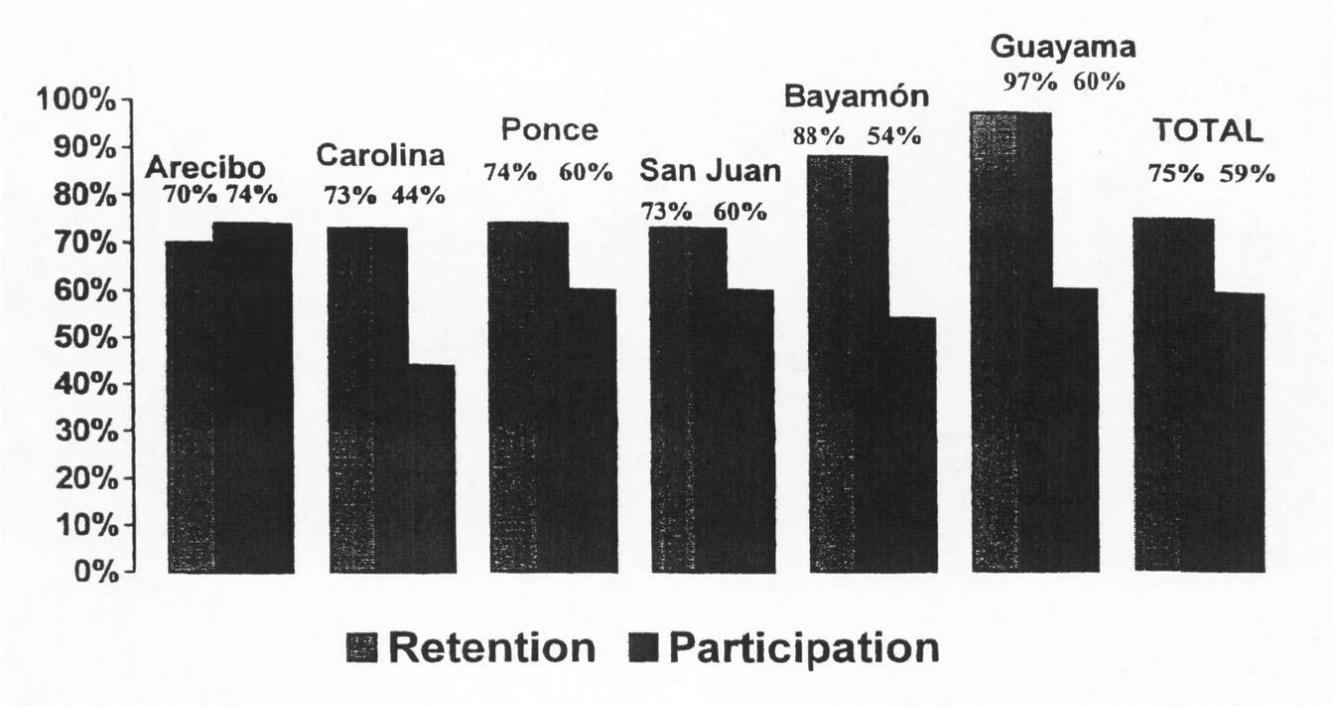


## ACTIVE PARTICIPANTS + GRADUATED (CUMULATIVE) 2,236 Participants



The general participation and retention of the Program are described below.

### CUMULATIVE PARTICIPATION AND RETENTION



**APPENDIX B**

**DEPARTMENT OF CORRECTIONS  
STATUTE 404, ARTICLE B  
OF THE CONTROLLED SUBSTANCES ACT**

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**TITLE 24. HEALTH AND SANITATION**

**PART V. CONTROLLED SUBSTANCES**

**CHAPTER 111. CONTROLLED SUBSTANCES ACT OF PUERTO RICO**

**SUBCHAPTER IV. OFFENSES AND PENALTIES**

24 L.P.R.A. 2404 (1999)

2404. Penalty for simple possession, probation and expunging of records for first offense

(a) It shall be unlawful for any person, knowingly or intentionally, to possess any controlled substance, unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as authorized by this chapter.

Any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a fixed term of three (3) years. Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of five (5) years; if there should be extenuating circumstances, it may be reduced to a minimum of two (2) years.

The court, in its discretion, in addition to imprisonment, may impose a fine that shall not exceed five thousand (5,000) dollars. If such person commits said offense after one or more previous convictions under this subsection are final, he shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for a fixed term of six (6) years. Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of ten (10) years; if there should be extenuating circumstances, it may be reduced to a minimum of four (4) years.

(1) If any person who has not been previously convicted of violating subsection (a) of this section, or any other provision of this chapter, or any other law of the United States, related to narcotic drugs, marijuana, or stimulant or depressant substances, is found guilty of violating subsection (a) of this section, be it after a trial or entering a plea of guilty, the court, without entering a verdict of guilty, and with the consent of said person, may defer further proceedings and place said person on probation under such reasonable terms and conditions as it may require and for a fixed term of three (3) years. Should there be

aggravating circumstances, the fixed penalty established may be increased to a maximum of five (5) years; should extenuating circumstances exist, it may be reduced to a minimum of two (2) years. The court shall advise the defendant that should he/she abandon the treatment and rehabilitation program, he/she shall be sanctioned pursuant to the provisions of 4428 of Title 33.

The consent of the person shall include his acceptance that, if he is accused of a felony, the hearing to determine probable cause shall be held together with the initial summary hearing provided by 1026-1029 of Title 34. The determination of probable cause for the commission of a new crime is sufficient cause to provisionally revoke the benefits of probation at that time.

Upon noncompliance with a condition of the probation, the court may render the probation ineffective and proceed to render judgment as provided in 1026-1029 of Title 34.

If, during the probation period, such person does not violate any of the conditions thereof, the court, in its discretion, and after holding a hearing, may acquit said person and dismiss the proceedings against him. The acquittal and dismissal under this subsection shall be conducted without the court's adjudication of guilt, but a confidential record thereof shall be retained by the court, not accessible to the public, and separate from all other records, solely for the use by courts in determining whether or not, in subsequent procedures, such person qualifies under this subsection.

Such acquittal and dismissal of the case shall not be deemed a conviction for purposes of disqualifications or impediments imposed by law on any person convicted of any offense, including the penalties prescribed hereunder for subsequent convictions, and the person acquitted shall be entitled to have the Superintendent of Police return to him any fingerprint records and photographs in the possession of the Police of Puerto Rico, taken in connection with the violation of this section. Acquittal and dismissal under this section may be granted only once to any person.

**APPENDIX C**

**TREATMENT ALTERNATIVES TO STREET CRIME  
CORRECTIONS RULE 247.1  
OF THE RULES OF CRIMINAL PROCEDURE**

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**TITLE 34. RULES OF COURT**

**RULES OF CRIMINAL PROCEDURE**

**GENERAL PROVISIONS**

**34 L.P.R.A. Ap. 2 R. 247.1 (1998)**

Rule 247.1. DISMISSAL AND FILING OF INFORMATION OR COMPLAINT

Once the defendant has pleaded guilty, whenever the Secretary of Justice or the prosecuting attorney requests it, and produce evidence that the defendant has signed an agreement to undergo treatment and rehabilitation in a program of the Commonwealth of Puerto Rico, or in a private program supervised and licensed by an agency of the Commonwealth of Puerto Rico, as well as a copy of the agreement, the court, without returning a verdict of guilty, may stay all procedures and place said person on probation under such reasonable terms and conditions as it may require and for the term provided in the agreement for the rehabilitation of the defendant which shall not exceed five (5) years. The court shall admonish the defendant that should he/she abandon the treatment and rehabilitation program, he/she shall be sanctioned pursuant to the provisions of 4428 of Title 33.

The consent of the defendant to have the hearing to determine probable cause held jointly with the initial summary hearing provided by 1026 et seq. of this title upon commission of a felony, shall be part of the terms of the agreement. The determination of probable cause of the commission of a new crime will be sufficient cause to provisionally revoke the benefits of probation at that time.

In case of noncompliance of any of the conditions of probation, the Court may revoke probation and proceed to pronounce judgment pursuant to the provisions of 1026-1029 of this title.

If during the probation period the person does not violate any of its conditions, the court, at its discretion, may exonerate the person and dismiss the charges against him. The dismissal and filing of the complaint under this rule shall be implemented without a finding of guilt by the court, confidentially, and not accessible to the public, and apart from other records, for the exclusive use of the courts to determine whether in subsequent procedures the person qualifies under this rule.

The dismissal and filing of the complaint shall not be deemed as a conviction with regard to the disqualification or legal impediments imposed by law on convicts for the commission of a crime, and the person so acquitted shall be entitled to have the Superintendent of Police return any fingerprints or photographic records held by the Puerto Rico Police, taken in connection with the dismissed case.

The dismissal and filing under this rule may be granted only once to any person.

Acceptance by a defendant of the dismissal of an action on the grounds set forth in this Rule shall constitute a waiver to the dismissal of the action on the grounds stated in subsections (e), (f), (m) and (n) of Rule 64.

**APPENDIX D**

**EVALUATION OF DRUG COURT  
QUESTIONNAIRE**

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# Autoevaluación del Drug Court

Utilización de los *Componentes Medulares* como Estándar

Desarrollado por:  
Juez William G. Meyer  
Denver, CO  
©1998

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# Introducción a la Autoevaluación del Drug Court

La autoevaluación del drug Court no es un examen. Este no es para obtener una nota. Su evaluación no será comparada con otras para determinar qué tribunal es "mejor". Según se destaca en la publicación *Defining Drug Court: The Key Components*, no todas las jurisdicciones tendrán los componentes que sean los perfectos "diez". Los componentes medulares están diseñados para servir de guía, definiendo las mejores prácticas, diseños y operaciones de drug courts. Por tanto, los resultados de su autoevaluación no deben ser vistos como un fracaso donde no se alcanza el nivel estándar (benchmark), sino que los mismos deben ser vistos como una oportunidad desde la cual usted puede mejorar, teniendo los recursos adecuados y considerando las realidades organizacionales en su jurisdicción.

Si usted no conoce la contestación al enunciado y, por tanto, no puede cualificarlo, debe marcarlo con un "uno". Obviamente, esto le motivará a encontrar una contestación. Sea sincero en sus respuestas.

La autoevaluación del drug Court fue diseñada como una herramienta para asistir, no como una medida de adecuación. La autoevaluación tiene el propósito de orientar a los funcionarios de las diversas áreas en el drug Court de manera que puedan concentrarse en mejorar el programa. Utilice la evaluación según está diseñada.

William G. Meyer  
Juez de Distrito

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## LA INFORMACIÓN PERSONAL

(1) Nombre: \_\_\_\_\_

(2) Región

Arecibo

Bayamón

Carolina

Guayama

Ponce

San Juan

(3) Profesión

Abogado

Administración de Corrección-Supervisor

Administración de Corrección-Tecno Socio Penal

Agente de la Policía

Alguacil

Coordinador-Programa Drug Court

Fiscal

Juez

TASC-Area de Cernimiento

TASC-Supervisor

TASC-Coordinador

La facilidad del tratamiento.

