



**Performance Audits**

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To: Performance Audit Committee

From: William Vetter, Research Analyst *WV*

Re: Follow-up Report to the 2009 Performance Audit of Breaking the Cycle

## **A. Introduction**

This follow-up report examines the progress made in implementing the recommendations in the performance audit report titled *Process Evaluation of Breaking the Cycle*, issued on September 24, 2009. The audit was undertaken in response to County Council resolution 2009-20s, which requested that the Performance Audit Committee examine issues related to “contracting, operations, performance measures, funding and cost effectiveness” of the Breaking the Cycle program.

We found that the program has undergone significant changes in 2010. The main changes are a change in the program name, reassignment of contracting authority from Superior Court to Human Services, and a stronger emphasis on drug treatment and tracking of clients.

Breaking the Cycle (BTC) is now called “Alternative Confinement” and administered by the Pierce County Alliance (PCA) under contract with Pierce County Human Services. The program started in 1998 as one of three federal demonstration projects to study the effects of offering drug education and treatment to pre-trial defendants and sentenced offenders who had current felony charges or convictions. In March 2009, Superior Court eliminated the pre-trial portion of BTC, and the program has since been available only for sentenced offenders.

At the time of the 2009 audit report, BTC’s program description stated that it was “designed to give offenders the opportunity to break the cycle of addiction by giving them a treatment alternative to jail confinement.” The program is funded in part by county funds and in part by state Criminal Justice Treatment Account (CJTA) funds. Exhibit 1 displays the program funding since 2008. The significant drop in funding since 2008 is attributable to the termination of the pre-trial aspect of the program.



## Exhibit 1: Alternative Confinement Funding, 2008-2010

	County Contract	CJTA (state funds)
2008	\$600,000	\$185,778
2009	\$375,000	\$122,362
2010	\$375,000	\$87,234*

*\*Projected based on funding received through August 2010.*

For 2011, the County Executive's proposed budget now being reviewed by the County Council includes \$300,000 for Alternative Confinement from the Criminal Justice Fund. That fund is projected to be exhausted at the end of 2011.

### **B. Issues in 2009 Audit Report**

#### **1. Program Effectiveness**

The 2009 performance audit report found that only 40% of BTC clients received any drug and alcohol treatment services. Of those, about 35% (or 15% of all BTC clients) received what experts consider a "therapeutic dosage" – that is, enough treatment to be effective. For the remaining 60%, BTC operated as a day reporting center with intensive drug and alcohol testing.

Therefore, the audit found that it was unlikely that the program as a whole was "effectively reducing future substance abuse or criminal activity." State treatment funds could likely be spent more effectively, either within BTC or in another program.

For clients receiving treatment, according to the audit report, there was inconsistent response to program violations. The treatment literature indicates that graduated sanctions in response to violations are effective in drug treatment. In BTC, clients were at times returned to jail after one failed urinalysis test, and at other times they were not sanctioned for multiple failed urinalysis tests.

Nevertheless, the audit found that the program was effective in saving the county money by diverting sentenced offenders from the jail, thus obviating the need for opening another pod at the jail at great expense.

The audit included a marginal cost estimate of \$51.51 for per person costs of a day in jail, and found that the county saves at least \$2.23 for every dollar spent on BTC. The program provided an overall return on investment even when state CJTA funds were included in the calculations.

## **2. Pierce County Contracting Authority**

Until 2009, the Pierce County Alliance operated BTC under contract with Superior Court, although the jail was ultimately responsible for ensuring program compliance. Starting in 2009 the program served only sentenced offenders, and the report thus found that the jail was in fact the “gatekeeper for entrance into BTC and consequently has significant interest in the supervision of BTC operations.” There was “no compelling reason” for the contract to be administered by Superior Court.

The report also found that the contract contained language on reporting requirements that were no longer applicable to the program. In addition, the largest single item in the contract was the cost of the BTC deputy sheriff, but that there was “little way of objectively evaluating the workload of this position.”

