

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

**Thursday, April 2, 2015
8:30 a.m. – 4:00 p.m.
Idaho Supreme Court
Lincoln Room
Boise, Idaho**

MINUTES

<u>Members Present</u>	
<p>Chair, Justice Daniel Eismann Vice-Chair, Hon. Ron Wilper Scott Ronan Norma Jaeger Kerry Hong John Tanner Martha Tanner Justin Coleman (for Judge John Stegner) Lisa Martin Marilyn Kesner Joanne Martinez Judge Darren Simpson Marreen Burton</p>	<p>Lori Gilmore (for Clayne Tyler) Judge Robert Naftz (for Judge Stephen Dunn) Jared Bingham Eric Olsen Linda Wright Judge Scott Wayman Burt Butler Roger Bourne Roger Christensen Judge George Southworth Judge Bradley Ford Sharon Harrigfeld Mark Mimura Judge Steven Hippler (for Judge Michael Reardon)</p>
<u>Guests and Staff Present</u>	
<p>Ryan Porter Christina Iverson Lynn Proctor Rob Owens Roland Gammill Jim Arnold Rich Neu</p>	<p>Paul Meigio Ron Christian David Birch Ross Edmunds Sara Bartles Shannon Purvis</p>

Next Meeting October 2, 2015

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 September 19, 2014 meeting.

Linda Wright moved and Judge Simpson seconded approval of the minutes of the September 19, 2014 meeting. Motion carried.

FY 2015 Budget and Policy Recommendations- Update

Scott Ronan reviewed the current year budget and status of expenditures thus far in the fiscal year. The expenditures compared to budget are on track with a few areas of underexpenditure. Funds provided by the Department of Health and Welfare to support treatment for supervised misdemeanants are not being spent at the allocated level. The department has requested our cooperation in reallocating some of these unspent funds. We have agreed to this for this current fiscal year and are working with our partners to better access these funds. The Department of Transportation, Office of Highway Safety, has provided funding for a three year period, ending in September 2017 to pay for coordination, drug testing, and treatment and those funds have been allocated and are on track. Funds are available for treatment for veterans, parents in child welfare cases, and persons who are homeless. The use of these funds is in a start-up mode but problem-solving courts can draw upon these resources to enable courts to expand services. We have also been awarded funds to enable expansion of veterans' courts from the State Veterans Recognition Fund.

Previous committee approved budget management strategies were reviewed. We are reimbursing most providers on a fee for services basis and are working with D7 Treatment and the Ada County Drug Court Treatment Program will shift their reimbursement from the flat rate to fee for service. This will result in all treatment being paid on a statewide fee for service basis. We continue to cover rural and frontier travel and to provide a 6 month cap for the fee for service reimbursement for the small rural treatment providers whose small caseloads make monthly caps on reimbursement problematic. We continue to explore increasing billing to the Medicaid program in a "no stone unturned" approach to broaden the funding base for treatment for persons in problem-solving courts so that in the future as our needs warrant we can go to the Legislature for additional treatment funds confident that we have made the best efforts to capture all revenue sources to support our efforts. Through our treatment services funding management strategies we have realized unspent funds from the covered outpatient services to allow us to once again accept requests for limited residential treatment. This was identified by the committee at the last meeting as the second priority for use of treatment funds that could be freed up through management strategies. The first priority is stabilizing drug testing at the \$400 state contribution level. The third priority is to expand capacity and available courts. Scott pointed out that each District should monitor court utilization and, where appropriate, advise of plans to reallocate unused slots to courts with higher utilization.

Burt Butler asked what will happen to unused juvenile drug court slots if juvenile drug courts cease operation. Scott responded that they would be available for each District to reallocate. There will be a webinar in April on *Utilization, Slots, Capacity and You*. This will highlight the importance and potential of monitoring utilization and managing capacity and funds allocated for

treatment. Capacity and utilization has become more complex as we draw upon a more diverse funding base for treatment.

