

Where Treatment and Accountability Meet Justice



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

**October 19, 2015
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, 2015 in the 6th floor Courts Conference Center Room at the Supreme Court of Virginia. Chief Justice Donald W. Lemons, 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, Thirtieth Judicial Circuit Drug Court
- Hon. Jack “Chip” Hurley, Judge, Tazewell Circuit Court, Tazewell Drug Court
- Hon. Frederick Rockwell, Judge, Chesterfield County Circuit Court, Chesterfield/Colonial Heights Drug Court
- Hon. Louise DiMatteo, Judge, Arlington County Circuit Court, Arlington Drug Court
- Hon. Barry Logsdon, Judge, Newport News Juvenile & Domestic Relations Court, Newport News Juvenile Drug Court
- Bruce Crusier, Director, Programs & Services, Department of Criminal Justice Services (DCJS)
- Patricia Shaw, President, Virginia Drug Court Association (VDCA)
- Melanie Meadows, Chesterfield Adult & Juvenile Drug Court Coordinator (VDCA)
- Maria Jankowski, Deputy Director, Virginia Indigent Defense Commission (IDC)
- Hon. Jack Weisenburger, Sheriff, Bristol; Virginia Sheriff’s Association
- Julie Truitt, Department of Behavioral Health and Developmental Services (DBHDS)
- Charlene Motley, Field Services Supervisor, Commission on Virginia Alcohol Safety Action Program (VASAP)
- Natale Ward, Virginia Association of Community Services Board (VACSB)
- Cheryl Robinette, Drug Court Coordinator, Tazewell & Buchanan Counties
- Anna Burton, HIDTA Coordinator, Virginia Department of Corrections

The following guests were present:

- Hon. John Kilgore, Judge, Scott County Circuit Court
- Lori Trail, Drug Court Coordinator, Halifax County

- Hon. Marc Long, Jr., Judge, Floyd Circuit Court
- Hon. H. Lee Harrell, Judge Giles Circuit 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
- Brittney Journigan, Drug Court Data Analyst, Supreme Court of Virginia

WELCOME & INTRODUCTIONS

Chief Justice Donald W. Lemons called the meeting to order and welcomed all in attendance, thanking each for their service and expressing how much he values drug court dockets. Chief Justice Lemons started the meeting by expressing appreciation for all we do and how hard staff work, even in the absence of support in some areas. He further offered that people who believe, they persevere and keep moving. He said he has seen it up close, lives changed and redemption for some. However, not everyone is a candidate for these dockets some are too dangerous or incapable and sent away. He emphasized that legislators can create courts. We manage dockets. We don't usurp the proper role in this. The courts role is to manage these dockets. Chief Justice Lemons further indicated that he appreciates the support of law enforcement and the police. They see it up close and recognize there's no merit to lock up addicts over and over without treatment. He urged everyone to be aware of this distinction.

The Chief Justice insisted we must be deliberate about what we are doing. The Supreme Court of Virginia manages specialty dockets. There should not be specialty dockets operating that are not approved or supervised by the Supreme Court of Virginia. We administer, furnish best practices, provide training and offer technical assistance. We need to focus narrowly on what we do: feedback, supervision, guidance and coordination. We are seeing a lot of growth in drug courts. Chief Justice Lemons thanked everyone on the committee, once again, and said that we are doing enormous work and he will be doing everything he can to support drug courts. Judge Jerrauld Jones was specifically thanked for serving as vice-chair of the committee and his dedication and commitment to Virginia's Drug Treatment Courts.

Judge Jones welcomed everyone and asked the members to introduce themselves.

APPROVAL OF MINUTES

The next order of business was approval of the April 30, 2015 meeting minutes. A motion was made to approve the minutes as presented and seconded. 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 federal grants were awarded to several programs. Bureau of Justice Assistance (BJA) awarded Adult Drug Court Discretionary Grants as follows:

- An enhancement grant for \$200,000 to “Southwest Virginia Regional Drug Court Initiative” at Cumberland Mountain CSB for Tazewell & Buchanan Counties Drug Courts,
- An implementation Grant for \$345,000 to Pulaski County for the Pulaski County Drug Court, and
- An implementation Grant for \$350,000 to Fairfax County for the Veterans Docket.

