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

April 4, 2013
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, April 4, 2013 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. Margaret Spencer, Judge, Richmond Circuit Court
- Hon. David Peterson, Judge, Fredericksburg Juvenile and Domestic Relations District Court
- Angela Coleman, Executive Director, Commission on Virginia Alcohol Safety Action Program (VASAP)
- Greg Hopkins, President, Virginia Drug Court Association (VDCA)
- Patricia Shaw, Vice-President, VDCA
- James Nankervis, Director, 12th District Court Service Unit for Deron Phipps, Policy and Planning Director, Department of Juvenile Justice
- Cheryl Robinette, Coordinator, Tazewell Adult Drug Court
- Catherine Mullins, Esq., Attorney, Virginia Indigent Defense Commission
- Hon. Jack Weisenburger, Sheriff, Bristol; Virginia Sheriff’s Association
- Julie Truitt, Programs Manager, Department of Behavioral Health and Developmental Services.
- Bettina Coghill, Director, Riverside Community Corrections; Virginia Community Criminal Justice Association
- Chuck Hall, Sr., Director, Hampton/Newport News Community Services Board for Natale Ward, Virginia Association of Community Services Board
- Cynthia Bauer, Permanency Policy Specialist, Department of Social Services

The following staff members were present:

- Paul DeLosh, Director of Judicial Services, Supreme Court of Virginia
- Cyril Miller, Director of Judicial Planning, Supreme Court of Virginia
WELCOME & INTRODUCTIONS

Chief Justice Kinser called the meeting to order and welcomed those in attendance. She began with a discussion regarding problem-solving courts in Virginia. She noted there was a growing trend nationwide of using problem-solving court dockets to address various issues. She noted the importance of there being clear criteria and guidelines for establishing these programs and rules to disposition in the Commonwealth. She reminded the Committee of the hurdles that have been faced with the General Assembly regarding drug courts. She advised that she had been contacted by a member of the General Assembly who expressed concerns about Harrisonburg/Rockingham County naming their DUI Drug Court “court” instead of “docket.” These types of challenges and hurdles will likely continue from the General Assembly with the increase in problem-solving court dockets in the Commonwealth. Chief Justice Kinser advised she wanted the Advisory Committee to address the need for problem-solving dockets in Virginia. She requested the Advisory Committee study what areas of problem-solving dockets need to be addressed first and provide a recommendation to her that she may share with the other Justices of the Supreme Court of Virginia. She expressed her concern that there is consistency in how problem-solving dockets are approved and that appropriate guidelines be in place. Chief Justice Kinser commended the Committee for their continued commitment to drug courts and turned the meeting over to the Vice-Chair, Judge Jerrauld Jones.

APPROVAL OF MINUTES

The next order of business was approval of the October 18, 2012 meeting minutes. Judge David Peterson, Fredericksburg J&DR District Court, moved to approve the minutes and Judge Jones, seconded. The motion carried to approve the minutes as submitted unanimously.

GENERAL ASSEMBLY UPDATE

Karl Hade, Executive Secretary, Supreme Court of Virginia reported the 2013 General Assembly session was a successful session for drug courts. There was no restriction with drug court funds by any member of the General Assembly. Last year, the governor submitted budget language that provided the ability for drug courts to be established without the required General Assembly approval, providing funding comes from federal grants and/or local sources. That
language remained. There is no guarantee the language will stay, but Mr. Hade noted that historically there have been several items in the budget bill that have remained for over five years. He was optimistic the language would remain for quite a while.

**PLANNING & DEVELOPMENT COMMITTEE (PDC)**

Next, Judge Margaret Spencer, Richmond Adult Drug Court, provided a presentation relating to the matters of problem-solving courts. She began by noting on March 21, 2013, a joint meeting of the PDC and Executive Committee was held to discuss and answer five specific questions and develop a recommendation to the SDTCAC. The five questions addressed included:

- What is a problem solving court or docket?
- What is the status of problem solving courts and dockets in Virginia?
- What was the basis for the March 21, 2012 meeting?
- What factors were considered?
- What is the authority for the recommendations?

