

Where Treatment and Accountability Meet Justice



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

**April 28, 2016
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 28, 2016 in the 6th floor Courts Conference Center Room at the Supreme Court of Virginia. Judge Jerrauld Jones, Vice-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
- Hon. LaBravia Jenkins, Commonwealth’s Attorney, Fredericksburg, Association of Commonwealth’s Attorneys
- Fran Ecker, Executive Director, Department of Criminal Justice Services (DCJS)
- Steve Thompson, Major, Prince William County Police, Association of Chiefs of Police
- Susan Morrow, President, Virginia Drug Court Association (VDCA)
- Greg Hopkins, Vice President, 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)
- Angela Coleman, Executive Director, 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. Steven Frucci, Judge, Virginia Beach Circuit Court
- Hon. Vivian Henderson, Commonwealth's Attorney, Virginia Beach
- Lance James, Chief, Virginia Department of Corrections Probation and Parole
- Bridget Manyak, Virginia Beach
- Timothy Coyne, Esquire, Defense Counsel, Winchester

The following staff members were present:

- Anna Powers, State Drug Court Coordinator, Supreme Court of Virginia
- Brittney Journigan, Drug Court Data Analyst, Supreme Court of Virginia

WELCOME & INTRODUCTIONS

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

APPROVAL OF MINUTES

The next order of business was approval of the October 19, 2015 meeting minutes. Ms. Powers identified a typo in the date for the next meeting. Minutes stated April 30, 2016 and that should to read April 28, 2016 in the minutes. A motion was made to approve the minutes as corrected and seconded. The minutes were unanimously approved.

BUDGET

Judge Jones asked Mr. Hade to share about the General Assembly budget items related to drug courts. Mr. Hade stated that in the past we have fought to save drug court funding and this year we received more money. Budget amendments included \$100,000 each budget year for Norfolk Drug Court to use for non-narcotic, non-addictive, long acting injectable prescription, Vivitrol, as a medication assisted treatment (MAT). Mr. Hade shared that he serves on the Committee of State Court Administrators (COSCA) with his counterpart from Kentucky who report success with using this medication in their drug courts. There is also budget language for the office of the executive secretary (OES) to study this approach and recommend other locations for this pilot.

A separate budget amendment provides funds for drug courts with high drug caseloads who have not received funds before. This includes \$300,000 the first year and \$960,000 the second year that this committee looks to allocate.. There were bills for veterans dockets, behavioral health dockets, drug treatment courts, etc. Legislators have asked the court to develop guidelines and best practices similar to what we have for drug treatment courts for problem solving dockets. Mr. Hade

added that the Chief Justice is going to organize a special task force for specialty dockets that will provide a report to the general assembly by Dec. 1st to move problem solving dockets forward without legislation.

In 2012, we were the beneficiaries of language in the budget that allows for creation of new drug treatment courts without general assembly approval, which was a difficult and frustrating task for many reasons. The condition was that no state funds would be appropriated for these new drug courts. The fact that we have received any new money is still a new development for drug treatment courts in Virginia. We will push to be sure that those first year funds are allocated fairly. The 2nd year, a funding committee under the Chief Justice and the Executive Secretary, will propose how those new funds can be distributed equitably. There are many drug courts that are operating without state funds.

Mr. Hade added that there was something on the show 60 Minutes about drug courts this past Sunday and often times there is something in the newspapers and web articles. The point is that there is a lot of focus on this problem. Judge DiMatteo replied that it seems that we have enough data that we can say how did we survive without money? Then we can report how much we actually need funding. She also stated she believes it is important to know the difficulties about how to operate without money, so you know how to allocate the money. Mr. Hade responded that it has been a little difficult to get some people to support drug courts. They are not as opposed in the past, but not all are on board.

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 Recovery Court
Virginia Beach Circuit Court
Northwest Regional Drug Court
Halifax County Adult Drug Court
U.S. Kaine's office also sent a letter to support these applications.
- BJA Adult Drug Court Discretionary Grant, Enhancement
Norfolk applied to enhance their drug court with MAT, Vivitrol specifically
- SAMHSA CSAT, "Grants to Develop & Expand Behavioral Health Treatment Court Collaboratives (Adult Treatment Court Collaboratives) -
Highland Springs CSB for Washington County, they did not request letter of support
- Joint SAMHSA and BJA Grant

Giles, Floyd and Montgomery Counties plan to apply

Our current statewide BJA Grant received the no cost extension until September 2016. The only remaining item funded is the prescription drug study report.

