

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

**October 7<sup>th</sup>, 2013  
9:00 a.m. – 3:00 p.m.  
Idaho Supreme Court  
Lincoln Room  
Boise, Idaho**

**MINUTES**

**Members Present**

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**Chair, Justice Daniel Eismann  
Vice-Chair, Hon. Ron Wilper  
Hon. Scott Wayman  
Dennis Hardziej  
Linda Wright  
Hon. Richard Bevan  
Mark Mimura  
Hon. George Southworth  
Roger Bourne  
Marreen Burton  
Hon. Darren B. Simpson  
Burt Butler  
Roger Christensen  
Lisa Martin  
Debra Alsaker-Burke**

**Hon. Jack Varin  
Jared Bingham  
Martha Tanner  
John Tanner  
Patti Tobias  
Hon. John Stegner  
Kerry Hong  
Eric Olsen  
JoAnn Martinez  
Hon. Bradley Ford  
Marilyn Kesner  
Scott Ronan**

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**Staff Present**

**Rob Owens  
Ryan Porter  
Jim Arnold**

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**Guests Present**

**Henry Atencio  
Kevin Kempf  
Sharon Burke  
Sara Bartles  
Ross Edmunds  
Ron Christian**

**Proposed Spring Meeting ~April 17<sup>th</sup>, 2014~**

**The meeting was convened at 9:00 a.m. by Justice Daniel Eismann, Chairman, and members and guests present at the meeting introduced themselves.**

**Approval of Minutes of the May 16<sup>th</sup>, 2013 meeting**  
**Burt Butler moved and Linda Wright seconded the approval of the minutes of the May 16<sup>th</sup>, 2013 meeting. Motion carried.**

**Approval of District 2 Veterans Treatment Court Operations Application**

The Committee addressed the approval of the District 2 (D2) Veterans Treatment Court Operations Application. The letter of intent for the Court had been previously approved by the Drug Court and Mental Health Court Coordinating Committee (DCMHCCC) at the May 16<sup>th</sup>, 2013 meeting. The Executive Committee was asked to vote electronically with a recommendation for approval. Absent a final vote, the DCMHCCC was asked to approve the operations application.

**Judge Wilper moved and Judge Reardon seconded the approval of the D2 Veterans Treatment Court Operations Application. Motion carried.**

**FY2014 Funding Allocation & Utilization Update and Recommendations**

Scott Ronan reviewed the current expenditures for FY 2014 for both the dedicated court fund and the substance abuse treatment fund. Scott reported that the following areas have led to a projected savings of \$439,811 in substance abuse treatment funds for FY 2014: a decrease in the state match for Medicaid services, a small underspend of current treatment expenditures, FY 2013 front loaded treatment funds, and a remaining balance of 15 Misdemeanant/ DUI Drug Court slots. Several priorities were identified for the use of these funds: residential, other recovery support services, drug testing, and the expansion of new courts.

**Scott Ronan moved and Sara Thomas seconded for FY 2014 balance of approximately \$439,811 in substance abuse treatment funds be utilized in a statewide Residential and Recovery Support Services Fund for the priorities of funding residential, recovery support services, and the expansion of new courts. Motion carried.**

Ryan Porter updated the Committee on the implementation of the Web Infrastructure for Treatment Services (WITS) by the Supreme Court for the purposes of billing, monitoring and as an electronic health record towards a flat rate reimbursement system for substance abuse treatment funds. Ryan identified that WITS has “gone live” as of October 1<sup>st</sup>, 2013 and although the implementation is underway, there is more to develop as we implement fully. Ryan also indicated that coordinators are indicating primary providers to load dollar amounts in WITS based on a flat rate of dollars per slot, which will be paid to providers monthly and 1/12 of the annualized amount. Courts will need to remain at least 85% utilized, with Supreme Court analysis to determine if a reduction of treatment funds is needed for those courts consistently underutilizing. Ryan also reported that several coordinator and provider trainings have taken place and will continue during the implementation. Other supportive efforts are the development of a Frequently Asked Questions document, and a template provider and court MOU to provide for a common agreement of treatment services provider by private providers for a monthly flat rate.

