

**Idaho Statewide Drug Court and Mental Health Court
Coordinating Committee**

**April 2nd, 2014
8:30 a.m. – 4:00 p.m.
Idaho Supreme Court
Lincoln Room
Boise, Idaho**

MINUTES

Members Present

**Chair, Justice Daniel Eismann
Vice-Chair, Hon. Ron Wilper
Hon. Scott Wayman
Dennis Hardziej
Linda Wright
Hon. Richard Bevan
Mark Mimura
Hon. George Southworth
Roger Bourne
Marreen Burton
Hon. Darren B. Simpson
Burt Butler
Roger Christensen
Lisa Martin
Debra Alsaker-Burke**

**Jared Bingham
Martha Tanner
John Tanner
Patti Tobias
Kerry Hong
Eric Olsen
JoAnn Martinez
Hon. Bradley Ford
Marilyn Kesner
Scott Ronan
Proxy for Judge Stegner-Deb McCormick
Clayne Tyler
Judge Michael Reardon
Director Sharon Harrigfeld**

Staff Present

**Rob Owens
Ryan Porter
Jim Arnold
Christine Iverson
Taunya Jones
Michael Henderson**

Guests Present

**Terry Kirkham
Sara Bartles
Ross Edmunds
Ron Christian
Rich Neu
Denise Chuckovich
Scott Bandy
Senior Judge Barry Wood
Joni Ward**

Proposed Spring Meeting ~September 19th 2014~

The meeting was convened at 8:30 a.m. by Justice Daniel Eismann, Chairman, and members and guests present at the meeting introduced themselves.

Approval of Minutes of the October 7th, 2013 meeting
Judge Wilper moved and Burt Butler seconded the approval of the minutes of the October 7th, 2013 meeting. Motion carried.

Welcome and Introductions

Chair Justice Eismann welcomed Committee members, guests, and led the introductions. Kerry Hong, the Director of Family and Justice Court Services welcomed Judge Wilper in his new role as a senior judge to lend his expertise as to problem- solving court and sentencing alternatives. Kerry also identified for the Committee that Judge Ingram would serve as the Supreme Court Juvenile Justice expert. Kerry also introduced Christina Iverson as the Sentencing Alternatives Manager with the Supreme Court, and each of the seven problem-solving court districtwide managers:

Marilynn Kesner	District 1
Lisa Martin	District 2
Ron Christian	District 3
Marreen Burton	District 4
Rich Neu	District 5
JoAnn Martinez	District 6
Paul Meigio	District 7

Legislative & Budget Update

Judge Wood briefed the Committee on the Idaho Supreme Court legislative process and the FY2014 Legislative Session. Of major importance, Judge Wood reviewed HB509, which amends existing statute and allows for an increase in fees for certain court filings and for court appearances. Judge Wood also highlighted HB636, the Supreme Court appropriations bill that includes ongoing funding for state drug court, mental health court, and family court services conferences. In FY15 an adult drug court institute will be funded. Judge Wood also reviewed HB581 statement of purpose, which provides one-time funds in FY15 in the amount of \$50,000 for Veterans Treatment Courts. Lastly, Judge Wood covered the summary of changes to legislation included in SB1357, the Justice Reinvestment Initiative for Idaho, which will see sweeping change implemented in the criminal justice system for offenders in the community.

FY2014 Utilization and Expenditure Update

Scott Ronan reviewed the FY14 budget and expenditures for coordination, drug testing, and substance abuse treatment. Scott reported that drug testing and treatment expenditures are right in line with projections. Scott highlighted that due to the October start date for problem-solving districtwide managers; approximately \$56,000 would be available in FY14 on a one-time basis to support coordination that would be addressed as part of the FY15 budget and policy recommendations.

Ryan Porter, the Supreme Court Behavioral Health and Quality Assurance Manager briefed the Committee on lessons learned in the transition from fee-for-service reimbursement to the flat rate reimbursement system for substance abuse treatment. Ryan also identified that new referrals for residential and recovery support services have been discontinued for the remainder of FY 2014, in order to preserve drug testing funding in FY15.

FY2015 Budget and Policy Recommendations

Scott Ronan reviewed the FY15 Budget and Policy Recommendations, identifying a proposal to secure drug testing at \$400 per slot for FY15, the use of one-time funds for veterans treatment court in the amount of \$50,000, Idaho Department of Transportation funds in the amount of \$500,000 over 3 years for DUI offenders in problem-solving courts for coordination, treatment, and testing, and one-time FY15 coordination funds for D4, D7 and districtwide manager operations in the amount of \$56,000.

Additionally, Scott reviewed the proposed internal budgeting recommendation for enhanced utilization management to manage the substance abused treatment funds effectively. Concerns were expressed with the ability to administratively adjust court capacity within approved district slots, using the current electronic health record. Additionally, the Committee agreed that the current recommendation, where courts would not lose any funding/slots if utilized over 85% and could gain additional capacity if over 100% based on an average over six months, would be difficult to realize.

Scott also reviewed a policy recommendation for the piloting of new courts/court types. This recommendation would follow ICAR 55, but with additional Committee consideration following a three year period of reporting. This will provide a pathway for becoming an approved problem-solving court.

