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

April 2, 2012
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 2:00 pm on Monday, April 2, 2012 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. 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)
- Terrell Holbrook, Assistant Chief of Police, Roanoke County, Virginia Association of Chiefs of Police
- Greg Hopkins, President, Virginia Drug Court Association (VDCA)
- Patricia Shaw, Vice-President, VDCA
- Julie Truitt, Substance Abuse Planning Coordinator, Department of Behavioral Health and Developmental Services
- Cynthia Bauer, Senior Permanency Policy Specialist, Department of Social Services
- Deron Phipps, Policy and Planning Director, Department of Juvenile Justice
- Cheryl Robinette, Coordinator, Tazewell Adult Drug Court
- Catherine Rusz, Esq., Attorney, Virginia Indigent Defense Commission
- Hon. Jack Weisenburger, Sheriff, Virginia Sheriff’s Association
- Bettina Coghill, Director, Riverside Community Corrections

The following guests were present:

- Michael Herring, Commonwealth’s Attorney, City of Richmond
- Dr. Fred Cheesman, Principal Court Research Consultant, National Center for State Courts (NCSC)
Tara Kunkel, Principal Court Research Consultant, NCSC
Barbara Peterson, Regulatory Policy Coordinator, Department of Juvenile Justice

The following staff members were present:

Anna Powers, State Drug Court Coordinator, Supreme Court of Virginia
Lakresha Etheredge, Assistant to Drug Courts, Supreme Court of Virginia

WELCOME & INTRODUCTIONS

Chief Justice Kinser called the meeting to order and welcomed those in attendance. She began with remarks concerning her letter sent to all Virginia judges reminding them of the formal process to implementing specialty courts in the Commonwealth.

APPROVAL OF MINUTES

The next order of business was approval of the October 20, 2011 meeting minutes. Judge Jerrauld Jones, Norfolk 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.

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

GENERAL ASSEMBLY UPDATE

Karl Hade, Executive Secretary, Supreme Court of Virginia, reported the regular session of the General Assembly was completed and a special session was in progress. The only matters before the special session were the budget and judicial vacancies. The legislation concerning the establishment of eight new drug courts was tabled due to the budget language introduced by the governor. The language would provide for localities to establish drug courts (with Advisory Committee approval) without legislative approval, as long as they do not request state funds.

PROGRAM PROGRESS

Anna Powers, State Drug Court Coordinator, Supreme Court of Virginia, updated the Committee on recent activities of the state drug court office and drug court programs across the Commonwealth.

1. Bureau of Justice Assistance (BJA) Adult Discretionary Grant applications were due on March 8, 2012.
   a. Richmond Adult requested a letter of support from the Office of the Executive Secretary for an enhancement grant.
   b. Wise County requested a letter of support for an implementation grant.
c. The Office of the Executive Secretary submitted a statewide grant application in Categories A & B. Category A included a request for $250,000 for statewide initiatives for implementation and associated training costs for the Risk and Needs Tool (RANT) and Moral Reconation Therapy (MRT). Category B funding would financially support localities or regions ($1.3 million). Monies would be used to fund a veteran’s track in Norfolk, monitoring (probation) and testing supplies in southwest Virginia, a prescription drug use study, and a statewide evaluation for the DUI Drug Court model.

2. Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant applications—due April 23, 2012
   a. Charlottesville Family drug court requested a letter of support for an enhancement grant.

3. 14 Virginia Drug Court grants:
   a. FY2013 grant announcements will be sent early May (after an approved budget) with a return date of June 1, 2012.
   b. Drug courts will be notified that new funding formula amounts will be implemented for FY2014 with a 25% match requirement included beginning with the FY2015 funding cycle.
   c. New funding formula requires a minimum average number of participants for base funding level of $120,000. Adults = 24 participants and Juveniles = 9 participants.
   d. Most programs will experience a reduction in funding under the new formula.
   e. Programs with decreasing population numbers and at risk of receiving no or drastically reduced amounts have already been notified.

4. Virginia Drug Court applications:
   a. Six applications from Buchanan, Dickenson, Russell, 30th Circuit (Lee, Scott & Wise Counties, City of Danville and Washington County Circuit Courts are requesting permission to establish adult drug courts. Goochland and Montgomery Counties are requesting to establish family drug courts. All will be approved pending the governor's budget language.
   b. The Operations Committee has received an application from Arlington Circuit Court to establish and adult drug court.

5. NADCP:
   b. Drug court month is May and the National Drug Court Month Field Kit was provided in handouts to the Committee.
   c. NADCP is sponsoring a National Relay for Recovery ride across America to celebrate National Drug Court Month. They will ride through Charlottesville, Richmond, Newport News and Norfolk. Norfolk will have a graduation on May 22, 2012 as the ride ends.
   d. The NADCP Resolution on Medically Assisted Treatment (MAT) was included in handouts to the Committee.
e. The Legal Action Center report on Legality of Denying Access to Medication Assisted Treatment in the Criminal Justice System was available for review.

6. Mental Health Court Training:
   a. The Council of State Governments Justice Center with the support of the Bureau of Justice Assistance developed a Mental Health Court Interdisciplinary Curriculum.
   b. The curriculum is based on hybrid learning with presentations, prep work, quiz and activities guide.
   c. A summary of the 8 modules, Learning Objectives, Module Components and estimated time to complete was included in handouts.
   d. Ms. Powers attended a Train-the-Trainer Event to facilitate this curriculum.

