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

October 20, 2011
Richmond, Virginia

SUPREME COURT OF VIRGINIA
Office of the Executive Secretary
Richmond, Virginia
State Drug Treatment Court Advisory Committee

The State Drug Treatment Court Advisory Committee (SDTCAC) met at 10:00 am on Thursday, October 20, 2011 in the 5th floor Virginia Criminal Sentencing Commission Conference Room 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
- Karl R. Hade, Executive Secretary, Supreme Court of Virginia
- Hon. Clarence N. Jenkins, Jr., Judge, Richmond Circuit Court
- Hon. Margaret P. Spencer, Judge, Richmond Circuit Court
- Hon. Charles Sharp, Judge, Stafford Circuit Court
- Hon. David Peterson, Judge, Fredericksburg Juvenile and Domestic Relations District Court
- Tracey Jenkins, Program Specialist, Department of Criminal Justice Services
- Angela Coleman, Executive Director, Commission on Virginia Alcohol Safety Action Program (VASAP)
- James Gochenour, Esq., Public Defender, City of Hampton
- Terrell Holbrook, Assistant Chief of Police, Roanoke County, Virginia Association of Chiefs of Police
- Michelle White, Virginia Drug Court Association (VDCA), Coordinator, Loudoun Adult Drug Court
- Julie Truitt, Substance Abuse Planning Coordinator, Department of Behavioral Health and Developmental Services
- Cynthia Bauer, Senior Permanency Policy Specialist, Department of Social Services
- Melanie Meadows, VDCA, Coordinator, Chesterfield Adult & Juvenile Drug Courts
- Glen Peterson, Director, Chesterfield Community Corrections Services
- Natale Ward, Senior Director, Hampton-Newport News Community Services Board, Virginia Association of Community Services Boards
• Deron Phipps, Policy and Planning Director, Department of Juvenile Justice

The following members were not present:

• Hon. Judith Kline, Judge, Newport News Juvenile and Domestic Relations District Court
• Michael Whipple, Substance Abuse Programs Manager, Community Corrections, Department of Corrections
• Hon. Elizabeth S. Wills, Judge, Wise County Juvenile and Domestic Relations District Court
• Hon. Humes Franklin, Jr., Judge, Staunton Circuit Court
• Mark Blackwell, Executive Director, Substance Abuse and Addiction Recovery Alliance (SAARA) of Virginia, Inc.
• Hon. Stanley S. Clarke, Sheriff, Essex County Sheriff’s Office, Virginia Sheriff’s Association representative
• Hon. Marcus McClung, Commonwealth Attorney, Scott County
• Hon. Burke McCahill, Judge, Loudoun County Circuit Court
• Hon. W. Randy Carter, Jr., Clerk, Suffolk Circuit Court

The following guests were present:

• Greg Hopkins, President, Virginia Drug Court Association (VDCA)
• Chris Deutsch, Director of Communications, National Association of Drug Court Professionals (NADCP)
• Hon. David Melesco, Judge, Danville Circuit Court (by conference call)
• Freda Holliday, Executive Director, Halifax/Pittsylvania Court Service, Danville Adult Planning Drug Court
• Kandice Eller, Coordinator, Washington County Adult Planning Drug Court
• Rebecca Holmes, Evaluator, Washington County Adult Planning Drug Court, Program Director, Highlands Community Services Board
• Daniel Read, Defense Counsel, Washington County Adult Planning Drug Court

The following staff members were present:

• Paul DeLosh, Director of Judicial Services, 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 with remarks concerning specialty courts starting around the Commonwealth. She shared she met with Judge Jerrauld Jones, Judge, Norfolk Circuit Court and Committee Vice Chair prior to this meeting to discuss this mutual concern. She added she reviewed a letter sent by former Chief Justice Hassell in 2005 to all judges in the Commonwealth. The letter advised against implementing specialty courts without the express permission of the Supreme Court of Virginia or the Judicial Council of Virginia. Chief Justice Kinser noted she was in the process of drafting a letter reminding judges there is a formal process to implementing specialty courts in the Commonwealth.

Chief Justice Kinser commended the Committee for their continued commitment to drug courts and turned the meeting over to the Vice-Chair Judge Jones.

**APPROVAL OF MINUTES**

The next order of business was approval of the May 26, 2011 meeting minutes. Judge Margaret Spencer, Richmond Circuit Court, moved to approve the minutes and Judge David Peterson, Fredericksburg Juvenile and Domestic Relations District Court, seconded. The motion carried to approve the minutes as submitted unanimously.

