

Where Treatment and Accountability Meet Justice



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

May 9, 2018

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 Wednesday, May 9, 2018 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. Jack S. Hurley, Judge, Tazewell Circuit Court, Tazewell Drug Court
- Hon. Louise DiMatteo, Judge, Arlington Circuit Court, Arlington Drug Court
- Hon. Frederick Rockwell, Judge, Chesterfield County Circuit Court, Chesterfield/Colonial Heights Drug Court
- Hon. Sarah Rice, Judge, Franklin County Juvenile & Domestic Relations Court, Franklin County Juvenile Drug Court
- Charlene Motley, Commission on Virginia Alcohol Safety Action Program (VASAP)
- Catherine Zagurskie, for Maria Jankowski, Virginia Indigent Defense Commission (IDC)
- Cheryl Robinette, Drug Court Coordinator, Tazewell & Buchanan Counties
- Susan Morrow, President, Virginia Association of Drug Court Professionals (VADCP)
- Hon. Judge Gary Hicks, Judge, Henrico County Circuit Court, Drug Court Judge
- Tom Fitzpatrick, Department of Criminal Justice Services
- Major Harold Heatley, Tazewell County Sheriff's Office
- Hon. David Carson, Judge, Twenty-Third Judicial Circuit
- Hon. Junius Fulton, Judge, Norfolk Circuit Court, Drug Court Judge
- Julie Truitt, Department of Behavioral Health and Developmental Services (DBHDS)
- Suzanna "Anna" Burton, Department of Corrections

The following guests were present:

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

- Hon. R. Louis Harrison, Jr., Judge, Bedford Juvenile & Domestic Relations Court
- Dr. Jennifer Morrow, Ph.D., Bedford Department of Social Services
- Brandon Baker, Esquire, Guardian Ad Litem
- Wendy Whorley, Bedford Sheriff's Department
- Paul Baldwin, CSA Program Coordinator
- Tomi Turner, Manager, Bedford Family Services

The following staff members were present:

- Paul DeLosh, Director, Department of Judicial Services, Supreme Court of Virginia
- Anna Powers, State Drug Court Coordinator, Department of Judicial Services, Supreme Court of Virginia
- Bre'Auna Beasley, Drug Court Analyst, Department of Judicial Services, Supreme Court of Virginia

WELCOME & INTRODUCTIONS

Judge Hurley called the meeting to order and welcomed committee members, staff, and the guests from Bedford County Family Drug Treatment Court. He asked the members to introduce themselves.

Mr. DeLosh shared that the Drug Offender Assessment Fund in statute, §18.2-250.2 supports drug treatment courts. He added that the Office of the Executive Secretary requested funds from this for two additional positions for drug courts to help all involved after the budget is passed.

SUSTAINABILITY WORK GROUP

Mr. Hade updated the Committee and guests on the budget. The budget has not been finalized; however, the General Assembly will return from break next week. As Mr. DeLosh shared, funding for two additional drug court support staff was included in the Governor, Senate, and House proposed budgets. The additional funding, as well as budget language, highlight the General Assembly's growing support of drug courts. We hope to see additional funds in the next budget but don't know until the final budget is passed.

Judge Hurley added that sustainability work group proposed drug court budgets using the \$400,000 for the next two fiscal years as initially proposed in the governor's budget. The

sustainability plan can be completed until the budget is finalized. This impacts the funded drug courts and the unfunded drug courts.

Judge Hurley added the annual evaluation report is due December 1st each year. This year, pending the finalized budget, there may be two additional reports due October 1st: one for Behavioral/Mental Health Dockets with recommendations for expansion and the Vivitrol Report to report results of the pilot programs and recommendations for expanding the pilot program to other drug courts.

He added that attended the Alcohol, Tobacco and Other Drugs (ATOD) training in New York City and they discussed much about pharmacology and treatment with counseling and MAT. There was much discussion about Suboxone clinics not providing the counseling as required. Some additional highlights were:

- Vivitrol is non-narcotic
- Vivitrol injection cannot be diverted and is good for 28-29 days after shot
- Vivitrol does not help with cravings
- Biggest risks are cost & when not taking Vivitrol they are at great risk for overdose
- Suboxone is now available as monthly injection
- Suboxone allows addicts to be functional, obtain jobs and get kids back, etc.
- 6-month implant available, could be game changer?

Judge Hurley also went to Atlanta to attend the National Prescription Drug Abuse & Heroin Summit, which was created by U.S. Representative Harold Rogers, from Kentucky, to aid in saving lives from drug overdose. Representative Rogers reported that, if we don't save lives, we start burying them. Judge Hurley added that two years ago there were more accidental overdoses than death by car accidents. Long term recovery enhances quality of life. Judge Hurley reported that everyone is seeing a huge increase in Fentanyl usage/overdoses, and we have an obligation to learn about addiction and recovery.

APPROVAL OF MINUTES

Judge Hurley asked for any changes to the meeting minutes. After hearing no reply, he requested a motion to approve the minutes from the October 19, 2017 State Drug Treatment

Court Advisory Committee meeting. A motion was made to approve the minutes as submitted. The minutes were unanimously approved by vote.

