



DRUG OFFENDER REFORM ACT (DORA)

SOCIAL SERVICES AND EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEES
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ISSUE BRIEF

SUMMARY

This brief provides an overview of the *Drug Offender Reform Act* (DORA) program, including recently updated University of Utah Criminal Justice Center 2012 Recommendations. The base budget for the DORA program is \$3,479,000. The Governor's budget recommendation for FY 2014 does not include any new funding for the DORA program. The fiscal analyst recommends the approval of one item of intent language.

LEGISLATIVE ACTION

1. The fiscal analyst recommends the Subcommittee adopt the following intent statement regarding the *Drug Offender Reform Act* (DORA) program for FY 2014: *The Legislature intends the DORA (Drug Offender Reform Act) Oversight Committee report to the Office of the Legislative Fiscal Analyst by September 1, 2013 regarding its accomplishments in response to the strategies recommended by the Utah Criminal Justice Center to strengthen the program in its November 2011 Drug Offender Reform Act: DORA Statewide Report (and reiterated in its November 2012 report). The DORA Oversight Committee's plan for adopting these strategies is outlined in its September 1, 2012 DORA Program Report to the Office of the Legislative Fiscal Analyst.*

OVERVIEW

The *Drug Offender Reform Act* (DORA) began as a three year pilot program in 2005 but was expanded statewide in 2007 prior to the completion of the pilot study. DORA is intended to provide selected felony offenders with drug treatment and increased community supervision in an effort to reduce the costs associated with future criminal behavior. The Legislature initially appropriated \$1,418,000 over three years for the DORA pilot and subsequently appropriated \$9,000,000 for the statewide program in FY 2009. As a result of a subsequent downturn in state revenues, the DORA program was reduced to a modified implementation in only six of the 13 local substance abuse authority areas (LSAAs) from FY 2010 through FY 2012. In FY 2013, the Legislature appropriated \$3,479,000 in ongoing funding for DORA, which included \$551,400 in new funds for treatment of probationers. This additional funding allowed the inclusion of two additional local substance abuse authority areas, so that eight of the 13 LSAs are now implementing DORA. The Governor's budget recommendation for FY 2014 does not include any new funding in addition to the base budget amount of \$3,479,000 for the DORA program.

UNIVERSITY OF UTAH CRIMINAL JUSTICE CENTER 2012 RECOMMENDATIONS

The University of Utah Criminal Justice Center (CJC) conducts an annual evaluation of DORA program implementation and outcomes. Based upon its 2012 findings, the CJC recommends the following to strengthen the program:

1. Examine ways to improve outcomes for high risk offenders (higher Level of Service Inventory [LSI] score, younger age, requiring higher treatment intensity);
2. Begin serving a parolee population again if funding becomes available ("bang for buck" is greatest with higher risk offenders, and parolees are the highest risk);
3. Maintain the high quality of supervision intensity and access to treatment; and
4. Continue to implement strategies to increase time in treatment and likelihood of completion.

DORA HISTORY AND BACKGROUND

Approximately 75 to 80 percent of Utah's prison population has a drug abuse problem related to their criminal behavior. In an attempt to focus on the root cause of the crime, not the crime itself, the Utah Legislature approved the *Drug Offender Reform Act* (DORA). DORA began as a three year pilot program in 2005 but was expanded statewide in 2007 prior to the completion of the pilot study. DORA was intended to provide judges with substance abuse assessments and recommendations for appropriate treatment for those convicted of felonies. All eligible felons were to be assessed. This was to allow for "smarter" sentencing and the ability to provide selected felony offenders with drug treatment and

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increased community supervision in order to reduce the costs associated with future criminal behavior. The purpose of the initial pilot program was to assess the impact and effectiveness of providing substance abuse screening, assessment, treatment services, and enhanced supervision to felony offenders. The pilot was a collaborative effort between treatment providers, Adult Probation and Parole, and judges. These three groups screen, assess, treat, supervise, and impose sentencing according to the treatment needs of offenders with substance abuse problems. The goals of DORA are to promote public safety, decrease substance abuse and related crime and recidivism, and integrate treatment services with supervision.

