The Minutes of the Meeting of the State Drug Treatment Court Advisory Committee

May 26, 2011
Richmond, Virginia

SUPREME COURT OF VIRGINIA
Office of the Executive Secretary
Richmond, Virginia
The State Drug Treatment Court Advisory Committee (SDTCAC) met at 10:00 am on Thursday, May 26, 2011 in the 6th Floor Courts Conference Center at the Supreme Court of Virginia. Chief Justice Cynthia D. Kinser, Chair presided.

The following members were present:

- Hon. Jerrauld C. Jones, Judge, Norfolk Circuit Court
- Hon. Clarence N. Jenkins, Jr., Judge, Richmond Circuit Court
- Hon. Judith Kline, Judge, Newport News Juvenile and Domestic Relations District Court
- Hon. Charles Sharp, Judge, Stafford Circuit Court
- Hon. David Peterson, Judge, Fredericksburg Juvenile and Domestic Relations District Court
- Helivi Holland, Director, Department of Juvenile Justice
- Tracey Jenkins, Program Specialist, Department of Criminal Justice Services
- Angela Coleman, Executive Director, Commission on Virginia Alcohol Safety Action Program (VASAP)
- James Gochenour, Esquire, Public Defender, City of Hampton
- Michael Whipple, Substance Abuse Programs Manager, Community Corrections, Department of Corrections
- Michelle White, President, Virginia Drug Court Association (VDCA)
- Julie Truitt, Substance Abuse Planning Coordinator, Department of Behavioral Health and Developmental Services
- Hon. Margaret P. Spencer, Judge, Richmond Circuit Court
- Hon. Elizabeth S. Wills, Judge, Wise County Juvenile and Domestic Relations District Court
- Mark Blackwell, Executive Director, Substance Abuse and Addiction Recovery Alliance (SAARA) of Virginia, Inc.
- Glen Peterson, Director, Chesterfield Community Corrections Services
- Natale Ward, Senior Director, Hampton-Newport News Community Services Board
The following members were not present:

- Hon. Humes Franklin, Jr., Judge, Staunton Circuit Court
- Melanie Meadows, Vice President, VDCA
- Hon. Stanley S. Clarke, Sheriff, Essex County Sheriff’s Office, Virginia Sheriff’s Association representative
- Hon. Marcus McClung, Commonwealth Attorney, Scott County
- Terrell Holbrook, Assistant Chief of Police, Roanoke County, Virginia Association of Chiefs of Police representative
- Hon. Burke Mc Caul, Judge, Loudoun County Circuit Court
- Hon. W. Randy Carter, Jr., Clerk, Suffolk Circuit Court
- Therese Wolf, Permenency Program Manager, Department of Social Services

The following staff members were present:

- Paul DeLosh, Director of Judicial Services, Office of the Executive Secretary, Supreme Court of Virginia
- Anna Powers, Drug Treatment Court Coordinator, Office of the Executive Secretary, Supreme Court of Virginia
- Lakresha Etheredge, Assistant to Drug Courts, Office of the Executive Secretary, Supreme Court of Virginia

Chief Justice Kinser called the meeting to order and welcomed those in attendance.

WELCOME AND INTRODUCTIONS

Chief Justice Kinser began by commending the Committee for their continuous work and efforts to sustain drug court programs in the Commonwealth. She noted that drug courts across the state were providing a tremendous service to many people and that turning around the life of just one individual was worth the continued efforts. Chief Justice Kinser further encouraged the Committee to notify the Supreme Court of Virginia to specific needs relating to drug courts, as she and the Justices are ready and willing to help. On behalf of herself and the Justices of the Supreme Court of Virginia, she thanked the Committee for their efforts and encouraged them to continue forward with the mission of helping people.
Chief Justice Kinser then requested each member of the Committee introduce themselves before turning the meeting over to the Vice-Chair Judge Jones.

