



**Puerto Rico Drug Court  
Case Management System  
Design Review  
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## Introduction

The courts of Puerto Rico requested the assistance of the National Center for State Courts (NCSC) in ensuring that the design of their new drug court case management system (CMS) meets all relevant national standards and best practices for such systems. This work is being conducted with the assistance of the US Department of Justice.<sup>1</sup> Larry Webster traveled to San Juan during the week of June 15-19, 2009 to interview court and information technology officials, observe court staffing and a drug court hearing, and review system design documentation. This report contains the results of this analysis, including findings and recommendations.

Four documents were the basis for the analysis. The first is a set of requirements created in Puerto Rico by OAT and contractor staff, based on guidelines published by national drug court organizations and business processes reviewed in focus group discussions. Approximately 167 of these requirements were reviewed during the site visit.

The second document contains key performance measures defined by the Puerto Rico drug courts, with the assistance of NCSC staff.<sup>2</sup> The third is an unpublished list of best practices compiled by NCSC staff in conducting drug court MIS assessments for the US Department of Justice.<sup>3</sup> The final document is the Drug Court Information Technology Checklist, developed by a national panel of experts in drug court automation for the US Department of Justice and prepared by the NCSC. Each requirement, measure, and checklist item was discussed with Puerto Rico OAT and drug court staff.

## Background

### Drug Court History and Background

The Puerto Rico drug courts began operation in 1996 and serve adults accused of felony drug offenses, who have no history of violent behavior. Through March 2009, there have been 14,661 referrals to the drug court. Nine thousand five hundred and forty three individuals have been admitted to the program, 3,885 have graduated, and 1,613 are currently active. According to a Department of Justice study that was funded by

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<sup>1</sup> The award number for the Drug Court Enhancement Grant by BJA - Office of Justice Programs is 2006-DC-BX-0016.

<sup>2</sup> Puerto Rico Statewide Technical Assistance Project: Development of Statewide Drug Court Performance Measures and Evaluation Plan, National Center for State Courts, October 2007.

<sup>3</sup> Because this list of best practices has not been published, it is reproduced in its entirety in this document.

BJA, the recidivism rate for drug court graduates is five percent.<sup>4</sup> Drug courts are currently active in nine of the 13 judicial regions, with a tenth region in the process of creating a drug court. When someone is referred from a region that does not have a drug court, they are assigned to a region where a drug court has been established.

### **Drug Court Structure**

Six organizations are part of the drug court team: from the judicial branch--the judge, courtroom staff, and drug court coordinator participate;<sup>5</sup> the five other agencies are the police department, prosecutor (Department of Justice), treatment providers (ASSMCA)<sup>6</sup>, probation (Department of Corrections), and the Legal Aid Society,<sup>7</sup> which provides legal representation for indigent participants. Case managers are from either probation or ASSMCA, depending on whether the referral charge was from the drug code or the criminal code. Case managers perform similar roles, irrespective of the organization for which they work. There are actually two roles for the probation officers/case managers, that of screening/investigation, and case management.<sup>8</sup>

### **Drug Court Automation Strategy**

The drug court case management system is part of the unified case management system for Puerto Rico, known as SUMAC. SUMAC is being designed not as a traditional, monolithic CMS, but as a constellation of interrelated web services. Functions that span multiple case types will be separated from the individual modules for those case types. For example, scheduling and case assignment services have been created and will be used by drug court, criminal, civil, family, and appellate modules of the system. Other similar functions (e.g., docketing, receipting, document generation, and reporting) also may be developed as independent services. The advantage of this approach is that system maintenance and enhancement will be much more efficient. While theorists have been advancing this concept for many years, Puerto Rico appears to be the first court system to implement service-oriented architecture in a court case management system.

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<sup>4</sup> Puerto Rico Drug Court Program: Process Evaluation. Center for Addiction Studies, School of Medicine, Universidad Central del Caribe, Office of Drug Court Program of the Puerto Rico Department of Justice, 2005. Funded by US Department of Justice/Drug Court Program Office, Office of Justice Programs.

<sup>5</sup> Only the judge and drug court coordinator participate in staffings. Courtroom staff is only involved in the hearings.

<sup>6</sup> Administración de Salud Mental y Contra la Adicción. The treatment providers are referred to in the business model as Técnico de Servicios Sociopenales, or TSS.

<sup>7</sup> Sociedad para la Asistencia Legal.

<sup>8</sup> Two roles are defined in the business process model as Oficial de Servicios de Recuperación (OSAR) de Investigación, and Oficial de Servicios de Recuperación (OSAR) de Cernimiento.

SUMAC is a pioneering effort in another respect. Most court case management systems have been constructed around a database design. Screens relate roughly to database records, and users are responsible to navigate through the appropriate screens to make updates for each activity that occurs in the court system. This approach makes learning and using a court case management system a lengthy and difficult process. New workflow engines have automated much of this navigation, but have not solved the underlying problem of data-orientation.

The SUMAC approach is task oriented. The system is based upon the business process, rather than on the database design. Users will be presented with screens that relate to the work that they are doing, rather than to the database structure. This business process orientation will make SUMAC much easier to learn and use. It will also lead to more efficient business processes, since there will be a nearly perfect match between the business processes and the automation tool.

SUMAC will contain full document generation and electronic document management capabilities.

