

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

**September 19, 2014  
8:30 a.m. – 4:30 p.m.  
Idaho Supreme Court  
Lincoln Room  
Boise, Idaho**

**MINUTES**

**Members Present**

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**Chair, Justice Daniel Eismann  
Hon. Scott Wayman  
Linda Wright  
Hon. Richard Bevan  
Mark Mimura  
Roger Bourne  
Marreen Burton  
Hon. Darren B. Simpson  
Burt Butler  
Roger Christensen  
Lisa Martin  
Debra Alsaker-Burke  
Proxy for Sara Thomas-Jason Pintler  
Hon. Mark Ingram  
Norma Jaeger**

**Martha Tanner  
John Tanner  
Kerry Hong  
Eric Olsen  
JoAnn Martinez  
Hon. Stephen Dunn  
Hon. Bradley Ford  
Marilyn Kesner  
Proxy for Hon. John Stegner-Sandra  
Dickerson  
Hon. Michael Reardon  
Director Brent Reinke  
Director Sharon Harrigfeld**

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**Staff Present**

**Rob Owens  
Ryan Porter  
Lynn Procter  
Jim Arnold  
Christine Iverson  
Taunya Jones  
Janica Bisharat  
Scott Ronan**

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**Guests Present**

**Justice Linda Copple Trout  
Terry Kirkham  
Sara Bartles  
Ross Edmunds  
Ron Christian  
Rich Neu  
Hon. Richard Greenwood  
Paul Meigio  
Hon. Tim Hansen  
Mark Mimura**

**Proposed Spring Meeting ~April 2015~**

### **Welcome and Introductions**

Justice Eismann welcomed the participants and guests and led the introductions. Justice Eismann identified a draft order for Committee members and solicited the Committee for input. Scott Ronan will review the Committee's recommendations for membership and provide the Chair a strategy for Committee membership. Justice Eismann called for a motion on the April 2, 2014 Drug Court and Mental Health Court Coordinating Committee Minutes.

**Judge Reardon motioned to approve the minutes with suggested changes from Director Harrigfeld. Judge Dunn seconded. Motion carried.**

### **FY 2015 Budget and Policy Recommendations**

Jim Arnold reviewed the FY2014 allocations and the transition to the approved FY2015 statewide appropriations and district allocations for coordination, testing, and treatment. Scott Ronan updated the Committee on advancements made on previously reported funding opportunities with executive branch agency partners. The Committee was asked to approve recommendations for statewide access to Access to Recovery IV (3 year federal grant) funds in the amount of **\$769,015** for court involved veterans (including those in veterans treatment court), managed by the Idaho Department of Health and Welfare. The Committee was also asked to consider a recommendation for the use of **\$50,000** for the reimbursement of treatment services for veterans treatment courts from the Veterans Recognition Funds managed by the Idaho Division of Veterans Services.

The Committee was also presented with a recommendation for the use of Highway Safety Funds (3 years) for DUI Courts. Funds will be provided by the Idaho Department of Transportation for coordination, treatment, and testing. The Committee reviewed the allocation for these funds intended to expand DUI courts in the areas of coordination (**\$39,692** for District 4), testing & treatment (**\$6,666** for testing and **\$69,033** for treatment for 10 slots to District 4 and 10 slots for District 7, pro-rated for 10 months in this first fiscal year).

**Marreen Burton motioned to approve the FY15 Budget and Policy Recommendations. Linda Wright seconded. Motion carried.**

### **FY15 Budget Management Update**

Scott updated the Committee on FY15 budget management efforts. Since June 2014, data has been gathered regarding the numbers and percentages of those offenders participating in problem-solving courts that are eligible and funded for all available funding sources. Based on this preliminary data, the preliminary projections of potential treatment savings is \$194,000 for FY15. Paul Meigio identified that in District 7, they have had some success in accessing additional funds beyond Idaho Supreme Court appropriated substance use disorder treatment funds, and recommended to Committee members that a general awareness should be created in other areas. Lisa Martin shared that some smaller providers in District 2 have difficulty in billing alternative funding sources, citing an increase in paper work and other administrative duties. Scott reported that in order to fully fund drug testing in FY16 and ensure the full continuum of care is made available, providers will need to increase their ability to access other treatment resources.