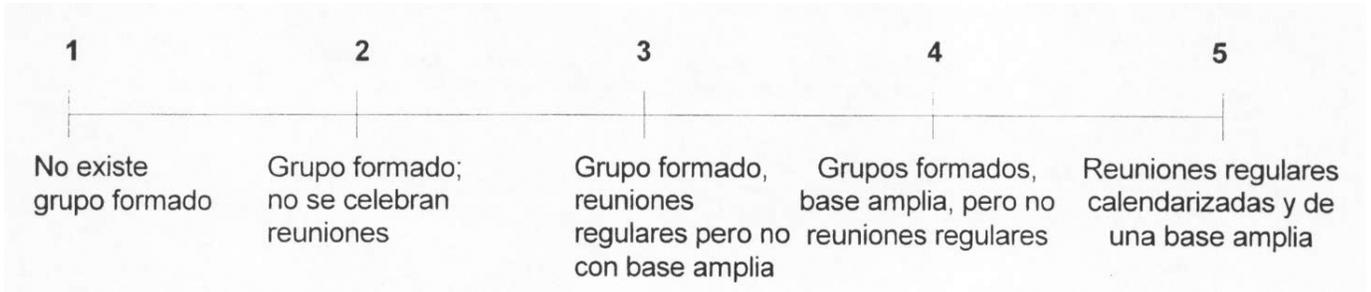
El nombre de la facilidad del tratamiento: \_\_\_\_\_

(4) ¿Cuán largo lo tiene trabajó con el Drug Court? \_\_\_\_\_

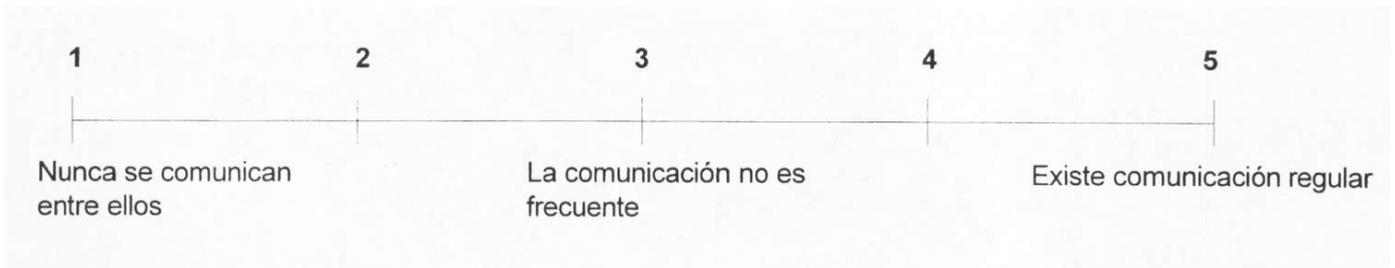
# COMPONENTE MEDULAR # 1

## Los drug courts integran servicios de tratamiento al uso de alcohol y sustancias con el manejo de casos del sistema de justicia

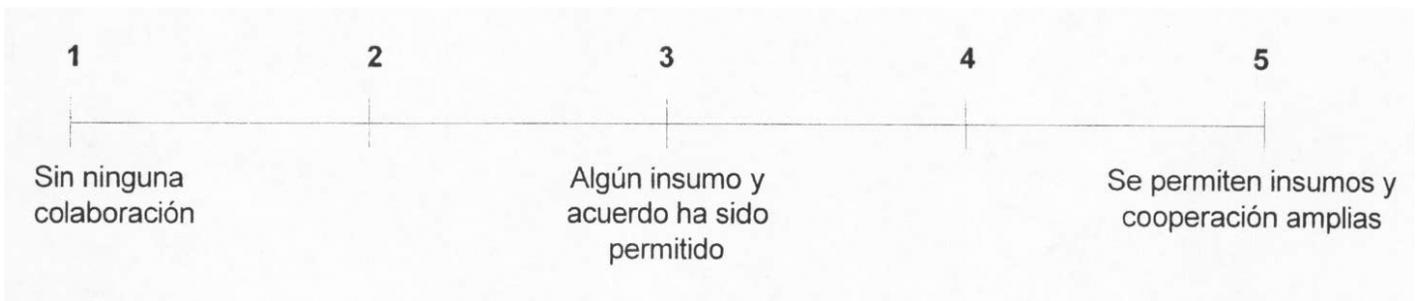
A. La planificación inicial y posterior es llevada a cabo por un grupo de base amplia que se reúne regularmente.



B. El tribunal y los proveedores de tratamiento mantienen una comunicación continua sobre los problemas que surgen.



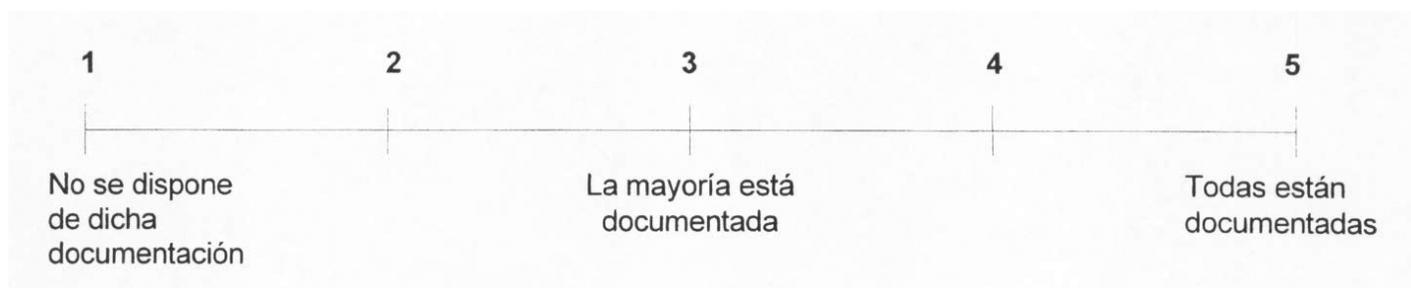
C. La misión, objetivos, los procedimientos operacionales de los criterios de elegibilidad e indicadores de ejecución son desarrollados y definidos de forma cooperativa.



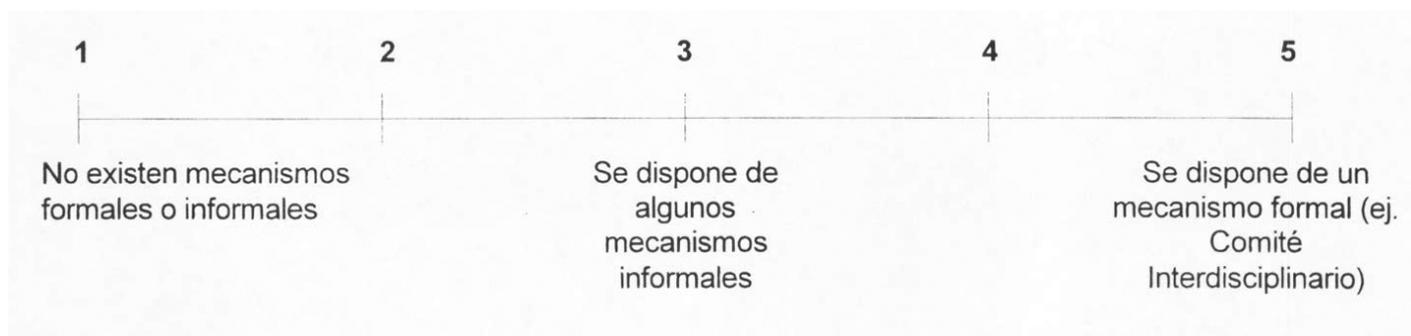
# COMPONENTE MEDULAR # 1

## continuación

D. Se dispone de documentos que detallan la misión, metas, criterios de elegibilidad, procedimientos operacionales e indicadores de ejecución.



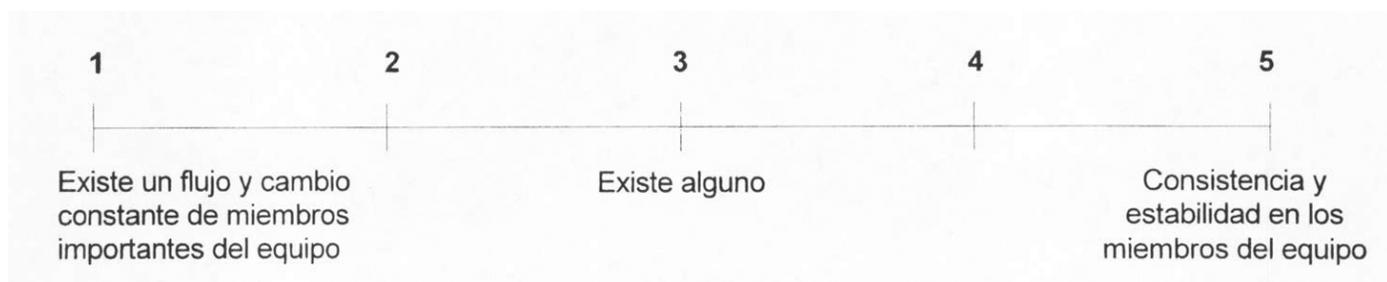
E. Existen mecanismos para la toma de decisiones conjunta y la resolución de conflictos entre los miembros del equipo del drug court.



