



# 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) model, including a summary of the November, 2013 final multi-year study of DORA by the Utah Criminal Justice Center at the University of Utah. The 2013 study found that after controlling for covariates, DORA did not have a significant impact on participants' post-exit recidivism when compared to statistically matched offenders on traditional probation and parole (who were matched on available criminal history and demographic variables that were in Utah Department of Corrections data). The FY 2015 base budget for the DORA program is \$3,654,000 divided between the Department of Human Services for treatment (\$2,765,900) and the Department of Corrections (\$888,100) for increased supervision. The Governor's budget recommendation for FY 2015 does not include any new funding for the DORA program beyond the program's base budget amount. The Legislative Fiscal Analyst (LFA): 1) recommends the approval of one item of intent language, 2) provides a list of options (with LFA recommendations) for consideration given the study's conclusions, and 3) recommends consideration of a request from the Division of Substance Abuse and Mental Health to use \$70,000 of the \$175,000 new DORA funding originally appropriated for treatment services in FY 2014 to instead contract with the University of Utah Criminal Justice Center to conduct a Correctional Program Checklist.

## LEGISLATIVE ACTION

1. The Fiscal Analyst recommends the Subcommittee adopt the following intent statement regarding the *Drug Offender Reform Act* (DORA) program for FY 2015: *The Legislature intends the Utah Substance Abuse Advisory Council report to the Office of the Legislative Fiscal Analyst by September 1, 2014 its recommendations regarding the best use of current DORA funding in treating drug abusers in response to the November, 2013 final multi-year study of DORA by the Utah Criminal Justice Center at the University of Utah finding that after controlling for covariates, DORA did not have a significant impact on participants' post-exit recidivism when compared to statistically matched offenders on traditional probation and parole (who were matched on available criminal history and demographic variables that were in UDC data), and also in regard to the approved "Guidelines for the Implementation of DORA-Funded Services for Probationers" which states that "Programs will . . . ensure DORA funding is utilized for evidence-based substance abuse treatment and supervision strategies." The Legislature further intends that if the Utah Substance Abuse Advisory Council recommends continued funding for current DORA programs, it will provide specific and detailed explanations in its report to the Legislative Fiscal Analyst demonstrating how its recommendation is consistent with its guideline that funding be used for evidence-based substance abuse treatment and supervision strategies.*
2. The Fiscal Analyst recommends the Subcommittee consider discontinuing the enhanced supervision piece of DORA (\$888,100) given that the Criminal Justice Center study concluded that "DORA did not have a significant impact on participants' post-exit recidivism when compared to statistically matched offenders on traditional probation and parole" (see section on page 5 titled 'Options for Legislative Action').
3. The Fiscal Analyst recommends the Subcommittee consider the letter the Division of Substance Abuse and Mental Health request to use \$70,000 of the \$175,000 new DORA funding originally appropriated for treatment services in FY 2014 to instead contract with the University of Utah Criminal Justice Center to conduct the Correctional Program Checklist, which is described as "an evidence based assessment and quality improvement process," with DORA.

## 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 LSAAs are now implementing DORA. The Legislature increased ongoing treatment funding for FY 2014 by \$175,000. The Governor's budget recommendation for FY 2015 does not include any new funding for the DORA program in addition to the base budget amount of \$3,654,000.

### **UNIVERSITY OF UTAH CRIMINAL JUSTICE CENTER 2013 FINAL REPORT**

The University of Utah Criminal Justice Center (UCJC) conducts an annual evaluation of DORA program implementation and outcomes. In its final report, *Drug Offender Reform Act: DORA Statewide Report* (November 1, 2013), the UCJC concluded:

*Statewide DORA participants were compared to a matched group to examine the impact of DORA on criminal justice outcomes. Results of the post-exit recidivism analyses suggested that DORA participants' outcomes were not significantly different from those of the Matched Comparison group. The findings show that, after controlling for covariates, DORA did not have a significant impact on participants' post-exit recidivism when compared to statistically matched offenders on traditional probation and parole (who were matched on available criminal history and demographic variables that were in UDC data). (p. 11)*

*As currently implemented, DORA may not have sufficient intensity or breadth of treatment targets to adequately address the dynamic needs of the high risk population it serves. DORA's exclusive focus on substance abuse, to the exclusion of other criminogenic risk factors, may be insufficient to reduce recidivism among a high-need group of offenders. (p. 13)*

Given the findings of the final report, the Fiscal Analyst recommends the following intent language be adopted:

*The Legislature intends the Utah Substance Abuse Advisory Council report to the Office of the Legislative Fiscal Analyst by September 1, 2014 its recommendations regarding the best use of current DORA funding in treating drug abusers in response to the November, 2013 final multi-year study of DORA by the Utah Criminal Justice Center at the University of Utah finding that after controlling for covariates, DORA did not have a significant impact on participants' post-exit recidivism when compared to statistically matched offenders on traditional probation and parole (who were matched on available criminal history and demographic variables that were in Utah Department of Corrections (UDC) data), and also in regard to the approved "Guidelines for the Implementation of DORA-Funded Services for Probationers" which states that "Programs will . . . ensure DORA funding is utilized for evidence-based substance abuse treatment and supervision strategies." The Legislature further intends that if the Utah Substance Abuse Advisory Council recommends continued funding for current DORA programs, it will provide specific and detailed explanations in its report to the Legislative Fiscal Analyst demonstrating how its recommendation is consistent with its guideline that funding be used for evidence-based substance abuse treatment and supervision strategies.*

### **2013 INTENT LANGUAGE REGARDING DORA**

The Legislature adopted the following intent language in its 2013 General Session:

*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. (S.B. 2, Item 89)*

The DORA Oversight Committee of the Utah Substance Abuse Advisory Council submitted [DORA Program Report to the Office of the Legislative Fiscal Analyst](#) on September 1, 2013 in compliance with the intent language. The DORA Oversight Committee subsequently presented the report to the [Social Services Appropriations Subcommittee on September 12, 2013](#). As part of its report, the Oversight Committee suggested that all future appropriations associated with DORA

should be divided among the key partner agencies, “in order to ensure fidelity to the DORA model,” in the following manner: the Department of Corrections for supervision (32%), the Division of Substance Abuse and Mental Health for treatment (66%), and the Administrative Office of the Courts for court costs (2%). The Oversight Committee informed the Subcommittee that the Utah Substance Abuse Advisory Council (USAAC) had adopted this funding formula as “a policy of the USAAC Council and a guideline for future DORA appropriations” on December 11, 2012. The Oversight Committee asked the Subcommittee regarding reinforcing this policy through either legislative intent language or statutory language. The issue was left unresolved at the meeting. The Fiscal Analyst recommends no action on this item until it determines its actions based upon the November, 2013 final multi-year study of DORA by the Utah Criminal Justice Center at the University of Utah.

### **DORA HISTORY AND BACKGROUND**

Sixty-nine percent of Utah's prison population has a drug abuse problem related to their criminal behavior (Utah Commission on Criminal and Juvenile Justice, August 2013). 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 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. The Legislature increased ongoing treatment funding for FY 2014 by \$175,000. DORA funding history is demonstrated in Table 1:

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 2013 One-time Gen. Fund	FY 2014 Ongoing Gen. Fund	FY 2015 Gov. Rec. Ongoing Gen. Fund
Comm. on Criminal and Juvenile 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	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	100,000	2,765,900	2,765,900
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	-	3,654,000	3,654,000
<b>TOTAL OF ALL APPROPRIATIONS</b>	<b>\$8,000,000</b>	<b>\$9,000,000</b>	<b>\$3,115,200</b>	<b>\$3,079,100</b>	<b>\$3,079,100</b>	<b>\$3,027,600</b>	<b>\$3,027,600</b>	<b>\$3,027,600</b>	<b>\$3,579,000</b>	<b>\$3,579,000</b>	<b>\$3,654,000</b>	<b>\$3,654,000</b>

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

Table 2 shows estimated FY 2014 administrative costs associated with the appropriation of DORA funds.

Drug Offender Reform Act (DORA) FY 2014 Estimated Administrative Costs			
Agency	FY 2014 Ongoing General Fund Appropriation	Estimated Administrative Cost	% Administrative Costs
Utah Department of Corrections	\$888,100	\$0	0.0%
Division of Substance Abuse and Mental Health:	\$2,765,900	\$356,543	12.9%
Substance Abuse and Mental Health - Administration	\$2,765,900	\$18,750	0.7%
Local Substance Abuse Authority - Administration	\$2,677,150	\$267,793	10.0%
Substance Abuse and Mental Health - Set-aside for CPC Evaluation (pending approval)	\$70,000	\$70,000	2.5%
<b>Totals</b>	<b>\$3,654,000</b>	<b>\$356,543</b>	<b>9.8%</b>

Table 2

**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 LSAs: Tooele County and the Four Corners region. This can be viewed in Table 3:

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 2014 Treatment Allocation	FY 2014 Treatment Slots Served	FY 2010 - 2014 DORA AP&P Agents
Bear River (Cache County)	\$ 124,378	38	\$ 121,216	37	\$ 121,216	37	\$ 147,323	47	\$ 154,116	47	-
Weber County	\$ 330,690	100	\$ 322,286	98	\$ 322,286	98	\$ 389,140	118	\$ 395,037	120	2
Salt Lake County	\$ 909,679	276	\$ 886,553	270	\$ 886,553	270	\$ 1,076,094	328	\$ 1,086,348	331	4
Davis County	\$ 249,479	76	\$ 243,136	74	\$ 243,136	74	\$ 295,084	90	\$ 309,045	94	2
Utah County	\$ 292,587	89	\$ 285,148	87	\$ 285,148	87	\$ 348,146	106	\$ 389,258	118	2
Southwest (Washington and Iron Counties)	\$ 185,887	56	\$ 181,161	55	\$ 181,161	55	\$ 219,809	67	\$ 226,993	69	-
Tooele County	NA	NA	NA	NA	NA	NA	\$ 57,397	17	\$ 58,050	18	-
Four Corners (Carbon and Emery Counties)	NA	NA	NA	NA	NA	NA	\$ 57,907	18	\$ 58,305	18	-
<b>Total</b>	<b>\$ 2,092,700</b>	<b>635</b>	<b>\$ 2,039,500</b>	<b>621</b>	<b>\$ 2,039,500</b>	<b>621</b>	<b>\$ 2,590,900</b>	<b>791</b>	<b>\$ 2,677,150</b>	<b>815</b>	<b>10</b>

Source: Utah Substance Abuse Advisory Council

Table 3

**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.” The University of Utah Criminal Justice Center (UCJC) conducts an annual evaluation of DORA program implementation and outcomes. In its final report, *Drug Offender Reform Act: DORA Statewide Report* (November 1, 2013), the UCJC concluded that after controlling for covariates, DORA did not have a significant impact on participants’ post-exit recidivism when compared to statistically matched offenders on traditional probation and parole (who were matched on available criminal history and demographic variables that were in UDC data) (p. 11).

Given the findings of the final report, the Fiscal Analyst recommends the following intent language be adopted:

*The Legislature intends the Utah Substance Abuse Advisory Council report to the Office of the Legislative Fiscal Analyst by September 1, 2014 its recommendations regarding the best use of current DORA funding in treating drug abusers in response to the November, 2013 final multi-year study of DORA by the Utah Criminal Justice Center at the University of Utah finding that after controlling for covariates, DORA did not have a significant impact on participants’ post-exit recidivism when compared to statistically matched offenders on traditional probation and parole (who were matched on available criminal history and demographic variables that were in Utah Department of Corrections (UDC) data), and also in regard to the approved “Guidelines for the Implementation of DORA-Funded Services for Probationers” which states that “Programs will . . . ensure DORA funding is utilized for evidence-based substance abuse treatment and supervision strategies.” The Legislature further intends that if the Utah Substance Abuse Advisory Council recommends continued funding for current DORA programs, it will provide specific and detailed explanations in its report to the Legislative Fiscal Analyst demonstrating how its recommendation is consistent with its guideline that funding be used for evidence-based substance abuse treatment and supervision strategies.*

**OPTIONS FOR LEGISLATIVE ACTION**

In response to the final DORA report presented by the University of Utah Criminal Justice Center, the Legislature could consider the following options:

1. Continue the current level of DORA funding
2. *Recommended:* Continue the current level of DORA funding but add intent language recommended above
3. *Recommended:* Discontinue funding only the enhanced supervision piece of DORA (\$888,100) given that the Criminal Justice Center study concluded that “after controlling for covariates, DORA did not have a significant impact on participants’ post-exit recidivism when compared to statistically matched offenders on traditional probation and parole.” This recommendation leaves in place funding for drug treatment but removes the enhanced supervision piece.

4. Discontinue all DORA funding and use it for other items

**REQUEST TO USE \$70,000 OF \$175,000 NEW DORA FUNDING FOR CORECTIONAL PROGRAM CHECKLIST**

On December 16, 2013 the Division of Substance Abuse and Mental Health sent a letter (see the appendix) to the Chairs of the Social Services Appropriations Subcommittee requesting approval to use \$70,000 of the \$175,000 new DORA funding originally appropriated for treatment services in FY 2014 to instead contract with the University of Utah Criminal Justice Center to conduct the Correctional Program Checklist (CPC), which is described as an "evidence based assessment and quality improvement process," with DORA. The agency stated that the "CPC is a tool developed by the University of Cincinnati that is used around the world to assess correctional intervention programs, and to ascertain how closely correctional programs meet known principles of effective intervention."

**APPENDIX - LETTER REQUESTING USE OF \$70,000 FOR CORRECTIONAL PROGRAM CHECKLIST**