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

October 17, 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, October 17, 2013 in the 6th floor Courts Conference Center 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
- Hon. Jack Hurley, Judge, Tazewell Circuit Court
- Hon. Chad Dotson, Judge, Wise Circuit Court
- Angela Coleman, Executive Director, Commission on Virginia Alcohol Safety Action Program (VASAP)
- Major Steven Thompson, Association of Chiefs of Police
- Bruce Cruser, Director, Programs & Services, Department of Criminal Justice Services (DCJS)
- Mike Whipple, SA Program Manager, Department of Corrections (DOC)
- Patricia Shaw, President, Virginia Drug Court Association (VDCA)
- Melanie Meadows, Vice-President, VDCA
- Cheryl Robinette, Coordinator, Tazewell Adult Drug Court
- Catherine Mullins, Esq., Attorney, Virginia Indigent Defense Commission (IDC)
- Denise Lunsford, Commonwealth's Attorney Albemarle County, Commonwealth's Attorney Association
- Hon. Jack Weisenburger, Sheriff, Bristol; Virginia Sheriff’s Association
- Julie Truitt, Department of Behavioral Health and Developmental Services (DBHDS)
- Natale Ward, Virginia Association of Community Services Board (VACSB)
- Cynthia Bauer, Permanency Policy Specialist, Department of Social Services (DSS)
The following staff members were present:

- Paul DeLosh, Director of Judicial Services, Supreme Court of Virginia
- Anna Powers, State Drug Court Coordinator, Supreme Court of Virginia
- Lakresha Etheredge, Assistant to Drug Courts, Supreme Court of Virginia
- Michael Waite, Drug Court Analyst, Supreme Court of Virginia

WELCOME & INTRODUCTIONS

Chief Justice Kinser called the meeting to order and welcomed those in attendance. She began with thanking the members for traveling to attend the meeting and expressed gratitude on behalf of the Justices of the Supreme Court of Virginia and herself for the Committee’s continued commitment and dedication to drug courts and the citizens of Virginia. She requested each committee members introduce themselves for the benefit of new members. Prior to turning the meeting over to Judge Jerrauld Jones, Vice Chair, Chief Justice Kinser requested Judge Jones report on the Problem-Solving Court Dockets Committee meeting first.

APPROVAL OF MINUTES

The minutes from the April 4, 2013 meeting were unanimously approved as submitted.

PROBLEM-SOLVING DOCKETS COMMITTEE

Hon. Jerrauld Jones, Judge, Norfolk Circuit Court, provided an overview of the Problem-Solving Dockets Committee (PSDC) meeting held the previous day (October 16, 2013). As chair of that committee, Judge Jones reported the special committee was created in response to a correspondence from the Virginia Bar Association. The February 15, 2013 letter addressed to Judge Jones from Bob Barrett, Chair Veterans Issues Task Force, requested to have veterans treatment courts added to the Drug Treatment Court Act (Va. Code § 18.2-254.1) or to create a separate statute. The Executive Committee requested Anna Powers, State Drug Treatment Court Coordinator, to survey other states regarding their position and legislation on problem-solving dockets. Based on that information and information provided by the Planning and Development (PDC) and Executive Committees, the Executive Committee made recommendations to Chief Justice Kinser. The recommendations suggested the full State Advisory Committee should serve as the governing body of problem-solving dockets in Virginia and study the need for problem-solving dockets in the Commonwealth. However, Chief Justice Kinser and the justices determined the Drug Treatment Court Act did not specifically authorize the Advisory Committee governance beyond drug treatment courts, hence additional need for the Problem-Solving Court
The Dockets Committee (PSDC). The PSDC was therefore formed and is comprised of stakeholders from across the Commonwealth (five circuit court judges, one retired circuit court judge, two J&DR court judges, three general district court judges, one Commonwealth’s Attorney, one representative of the VACSB, one representative of DCJS, one representative of the Virginia Bar Association, one representative of the Veteran’s Task Force, one representative from the Virginia Criminal Sentencing Commission (VCSC), the Director of George Mason University Law School Clinical Services, and one representative from Veteran’s Services Outreach).