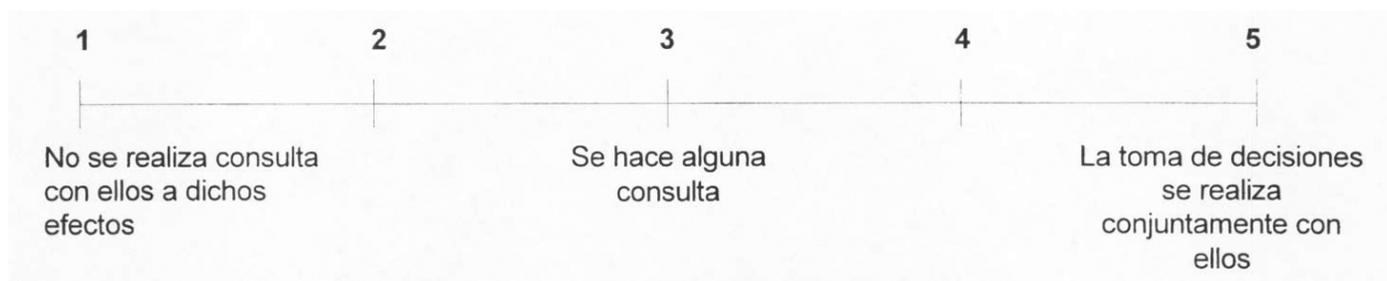
## COMPONENTE MEDULAR # 2

### Mediante la utilización de un enfoque no adversativo, la fiscalía y la defensa promueven la seguridad pública mientras se protegen los derechos emanados del debido proceso a los participantes

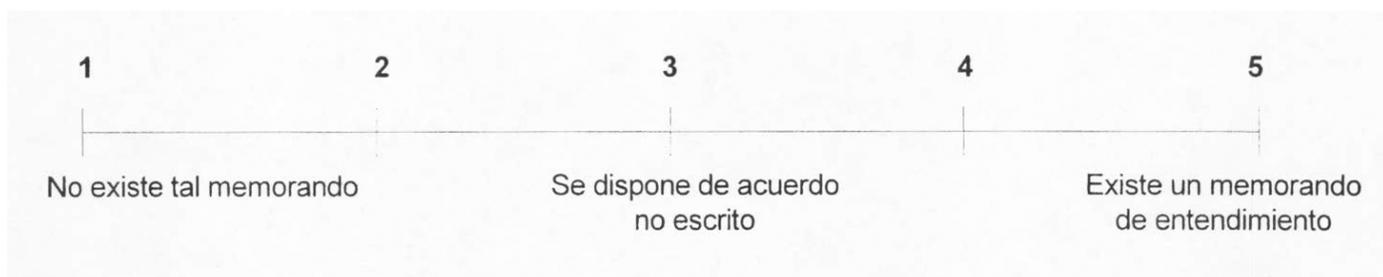
- A El Ministerio Público, la defensa y el Juez son asignados al drug court durante el tiempo suficiente para asegurar el establecimiento de un equipo, su estabilidad y consistencia.



- B Los fiscales y los abogados de defensa participan en el diseño del programa, sus criterios de elegibilidad y la política de manejo de casos y procedimientos.



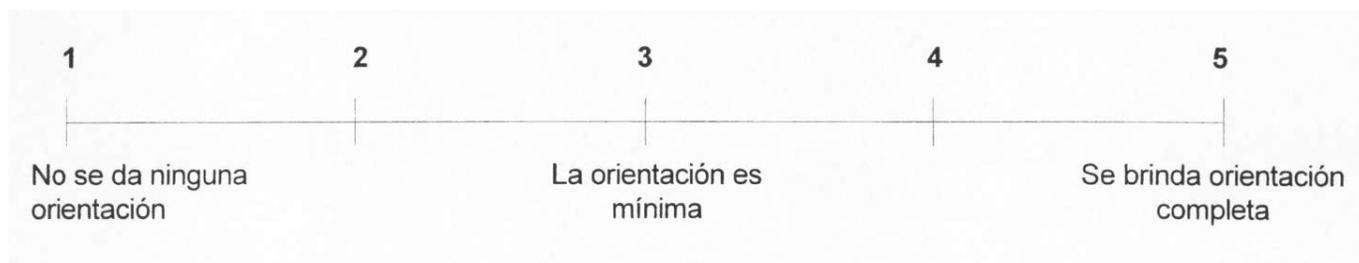
- C Los fiscales y los abogados de defensa disponen de un memorando de entendimiento con relación a las admisiones sobre uso de sustancias de los participantes durante las vistas en corte.



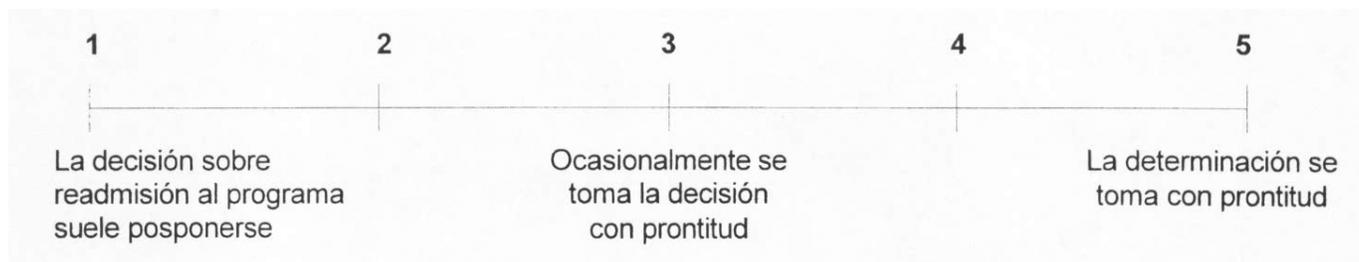
## COMPONENTE MEDULAR # 2

### continuación

- D. Los abogados de defensa explican a los imputados sobre el concepto del drug court y sus procedimientos y les orientan sobre acciones alternas incluyendo el tratamiento y los beneficios del estado de sobriedad.



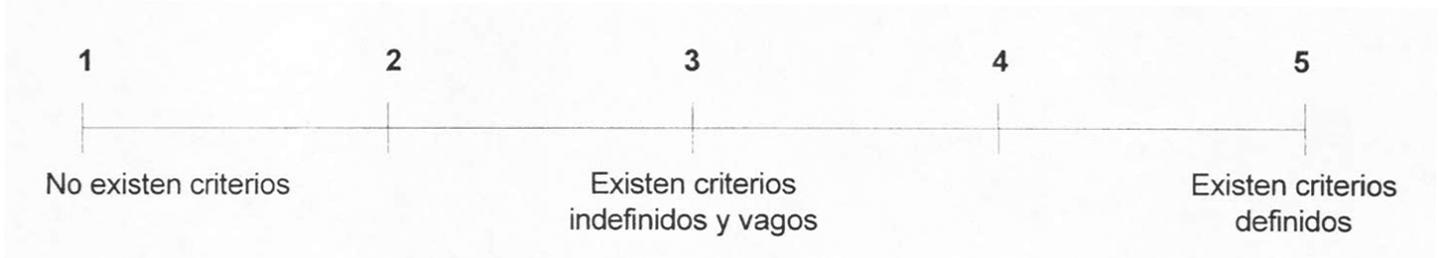
- E. La fiscalía determina con prontitud la elegibilidad y los participantes dentro de una estrategia coordinada para responder al uso de sustancias.



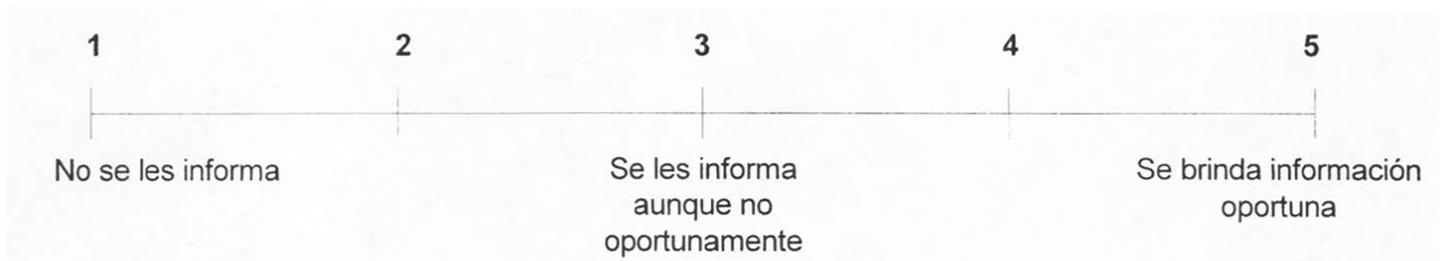
## COMPONENTE MEDULAR # 3

### Los candidatos elegibles son identificados anticipadamente y son ubicados oportunamente en el programa

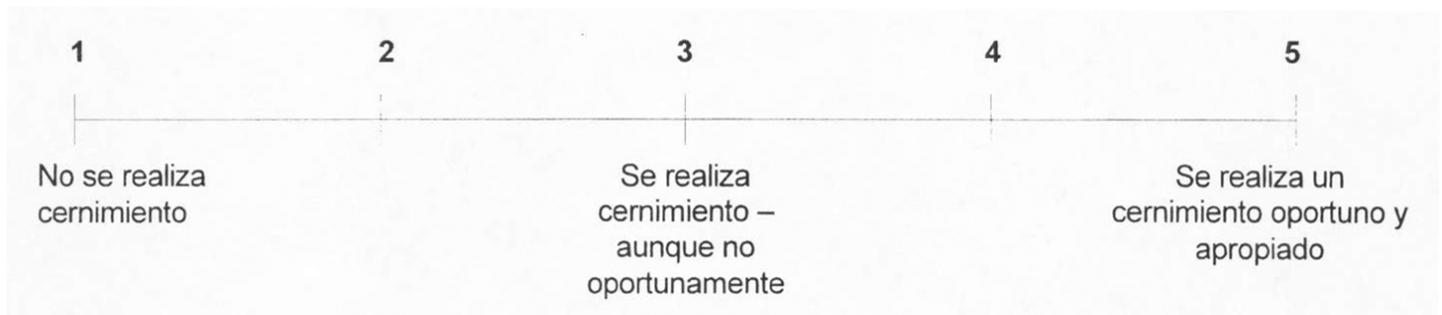
- A. El cernimiento para elegibilidad está basado en criterios escritos y el personal del sistema de justicia realizan el cernimiento para el referido.



- B. Los candidatos elegibles son informados oportunamente sobre los requisitos del programa y los méritos de su participación en el mismo.



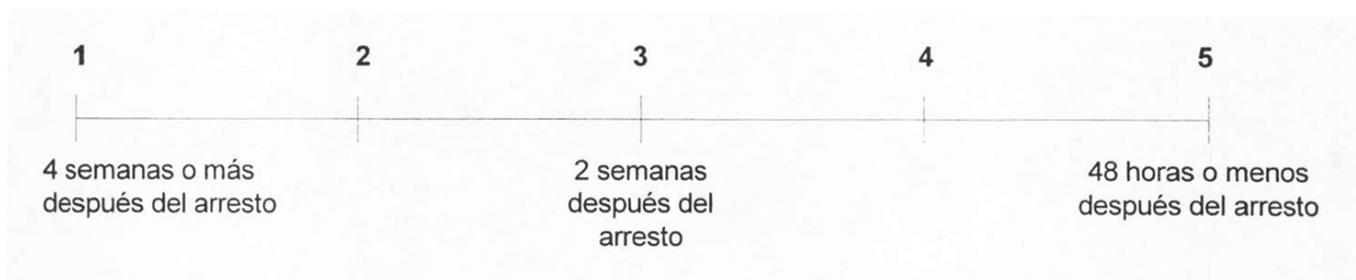
- C. Profesionales adiestrados realizan el cernimiento de candidatos sobre problema de uso de sustancias y el tratamiento adecuado.