The National Drug Court Institute (NDCI) announced the three day 2016 Adult Planning Drug Courts Initiative (ADCPI) training in April in Lynchburg. The following localities participated in this training:

- Winchester Adult Planning Drug Court team
- Lynchburg Adult Planning Drug Court team
- Hanover Adult Planning Drug Court team

We anticipate receiving applications requesting permission to establish new drug courts from the following localities:

- Lynchburg Adult Drug Court
- Hanover Adult Drug Court
- Montgomery County Adult Court
- Henrico JDR for Juvenile Drug Court
- Norfolk JDR expressed interest in Juvenile Drug court

Virginia Drug Courts were invited to exhibit at “Day of Service” at Maguire Veterans Hospital on May 24, 2016. Virginia Drug Courts were also invited to present at pre-bench for new judges. Additionally, the drug court judges will meet during the registration time at the circuit court judicial training in May in Williamsburg. Likewise the drug court judges will meet at the district court judicial training in September in Norfolk.

Ms. Powers reminded all that May is Drug Court Month. The Virginia Drug Court Association requested a proclamation from the Governor. Many drug courts requested local proclamations from their cities/counties. Graduations were scheduled in Fredericksburg and Hopewell on May 16th and Henrico on May 20th. Some other drug court month activities include:

- A 5k run
- Polynesian French Toast
- Local news interview
- Present to local Bar Associations (meet with local bar)
- Present to Board of Supervisors, etc.
- Picnics
- Challenging other drug courts to softball game or other sports

Next Ms. Powers discussed the DMV Grant and our progress with planning our annual training event. She added that three FY2017 grants applications were submitted. Our regular application to support our annual training, an application for Portsmouth 24/7 Sobriety Program and application at the request of Waynesboro DUI Drug Court for additional treatment resources.

This year's training is planned for August 28-29, 2016 in Williamsburg. The theme is Virginia Drug Court Best Practice Standards. The judges' only session last year went so well we plan another judges' only session with a discussion on Mental Health led by Carolyn Hardin. Some additional considerations are sessions about Best Practices, What is Evidence based?, Preview to Juvenile Best Practices, Risk Matters –Phases, Multi-disciplinary Team Communication, Veterans, as well as others.

Judge Jones added many have attended the conference in the past; content gets better and better. Already, we have some outstanding sessions. It is important that all can attend so that people can see the advisory committee with them. Last year we had over forty judges. He advised not to wait until the last minute to register. Ms. Powers said we will send out the registration link after May 10th. We are still wrapping it up.

Judge Jones asked if there were any other questions. 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.

VDCA UPDATES

Judge Jones recognized Susan Morrow and Greg Hopkins in the room. He added that they have been through the legislation process. Judge Jones invited them to share about the experience. Mr. Hopkins said we had a lot of mental health and problem-solving docket bills come through the general assembly this year. Out of 3,800 bills that came through, 1,833 passed in both chambers. We worked hard in 2012 for the budget language. This year we believed it would be a great opportunity for drug treatment courts. A lot of people were on our side. Some people who weren't on our side last year were on our side this year. Ms. Morrow added that May is national Drug Court Month. She added that she just started as president in January. She added, we would like to increase our membership, especially with all the drug court activity now. In the next month she plans to have a way for people to get an online form for membership. Judge Jones added, the legislative process

takes a lot of work. They have to tell their story over and over again, sometimes to skeptics. We all appreciate it very much.

Judge Jones added that May is our month to do it. May is Drug Court Month. We don't have a lot of great opportunities for public relations but graduations are a great time. It is important that we invite everyone that we possibly can, including public policy makers. He shared that one time a city council member attended the drug court graduation and at the very next council meeting they were appropriating money for the drug court. Never take that for granted. The fact that drug court is coming up, take advantage of it. Judge Jones reminded the group that he is vice chair of this committee and chair the executive committee.

The past few months, a group of this committee was delegated by Chief Justice Lemons to consider veterans dockets best practices because we were having so much activity with veterans dockets. Evidence-based practices must be applied and we have been working hard. We are in the last stages of that development. Maria Jankowski, Natale Ward, Judge Hurley were all a part of that group. Thank you all. We are in contact with the Chief Justice, who is a former drug court judge.

Next Judge Jones invited Judge Hurley to share about training he attended in Atlanta. Judge Hurley added it was a prescription drug and heroin summit. He said three or our former drug czars were there. The two facts that stick with him are that: 1) the US makes up 5% of population and consumes over 95% of opioids and 2) every twenty minutes there is an opiate overdose. Some key points were there are currently more deaths due to drug overdose than car accidents and guns. Also, long term pain treatment patients must be advised to go to chiropractor, massage, acupuncture or other non-medication approaches. Opiates are not the answer; they make you end up with more problems. Hal Rogers, a Kentucky congressman, is the one who started this summit in response to the opiate epidemic in his state. Judge Hurley highly recommends others attend this summit next year.

