

Where Treatment and Accountability Meet Justice



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

October 19, 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, October 19, 2017 in the 6th floor Courts Conference Center Room at the Supreme Court of Virginia. Chief Justice Donald W. Lemons, presided.

The following members were present:

- Hon. Donald Lemons, Chief Justice, Supreme Court of Virginia
- Hon. Jack S. Hurley, Judge, Tazewell Circuit Court, Drug Court Judge
- Hon. Charles Sharp, Judge, Stafford Circuit Court
- Hon. Frederick Rockwell, Judge, Chesterfield County Circuit Court, Chesterfield/Colonial Heights Drug Court
- Hon. David Carson, Judge, Twenty-Third Judicial Circuit
- Hon. Junius Fulton, Judge, Norfolk Circuit Court, Drug Court Judge
- Hon. Louise DiMatteo, Judge, 17th Judicial Circuit, Drug Court Judge
- Hon. Gary Hicks, Chief Judge, Henrico County Circuit, Drug Court Judge
- 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)
- Cheryl Robinette, Drug Court Coordinator, Tazewell & Buchanan Counties
- Hon. Llezelle Dugger, Charlottesville Circuit Court Clerk, Circuit Court Clerk's Association
- Greg Hopkins, Vice President, Virginia Association of Drug Court Professionals
- Susan Morrow, President, Virginia Association of Drug Court Professionals
- John Colligan, for Fran Ecker, Director, Department of Criminal Justice Services (DCJS)
- Major Harold Heatley, Tazewell County Sheriff's Office
- Hon. La Bravia Jenkins, Commonwealth's Attorney City of Fredericksburg, Commonwealth's Attorney Association

The following guests were present:

- Hon Gordon Wilkins, Judge, Retired, Justice Outreach Liaison

- Hon. Eric Olsen, Stafford Commonwealth Attorney
- Hon. Julia Sichel, Commonwealth's Attorney, Westmoreland County
- Valerie Iovino, Northern Neck Community Services Board
- Auriel Walker, Director, Community Based Probation/Pretrial & Offender Reentry/
Northern Neck Regional Jail
- Hon. Lee Harrell, Judge, 27th Judicial Circuit, Drug Court Judge
- Sara Gary, Adult Drug Court Coordinator, Fairfax County
- Lori Trail, Drug Court Coordinator, Radford Adult Drug Court

The following staff members were present:

- Paul DeLosh, Director, Department of Judicial Services, Supreme Court of Virginia
- Anna Powers, Drug Court Coordinator, Judicial Services, Supreme Court of Virginia
- Shayna Helms, Drug Court Administrative Assistant, Judicial Services, Supreme Court of Virginia

WELCOME & INTRODUCTIONS

Chief Justice Lemons welcomed everyone in attendance. Chief Justice Lemons thanked everyone for all their hard work. He stated that the opioid problem needs to be addressed because we have not gotten to the root of the epidemic. Chief Justice Lemons explained the work drug courts do in getting the word out in the community and the court systems is going to be the only way to get down to the root causes of this epidemic. He added that he would like everyone to remain positive in the progress of getting the information out to the communities. Chief Justice Lemons turned the meeting over to Judge Hurley

Judge Hurley thanked the Chief Justice and introduced John Colligan who was sitting in for Fran Ecker from DCJS. Mr. Colligan is Division Director for Finance and Administration at DCJS. He has been working with us to establish the sustainability formula. We appreciate his willingness to share his expertise and experience in this area with us.

Judge Hurley reminded everyone that his goal shared at the previous meeting was to see at least one drug court in each judicial circuit in Virginia, and he believes it will happen with everyone's hard work. Judge Hurley shared that he believes everyone should have the opportunity

for drug court. Currently, there are 14 circuits in Virginia without an adult drug court. Judge Simmons, Smyth County Recovery Court just received a federal BJA grant award. They were the only drug court in Virginia to receive BJA funds this year.

Next, Judge Hurley updated everyone on the Problem-Solving Summit in Denver. He reported that researchers presented the 10 Key Components of Drug Courts applied and paralleled to problem-solving courts. Judge Hurley, then, reported that drug courts are the most scrutinized and analyzed criminal justice program in the world, and the presentation demonstrated that the drug court research is going to be very helpful for problem-solving courts. Judge Hurley clarified that Virginia uses specialty docket instead of problem-solving court. He added that two new advisory committees were established by the Chief Justice to oversee the veterans and behavioral/mental health dockets. Judge Hurley also mentioned the reentry docket applied for approval under the new rule of court. That docket will be reviewed by a separate committee.

