

Drug Court and Mental Health Court Coordinating Committee

March 25, 2016
Idaho Supreme Court - Lincoln Room
451 West State Street - Boise Idaho

MINUTES

<u>Members Present</u> Justice Daniel Eismann, Chair Hon. Ron Wilper, Vice-Chair Commissioner Roger Christensen Director Kevin Kempf Director Sharon Harrigfeld Gabriel McCarthy Marilynn Kesner Jennifer Romero Lisa Martin Ron Christian	Judge Steven Hippler Marreen Burton Shelli Tubbs Suzanne Johnson Judge Robert Naftz Burt Butler Eric Olsen Dr. Magni Hamso
<u>Designees</u> Judge Mitchell for Judge Wayman Judge Nye for Judge Southworth Rich Neu for Judge Bevan Judge Pickett for Judge Simpson	<u>Guests</u> Judge Barry Wood Sara Bartles- BPA Health <u>Staff</u> Scott Ronan Ryan Porter

Next Meeting: September 16, 2016

Welcome and Introductions

The meeting was convened at 8:30 a.m. by Chair Justice Eismann, with members, designees, guests, and staff introduced themselves. Justice Eismann introduced the newest member of the Committee, Dr. Magni Hamso.

Director Harrigfeld moved and Judge Wilper seconded a motion to approve the minutes from the October 2, 2015 Drug Court and Mental Health Court Coordinating Committee meeting. Motion carried.

Legislative Update

Judge Barry Wood, Deputy Administrative Director of the Courts, updated the Committee on actions taken by the Idaho Legislature that has impacted problem-solving courts. Judge Wood reviewed the issues that resulted from the economic downturn approximately six years ago; chief among which, was a holdback of funds Idaho Supreme Court General Funds. During that critical time, the legislature responded and passed an Emergency Surcharge to assist the Courts to fill the takeaway and keep the courthouse doors open. Important needs were met from the Drug Court, Mental Health Court and Family Court Services Fund, (DCF). Unfortunately the projections on the emergency surcharge were never fully realized, which had long term impacts to court funds.

Several positions were in the DCF and any change in employee compensation from those funds requires the Court to find the funds in contrast to positions that are funded from General Funds. Working with the Legislature the Court identified a solution that moved expenses back into the General Funds, which restored the DCF.

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Judge Wood also briefed the Committee on HB434. This bill sought to address the need of problem-solving court participant fees [IC 31-3201E) to be highly prioritized (above restitution) on the priority of payments for all legal financial obligations. Judge Wood indicated that the Court would be working with the Idaho Criminal Justice Commission throughout the summer to reach a resolution in terms of the payment of legal financial obligations by offenders.

Rich Neu commented that Twin Falls has experienced some challenges in payment of participant fees and available funds in the county drug court fund. He indicated that 7% of cases reviewed by Judge Bevan for the Mental Health Court had a significant restitution amount. While Shelli Tubbs identified that actual payment of participant fees has decreased some 85% since May of 2015.

Budget and Policy Recommendations

Scott Ronan presented information on FY2016 expenditures and reviewed the already identified Committee priorities for any underutilized treatment funds to be prioritized to secure drug testing, the full continuum of care, and to expand for any new or existing Idaho Supreme Court (ISC) funded slots for drug courts. Scott briefed the Committee on the following actions taken for FY16 on a one time only basis to meet the needs as identified by the Committee for substance use disorder treatment funding:

- 1) Early implementation of recommendation to increase drug testing allocation from \$400 to \$500 per slot: Districts will be provided with a prorated amount to increase drug testing allocations from \$400 to \$500 per slot for the last 3 months of FY2016, with a recommendation to fund that amount in an ongoing basis for FY2017.
- 2) Continue to provide access to the full continuum of care (residential, transportation, safe and sober housing, language access and other services) for problem-solving courts through a statewide pool of funding.
- 3) Provide funding for 66 IDHW misdemeanor problem-solving court slots for the remainder of FY2016: This will ensure no interruption in care for the participants in this funding stream due to the impact of overutilization of available IDHW treatment funds by supervised misdemeanant population. It is anticipated that IDHW will resume funding for these slots beginning July 1, 2016.
- 4) Provide compensation to treatment providers associated with highly utilized problem-solving courts for a portion of services that have been rendered above the monthly budget cap. This "Dosage and Utilization Incentive" for utilized substance abuse treatment providers will demonstrate an effort to help courts and providers to maximize the use of available treatment funds for problem-solving court treatment services.

