

USAAV+ Council DORA Oversight Committee Report to the Executive Offices and Criminal Justice and Social Services Appropriations Subcommittees

January 2018

Purpose of the Report

At a joint meeting of the Executive Offices and Criminal Justice (EOCJ) and Social Services (SS) Appropriations Subcommittees in October, a motion was passed directing the Utah Substance Use and Mental Health Advisory (USAAV+) Council's DORA Oversight Committee to report to the two subcommittees "about the demand for and outcomes of the DORA program by the 2018 General Session, in order to provide the Legislature with the necessary information to consider repurposing the funds".

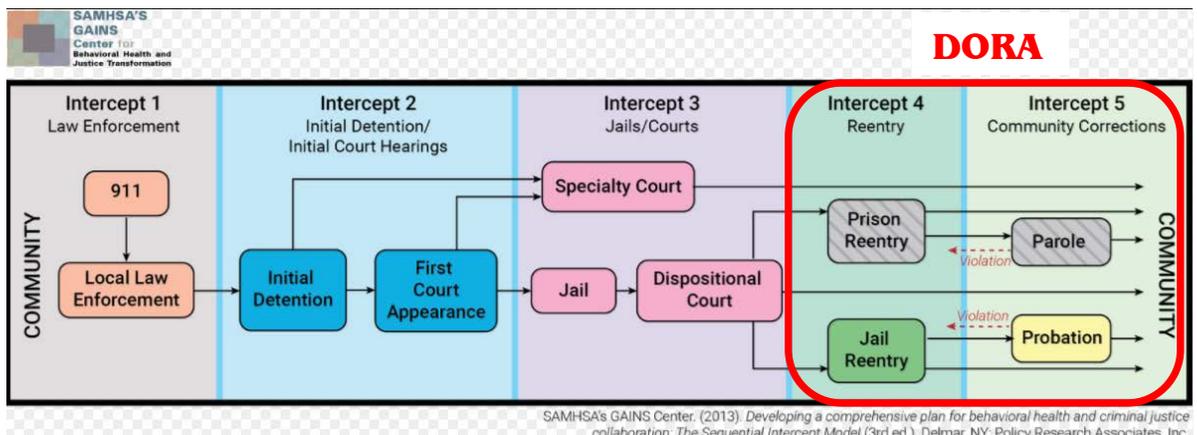
DORA Oversight Committee Recommendations

The DORA Oversight Committee discussed the value and future of the DORA program during the summer of 2017 at several meetings. The Oversight Committee voted to recommend the following to the Legislature:

1. The DORA program should be retained and the funding continued as a separate resource to be used specifically to treat individuals with substance use disorders who are under the supervision of the Utah Department of Corrections.
2. The DORA program should operate in accordance with the Justice Reinvestment Initiative (JRI) treatment standards established in Utah Administrative Rule R523-4.

Individuals at all points in the criminal justice system need access to substance use disorder treatment. Utah has programs for all levels of need, with DORA being one of these points. The Drug-related Offenses Reform Act (DORA) provides treatment opportunities for 837 (total served in FY 2017) probationers and parolees annually. DORA participants are individuals who are mandated to participate in substance use disorder treatment while they are under the supervision of the Utah Department of Corrections (UDC). The UDC has conducted an independent study of the gap between treatment need and treatment services provided. The study found the most significant disparities between needs and services are found along the Wasatch Front and in the southwest region of the state, in Utah's most populated regions. DORA has been and continues to be critical in helping to fill the treatment gap for high-risk clients in areas with the most significant needs.

The Sequential Intercept Model shown below was developed by the Substance Abuse and Mental Health Services Administration's GAINS Center for Behavioral Health and Justice Transformation and illustrates where DORA services fit within a full continuum of services for persons involved in the justice system.



Recent Changes to Improve DORA Program Quality

Correctional Program Checklist (CPC)

The CPC is an assessment process that determines how current interventions (e.g., substance use disorder treatment and correctional supervision) are being implemented and whether or not they adhere to evidence-

based practices, and leads to the development of a quality improvement plan and technical assistance. With funding provided by the Division of Substance Abuse and Mental Health, Department of Corrections and the Commission on Criminal and Juvenile Justice, the Utah Criminal Justice Center at the University of Utah conducted and recently completed the CPC with all of Utah's DORA providers. Included were all local substance abuse authority agencies providing treatment (DORA and non-DORA) and Corrections AP&P regions providing DORA supervision. It is important to note that these same agencies provide JRI-related treatment and supervision as well, so both DORA and JRI benefitted from the CPC process. The CPC report was completed in June 2017 and identified strengths and weaknesses in DORA services. The DORA Oversight Committee is currently in the process of implementing recommendations generated by the CPC.

