

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

**Friday
September 16, 2016
Idaho Supreme Court
Lincoln Room
Boise, Idaho**

MINUTES

<p><u>Members Present</u></p> <p>Hon. Daniel Eismann, Chair Scott Bandy Hon. Richard Bevan Marreen Burton Burt Butler Ron Christian Roger Christensen Ross Edmunds Dr. Magni Hamso Sharon Harrigfeld Hon. Steven Hippler</p>	<p>Kerry Hong Lisa Martin Shawna Meyers representing Hon. John Stegner Marilyn Miller Hon. Robert Naftz Richard Neu Hon. Darren Simpson Hon. George Southworth Sara Thomas Shelli Tubbs Hon. Scott Wayman</p>
<p><u>Guests</u></p> <p>Hon. Richard Greenwood</p>	<p><u>Staff Present</u></p> <p>Norma Jaeger Ryan Porter Scott Ronan Jim Arnold</p>

The meeting was convened at 8:30 a.m. by Justice Daniel Eismann Chairman. Members and guests present at the meeting introduced themselves. Justice Eismann introduced Sara Thomas the new Administrative Director of the Courts. Sara expressed her personal commitment to problem-solving courts and intention to remain active with the committee.

**Approval of Minutes of the March 25, 2016 Meeting
Judge Darren Simpson moved and Roger Christensen seconded approval of the minutes of the March 25, 2016 meeting. Motion carried.**

FY16 Closeout Report and FY17 Budget Update and Policy Recommendations

Scott Ronan reported on the closeout expenditure report for FY16. While initial planned expenditures for treatment initially fell behind projections, the provision of residential treatment, recovery support services, early payment of planned drug testing increases, and provider payments for services rendered above the expenditure management cap, resulted in full expenditure of the available funds.

Sharon Harrigfeld referred to the handout presented and recommended that it be amended to clearly show the full final use of the substance use disorders treatment funds.

Burt Butler asked if the Committee will recommend additional treatment funds to the Legislature. There is currently no plan to do so this coming session. Future requests will be based on data showing that all available funds are being utilized and that the need continues to grow. Justice Eismann pointed out that this is why the monitoring of utilization is so important. Additional funds cannot be requested if current funding is not fully expended.

Scott Ronan reviewed existing Committee priorities for utilization of any reported under-expenditure to secure drug testing, ensure the full continuation of treatment for existing drug courts, and to expand existing or new courts.

Scott presented a district reallocation of slots as follows: provide five underutilized Department of Health and Welfare (DHW) funded slots from the 3rd judicial district to the 2nd judicial district; provide ten underutilized DHW funded slots from the 3rd judicial district to the 7th judicial district; and provide ten Idaho Supreme Court funded slots from the 7th judicial district to the 4th judicial district. Supreme Court drug testing slots are included with these recommended district reallocations. **Ron Christian moved and George Southworth seconded approval of this recommended slot reallocation proposal effective October 1, 2016. Motion carried.**

Pre and Post-sentence Court Structures:

Kerry Hong updated the Committee on developments in reasserting that drug court fees fall within the current priority of payments structure. The issue initially surfaced as Odyssey was implemented in Twin Falls County. There was an adjustment made to the defined costs recognized under restitution to separate victim restitution from the restitution often owed to governmental entities. These were removed from victim restitution which has a higher priority than drug court fees. The Supreme Court met at the request of the 4th Judicial District to examine the status of the drug court fees inclusion in the priority of payments and determined that drug court fees do fall under the priority of payments. This has a potential significant financial impact on drug court operations across the state. While the implementation of Odyssey brought the issue to the fore, it is the law across the state, including in those courts still using the Idaho Statewide Trial Court Authorized Records System (ISTARS).

Kerry brought up the issue that one remedy is to move courts from post sentence admission to pre-sentence admission in which there is no court ordered fees which then fall under the priority of payments. Initially, courts accepted more participants pre-sentence, but now more courts are admitting participants post sentence, often as part of a probation violation status.

Committee members discussed challenges to reaching more participants pre-sentence with prosecutor approval and considerations of wanting individuals to be sentenced in order to better assure that victims do receive restitution related to property crime losses. In addition, sentenced

participants are more clearly able to be supervised by felony probation and if in drug court, more likely to receive greater community oversight and accountability. Currently 60 % of Idaho problem solving courts serve post sentence participants while 40 % serve primarily pre-sentence participants. **No action was requested or taken.**

New Drug Court Application – Boundary County

The Boundary County Drug Court operations application was reviewed by staff and found compliant with requirements. This court will utilize currently available slots in the 1st Judicial District. **George Southworth moved and Scott Wayman seconded approval of the Boundary County Drug Court Application for operation, beginning November 3, 2016. Motion carried.**

Certification Proposal

Kerry Hong and Ryan Porter reported on efforts to study and develop a recommendation for a drug court certification process. Ryan reported on his contacts in several states that use varying certification processes: Pennsylvania, Illinois, and Georgia. The question was raised as to whether a certification process would replace the current peer review process. Ryan replied that this is not contemplated as the current process provides an opportunity for mutual educational benefits to both the court reviewed and the peer reviewers (and their courts). Kerry reminded the Committee that current court rule states:

“e) Any district court operating a drug court and/or mental health court shall annually review and report back to the Statewide Drug Court and Mental Health Coordinating Committee, through the Administrative District Judge and Trial Court Administrator, as to how the court is operating in accordance with the Guidelines, the approved participant capacity, and any directions from the Drug Court and Mental Health Court Coordinating Committee.”