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. The next meeting is tomorrow. A lot of our time is spent with pre-general assembly planning and reviewing other association and agency proposed legislation and while they are in session we review drug court related bills and the budget process while post assembly we discuss the implementation process of what passed and the possibility of see those

items again, that did not pass. Remember May is our month to do it because May is proclaimed Drug Court Month. The next executive committee meeting is tomorrow. A lot of our time is spent with pre-general assembly preparation, the budget process, monitoring legislation while they are in session, and post assembly.

EVALUATION COMMITTEE

Judge Jones invited Judge Sharp to discuss the evaluation committee activities. Judge Sharp reported the statewide drug court grant included an emerging trend study to analyze effectiveness and cost-benefit of drug courts in working with prescription drugs and opiate users. Seven drug courts were selected to participate in the study. They represent different parts of the state and each met the established criteria for prescription drug/opiate using participants. So far the study had program descriptive data that finds the impact for participants on prescriptions are not much different than those using illicit drugs. Preliminary data reveals their roles in drug court are the same, their determination in drug court is the same, and the success rate is the same. Prior substance abuse history is the same. It is a snapshot of the programs and what the programs look like. Ms. Ecker asked if this is a grant funded evaluation and who is doing it? Ms. Powers replied that yes it is funding by our statewide grant and the contract was awarded to the Knowledge Advisory Group. The report is expected to be completed by our next meeting in October.

OPERATIONS COMMITTEE

Next Judge Jones stated Judge Hurley has the floor. Judge Hurley shared that the operation committee reviewed three applications, and the follow up responses. The committee is recommending these applications for approval. Judge Hurley added the committee has also been working to revise our adult drug court standards to correlate with the national best practice standards. The standards have not been reviewed in some time. Judge Hurley called Ms. Powers to lead the applications. Ms. Powers introduced Mr. Tim Coyne as defense counsel representing the Winchester area. She invited him to tell us about his area. Mr. Coyne said their application is regional to include the City of Winchester, Clarke County, and Frederick County. He added that two judges attended the adult planning court training in Lynchburg. Mr. Coyne also pointed out that other areas are interested in being part of the drug court but they are focusing on the three localities listed above first. He said the CSB is lacking in this area. The CSB is providing some mental health treatment but they have drastically cut their substance abuse treatment services so they need to rely on private providers. He stated they applied for the BJA grant so they can hire a coordinator and to

pay for treatment services. Ms. Powers commented that it was a very well done application. It was very thorough. The committee went through and made sure that best practices were included. Ms. Jankowski stated this area reports the highest increase for defense services that she worked with. She added that Tim Coyne was also on the governor's prescription drug and heroin task force and presented, and she was very honored to call him a colleague. Judge Jones commented that the CSB limit is concerning. He asked what might be done to try to improve that. He stated that it is that treatment level that provides the success rate for drug courts. Mr. Coyne replied that they are working with the CSB. The CSB has a new director. They have a follow-up meeting with the new director. They also have a meeting with Secretary Hazel. Judge Jones asked, if they are near the border of West Virginia and if they have any support or involvement from across the state. Mr. Coyne responded that there is some interaction in the health system but not substance abuse or mental health treatment systems. Judge Hurley added that every county in West Virginia is required to have a drug treatment court. Mr. Coyne stated they are limiting to three counties initially. Judge Hurley stated the members of the Operations Committee unanimously agreed to recommend these drug court applications to the committee for approval.

THIS COURT WAS APPROVED.

Judge Jack Hurley announced the Operations 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 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. A unanimous vote in favor of this application was received and the program is approved.

Ms. Powers stated the next application is from Virginia Beach. This application was very detailed with a lot of graphs and data. Judge Frucci added that he visited another drug court and was hooked. He said he was embarrassed that Virginia Beach did yet not have one. He asked the other judges in his circuit and recommended they start one. They were okay with it as long as he did the work. Judge Frucci then met with the sheriff who did not have a good outlook on drug courts

but reluctantly came around. Judge Frucci added that their CSB and others were on board. It was suggested that they will need a budget to apply for any funding or grants. Ms. Powers added, it helps you plan for the resources. They were asked, if there is a plan on how they will track the money from the participants. Virginia Beach replied that when they complete the assessment, the payments will be documented. They stated that they have an accounts person within the agency. Judge DiMatteo asked if they have a coordinator and who pays for that. Judge Frucci replied affirmative and added they are all kind of wearing the coordinator hat but they have a volunteer in that role right now. Judge DiMatteo advised that she would highly recommend someone be designated to the coordinator role because it is very demanding. She added, if you are doing multiple things within your department, it gets to be a lot. Ms. Coleman asked, how much will they charge and how will they handle indigence. Virginia Beach replied there are minimum and maximum caps. If they can pay some amount, we will work with them. Ms. Coleman added that she was just looking for an amount. Judge Logsdon asked if they have a single source for drug tests. Judge Frucci said the CSB. Judge Logsdon shared that they had social services providing some tests and CSB providing some tests and on the same day one person tested different at each agency. He added that he would encourage them to make sure there are consistencies. The tests have to be the same each time, for every participant. Judge Frucci added that probation will be doing some testing. Judge Logsdon advised that to be fair, you need to use the same tests, every time. Judge Hurley added encouraging the team to talk to Ms. Powers when they apply for grant funds so the budget is realistic. Ms. Powers described that these are all suggestions so your program can succeed and get to the next step. Another member added the suggestion to also identify a case manager. With the high quantity of trauma since being in a military area, you may want to implement a program such as Seeking Safety. Ms. Ward advised that it is okay to reach out. There are so many drug courts around and that is how we all learned. Judge Jones asked if they will have a dedicated probation officer. They will. Judge Logsdon made the motion to approve this application and Judge Sharp seconded. The court was approved. Judge Hurley stated the members of the Operations Committee unanimously agreed to recommend both these drug court applications to the committee for approval.