Judge Jones reported the meeting on October 16th was an organizational meeting to introduce members, develop a work plan, and divide into work groups. He explained how and why the committee needs to define the definition of “Court” and “Docket” when describing the specialty dockets throughout the Commonwealth. Judge Jones also noted the committee discussed the Immediate Sanctions Probation Program administered by the VCSC. The issues of mental health and funding were discussed and will continue to be discussed. The diversity of professions among the committee was praised.

The committee established a timeline of June 2014 to meet three times before preparing recommendations to the Supreme Court of Virginia. Two work groups were created. One group will discuss the legal framework and possible legislation for problem-solving court dockets. The second group will discuss the organizational framework for development, implementation, oversight and support of problem-solving court dockets. The work groups will meet in-between the full committee meetings. Another main issue to be addressed by the committee will be how to define problem-solving court dockets versus specialty compliance or other court dockets. Judge Jones invited members of the Drug Treatment Court Advisory Committee to serve on either of the work groups they feel passionate about.

Chief Justice Kinser commented that Virginia was at a crossroads and the Problem-Solving Court Dockets Committee will provide the opportunity to figure out what is needed in Virginia to serve the needs of citizens and how to implement those needs with or without legislation. She is looking forward to the recommendation from the Problem Solving Court Docket committee. Chief Justice Kinser again thanked the Committee for their continued efforts and turned the meeting over to Judge Jerrauld Jones.
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. He first provided an introduction regarding the structure of the Office of the Executive Secretary and the Department of Judicial Services.

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 (awarded)
   b. Four enhancement grants (Richmond [awarded], Dickenson County, Chesterfield County [awarded], and Bristol Adult Drug Courts)
   c. The Richmond adult drug court also requested a letter for SAMHSA CSAT, “Grants to Expand Substance Abuse Treatment Capacity in Adult, Juvenile, and Family Drug Courts"

2. The Norfolk Circuit Court Clerk’s office was awarded the SAMHSA-CSAT Grant “Grants to Expand Substance Abuse Treatment Capacity in Adult Drug Courts"

3. 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 has been used to pay for:
   a. A case manager and treatment consultant in Norfolk, not hired yet.
   b. The Risk and Needs Triage (RANT) tool intellectual property to be added to the drug court database.
   c. It is currently being tested. RANT training will be provided to the field prior to the tool going "live".
   d. Delivering Moral Reconation Therapy (MRT) participant manuals to programs that participated in training. A second shipment is pending.
   e. A Statewide DUI Drug Court Study. Anna will meet with the National Center for State Courts (NCSC) (Tara Kunkel, Principal Court Research Consultant, NCSC, and Dr. Fred Cheesman, Principal Court Research Consultant, NCSC) on Monday, October 21, 2013.
   f. Anna working with Tara at NCSC in developing purchase order for plan and implementation of the Prescription Drug Study
   g. The 3rd quarter grant report will be due October 30, 2013.

4. The Affordable Care Act (ACA) effective date Oct 1, 2013, prompted BJA to request insurance of all drug court participants and the number of participants eligible for Medicaid. They have requested a list of service providers per program since July 1, 2013 (this information is currently not collected). Ms. Powers is working with the drug court database developers to create an area to collect and report this information.

5. Drug Court Planning Initiative Training Announced
   a. Applications are due November 1, 2013 for Adult Drug Treatment Courts and Veteran's Treatment Courts Planning.
b. New this year: Programs must provide a local training space to host two 2-day trainings. NDCI and Justice for Vets requests that the training site have a projector and screen.