Judge Hurley invited Ms. Powers to share about Denver. Ms. Powers reported the training was organized through the Council of Chief Justices and State Court Administrators. She emphasized that this was the first Problem-Solving Courts Summit, and it has not been announced if there will be another one yet. Ms. Powers revealed that Judge Sharp is going to report on the evaluation information that was shared briefly by Judge Hurley, and the 10 Key Components are the basic structure of drug court.

Judge Hurley stated that we do not have the data for these specialist dockets, and that may result in the standards needing to be changed. The Behavioral/Mental Health Advisory Committee is modeled after this committee. Judge Hurley spoke about the members of the new committee. Ms. Powers added that the committees have chairs appointed and have been working over last year (2016) to develop the application and standards that were forwarded to the Chief Justice prior to the Rule of Court being created. The Chief Justice reconvened these committees and authorized them to review the applications for approval. Both committees scheduled to meet by the end of 2017.

APPROVAL OF MINUTES

The next order of business was approval of the April 27, 2017 meeting minutes. Judge Hurley asked for any amendments to the meeting minutes. A motion was made to approve the minutes as submitted. The minutes were unanimously approved.

PROGRAM PROGRESS

Ms. Powers stated Smyth County received the BJA Implementation grant. Judge Hurley added they are the only Virginia drug court to receive a BJA award this year. Their first docket will be in November. There were no BJA enhancement grant awards to Virginia this year. Charlottesville received a SAMHSA grant award and Bristol received a one year extension for their SAMHSA grant.

Ms. Powers reported that that Fairfax, Harrisonburg and Northern Neck Adult Drug Courts applied for the Adult Drug Court Planning Initiative Training. These drug courts were selected to participate in this training in 2018, which is a 3-day training that we encourage all the new drug courts to apply for when it is available. Completing this training gives the drug courts priority for funding with federal grants such as the BJA and SAMHSA. The training for these drug courts has not been scheduled as of now. Ms. Powers stated that Floyd, Giles, and Montgomery Counties also applied to be involved in the Adult Drug Court Planning Initiative Training. They have not been selected to receive this training yet. Ms. Powers added that Virginia Beach and Chesapeake teams were also encouraged to apply for this training.

Ms. Powers spoke briefly about the opportunity for the Operational Tune-Up Training. Justice for Vets for Fairfax. Hampton and Norfolk will hopefully participate, if selected for this training. Also, Central Virginia, Henrico, Prince George, and possibly Richmond will participate in the adult Operation-Tune Up training in 2018. We have not received the official notification that Virginia was granted the award, but we have received an unofficial inquiry regarding whether we could assist with the location to do the training.

Ms. Powers mentioned the Virginia Drug Court Coordinator meeting has not been scheduled. We would like to schedule one after each of these advisory meetings. The Veterans Docket Advisory Committee plans to meet December 11, 2017. They will review the applications that have been received. They have two applications pending that have not been received. Also, the Behavioral Health Docket Advisory Committee is looking to schedule a meeting at the end of November 2017. The Specialty Dockets Advisory Committee meeting has not been scheduled but they will meet by conference call.

Ms. Powers spoke about the FY 2018 DMV grant to continue our Drug Court Training. The 2017 training in Roanoke had excellent feedback. Judge Hurley added that the training went very well and enjoyed the graduation at the end.

SUSTAINABILITY WORK GROUP

Next Judge Hurley discussed the sustainability formula. He reassured everyone that everything will stay in place for a 3-year phase in period. Currently funded drug courts will not lose funding. Adjustments will all be gradual. We will continue to look for other funding for the drug courts. All drug courts will have a base amount depending on the size of the drug court, and a per person rate may also be added depending on the funding balance after all programs receive the base amount. The per person funding will be based on a 3 years average. Ms. Jenkins shared her concerns on the per person amount coming out of the larger amount of funds. Judge Hurley responded that the per person rate will be the biggest part of the funding but over 3 years average it will reflect what the locality will use. Judge Hurley requested everyone to submit ideas on the per participant formula. Judge Fulton raised concern about the sobriety. Hurley stated that sobriety is a vital part of the per participant funding. The data is something that we will have to discuss.