Judge Hurley shared that the operations committee went to the Smyth County application first, but we probably should have done this one last. There were about 70 items discussed. Ms. Powers will represent Smyth County. She shared they want to target probation violators. They have

dedicated personnel. They have other resources for services the CSB cannot provide, such as the Galax Treatment Center. The CSB will manage from the clinical perspective. They participated in the training and applied for the BJA grant so they will likely get the grant award. They have a pattern for drug testing. They will have random testing. They will use the RANT and the Compass for screening applicants. They plan to call themselves Recovery Court rather than drug court. They do see opiate and heroin among their population but they also see a lot of methamphetamine. Family treatment is a big component in their model. Judge DiMatteo asked about the referrals for MAT stating she is concerned if they are only getting this treatment outside the CSB, will it be thorough enough? Ms. Powers responded that with meth, there are physical health issues too, so there will be medical health referrals too. The CSB staff will also report. Judge DiMatteo added that so often doctors are very open to drugs but when we discuss drug court with them they are open to the treatment and other options. Ms. Powers described there are so many things as far as HIPPA and confidentiality and the clinical team is going to work with the doctors. Judge Jones asked Judge Hurley if he feels good about this. Judge Hurley replied in the affirmative and added they have a lot of really good things going on and a lot of support. Ms. Morrow seconded that. She added that they must be ready because that was her old stomping grounds many years ago. She added, I am really excited for them. Judge Hurley shared that we are adjacent to them, across the mountain. We have not had near as many meth issues as they have. Ms. Robinette added that their probation is really on board too. Judge Jones clarified that once the Commonwealth's Attorney is in, probation comes on board. He added that he is happy to hear the Commonwealth's Attorney is putting money in. He made the motion to approve. Judge Hurley asked all in favor say I. The court was approved. Judge Hurley stated the members of the Operations Committee unanimously agreed to recommend both these drug court applications to the committee for approval.

Judge Hurley shifted to the standards, stating the adult drug court standards were adopted in 2005. A lot has evolved since that time. We have one letter we need to address. Ms. Powers described that the committee went to the national standards when there were questions. Judge Hurley shared that we received a letter from Judge Dorsey that needs a reply. Ms. Powers stated the letter is included in the packets for those on the operations committee. After much discussion and review of the defense counsel's role and no apparent resolution near, Judge Jones called time. He said, due to time constraints, is anyone opposed to holding these for further considerations? Judge Hurley replied that he would like to see this letter go out to everyone on this committee. Judge Dorsey will have an

opportunity to be further heard. His drug court is a very mature drug court being the first in Virginia. We do not want to disrupt how people have been operating for years, but we need to be operating under best practices. Judge Jones suggested the standards go back to the operations committee for further work in this area.

NEXT MEETING

Judge Jones thanked everyone for their commitment to the committee and coming to the meeting. Ms. Powers added that NADCP came out with two volumes of best practice standards and they are moving towards national certification for drug courts. We want to make sure we are operating with fidelity to the model and credibility so we are not left behind. Ms. Ecker stated that if we start tying this to funding and accreditations, we have to be very careful. Judge Hurley stated the \$300,000 effective by July 1 will be allocated before we meet again. The advisory committee is supposed to allocate these funds. Judge Jones shared that we had a meeting with Mr. DeLosh and Mr. Hade and he believes there has not been a decision about how to allocate these funds. We have a list with high drug cases but that is not necessarily where the money will go. We want to decide who is next on the list for the funding formula developed in 2009 but also with high drug cases on the list. We will do something to get those funds allocated within the fiscal year that starts July 1. We are sensitive to who is next and who has not received funds but we also have to be fair. Given the changes since 2012, we may need to change the funding formula.

In closing, Judge Jones thanked and encouraged everyone to mark their calendars for the next meeting date on Thursday, October 20, 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