The Committee approved a recommendation in June 2014 to transition to a fee for service (with a monthly cap) approach for the payment of substance abuse treatment services. Scott reported

that the preliminary projected treatment savings has the potential to be \$360,000 throughout FY15. Additionally, the Committee expressed the need to make sure the transition to fee for service does not negatively impact those providers serving a small number of participants in rural courts. To that end, Scott reported that the billable service previously known as “frontier travel” will be made available again to those providers that need to travel to a problem-solving court to provide services. This service will reimburse providers mileage at \$.56 per mile and, initially, it was thought this service would be available for providers that travel more than 100 miles one way to provide those services. The Committee also recognized the potential negative impact for those smaller providers that serve fewer than 20 participants, under a monthly cap. The variance in referral sources could make it difficult on a month to month basis for providers that may deliver services at a higher amount than the monthly cap would allow. To this end, those providers that have been identified as smaller providers will be held to a six month cap, rather than the monthly cap to bill against.

### **Juvenile Drug Court Review**

Judge Ingram reviewed Juvenile Drug Court (JDC) research findings from Dr. Latessa (where an Idaho JDC was included in the study), the National Association of Drug Court Professionals, and others. The majority of JDCs studied thus far are not following all of the 16 key strategies of the Juvenile Drug Courts model, resulting in poorer outcomes for JDCs. The prevailing findings across multiple studies, including the Dr. Latessa study, indicate that JDCs that demonstrate fidelity to the model achieve positive outcomes. Scott Ronan and Ryan Porter conducted a statewide JDC review to assess the level of fidelity. Ryan reviewed the strengths, areas for improvement and the recommendations with the Committee:

#### **Strengths**

Team engagement, assessment tools are in place, confidentiality procedures are in place, drug testing has high credibility. 4 to 1 ratio of incentives was observed.

#### **Areas for Improvement:**

Too many low risk juveniles, need full team participation in staffings and hearings, team and stakeholder meetings need to be convened to address programmatic issues and to make changes based on data, transition plan for team members needs to be developed, incentives and sanctions need to be matched to goals and phases, and the need for more family engagement through the court.

#### **Recommendations:**

The Committee was presented with statewide recommendations for individual teams to immediately take measures to reduce potential for harm for lower risk juvenile participants in JDC, to limit admission to only high risk to very high risk participants (as assessed through the YLS/CMI). Additionally, the teams will be asked to develop action plans with timelines and other updates by December 1, 2014 to address their individual court areas for improvement as identified via a summary and recommendation report, and the statewide JDC recommendations. The remaining statewide recommendations addressed the need for teams to convene team meetings and key stakeholder meetings to focus on the processes of JDC. Lastly, the statewide recommendations focused on the team communication with and need to strengthen treatment.

**Judge Reardon motioned to approve the following Juvenile Drug Court Recommendation #1: all juvenile drug courts identify their target population inclusion criteria as high to very high risk, effective immediately. According to the YLS/CMI the classification of high risk to very high risk starts at 23 and above, for courts using the PACT, the minimum moderate-high to**

**high. Juvenile Drug Courts need to take immediate measures to reduce harm for any moderate to low risk participants already in the court. As lower risk juveniles are terminated, successful or otherwise, only those that score as higher risk should be accepted. Judge Ingram seconded. Motion Carried.**

**Marreen Burton motioned to approve the remaining Juvenile Drug Court Recommendations. Judge Bevan seconded. Motion carried.**