Development of the drug court module of SUMAC is proceeding along the lines of the various actors in the business processes. To this point, the pilot system has been created for two roles in the system, the drug court coordinator and the OSAR de Cernimiento.<sup>9</sup> Other actors in the process are the following:

- Administrator
- General Coordinator
- Coordinator
- Judge
- Police
- TSS
- Prosecutor
- Courtroom Clerk
- Auxiliary Clerk
- Judge's Secretary
- Defense Attorney
- OSAR de Investigación

The system will be complete when all of the business processes, screens, forms, and documents for each of these roles are finished.

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<sup>9</sup> This is the individual who performs the screening of drug court candidates.

## **Drug Court Operations**

It is not the purpose of this project to perform a comprehensive analysis of the drug court, only to review compliance with national standards and best practices. For purposes of background, a brief review of the drug court process will follow, highlighting areas that vary from drug court programs in other parts of the country.

### **Referral and Screening**

The referral and admission process is similar to other drug courts. There are five points in the criminal case process where the referral can be made, but regardless of the step, the entry of a plea is required.

There are two paths of entry into the program, but in terms of process, they make very little difference. Individuals may be referred for offenses under the drug code or under the criminal code. The role of the prosecutor in the process varies a bit, based upon the path of entry. The minimum term of the drug court also varies slightly, and case management services will be provided by probation officers for criminal code cases, and social workers for drug code cases. Case management activities appear to be identical for both types of cases.

### **Investigation and Admission**

The investigation process is more thorough and detailed than is done in many other drug courts, including visits to the home, neighborhood, and place of employment of the candidate. Once admitted to the drug court, the police department may continue to conduct night visits to check on the participant.

The prosecutor must agree to admission for criminal code cases, and an agreement must be signed. These steps are not necessary for drug code track cases.

Certain conditions of release from jail may have been set for the participant by the trial court judge. These conditions must be enforced and monitored by drug court staff.

A case number is not used as a primary key in drug court. One or more cases may have led to the referral to drug court (and these case numbers may be listed on calendars and other court documents), but all drug court information is person-related. If a participant transfers to another region for supervision, no new local case number will be assigned. References to the original criminal cases will be maintained, and revocation will reactivate those original cases.

### **Supervision, Staffings, and Court Hearings**

Intake, assessments, staffings, and court hearings are similar to other drug courts. The use of graduated sanctions and incentives also is comparable. Case managers are

responsible for preparing progress reports, compiling information from various sources. A key difference is that there are no formal program phases for the Puerto Rico drug courts.<sup>10</sup> Intensity of supervision, treatment, drug testing, etc., varies over the time in which the person participates in drug court, but there are no formal, consistent parameters that are applied across all drug courts. This issue will be addressed in the recommendations section of this report.

Another key difference is the length of participation. Depending on the path of entry, the minimum time in drug court will be either 18 months or two years. Maximum time is five years, in both cases. This is significantly longer than most drug court programs in other parts of the country.

### **Graduation and Termination**

Graduation and termination (revocation) also are handled in a similar manner to other drug courts. The prosecutor does most of the work in processing the revocation. Two hearings are required for the revocation, but they may be consolidated by the judge.

### **Issues**

A large number of drug court participants appear to have mental health issues. This is one aspect of the program that was cited by staff as a weakness—the current assessment of mental health condition is not adequate to identify individuals who may not be able to succeed in this rigorous program. The use of medications to address mental health conditions is problematic in obtaining reliable drug test results. The drug court judge interviewed for this study indicated that more and better treatment options also are needed.

Electronic surveillance is used in a small number of circumstances. Court officials are careful in how it is applied, and the prosecutor is not fully supportive of its use. Of over 200 drug court participants in San Juan, only two are currently on electronic surveillance. It is done as an alternative to revocation.

## **Drug Court Functional Standards and Best Practices**

The business functions of a drug court can be best understood if they are divided into three categories: operations, operations management, and evaluation. *Operations* functions support the processing of individual cases. For example, getting the results of drug tests to the pre-court staffing meetings and to treatment providers, probation officers, and others in the drug court community is an operations function. Moving

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<sup>10</sup> While the court does not use program phases, the treatment providers do.



assessment information from one agency to another, to reduce costly re-collection and re-entry, is also an operations function.

*Operations management* functions keep case processing effective, productive, and economical. For example, traditional administrative work, like staffing and budgeting, are operations management functions. Another example is monitoring available bed space in treatment facilities.

*Evaluation* functions determine if a drug court is meeting its goals and is helping program participants. These functions can be subdivided into several areas, but two divisions are most common: process and impact evaluation. Process evaluation includes determining if goals for moving participants through a treatment program are being met, what kinds of treatment programs are most effective for specific participant types, and how the cost of drug court compares to other justice system alternatives. Impact evaluation measures if recidivism for drug court participants is lower than for similar individuals who do not go through drug court, how the drug court program changes the way participants live following graduation, etc.

There is a great deal of information overlap between operations management and process evaluation. Much of the work of managing the drug court relies on data generated by process evaluation. For example, demonstrated patterns of success might convince drug court leaders to change drug court eligibility requirements to expand the number of new cases and the type of drug court participants considered for the program.

Functional requirements for automation are similar, yet unique for every drug court. The division of labor, or how work is divided between people and organizations, is different in every jurisdiction, yet the overall goals and general processes in use are much the same. The technology architecture, or type and sophistication of automation in the individual organizations, also is a variable.

The same data may be captured for multiple purposes. For example, personal demographic information is essential for many aspects of program evaluation, but also is used operationally in the assessment process. Consequently, there is always overlap of data between the three categories.