Evidence-Based Eligibility Criteria

From 2016-2017, DORA eligibility criteria were revised to align with Utah's Justice Reinvestment Initiative (JRI) and evidence-based practices. Both probationers and parolees are eligible for DORA-funded services, based upon the individual's risk and needs assessment, without regard to the nature of the offense (e.g., misdemeanor or felony, drug or non-drug-related, sex offenses, etc.). The new criteria reflect an expansion of the DORA-eligible population to include individuals at higher levels of risk and need than previously served. Prior to the revisions, DORA was limited to clients who scored 16 – 35 on the Level of Service Inventory-Revised (LSI-R), or those who were Low Moderate Risk/Needs, Moderate Risk/Needs, and Moderate High Risk/Needs. The new criteria and screening instruments are as follows:

- ✚ Level of Service/Risk, Need, Responsivity (LS/RNR) Score Range: 15 – 43 (medium/high/very high)
- ✚ LS/RNR Alcohol/Drug Problems (ADP) Score: 4+ (moderate/high/very high risk)
- ✚ Texas Christian University Drug Screen (TCUDS) Score: 4+ (moderate to severe)

Persons not eligible for DORA-funded services include: out-of-state detainers, immigration holds, U.S. Marshal holds, mandatory commitments to prison, and individuals who are seriously and persistently mentally ill (SPMI).

Incorporation of JRI Treatment Standards into DORA Implementation Guidelines

H.B. 348, the JRI bill passed by the 2015 Utah Legislature, directed the Utah Substance Use and Mental Health Advisory Council to work with the Department of Corrections and the Division of Substance Abuse and Mental Health to develop evidence-based treatment standards for justice involved clients. These standards, codified in the Utah Administrative Code as R523-4, have been incorporated into the DORA Implementation Guidelines to ensure consistency with JRI. These standards include, but are not limited to: **criminogenic risk screening and assessment** for agencies treating justice involved individuals; the use of **medication assisted treatment (MAT)** when indicated and appropriate; criteria for **treatment intensity, duration and modality**; and provision of **recovery support services** such as case management, housing, employment training, transportation, childcare, healthcare, peer support and other social supports during and after the completion of acute treatment services.

DORA Background Information

Program Goals, Funding and Services Provided, Numbers Served and Client Outcomes

DORA Goal and Objectives

The **goal** of DORA is to reduce the incidence of substance use disorders, drug-related crime, and the associated consequences for individuals, families and communities throughout Utah. Specific **objectives** are to:

- ✚ Determine an individual's criminogenic risk and substance use disorder treatment needs to ensure smarter sentencing;
- ✚ Expand substance use disorder treatment resources for individuals under corrections supervision in the community;
- ✚ Provide more intensive supervision by the Department of Corrections; and
- ✚ Integrate substance use disorder treatment and correctional supervision in a collaborative approach to managing individuals on probation and parole.

Table 1. History of DORA Implementation Phases, Funding, and Services Provided, FY 2006 – FY 2018

Phase	Fiscal Year	Appropriations ¹	Scope of Implementation by Local Substance Abuse Authority (LSAA)	DORA-Funded Services
1: Pilot	2006	\$500,000 (one-time)	3-year Pilot in the 3rd Judicial District in Salt Lake County LSAA	Treatment and Supervision
	2007 & 2008	\$918,000 (one-time)		
2: Statewide	2008	\$8,000,000 (ongoing)	All 13 LSAA Areas	Treatment and Supervision
	2009	\$9,000,000 (ongoing) (Cut to \$3,506,200 one-time)	All 13 LSAA Areas	Treatment and Supervision
3: Modified	2010	\$3,115,200 (\$102,800 ongoing; \$3,012,400 one-time)	4 LSAs: Weber, Davis, Salt Lake and Utah Counties	Treatment and Supervision
			2 LSAs: Cache and Iron/Washington Counties	Treatment
	2011	\$3,079,100 (\$79,100 ongoing; \$3,000,000 one-time)	4 LSAs: Weber, Davis, Salt Lake and Utah Counties	Treatment and Supervision
			2 LSAs: Cache and Iron/Washington Counties	Treatment
	2012	\$3,027,060 (\$2,927,600 ongoing; \$100,000 one-time)	4 LSAs: Weber, Davis, Salt Lake and Utah Counties	Treatment and Supervision
			2 LSAs: Cache and Iron/Washington Counties	Treatment
	2013	\$3,579,000 (\$3,479,000 ongoing; \$100,000 one-time)	4 LSAs: Weber, Davis, Salt Lake and Utah Counties	Treatment and Supervision
			4 LSAs: Cache, Tooele, Carbon/Emery and Iron/Washington Counties	Treatment
2014	\$3,654,000 (ongoing)	4 LSAs: Weber, Davis, Salt Lake and Utah Counties	Treatment and Supervision	
		4 LSAs: Cache, Tooele, Carbon/Emery and Iron/Washington Counties	Treatment	
2015 thru 2018	\$3,635,200 (ongoing)	4 LSAs: Weber, Davis, Salt Lake and Utah Counties	Treatment and Supervision	
		4 LSAs: Cache, Tooele, Carbon/Emery and Iron/Washington Counties	Treatment	