Judge Reardon moved and Judge Wilper seconded the approval of FY15 internal budgeting recommendations 1 and 2 with the following amendments to 1; “redistributing” to be replaced with “analyzing any potential” and “100%” to be replaced with “95%.” Motion carried.

The adopted FY15 internal budgeting recommendation 1 now reads, “We will implement in FY15 enhanced utilization reporting to determine on a six month basis 85% utilization of Idaho Supreme Court Substance Use Disorder funds with the purpose of analyzing any potential underutilized treatment funds, for the expansion of veterans treatment courts, securing testing, and increasing residential and recovery support services treatment fund. Districts may reallocate underutilized funds to courts that are utilized at or in excess of 95% of their capacity.”

In addition, the Committee discussed the remaining FY15 recommendations addressing the securing of testing for adult drug courts at \$400 per slot from the dedicated court fund and FY14 treatment funds; the use of \$50,000 in the Idaho Division of Veterans Services funds for treatment and training; the drafting of a proposal for the use of \$500,000 of Idaho Transportation Department funds for coordination, treatment, testing, and Web-Based Infrastructure Treatment

System (WITS) support for DUI offenders; and the use of one-time FY14 coordination funds in the amount of approximately \$56,000 for D4, D7, and districtwide manager operations and trainings. Scott Ronan amended the current recommendations to eliminate the projected amount of remaining funds for residential and recovery support services in FY14.

Judge Bevan moved and Kerry Hong seconded to approve FY15 budget and policy recommendations 1 – 4, with the amended removal of projected FY14 remaining funds for residential and recovery support services. Motion carried.

FY2016 Preliminary Budget & Policy Concepts

Kerry Hong presented the proposed FY2016 preliminary budget & policy concepts to the Committee for comments. The concepts addressed the need to identify the various funding sources that problem-solving court participants access in order to maximize state Supreme Court treatment funds. In addition, these initial concepts referenced the need to seek continued funding for veterans treatment court through the Idaho Division of Veterans Services, and funding for DUI offenders in problem solving courts through funds administered by the Idaho Department of Transportation. The Committee was supportive of the current efforts and were asked to provide additional comments to Kerry via e-mail.

Plan for Peer Review of Adult Drug Courts and Assurance of Fidelity to Evidence-based Practice in Drug Courts

Judge Wilper reviewed the need for and early development of, the peer review process for the Committee. Ryan Porter reviewed the Peer Review Implementation Plan, highlighting the timelines and protocol for the first year, the projected cost, and lessons learned during the piloting of the peer review. Judge Wilper and Marreen provided feedback regarding the benefits of two reviewers for site visits and recommended that travel for reviewers focus on neighboring districts. The Committee was asked to approve the implementation plan with a review of the budget to be performed based on Committee feedback.

Judge Wilper moved and Judge Bevan seconded to approve the Peer Review Implementation Plan. Motion carried.

Department of Health and Welfare Problem-Solving Court Update

Ross Edmunds, Administrator of the Division of Behavioral Health briefed the Committee on the decrease in available awards for the Access to Recovery grant, down from 15 to five. The submission of the grant by DHW and the Courts identified veterans treatment courts, child protection drug courts, and homeless individuals with substance abuse issues as priority populations. Ross also updated the Committee that the crisis centers were approved by the legislature and funding for one center. Upon the determination of the location, problem-solving courts in that area will be informed of the entry processes and additional details as they become available. Ross also informed the Committee that the “transformation” legislation was passed to continue the integration of substance abuse and mental health treatment services, in addition to establishing a state behavioral health authority, the authorization of regional behavioral health boards as governmental entities, and creating the Idaho Behavioral Health Cooperative (consisting of director-level members). Lastly, Ross briefed the Committee on Behavioral Health policy to ensure access to recovery support services for mental health court offenders, regardless of primary treatment status.

Department of Correction Problem-Solving Court Update

Terry Kirkham, the Deputy Chief of Probation and Parole for the Idaho Department of Correction (IDOC) reported on preliminary plans for the implementation of Justice Reinvestment Initiative (JRI) in Idaho. Terry reviewed with the Committee that JRI is a multi-faceted effort between all three branches of government to reduce recidivism and criminal justice costs to taxpayers. Terry indicated that JRI will see a collaborative effort between the Court, IDOC, and other special team members to reduce caseload sizes, establish rules for a low-risk supervision unit, implement a probation agreement with incorporated incentives and sanctions, and plans for an increase in community based behavioral health treatment. Terry highlighted that probation officers that supervise high-risk and high-need offenders in a problem-solving court, have the experience to assist in the training of others and implementation of the incentives and sanctions matrix.

Department of Juvenile Corrections Problem-Solving Court Update

Sharon Harrigfeld, the Director of the Idaho Department of Juvenile Corrections (IDJC) introduced Joni Ward, the Idaho Department of Juvenile Corrections Substance Use Disorder Coordinator. Joni reviewed the most recent substance abuse treatment expenditures for the Department, as well as the progress of utilizing WITS for billing and contract management. Director Harrigfeld reviewed the findings of the recent Office of Performance Evaluation (OPE) study which found that the confinement rate had indeed decreased since 2000. The Director also discussed the IDJC new responsibilities for the management of the millennium fund. The management of these funds will require future changes that will require outcome reporting for those that utilize these funds.