The following list describes functions that are performed in most drug courts, whether they are oriented toward adult, juvenile, family, or domestic violence cases. This list has evolved over time and has been published elsewhere in various forms. Following each list item, some commentary follows that explains if the function is applicable to the

Puerto Rico drug courts, and if the requirement is met or will be met in the system design.

## **I. Operations**

### **A. Create and maintain records of all events, including decisions, actions, orders, etc.**

#### **1. Determine or verify the correct identity of offenders.**

A unique person identifier must be added to the system. Identification information, including this identifier, should come to the drug court from the criminal case. In SUMAC, business functions for identity management should be included. This function will be applicable to all case types. Whenever a new person is about to be entered into a case, a search should be executed to determine if the person already exists in the system. It will not always be clear—persons may be processed with aliases. Non-criminal cases (and minor criminal cases) will not have all of the identification information that is found in felony cases. Strict business rules and procedures must be adopted to govern the searching, merging, and unmerging of identities in the new system.<sup>11</sup>

#### **2. Track arrest information, including date, time, location, offenses, etc.**

During the investigation stage, a criminal history check is conducted. The drug court case manager will periodically request a criminal record for a participant during the drug court process to determine if in-program arrests or convictions have occurred. An additional criminal history check is conducted before the participant is allowed to graduate.

At present, no post-program criminal history checks are performed.<sup>12</sup> This is critical for impact evaluation, which shows how successful the drug court is in reducing drug use and criminal behavior. The current workflows do not include this important step, which must be added. The database structure contains a place to record in-program recidivism, which probably can be used for post-program arrests and convictions, once the workflows are implemented.

The processing of a new case should trigger this workflow in the drug court, once SUMAC is fully implemented, assuming that the individual has been correctly identified and that the appropriate unique person identifier is used.

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<sup>11</sup> See state of Washington Rules for Well Identified Persons and Rules for Non-Well Identified Persons for ideas for implementation.

<sup>12</sup> This issue will be discussed more fully in the Recommendations section of the report.

**3. Maintain records of actions involving the custody status of individuals, including warrants, pre-trial release on bond, probation, incarceration, etc.**

This function will be performed in the criminal module of SUMAC.

**4. Track the resolution of all cases filed, charges presented, and sentences imposed, including violations of probation or other conditions and matters deferred for prosecution, judgment, or sentencing, in the current case and any other proceedings pending against the participant.**

This function will be performed in the criminal module of SUMAC.

If a drug court participant is transferred, he or she will go to the new region without a new case being created there. The drug court functions relate to a person, not to a case. Upon drug court exit (e.g., graduation, withdrawal, or revocation), the original criminal cases in the original regions will be dismissed or reinstated.

**5. Monitor assignments of judges, prosecutors, public defenders, probation officers, case managers, etc.**

All of these assignments will be recorded. The teams are small and there are few changes. There is only one judge in each drug court, except in San Juan, where there are two. In this location, the case assignment is based on the terminal digit of the case number—odd cases to one judge, and even cases to the other. These two judges may fill in for each other, if one is unavailable. If this occurs, the substitute judge conducting the hearing will be recorded for that event.<sup>13</sup>

**6. Establish the offender's eligibility for legal services or a public defender.**

The Legal Aid Society conducts an investigation and makes a determination as to the eligibility of the participant to receive its services. The drug court is not involved in this process. A judge will order the public defender to represent an indigent participant, if the Legal Aid Society cannot for some reason. An outside attorney may hand off a drug court case to the lawyer who works there.

**7. Determine the eligibility (legal) and suitability (clinical) of individuals referred to the drug court and track their acceptance, rejection, or refusal to participate.**

This function will be supported by the drug court system.

**8. Manage the completion of waivers and releases that accompany participation in the drug court.**

No releases or waivers are completed during the drug court admission process. The judge will make some verbal remarks, but these relate primarily to legal matters. Criminal code cases require an agreement, also signed by the prosecutor, for admission

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<sup>13</sup> It also is assumed that this may be done in other regions, as well.

into drug court, but no waivers or releases are part of this agreement. The treatment providers require a candidate to waive certain rights of a patient and rights of confidentiality.

Upon graduation, a participant must sign a release to allow any photographs of the graduation ceremony that may be taken (that may contain their image) to be published by the drug court.

**9. Capture the results of hearings in the courtroom as they occur.**

This function will be supported by the drug court system.

**10. Develop and document plans for the frequency of court hearings, drug testing, treatment, and participation in other drug court programs.**

This function will be supported by the drug court system.

**11. Assign participants to treatment programs, modify treatment plans as needed, and document progress.**

This function will be supported by the drug court system.

**12. Document the imposition of sanctions and incentives.**

This function will be supported by the drug court system.

**13. Track drug court phase changes for each participant.**

No, formal phases do not exist in the drug court.<sup>14</sup> In the absence of a phase structure, more specific documentation of case management and treatment plans will be required. This issue will be discussed in the recommendations section of this report.

**14. Ensure that orders are enforced.**

This function will be supported by the drug court system.

**15. Generate a task list summarizing updated information and program changes for each participant at the conclusion of the court hearing.**

This function is not a part of the plan for the drug court system. Currently, the participant is provided a notice of his or her next court date at the conclusion of a hearing. This issue will be discussed in the recommendations section of this report.

**B. Provide current, accurate, and timely information to decision-makers**

**1. Provide weekly progress or status reports on each participant to the drug court team, with data from each relevant organization.**

Reports will be scanned and placed in the electronic case file. There will be mandatory data entry fields that must be completed. Staff must record that the report has been

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<sup>14</sup> Phases are used by treatment providers.

completed. The judge will receive a summary report with all of the performance indicators.