¹Until FY 2013, appropriations included funding for the DORA evaluation (thru FY 2010), Court costs (thru FY 2012), and Board of Pardons and Parole costs (thru FY 2009). Beginning in FY 2013, the appropriation includes treatment and supervision costs only.

Source: Utah Commission on Criminal and Juvenile Justice

Table 2. Cumulative Number of Unique Individuals Admitted to DORA Treatment, FY 2006 – FY 2018

DORA Phase		Fiscal Year	Individuals Admitted to DORA Treatment (unduplicated)			Totals by Phase
			Probationers	Parolees ¹	Totals	
1: Pilot	Time 1: Drug Felony	2006	85	0	130	219
	Time 2: Any Felony		45	0		
	Time 2: Any Felony	2007	89	0	89	
2: Statewide		2008	518	252	770	1,336
		2009	411	155	566	
3: Modified		2010	461	0	461	3,446
		2011	335	0	335	
		2012	328	0	328	
		2013	365	0	365	
		2014	413	0	413	
		2015	383	0	383	
		2016	355		355	
		2017	406		406	
2018 (est.)		400		400		
Total Numbers Served			5,001	5,001	5,001	

¹Parolees were not served in the DORA Pilot due to its geographic limitation (Salt Lake County only) and short timeframe (three year). Parolees were included during the statewide implementation in FY 2008 and FY 2009, but were eliminated from FY 2010 through FY 2015 during the Modified phase of DORA due to funding cuts and evaluation data that suggested parolees did not do as well in DORA as probationers.

Source for DORA Pilot and Statewide DORA: Utah Criminal Justice Center
Source for Modified DORA: Utah Division of Substance Abuse and Mental Health

Table 3. DORA Client Outcomes: Improvements from Admission to Discharge, FY 2013 – FY 2017

Measure	Fiscal Year									
	2013		2014		2015		2016		2017	
	Admission	Discharge	Admission	Discharge	Admission	Discharge	Admission	Discharge	Admission	Discharge
Alcohol Abstinence	70.4%	93.8%	64.6%	87.4%	71.2%	88.8%	67.2%	87.3%	77.9%	89.1%
Drug Abstinence	32.8%	75.4%	33.9%	73.2%	26.3%	71.2%	21.6%	65.7%	28.8%	61.3%
Employment/Education	36.1%	48.4%	38.2%	55.8%	40.3%	55.8%	42.6%	53.9%	38.1%	50.1%
Stable Housing	93.8%	97.5%	95.8%	97.9%	96.8%	97.8%	95.9%	96.7%	92.8%	93.4%
Criminal Justice Involvement	28.2%	14.0%	38.9%	17.8%	41.8%	25.0%	46.2%	19.8%	40.0%	13.9%
Use of Recovery Support	31.9%	37.7%	24.7%	34.9%	23.4%	34.3%	26.0%	35.9%	25.6%	29.3%

Source: Utah Division of Substance Abuse and Mental Health

2017 USAAV+ DORA Oversight Committee Members

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Desmond Lomax, Vice Chair

Administrative Office of the Courts

Rick Schwermer, State Court Administrator

DORA Advocates

Mary Jo McMillen, Executive Director, Utah Support Advocates for Recovery Awareness

Statewide Association of Prosecutors

Brody Keisel, Sanpete County Attorney

Utah Association of Counties/Utah Behavioral Healthcare Committee

Commissioner Bill Cox, Rich County Commissioner

Adam Trupp, Executive Director, Utah Association of Counties

Richard Nance, Director, Utah County Department of Drug and Alcohol Prevention and Treatment

Utah Association of Criminal Defense Lawyers

Deborah Kreeck-Mendez, Salt Lake Legal Defender Association

Utah Commission on Criminal and Juvenile Justice

Ron Gordon, Executive Director

Utah Department of Corrections

James Hudspeth, Director, Division of Adult Probation and Parole

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Utah Division of Substance Abuse and Mental Health

Brent Kelsey, Assistant Director

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Mike Forshee, Under Sheriff, Utah County Sheriff's Office

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