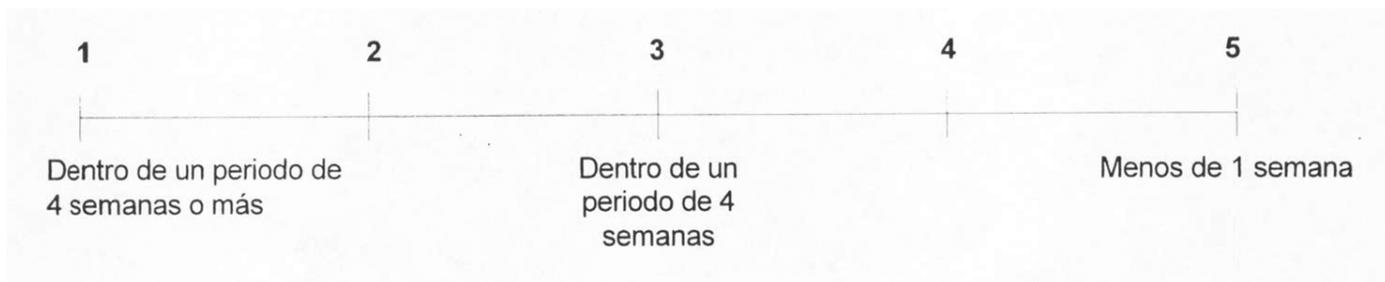
## COMPONENTE MEDULAR # 3

### continuación

D. La comparecencia ante el Juez de drug court ocurre inmediatamente después del arresto o aprehensión.



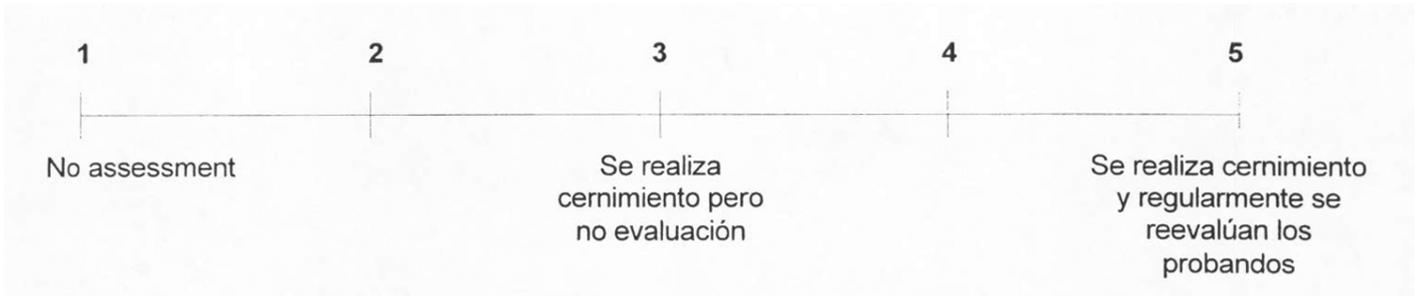
E. El tribunal requiere que los candidatos elegibles sean aceptados inmediatamente a servicios de tratamiento.



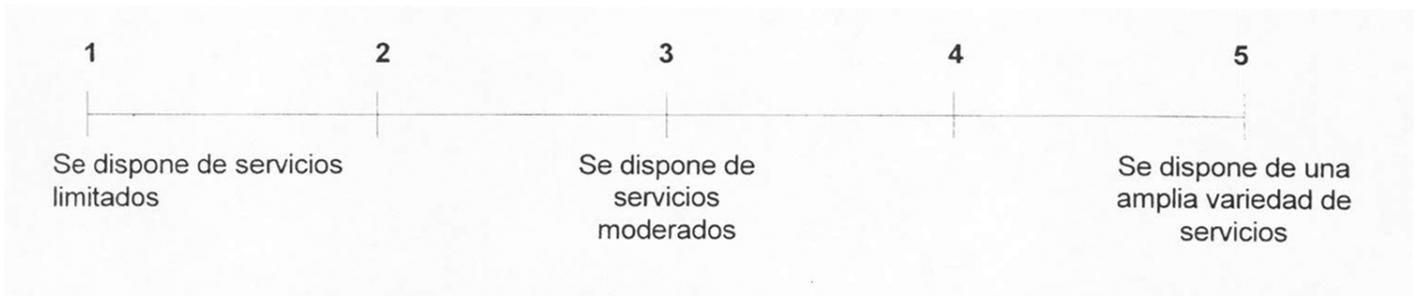
## COMPONENTE MEDULAR # 4

### Los drug courts proveen acceso a una amalgama de servicios de tratamiento de abuso de sustancias y servicios de rehabilitación relacionados

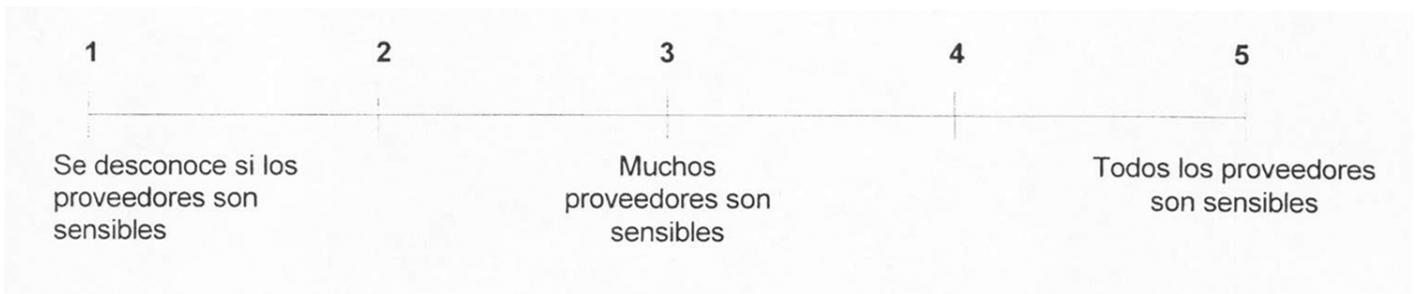
- A. Los participantes son sometidos inicialmente a cernimiento y posteriormente son sometidos a evaluaciones periódicas para armonizar el nivel de adicción con el tipo de tratamiento.



- B. Los servicios de tratamiento son amplios e incluyen la detoxificación, educación, servicios ambulatorios, residenciales, grupos terapéuticos, etc.



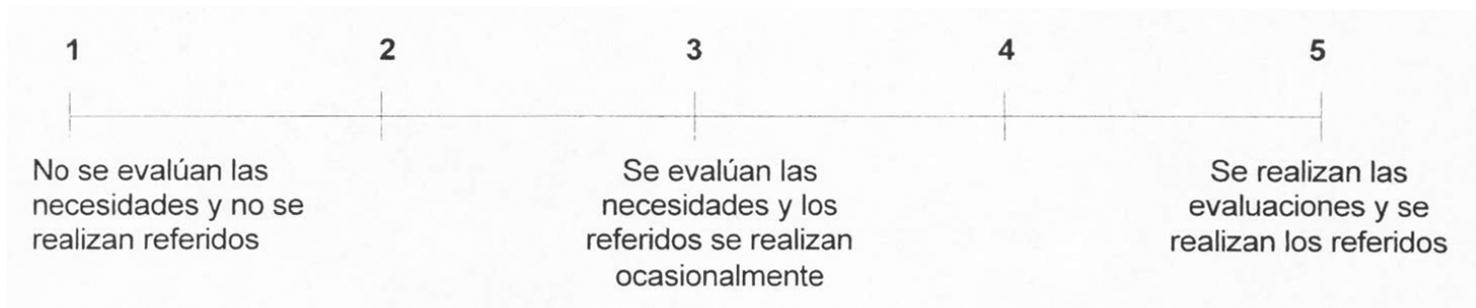
- C. El diseño de tratamiento y los sistemas para la provisión del mismo son sensibles y relevantes a aspectos relacionados a la raza, religión, género, edad, origen étnico y orientación sexual.



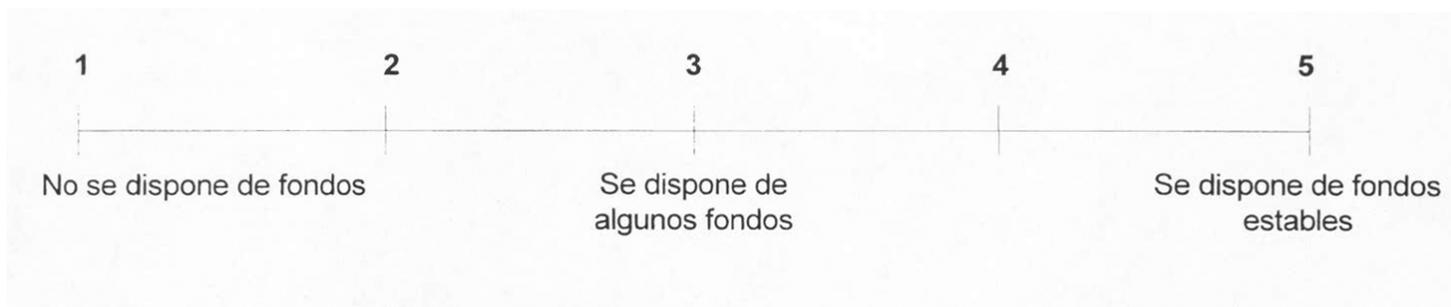
## COMPONENTE MEDULAR # 4

### continuación

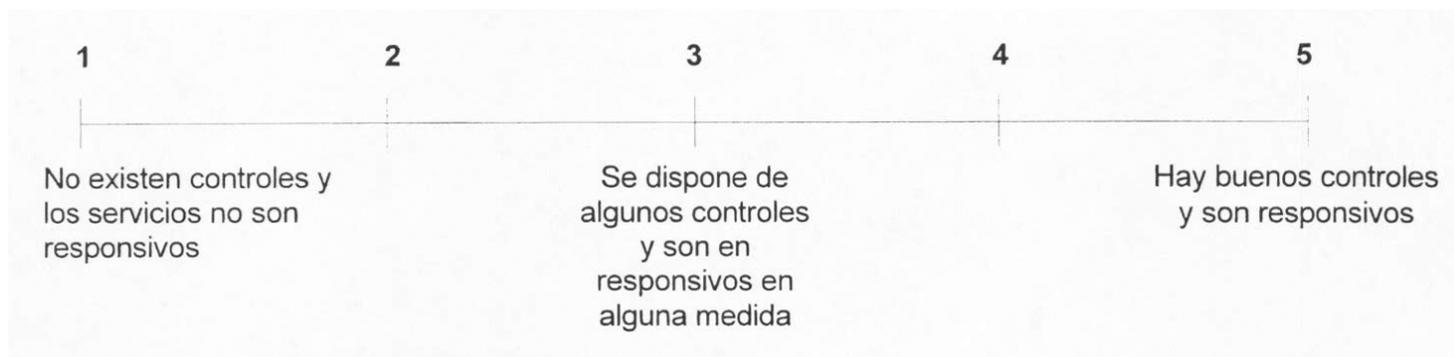
D. El referido a servicios auxiliares (vivienda, adiestramiento vocacional y académico, servicios sociales, ubicación en empleo, etc.) y servicios especiales (salud mental, cuidado prenatal, etc.) está disponible.



