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

October 16, 2014
Richmond, Virginia

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

The Drug Treatment Court Advisory Committee (DTCAC) met at 10:00 am on Thursday, October 16, 2014 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. Chad Dotson, Judge, Wise Circuit Court
- Hon. David Peterson, Judge, Fredericksburg Juvenile and Domestic Relations District Court
- Hon. Jack Hurley, Judge, Tazewell Circuit Court
- Hon. D. Scott Bailey, Judge, Prince William Juvenile and Domestic Relations District Court
- Angela Coleman, Executive Director, Commission on Virginia Alcohol Safety Action Program (VASAP)
- Bruce Cruser, Director, Programs & Services, Department of Criminal Justice Services (DCJS)
- Patricia Shaw, President, Virginia Drug Court Association (VDCA)
- Catherine Mullins, Esq., Attorney, Virginia Indigent Defense Commission (IDC)
- Hon. Jack Weisenburger, Sheriff, Bristol; Virginia Sheriff’s Association
- Julie Truitt, Department of Behavioral Health and Developmental Services (DBHDS)
- Melanie Meadows, Vice-President, VDCA
- Denise Lundsford, Commonwealth's Attorney Albemarle County, Commonwealth's Attorney Association
- Llezelle Duggar, Clerk, Charlottesville Circuit Court, Virginia Court Clerks Association (VCCA)

The following guests were present:

- Hon. C. Ridley Bain, Judge, Brunswick General District Court
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
  • Jennifer C. Martin, Drug Court Administrative Assistant, Supreme Court of Virginia

WELCOME & INTRODUCTIONS
Chief Justice Kinser called the meeting to order and welcomed those in attendance. She praised the hard work of the committee. Those present introduced themselves. Chief Justice Kinser complimented the efforts of the Problem-Solving Courts Committee and announced their work was outstanding and the report they produced with proposed legislation was brilliant. She stated that Problem-Solving Courts will not negatively impact drug courts. The Court is considering the best approach to moving forward.

Next Chief Justice Kinser commented that the Report of the Governor’s Taskforce on Improving Mental Health Services and Crisis Response recommendation number six included problem-solving courts with a recommendation that,

"Virginia should encourage the funding and expansion of problem-solving courts and veterans’ tracks across the Commonwealth. Each community should have the option to develop such courts if the community determines it meets the local needs and there is sufficient local interest (on the part of the judiciary, the Commonwealth Attorney’s office, the defense bar, pre-trial services, and the Community Services Board) to make the program successful. Look at use of problem-solving courts for behavioral health and veterans as a means to look at how recipients get involved in and agree to services to minimize entry at crisis levels of care."

She added that she felt encouraged by the task force’s recommendations. She told everyone to keep up the good work and keep fighting, and then turned the meeting over to Vice-Chair, Judge Jerrauld Jones. Judge Jones expressed his gratitude for Chief Justice Kinser’s support and service, and wished her well.

APPROVAL OF MINUTES
The next order of business was approval of the April 5, 2014 meeting minutes. The minutes were approved as written.

PROBLEM –SOLVING DOCKETS COMMITTEE

Judge Jones presented updates from the Problem-Solving Dockets Committee. He shared they had written a proprietary report after nine months and explained that a broad range of people contributed to the proposal. He stated that veterans helped push forward the direction of the proposal since that is Virginia’s biggest need and veterans have unique problems that require specific court treatment. The committee did a comparison with other states' judiciary systems and concluded that Virginia is behind on how we treat people in special circumstances in the court system.

Judge Jones mentioned that people in drug court have co-occurring disorders (more than one need for treatment) and there is a significant need for problem-solving courts. He added the committee proposed a similar statute that is broader than the Drug Treatment Court Act. Evidence-based standards and practices are being developed for problem-solving courts. The proposed statute is similar to what was reviewed and discussed in other states. He added the report was well-received.

Judge Hurley expressed desire for the legislation to be palpable to the General Assembly and the budget was the main concern. This proposal was designed to have no fiscal impact to the Courts or other partnering agencies. Judge Jones reiterated that problem-solving courts will not harm drug treatment courts, and advised drawing up a separate advisory committee for problem-solving courts to keep it distinct from drug courts was included in the report.

PROGRAM PROGRESS

Paul DeLosh reported that since the last meeting, there were some staff changes in the Drug Treatment Court Division with two staff leaving and Ms. Jennifer Martin, Administrative Assistant joining the team. He asked all to make her feel welcome. He stated the drug courts receiving state grant funds submitted their grant acceptance forms for FY2015, except one drug court missed the date to apply. He reminded everyone they should not miss their drug court grant application dates, as these are continuation funds with applications due around the same
time each year. He added that the Staunton Adult Drug Court was added to the drug courts receiving state funds as another drug court did not meet the established funding criteria.