**2. Provide the results of drug tests to all members of the drug court team immediately, including date of test, drugs tested for, results, etc.**

This function will be supported by the drug court system.

**3. Distribute the results of court hearings to appropriate service providers who work with drug court participants.**

Minutes are created for each hearing. These will be made available to everyone, but there are no plans, at present, to send them. A common complaint heard from treatment providers and other drug court team members who do not attend hearings is that they do not receive timely information about what happened.<sup>15</sup> A recommendation will be offered in this report to send court hearing outcome information to all appropriate service providers.

**4. Maintain an electronic roster of drug court participants for use in the criminal justice and health care systems of the community.**

The system design would allow the generation of this roster, but this type of distribution is not done.

**C. Monitor the progress of participants through the drug court process**

**1. Monitor the employment status and employers of each drug court participant, including employment verification data, military status, other sources of support or benefits, etc.**

This function will be supported by the drug court system.

**2. Keep a record of participant progress in educational or vocational training programs.**

Consideration is being given to recording additional information about participant educational progress in the new drug court system. Current plans will satisfy this requirement and performance measurement needs.

**3. Track volunteer work performed by the drug court participant.**

Volunteer work is not normally part of the treatment program. It does occur occasionally as a drug court activity, and will be recorded.

**4. Maintain information on the participant's living arrangements, housing issues, etc.**

This function will be supported by the drug court system.

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<sup>15</sup> One innovative case manager in Hawaii tapped into the court's closed circuit television system to monitor hearing activity while working in his office. This worked well for some time, until the clerk decided not to switch the system on for drug court proceedings.

**5. Record the progress of the participant through substance abuse education programs.**

This function will be supported by the drug court system.

**6. Track attendance at individual and group counseling sessions.**

This function will be supported by the drug court system.

**7. Monitor participation in AA/NA and similar programs.**

This function will be supported by the drug court system.

**8. Track participation in any other programs that are assigned by the judge.**

This function will be supported by the drug court system.

**9. Track the participant's attitude in the drug court program, completion of assignments, etc.**

This function will be supported by the drug court system.

**10. Keep a record of health issues affecting the participant during the drug court process, including the use of medications, seen doctor in the last two years, etc.**

This function will be supported by the drug court system.

**11. Track any relapses by the participant.**

This function will be supported by the drug court system.

**12. Record any contacts with the criminal justice system during or following participation in drug court.**

Criminal justice system contacts are currently recorded if they occur while the participant is in the drug court. Post-program recidivism is not monitored or recorded. There will be a recommendation on this subject later in the report.

**D. Schedule drug court hearings, appointments, and other events**

**1. Schedule periodic court appearances for each drug court participant and maintain a compliance record.**

This function will be supported by the drug court system.

**2. Track other appointments for assessment, individual and group counseling, client monitoring, and other services, and keep a record a participant's attendance.**

This will be done. Court hearings will be handled by the web service previously mentioned; other drug court appointments will be tracked in the drug court module.

**3. Provide notices to appropriate agencies and parties of scheduled activities, including assigned attorneys.**

Notice of the next hearing will continue to be provided at the end of the hearing.

Notices are provided to private attorneys, or they will be contacted by telephone, if

there is insufficient time to mail a notice. These notices will not be generated from the drug court system.

**4. Maintain information on participant contacts and address information.**

This function will be supported by the drug court system.

**E. Schedule, accept, process, and distribute fines, costs, and fees**

**1. Provide the current status of fine and fee payments to appropriate organizations working with the drug court.**

The drug court does not need to deal with financial obligations, so this function is not needed in the drug court system.

**2. Track community service performed as imposed by the drug court or in lieu of fine payment.**

The judge can assess community service as a part of a treatment plan or as a sanction. The system will be able to track it and ensure that it is completed.

**F. Maintain and distribute information collected during intake and assessment**

**1. Record the results of assessments related to determining eligibility and suitability for drug court, drug court intake, and admission to treatment programs.**

Drug court assessments are recorded. Assessments related to admission to treatment programs are outside of the scope of the system.

**2. Collect program exit information at graduation or termination from drug court.**

Requirements related to performance measures—employment and education status will be collected. These are the only program exit elements that are required by the performance measures.

**3. Determine the participant's substance abuse history, including frequency and severity of use, and length of most recent sobriety.**

This function will be supported by the drug court system.

**4. Maintain information on the participant's drugs of choice, including the route of administration, amount, frequency of use, age began using, last use, etc.**

This function will be supported by the drug court system.

**5. Ascertain the participant's criminal history, including arrests, convictions and incarcerations for felony and misdemeanor violent, non-violent, drug-related, and non-drug-related offenses.**

This function will be supported by the drug court system.

- 6. Provide data on the participant's treatment history, including outpatient, detox, and residential programs, dates of admission and discharge, outcome, providers, and lifetime treatment attempts.**

This function will be supported by the drug court system.

- 7. Maintain information on the participant's mental health history, including evaluations, diagnosis, hospitalizations, medications, providers, location, suicide attempts, violent behaviors, etc.**

This function will be supported by the drug court system.

- 8. Record data on the participant's medical history, including physician, insurance, chronic medical problems, medications, TB status, HIV risk behaviors and attitudes, history of sexual or physical abuse, etc.**

This function will be supported by the drug court system.