HISTORY OF DORA FUNDING

The Legislature initially appropriated \$1,418,000 to operate the DORA Pilot Program. When the DORA program was established in statute in 2007, the Legislature appropriated \$8,000,000. For FY 2009, the DORA program was initially appropriated \$9,000,000 with the majority of the funding being distributed to the Department of Human Services (\$5.4 million) to provide treatment services and to the Department of Corrections (\$3.4 million) for supervision of clients. As state revenues began to decline, the Legislature removed most of the ongoing funding for DORA, reducing the implementation to only six of the 13 local substance abuse authority areas in the state (four with both treatment and supervision funding and two with treatment funding only) and funded DORA for FY 2010 and FY 2011 primarily with one-time funds totaling approximately \$3,000,000. The Division of Substance Abuse and Mental Health requested \$1,960,400 ongoing funding to continue providing treatment for DORA participants in FY 2012 at FY 2010 and FY 2011 levels. Without additional funding for FY 2012, DORA, as a state-funded program, would have ended on June 30, 2011. The Governor did not recommend continuation of the DORA program into FY 2012, but the Legislature appropriated a total of \$2,979,100 in ongoing funding for the program, with \$2,039,500 for the Division of Substance Abuse and Mental Health and \$888,100 for the Department of Corrections. The FY 2012 DORA appropriation was subsequently reduced to \$2,927,600, when the Courts cut \$51,500 DORA funding to address agency budget reductions. For FY 2013, the Legislature appropriated an additional \$551,400 in ongoing funding to the Division of Substance Abuse and Mental Health for treatment of probationers participating in DORA, for a final FY 2013 DORA appropriation of \$3,479,000 in ongoing funding. DORA funding history is demonstrated in the following table:

Drug Offender Reform Act (DORA) Appropriations History										
Agency	FY 2008 Ongoing Gen. Fund	(A) FY 2009 Ongoing Gen. Fund	FY 2010 Ongoing Gen. Fund	FY 2010 One-time Gen. Fund	FY 2011 Ongoing Gen. Fund	FY 2011 One-time Gen. Fund	FY 2012 Ongoing Gen. Fund	FY 2012 One-time Gen. Fund	FY 2013 Ongoing Gen. Fund	FY 2014 Gov. Rec. Ongoing Gen. Fund
Comm. on Criminal and Juv. Justice	24,000	27,000	19,500	-	-	-	-	-	-	-
Department of Corrections	3,039,600	3,419,500	-	948,000	-	888,100	888,100	-	888,100	888,100
Div. of Substance Abuse and Mental Health	4,850,000	5,456,300	83,300	2,009,400	79,100	2,060,400	2,039,500	100,000	2,590,900	2,590,900
Administrative Office of the Courts	50,400	56,700	-	55,000	-	51,500	0 (B)	-	-	-
Board of Pardons and Parole	36,000	40,500	-	-	-	-	-	-	-	-
Subtotal	8,000,000	9,000,000	102,800	3,012,400	79,100	3,000,000	2,927,600	100,000	3,479,000	3,479,000
TOTAL OF ALL APPROPRIATIONS	\$8,000,000	\$9,000,000		\$3,115,200		\$3,079,100		\$3,027,600	\$3,479,000	\$3,479,000

Source: Utah Substance Abuse Advisory Council
 Note: In FY 2008 and FY 2009, not all funds appropriated were expended due to phasing the program in as well as budget reductions.
 (A) - the Legislature initially appropriated \$9,000,000 for the DORA program for FY 2009. Subsequently, the Legislature reduced this appropriation. These reductions are reflected in the FY 2010 appropriations shown above.
 (B) - the Legislature initially appropriated \$51,500 for the Courts for DORA in FY 2012, but the Courts reduced this funding as part of their budget cutbacks.