Mr. DeLosh mentioned that the DMV grant was awarded for FY15 and the training conference continues to receive favorable comments and reviews. Additionally, Portsmouth and Harrisonburg were selected to attend training to implement DUI Drug Treatment Court programs. DMV grant funds were used to send them to the National Center for DUI Courts training.

Mr. DeLosh added the Risk and Needs Triage (RANT) tool, provided to us through the statewide BJA drug court grant award and included in the Drug Court Database and mandated for all adult drug courts to use over the past year in considering applicants for acceptance will be reviewed for utilization and impact. Mr. DeLosh also pointed out the Hampton Adult Drug Court implemented a veterans’ track, with a subgrant award from the BJA grant.

Mr. DeLosh remarked about upcoming national training opportunities for localities: adult planning drug courts training applications were due Nov. 7, 2014 and DUI training applications were due Dec. 8, 2014. The DUI training applicants could apply for funding available through DMV. He reminded everyone each team needs to have a judge included as one of the eight disciplines required to commit to attend the full training.

Ms. Anna Powers added we need to let people know about the available training opportunities and so they can submit their applications for consideration. She added she will assist them with their application or other needs upon request. Mr. DeLosh responded that he frequently receives calls about starting drug courts and he appreciates people talking about them and spreading the word. Mr. Robert Barrett asked who was on the required team of eight people? Ms. Powers listed the eight disciplines included on Drug Court/DUI Drug Court teams.

Judge Jones commented on the success of the DMV training conference in Roanoke and how informed the presentations were. He added we are now planning for next year’s conference. Catherine Mullins echoed his statements and said the conference was one of the best she’d ever attended.

Judge Dodson shared that southwest Virginia drug court teams along with the local Jail Authority visited Morgan County Residential Drug Court in Tennessee with the intent to model it as a regional drug court in southwest Virginia. The jail offered a pod that holds 20 people to serve as a dorm for drug court participants who need more intensive treatment. He said the
residential drug court looks like it’s going to happen, and more people are offering their services to assist with this project. Judge Hurley responded that Morgan County’s Residential Drug Court is separate, but next door to a jail, right outside the razor wire. This provides an impact for participants to see where they were or might end up. Judge Dotson added that the southwest Virginia drug court judges plan to rotate between residential and traditional drug treatment court programs so that when participants are completed with their residential stay, they will see a judge they recognize when they go back to their originating drug treatment court.

Judge Hurley added that Halifax is looking to start a drug treatment court program and he had contact with Judge Joel Cunningham after receiving a message from Paul DeLosh and Anna Powers. Judge Cunningham plans to visit Tazewell in the near future. Catherine Mullins offered to contact Buddy Ward, defense counsel in Halifax to assist him if needed.

Judge Peterson spoke about the October 2, 2014 Prescription Drug & Heroin Summit held in Charlottesville. He share they talked about the serious drug problem of Virginians with more people dying of drug overdoses than traffic accidents. Legislators, judges, law enforcement, Commonwealth's Attorneys, former addicts, and family members were in attendance and speaking. He said the focus was on arrested and incarcerating individuals instead of drug courts, and it was disappointing that drug courts weren’t represented among the presentations. Judge Peterson said he spoke directly to Brian Moran, Secretary of Public Safety about drug treatment courts afterward, and that he may be speaking more about effects of treatment expansion in drug treatment courts in the future. He also mentioned that Culpepper and Winchester may request to start a drug court.

Judge Bailey added the breakout sessions at the Prescription Drug & Heroin Summit were most important and mentioned that law enforcement and prosecutors were eager to help and had suggestions to offer. Judge Peterson said that while problems of drug of choice keep changing, we need to look at treatment options, and not just incarceration.

VDCA UPDATES

Ms. Tricia Shaw reported she was at the Governor’s announcement for the Drug Task Force, and said that Secretary Moran mentioned drug courts. She is trying to schedule a meeting with Secretary Moran. She invited everyone to attend the VDCA meeting on October 21 and urged members of the advisory committee to talk to their legislative representatives.
Ms. Shaw added she spoke with several legislators and is looking for volunteers to meet with them. She also said that VDCA doesn’t have a strong membership representation in southwest Virginia and that she hopes to change that in the coming year. Judge Jones suggested she request VDCA talk about and hopefully support problem-solving courts and Ms. Shaw said she would. Judge Jones also suggested that Sheriff Jack Weisenburger speak to legislators as well to express the Sheriff’s Association support of problem-solving courts and to mention mental health dockets to them. The Commonwealth’s Attorney Association was also urged as a facilitator to support drug courts along with public defenders to support problem-solving courts. He added that we should speak up from our respective professional associations and constituents before the General Assembly meets in January.

