

Where Treatment and Accountability Meet Justice



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

April 27, 2017

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, April 27, 2017 in the 6th floor Courts Conference Center Room at the Supreme Court of Virginia. The Honorable Jack S. Hurley, Judge, Tazewell Circuit Court, Chair, presided.

The following members were present:

- Karl R. Hade, Executive Secretary, Supreme Court of Virginia
- Hon. Charles Sharp, Judge, Stafford Circuit Court
- Hon. Frederick Rockwell, Judge, Chesterfield County Circuit Court, Chesterfield/Colonial Heights Drug Court
- Hon. Barry Logsdon, Judge, Newport News Juvenile & Domestic Relations Court, Newport News Juvenile Drug Court
- Maria Jankowski, Deputy Director, Virginia Indigent Defense Commission (IDC)
- Julie Truitt, Department of Behavioral Health and Developmental Services (DBHDS)
- Charlene Motley, Commission on Virginia Alcohol Safety Action Program (VASAP)
- Natale Ward-Christian, Virginia Association of Community Services Board (VACSB)
- Cheryl Robinette, Drug Court Coordinator, Tazewell & Buchanan Counties
- Hon. Llezelle Dugger, Charlottesville Circuit Court Clerk, Circuit Court Clerk's Association
- Marla Newby, Norfolk Circuit Court Drug Court Coordinator for Susan Morrow, VDCA president
- Hon. Judge Gary Hicks, Judge, Henrico County Circuit Court, Drug Court Judge
- Fran Ecker, Director, Department of Criminal Justice Services
- Major Harold Heatley, Tazewell County Sheriff's Office
- Bettina Coghill, Hopewell, Prince George, Surry Drug Court Coordinator, Virginia Community Criminal Justice Association
- Greg Hopkins, Vice President, Virginia Drug Court Association (VDCA)
- James Nankervis, Department of Juvenile Justice for Andrew Block, Jr., Director

- Hon. La Bravia Jenkins, Commonwealth's Attorney City of Fredericksburg, Commonwealth's Attorney Association
- Hon. David Carson, Judge, Twenty-third Judicial Circuit
- Hon. Junius Fulton, Judge, Norfolk Circuit Court, Drug Court Judge

The following guests were present:

- Hon Gordon Wilkins, Judge, Retired, Justice Outreach Liaison
- Hon. Chad Dotson, Judge, Wise County Circuit Court, Drug Court Judge
- Hon. Marsha Garst, Commonwealth's Attorney, Rockingham County/Harrisonburg
- George Nipe, Treatment provider, Harrisonburg/Rockingham CSB
- Harry Hurst, Deputy Commonwealth's Attorney Harrisonburg/Rockingham County
- Hon. Thomas Wilson, IV, Judge, Rockingham/Harrisonburg Circuit Court

The following staff members were present:

- Anna Powers, State Drug Court Coordinator, Department of Judicial Services, Supreme Court of Virginia
- Shayna Helms, Drug Court Administrative Assistant, Department of Judicial Services, Supreme Court of Virginia
- Regina Glaser, Drug Court Analyst, Department of Judicial Services, Supreme Court of Virginia

WELCOME & INTRODUCTIONS

Judge Hurley called the meeting to order and welcomed all in attendance. He asked the members to introduce themselves.

APPROVAL OF MINUTES

The next order of business was approval of the October 20, 2016 meeting minutes. Judge Hurley asked for any changes to the meeting minutes. A motion was made to approve the minutes as submitted. The minutes were unanimously approved.

PROGRAM PROGRESS

Ms. Anna Powers provided a statewide update on the progress of the Virginia Drug Treatment Courts. She shared the following localities requested letters of support for their drug court grant applications as follows:

- BJA Adult Drug Court Discretionary Grant, Implementation
Smyth County Adult Recovery Court
Montgomery County Adult Drug Court
- BJA Adult Drug Court Discretionary Grant, Enhancement
Floyd County Adult Drug Court
Giles County Adult Drug Court
- SAMHSA CSAT, “Grant to Develop & Expand Behavioral Health Treatment Court Collaboratives” (Adult Treatment Court Collaboratives)-
Henrico County Adult Drug Court for Vivitrol enhancement, did not request letter of support

The three day Adult Planning Drug Courts Initiative (ADCPI) training was requested for Virginia Montgomery, Floyd, & Giles Counties drug courts. Tentatively, this training may be in September possibly in the Christiansburg area.

The Operational Tune-Up Training was held in January for the Tidewater adult drug courts. This training is scheduled again in May for the Southwest Virginia drug courts, and possibly again in August for Lee and Wise Counties. An additional request for this training was submitted for Central Virginia area drug courts.

We are expecting applications requesting permission to establish drug courts from Radford for an Adult Drug Court and Norfolk expressed interest in a Juvenile Drug Court. The Circuit Court Judges meeting will be held on May 15, 2017 in Norfolk. Drug courts are invited to a follow up veteran’s summit meeting on May 16, 2017. Virginia Drug Courts are also invited to present at pre-bench for new judges on June 6 & 8, 2017. The District Court Judges meeting will be held on August 27, 2017 in Williamsburg.

Ms. Powers reminded everyone that May is Drug Court Month. The VDCA requested a proclamation from the Governor’s Office and there were additional proclamations by localities.