Scott Ronan reviewed the FY 2014 unallocated coordination funds plan, indicating that districtwide coordination plans had been submitted to the Supreme Court. The plans identified all available funds from both state and local resources and provided coordination needs. Kerry Hong

indicated that the first priority was to provide adequate funding for the establishment of districtwide problem-solving court managers, as recommended by the Administrative Conference and the DCMHCCC earlier in the year. The remaining balance of approximately \$66,000 in coordination funds allocated based on a formula that took into account the following variables: 1) county contributions to coordination [double weighted], 2) the total number of DCMHCCC approved allocated slots by district, and 3) the ratio of slots to coordinator. There was discussion from the Committee that the current formula may be adjusted by the Sustainability and Institutional sub-committee for further refinement; however, the matter is time sensitive due to the transitioning of county employees to state employees for the coming fiscal year.

**Judge Ford motioned and Judge Wilper seconded that the Committee approve the recommendation. Motion carried with 7 opposed.**

### **Behavioral Health Report**

Ryan Porter reported that there is a new contract with Business Psychology Associates and the Courts will be participating in the area of provider network management and quality assurance. Ryan also indicated that the Affordable Health Care Act and the impact of Medicaid changes to problem solving court is still somewhat unknown but as more information is provided then the Committee will be updated. Ryan also briefed the Committee on the work already accomplished towards the peer review process for adult drug courts. Several courts have piloted the peer review process where coordinators have been trained and the training materials/ webinar recordings have been placed on the Supreme Court-Problem-Solving Court website. The benefit from expanding this process will be cross-training and court accountability to the standards and guidelines.

**Action: Ryan Porter will work with Judge Wilper and Norma Jaeger to develop a full Peer Review implementation plan with an estimate of cost, timelines, and a schedule for the Spring DCMHCCC meeting.**

### **FY2015 Budget & Policy Recommendations**

Kerry Hong review the FY 2015 budget and policy recommendations proposal, highlighting that the DHW Misdemeanant Substance Use Disorder Treatment (SUD) Funds in the amount of \$704,000 (\$275,000 identified by the Court for problem-solving courts) will be transferred to the Supreme Court in FY 2015 and will be reviewed annually. Kerry also reviewed that although the reallocation of slot efforts from last year has increased the utilization statewide, there is still a consistent underutilization of approximately 45 slots. The recommendation is that these slots be reallocated with the priority of a targeted expansion of Veterans Treatment Court. Additionally, Kerry identified that through the changes in the state match for Medicaid, an estimated \$200,000 in SUD would be available in FY 2015 for the purposes of providing a cost sharing (with county contributions and participant fees) and stable source for drug testing. This would also allow the dedicated court fund for drug testing to be prioritized towards enhancing coordination. Kerry further relayed that the proposal identifies child protection drug court coordinators as part of the districtwide manager and coordination ongoing funds. Lastly, Kerry stated that the FY 2015 budget proposal includes a request for the funding of a problem-solving court institute.

**Judge Bevan motioned and Maureen Burton seconded to accept the proposed FY 2015 budget and policy recommendations. Motion Carried.**

**Summary of Recommendations:**

**Recommendation: Reallocate up to 45 existing slots to support the targeted expansion of VTC.**

**Recommendation: SUD allocation savings from Medicaid match and Direct Client Services to be used to fund testing at \$400 per slot on an ongoing basis and any remaining savings are used for enhancing coordination.**

**Recommendation: Districts with CP drug courts should integrate CP coordination needs within a district wide coordination plan using existing ongoing (discontinue one time funding) coordination funding.**