Jim Arnold, Idaho Supreme Court Fiscal Division provided a review of the anticipated budget and funding for FY2016. Scott Ronan recommended that a total of 49 slots be reallocated from treatment to drug testing. These slots would be recovered from an annual average of 75 slots which are being underutilized across the state. Taking permanent action to reduce a portion of these underutilized slots will allow the state to secure the \$400 per slot allocation for drug testing, on an ongoing basis. Trial Court Administrators will determine the reallocation of the remaining slots within each district. **Mark Mimura moved and Judge Hippler seconded that a total of 49 slots be reallocated from treatment to drug testing. Motion carried.**

Scott Ronan reported that this reduction of 49 treatment slots would also result in \$12,250 dollars of dedicated funds being saved from the dedicated fund portion of the drug testing allocation per slot. Scott recommended that these funds be repurposed for FY2016 to support the peer review process, as well as an increase in District Manager operations costs, and selected sub-committee meetings. **Burt Butler moved and Judge Southworth seconded that the funds previously allocated to the 49 slots being reduced be repurposed for FY2016 to support the peer review process, an increase in District Manager operations budget, and selected sub-committee meetings. Motion carried.**

Scott Ronan recommended that the \$50,000 from the Veterans' Recognition Fund be allocated to support coordination for new veterans' courts for FY16. Marreen Burton and Ron Christian pointed out that their veterans' courts had not received added resources to support coordination. Scott responded with understanding of this issue but that the Division of Veterans' Services had expressed preference for the funds supporting new veterans' courts. **Judge Southworth moved and Jared Bingham seconded that the \$50,000 from the Veterans' Recognition Fund be allocated to support coordination for new veterans' courts. Motion carried.**

Scott Ronan presented a recommendation that District 7 and District 4 (Ada County) treatment be reimbursed at the fee for service basis rather than the flat rate in the coming fiscal year. **Judge Southworth moved and Linda Wright seconded that District 7 and Ada County Treatment Center be reimbursed on the fee for service basis rather than at the flat rate in the coming fiscal year. Motion carried.**

FY2017 Budget and Policy Concepts

Kerry Hong presented four budget and policy concepts for budget and policy for FY2017. These will be discussed with the Administrative Conference in April in anticipation of development of legislative priorities and program development plans for the next legislative session. These concepts were:

1. Request an increase of \$100,000 in spending authority to equal our actual revenue to the dedicated fund.
2. Request an increase beyond the current level of \$50,000 for sustaining and expanding veterans' courts from the Veterans' Recognition Fund administered by the Idaho Division of Veterans' Services.

3. Explore opportunities to stabilize the dedicated Drug Court, Mental Health Court and Family Court Services Fund to allow expansion in existing and new problem-solving courts.
4. To utilize the WITS system to establish the Idaho Supreme Court as a lower priority payer when participants have Medicaid and other third party payment resources.

Roland Gammill reported that the revenues to the dedicated fund from the liquor surcharge are increasing each year but that other sources to that fund are decreasing faster. The stabilization recommendation to the April Administrative Conference meeting will be to request restoration of state general funds cut during the recession, to move other critical court salaries back to general funds and restore the dedicated fund to its primary purposes of supporting problem-solving courts and family court services. **Sharon Harrigfeld moved and JoAnn Martinez seconded committee expressing particular support for recommendation #1 and #3. Motion carried**

Coordinating Committee Membership

Norma Jaeger presented a proposal for committee membership for the term beginning July 1, 2015. The purpose of the proposed actions is to attempt to reduce the membership number to a more efficient size and to reexamine statutory membership requirements and identify missing representation expected by the statute. It is proposed that membership be set at 37 members, a slight reduction. Missing Statewide or state level representatives include law enforcement, Governor's office, Idaho Transportation Department, Idaho State Police, Idaho Parole Commission, and Idaho Department of Education. In addition, the proposal recommends that County Probation, State Probation, Public Defender and Prosecuting Attorney representatives be chosen from districts in such a way as to result in three representatives from each judicial district. Finally several additional representatives not addressed specifically in statute are recommended and Supreme Court staff members are recommended to be deleted from official membership. These appointments would be coordinated with the districts which would also include a judge from each district and a coordinator or trial court administrator from each district. Norma Jaeger will communicate with Administrative District Judges and Trial Court Administrators to identify vacancies and solicit nominees.