E. Los fondos para el tratamiento es adecuado, estable y dedicado al drug court.



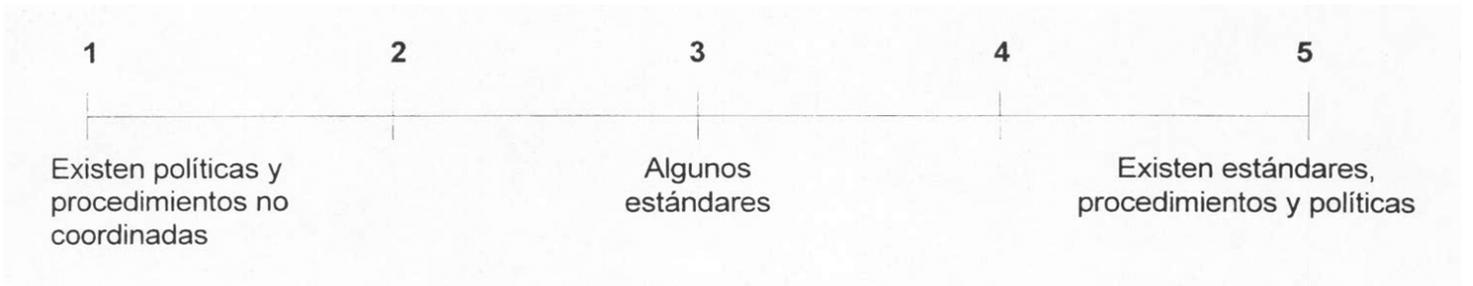
F. Los servicios de tratamiento tienen controles de calidad y son responsivos.



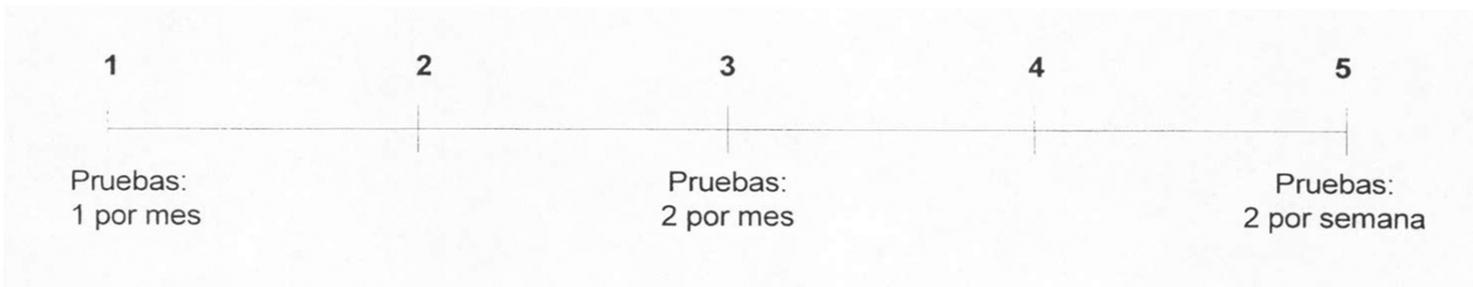
## COMPONENTE MEDULAR # 5

### La abstinencia es monitoreada por frecuentes pruebas de uso de alcohol y otras sustancias desordenado

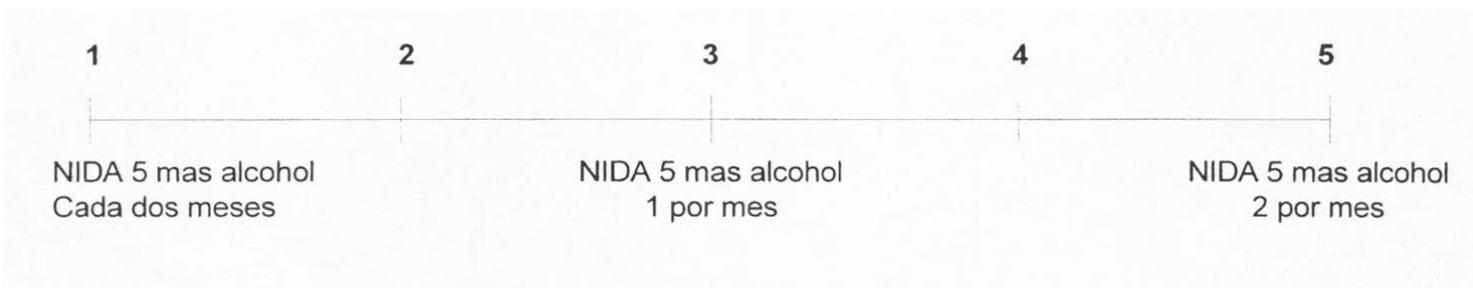
A. Las políticas sobre pruebas de uso de sustancias están basadas en guías establecidas tales.



B. Se realizan pruebas al azar de no menos de dos por semana inicialmente, reduciéndose según la abstinencia.



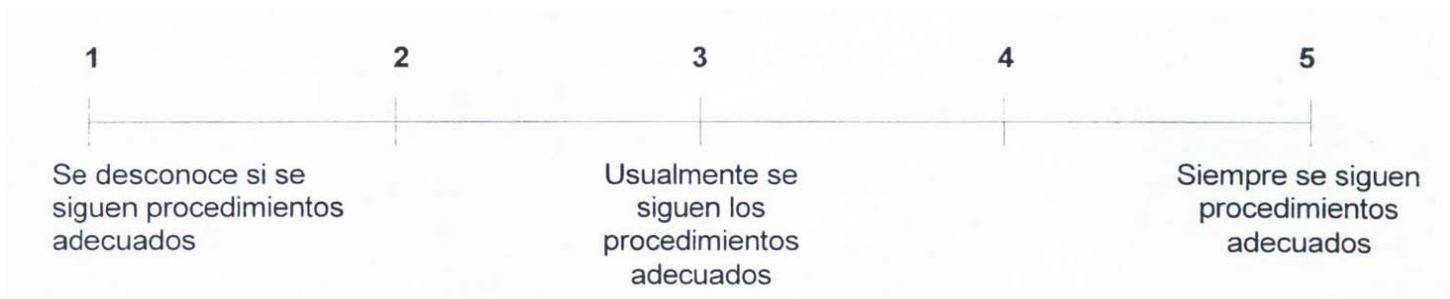
C. El alcance de las pruebas es lo suficientemente amplio para detectar drogas adictivas incluyendo el alcohol.



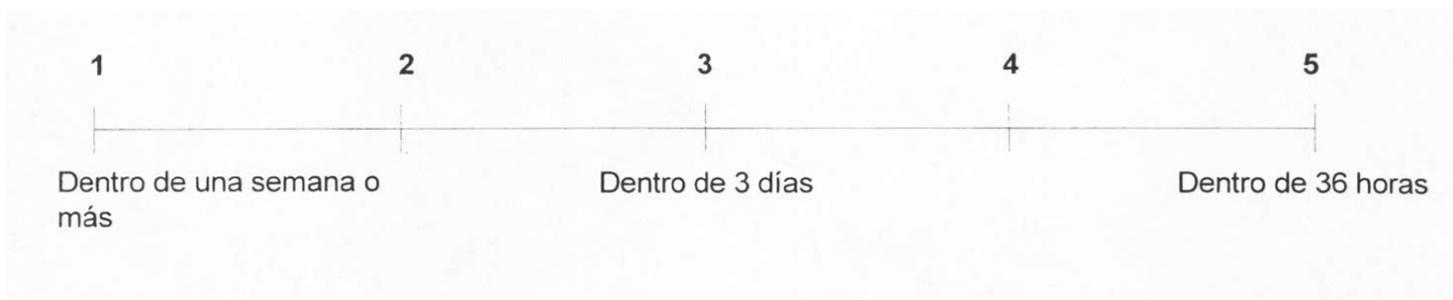
## COMPONENTE MEDULAR # 5

### continuación

D. Se siguen procedimientos estándares para la recolección de muestras y pruebas para asegurar la confiabilidad de los resultados.



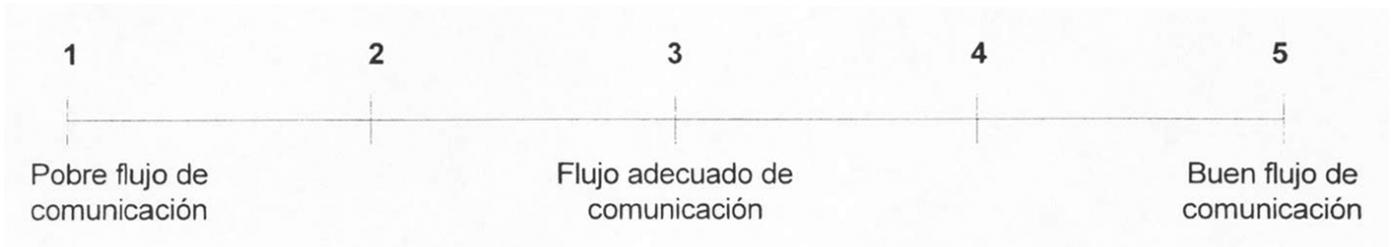
E. El tribunal es inmediatamente notificado cuando el participante da positivo, se adultera la prueba o no se somete a ésta.



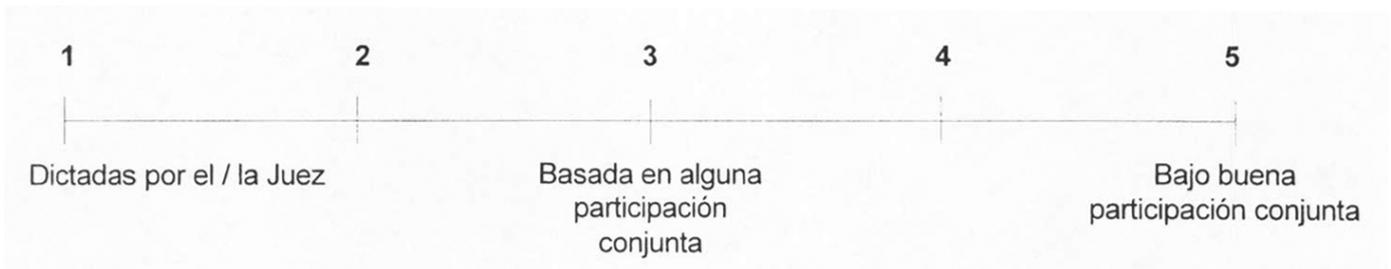
## COMPONENTE MEDULAR # 6

### Las respuestas del drug court al acatamiento de los participantes son orientadas por una estrategia coordinada

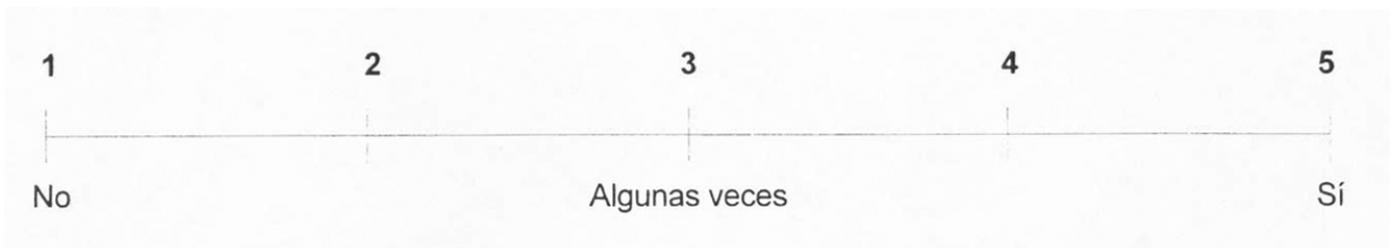
- A. El equipo del drug court mantiene una comunicación frecuente para proveer información oportuna sobre progreso y recaídas para habilitar al tribunal a responder inmediatamente



- B. Las sanciones son desarrolladas en conjunto y son impuestas previa consulta con los miembros del equipo.