The PDC and Executive Committee used the National Association of Drug Court Professional’s (NADCP) definition of problem-solving courts. It defines problem-solving courts as “innovative court programs designed to address an offender’s underlying problem(s).” Problem-solving dockets are court proceedings which may or may not be attached to a problem-solving court program. Judge Spencer explained every problem-solving court program has a problem-solving docket, however every problem-solving docket, does not have a program. The NADCP also defines the different types of problem-solving courts. They include drug courts, mental health courts (separate mental health court that does not deal with persons with substance abuse disorders), veteran’s treatment courts, domestic violence courts, gambling, reentry, gun, and truancy courts.

In Virginia, there are 36 drug courts. There are other problem-solving courts and dockets in the Commonwealth as well, including four mental health court dockets, two domestic violence dockets, one reentry docket, and five dockets that have no judicial involvement including high school youth courts and a community court.

The meeting with the PDC and Executive Committee was held as a result of a correspondence from the Virginia Bar Association. A letter addressed on February 15, 2013 to Judge Jones from Bob Barrett, Chair Veterans Issues Task Force. The letter requested to have veterans treatment courts added to the Drug Treatment Court Act §18.2-254.1 or to create a
separate statute. The National Center for State Courts (NCSC) will release a census of problem-solving courts in Virginia that included programs the Committees were not aware are operating.

Judge Spencer further reported the factors the Committees considered prior to making a recommendation included the 2000 and 2009 Resolutions by the Conference of Chief Justices and Conference of Court State Administrators (COSCA), supporting problem solving courts. Problem-solving courts have also been supported by every major national legal organization and drug courts have been specifically mentioned and endorsed by each political party in recent presidential campaigns. Furthermore, Chief Justices Hassell and Kinser each provided letters to the judiciary that reminded jurisdictions that drug courts must go through the statutory approval process and the SDTCAC application. §2.2-2001.1 addresses veteran’s programs (not courts) and was also the basis for Mr. Barrett’s letter to Judge Jones. The Drug Courts 2020 Report and Commission on Virginia Courts in the 21st Century: To Benefit All, To Exclude None (2007), specifically mention problem-solving courts as well. Vision 4 of from the Drug Courts 2020 Report reads “Virginia’s courts will be responsive to the changing needs of society – in the development and operation of the law, in the functions of the judicial process, and in the delivery of public services.” Vision 4.1.2 of the report specifically recommended that the SDTCAC be modified to serve as the advisory committee for all of Virginia’s problem-solving dockets and the Commission report was mentioned in Vision 4.1.2.2

The recommendations developed from the March 21st meeting included:

1. The State Drug Treatment Court Advisory Committee study problem-solving courts
2. Any jurisdiction interested in implementing a problem-solving court or problem-solving docket should present information to the Advisory Committee on the need, proposed program structure, implementation, funding, resources, community collaboration, or other matters requested by the Committee.

The recommendation essentially was in response to what will likely be other requests from other agencies, jurisdictions, organizations, etc. asking for a problem-solving court or docket. Prior to reaching the above recommendation, Judge Spencer reported the Committee rejected some recommendations as well. They included: do nothing (make no recommendation at

1 Drug Courts 2020 Report
2 Commission report- noted periodic requests for special docket pilots, supported by anecdotal evidence of effectiveness in other states; Judicial Council endorsed Commission recommendation to establish and evaluate therapeutic dockets – mental health in Norfolk, DUI in Rappahannock, domestic violence in Roanoke County, and youth court programs in Roanoke City to determine appropriateness of implementation in other jurisdictions.
all), request interested jurisdictions start pilots (like drug courts have done), amend the statute to include drug courts and problem-solving courts (four states with statute that includes drug court and problem-solving courts, and proposing a rule addressing problem-solving courts (per Nebraska example).