**APPROVAL OF MINUTES**

The next order of business was the approval of the October 15, 2010 meeting minutes. Jim Gochenour, Public Defender, City of Hampton moved to approve the minutes and Helivi Holland, Director, Department of Juvenile Justice seconded. The motion carried to approve the minutes as submitted unanimously.

**PROGRAM PROGRESS**

Paul DeLosh updated the Committee on recent activities of the state drug court office and drug court programs across the Commonwealth.

1. Several federal grant opportunities have become available for drug court programs.
   a. BJA Adult Drug Court Discretionary Grant is due June 9, 2011. Henrico Adult Drug Court and the Danville Planning Drug Court have requested letters of support.
   b. BJA Honest Opportunity with Probation Enforcement (HOPE) Demonstration Field Experiment Grant is due June 28, 2011
   c. BJA Second Chance Act State, Local & Tribal Reentry Program Grant is due June 30, 2011
   d. BJA Second Chance Act Reentry Program for Adult Offenders with Co-occurring Substance Abuse and Mental Health Disorders Grant is due June 23, 2011
   e. BJA & SAMHSA Joint Adult Drug Court Solicitation to Enhance Services, Coordination, and Treatment Grant is due June 9, 2011
   f. SAMHSA To Develop and Expand Behavioral Health Treatment Court Collaborative Grant is due June 6, 2011. Henrico Adult Drug Court and the Charlottesville/Albemarle Family Drug Court have requested letters of support.
   g. OJJDP Family Drug Court Programs Grant is due June 20, 2011. The Charlottesville/Albemarle Family Drug Court has requested a letter of support.

2. Two federal grants were received in Virginia’s courts.
   a. The BJA Second Chance Act Grant was awarded to the Norfolk Circuit Court to establish the Norfolk Circuit Reentry Court Docket. The award was for one year with a no cost extension option for one year.
   b. A $249,000 grant for three years from BJA was awarded to establish a Richmond General District Mental Health Docket.

3. The 14 programs in Virginia that receive annual state funding in the form of a grant were sent their application packets with a deadline date of June 24, 2011.
   a. Included in the application this year is a Best Practices with Cost Savings form to be completed by self-report as part of each application. This form will also be sent to all Virginia Drug Court (operational and planning) to complete
and submit to include a summary of Virginia’s Drug Court Best Practices and resulting cost-savings in the Annual Report.

b. Quarterly fiscal reporting continues to be a problem for some localities. Detailed letters defining the discrepancies have been sent to a few programs and their coordinators to correct the problems.

4. There were six programs that requested permission to establish drug court programs during the 2011 General Assembly session: Buchanan, Dickenson, Russell, Goochland and Montgomery Counties and the 30th Judicial Circuit. Unfortunately, all were not approved. The six localities will continue to operate as planning courts and apply for federal grant funds as planning courts and resubmit their requests to the 2012 General Assembly.
   a. The City of Danville and Washington County Circuit Courts are also requesting permission to establish adult drug courts. There applications were received by the May 1st deadline. The Operations Committee held a meeting the morning of May 26, 2011 to review the applications.

5. Ongoing updates are being made to the Drug Court Database for Evaluation.
   a. The data migration project to transfer data from VASAP’s inferno database to the drug court database began in March 2011. The Office of the Executive Secretary anticipates the DUI data will be available in the drug court database late summer 2011.
   b. An RFP for a cost-benefit analysis has been issued. It is a two-year project with planning in year 1 and the analysis in year 2. The evaluation committee will review the respondents and recommend the vendor to award.

6. The Virginia Drug Court Conference will be held on September 19-20, 2011 at the Roanoke Sheraton Hotel.
   a. An invitation for up to six team members from 39 operational and planning drug courts will be sent out in mid-summer 2011. It is expected there will be 200 attendees each day.
   b. Some confirmed presentations include *Addiction is a Brain Disease* and *Adolescent Brain Development* by Dr. Mary McMasters, *Targeting the DUI Offender in Drug Courts* by Judge Patrick Bowler (ret), and the keynote address by Judge Jerrauld Jones.
   c. Ms. Anna Powers, State Drug Court Coordinator, Supreme Court of Virginia has applied for the 2012 DMV Grant.