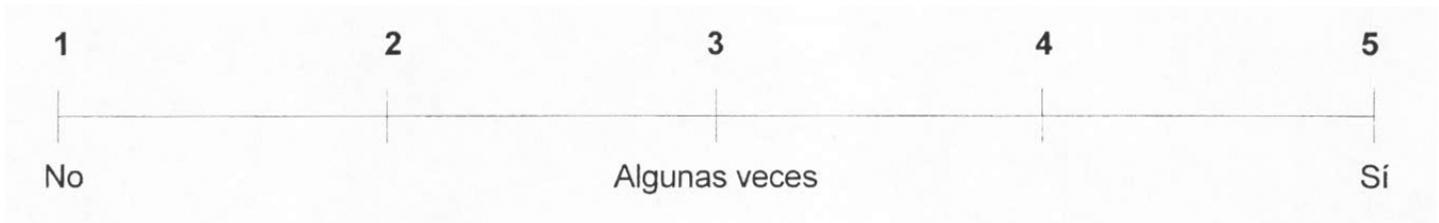
- C. Las sanciones impuestas son graduales y proporcionales a la recaída u ofensa.



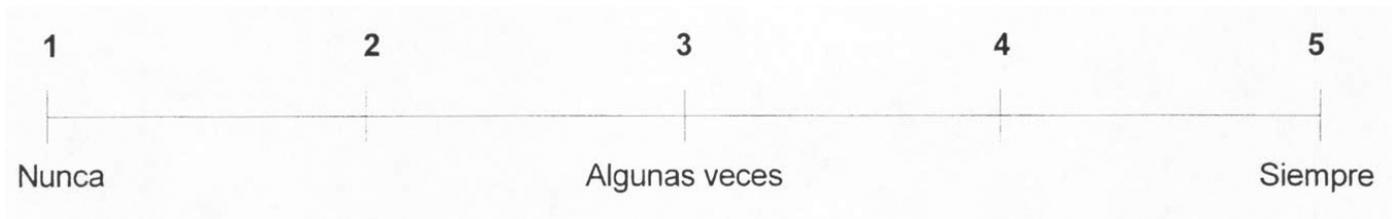
## COMPONENTE MEDULAR # 6

### continuación

D. El acatamiento de los requisitos del programa es recompensado.



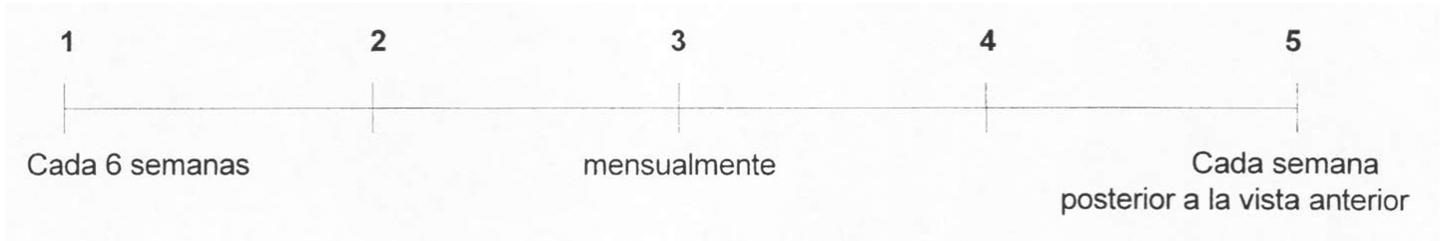
E. Las consecuencias por el acatamiento o la infracción al régimen del programa es explicado de forma clara al participante antes de su admisión de manera que éste tenga claras sus expectativas.



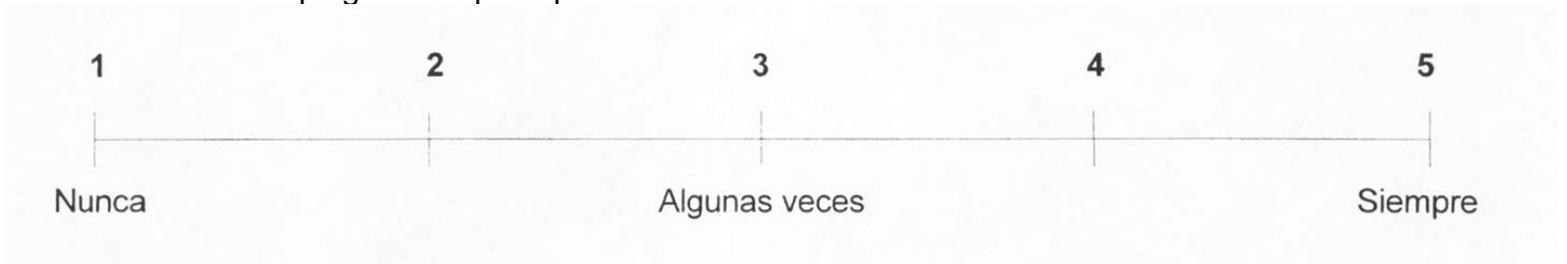
## COMPONENTE MEDULAR # 7

### La interacción judicial continua con cada participante del programa es esencial

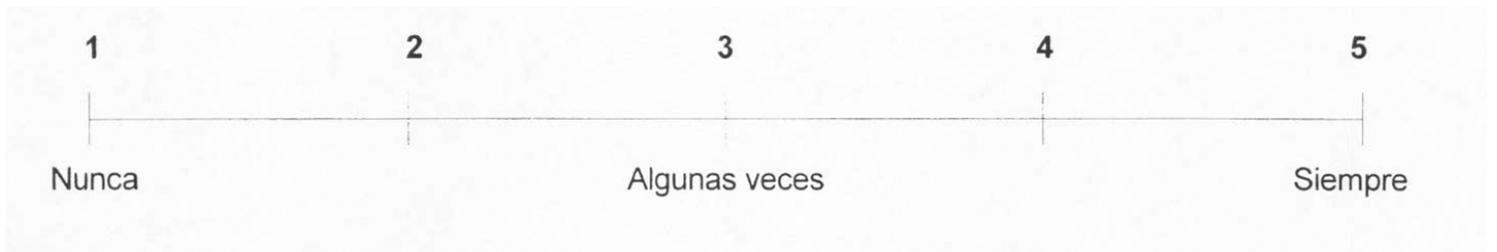
- A. Las vistas de seguimiento son utilizadas con regularidad para monitorear el progreso de los participantes.



- B. El intervalo entre las vistas de seguimiento varía según los protocolos de tratamiento y el progreso del participante.



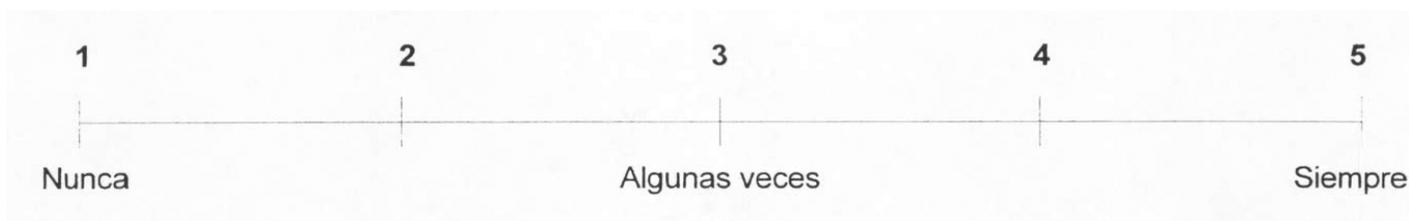
- C. La interacción tribunal / participante demuestra a los participantes que observan en sala, mientras esperan su turno, los beneficios de acatar las condiciones del programa y las consecuencias del incumplimiento de las mismas.



## COMPONENTE MEDULAR # 7

### continuación

D. El tribunal aplica las sanciones e incentivos apropiados para complementar el progreso durante el tratamiento.



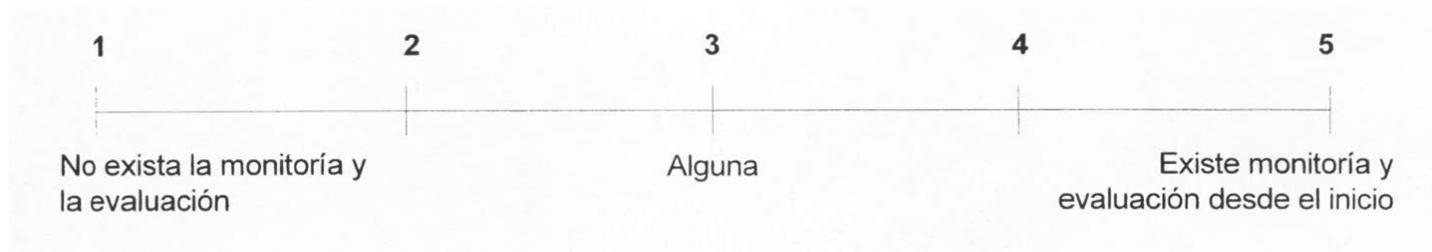
E. La graduación es reconocida como un logro significativo.