- 9. Provide information on substance abuse treatment history for the participant's family.**

This function will be supported by the drug court system.

## **II. Operations Management**

### **A. Managing drug court operations**

- 1. Provide summaries of referrals to the drug court, actions on those referrals, and reasons for the actions.**

This function will be supported by the drug court system.

- 2. Determine and modify eligibility and suitability criteria.**

This function will be supported by the drug court system.

- 3. Predict the effect of policy and procedural changes on operations and client outcomes.**  
Information will be collected in the new system to support this function.

- 4. Monitor aggregate drug test results to determine if current testing procedures are targeting the drugs most often used by offenders.**

This function will be supported by the drug court system.

- 5. Track the length of time participants spend in each phase of the drug court process and the overall time required to complete the drug court program, as compared to goals for case processing time.**

Formal program phases are not used by the drug court.

- 6. Monitor the effects of the imposition of various sanctions and incentives on the performance of participants in the drug court program.**

This function will be supported by the drug court system.



**7. Provide information to support funding requests, grant proposals, and public relations campaigns in the community.**

Post program recidivism is the key measure to show the impact of the drug court on the community. A recommendation to support this function follows, below.

**8. Manage fiscal and personnel resources allocated to support drug court operations.**

This function is outside of the scope of the drug court system.

**9. Provide statistical and fiscal information to satisfy the reporting requirements of federal, state, and local organizations.**

The drug courts are not currently supported by federal grants, so there are no reporting requirements that must be met.

**B. Managing and brokering treatment delivery programs**

**1. License treatment providers.**

This function is outside of the scope of the drug court system. It is performed by an executive branch agency.

**2. Manage contracts with and payment of treatment providers.**

ASSMCA pays the treatment providers. They ran out of money for drug testing and asked the court to start paying for it. The court made some emergency expenditures to keep the program running, but did not assume this responsibility. This function is outside of the scope of the drug court system.

**3. Coordinate treatment placements.**

The system will record placements and progress only. The court does not coordinate these placements.

**4. Monitor vacancies and admissions to treatment programs, including available bed space at individual facilities and slots in outpatient programs.**

This function is outside of the scope of the drug court system.

**5. Maintain waiting lists for services that are in high demand.**

This function is outside of the scope of the drug court system.

**6. Track the nature, frequency, and cost of services.**

The new system will record the nature and frequency of treatment services, but costs must be calculated from contract figures. Case-level information about program costs will not be collected.

### **III. Evaluation**

#### **A. Demographics**

- 1. Collect and maintain historical and demographic information on each drug court participant at referral, program entry, program exit, and other appropriate points in the drug court process. Collect personal demographics, including name, aliases, address, census tract, telephone numbers, date of birth, age, sex, race, ethnic descent, driver's license number, social security number, state identification number, birthplace, citizenship, primary language, interpreter needed, disabilities, etc.**

This function will be supported by the drug court system.

- 2. Store family information, including marriage, children, support payment status, pregnancies, cohabitant drug use, cohabitant criminal activity, cohabitant drug treatment, etc.**

This function will be supported by the drug court system.

- 3. Maintain education data, including last grade completed, currently in school, reading problems, writing problems, etc.**

This function will be supported by the drug court system.

- 4. Document financial resources, including last year income, length of longest job, insurance, and eligibility for Medicaid.**

This function will be supported by the drug court system.

#### **B. Measuring and improving the quality of the drug court program**

- 1. Develop and maintain an evaluation plan that lists the specific performance, impact, and cost questions to be answered.**

Performance measures have been defined for the drug court.

- 2. Determine costs and best practices for offender treatment by analyzing placement decisions.**

The system will collect the data required to perform this function. Reports and workflows have not yet been defined.

- 3. Determine aggregate changes in arrest rates before and after drug court intervention.**

This type of impact evaluation has not yet been established.

- 4. Measure treatment services received by various groups and the cost of those services.**

The new system will record the nature and frequency of treatment services by participant type, but costs must be calculated from contract figures.

**5. Determine if there is any association between service providers and improved participant functioning, with respect to drug use, mental health, employment, etc.**

The system will collect the data required to perform this function. Reports and workflows have not yet been defined.

## **Drug Court Performance Measures**

The Puerto Rico Drug Court Performance Measures were reviewed during the site visit. It was determined that the proposed design will accommodate the collection of appropriate information with which to compute each of the performance measures.

The most significant discussion was focused on the calculation of post-program recidivism. This is the most direct method of determining the success of the drug court program. It indicates how drug use and criminal activity are reduced in the years following the completion of the drug court program. It is essential to be able to demonstrate the value of the drug court to continue to acquire the resources needed for its operation.

Some discussion occurred concerning the performance measures related to improvement in educational and employment status. This addressed the difficulty of computing the measures, if values for the education and employment status elements are not ranked in such a way that the computer programs can automatically calculate whether or not improvement has occurred.

The following are the performance measures that have been defined for the Puerto Rico drug courts.

