

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

**Friday, October 2, 2015
Idaho Supreme Court
Lincoln Room
Boise, Idaho**

MINUTES

<u>Members Present</u> Hon. Ronald Wilper, Vice Chair Scott Bandy Hon. Richard Bevan Marreen Burton Burt Butler Ron Christian Sharon Harrigfeld Steven Hippler	Kerry Hong Suzanne Johnson Kevin Kempf Marilyn Kesner Gabe McCarthy Hon. Robert Naftz Jennifer Romero Hon. John Stegner Shelli Tubbs Hon. Scott Wayman
<u>Guests</u> Sara Bennett (for Lisa Martin) Paul Meigio (for Judge Darren Simpson) Ross Edmunds (for Richard Armstrong) Rich Neu	<u>Staff Present</u> Roland Gammill Christina Iverson Norma Jaeger Ryan Porter Scott Ronan

Next Meeting: March 25, 2016.

The meeting was convened at 8:30 a.m. by Judge Ronald Wilper, Vice-Chairman, and members and guests present at the meeting introduced themselves. The updated roster of Coordinating Committee members and the Order of Appointment by the Supreme Court were distributed. Judge Wilper informed the Committee that the Supreme Court had approved a membership to facilitate efficient yet representative committee work. The new membership is comprised of 27 members.

Approval of Minutes of the April 2, 2015 Meeting

The minutes of the previous meeting on April 2, 2015 were approved.

Marreen Burton moved and Sharon Harrigfeld seconded approval of the minutes of the April 2, 2015 meeting. Motion carried.

Statewide Drug Court Enhancement Grant

Norma Jaeger reported that the Supreme Court has been awarded a 3-year, \$200,000 grant from the Bureau of Justice Assistance to implement a variety of efforts designed to improve outcomes and operations of the drug courts throughout the state. The grant will make it possible for the new Odyssey data system to receive drug test results directly from participating drug testing labs, and will provide for workgroups and team training court improvement efforts including trauma informed care/procedural fairness, medication assisted treatment, and cognitive behavioral treatment.

Utilization Reporting

Scott called the Committee's attention to the draft annual report as well as to the county by county utilization report. The utilization report has been recreated as an on-line report process, which has automated the resulting data in such a way that a report can quickly be provided to each court each month as well as queried to generate utilization reports. This report is currently compiled by the Court but will be organized by district and court type in the future.

Budget and Financial Report

Kerry Hong provided an update on year to date expenditures which are proceeding in accordance with the Coordinating Committee's prior directions. The Court has managed substance abuse treatment funds in such a way as to enable permanent continuing support for drug testing at \$400 per month and has opened up residential treatment and recovery support services for participants. Roland Gammill reported that the Supreme Court Fiscal Office is monitoring treatment expenditures closely on a month by month basis allowing adjustments to occur quickly so that we can best utilize our available treatment resources. Scott Ronan also reported on additional substance use disorder treatment funds available that problem-solving court participants could access such as the Access to Recovery 4 grant, which can cover homeless participants.

FY2017 Preliminary Budget Concepts

Kerry Hong provided a report of potential funding requests that could be submitted by the Court to the Legislature in January 2016. Recommendations will go to the Supreme Court Administrative Conference and then to the Court for a final budget request package to be submitted to the Legislature. The funding concepts include: additional funding for local coordination, increasing the drug testing allocation to enable expansion of Veterans Treatment Courts, increasing the funding for treatment, and to fund a pool of funds for language access and ADA accommodation for disabled participants whose cost of treatment would exceed a single district's treatment budget. We would potentially also request additional spending authority for funds from the substance abuse treatment fund where the current revenues exceed the available spending authority. **Ron Christian moved and Sharon Harrigfeld seconded that the Statewide Drug Court and Mental Health Court Coordinating Committee endorse the FY2017 preliminary budget concepts presented, except that a specific treatment slot rate not be included. Motion carried.**

There was some discussion of challenges in providing mental health services for persons in drug court with co-occurring disorders and gaining access to mental health court based on the high threshold for diagnosis of mental illness represented by ACT criteria. **Judge Stegner moved**

and Judge Bevan seconded that the Statewide Drug Court and Mental Health Court Coordinating Committee request that the Behavioral Health Committee of the Criminal Justice Commission review current criteria for admission to mental health courts and determine how to address the gap in mental health services for persons in problem-solving courts and whether the criteria for mental health courts should be expanded, including analysis of resulting resource impacts. Recommendations to the Coordinating Committee are requested. Motion carried.