PROGRAM PROCESS

Ms. Anna Powers provided a statewide update on the progress of the Virginia Drug Treatment Courts. She shared the following localities indicated they are applying for the following federal grants:

- BJA Adult Drug Court Discretionary Grant, Solicitation due June 5, 2018
 - Virginia Beach Adult Drug Court plans to apply for an enhancement grant
 - Northern Neck & Essex Adult Drug Court plan to apply for implementation grant
 - Harrisonburg/Rockingham & Fairfax Adult Drug Courts plan to apply
- SAMHSA CSAT, “Grant to Develop & Expand Behavioral Health Treatment Court Collaboratives” (Adult Treatment Court Collaboratives)-
Due 2/21/18, Harrisonburg/Rockingham Adult Drug Court applied.
- Office of Juvenile Justice & Delinquency Programs (OJJDP) grant applications due June 21, 2018.
- High Intensity Drug Trafficking Areas (HIDTA) grant funds subrecipient awarded to:
 - Hanover Adult Drug Court
 - Twenty-Third Judicial Circuit Adult Drug Court
 - Virginia Beach Adult Drug Court

The three-day Adult Planning Drug Courts Initiative (ADCPI) training was completed last week for Northern Neck & Essex Adult Drug Court, Fairfax Adult Drug Court and Harrisonburg/Rockingham Adult Drug Court.
area.

The Operational Tune-Up Training is scheduled for Central Virginia area drug courts, including: Henrico, Hopewell and Richmond at the Hanover Public Safety Training Center

We are expecting applications requesting permission to establish drug courts from Alexandria for an Adult Drug Court, Botetourt County 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, 2018 in Roanoke. The District Court Judges meeting will be held on August 5, 2018 in Norfolk.

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

The FY2019 DMV grant application for the annual training has been submitted. Ms. Powers closed by sharing with everyone the Save the Date for the 2018 Annual DUI Drug Treatment Court Training. This training is scheduled for August 27 & 28 in Williamsburg. The theme is Virginia Drug Court Dockets offer HOPE. Hope provides Healing, Opportunities, fulfills Promises and Extends life. Judge Hurley asked if the committee had any questions about the program progress information. Hearing no responses, he thanked Ms. Powers for all 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.

Ms. Powers reminded local drug court coordinators that the BJA grant solicitation was released last week. Several localities have informed Ms. Powers of plans to apply for implementation funds.

VIRGINIA ASSOCIATION FOR DRUG COURT PROFESSIONALS

Ms. Susan Morrow reported on the most recent Virginia Association for Drug Court Professionals (VADCP) meeting. The VADCP has a new direction that focuses on encouraging drug courts to implement evidence-based practices in service delivery. Approximately 20 members attended the May 8, 2018 VADCP meeting in Richmond, Virginia. The VADCP discussed a variety of issues ranging from the implementation of pilot programs to communication efforts. One of the attendees, Ms. Jodie Manz, shared information regarding a newly designed Vivitrol pilot program with the Department of Corrections probation that is scheduled to initially service a hand selected 25 participants for reentry in the Richmond, Norfolk and Tazewell areas. While the pilot program is projected to render great benefits, Ms. Morrow expressed concern regarding the unclear role of the local drug courts, as these Vivitrol pilot program bear a striking resemblance to the services implemented by the local drug courts. After some group discussion, Mr. Tom Fitzpatrick provided the following clarifications regarding the Vivitrol pilot program:

- The pilot program is a collaboration among several social service and criminal justice agencies (i.e. Department of Criminal Justice Service, Department of Social Services, and Department of Corrections).
- The primary goal of the pilot program is to gain support from communities, participants, and social service agencies, while planning, implementing, and evaluating best practices.

Ms. Morrow also discussed the proposal of a Drug Court Month proclamation by one of the VADCP members, as May is National Drug Court Month. Lastly, Ms. Morrow reported that VADCP has plans collaborate with their lobbyist, Mr. Ron Jordan to update the organization's website to communicate VADCP's new direction.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE

Judge Hurley invited members of the Virginia Drug Treatment Court Advisory Committee to participate on the Executive Committee meetings. 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. Most meetings are held by telephone the last Friday monthly.

OPERATIONS COMMITTEE

Judge DiMatteo discussed the Bedford Application Requesting Permission to Establish a Family Drug Treatment Court. She shared this is an outstanding application, the community has incredible resources and support. She recommends the committee votes to approve this application. Committee members asked the Bedford team various questions such as, the involvement of law enforcement, schools and parent resources. After hearing satisfactory responses to the questions posted a motion was made and seconded to approve the application for a Family Drug Court in Bedford. The motion passed unanimously.

After the committee approved this program, Judge DiMatteo encouraged everyone to share this application with their juvenile courts to encourage more programs like this.

PLANNING & DEVELOPMENT COMMITTEE

Judge Fulton shared the planning and development committee is waiting for the final budget to review the sustainability formula. He wants to be sure all drug courts have fair warning to budget changes and the funds are tied to compliance. We need to rely on data for compliance with best practices.

EVALUATION COMMITTEE

Judge DiMatteo and Judge Hurley led a discussion regarding the possibility of drug court evaluations, evaluation criteria, and partnerships with external agencies, as well as potential concerns. A committee member recommended the use of Peer Review Evaluations. In these evaluations, members of one drug court would evaluate the practices of a neighboring drug court. A significant disadvantage of the Peer Review Evaluations, as raised by the committee, is partiality. Judge Fulton endorsed partnering with the National Drug Court Institute (NDCI) and utilizing its drug court evaluation services. The NDCI may be able to provide blind evaluators and reduce influence of partiality.

NEXT MEETING

Judge Hurley reminded members that the next committee meeting is scheduled for Thursday, October 18, 2018. Ms. Powers proposed the electronic distribution of all supplemental materials such as, newspaper and scholarly journal articles, before committee meetings. After discussion, the Committee, in general, supported the proposal. Judge Hurley recommended that any members opposed to receiving electronic communication contact Ms. Powers. All members will continue to receive paper copies of all agendas and minutes.

Judge Hurley thanked everyone for coming. The meeting was adjourned.

Respectfully submitted,

Hon. Jack S. Hurley, Judge