- 1. Percent of drug court referrals admitted to drug court. (1. % de referidos a las Salas de Drogas que son admitidos.)**
- 2. Average number of status hearings per participant. (2. Número promedio de vistas de seguimiento por participante.)**
- 3. Average number of sanctions per participant. (3. Número promedio de sanciones por participante.)**
- 4. Average number of incentives per participant. (4. Número promedio de incentivos por participante.)**
- 5. Average number of activities planned by drug court coordinator per drug court coordinator (compiled every six months). (5. Número promedio de actividades**

- planificadas por los Coordinadores del Programa de Salas de Drogas por cada Coordinador. (recopilado cada seis meses).)**
- 6. Average number of external contacts per drug court coordinator (compiled every six months). (6. Número promedio de contactos externos por Coordinadores del Programa de Salas de Drogas por cada Coordinador. (recopilado cada seis meses).**
  - 7. Average number of days till treatment entry. (7. Número promedio de días hasta ingresar al tratamiento.)**
  - 8. Units of service (treatment and ancillary services). (8. Unidades de servicio (servicios de tratamiento y auxiliares).)**
  - 9. Retention (percent of each six month admissions cohort that graduate). (9. Retención [% de cada grupo de admisiones durante seis meses que se gradúa].)**
  - 10. Average time in program. (10. Tiempo promedio en el Programa.)**
  - 11. Sobriety (percent of drug tests returned positive per participant). (11. Sobriedad [% de pruebas de drogas que resultan positivas por participante].)**
  - 12. In-program recidivism (convictions). (12. Reincidencia dentro del Programa [convicciones\*])**
  - 13. Percent change in employment status. (13. % de cambio en el estado laboral.)**
  - 14. Percent change in education status. (14. % de cambio en el nivel educativo.)**
  - 15. Post-program recidivism (percent of graduates convicted of a new offense within five years of graduation [felonies and misdemeanors]). (15. Reincidencia después de salir del Programa [% de graduados convictos por un nuevo delito dentro de 5 años después de haberse graduado (delitos graves y menos graves)].)**

## **Drug Court Information Technology Checklist**

The drug court information technology checklist is very similar to the best practices document, previously reviewed. Discussion was concurrent with the other document. The relevant checklist items (that relate to system functionality) are contained in Appendix B.

## Recommendations

Several recommendations are offered to address the few gaps that are apparent between the drug court system design and the standards and best practices described above.

### 1. Unique Person Identifier

The most significant data quality issue in courts is the identification of individuals. While serious criminal cases usually have excellent fingerprint-based identification information for defendants, less serious criminal, civil, and family court cases lack this data. Other parties (e.g., witnesses, victims, attorneys, and justice agency and court staff), who also may play different roles in different cases, are not so easily identified.<sup>16</sup> The result is that, without very specific business practices, courts fill their databases with duplicate entries for the same individuals. Queries may produce dozens of potential matches, and court staff stops trying to identify the right person. Decision makers then lack critical information that is essential to doing the right thing. Individuals may be released on bail when they have outstanding warrants, parents may receive custody of children when they are the subject of a protection order, and children may be returned to the custody of parents who have outstanding drug cases pending. Inappropriate plea bargains and sentencing decisions may be made because justice system officials lack the information that they need.

There is no perfect solution to this problem. Court management must establish and enforce effective business practices. Staff must be allocated for cleaning up identification problems, and they must be given the proper technology tools to assist them. The Puerto Rico drug courts benefit from the fact that their participants have been properly identified through the fingerprint process, but court officials still may not be aware of other cases for which fingerprints were not taken.

One thing that can be done to reduce identification problems is for the drug court to use the unique person identifier number that is generated or provided when an individual is arrested. In the absence of this number, a temporary, court-generated number should be used until the correct number can be obtained.

### 2. Post-Program Recidivism

As has been mentioned previously in this report, impact evaluation information is necessary to sustain the drug courts. Court officials must be able to show that the drug court reduces drug use and criminal behavior, and that the cost of providing a drug

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<sup>16</sup> For example, a police officer who issues numerous citations, also may be a party to a divorce case.

court actually saves money that otherwise would be required for incarceration and subsequent criminal activity.

The current system design provides for the entry of information related to in-program recidivism, i.e., when a drug court participant is arrested for another offense. This concept must be extended, through new system workflows, to include a post drug court exit criminal history check at 12, 24, and 36 months, at a minimum. The performance measures document provides specific instructions on how this data should be collected and used. Periodically, it will be necessary to provide comparable data for individuals in similar circumstances who did not go to drug court, such as those sentenced to probation. These two data sets, as they are compared, will provide justification for budget expenditures on the drug court.

### **3. Program Phases**

Program phases are a best practice in drug courts. They allow the court to eliminate a number of variables (since all participants start out in very similar programs) that will help to identify key differences that distinguish the success of certain practices over others. For example, if every drug court participant starts out with a similar schedule of court hearings, random drug tests, case manager visits, etc., then the drug courts will be able to experiment by altering a single variable to see if it makes a difference. Over time, the drug courts can refine their procedures by making standard the things that work best.

It is possible to track multiple variables (e.g., hearing, drug test, and case manager meeting frequency) in place of the program phase, but it becomes more difficult to analyze differences in performance between regions and demographic groups, when there are too many independent variables. The NCSC recommends that the Puerto Rico drug courts consider implementing program phases, at least in the early stages of the drug court process.

### **4. Task List**

Many drug courts supply the participant with a summary of the results of the court proceedings—things that the judge told them to do before the next hearing. The Puerto Rico drug courts already provide the participant with notification of the next court date. It would be a fairly simple matter to expand the form to include some additional check boxes, to provide this information to the participant at the conclusion of the hearing.

### **5. Educational and Employment Improvement**

The NCSC recommends that system designers work with users to establish a non-ambiguous set of code values for measuring educational and employment progress

during drug court. If this is not done, the two measures of performance will have little value.