The authority for the recommendation would come from the PDC and Executive Committee, to the SDTCAC and Chief Justice Kinser. Unlike many other states, Virginia has a unified state judicial system. All judges are state judicial employees. The Chief Justice of the Supreme Court of Virginia is the administrative head of the judicial system. There are two statutes that address that all district and circuit courts and all district and circuit court judges are under the administrative supervision of the Chief Justice and the Executive Secretary. Additionally, §18.2-254.1 notes the General Assembly recognizes the critical need for effective treatment programs that enhance public safety and reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse and drug-related crime. Some drug courts have tracks where a separate program is not needed (e.g., veterans courts [drug treatment and mental health treatment]; drug courts [address co-occurring disorders]). Almost all adult drug courts in Virginia address defendants with co-occurring disorders. The issue would be whether there is a need for a separate mental health court.

Judge Spencer further reported the need for additional study of problem-solving courts by the SDTCAC was necessary for:

- The analysis of impact on existing drug courts (don’t want to do anything that could have a negative impact on drug courts)
- Evidence-based treatment issues
- Compliance with recognized principles [e.g., drug courts’ 10 Key Components]
- Experiences in other states [e.g., veterans court is a drug court, therefore separate statute is not needed]
- Evaluations of existing pilot courts and dockets in Virginia and in other states
- National studies (on pilots and/or dockets)

The basic recommendation from the PDC and Executive Committee is for the SDTCAC to accept the recommendation for the study from March 21, 2013 and recommend to the Chief Justice and the Supreme Court of Virginia. Judge Peterson suggested the recommendation be amended to include the SDTCAC study problem-solving courts and dockets. Judge Jones seconded that motion. Judge Jones moved to have the recommendation approved as amended (SDTCAC study problem-solving courts and dockets). The motion carried to have the recommendation approved as amended.
Judge Spencer further reported about the tremendous research about the effectiveness of drug courts. There are concerns about having judicial support for a program or docket that has not been through the rigorous evaluation of drug treatment courts. She noted many people could question if problem-solving programs or dockets should be implemented without analysis.

Chief Justice Kinser further noted the importance of having a body (such as the SDCTCAC) in which every program can go through to be approved. If there are stand-alone programs that have not been proven effective, they could be used by the opponents of drug courts to undue the good drug courts have accomplished. She advised it would be central to have a body such as the SDTCAC to provide guidelines for these programs. Judge Jones noted it would be necessary for the SDTCAC to take a careful and cautious but proactive approach to problem-solving courts in Virginia. Judge Charles Sharp, Stafford Circuit Court, suggested staff from some of the problem-solving dockets in Virginia be invited to the Virginia DUI Drug Treatment Court Training Conference in August 2013. Possibly with a separate track for problem-solving courts to discuss how drug courts operate (standards, 10 Key Components). In other PDC activities, Judge Spencer noted she would be working with Catherine Mullins, Esq., Attorney, Virginia Indigent Defense Commission, to send information about drug treatment courts to all of the public defenders in the Commonwealth.

PROGRAM PROGRESS

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

1. There have been several requests for letters of support from the Supreme Court of Virginia from local programs applying for federal grants.
   a. One implementation grant for the Arlington Adult Drug Court
   b. Four enhancement grants (Richmond, Dickenson County, Chesterfield County, and Bristol Adult Drug Courts)

2. The Supreme Court of Virginia received a Bureau of Justice Assistance (BJA) Adult Drug Court Discretionary Grant award for $1.5 million dollars. The grant will be used to pay for:
   a. The hiring of a Drug Court Analyst, Michael Waite, in the Office of the Executive Secretary (OES)
   b. Two of four probation officers hired in southwest Virginia
   c. Case Manager hired in Chesapeake
   d. Case Manager and Treatment Consultant being advertised in Norfolk
   e. Risk and Needs Triage (RANT) tool license agreement from Treatment Research Institute (TRI) to implement the RANT for 25 adult drug courts
f. Moral Reconciliation Therapy (MRT) training is scheduled for April 22-24, 2013 at Virginia Crossings Hotel and Conference Center in Glen Allen, VA.

g. Anna Powers, State Drug Treatment Court Coordinator, Supreme Court of Virginia, is working with Tara Kunkel, Principal Court Research Consultant, NCSC, and Dr. Fred Cheesman, Principal Court Research Consultant, NCSC, in developing a purchase order for plan and implementation of the Prescription Drug Study and Statewide DUI Drug Court Study.

h. OES is hopeful the federal sequestration will not reduce funds

3. Training Grant
   a. The DWI Drug Court Training scholarship was awarded to the Harrisonburg/Rockingham County General District Court to attend the DUI Drug Court Training in Athens, GA.