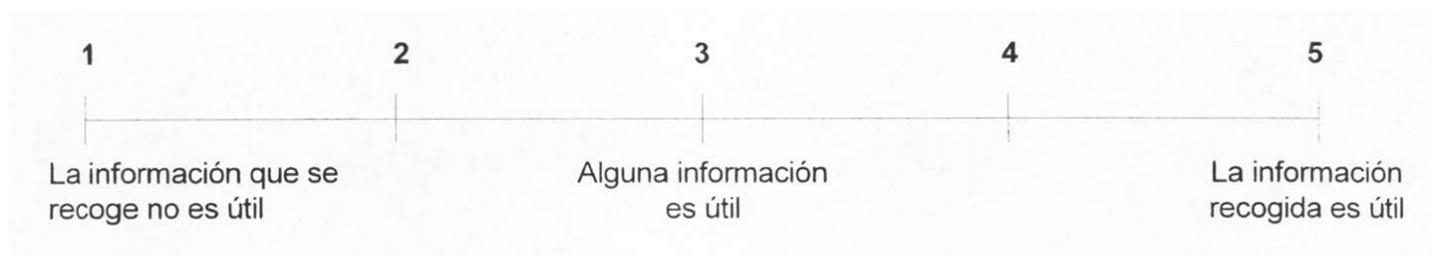
## COMPONENTE MEDULAR # 8

### La monitoría y la evaluación miden el logro de las metas programáticas y determina la efectividad

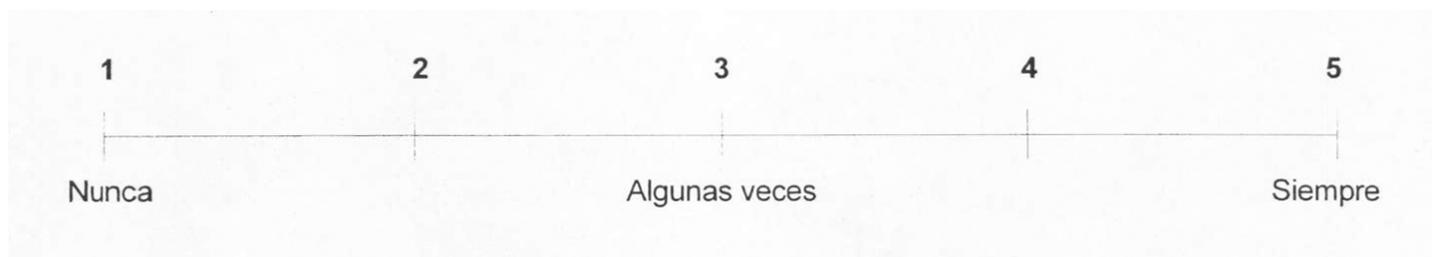
- A. Los procesos de monitoría y evaluación comienzan en la etapa de planificación y se continúa con los mismos luego de dicha etapa.



- B. La monitoría y manejo de la información están configurados en un formato útil para su examen regular por los líderes, directores y evaluadores del programa.



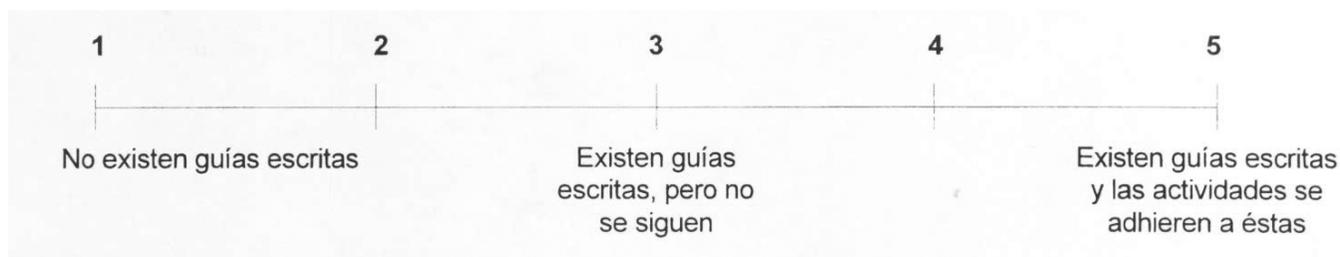
- C. Los directores y líderes del programa revisan periódicamente la información de monitoría y administrativa para analizar la efectividad del programa, modificar las operaciones y refinar sus metas.



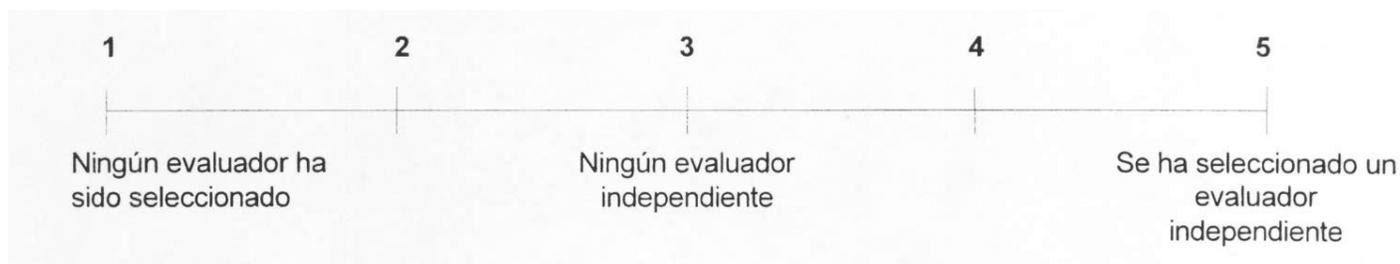
## COMPONENTE MEDULAR # 8

### continuación

D. Existen guías escritas y las mismas son seguidas para proteger la confidencialidad y la transmisión no autorizada de información personal.



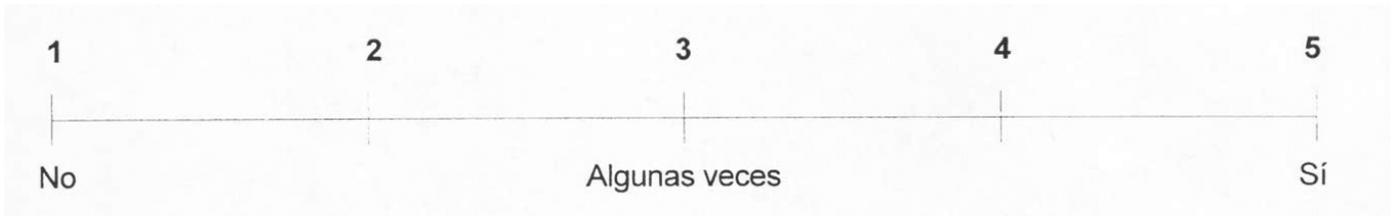
E. Un evaluador no independiente o uno independiente ha sido seleccionado y una evaluación está en progreso.



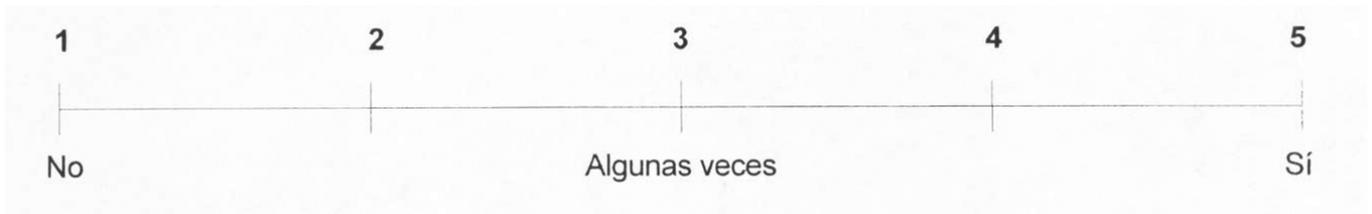
## COMPONENTE MEDULAR # 9

### La educación interdisciplinaria y continua promueve la efectividad del drug court en sus fases de planificación, implantación y operación

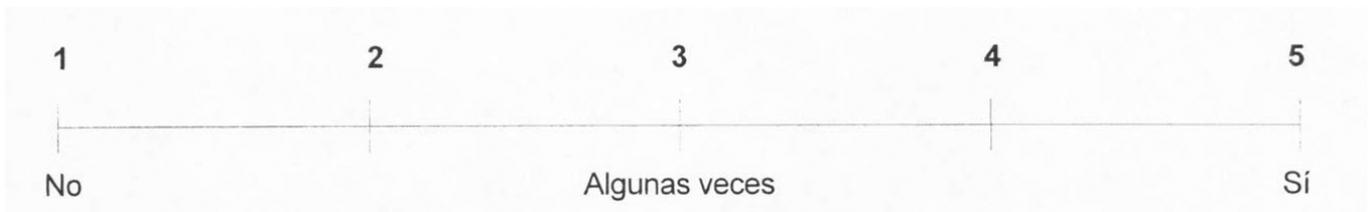
A. Personal clave ha participado en adiestramientos sobre los procedimientos operacionales y escritos del drug court.



B. Los adiestramientos interdisciplinarios son frecuentes para el personal nuevo y el experimentado.



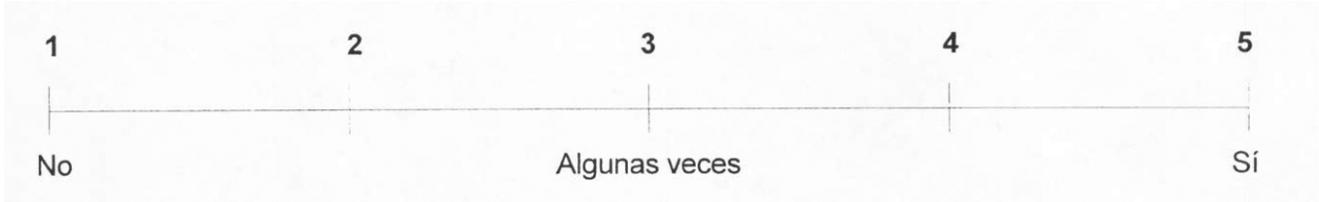
C. El Juez, el abogado, el fiscal, los técnicos (Sociopenales y de TASC) y el enlace de la Policía han recibido adiestramiento en adicción y tratamiento de abuso de sustancias.



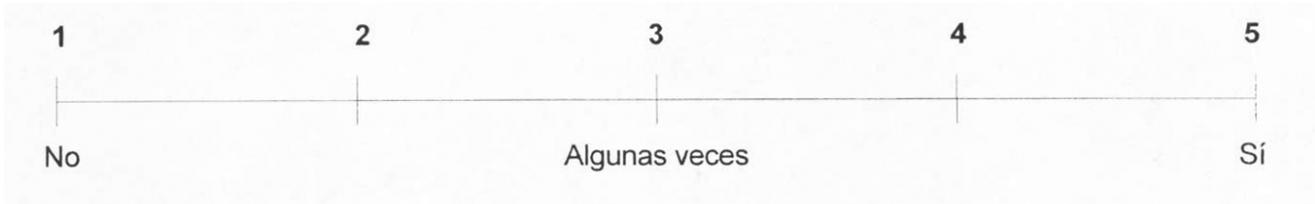
# COMPONENTE MEDULAR # 9

## continuación

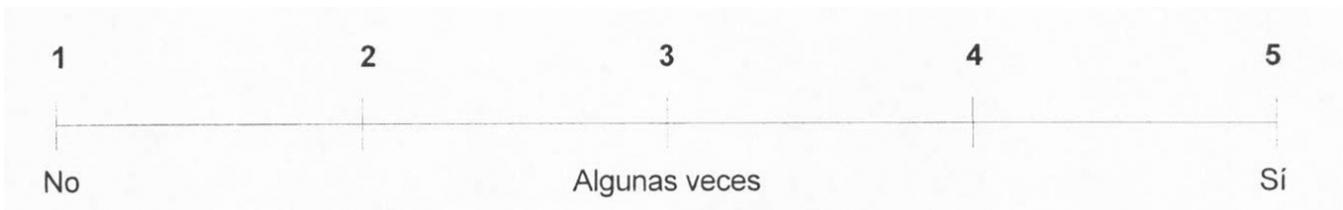
D. El desarrollo de equipos es parte del proceso regular de adiestramiento.