## **6. Integration with Treatment Providers**

The long term goals of the Puerto Rico drug court case management system should include integration with treatment provider organizations. At this point, these linkages are appropriately beyond the scope of the project, but in coming years, they will become more important to the successful operation of the drug court. Without this integration, case managers, drug court coordinators, and others will spend a great deal of time keying in data that already exists in another system.

## **7. Additional Operations Management Data**

For policy purposes, the 15 performance measures defined for the Puerto Rico drug courts are adequate. For operations management and evaluation purposes, more information will be needed. The design of the new system provides the opportunity to generate additional management reports, without collecting any more data. The drug court system users should work with system developers to define additional reports and workflows to take advantage of the resources that will be available.

## **8. Distribution of Hearing Outcomes to Service Providers**

Communication is a key element of a successful drug court. Those who are involved in staffings and court hearings are intimately aware of the work that is being done, but often, those who are not involved in these events and who are important parts of the process are in the dark about decisions that are made. The NCSC recommends that minutes of drug court hearings be distributed to treatment providers and any other stakeholders in the process. Current procedures make this information available, but require the person to go looking for the information. The system is technologically capable to distribute this data directly.

## **Conclusion**

The Puerto Rico Drug Court Case Management System appears to meet all applicable standards and best practices, assuming that the recommendations of this report are accepted and implemented. This conclusion is based on a review of system design information, not on a review of an operational system. It is suggested that court staff review these materials following system implementation, to ensure that nothing has been missed in the construction process.

The design and development approach used in creating the drug court CMS is progressive and impressive. It will serve as a model to courts throughout the United

States and the world. The National Center for State Courts appreciates the opportunity to perform this assessment, and to assist in some small way in ensuring its success. The NCSC staff also is grateful for the kindness and cooperation of everyone who was involved in the project.



## Appendices

**Appendix A: Project Participants**

**Appendix B: Drug Court Information Technology Checklist**

## **Appendix A: Project Participants**

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Guillermo Aure, Arquitecto de Solución

## **Appendix B: Key Drug Court Information Technology Checklist Elements**

### **Referral**

Does the system capture, assign, or allow entry of a unique case identifier, such as case number?

Does the system assign, or allow entry of, and maintain other case identifier information (e.g., of other courts such as juvenile or domestic relations; prosecutor; corrections; law enforcement; domestic relations service provider numbers; other agencies) and establish relationship with case participants?

Does the system capture, assign, or allow entry of a unique case person identifier?

Does the system record and maintain the source of referral and the reason for case initiation (such as new filing, transferred from another jurisdiction, reopened)?

Does the system allow for the assignment of the person's pre-program status (such as incarcerated or community) at time of referral?

Does the system record and maintain associated person information, such as interested parties, parents, prosecutors, employers, codefendants?

### **Eligibility**

Does the system record the results of screenings and assessments related to determining eligibility and suitability for drug court, drug court intake, and admission to treatment programs?

Does the system record and maintain substance abuse factors, including primary, secondary and tertiary use, length of use, use in last 30 days, age of first use, prior treatment episodes, twelve-step participation, last treatment episode, and adult or juvenile probation?

Does the system record and maintain additional substance abuse factors, including frequency and severity of use, drugs of choice, route of administration, and amount of use?

Does the system record and maintain the participant's risk factors, including previous offenses (misdemeanors and felonies), arrests, convictions, and total time served in jail and/or prison?

Does the system capture and maintain additional criminal history information, including the designation of violent or non-violent crimes, and drug-related or non-drug related crimes?

### **Admission/Intake**

Does the system record and maintain the participant's date of birth, gender, race, etc.?

Does the system record and maintain additional demographic and identifying data, including ethnicity, physical description including height, weight, eye and hair color, driver's license number, social security number, state identification number, birthplace, citizenship, primary language, interpreter requirements, and disabilities?

Does the system accept multiple addresses, telephone numbers, and other associated contact information for persons associated with the person and effective dates?

Does the system permit associations of persons and provide for an association of a group of people recognized as family members?

Does the system record and maintain health factors, including historical services, disabilities, pregnancy, detox questions, co-occurring disorders, and psychotropic and other prescription medications?

Does the system indicate whether any impairments or disabilities will limit or affect participant's ability to participate in educational or training programs?

Does the system indicate any special needs for a person/participant, such as language interpreter or ADA accommodations required?

Does the system record and maintain family factors, including marital status, children/custody, welfare status, family drug and alcohol use, current use in immediate family, homelessness and English as a second language?

Does the system capture and maintain information on the participant's housing status, living situation, and quality of housing classification (such as "clean and sober" housing) with an address history?

Does the system record and maintain additional family information, including co-inhabitant criminal activity, co-inhabitant drug use and treatment, and housing status and type?

Does the system record and maintain information related to a participant's employment, including status, type, hours scheduled, hours worked, beginning and ending dates, with a history of employment?

Does the system record and maintain confirmation from employers of a participant's employment status, type, hours scheduled, hours worked, beginning and ending dates?

Does the system capture and maintain the participant's financial resources, including latest year income, length of longest job, support, and eligibility for Medicaid?

Does the system record and maintain records on other sources of income, assets, or benefits such as child support payments, disability, public assistance, social services, or unemployment?

Does the system produce, record, and maintain a drug court participant's consent to participate and release information as necessary in the drug court program - and the revocation of such consent? (Note: consent is typically a condition of program participation; there is a separate requirement addressing post-program consent.)