## **C. Recommendations and Implementation Status**

As a result of the findings, the performance audit report made six recommendations. These recommendations are listed below, along with an update on how they have been implemented in 2010.

### **Recommendation 1: Clarify what is expected from the program**

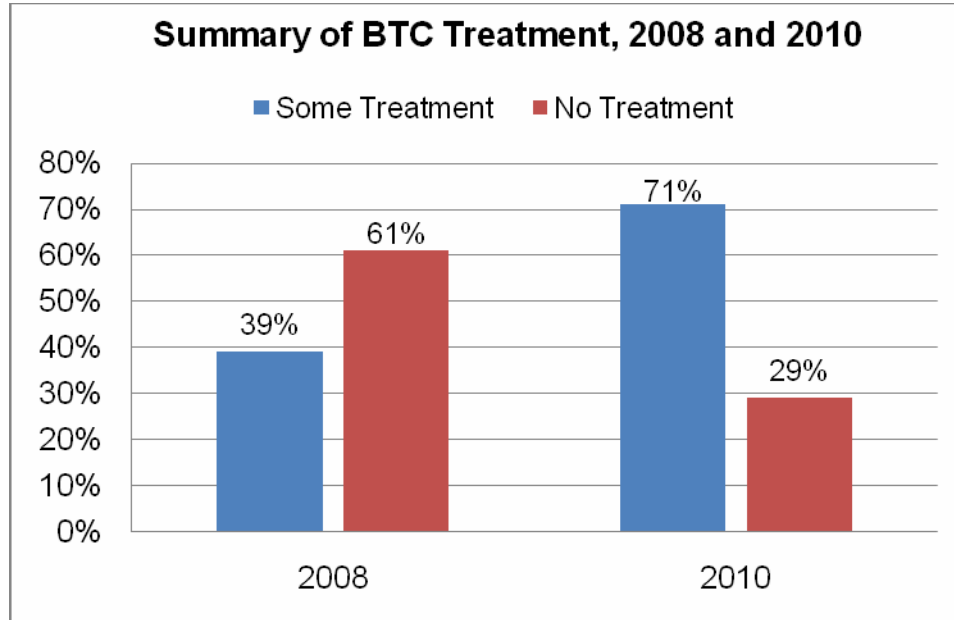
Given that the program provided substance abuse treatment to 40% of clients and no treatment to the other 60%, the report recommended that policy decisions should be made regarding the purpose of BTC. If the purpose is to provide effective substance abuse treatment, the report recommended that substance abuse assessments should be conducted earlier to determine appropriate candidates for treatment and to maximize treatment length. On the other hand, if the purpose of the program is to serve as a day reporting center to alleviate jail crowding, policies should be established that connect clients with appropriate services.

#### Implementation Status

The recommendation has been implemented. To reflect the importance of the program in terms of jail savings as opposed to substance abuse treatment, the name has been changed from “Breaking the Cycle” to “Alternative Confinement.” The program is on pace to save 15,958 jail days in 2010, which amounts to a savings of \$821,996 in jail costs. This represents a slight decrease from 2008.

As Exhibit 2 indicates, the percentage of clients receiving treatment has increased from 41% in 2008 to 71% in 2010. There are not enough data for 2010 to compare length of time in treatment with prior years. Human Services is currently developing models for assessing treatment effectiveness based on the new structure of the program.

## Exhibit 2: Alternative Confinement Clients Receiving Treatment, 2008 and 2010\*



\*As of May 31, 2010

The increase in 2010 in the percentage of clients receiving treatment is partly a reflection of the increased emphasis on treatment and partly a reflection of the smaller number of clients enrolled in the program.

Of the 2010 clients receiving no treatment, 47% were returned to jail for program violations and 21% were assessed as not having substance abuse issues or were sentenced for less than 30 days. An additional 5 clients required medical or other services at a different location.