### **Sustainability and Institutionalization Sub-Committee Report**

Scott Ronan reported that the sustainability and institutionalization (S & I) subcommittee met and drafted a DCMHCCC strategic work plan for Committee review and feedback. Scott reviewed the process for determining the draft vision, mission, values, goals, and objectives. In considerations towards drafting the strategic work plan, the subcommittee reviewed statutory language, the adult drug court standards and guidelines, and the Idaho Supreme Court mission statement. Judge Varin provided feedback indicating that the plan needs to be focused for a reasonable period of time (3 years) and should utilize Committee members to accomplish the measurable goals. It was recommended that the strategic work plan include as a measure to reduce jail days and Idaho Department of Juvenile Corrections (IDJC) days, and for mental health populations, to measure a reduction in state hospital days. It was also recommended to include an additional measure of regional crisis centers as they become established and available. Lastly, it was suggested that a separate goal be created that identifies “criminal justice fidelity” as an area for focus.

**Action: Scott Ronan will reconvene the Sustainability and Institutionalization Subcommittee and will include as an agenda item a final draft of the Strategic Work Plan for the Spring DCMHCCC meeting.**

### **Technology Committee Update on New Case Management System**

The Idaho Supreme Court Director of Information Technology, Kevin Iwerson, briefed the Committee on the recent technological changes for Idaho courts. The Information Technology strategic plan was reviewed which recognized three main areas of focus: 1) the development of a statewide judicial network, 2) a state of the art court management system, and 3) e-filing and scanning capabilities. The developers of the new system have been selected, Tyler Technologies, and the new system will be web-based and include a supervision module for probation and problem-solving courts.

### **Training and Conferences Update**

Scott Ronan reported on findings and proposed recommendations from the 2013 Annual Conference for the National Association of Drug Court Professionals (NADCP). Scott reviewed that the NADCP debuted the first volume of the adult drug court standards. Scott also reviewed the ranking of the most cost effective key components for adult drug courts that touched on utilizing data for program enhancements, including law enforcement as a team member, and limiting the capacity of a court to under 125 participants. Committee members that attended the conference were asked to comment on pertinent presentations. Judge Ford and Eric Olsen both agreed that presentations on trauma were very informative.

**Judge Wilper motioned and Patti Tobias seconded to reconvene the Adult Drug Court Standards and Guidelines Subcommittee for the purposes of incorporating the NADCP standards towards recommendations at the Spring 2014 DCMHCCC meeting. Motion carried.**

#### **Child Protection Drug Court Update**

Debra Alsaker-Burke reported that the Supreme Court was awarded a new OJP Child Protection Drug Court enhancement grant in the amount of approximately \$550,000 for three years to assistance with the further development of the 5<sup>th</sup> and 6<sup>th</sup> judicial district child protection drug courts. Also, Debra reviewed recent discussions with the Idaho Department of Health and Welfare (DHW) to expand the use of a treatment needs assessment to all child protection cases in early 2014. Additionally, Debra reviewed the draft Child Protection Drug Court (CPDC) Standards and Guidelines, which were compiled by a small workgroup of coordinators with team input, and a review by Shannon Carey with NPC Research. The CPDC standards were identified through peer reviewed research and cited throughout the document.

**Judge Varin motioned and Linda Wright seconded the adoption of the Child Protection Drug Court Standards and Guidelines by the DCMHCCC with the inclusion of the following elements:**

- a) **Review of standard 3.16 for research and consideration of guideline or standard status**
- b) **Inclusion of the use of jail as sanction for non-compliance.**

**Motion carried.**

#### **Department of Health and Welfare Update**

Ross Edmunds reported that the Courts and DHW have worked together for the use of DHW Misdemeanor substance abuse treatment funds. Domestic Violence Courts and Misdemeanor/DUI Drug Courts will have access to \$704,000 (approximately \$275,000 or 66 slots for Misdemeanor/DUI and DUI Drug Courts) with an annual review between DHW and the Courts. Ross also reported that the federal government shutdown has the potential for real negative budgetary impacts the longer it continues. Additionally, Ross identified that DHW intends to move forward with transformation legislation to establish a state behavioral health authority, a state behavioral health planning council, regional centers for delivery and coordination of treatment services, and regional boards. Ross also indicated that the early implementation of Optum as the at-risk contract holder for Medicaid managed services has resulted in some confusion and some discussion as to covered services. As issues are presented, DHW has worked with the Supreme Court staff towards solutions and shared definitions in issues relating to criminal justice populations.