Additionally, a Substance Abuse and Mental Health Services Administration (SAMHSA)-Center for Substance Abuse Treatment (CSAT), “Grants to Develop & Expand Behavioral Health Treatment Court Collaborative (Adult Treatment Court Collaborative) was awarded to Cumberland Mountain CSB for Tazewell & Buchanan Counties for \$324,000.

Ms. Powers also mentioned that this year, 2015, the federal grantors require that applicants must also demonstrate that the drug court for which funds are being sought will not:

- 1) “deny any appropriate and eligible client for the drug court access to the program because of their medically necessary use of FDA-approved medication assisted treatment (MAT) medications (Methadone, injectable Naltrexone, non-injectable Naltrexone, Disulfiram, Acamprosate Calcium, Buprenorphine) that is in accordance with an appropriately authorized physician's prescription; and
- 2) mandate that a drug court client no longer use medically necessary MAT as part of the conditions of the drug court if such a mandate is inconsistent with a physician's recommendation or prescription.”

Action was filed against the Kentucky Drug Courts for their eligibility requirements prohibiting MAT in drug court that resulted in this federal grant requirement.

Ms. Powers further reported funds from the 2012 BJA Grant award are scheduled to expire in September 2015. These funds provided the Risk and Needs Triage (RANT) tool, Moral Reconation

Therapy (MRT) facilitators training, MRT workbooks, subgrantee awards to specific drug courts for personnel, the DUI Drug Court Evaluation and the upcoming Prescription Drug Evaluation study. The prescription drug study evaluators will include the seven adult drug courts selected instead of narrowing this to five programs as indicated in the grant description. A request to extend the BJA grant for another year was approved.

Ms. Powers stated that the BJA grant award was audited by the Office of Justice Programs (OJP) Inspector General's office. The final report had no findings. The BJA grant monitor visited and also indicated she was very impressed with our grant documentation. She added she plans to use our documentation as a model for future site-visits.

Ms. Powers added the Veterans Drug Court Planning Initiative (VDCPI) three day training by Justice for Vets was announced. The 2016 Veterans Drug Court Planning Initiative training applications are due by Oct 31, 2015. The only locality to contact the drug court office with an interest in a Veterans Court/docket was Prince William County General District Court. They do not want to wait for the training before they begin.

The National Drug Court Institute (NDCI) announced the three day 2016 Adult Planning Drug Courts Initiative (ADCPI) training applications with the deadline on Oct 31, 2015. The following localities indicate they plan to apply for this training:

- Winchester Adult Planning Drug Court team
- Lynchburg Adult Planning Drug Court team,
- Virginia Beach Adult Planning Drug Court team
- Floyd and Giles Counties should also apply

Ms. Powers also provided an update on the DMV grant activities. First she shared we received a DMV grant award for FY2016. The FY2016 award included funds to implement the DUI-RANT for the DUI Drug Courts. A second application for S.A.F.E (Supporting Abstinence from Ethanol) for Portsmouth was not awarded. The Virginia Drug Courts Training (funded by DMV Grant award) was on September 21-22, 2015 at Norfolk Sheraton with the theme: Virginia Drug Courts: The Life Saving Key to Recovery.

- i. First time "Judges Only" breakfast session with a discussion on Medication Assisted Treatment (MAT), led by Dr. Ken Robinson. Judge Jones indicated that the Judge's Breakfast was successful.
- ii. Other sessions included

1. Dr. Ken Robinson –Improving Outcomes in Drug Court Using MRT
2. Judge Davis - DUI Mentor Courts Implementing, Sustaining and Managing a DUI Drug Court
3. Lt Col Vance- Marketing the Drug Court Image
4. Virginia Experts Panel - Best Practices for problem situations/cases
5. Virginia Prescription Management Program (PMP)
6. Judge Keithley-Williams - MAT docket
7. Judge Roper presenting on women in drug court with trauma, PTSD & alcohol

iii. Evaluations were primarily favorable.

A new drug court logo was created and appears on the Fact Sheet in the meeting hand-outs. This new logo will appear on future drug court documents.