**VIRGINIA DRUG COURT ASSOCIATION**

President of the VDCA, Ms. Michelle White, reported on the activities of the association.

1. The VDCA sent a survey to all of Virginia’s drug court judges, coordinators, SDTCAC members and other related entities. The results of the survey are being gathered and would be reported at a later date.
2. The association held a retreat on May 18, 2011. From that retreat three priorities were identified for the remainder of the year: advocacy and lobbying, funding, and how to expand the number of drug courts. For each priority an action step was discussed.

3. A contract was in the process of being developed to retain the services of Advantis Strategies lobbying firm for the next General Assembly session.

4. The VDCA has revamped its website to include new information and is more user-friendly. Beginning June 2011, a new drug court will be highlighted each month. The first program to be highlighted will be the Roanoke Adult Drug Court.

5. Brochures to share with local and state legislators should be ready to distribute in September 2011.

6. The VDCA urges the new programs to join and participate in association activities and get on the email list. A concrete mentoring program is being developed to assist the new programs. They are also looking at ways to involve more people in the association including experimenting with video and audio conferencing.

7. There will be a new slate of officers for the association on October 1, 2011.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE

Judge Jones reported the Executive Committee continues to have regular monthly meetings on the last Friday of each month. The committee consists of the chairs of each subcommittee as well as the president of the VDCA. The topic most discussed in the past couple of months has been the new drug court applications and their failure to get approved by the General Assembly. The Executive Committee anticipated more support in the legislature with the six localities requesting permission to establish. Judge Jones suggested an honest and frank discussion needed to occur to outline the status of drug courts and how to move forward. He expressed his excitement over hearing Chief Justice Kinser share her enthusiastic support of drug courts earlier in the meeting.

The Executive Committee has discussed a legislative strategy to get the six applications from 2011 plus the two new drug court applications approved. The House Courts of Justice Committee is the place where the most opposition has been met. There will be efforts to educate members of this committee about the effectiveness and cost savings of drug courts in reducing the prison and jail populations.

Other items the Executive Committee has discussed in recent months include developing a strategy on how the Executive Committee and full Advisory Committee members can support the Office of the Executive Secretary’s legislative efforts, recognizing the Courts have significant other issues to deal with. The Executive Committee also received an inquiry from
Governor McDonnell’s office regarding the Proclamation declaring May as Drug Court Month in the Commonwealth. Another issue addressed by the Committee is the apparent stagnated growth of drug courts while drug court-like programs continue to grow without needing any approval from the Court or General Assembly. Judge Jones reported the Committee has continued to struggle with the funding stream for drug courts and how to avoid what has happened in the past couple of years. Drug Courts need to secure a dedicated funding stream.

Judge Jones further reported the Fairfax Juvenile Drug Court has closed. Judge Kimberly Daniel, Fairfax J&DR District Court stated, “We did not expect to go on for 10 years without any funding from the state and our Court Services Unit who was graciously giving us a portion of a grant they secured each year to operate determined that we did not have enough referrals to justify the expense. I am discouraged by what I see as our county's lack of interest but I did my best.”

Judge Jones noted the Mayor of Roanoke City and a City Council member would welcome attendees to Roanoke at the September 2011 conference.

Judge Jones invited any member of the full Advisory Committee to participate on the Executive Committee conference calls.

Judge Jones, in response to a question regarding if there was an operational plan to further educate the full Advisory Committee on how to counter negative feedback from the General Assembly, noted that certain judicial branch members of the Advisory Committee were limited on their ability to directly interact with the legislator. Because of that, the Advisory Committee must be cautious of doing any direct lobbying. He stressed that the VDCA involvement on the Advisory Committee is critical to perform such duties.