Committee members expressed interest in the need for training upon completion of a new policy that is currently being drafted for Idaho Courts compliance with the Americans with Disabilities Act (ADA), to address access to language services, and what resources would be available to address the needs of problem-solving court participants.

Scott reported that for FY2017, the legislature has approved the request to restore the health of the Drug Court, Mental Health Court, and Family Court Services Fund (DCF). As a result, approximately \$392,000 in projected funds from the DCF will be available to address problem-solving court needs as identified by the Committee. As referenced, the Committee reviewed the adopted FY17 Preliminary Budget Concepts as approved from the October 2015 meeting and were presented with updates and were asked to consider two recommendations:

- 1) Recommendation: Increase the state funds provided for drug testing from \$400 to \$500 per slot for 1,183 slots and \$100 per slot increase in 20 ITD funded slots = \$120,300. Future increase in funds should be prioritized to reach the goal of \$600 per slot from state funds. Judicial districts are encouraged to continue to pursue cost effective methods to fund drug testing that would include participant fees and county contributions.

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Marreen Burton moved and Shelli Tubbs seconded the approval of Recommendation #1, as written. Motion carried.

- 2) Recommendation: Increase coordination in the amount of approximately \$194,200 to be allocated to districts (excluding the 5th district in FY2017 only, future application of the formula would include the 5th district. This is more fully explained below) based on a formula that takes the following variables into account:
 - A. FY2015 county coordination funds (double-weighted)
 - B. Number of participants in FY2015
 - C. Ratio of coordinator to participants in FY2015

Marreen Burton moved and Ron Christian seconded the approval of the application of the formula as identified in Recommendation #2, with the district by district amounts communicated to the Committee via email upon confirmation from districts of accurate data informing A, B, and C variables. Motion carried.

Marilynn updated the Committee on her efforts towards the start of a Veterans Treatment Court in the First Judicial District. It is anticipated that a Letter of Intent will be submitted for the September 2016 DCMHCCC meeting. Lisa talked about the Nez Perce Veterans Treatment Court issues with Substance Abuse Treatment funding, and the local challenges of Veterans Affairs service availability.

Director Kempf solicited feedback from the Committee on what IDOC can do to help with meeting problem solving court capacity for Idaho Supreme Court funded participants? This prompted a discussion with representatives from several judicial districts that indicated that they are unable to accept additional participants at this time because of caseload sizes for the IDOC probation officers that supervise offenders in problem-solving courts. Director Kempf thanked the Committee for the feedback and did discuss the current challenges for probation officers to reduce their caseload sizes. Director Kempf also briefed the Committee on a joint (DHW and IDOC) Gap Analysis report submitted to the legislature in January and that the results from the report does indicate that more services and officers are needed for moderate to high risk offenders in the community; however, the accuracy of the report due to the ability to track offenders through multiple systems is difficult to confirm.

Peer Review Process Update

Ryan Porter, the Idaho Supreme Court Behavioral Health and Quality Assurance Manager, updated the Committee on the FY2016 peer review process and that all peer reviews should be completed by the end of the current fiscal year. All have been scheduled and some have been completed or are in process. Ryan indicated that improvements to the survey and the instruments have resulted in a cheaper and more straight forward process that will benefit the peer reviewers and those receiving the peer review reports for their courts. Ryan also identified some preliminary common findings across those courts that have been a recipient of a peer review and confirmed there are common factors, much like the initial round of peer reviews, with areas for improvements focused on the need for an updated participant handbook and drug court policy and procedures manual, as well as, the need to hold regular meetings to discuss team centric issues and training needs.

Certification Proposal

Ryan and Marreen reviewed the draft certification memo for review and feedback by the Committee. Ryan reviewed the action item from the October 2015 Committee meeting and the current use of the peer review. Ryan also briefed the Committee on others states' certification processes. Marreen Burton, the 4th judicial district Problem-solving Court District Manager, conveyed that the peer review is a one-time review over the course of a day and a half while a certification process would certify adherence to standards and guidelines overall. Director Harrigfeld discussed what the Department of Juvenile corrections (DJC) does to certify facilities. DJC does a

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combo with facilities and providers with a certification process to have multiple stakeholders involved. DJC still utilizes peers to help strengthen facilities abilities to improve their processes and comply with a corrective action plan. Burt identified a need to modify the memo under #11 regarding what a peer review does not do.