6. Drug Court Database
   a. Some enhancements for data entry have been implemented as a result of the cost-benefit report (i.e. mandatory Court Record numbers to be entered and arrest date for instant offenses).
   b. Additional tools to be added to the drug court database include:
      i. Risk and Needs Triage Tool (RANT), available to field November 1, 2013
      ii. Moral Reconation Therapy tab available now
      iii. Adult Drug Court Cost-Benefit Calculating Tool, available beginning of 2014
      iv. BJA quarterly grant report information added to the drug court database
         - Includes the gender and race for participants
         - Responses to new insurance questions

7. DMV Grant
   a. DMV has requested more partnering with drug courts
      i. There are some excellent posters, brochures and other items available on the Drive Smart website: http://www.drivesmartva.org/outreach-and-education/toolkits/
      ii. OES encourages all drug courts to participate and share their activities so it may be passed on to the DMV grant monitor.
   b. FY2014 DMV Grant Awarded
   c. Conference planning to begin by the end of October 2013
   d. 2013 Virginia Drug Court Conference
      Theme: Virginia Drug Courts Moving Forward
      - About 224 attendees, 30 judges, most ever
      - Very positive comments regarding the location, presenters and agenda
      - Some Presenters and topics included:
         o Dr. Stephen Loyd: Addiction v. Dependence: What’s a Judge to Do?
         o Tony Roman: Trends in Adolescent Substance Abuse Training
         o William McCoy: Engendering Respect
         o Jeff Geiger, Esq.: Social Media Judicial Cannons
         o Dr. James Reinhard: Mental Health First Aid
         o Sheriff’s Association: Multijurisdictional Drug Court Supervision
VIRGINIA DRUG COURT ASSOCIATION (VDCA) UPDATE

Patricia Shaw, President, VDCA, reported the VDCA was preparing for the upcoming legislative session. Members have had preliminary meetings with local legislators. The VDCA will continue to work with their lobbyist consultant Ron Jordan.

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 David Peterson, Fredericksburg J&DR District Court reported the Operations Committee was designed to review and suggest additions/deletions/improvements for applications seeking to establish a drug treatment court. The committee has not reviewed any new applications to establish a drug treatment court from April – October 2013. He noted there was interest expressed in establishing programs from the 27th Judicial Circuit, the 26th and 3rd District, a juvenile drug court in Henrico, and a mental health docket in the 1st Judicial Circuit. *(Currently there is no process in place for establishing mental health court dockets).* He further noted the May 1st deadline for new applications has been suspended to allow programs more time to submit applications and the committee should look into ways to encourage localities to submit applications while this suspension is in effect.

Judge Jack Hurley, Tazewell Circuit Court, noted the importance of reflecting the statistics that not only do drug courts save lives but that drug courts save money. He suggested a coordinated effort with the Sentencing Guidelines data by showing statistical data that demonstrates the Commonwealth has saved money by keeping persons that would have typically gone to jail, out in the community and receiving the treatment and supervision services that drug courts provide.

EVALUATION COMMITTEE

Judge Charles Sharp, Stafford Circuit Court, reported the Evaluation Committee was designed to monitor the integrity of the drug court database data. A two year study of the effectiveness of drug treatment courts as well as a cost-benefit analysis has been completed. Both
studies are listed on the Supreme Court of Virginia website. Judge Sharp further reported a study evaluating the two DUI programs in Virginia was about to begin. The study will include an effectiveness study and a cost-benefit analysis as well. The mandated yearly report will also be submitted to the legislator in the next several weeks. The Evaluation Committee will also meet to discuss the early stages of the upcoming prescription drug study.

2014 MEETINGS
The meetings for 2014 will be held on April 3rd and October 17th, 2014 at 10:00 am in the 6th Floor Courts Conference Center at the Supreme Court of Virginia. With no further business, Judge Jones thanked everyone for attending and the new members for arriving early for orientation. He also welcomed every member in attendance to be a part of the State Drug Treatment Court Advisory Committee conference call on the last Friday of every month at 8:30 a.m.

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