Does the system record and maintain information about a participant's drug and alcohol testing, including: scheduled (both absent and administered), type of test (including panels), and outcomes (including positive, negative, absent, stalled, tampered, and inconclusive)?

Does the system keep a record of participant status and progress in educational or vocational training programs?

Does the system track volunteer and community service work hours and location performed by the drug court participant?

## **Assessment**

Does the system record and maintain data on the participant's pre-program treatment history, including prior treatment attempts and outcomes, outpatient, detoxification, and residential programs, dates of admission and discharge, outcomes, providers, and lifetime treatment attempts?

Does the system record and maintain information on the participant's self-reported or known pre-program mental health history, including evaluations, diagnosis, hospitalizations, medications, providers, location, suicide attempts, violent behavior?

Does the system record and maintain data on the participant's medical history, such as primary physician, chronic medical problems, medications, TB status, HIV risk behaviors and attitudes, hepatitis C, history of sexual or physical abuse?

Does the system record and maintain information on medical insurance for the participant?

Does the system record and maintain information on substance abuse history for the participant's family?

### **Initial Plan**

Does the system record and maintain a substance abuse treatment plan?

Does the system record and maintain a supervision case plan?

Does the system record and maintain employment/vocational counseling goals?

Does the system record and maintain recovery support/self-help group meeting attendance requirements?

Does the system record and maintain ancillary service referrals (such as mental health counseling)?

Does the system record and maintain physical restrictions (such as curfew, period under electronic monitoring, prohibited locations)?

Does the system record and maintain housing/living arrangements and goals?

Does the system record and maintain other court ordered requirements as a condition (such as regular child support payments)?

Does the system record and maintain data on sanctions and incentives, including: precipitating event, type of sanction or incentive, completion of sanction, who imposed the sanction or incentive, and severity?

Does the system record and maintain data about court fines and fees, including amounts assessed and paid?

### **Case Processing for Clinical, Court, and Supervision Functions**

Does the system record and maintain a history of drug court team members assigned to each case, including prosecutors, public defenders, probation officers, case managers, and judges/judicial officers?

Does the system record and maintain specific participant requirements or plans for the frequency of court hearings, drug testing, treatment, and participation in other program requirements (such as twelve step, community service, and anger management)?

Does the system allow scheduling of court appearances for each drug court participant, and keep a record of participant's attendance?

Does the system track other appointments for assessment, drug testing, individual and group counseling, client monitoring, and other services, and keep a record of participant's attendance?

Does the system generate notices to the participant, drug court team, assigned attorneys, and other appropriate agencies and associated parties of scheduled activities? (Note: this function may be satisfied by paper report, electronic, voice, or other solution.)

Does the system provide for scheduling of events and recurring events and participants to be automatically scheduled?

Does the system record and maintain the results of hearings, including court orders?

Does the system generate court orders and other documents produced as a result of court hearings?

Does the system track participant phase changes, including the dates of events?

Does the system record and maintain data on the modality or type, frequency, and unit cost of services planned/projected as part of the drug court and/or treatment plan?

Does the system record and maintain the modality or type, units and actual costs of the services delivered/attended as part of the drug court and/or treatment plan?

Does the system record and maintain the status, progress, and units of service of the participant through substance abuse education, counseling, and treatment programs?

Does the system record and maintain the supervision contacts by drug court personnel and/or service providers such as case management, community supervision, electronic monitoring, or home visits?

Does the system record and maintain the status, progress, and units of service of the participant through other ancillary services such as mental health, parenting, public assistance, and family counseling?

Does the system record and maintain non-substance abuse medication management information? (For more information on this requirement, see NIDA guidelines.)

Does the system record and maintain substance abuse medication management information? (For more information on this requirement, see NIDA guidelines.)

Does the system record and maintain data about participation in community support services such as recovery centers and twelve-step meetings?

Does the system record and maintain health issues affecting the participant during the drug court process, including the use of medications and doctor visits?

Does the system record and maintain data about the participant's in-program pregnancies and results?

Does the system record and maintain the participant's in-program recidivism frequency, date of incidents including arrests, charges, violations of probation, convictions and incarcerations for felony and misdemeanor violent, non-violent, drug-related, and non-drug-related offenses?

Does the system record and maintain data about court ordered financial obligations and program fees such as fines, court fees, costs, restitution, program fee payments, payment date, amount tendered, receipt type, and status as required by your jurisdiction?

Does the system record and maintain a record of community service or other court ordered activity performed?

Does the system record and maintain data about treatment providers' licensing status?

Does the system record and maintain data on drug court payments to treatment providers?

Does the system provide information about vacancies and admissions to treatment programs, including available bed space at individual facilities and slots in outpatient programs in order to coordinate placement of participants?

## **Exit Program**

Does the system record and maintain drug court program discharge information, including the type and date of discharge?



Does the system record and maintain exit interview questions and answers? (Note: this requires narrative comments to describe exit interview elements.)

Upon completion of the drug court case, does the system record and maintain information on the resolution of the case, resolution of drug court eligible charges, sentences imposed - including violations of probation or other conditions and matters deferred for prosecution?

Does the system record and maintain information on the underlying criminal case or any other proceedings pending against the participant?

### **Follow Up**

Does the system record and maintain the participant's post-program recidivism frequency, date of incidents including arrests, charges, violations of probation, convictions and incarcerations for felony and misdemeanor violent, non-violent, drug-related, and non-drug-related offenses?

Does this system produce, record and maintain a drug court participant's consent to participate and release information as necessary for post-program evaluation, and revocation of such consent?