### **Peer Review Update**

Ryan Porter provided an update to the Committee regarding plans for implementing a comprehensive problem-solving court peer review process. Ryan reviewed the FY15 schedule of adult drug courts to participate in the peer review process, as well as the training dates for reviewers. Norma Jaeger and Lisa Martin shared their experience for the first completed peer review for the Benewah Felony Drug Court. Ryan also shared that a larger strategy to ensure all court types that have (or are developing) standards and guidelines will have a peer review process, is in development. Mental Health Courts, Juvenile Drug Courts, DUI Courts, Child Protection Drug Courts, and Veterans Treatment Courts will see revised or new drafts of standards and guidelines, and will be accompanied by a peer review process.

Burt Butler asked if outcomes are a component of the peer review process or if the peer reviews can help inform the outcomes. Ryan indicated that once the peer reviews are completed, the outcome study results will assist in planning.

### **FY2016 Budget and Policy Recommendations**

Kerry Hong updated the Committee on the FY2016 Preliminary Budget and Policy Concepts. Kerry discussed that utilization monitoring of problem-solving courts will continue for the purposes of determining access to and usage of all available funding sources.

Kerry also reported that it is expected that we would propose a recommendation for an increase in the use of veteran recognition funds for veterans treatment courts. It is also intended that DUI Court funds from the Highway and Traffic Safety funds, managed by the Idaho Department of Transportation will be available for the following two fiscal years.

### **Statewide Felony Drug Court Outcome Evaluation**

Taunya Jones presented the full Felony Drug Court Outcome Evaluation with final detailed results, the process evaluation, and outcomes compared to treatment information. Taunya identified the methodology for the analysis of processes compared with outcomes and reported on findings from the treatment data.

#### Process Findings:

- Generally, courts do not vary much in terms of alignment to the Standards and Guidelines.
- Offenders in courts that reduce the number of hearings in later phases have much lower risk of recidivating.
- Family engagement reduces the risk of recidivating and increases the likelihood of graduation.

- Greater use of jail increases the risk of recidivating. Longer lengths of jail decreases the likelihood of graduating.

#### Treatment Findings:

- Greater amounts of individual treatment decrease the risk of recidivism and increase the likelihood of graduation.
- Greater amounts of recovery support services decrease the risk of recidivism.
- A decrease in treatment in later phases increases the likelihood of graduation.
- Overall length of treatment is positively associated with graduation (within a given range).

Scott presented the Committee with the policy recommendations resulting from the study, including policy recommendations regarding dissemination of the study, reviewing for definitions of recidivism, enhancement of evaluation methodologies, the need to review data for programmatic improvements and a recommendation to enhance the follow-up from the peer review process. The Committee considered that the recommendations addressing changes to the Idaho Adult Drug Court Standards and Guidelines (S & G) for Effectiveness and Evaluation would need the S & G to convene and come back to the Committee with draft language addressing the following areas:

- Reducing hearings in later phases as a potential standard
- Limits on the number of consecutive days in jail as a sanction to 3-6 days
- Language regarding the need to address historically disadvantaged group
- Family engagement enhancements throughout the S & G.

**Judge Dunn motioned to approve the Felony Drug Court Outcome Evaluation-Policy Recommendations. Judge Bevan seconded. Motion carried.**

#### **Training and Education Update**

Scott summarized the findings from the 2014 National Association of Drug Court Professionals Annual Conference and the 2014 Idaho Drug Court Institute. Each S & G subgroup will be asked to consider lessons learned from the conferences towards the development of draft language. Scott also reported on plans for a series of Idaho Supreme Court-Education Department hosted topic specific webinars to be recorded and made available. The Committee was asked to submit potential topics for content development.

Scott also demonstrated the Blended Learning Toolkit ([www.drugcourtonline.org](http://www.drugcourtonline.org)), a robust online drug court training course, developed by the Center for Court Innovation. This training course is free, has been delineated into bite-sized components (approximately 6 minute video presentations), and will be incorporated into current training needs and as follow-up as part of the peer review.

