



DRUG OFFENDER REFORM ACT (DORA)

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

SUMMARY

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. However, with the downturn in state revenues since then, the DORA program has been reduced to a modified implementation in only six of the 13 local substance abuse authority areas in the state and ongoing funding has been removed and replaced with one-time funding in FY 2011 of \$2,900,000. The Governor's Budget Recommendation does not recommend funding the DORA program for FY 2012.

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 felons were to be assessed. This was to allow for "smarter" sentencing and the ability to provide selected felony offenders with drug treatment and 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.

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 2011 primarily with one-time funds totaling \$2,900,000. 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 2011 levels. FY 2011 funding was appropriated by the Legislature one time. Without additional funding for FY 2012, DORA, as a state-funded program, will end on June 30, 2011. The Governor did not recommend continuation of the DORA program into FY 2012. 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 Gov. Rec. Ongoing Gen. Fund	FY 2012 Gov. Rec. One-time 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	-	-
Div. of Substance Abuse and Mental Health	4,850,000	5,456,300	83,300	2,009,400	79,100	1,960,400	79,100	-
Administrative Office of the Courts	50,400	56,700	-	55,000	-	51,500	-	-
Board of Pardons and Parole	36,000	40,500	-	-	-	-	-	-
Subtotal	8,000,000	9,000,000	102,800	3,012,400	79,100	2,900,000	79,100	-
TOTAL OF ALL APPROPRIATIONS			\$3,115,200		\$2,979,100		\$79,100	

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.

PROGRAM 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 becomes 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 2010 evaluation update [*Evaluation of the Drug Offender Reform Act: DORA Pilot – Second Update to Final Report*, Utah Criminal Justice Center, November 2010], nearly all DORA Pilot participations had exited probation and post-supervision follow up times were over three years on average. The update report summarizes its key finding as:

- No significant differences between DORA and the R3 (*Region 3 Salt Lake County*) control group on during or post-supervision recidivism
- DORA significantly more likely than R3 to complete probation successfully
- Treatment completers, both DORA and R3, did significantly better than non-completers on post-supervision criminal justice outcomes
- DORA had significantly more access to treatment, and, of those, significantly more with treatment completion [*Second Update to Final Report* as cited above, page 2 of 8]

CURRENT STATUS OF DORA

During its September 2008 Special Session and 2009 and 2010 General Sessions, the Legislature replaced most ongoing DORA funding with \$2,900,000 one-time funding. The one-time funding provides mostly for treatment (\$1,960,400 to the Department of Human Services) and supervision (\$888,100 to the Department of Corrections) with a small amount also going to the Courts (\$51,500). Realizing that the total funding for DORA has decreased and is only in place for one year, the Utah Substance Abuse Advisory Council (as outlined in the original DORA legislation) approved a redesign proposal for the DORA program that includes the following elements:

1. One-time 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. One-time nature of the funding may result in clients being terminated from services before treatment is completed
6. 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, the following areas were awarded contracts to provide DORA services for FY 2011: Salt Lake, Davis, Weber, and Utah counties as well as the Bear River and Southwest regions of the state. 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 2010 and 2011 DORA AP&P Agents
Bear River (Cache County)	\$ 124,378	38	\$ 121,216	37	-
Weber County	\$ 330,690	100	\$ 322,283	98	2
Salt Lake County	\$ 909,679	276	\$ 886,553	270	4
Davis County	\$ 249,479	76	\$ 243,137	74	2
Utah County	\$ 292,587	89	\$ 285,149	87	2
Southwest (Washington and Iron counties)	\$ 185,887	56	\$ 181,162	55	-
Total	\$ 2,092,700	635	\$ 2,039,500	621	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.