VADCP UPDATES

Judge Hurley recognizes Susan Morrow. Ms. Morrow stated that she did not have and legislative updates but mentioned their first meeting of the founding members is scheduled October 20, 2017 at the police academy in Richmond. She added that they are very excited for the planning and goal setting for the next year.

Mr. Hopkins reported the stake holders meeting took place October 18, 2017. VADCP has been a part of the National Governors Association (NGA) Learning Lab. It's for those who are coming out of correctional institutions and returning to the community. They are looking at how CSBs, drug courts and the Department of Corrections work together to help the individuals that are returning to the community. The areas identified for Virginia are: Southwest Virginia, Norfolk and Richmond. NGA did a needs assessment to see what resources those areas may need and what can they do to put extra support in those localities. They want to add training and collaborative case management, housing, and transportation. The NGA will have a conference call to discuss ideas

and plans they can put together to help with these communities. There may be a budget amendment submitted on November 7, 2017 to put funding in place to help. Ms. Robinette responded that the NGA are supportive of Virginia Drug Courts.

Judge Hurley added that all three of the communities are so different but still have the transportation and housing difficulties. Ms. Robinette stated that funding for drug courts was emphasized, especially because the drug courts in these localities were established as a direct result of the OxyContin epidemic. In southwest Virginia that is how it started in Tazewell in 2002. Drug Courts was how we could have addressed this issue. Mr. Hopkins added that mobile vans and mobile treatment clinics, specifically in areas that are more rural were suggested. He added further that this is on the list for DOC to consider.

Judge Hurley stated that it appears we do not have the upper hand with the epidemic. We are changing and saving lives but the research and development is showing that the opioids are targeting the pain receptors and the cravings receptors. The Heroin and Drug Summit in Atlanta are looking at medication that will occupy the pain receptors and not occupy the cravings receptors. Judge Hurley said he is excited to see what is coming forward within the VADCP.

COMMITTEE UPDATES

EXECUTIVE COMMITTEE

Judge Hurley disclosed that the Executive Committee meets monthly on the last Friday at 8:30 a.m. He invited all who are interested to call-in and listen. The committee talks about the sustainability formula, new applications, other funding issues, legislation and other information potentially impacting drug courts. Judge Hurley stated that if we move forward with a drug court in every circuit within the next three years we are going to need more than us 5members to do so. We do invite you to participate on the committee.

EVALUATION COMMITTEE

Judge Hurley invited Judge Sharp to discuss the Evaluation Committee activities. Judge sharp the role of the evaluation committee is to oversee the information and preparation of the annual report that is required to send to the general assembly for the drug courts. Drug courts are the most studied aspects of the criminal justice system in Virginia. We make sure that the data

being collected is being put into a formula correctly. The next meeting for the evaluation committee will be to review the annual report. That report may be delayed due to staff turnover. The second aspect of the evaluation is to look at the bigger picture to participate in any studies or evaluations as we did so years ago when there was a 2 years study of drug courts.

Judge Sharp also shared more details regarding the research shared applying the 10 Key Components of Drug Court to Problem-Solving Courts. A copy of the power point slides was included in the committee members handouts.

The Washington State Institute for Public Policy (WSIPP) were reviewing and finding the state cost benefits of drug courts. The information that shows is the recidivism rates. Virginia will have definition of recidivism in the annual report.

OPERATIONS COMMITTEE

Judge DiMatteo stated that the Operations Committee has had a very busy month. There were four applications. All of which were excellent submissions. Judge DiMatteo added that we will not approve them all together because they all deserve their own recognition.

The Northern Neck was the first application to consider. Judge Dimatteo asked the Northern Neck team if they had any questions, comments or concerns that they would like to express with the Committee. Ms. Sichol responded that they have received great feedback and are optimistic in making this drug court work. She added, we are a rural jurisdiction, where transportation is our biggest issue. Ms. Walker added that the outpouring of support in the community are very excited about adding drug court to our jurisdiction. Ms. Iovino stated that there is a great need for a drug court in our community. We are seeing more and more people that need the treatment. Judge Hurley asked if the drug court was going to be in one location. Ms. Sichol responded yes, it will be held in Westmoreland County Circuit Court. That is where the transportation issues will come in to play. The surrounding areas are a further distance to travel. Judge Hurley stated he is interested to watch how Northern Neck gets up and running because some circuits without a drug court, may consider a regional approach. Major Heatley suggested they could have an officer sworn in for the surrounding districts rather than having a liaison for each jurisdiction. Ms. Sichol stated that Judge McKenney will be the drug court judge and they are hoping to start July 2018. She added that they have applied for the Adult Drug Court Planning Initiative (ADCPI) training so they will have