Idaho Criminal Justice Commission-Mental Health Subcommittee Update

Ryan Porter identified the makeup of the subcommittee, with Judge Stegner serving as chair, and the preliminary fact finding efforts of the subcommittee. Additionally, the subcommittee is exploring initiatives to focus on, as well as, drafting a mission statement.

Statewide Drug Court Evaluation Update

Scott Ronan reviewed that the full evaluation report will be provided at the fall Drug Court and Mental Health Court Coordinating Committee (DCMHCCC) meeting and will include additional outcomes, an integrated process evaluation component, treatment data matched with outcomes, and policy recommendations. Scott introduced Taunya Jones, the Idaho Supreme Court Planning and Research Manager. Taunya compared the methodology for the current study with the 2008 Dr. Latessa and Dr. Listwan felony drug court outcome evaluation study. The current study saw an increase in the average Level of Service Inventory –Revised from 26 to 29 for felony drug court offenders and the inclusion of a matched retained jurisdiction and probation population. Taunya explained that the retained jurisdiction population presented a challenge for presenting recidivism, as the retained jurisdiction population did not have the opportunity to recidivate at the same rate as the probation and felony drug court groups. This led to looking at all non-successful outcomes such as failures. Below is a summary of the positive findings for felony drug courts in Idaho:

<u>Study Populations (FY 2010-2012)</u>	<u>Percentage with Negative Outcomes Over 4 Years</u>
Felony Drug Court	39%
Retained Jurisdiction	51%
Probation	54%

Mental Health Court Guidelines and Standards Update

Judge Bevan reported to the Committee on the recent workgroup which considered updates to the Statewide Guidelines for Mental Health Courts. Judge Bevan indicated that the workgroup did not have a dearth of research on mental health courts to define certain guidelines as standards; however, the workgroup developed did develop standards based on statutory language or drug court standards that applied. The workgroup considered changes to the eligibility requirements and more clearly refined mental health diagnostic criteria. Individualized treatment plans and more emphasis on the integration of trauma informed care and substance abuse treatment was considered by the workgroup. Judge Bevan stated the workgroup will meet again soon to review potential changes to the treatment and supervision guidelines. Roger Bourne suggested that the workgroup consider including language to address the acceptance criteria for violent offenders as IC 19-5604 only applies to drug court offenders.

Action: Scott Ronan will draft language for the Mental Health Court Standards and Guidelines workgroup to consider protocols for the identification and assessment of violent offenders.

Report on Sustainability and Institutionalization Sub-Committee

Judge Wilper reported on the work of the Sustainability and Institutionalization subcommittee, with a review of strategic work plan and additional areas of focus.

Clayne Tyler moved and Judge Wilper seconded for the Committee to adopt the 3 year drug court and mental health court strategic work plan. Motion carried.

Plans for Updating the Statewide Standards and Guidelines for Adult Drug Court Effectiveness and Evaluation

Judge Wilper reported on the most recent efforts of the Standards and Guidelines subcommittee, with the release of the National Association of Drug Court Professionals (NADCP) Standards-Volume 1, the most recent felony drug court outcomes report, the Justice Reinvestment Initiative- Idaho report, and the soon to be released NADCP standards-Volume 2. Potential areas to address are the application of the standards and guidelines to veterans treatment courts and DUI courts, and the use of medication assisted treatment. The subcommittee will meet again with the target for completion and adoption of Adult Drug Court Standards and Guidelines for the fall DCMHCCC meeting.

Additional Items:

New Problem Solving Court Update

Marilynn Kesner, the District 1 problem-solving court districtwide manager, reviewed a letter of intent submitted to the Committee for a felony/misdemeanor drug court in Boundary County. The requested capacity is for 15 added slots at the current \$400 per slot for testing and \$4,142 per slot for treatment. Scott Ronan indicated that the 12 month trend for adult drug courts in district 1 has been an average of 22 underutilized slots, meaning the first district has the capacity within existing funds.

Burt Butler moved and Linda Wright seconded to approve the Boundary County letter of intent as per Rule 55, with the use of existing district 1 resources. Motion carried.

Review of State v Easley

Michael Henderson briefed the Committee on a recent Idaho Supreme Court case involving problem-solving courts. A Mental Health Court judge ruled that the defendant could not participate due to a prosecutorial veto. The Court determined that in a post judgment problem-solving court, the judge cannot cede their decision making authority to a prosecutor.

Adjournment

Justice Eismann called for a motion to adjourn.

Kerry Hong moved and Patti Tobias seconded a motion to adjourn. Motion carried.

Meeting adjourned at 4:00pm

(Proposed date of next meeting- September 19th, 2014)

Potential agenda items for Fall DCMHCCC Meeting:

- *Impaired Driving Taskforce*
- *Lower Risk Tracks in Problem-Solving Courts*
- *Technology Update*
- *Training & Education Report*