#### **Idaho Standards and Guidelines**

##### **Mental Health Court Standards and Guidelines:**

Judge Bevan reported that the Mental Health Court Standards and Guidelines workgroup convened multiple times in order to draft the current efforts for Committee considerations. Eric Olsen discussed his participation in a recent judicial training considering co-occurring issues,

and shared that Idaho seems to be at the forefront for dealing with offenders with mental health issues. Norma highlighted that the subgroup reviewed the previously approved guidelines, and distributed the current draft Standards and Guidelines to Fred Osher with the Council of State Governments-Justice Center., for additional review. At the last DCMHCCC meeting, there were some concerns expressed with dealing with high risk and high need individuals and how to ensure public safety. Norma pointed out the draft language now included at the top of the proposed standards and guidelines, addressing the importance of public safety. Norma also indicated that similar to the adult drug court standards and guidelines, there is now a section regarding compliance. The Committee provided some feedback regarding the classification of offenders as high risk and high need, and the need for potential language considering those offenders with violence and/or sexual offenses to be judiciously reviewed by the team. The committee was asked to provide any additional draft language to Norma. Norma will circulate a final draft to the subgroup towards a recommendation for adoption to the Committee at the Spring 2015 meeting.

#### Adult Drug Court Standards and Guidelines for Effectiveness and Evaluation

Scott reported that Judge Wilper, as chair of the S & G subgroup, will take the Committee recommendations from the study, recent conferences, and the National Association of Drug Court Professional (NADCP) Vol. I Standards and convene the subgroup to any draft revisions. The Committee should expect to see a new draft following the release of the NADCP Vol. II Standards.

#### Veterans Treatment Court Standards and Guidelines Update

Christine Iverson briefed the Committee on the preliminary work of the Veterans Treatment Court Standards and Guideline workgroup. Christine reported that Idaho has taken the lead nationally, with developing standards and guidelines. There is no specific veterans treatment court research to guide these efforts; however we should not be mixing low risk and high risk offenders within the Court. The subgroup did review the adult drug court standards and guidelines, for reference. The subgroup discusses risk level issues exploring capturing other areas that may drive risk levels (TBI, PTSD, etc.), and the higher likelihood of participants having a history of violent offenses. The subgroup will continue to meet and expect to present a draft for Committee adoption at the Spring 2015 meeting.

#### New Courts Under Rule 55

##### **Canyon County Re-Entry Drug Court**

Following some discussion regarding the target population; **Judge Ford motioned for the 3<sup>rd</sup> judicial district to come back to the Committee with a policy brief to identify the population and proposed treatment services needed. Judge Wyman seconded. Motion carried.**

##### **Kootenai Juvenile Mental Health Court**

It was identified there are no state funds at this time for coordination for the 1<sup>st</sup> judicial district to seek alternative resources with assistance from the statewide coordinator. **Marilyn Kesner motioned for the approval of the Letter of Intent with no commitment of funding. Kerry Hong seconded. Motion carried.**

### **Bonneville Co-Occurring Drug Court for Domestic Violence**

Judge Simpson presented the letter of intent for the co-occurring drug court for domestic violence. There was some concern that the Children and Family in the Courts Committee (CFCC) should review and approve that a Domestic Violence Court come under the Drug Court and Mental Health Court Coordinating Committee. ***Kerry Hong motioned that pending approval by the CFCC, that the letter of intent be approved with no commitment of funding. Judge Reardon seconded. Motion carried.***

The Committee agreed to pend the decision on the letter of intent for the Twin Falls Misdemeanor Mental Health Court and the Ada County Felony DUI Court for a conference call to be scheduled by the end of the month.

**Adjourn (Proposed date of next meeting- April 2015)**

#### **-Potential Next Meeting Topics-**

**Wood Court Update and expansion to D6**

**Language access for non-English speakers**

**Mental Health Court Standards and Guidelines-Approval**