**PROGRAM PROGRESS**

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

1. Several drug courts requested letters of support from the Supreme Court of Virginia for a variety of federal grant applications. The following received awards:
   a) Bureau of Justice Assistance (BJA) Adult Drug Court Discretionary Grant,
      i. Henrico Adult awarded $89,509 drug court enhancement grant
      ii. Washington County awarded $349,000 implementation grant
   b) BJA Second Chance Act State, Local & Tribal Reentry Program
      i. Norfolk Awarded a second year, $136,000

2. Current and future federal grants:
   a) Drug Court Planning Initiative scholarship-is currently open with a deadline of November 7, 2011
b) BJA 2013 federal grant applications should be available December 2011, the application process will be the same as last year’s solicitation.

3. 14 Virginia drug court grants:
   a) Quarterly financial reporting continues to be a problem for a few localities. Detailed letters defining the discrepancies have been sent to these programs and meetings to discuss these problems have occurred.

4. DUI drug court data
   a) Data is currently being migrated electronically from VASAP’s Inferno Database into the Virginia Drug Court Database.
   b) Data will not be included in the 2011 annual report, but will be available for the 2012 report.

5. Virginia Drug Court Applications
   a) Six localities from last year will pursue General Assembly approval in 2012
      i. Buchanan, Dickenson, Russell, and 30th Circuit (Lee, Scott, and Wise) are requesting adult drug courts. Goochland and Montgomery Counties are requesting family drug courts.
   b) Two new localities seeking approval from the General Assembly in 2012 include Washington County and the City of Danville both pursuing adult drug courts.
   c) Arlington may pursue application for an adult drug court in the coming year.

6. NADCP
   a) Welcomed invited guest of Judge Spencer, Mr. Chris Deutsch, Director of Communications, NADCP.
   b) Hampton Sheriff BJ Roberts was appointed to the Law Enforcement Task Force of the National Drug Court Institute (NDCI).

7. Virginia DUI Drug Court Conference
   a) Held September 19-20, 2011 at the Sheraton Roanoke; approximately 180 attendees
   b) 2012 DMV Grant awarded
   c) Considering the Tidewater area for the 2012 conference. The date and location to be determined by the years end.

**TASK FORCE FOR ALTERNATIVES TO INCARCERATION FOR NONVIOLENT OFFENDERS**

Judge Jones reported the Task Force was established to investigate reductions in costs for incarceration as it relates to nonviolent offenders. Ms. Marla Decker, Secretary of Public Safety, contacted Judge Jones regarding the governor’s interest in charging the Task Force to develop ways to enhance and expand drug courts in Virginia. The Hawaii Opportunity with Enforcement program (HOPE) was presented to the Task Force as an approach to help probation violators comply with supervision requirements. The program uses immediate and rapid sanctions through
incarceration. The HOPE program targets a different population than traditionally served by drug courts.

The Sanctions with Unified Rapid Enforcement (SURE) model was designed like the HOPE program model. A Task Force subcommittee co-chaired by Michael Herring, Richmond Commonwealth Attorney, and Rick Kern, Director, Virginia Criminal Sentencing Commission developed the SURE model. Judge Jones shared concerns that SURE is not a drug court model and could potentially have a negative impact on the operation of drug courts. The two programs serve different populations and are different and distinct programs. The committee members expressed mutual concerns. SURE will be presented to the Task Force at its next meeting on October 27, 2011. The committee supported Judge Jones, as a member of the Task Force communicating his concerns by letter to the Secretary of Public Safety.

Karl R. Hade, Executive Secretary, Supreme Court of Virginia, noted that he and Chief Justice Kinser met with Governor McDonnell and he indicated his support for drug courts. Mr. Hade planned to meet with Secretary Decker in the near future.

**VIRGINIA DRUG COURT ASSOCIATION**

Michelle White, past president of the VDCA, reported four new officers were appointed to the VDCA Board. Greg Hopkins, Coordinator, Richmond Juvenile Drug Court is the new president. Tricia Shaw, Coordinator, Henrico Adult Drug Court is the new vice-president. Cynthia Kirschner, Coordinator, Hanover County Juvenile Drug Court is the new treasurer and Sherry Glasgow, Coordinator, Hampton Adult Drug Court is the new secretary.

The VDCA has been working on its legislative agenda and its annual brochure has been printed and distributed. The brochure was made available to every coordinator and mailed to each General Assembly member. The three basic goals for this legislative session are to keep the current drug courts funding, support the eight planning drug courts seeking approval, and to monitor the progression of SURE. Ms. White will remain the chair of the legislative committee.