COMMITTEE UPDATES
EXECUTIVE COMMITTEE
Judge Jones said the executive committee continues to meet monthly by conference call on the last Friday at 8:30 AM.

OPERATIONS COMMITTEE
Judge Peterson said no new drug court applications had been received since our last meeting in April. He discussed the National Association of Drug Court Professionals (NADCP) Conference in Anaheim and said the emphasis was on following standards and evidence-based practices. He suggested we look at Virginia Standards to make sure they include the national best practice standards. He added that science says material failures to follow the components of drug court could lead Virginia Drug Courts to be unsuccessful. In closing, he said it had been an honor and a joy to serve on the Operations Committee and as a Drug Court Judge and added he will miss us. Judge Jones thanked Judge Peterson for his service and wished him a happy retirement.

PLANNING & DEVELOPMENT COMMITTEE
The Planning & Development Committee had no updates.

EVALUATION COMMITTEE
Judge Charles Sharp mentioned that a prescription drug study is currently ongoing. He discussed the progress of the DUI Drug Court Report and referenced the meeting held on October 14, 2014 about the results of the study. Judge Sharp reminded everyone that there were
limited DUI sites to include in this study and a general lack of information. Graduates did better than non-graduates in the study, but the traditional court comparison group had a lower recidivism rate than the DUI Drug Court study group. He added the post-program offenses for the DUI Drug Court study group were mostly related to public disturbances or property violations, and not substance abuse.

Judge Sharp had a few recommendations on how to proceed. He said when the existing Virginia DUI Drug Court Standards were created they used existing programs to match instead of adapting the programs themselves to new standards. He also stated the important of being sure that existing DUI Drug Courts are following all the required standards. The study recommended halting new DUI Courts, but Judge Sharp disagreed. He reiterated that there isn’t as much research available for DUI Drug Courts as there were for Adult Drug Court studies, and said the data analysts had a hard time comparing groups as well. Judge Sharp urged discretion when discussing the results in the report.

VASAP Director Angela Coleman agreed that standards need to be updated and that the standards were created years ago and included VASAP. The evaluators mentioned there are two different databases between the Drug Court Division at OES and at VASAP, and that the VASAP database is in narrative format which makes data collection & migration difficult. She stated that VASAP is committed to working with Anna Powers and the Drug Court Division to try to update their databases, and information exchanged but that it will take time. She said in the meantime VASAP will continue to support the DUI Drug Court model, and added that several anti-Drug Court legislators support VASAP.

Judge Sharp added that while the data may have been difficult to procure, it was not incorrect. Ms. Powers added she has received multiple requests wanting to see more DUI Drug Courts in Virginia.

OTHER BUSINESS

Judge Jones said that judicial vacancies remained to be a problem, but the General Assembly filled half of the vacancies in September. Executive Secretary Karl Hade said we still need more judges in addition to the vacancies filled – 35 were appointed but we need 55 more to keep with judicial recommendations.
Judge Jones said that there was currently no drug court judge presiding in Charlottesville. He mentioned that judicial positions need to be filled and that judges need to encourage other judges to take on drug court dockets, but cautioned that budget stress is always there for drug treatment courts.

Next, Judge Jones invited John Newby, Commissioner of Virginia Veterans Affairs the opportunity to speak. Mr. Newby said that there are approximately 40,000 veterans in Virginia, and as an attorney, he supports the political backing of problem-solving courts. Mr. Robert Barrett, Co-Chair Task Force for Veterans, Virginia Bar Association commented that he understood the trepidation about approaching the General Assembly to talk about this, but that proposed legislation just makes sense, and that the problem-solving statute and proposal will make the judiciary system more effective.

Judge Jones asked for any comments and mentioned that The Honorable Jacqueline Ward Talevi, Judge, Salem District Court was given an award for her work with the mental health docket.

NEXT MEETING

The next meeting will be determined as we analyze the Chief Justice-Elect’s schedule for 2015. Judge Jones encouraged participation in each Committee. With no further business, Judge Jones thanked the Committee for their time and involvement on the Committee. The meeting was adjourned.

Respectfully submitted,

__________________________
Hon. Jerrauld Jones, Judge