Table 1

EFFECTIVENESS OF THE DORA PROGRAM

In its January 2009 audit of the DORA program, the Office of the Legislative Auditor General stated, “Ideally, program effectiveness should be judged over many years as data become available to know whether DORA participants are less likely to commit future crimes. However, early evidence does not demonstrate reduced criminal behavior. Therefore, it remains unknown whether the expected savings will be realized.” As of the November 2012 evaluation update [*Drug Offender Reform Act: DORA Statewide Report*, Utah Criminal Justice Center, November 2012], nearly all DORA participants

had exited supervision, with 44 percent of probationers and 34 percent of parolees exiting successfully. The 2012 evaluation update report summarizes its key findings as:

- The foundations of DORA continue to be related to positive outcomes (more frequent supervision, longer time in treatment, and treatment completion).
- Higher risk participants (higher LSI scores, younger age, and requiring higher levels of treatment) continue to have less successful outcomes.
- Treatment completers generally have better outcomes than non-completers.

CURRENT STATUS OF DORA

When reduced funding began in FY 2010, the Utah Substance Abuse Advisory Council approved a redesign proposal for DORA that includes the following elements:

1. Funding should provide for both rural and urban components.
2. Department of Corrections will provide 10 agents to supervise DORA clients only along the Wasatch Front.
3. Department of Human Services will issue two separate contract types to accommodate the fact that one contract includes a supervision component and one contract does not.
4. Maximum caseload to be carried by a DORA-specific Department of Corrections agent is 53 although 45 is optimal.
5. Current eligibility criteria will remain as presently being used with the exception that parolees will no longer be eligible for DORA-funded services.

As a result, six local substance abuse authority areas (LSAAs) were awarded contracts to provide DORA services from FY 2010 through FY 2012: Salt Lake, Davis, Weber, and Utah counties, as well as the Bear River and Southwest regions of the state. With the addition of \$551,400 in new ongoing funds for FY 2013, DORA was expanded to include two additional LSAAs: Tooele County and the Four Corners region. This can be viewed in the following table:

Drug Offender Reform Act (DORA) Allocation History									
Local Authority Areas	FY 2010 Treatment Allocation	FY 2010 Treatment Slots Served	FY 2011 Treatment Allocation	FY 2011 Treatment Slots Served	FY 2012 Treatment Allocation	FY 2012 Treatment Slots Served	FY 2013 Treatment Allocation	FY 2013 Treatment Slots Served	FY 2010 - 2013 DORA AP&P Agents
Bear River (Cache County)	\$ 124,378	38	\$ 121,216	37	\$ 121,216	37	\$ 147,323	47	-
Weber County	\$ 330,690	100	\$ 322,286	98	\$ 322,286	98	\$ 389,140	118	2
Salt Lake County	\$ 909,679	276	\$ 886,553	270	\$ 886,553	270	\$ 1,076,094	330	4
Davis County	\$ 249,479	76	\$ 243,136	74	\$ 243,136	74	\$ 295,084	87	2
Utah County	\$ 292,587	89	\$ 285,148	87	\$ 285,148	87	\$ 348,146	103	2
Southwest (Washington and Iron Counties)	\$ 185,887	56	\$ 181,161	55	\$ 181,161	55	\$ 219,809	63	-
Tooele County	NA	NA	NA	NA	NA	NA	\$ 57,397	19	-
Four Corners (Carbon and Emery Counties)	NA	NA	NA	NA	NA	NA	\$ 57,907	21	-
Total	\$ 2,092,700	635	\$ 2,039,500	621	\$ 2,039,500	621	\$ 2,590,900	788	10

Source: Utah Substance Abuse Advisory Council
 Note: AP&P agent information is subject to change during FY 2011 due to budget changes. Each DORA agent typically maintains a caseload of 53 individuals. As of this date, the Dept. of Corrections eliminated the 2 Davis AP&P agents due to insufficient funds.

Table 2