OPERATIONS COMMITTEE

Judge David Peterson reported the Operations Committee had met to review the two new drug court applications an hour before the meeting. A second meeting will be held by conference call on June 28, 2011 to discuss more feedback and any necessary changes. Once all reviews are complete for the applications, the Operations Committee will present the applications for approval to the full Advisory Committee.

PLANNING AND DEVELOPMENT COMMITTEE

Judge Spencer reported members of the Planning and Development Committee (PDC) along with the Funding Formula Work Group, developed the Drug Courts 2020 Report. The
Drug Courts 2020 Committee included coordinators of funded and unfunded programs and other interested groups. Three committees were established: 1) Administration and Program Structure; 2) Funding and Public Education and Support; and 3) Data and Evaluation. With the support of the Judicial Planning Department at the Supreme Court of Virginia, the mission was to come up with a strategic plan for the continuation, improvement, and expansion of drug courts by the year 2020. The report was presented to the full Advisory Committee at the October 15, 2010 meeting but no further action has been taken. Judge Spencer requested the Advisory Committee give the Planning and Development Committee guidance regarding the Drug Courts 2020 Report. She moved that the Advisory Committee seek approval from the Supreme Court of Virginia for developing and implementing the Drug Courts 2020 Report in coordination with the Virginia Drug Court Association. Judge Jones moved to approve the Drug Courts 2020 report. Ms. White seconded. The motion carried to begin implementation of the Drug Courts 2020 report as submitted.

Next, Judge Spencer expressed her concern about the number of alternative programs that are similar to drug courts; such as mental health courts, recovery courts, etc., but do not require legislative approval like drug courts. Many of these programs incorporate the 10-Key Components of Drug Courts, but exclude the ongoing judicial status hearings component. Many of the dockets have no accountability and do not meet Best Practice standards. The National Association of Drug Court Professionals (NADCP) has addressed the issue by noting that the treatment of drug using offenders is the primary mission of the NADCP. While they are on the fence about some of the programs, the NADCP does not want drug court programs to take an adversarial approach to drug court-like programs because treatment should be the most important factor.

EVALUATION COMMITTEE

Judge Charles Sharp, Stafford Circuit Court, reported the Evaluation Committee worked to fine-tune the language in the Request for Proposal (RFP) for the 2011 Annual Report. There were two potential bids to complete a two-year assessment and evaluation study. He noted the Evaluation Committee would meet in the upcoming weeks to review the bids and make a determination on an evaluator.
Judge Sharp further expressed his concern about the six programs that were denied permission to establish. He urged the full Advisory Committee to concentrate on expansion and support for these drug courts with the Office of the Executive Secretary.

OTHER BUSINESS

Mr. Paul DeLosh added he was looking into the Courts contract with WebEx to potentially assist the VDCA with their meetings using this resource.

Ms. Tracey Jenkins, Program Specialist, Department of Criminal Justice Services (DCJS) reported DCJS was to have an Open House on Thursday, June 9, 2011 from 12:30 –2:00 pm. She invited all members of the Committee to attend.

Ms. Natale Ward, Senior Director, Hampton-Newport News CSB reported the Virginia Association of Community Service Boards (VACSB) was concerned about the six programs not being approved in the General Assembly and noted the VACSB was willing to help in advocacy efforts for drug courts.

Mr. Karl Hade, Executive Secretary, Supreme Court of Virginia, repeated the statements from Chief Justice Kinser and added she was a strong supporter of drug courts and has made a determined effort to ask for support of drug court funding. He thanked the Committee for their continued hard work.

MEETING DATES

Judge Jones noted the next Advisory Committee meeting would be held on Thursday, October 20, 2011.

With no further business, thanked the Committee for their time and involvement on the Committee. The meeting was adjourned.

Respectfully submitted,

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Hon. Jerrauld Jones, Judge