Further study will continue and a recommendation will be brought back to the Committee for action on any structured certification process that would implement Rule 55.

Education and Training

Scott Ronan reported on plans for education and training in FY17. Because of activities related to the implementation of the Odyssey program, it was determined that there would not be a statewide drug court conference in FY17. In lieu of a conference each district was allocated a share of the available education funds of \$50,000. Each district presented a plan (or will do so) for provision of training including sending team members to the NADCP conference, hosting in district or even multidistrict training and also including securing training through national technical assistance resources.

Statewide Mental Health Court Evaluation Update

Rob Owens reported on the status of the statewide mental health court evaluation. The process evaluation is almost complete and the Outcome Evaluation is pending. Generally, research shows that mental health courts do reduce recidivism, however, the exact elements responsible have not clearly been identified but the relationship and interaction with the Judge is a critical element of court effectiveness. The process evaluation included team member interviews with

each court as well as participant focus groups. The evaluation found positive responses and that the courts are fully implemented and operational. **The full report may be completed in November and how the results will be shared with the committee is being further discussed.**

FY18 Budget Concepts

Kerry Hong reported that the Administrative Conference will determine FY18 budget concepts in October. Ross Edmunds reported that the Legislature will hold hearings on Medicaid redesign through a public input session. The department is also supporting the 11.5 million being requested for the probation population identified in the Justice Reinvestment gap analysis. While not specifying drug court or mental health court participants neither would they be ineligible for services provided by these treatment funds, if awarded.

Odyssey Update

Scott Ronan indicated that the Odyssey court management information system is progressing with the system in Twin Falls and Ada Counties being operational. He asked Rich Neu and Marreen Burton to report on the implementation. Rich reported that the transition was huge for Twin Falls clerks, judges, and problem solving court staff. He pointed out that was the initial pilot implementation so that the debugging of the system was a significant part of the project there. However, it has now been nearly a year and so far it has been found that the Odyssey system far exceeds the utility of the ISTARs system but the staffing report needs additional revisions to be more efficient. Twin Falls is looking forward to the many advantages that will come from the other counties in the District being added to Odyssey.

Marreen Burton reported that they see “a glimmer of hope” (they are about 6 weeks into implementation of the system). She commended state staff for their support and presence for the initial implementation work. The treatment programs serving Ada County Drug Court participants has aggressively implemented applications in the Odyssey system and are finding it to be beneficial in supporting their work.

Burt Butler asked about the implementation of the automated drug testing reporting of results through Odyssey. Kerry Hong reported that there is a meeting on Monday (September 19th) to determine a timeline for the programming work to make this feature a reality. There are funds to make this addition to the system due to the federal statewide drug court grant obtained October 1, 2015.

Peer Review Update

Ryan Porter reported on the Peer Review process. Four recurring findings of compliance issues were reported based on the peer reviews done in the past year:

- Trial Court Administrators in each district convening the annual meeting to discuss district-wide issues affecting program operations and outcomes.
- Judges convening team meetings at least two times per year for training the entire team. The coordinator is responsible for assessing the needs and arranging schedules.
- Teams establishing times and procedures to gather participant feedback at least twice per year. (Utilize the statewide format for gathering participant feedback. A statewide feedback report was carried out but response rates were limited.)
- New additions to the drug court team completing formal training/orientation.

Ryan announced that there will be new round of peer reviews for 2016-2017 and contacts will be made soon to make arrangements.

The on-line survey instrument, that precedes the on-site review, was revised last year. The Supreme Court Planning and Policy Unit assisted with the revision and training was conducted for peer reviewers using a webinar format. That seems to have been successful. This past year several peer reviews included Judges who have been trained.

It was recommended that there be training on how to best carry out the required stakeholder meetings.

Statewide Standards and Guidelines Update

Norma Jaeger reported on work to update Adult Drug Court Standards and Guidelines for Effectiveness and Evaluation. There have been three meetings of the Standards and Guidelines Workgroup. There is a current working draft of four sections in the meeting materials. This draft is yet to be reviewed and finalized by the workgroup and then there are three additional sections to draft. The review and revision of the Standards and Guidelines will reflect growing research evidence and the national Standards, Volumes I & II.

The Committee was asked to approve two revisions to the current Mental Health Court Standards and Guidelines. It was recommended that the current provision for clinical eligibility eliminate the term “primary” diagnosis while retaining the diagnostic categories specified. It was also recommended that the risk assessment qualification be changed from “moderate-high to high risk of recidivism” to a “composite risk score of 18 or above”. Discussion included review of data compiled in the Statewide Drug Court Evaluation showing that there is a demonstrable comparative benefit to participation in drug court when compared to probation or a retained jurisdiction in the score range of 18 and above, with the greatest benefit at the risk level of 36 and above. **Judge Bevan moved and Judge Hippler seconded that the recommended changes to diagnostic and risk definition in the Mental Health Court Standards and Guidelines be amended. Motion carried.**

Judge Southworth moved and Kerry Hong seconded the meeting be adjourned. Motion carried.

Meeting Adjourned (Date of next meeting: April 7, 2017)