Judge Wilper indicated that we might need more than one representative in certain categories and that it would be unfortunate to limit interested members in favor of statutory members who are not interested and do not attend. Roger Bourne asked if alternates could attend in the case of a member who must miss a meeting. This was answered affirmatively. Justice Eismann suggested that it might be desirable to amend the statutory membership requirements in light of our 15 years of experience with agency representation. **The feedback of the committee will be incorporated into a final recommendation to the Supreme Court for action on appointment.**

Juvenile Drug Court Review

Ryan Porter updated the committee on follow-up activities since the last meeting when the status and performance of juvenile drug courts were discussed. In response to national data questioning the efficacy of juvenile drug courts, especially if there is a lack of fidelity to the drug court model, an operational fidelity review and an abbreviated outcome evaluation were conducted by the Idaho Supreme Court Planning & Research Department.

Each juvenile drug court was visited and their operations reviewed. Many important elements of the nationally adopted 16 key strategies of juvenile drug courts were found to be in compliance in Idaho's juvenile drug courts. Each court was asked to present a plan for correction of those elements that were not consistently implemented. Correction plans have been received from most of these courts. Of critical importance is that juvenile drug courts serve the appropriate target population, determined to be high risk and high need juveniles. All Idaho Juvenile Drug Courts were clearly directed to assure that their population meets these criteria and to take prompt but effective action to refer out any juvenile not meeting these criteria. Ryan reported that with very few exceptions this is now completed. Concern was expressed about arbitrary action to remove a juvenile who did not meet criteria in a manner that would also cause harm.

Taunya Jones presented the findings of the Statewide Juvenile Drug Court Outcome Evaluation. She reported that although the scope of the evaluation was narrower than the Statewide Adult Drug Court Outcome evaluation, there were important findings on key outcomes. The evaluation looked at 406 individuals in juvenile drug courts and 3770 juveniles on probation. In addition, part of the study matched 300 juvenile drug court participants with 300 juvenile probationers. A clear finding was that juveniles who were low risk did poorly in juvenile drug court, confirming what national data have found. Those who were high risk did well in juvenile drug court.

Judge Wilper moved and Judge Wayman seconded that all participants in juvenile drug courts be reevaluated on the basis of admission risk level and that the juvenile drug courts develop an effective exit strategy no later than July 1, 2015 for any juvenile not meeting high risk high need criteria. Motion carried. It is emphasized that this contemplates actions such as early graduation or other participant movements in a manner that does not carry a stigma of failure for the juvenile or deny them the graduation success that they have earned through their participation.

Judge Wilper moved and Sharon Harrigfeld seconded that juvenile drug courts convene quarterly team meetings for purposes of planning for operational improvements that were found to be important in the operational review and in implementing the 16 key strategies for juvenile drug courts. Motion carried. Norma Jaeger will convene a work group to review the Guidelines and Standards for Juveniles Drug Courts and revise as needed. Committee members interested in being on the work group or wanting to nominate someone to serve will contact Norma.

Judge Wilper moved and Judge Southworth seconded that a data and evaluation quality assurance plan be developed to assure complete and accurate entry of data in order to enable complete data for future evaluation and performance monitoring efforts. Motion carried.

New and Terminating Courts under Rule 55

Scott Ronan presented the Letters of Intent for two proposed new courts: 5th Judicial District Veterans' Court and Bear Lake County Felony Drug Court. Both of these courts propose effective dates of October 1, 2015 and will submit Operations Applications to the Committee or

Executive Committee prior to start-up. Bear Lake County has applied for and been approved to receive training from the national Drug Court Planning Initiative.