7. Virginia Drug Court Conference:
   a. The 2012 conference will be held September 18-19 at the Williamsburg Hotel & Conference Center (formerly Williamsburg Marriott).
   b. The use of responders for survey responses will be introduced.
   c. 2013 DMV Grant submitted.
   d. DMV approved funds for the Chesapeake Adult Drug Court to attend the DWI Drug Court training in Athens, Ga.

8. Meetings:
   a. Drug Court Coordinators meeting, April 11, 2012, Henrico County
   b. Drug Court Judges meeting, May 14, 2012, Norfolk Sheraton

Ms. Powers further noted each member of the Committee was provided a copy of The Arrest is Only the Beginning DVD.

VIRGINIA DRUG COURT ASSOCIATION UPDATE

Greg Hopkins, President, VDCA, reported the VDCA would provide its first regional training in accordance with National Drug Court Month on May 21, 2012. Delbert Boone will be the guest speaker. The VDCA is also working to have the Secretary of Public Safety, Marla Decker and/or the Governor attend so they may present a thank you for their legislative support. Additional training will likely be in the southwestern region and then the Tidewater area. The VDCA is also working with Judge Margaret Spencer, Richmond Circuit Court, to provide training for new state probation officers educating them on drug courts at the Department of Corrections Academy for Staff Development.

Mr. Hopkins reported upcoming graduations were scheduled in Henrico-May 18th, Norfolk-May 22nd, Chesapeake-May 10th, Rappahannock Regional Juvenile-may 17th and Rappahannock Regional Adult-May 23rd.

Judge Jones thanked Greg Hopkins and the VDCA for their leadership and work during the General Assembly session.
COMMITTEE REPORTS

EXECUTIVE COMMITTEE

Judge Jones reported the Executive Committee continues to meet monthly the last Friday of every month by conference call. They have continued to monitor the activities of the Evaluation, Operation, and Planning and Development Committees. Judge Jones further reported the Alexandria Family Drug Court recently closed its doors due to a loss of local funding. He invited any member of the Advisory Committee to participate in the monthly conference calls.

OPERATIONS COMMITTEE

Judge Peterson reported the Operations Committee received an application from the Arlington Circuit Court to establish an adult drug court. The Operations Committee will schedule a series of meetings to review and offer any changes to the application. The Operations Committee will consider the application and, if approved, move to the full Advisory Committee for a final vote of approval. He noted the deadline date is May 1, 2012 for any new applications to be submitted.

PLANNING AND DEVELOPMENT COMMITTEE (PDC)

In the absence of Judge Spencer, Judge Jones provided a report of the PDC activities. He noted the Drug Courts 2020 report created by the Drug Courts 2020 Committee (subcommittee of PDC) was included in the appendix of the 2011 Virginia Drug Court Annual Report which was submitted to the General Assembly. The report outlines the goal to have a drug court in every judicial district and circuit in Virginia. At the meeting in August 2011, several leadership, programmatic, and individual tasks were identified. A conference call was held on February 7, 2012 to discuss legislative matters and an additional meeting was scheduled for April 24, 2012.

EVALUATION COMMITTEE

Judge Sharp reported the Evaluation Committee was planning to schedule a meeting to discuss some of the results received from the database. Dr. Fred Cheesman, Principal Researcher, NCSC, was present and summarized some information on the initial returns on the data collected.

Dr. Cheesman discussed the design of the evaluation as consisting of two phases. Phase-One being the effectiveness of drug courts and Phase Two being the efficiency of drug courts (cost-benefit analysis). Phase-One of the report will be submitted in April 2012. A draft of the
Phase Two report will be submitted in October 2012. Some of the key research questions include: who is being served in the adult drug court? How do outcomes differ between drug court graduates and non-graduates? How do recidivism rates differ between drug court participants and the “business as usual” group?

Dr. Cheesman reported for the purposes of the study, any arrest or conviction for a new misdemeanor (with jail as a possible punishment) or felony offense that occurred following program placement was counted as a new offense. The recidivism data includes offenses that occurred during program participation as well as after program participation. The sample included participants who entered the program between July 1, 2006 and June 30, 2009 from 12 adult drug courts. The comparison group consisted of persons eligible for drug court, during the same time period, from the same localities. Their criminal history was obtained from the Virginia State Police and statistically matched using propensity score matching. The participants were matched on prior criminal history, instant offense, gender, age, and race, resulting in 972 matches in the comparison group.

Dr. Cheesman further presented demographic information on the race, gender, average age, education level, and typical placement charge. Data from the prior criminal history of participants show that 94% of drug court participants have a prior felony arrest. He also highlighted data that demonstrates graduates are less likely to test positive for drugs or alcohol during program participation than non-graduates.

As it relates to outcomes between drug court graduates and non-graduates, Dr. Cheesman reported that graduates do better than non-graduates in all areas including new arrests, new convictions, new felony convictions, and new misdemeanor convictions. Matched with the comparison group, drug court participants (graduates and non-graduates) also did better with lower arrest and conviction rates for misdemeanors and felonies.

The next steps in the evaluation process include completing the year one report, completing site visits, and continuing to collect data and begin data analysis for the cost-benefit analysis.

NEXT MEETING DATE

Judge Jones reported the Committee would meet again on Thursday, October 18, 2012 at 10:00 am. Judge Jones encouraged the new members of the Committee to participate in different meetings of the subcommittees and select which committee they would like to become
a member. 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