Director Harrigfeld moved and Judge Wilper seconded that Idaho Supreme Court staff should review what other states are doing for certification and provide the Committee with examples and other outcomes and report back to the Committee at the fall meeting. Motion carried.

Odyssey Update

Scott Ronan previewed the Odyssey - Supervision Module for the Committee and communicated the current status of rolling out this new web-based court filing records system. Twin Falls has gone live as of May 2015 and it is expected to see Ada County “go-live” in June 2016. Scott reviewed the sign in and access levels that would be granted to the system, as well as each screen for data entry.

New and Terminating Courts under Rule 55

Shelli Tubbs, the 5th Judicial District Trial Court Administrator presented a proposed letter for termination for the 5th Judicial District Child Protection Drug Court (CPDC). Shelli communicated that attempts have been unsuccessful to secure ongoing coordination funding for the CPDC. The 5th District is seeking approval for a letter of termination for the CPDC. If secure and ongoing funding for a coordinator is established, the 5th district is willing to restart that court at that time. Burt Butler, the 7th Judicial District Trial Court Administrator, indicated that in the 7th District, they struggled for years to use different resources until such time they had ongoing and stable funding, and that approach worked for them.

Shelli Tubbs moved and Rich Neu seconded a motion for the Committee to accept the Letter of Termination for the 5th Judicial District Child Protection Drug Court. Motion carried.

Medication Assisted Treatment

Dr. Magni Hamso, M.D., M.P.H., Internal Medicine Physician, Terry Reilly Health Services and the Clinical Instructor for the University of Washington-Boise Internal Medicine Residency, provided the Committee with information on the use of Medication Assisted Treatment (MAT). Dr. Hamso highlighted the role of MAT in its role in augmenting other elements of treatment for substance use disorders. *Specifically*, Dr. Hamso presented the scope of the issue, treatment options, details of Buprenorphine, and treatment in the CJ system. Below are some highlights from Dr. Hamso’s presentation:

- Current overdose rates nationwide have increased and are projected to increase further.
- Those released from incarceration pose a much higher risk of overdoses (death) than the general population.
- From a public health perspective use of MAT = decrease in injection related diseases and even ER visits
- In order to be a prescribed Buprenorphine provider you need to be licensed, an agreement (written expectations), induction (have to have mild to moderate withdrawal symptoms), maintenance.
- Study-Incarcerated offenders that received MAT had much lower re-incarceration than those that did not
- Long term care? Recommend to assess every 6 months to a year to determine if MAT is still necessary

Input from the Committee will help inform the Standards and Guidelines workgroup in their development of revisions to the Idaho Drug Court Standards and Guidelines

Substance Use Disorder Treatment Update

Ryan Porter updated the Committee on developments to improve access to the full continuum of care, work to select a criminal justice substance abuse treatment model for drug courts, and efforts to develop a criminal justice substance abuse treatment network. Ryan reviewed the current system of SUD treatment services, including the district by district use of residential and recovery support services (some districts have not used any of these available funds) and the fact that access to these funds will continue into the next fiscal year. Ryan also

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updated the Committee on the statewide enhancement grant award and the included specific areas of interest:

- MAT assistance
- Development and implementation of an evidence based treatment curriculum for substance abuse
- Procedural Fairness and Trauma informed care/courts

Lastly, Ryan briefed the Committee on recent discussions with IDOC to establish a criminal justice specialty network for substance abuse treatment providers.

Utilization and Referral Patterns

Scott Ronan reviewed the current utilization levels of problem-solving courts with Idaho Supreme Court funded treatment slots. Scott explained that when courts do not prioritize ISC funds they may seem to be at capacity (even if they are using VA funds, Medicaid, or other grant or state funds) from a caseload size perspective, but the use of ISC funds for substance abuse treatment are diminished. Scott reiterated the need to focus in the coming fiscal year on the prioritization of ISC and Medicaid funds and after those funds are maximized, then courts should pursue alternative funding options.

Adjournment by Consensus

Next Meeting Date: September 16, 2016