VDCA UPDATES

Ms. Shaw presented updates from the Virginia Drug Court Association (VDCA). She shared that membership is currently low and in need of improvement. The VDCA is currently raising their funds to pay their lobbyist through vendors at our annual training and not membership dues. Ms. Shaw added the VDCA continues its relationship with their lobbyist, Advantus Strategies and Mr. Ron Jordan. She mentioned that he anticipates the budget language staying the same for next year.

Ms. Shaw shared there is one person willing to serve as the VDCA president, as it's time, overdue for the leadership to change. She added the VDCA can also help the Planning & Development Committee with getting the word out about drug courts. She revealed the next VDCA meeting is scheduled for November 17, 2015 and another meeting by conference call will be scheduled for December 2015.

COMMITTEE UPDATES

EXECUTIVE COMMITTEE

Judge Jones shared the Executive Committee continues to meet monthly by conference call on the last Friday at 8:30 a.m. He added anyone on the Advisory Committee is welcome to listen in if they desire. He said the Executive Committee is especially important because the Advisory Committee is only able to meet twice a year.

EVALUATION COMMITTEE

In the absence of Judge Charles Sharp, Ms. Anna Powers reported on the Evaluation Committee. The statewide BJA grant is funding a study of offenders using prescription drugs being treated in drug courts. The original plan was to study five adult drug courts but the current seven adult drug courts will continue in the study. The next step is to use descriptive statistics for the development of site descriptions.

The annual drug court report is due internally on November 1st, 2015. The preliminary data reveals that the number of drug court participants and the number of drug court graduates have increased.

OPERATIONS COMMITTEE

Judge Jack Hurley announced the Operation Committee is looking at the Adult Drug Treatment Court Standards to review in order to correlate them with the national best practice standards. Some recommendations for revision are expected. This could possibly take several meetings. The goal of revising the standards is to make them align with best practices.

Next, Judge Jack Hurley, chair of the Operations Committee, brought forward two adult drug court applications from Floyd & Giles Counties. He thanked Ms. Lori Trail and Judges Lee Harrell and Marc Long for making the trip to Richmond to be in attendance. Judge Hurley stated the members of the Operations Committee unanimously agreed to recommend both these drug court applications to the committee for approval.

Judge Long shared with the Advisory Committee that he was fortunate to be able to team with Ms. Trail in Pulaski County to replicate their effort in Floyd & Giles Counties. Judge Long also indicated that Floyd experiences a great deal of methamphetamine cases. Judge Long added that law enforcement in Southwest Virginia is supportive of drug courts. Judge Harrell indicated he was learning about drug courts and sees the need in his community. He also indicated that more education on drug courts is needed to encourage more drug courts. A motion was made and seconded to approve the Floyd County and Giles County applications for adult drug treatment courts. A unanimous vote in favor of the applications was received and both applications were approved.

PLANNING & DEVELOPMENT COMMITTEE

Judge Jones advised that there is currently no chair overseeing the Planning and Development Committee with the retirement of Judge Margaret Spencer. He stated Mr. DeLosh and Ms. Powers would be working to fill the vacancy and hoped that they would make it a priority.

OTHER BUSINESS

Judge Louise DiMatteo indicated that the Arlington County Adult Drug Court used media to help spread support of drug courts. Judge Hurley added that the Tazewell County Drug Court invites local legislators and elected officials to graduation and as graduation speakers.

Smyth County submitted an Application Requesting Permission to Establish an Adult Recovery Court but it was not reviewed by the operations committee yet. Winchester is showing interest in submitting an application for an adult drug court.

Judge Chad Dotson in Wise County Circuit Court indicated that they needed a regional approach to help establish drug courts in the Lee, Scott and Wise Counties area. Their drug court docket/program is currently an unfunded program resulting in having to limit the number of individuals in the program. He also shared there are no residential treatment services in southwest Virginia. He added that the Southwest Regional Jail Authority built a new regional jail in Abingdon and they agreed to provide a dedicated dorm for drug court purposes. The dorm is described as somewhat of a dorm setting/recovery house. The southwest Virginia drug courts are considering a regional approach to establish a residential drug court. It appears that this facility is volunteering to fill a needed gap in services at no cost. Drug court participants would have more freedom to roam than other inmates at the jail. The dorm is currently only for male offenders and they hope to get one for women in the future. The plan would be for defendants to plea into their local drug court, be sentenced to six-months in jail and return to complete the drug court in their community. It remains a work in progress as they meet with treatment providers, jail staff, and other officials to see what can be done or not.