The FY2018 grant application for the annual training has been submitted. Ms. Powers closed by showing everyone the Save the Date for the 2017 Annual DUI Drug Treatment Court Training. This training is scheduled for August 7 & 8 in Roanoke. The theme is Virginia Drug Court Dockets are Best Practice Solutions for New Challenges. Judge Hurley asked if the committee had any questions about the program progress information. Hearing no responses, he thanked Ms. Powers for all of her hard work. He also said that he would like for everyone to participate in the annual training if possible. Judge Hurley added, it is a great opportunity to learn and meet new people.

SUSTAINABILITY WORK GROUP

Judge Hurley said that he doesn't expect the new funding formula to impact the drug courts this coming fiscal year (FY18). He is looking forward to begin in FY19 to provide stability over the next 6 years. He asked Ms. Fran Ecker to share her expertise from the budget side. Ms. Ecker expressed how great it is to have these funds to provide sub grants to the drug courts. She briefly reviewed supervision costs and formula-based funds. Judge Hurley thanked Ms. Ecker for sharing her knowledge and expertise with the committee. He added that she is fantastic. He looks forward to discussing budget numbers before requesting approval for the new funding formula.

VDCA UPDATES

Judge Hurley recognized Ms. Newby, who was filling in for Susan Morrow and Greg Hopkins to represent the Virginia Drug Court Association (VDCA). Ms. Newby stated the VDCA is rebranding under a different name in June 2017. They started out with twelve drug courts as members now we have over forty operational drug courts and we hope these programs will continue to grow. VDCA is currently working on a strategic plan. Their next meeting is scheduled for May 2, 2017 to approve the new By-Laws and Articles of Incorporation. Mr. Hopkins added that they will have a new website and social media pages in the near future.

COMMITTEE UPDATES

EXECUTIVE COMMITTEE

Judge Hurley shared the Executive Committee continues to meet the last Friday monthly by conference call. He stated the committee meets to ensure that we monitor progress, continue the flow of information especially related to legislative happenings, funding and sustainability. He added that he went to Atlanta to attend the National Prescription Drug Abuse & Heroin Summit. He said he learned a lot there. One item of particular interest to him was that the scientists are in the process of taking opioids and changing the chemical make-up to hit the pain receptors only. They also are changing the formula for Suboxone so it cannot be so easily diverted. He also heard they plan to make an injectable form of Suboxone that will last 30 days, similar to Vivitrol. He added that everyone is seeing a huge increase in Fentanyl usage/overdoses.

Judge Hurley shared with the committee that he would like to accomplish the following goals in his three year term:

1. An adult drug court in every judicial circuit,
2. Funding and sustainability for all drug treatment courts,
3. A pilot regional residential drug court and
4. The approval process for the specialty docket applications.

EVALUATION COMMITTEE

Judge Hurley invited Judge Sharp to discuss the evaluation committee activities. Judge Sharp reviewed how the evaluation committee operates. He said we are working on keeping up with the annual reports. He stated we plan to develop a clear definition for recidivism that we can use consistently from now forward. The database entry errors are being identified and corrected to match the Virginia State Police records. (e.g., name spellings, birth dates, etc.) Judge Sharp added that data from FY15, FY16, and FY17 is being prepared for inclusion in the FY17 annual report. This will allow us to provide post-program recidivism results for 12 months, 18 months and 24 months in this year's report. This year's report will also include a guide/checklist to describe all of the steps taken to collect, identify, and analyze the data. We are revising the progress assessment forms (PAF) that capture the short term goals in the drug court database. We

will be working with the database developers to move these forms to their own tab for ease of analysis. Currently only about 30% of the drug courts are completing the PAF every 6 months.

The drug test tab was revised to include Medication Assisted Treatment (MAT) drugs. Judge Sharp explained that if someone is on MAT and tests positive for the prescribed drug they will not have their days clean recalculated each time. Judge Sharp also added that Ms. Glaser is creating a drug court database training on WebEx. This training will provide instant database training as needed or a refresher training for current database users.

We posted the NDCI sanctions and incentive sheets on our website to better assist all drug court staff to find as suggested by Judge DiMatteo at our last meeting. Judge Sharp said he hopes to provide an additional study in the future to address the opiate epidemic in Virginia. This will include all Virginia Adult Drug Courts and possibly Juvenile Drug Courts for effectiveness with prescription drug users. He recommends considering using the drug court data we have for a 10 year study of drug court effectiveness. This will put Virginia in the lead nationally. Doug Marlowe is focusing on creating this type of study. Most states do not have this much drug court data.

OPERATIONS COMMITTEE

In Judge DiMatteo's absence, Judge Hurley discussed the Harrisonburg/Rockbridge Application Requesting Permission to Establish an Adult Drug Court. He invited Ms. Masha Garst to share about their application and drug court plan. She stated they have a combined team of treatment providers and intensive programs. This treatment is for the high risks high needs participants. She stated she wants to change "the warehouse mentality to a greenhouse mentality." Their goal is to use cognitive behavioral therapy. Major Heatley asked about the involvement of law enforcement. Ms. Garst responded that law enforcement are involved and will assist with home and site visits. She added that they are seeking the drug court planning initiative training before starting their drug court. She also said they will not be starting in July. Their start date will be closer to October.

NEXT MEETING

Judge Hurley reminded members that the next committee meeting is scheduled for Thursday, October 19, 2017. Ms. Powers encouraged members to review the articles in the

packet when they have the opportunity. Judge Hurley thanked everyone for coming. The meeting was adjourned.

Respectfully submitted,

Hon. Jack S. Hurley, Judge