Juvenile Drug Court Update

Ryan Porter reported to the Committee that the juvenile drug courts reviewed for fidelity of operations had submitted improvement plans to address areas of concern identified in the reviews.

New and Terminating Courts

Scott Ronan reported on proposed approval of new courts and acceptance of terminations of existing courts as envisioned under ICAR 55.

5th District Veterans Treatment Court

After considerable discussion about existing financial support and plans for sustaining the court in the future, **Marreen Burton moved and Kerry Hong seconded that the Coordinating Committee approve the application of the 5th District Veterans Treatment Court for operation effective November 20, 2015. Motion carried.**

Judge Bevan moved and Kerry Hong seconded that the Committee approve an earlier start date of October 6, 2015, for the 5th District Veterans Treatment Court, based on available resources and the discretion allowed in ICAR 55.

Judge Naftz moved and Burt Butler seconded that the Coordinating Committee approve the application of the Bear Lake County Drug Court for operation effective December 2, 2015. Motion carried.

Judge Naftz moved and Judge Stegner seconded that the Coordinating Committee approve an earlier start date of October 6, 2015, for the Bear Lake County Drug Court, based on available resources and the discretion allowed in ICAR 55. Motion carried.

Judge Wayman moved and Judge Naftz seconded that the Coordinating Committee approve the request from Bingham County to terminate the Bingham County Juvenile Drug Court. Motion carried (19-1).

Judge Bevan moved and Judge Wayman seconded that the Coordinating Committee approve the application of the District 7 Domestic Violence Drug Court for operation effective November 30, 2015. Motion carried.

Paul Meigio moved and Judge Bevan seconded that the Coordinating Committee approve an earlier start date of October 6, 2015, for the District 7 Domestic Violence Drug Court, based on available resources and the discretion allowed in ICAR 55. Motion carried.

Judge Stegner moved and Judge Bevan seconded that the Coordinating Committee approve the application of the District 7 Misdemeanor Veterans Treatment Court for operation effective November 30, 2015. Motion carried.

Judge Stegner moved and Judge Bevan seconded that the Coordinating Committee approve an earlier start date of October 6, 2015, for the District 7 Misdemeanor Veterans Treatment Court, based on available resources and the discretion allowed in ICAR 55. Motion carried.

In a subsequent action, Judge Stegner moved and Kevin Kempf seconded that when the District 7 Misdemeanor Veterans Treatment Court obtains approval signatures from the Idaho Department of Corrections enabling probation support, the court will be allowed to expand to serve felony participants. Motion carried.

Peer Review

Ryan Porter reported on the Peer Review process. Three overarching recommendations were reported to the Coordinating Committee at the spring meeting, based on the peer reviews conducted in 2014-2015:

- That District Managers support local Coordinators in establishing consistent meetings for their teams
- That District Managers meet and develop plans to address long delays between arrest and referral to drug court
- That Drug Court Coordinators review current efforts and establish orientation procedures for new team members

Those drug courts that received peer reviews in 2014-2015 have submitted plans for addressing recommendations from the reviews

Ryan announced that there will be new round of 12 peer reviews for 2015-2016. The on-line survey instrument, that precedes the on-site review, has been revised. The Supreme Court Research and Planning Unit assisted with the revision and has tested the instrument in Districts 3 and 7 and there will be training for new peer reviewers. Marilyn Kesner reported that the peer review is a very positive learning experience both for the reviewer and for the team being reviewed. Kerry Hong reported that there is national discussion about the best process for quality assurance efforts. Such processes include peer review, audits, and certification programs. Peer review certainly provides a two-way learning but is it picking up what we need to know about court operations. Marreen Burton pointed out that the 4th District had a court that was failing and the peer review did not adequately pick up on its issues. Ryan offered that the peer review assumes that the Problem Solving Court reviewed is open to observation and has a desire to improve operations. Ron Christian pointed out that today we have good credibility with the legislature for expenditure of tax dollars but down the road they may want stronger verification.

Kerry Hong moved and Judge Stegner seconded that Marreen Burton and Kerry Hong develop recommendations for a review process that would provide stronger review of compliance and adherence to statewide standards. Motion carried.