#### **Department of Correction Update**

Kevin Kempf reported that there are still 5 ½ probation and parole positions that remain unfilled in the community which still presents challenges to problem solving courts that rely on IDOC supervision. IDOC will be asking for 7 new Pre-sentence investigators to meet the growing need. Kevin also reviewed that the Council of State Governments- Justice Reinvestment project continues and IDOC looks forward to criminal justice system change recommendations.

Additionally, IDOC is compiling 1, 3, and 5 year plans for addressing the mental health needs of offenders in the correctional institutions and in the community. IDOCs will also be developing a train-the-trainer and a framework for statewide probation and parole training for Motivational Interviewing. Lastly, Kevin stated that the department plans to reinvest in re-entry services for offenders returning to the community.

### **Department of Juvenile Corrections Update**

Sharon Burke reported on current treatment expenditures and that the IDJC has implemented WITS towards an electronic health record and for billing purposes. Sharon also reported that they are coordinating with POST juvenile probation officer training for integrated treatment and supervision. Sharon also reported that IDJC will also be focusing on the reintegration of treatment in facilities and in the community.

### **New Problem-Solving Court Updates**

There were no new courts applying for approval at this time. There was a request to collapse the Upper Valley Juvenile Drug Court as per Idaho Court Administrative Rule (ICAR) Rule 55, subsection f; where a judicial district plans to terminate a drug or mental health court, they must submit a letter signed by the Administrative District Judge and Trial Court Administrator and receive approval from the DCMHCCC.

**Judge Varin motioned and Judge Reardon seconded the approval of the termination of the Upper Valley Juvenile Drug Court in District 7. Motion carried.**

The Committee also discussed the need for the establishment of a policy regarding pilot projects and pilot courts.

**Action: Scott Ronan will solicit feedback from Linda Wright and Eric Olsen on the outcomes of the D7 mental health diversion court and the D5 mental health diversion court for a full recommendation at the Spring 2014 DCMHCCC towards acceptance of these courts as a Committee recognized drug court or mental health court.**

**Action: Scott Ronan will also draft a proposal for the establishment of pilot courts or pilot projects with consideration of definitions of pilots, timeframes, evaluation components, and expected outcomes.**

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

Rob Owens reported to the Committee on the current status of the statewide felony drug court outcome evaluation. Rob reviewed a two-page summary of preliminary results for the Drug Court population, identifying that the initial recidivism rate for the treatment group (drug court) is similar to that of the 2007 study. Other notable indicators were that the average Level of Service Inventory – Revised scores for the Drug Court population studied were slightly higher than in 2007, and the majority of offenders were misdemeanors and traffic or motor vehicle related. Rob reported that a full and complete report with comparison group data should be available at the Spring 2014 meeting for Committee review.

### **District Issues**

Kerry Hong updated the Committee on an emerging issue regarding county employees that are utilized for problem-solving court purposes but do not have a written contract. The

Administrative Office of the Court has identified the issue and has engaged the Human Resources Division for solutions. Kerry also updated the Committee on an inquiry to the NADCP regarding the establishment of 501 (c) 3for problem-solving courts. Sonya Harper with the NADCP advised against individual courts to start a non-profit and advised against court staff or judges from holding positions with a non-profit board.

**Action: Scott will include an agenda item for the Spring 2014 meeting regarding the risk level of offenders in a problem solving court and the potential for establishing low risk tracks.**

**Judge Reardon motioned to adjourn, seconded by Judge Reardon. Motion carried.**

**Meeting Adjourned at 3:35pm**

**October 7<sup>th</sup>, Action Items:**

**Action: Ryan Porter will work with Judge Wilper and Norma Jaeger to develop a full Peer Review implementation plan with an estimate of cost, timelines, and a schedule for courts for the Spring DCMHCCC meeting.**

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