### **Recommendation 2: Substantially rewrite contract**

The performance audit report recommended that (a) contracting authority for BTC should be transferred from Superior Court to another agency, such as the jail or Pierce County Human Services; (b) the contract should be updated to reflect current practice; (c) the contract should include staff time for monitoring regular performance reports; and (d) the role of the BTC Advisory Group should be clarified. (The Advisory Group has existed under the program contracts for many years.)

### Implementation Status

The recommendation has been implemented. As a result of County Council action when passing the 2010 budget, the Alternative Confinement contract is now administered by Human Services. This has resulted in several improvements related to the tracking of clients in treatment.

Under the present contract, Alternative Confinement clients receiving any form of treatment are to be tracked through Washington State's substance abuse treatment tracking system (TARGET).<sup>1</sup> Funds from the county contract are allocated based on these services. In addition, Human Services staff reviews case files annually to ensure compliance with the contract. Under the prior contract, in contrast, BTC clients receiving county funded treatment were not tracked through TARGET, funding was not allocated based on services delivered, and Pierce County staff did not review case files.

Contracting through Human Services has enabled the program to receive matching Title XIX Medicaid funds. These matching funds – \$4,500 in 2010 to date – effectively allow the program to provide more treatment per county dollar.

Although this recommendation has been implemented for the most part, the new contract does not clarify the role of the Alternative Confinement Advisory Group. The Advisory Group has not met in 2010.

### **Recommendation 3: Conduct an outcome evaluation**

The performance audit report recommended conducting an outcome evaluation to determine whether the program was effectively treating substance abuse.

#### Implementation Status

An outcome evaluation is not currently planned. If an outcome evaluation should be scheduled later, it would be prudent to wait until enough data are available for comparative purposes.

### **Recommendation 4: Consider formal implementation of graduated sanctions**

The performance audit report noted that in recent years the program had adopted a policy of returning clients to jail after one positive urinalysis test. A graduated sanctions response to violations has been shown to be more effective, and thus the audit recommended the adoption of a graduated sanctions approach.

#### Implementation Status

The recommendation has not been implemented. At the time of this follow-up, one violation still results in a return to jail. However, the program administrator has established a process for return to confinement that includes a meeting between the deputy sheriff assigned to the program and a treatment counselor to determine if there are extenuating circumstances surrounding a positive test.

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<sup>1</sup> Clients with sentences shorter than 30 days in length are exempted from this requirement.

### **Recommendation 5: Improve data system**

The performance audit report noted that the Pierce County Alliance was updating the electronic data system used for tracking BTC clients, and made three recommendations regarding the new system:

1. The system should include an enrollment number unique to each new enrollment in order to facilitate review of client data and outcomes.
2. The data system should automatically record a drug test violation, and record overrides of violations by case managers for enhanced reporting.
3. The data system should include a new module to record the activities of the BTC deputy sheriff.

#### Implementation Status

The recommendation has been implemented. According to Pierce County Alliance staff, the new system now includes a unique enrollment number for each new enrollment and includes the capability to record every drug test violation and overrides by managers. In addition, the new system includes a module to record the address verifications conducted by the deputy sheriff to ensure that program clients are complying with policy. There have been inconsistencies between the new data system and TARGET, and Pierce County Alliance staff members are currently working with Human Services to correct those issues.

### **Recommendation 6: Clarify and monitor activities of BTC deputy sheriff**

The performance audit report noted that 20% of the county's appropriation is allocated for a deputy sheriff, and recommended a review of the responsibilities, activities, and workload of the deputy sheriff.

#### Implementation Status

The recommendation has not been implemented. As noted in the 2009 audit report, program oversight is the responsibility of the Alternative Confinement Advisory Group, which consists of judges, prosecutors, defense attorneys, Corrections staff, and the Pierce County Alliance. As of this writing, it appears that the recommended review of the deputy sheriff responsibilities and workload has not been conducted.