Judge John Kilgore requested to speak about Medication Assisted Treatment (MAT). Judge Kilgore indicated that medication assisted treatment is causing problems for his circuit. He provided statistics on the number of cases (not drug court cases) where he presides and the percentage of those cases that are abusing suboxone or identifying it as their drug court choice. He expressed concern about the federal mandate requiring use of MAT and using 25% of funds awarded in federal grants

to purchase their drugs for drug court participants. Another difficulty for participants on suboxone as part of a MAT, he shared, is that they cannot drug test for the level of suboxone in urine drug tests. Judges and treatment providers in their area are seeing participants on legitimate MAT programs also abusing and using additional suboxone. Judge Kilgore requested the committee not mandate the use of suboxone for all drug courts in Virginia unless there is a way to detect that participants are only taking what is prescribed and it can be consistently measured by program staff.

He added that these treatment methods are preventing the Thirtieth Judicial Circuit from adding Scott County to their drug court program. He shared studies documenting that overuse of subutex was found to be very addictive and cause mental issues. Judge Kilgore indicated that they are starting to see more children being placed in foster care or be adopted by their grandparents because their parents are using suboxone. Ms. Shaw added that some doctors prescribe the drug incorrectly. Judge Kilgore then indicated that MAT cannot be a “fit-all” program.

Judge Jones responded that there are conflicting opinions about medication-assisted treatment and added he would be discussing it more on May 11, 2015 at the Hotel Roanoke during the drug court judges’ meeting.

Ms. Powers said there are currently ten drug courts co-located in areas with community services boards that provide medication-assisted treatment with a lot of mixed reception. She said some drug courts accept participants on medication-assisted treatment and others prohibit them because they do not approve suboxone in drug court and the drug tests to measure levels of that drug are too expensive. She added that some expressed concern about abuse of suboxone while on MAT, like using friends’ and family members’ suboxone in addition to their own. Ms. Powers stated that judges want to be able to monitor it accurately and stated some prohibit it completely because their local jails don’t provide the drugs used for medication-assisted treatment. That would result in different sanctions for participants on MAT compared to those who are not receiving MAT. Ms. Powers added that while she does not have the answers currently, the mandate to use medication-assisted treatment is coming down from federal agencies through grant requirements and we need those additional funds.

Judge Chad Dotson stated in his jurisdiction, the 30th Judicial Circuit, suboxone is the drug of choice. Judge Jones invited all members to consider actively participating on the Evaluation, Operations, or Planning & Development Committees and to express their interest to Ms. Powers.

Next, Judge Logsdon reported a success story about a female participant who successfully went through their drug court program. She received a Community Spirit Award from her high school, scholarships for college and completed college. Afterwards she enrolled in law school and interned in Newport News court. She was featured in the Parade of Transformation at the 2013 NADCP Conference, spoke at other conferences and currently serves on the board of the Annie E. Casey Foundation. She currently plans to become a juvenile drug court judge one day.

Judge Jones invited Judge Hurley to report about the Drug Summit in Wise County following the drug court training in Norfolk. Judge Hurley shared that individuals from Maryland, Virginia, West Virginia, Kentucky, and Tennessee attended. Some drug court programs reported they send older students to elementary schools to mentor kids to reduce their chances of using drugs. Home drug testing kits have become available. Judge Hurley also indicated that drug takeback programs are a problem in Virginia because there is only one location authorized to incinerate drugs. He added the only place in Virginia where drugs can be incinerated is located in Northern Virginia.

NEXT MEETING

In closing, Judge Jones thanked and encouraged everyone to mark their calendars for the 2016 meeting dates. Next meeting date is Thursday, April 28, 2016. With no further business, Judge Jones thanked the Committee for their time and involvement with drug courts. The meeting was adjourned.

Respectfully submitted,

Hon. Jerrauld Jones, Judge