priority to receive federal funding. Ms. Jankowski asked if they have a public defender or did they hire a private defense attorney. Ms. Sichol responded they have a private defense attorney. Judge DiMatteo questioned if there were any questions for the Northern Neck team or about the application. With no response, Judge Hurley requested a motion to approve the Northern Neck and Essex Adult Drug Court. A motion was made to approve the application and seconded. The Northern Neck and Essex Adult Drug Court Application was unanimously approved.

Next Judge DiMatteo announced the Twin Counties (Grayson, Carrol), and Galax Recovery Court. Judge DiMatteo asked if Judge Harrell had any questions for the Committee. Judge Harrell mentioned that Judge Geisler could not be at this meeting but will be presiding with him. He also mentioned that he works with Ms. Trail in Giles County. Judge Harrell stated that transportation will be an issue but plans to hold the docket in the city of Galax which has a courthouse essentially located between both counties. Judge DiMatteo asked if there were any questions from the Committee about the application or for Judge Harrell. With no response, Judge Hurley requested a motion to approve the Twin Counties (Grayson, Carrol and Galax) Recovery Court Application. A motion was made and seconded. The Twin Counties Recovery Court Application was unanimously approved.

Next Judge DiMatteo recognized the Fairfax team. Judge DiMatteo stated that the Fairfax County was long waited due to having 1.2 million people. She also added that Judge Azcarate added that the community and law enforcement are excited to have this in their jurisdiction and everyone involved is dedicated. Ms. Gary added that they appreciated all the feedback. Judge Hurley asked if there were any questions for the Fairfax team. Judge Hurley asked about their goal for the number of participants. Ms. Gary responded that the initial goal is 25 participants. Judge Fulton asked about the eligibility criteria outside of statutory eligibility criteria and if their Commonwealth's Attorney demand anything in addition to that. Ms. Gary responded no, they did not. Judge DiMatteo asked if there were any questions of the Committee for Ms. Gary or about the application. With no response. Judge Hurley requested a motion. A motion was made to approve the Fairfax Adult Drug Court Application and seconded. The Fairfax Adult Drug Court Application was unanimously approved.

Lastly Judge DiMatteo recognized Radford Adult Drug Court. Judge DiMatteo stated that the application was an excellent application and she did not have any questions to respond to for the

Radford application. Ms. Trail thanked everyone for all the responses and ideas for help with the application. She mentioned that Judge Long will help to get the process moving but Judge Showalter will be the primary judge for Radford Drug Court. Ms. Trail also thanked Mr. Powers for all her help to get her where she is now. Ms. Jankowski stated that the application mentioned a defense attorney asked if he public defender planned to participate. Ms. Trail responded that the public defender's office in the area are on the drug court team. Judge Hurley asked how many students are within a 25 miles radius of the area. Ms. Trail replied about 35,000. Judge Hurley followed that with will the drug court serve the student population or only locals. That needs to be determined. Judge DiMatteo asked if there were any questions for Ms. Trail or about the application. With no response Judge Hurley requested a motion. A motion was made to approve the Radford Adult Drug Court Application and seconded. The Radford Adult Drug Court Application was unanimously approved.

PLANNING & DEVELOPMENT COMMITTEE (PDC)

Judge Fulton stated that the Planning and Development Committee met in August and October. The PDC has been active for many years but we felt it was necessary to reacquaint committee members. The purpose of the PDC is to advocate for funding for Virginia Drug Treatment Courts working with OES. We had discussion about the potential overlaps related to other subcommittee responsibilities, such as the Sustainability Work Group. The PDC recruited some additional members from Commonwealth's Attorney, Office of the Attorney General and the Department of Corrections.

The PDC discussed concerns regarding the lack of response from existing unfunded drug courts to the OES request for Concept Papers. A follow up survey indicated the lack of responses for the concept papers were due to the short period of time the drug courts had to respond. The committee is going to seek the opportunities to share the information about drug courts at statewide annual conferences with state agencies and associations.

The next PDC meeting is scheduled for December 4, 2017 by conference call.

NEXT MEETING

Judge Hurley reminded members the next full committee meeting in 2018 is scheduled for Wednesday, May 9, 2018. 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