Ms. White further expressed concerns about SURE and noted the VDCA was drafting a letter to share those concerns with the Secretary of Public Safety, from the associations perspective, including whether the intent of SURE is to create a hybrid model between drug courts and SURE.
COMMITTEE REPORTS

EXECUTIVE COMMITTEE

Judge Jones reported the Executive Committee continues to meet monthly by conference call. They have continued to monitor the activities of the Task Force, Evaluation, Operation, and Planning and Development Committees.

OPERATIONS COMMITTEE

Judge Peterson reported the Operations Committee met on four occasions since the May 26, 2011 meeting to review the Washington County and City of Danville adult drug court applications. The Operations Committee recommended at its last meeting on October 14, 2011 to approve the Danville adult drug court application pending two clarifications: 1) that the application clearly indicate the final decision to accept/terminate a participant is made by the judge, and 2) clarification regarding who the lead judge would be after Judge David Melesco, Danville Circuit Court, retires in January 2012. Freda Holliday, Executive Director, Halifax/Pittsylvania Court Service, reported the application had been amended to include language regarding the judge having final decision-making power. Judge Melesco reported they were still working on identifying who would be the presiding judge of the drug court once he retires. Judge Peterson moved to approve the Danville application as amended. Judge C.N. Jenkins, Richmond Circuit Court seconded. The motion carried to approve the application as amended unanimously.

Next, Judge Peterson noted the Operations Committee approved the Washington County adult drug court application on October 14, 2011. Judge Peterson moved to approve the Washington County drug court application through the full Advisory Committee. Judge Spencer seconded the motion. The motion carried to approve the application unanimously. Judge Jones suggested the programs begin to consider who would sponsor their bills in the General Assembly and to encourage their legislators to pre-file the bills if possible.

PLANNING & DEVELOPMENT COMMITTEE (PDC)

Judge Spencer reported the Drug Courts 2020 committee met on August 17, 2011. This committee was formed to explore ideas for the expansion and sustainability of drug courts through the year 2020. The Drug Courts 2020 Report is available on the Supreme Court of Virginia drug court website and will soon be available on the VDCA website. The Drug Courts 2020 committee will meet again by conference call in November 2011.
Judge Spencer reported Judge Charles Sharp, Stafford Circuit Court, would present to the Executive Council of Commonwealth’s Attorneys on December 3, 2011 as a part of the overall education and advocacy efforts of the PDC.

Judge Spencer further reported the PDC met by conference call on October 17, 2011 and discussed their concerns about the SURE proposal. Two primary concerns included the VCSC (a judicial agency) engaging in policy making and the impact SURE would have on funding and the referral process of existing drug courts.

Chris Deutsch offered the support of the NADCP to develop a specific case for why melding together the two programs would have a negative impact on drug courts. He noted drug courts serve a very specific population: high risk and high need. It is not clear what population the SURE program is targeting. He further noted the national bipartisan support of drug courts and the extensive research available supports the premise that drug courts reduce recidivism and save money.

The PDC agreed to support communicating concerns with members of the Task Force, and the Secretary of Public Safety as well as supporting the letters to be sent from the VDCA and Judge Jones expressing concerns about SURE’s impact on drug courts.

EVALUATION COMMITTEE

Judge Sharp reported the Evaluation Committee has been working with the National Center for State Courts (NCSC) on a two-year evaluation. The first year will be a structured impact analysis and the second year will be a cost-benefit analysis. The two principal court research consultants, Dr. Fred Cheesman and Ms. Tara Kunkel from NCSC developed surveys that will be sent to various members of the twelve drug court teams included in the study. First a general drug court information survey will be sent to the 12 adult drug court coordinators participating in the study. This information will prepare the evaluators for the upcoming site-visits and be used in this year’s report. Next surveys for the judges and prosecutors will be sent to collect data on hearings, trials and sentencing times. This information will be used to compare the court process times of drug courts and business as usual. In early 2012, the evaluators will go on site and have training sessions with the program coordinators to develop a time log to track the time being invested with the drug court process. This information will be used for the cost-benefit analysis. Ms. Anna Powers, drug court coordinator received criminal record results from the Virginia State Police for over 4000 cases and provided this information to the evaluators.
She previously provided all the drug court data for over 1000 cases in the programs included in the study.

MEETING DATES

Judge Jones noted the meeting dates for the Advisory Committee in 2012 would be April 2nd at 2:00 pm and October 18th at 10:00 am; both at the Supreme Court of Virginia. With no further business, Judge Jones 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