4. Virginia Drug Court State Grants
   a. The SDTCAC had previously approved a funding strategy for Virginia’s drug courts that received funding. OES plans to implement the Funding Formula Strategy with existing funds for FY2014.

5. Drug Court Database
   a. Some enhancements for data entry have been implemented as a result of the cost-benefit study.
   b. Additional tools will be added to the drug court database to include: RANT and a Cost-Benefit Calculating Tool approved by the Evaluation Committee.

6. DMV Grant
   a. The DMV has requested more partnering with drug courts.
   b. April is National Distracted Driving month and the slogan this year is “Buckle Up-Phone Down”
   c. May is “Click-it or Ticket” Month. Unrestrained fatalities and injuries are still a major concern across the Commonwealth.
   d. There are some excellent posters, brochures and other items Committee members may find helpful at the Drive Smart website. Ms. Powers will forward the website information following the meeting.
   e. Lakresha Etheredge, Assistant to Drug Courts, Supreme Court of Virginia, drafted and submitted the FY 2014 Grant Application.

f. Virginia Drug Court Conference:
   ii. Some Presenters and topics include:
       • Dr. Stephen Loyd—Addiction v. Dependence: What’s a Judge to Do?
       • Tony Roman—Two presentations (one each day), Trends in Adolescent Substance Abuse Training and K2/Spice
       • William McCoy—Engendering Respect
       • Pam Rickard—Get Moving for Recovery
VIRGINIA DRUG COURT ASSOCIATION UPDATE

Greg Hopkins, President, VDCA, reported the VDCA last met on March 19, 2013. The Association touched on two topics at the meeting: the 2013 General Assembly session and the General Assembly session for next year. The VDCA provided cookies and a Cost-Benefit Analysis summary (fact sheet) about the results of the 2012 Cost-Benefit Report. The Association will look at the biennium budget at its next meeting and the possibility of having a hospitality room at the 2014 National Association of Drug Court Professionals Conference in National Harbor, MD in July 2014. Mr. Hopkins further reported the VDCA will request a proclamation from the governor asking to proclaim the month of May as Drug Court Month in Virginia. Many programs will have graduations or other activities to promote Drug Court Month.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE

Judge Jones reported the Executive Committee continues to meet monthly the last Friday of every month by conference call. The committee monitors the activities of the Evaluation, Operation, and Planning and Development Committees. He invited any member of the Advisory Committee to participate in the calls.

OPERATIONS COMMITTEE

Judge Peterson reported the Operations Committee did not review any new applications to establish a drug treatment court. Rockingham County/Harrisonburg withdrew their application for a DUI drug court in that locality. Funding was not provided to fill the vacant judgeship left by a retiring judge and therefore the program would no longer have the continuity with caseload management. Ms. Powers noted she anticipated two new applications in 2013 including a juvenile program in Henrico and an adult drug court in Montgomery County. The May 1st deadline for new applications was suspended to allow programs more time to submit applications.

EVALUATION COMMITTEE

Judge Sharp reported the Evaluation Committee met by conference call on March 6, 2013. Michelle White, Research Consultant, NCSC and Ms. Kunkel were present on the call and reviewed the next phase of the evaluation project, a cost-benefit evaluation. NCSC is creating an automated tool to allow OES to provide data to programs. This tool will require programs to input accurate and timely data. The tool will calculate the cost of screening and assessment and
the cost of drug court itself. Data will need to be collected from the programs in order to calculate costs. Ms. Powers reported the Evaluation Committee approved the tool to present to the Advisory Committee and if approved by the Advisory Committee, OES plans to add it to the database but also include a training element before opening up to the database users. Judge Sharp moved to approve the cost-benefit tool, Tricia Shaw, Vice-President, VDCA, seconded. The motion carried to approve the cost-benefit tool as submitted unanimously.

**NEXT MEETING**

The next meeting will be held October 17, 2013 at 10:00 am in the 6th Floor Courts Conference Center 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