E. Todo el personal, incluyendo el Grupo Coordinador del Drug Court, ha recibido adiestramiento sobre diversidad cultural.



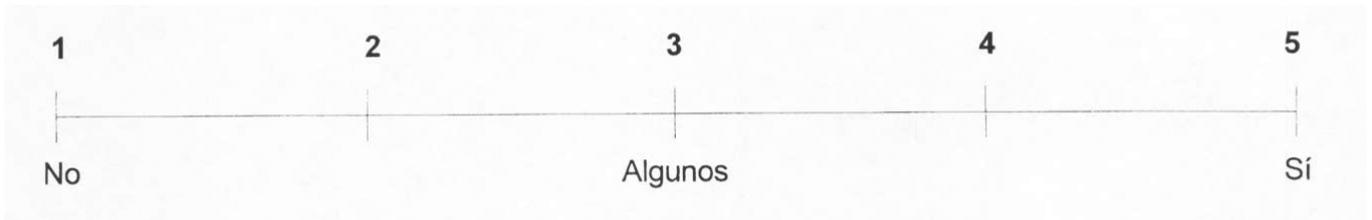
F. El drug court dispone de un currículo educacional el cual es actualizado para proveer sobre cualquier avance o necesidad relacionados.



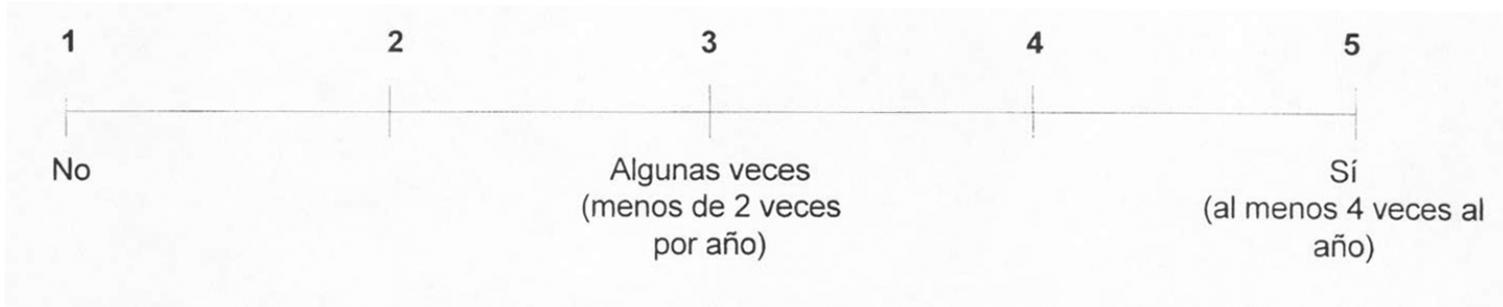
## COMPONENTE MEDULAR # 10

### El desarrollo de alianzas entre los drug courts, las agencias públicas y las organizaciones de base comunitaria genera respaldo local y fortalece la efectividad del drug court

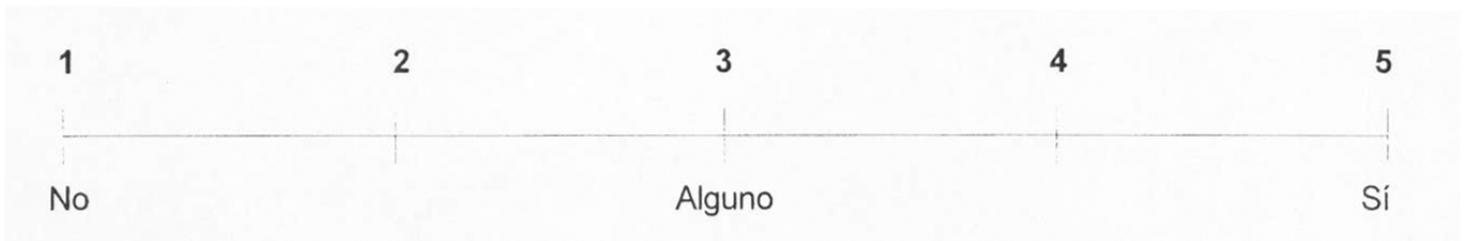
- A. El drug court posee enlaces apropiados con la comunidad policial para proveer apoyo para el programa y la monitoría de los participantes.



- B. Los representantes del tribunal, la comunidad, el tratamiento, salud y las agencias relacionadas a la justicia criminal se reúnen regularmente para dar dirección al programa de los drug courts.



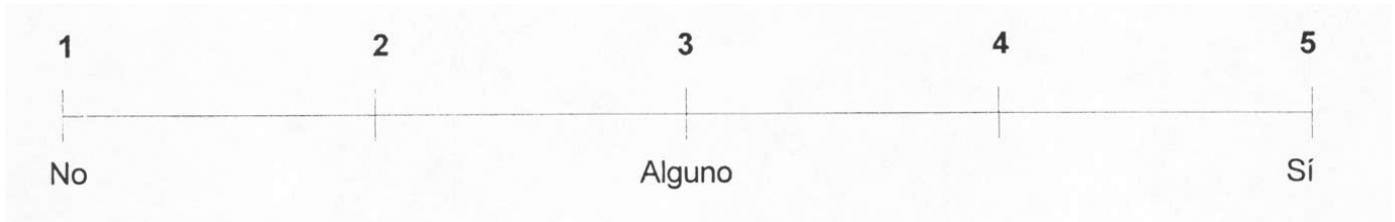
- C. El drug court dispone de personal profesional que refleja la diversidad de la población servida.



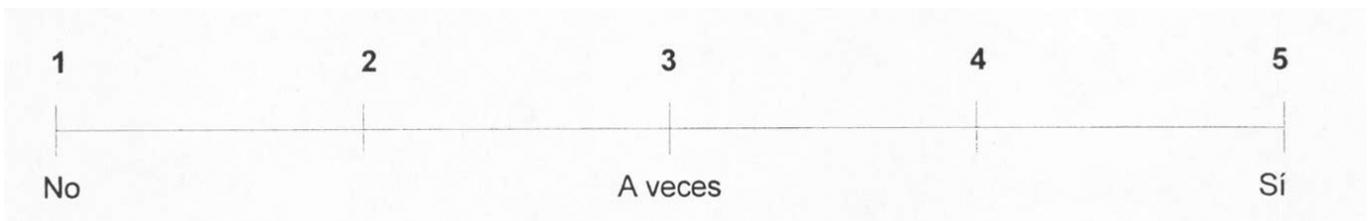
## COMPONENTE MEDULAR # 10

### continuación

D. El drug court tiene material para la prensa y provee oportunidades para relacionarse con la comunidad a través de foros y reuniones informativas.



E. La participación del público y organizaciones privadas y de base comunitaria está formalizada mediante un comité timón.



## **APPENDIX E**

### **SAMPLE JOB DESCRIPTION GENERAL DRUG COURT COORDINATOR**

# **Sample Drug Court Coordinator Job Description**

## **Definition of Work**

This is a highly responsible administrative and supervisory work in coordinating the activities of the drug court.

Work involves planning, organizing, coordinating and monitoring the activities of the drug court as well as overseeing the operational and day to day activities of the Office of the Drug Court Coordinator. Responsibilities include development of policies and procedures, training, conferences, salary administration, grant writing and supervision of 10 employees. Also responsible for hiring all employees in the Office of the Drug Court Coordinator. Work is performed with considerable independence for technical and administrative judgement.

### **Distinguishing Factors**

This position serves as the administrator for the drug court and as such, work is performed with wide latitude for professional judgement in making policy and operational decisions. Work is reviewed by the drug court judge through conferences and reports. Also delegated a variety of responsibilities related to program and staff development, public relations of the drug court, as well as monitoring budgets, approving expenditures and preparing quarterly reports to all funding sources.

### **Examples of Work Performed**

Position may not include all the duties listed, not do the examples cover all the duties which may be performed.

Plans, implements, administers and monitors the personnel system of the office. Maintains administrative and technical responsibility for establishing the goals and objectives of the drug court.

Directly supervises case managers, support staff and volunteer employees in the office of the drug court coordinator. Plans, directs and evaluates the work of the professional and support staff in the office. Confer with staff on intake and case work techniques.

Coordinates and approves expenditures for the Office of the Drug Court Coordinator and drug court. Identifies training needs and organizing trainings to address those needs.

Organizes and coordinates trainings for treatment providers, judge and office of the drug court coordinator. Identifies consultants for trainings and plans accordingly. Maintains cooperative relationships with treatment community and probation department. Attends conferences, meetings and member of various committees as drug court representative.

Consults with the drug court judge on a wide range of micro and macro organizational and managerial issues including but not limited to enhance overall drug court efficiency, internal and external quality assurance.

Maintains quality control and treatment providers through a variety of activities.

Directs the maintains of an accounting and auditing system with respect to grant funds.

Writes grant proposals, plans and prepares budgetary estimates and justifications.

Performs related work as required.

### **Knowledge, Skills and Abilities**

Considerable knowledge of drug court organization, functions, responsibilities and procedures.

Ability to organize, direct and coordinate the administrative activities of the drug court.

Ability to analyze, appraise and assess problematic situations and intervene appropriately.

Considerable knowledge of treatment modalities, crisis intervention and treatment resources in Denver.

Knowledge of resources for special populations and practices experiences working directly with special populations.

Considerable knowledge of criminal justice system.

Ability to work independently or in conjunction with others and organize, direct, coordinate and supervise the activities of the subordinates.

Ability to make key administrative and management decisions, as well as express ideas clearly and concisely, both orally and in writing.

### **Minimum Qualifications**

Graduation from an accredited Master's program in public administration, business administration, public health, health administration, criminal justice, sociology, social work, psychology or a related field. Prefer at least 3 years of experience in working in a drug court and either training or certification in addictions. Previous experience in working with special populations a must as well as a minimum of three years of experience working in administrative, management and supervisory capacity.

*<http://www.nadcp.org/coordinators/jobDescription.html>*

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