Three Year Strategic Plan Review and Amendment

Scott Ronan reviewed the Three-year Strategic Plan, adopted in 2013. Scott proposed adding a Strategy #8 “To conduct program evaluation and use the results to improve program outcomes”. To further address these strategies, the Coordinating Committee will be provided with a more detailed evaluation plan at the spring meeting.

Sharon Harrigfeld moved and Judge Bevan seconded that the 3-Year Strategic Plan as amended be adopted. Motion carried.

Burt Butler proposed a review of the minimum data requirements for drug courts to be sure that the right data is being collected in ways that will provide valid and accurate information to inform evaluation efforts.

Kerry Hong moved and Judge Stegner seconded that Scott Ronan quickly convene a data review workgroup to recommend minimum data elements to meet both evaluation and case management operational needs while being mindful of data entry concerns. Motion accepted by consensus.

Continuum of Care

Ryan Porter provided an overview of national standards and other guidance on provision of a continuum of treatment services for participants in problem-solving courts. These standards include provisions in both Volume 1 and 2 of the National Association of Drug Court Practitioners Standards and earlier Key Components. Ryan provided an analysis of where Idaho currently stands in relation to compliance with these standards and current barriers to a stronger level of compliance.

Two issues emerge in this analysis:

- current level of funding for treatment does not assure that participants can receive the recommended dosage of treatment to address need in a high-risk offender
- Some recommended services are not widely available including medication assisted treatment and key recovery support services

In addition, quality assurance of treatment delivered needs to be strengthened and a certification process should be considered.

Kerry Hong observed that there is a unique opportunity to leverage treatment improvements for offenders in the community with efforts underway at the Idaho Department of Correction to make improvements in their system of treatment services.

Kevin Kempf reported that the Department is undertaking program review and improvement efforts identified for them by the Justice Center of the Council of State Governments. They see opportunities to simplify and modernize their treatment programs. They would like to have a

team visit programs currently using the University of Cincinnati Cognitive Behavioral Treatment program for Substance Abusing offenders, recommended to them by the Justice Center. They want to partner with the judiciary in this effort. They are looking at their re-entry program, would like to see a community mentor program and engage the faith community in supporting persons returning to the community from IDOC facilities.

Standards and Guidelines Revision

Norma Jaeger and Judge Wilper reported on plans to review and update the Adult Drug Court Standards and Guidelines. This effort will take into account Volumes 1 and 2 of the national standards and look at inclusion of commentary to assist courts in understanding the purpose and research basis for individual standards. The workgroup will have a draft for Coordinating Committee review at the spring meeting. Individuals volunteering or to be asked to work on the revision include: Judge Ron Wilper (chair), Norma Jaeger (staff) and Marreen Burton, Marilyn Kesner, Ron Christian, Scott Bandy, Gabriel McCarthy, David Birch, and Ryan Porter (staff).

Training and Education Update

Ryan reported that in addition to the specific sessions provided for individual team members and the separate co-located conference for Veterans Courts, the most significant information presented at the NADCP conference was the presentation on the new Volume 2 Standards. Norma Jaeger reported on the schedule of monthly webinars available for drug court teams, which is published on the Problem-solving Court section of the Supreme Court Website. The webinars are archived there for later viewing. There is also the recently posted New Coordinators Toolkit, also on the website in a specifically labeled section, under "Resources." In cooperation with the Judicial Education Office, we will be working to schedule a DUI Court Tune-up Training offered through a contract with NADCP and the National Highway Traffic Safety Administration. There will be from one to three trainings in the state, to offer regional venues and reduce travel time and expense. The current budget outlook anticipates a statewide drug court or problem-solving court institute in FY2018. The recently received federal statewide grant will also enable training and educational activities.

Odyssey Update

Scott Ronan reported on the Odyssey data system implementation which started in Twin Falls, will then move to Ada County and over the next two years be implemented statewide. Judge Bevan reported that it is very useful for Judges and that he hopes it can be used by drug court judges as it is in general judicial proceedings. Rich Neu reported that while it is challenging for problem-solving courts for data entry the resulting reports will be far more useful than those available in ISTARs. Shelli Tubbs reported that the system offers both advantages and disadvantages particularly in setting up the "rights" and "roles" that assure that users have access to the information they need but limits user access to information they should not have.

Adjourned (Date of next meeting: March 25, 2016)