The District 7 Domestic Violence Drug Court letter of intent was approved at the last meeting contingent upon approval from the Children and Families in the Courts Committee. Based upon the approval received from that committee the Domestic Violence Drug Court will submit an operations application at the October meeting for Coordinating Committee approval. Letters were received from Ada County Juvenile Drug Court and the Nez Perce County Family Reunification Court expressing intention to terminate operations. The Ada County Juvenile Drug Court based on recent direction to exclude participants with medium and moderate risk scores and resulting impact on court financial status, chooses to terminate operations. The Nez Perce County Family Child Protection Drug Court received limited referrals. Justice Eismann offered view that the court should not have to rely upon referral and voluntary choice to participate but rather should be able to order participation on basis of participation being in the best interest of the child(ren) and of potential advantage to reunification of the family.

Judge Southworth moved and Marreen Burton seconded approval of the termination of the Ada County Juvenile Drug Court. Motion carried.

Judge Wayman moved and Judge Southworth seconded approval of the termination of the Nez Perce County Child Protection Drug Court. Motion carried.

Peer Review Update

Ryan Porter reported on the status of the Peer Review process to date. Eleven reviews have been conducted and identified several common strengths and areas for improvement. A very common deviation from the standards is the lack of team meetings specifically designed to address planning and operational issues rather than specific participant staffing issues. In addition, there is an observed need to develop and implement orientation for new team members and work to reduce the time from arrest to referral to drug court. **Judge Wilper moved and Marilyn Kesner seconded that Problem-solving Court District Managers support local coordinators in establishing team operations meetings, as directed in the Standards and Guidelines, and particularly to develop policy and practices for reducing long delays between arrest and referral to drug court and, further, that coordinators establish orientation procedures for new team members. Motion carried.**

Idaho Problem-solving court Standards and Guidelines

Idaho Mental Health Court Standards and Guidelines

Norma Jaeger presented the final draft of the Idaho Mental Health Court Standards and Guidelines for adoption. David Birch reported on the work done to accomplish case management standards for the probation supervision of mental health court participants on probation. He expressed department support for the work to come to agreement on standards that were workable and which reflected the expected reductions in participant risk level as they progress through mental health court. He pointed out that they are minimum standards and participant circumstances may dictate additional intervention.

Ross Edmunds pointed out some discrepancies in wording of the eligibility criteria from IDAPA provisions for definition of severe and persistent mental illness. He will provide conforming language. Kerry Hong pointed out outdated language in defining appropriate risk level and slight revision was made to delete specific score reference in the standard and move the finally agreed upon score to commentary. Judge Wilper questioned the language around the voluntary nature of mental health court in section 4.22 and some wording was revised. **Judge Wilper moved and Judge Simpson seconded adoption of the updated and revised Idaho Mental Health Court Standards and Guidelines. Motion carried.**

Idaho Veterans' Treatment Court Standards and Guidelines

Christina Iverson presented the Idaho Veterans' Treatment Court Standards and Guidelines. She described input from Doug Marlowe who was consulted on available research to support these standards and guidelines. He indicated that there is as yet no research to address veterans' treatment courts. Kerry Hong pointed out the same issue of the identified risk score range and the scores were eliminated from the standard. A change was made in the heading of Public Defender team member in Roles and Responsibilities to Defense Counsel. **Judge Southworth moved and Judge Wilper seconded adoption of the Idaho Veterans' Treatment Court Standards and Guidelines. Motion carried.**

Training and Education Updates

Scott Ronan referred committee members to the printed National Association of Drug Court Professionals program agenda in bound materials and also to the list of planned webinars to be offered by the Supreme Court and which will be archived for later viewing on the Supreme Court Website.

Odyssey Update

Scott Ronan reported on the planned implementation of the new court case management system (Odyssey) which will replace ISTARs. It will be pilot tested in the 5th District in June and in the 4th district in February 2016 and completed statewide by the end of fiscal year 2017. Additional details will be provided to the committee at the next meeting.

Adjourned (Date of next meeting- October 2, 2015)

Action Items

- **Scott Ronan will provide Coordinating Committee feedback on membership composition changes to the Supreme Court for their consideration**
- **Norma Jaeger will convene a work group to review Guidelines and Standards for juvenile drug courts and propose appropriate revisions**
- **Scott Ronan will report on the progress of implementation of the Odyssey Management Information System**