

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

**April 14, 2017**

**Idaho Association of Counties  
2<sup>nd</sup> Floor Conference Room  
3100 South Vista Avenue  
Boise, Idaho**

**MINUTES**

<p><b><u>Members Present</u></b></p> <p>Hon. Daniel Eismann, Chair Ron Wilper, Vice-Chair Sara Thomas Scott Bandy Hon. Richard Bevan Marreen Burton Burt Butler Ron Christian Roger Christensen Ross Edmunds Sharon Harrigfeld Jenn Romero</p>	<p>Kerry Hong Lisa Martin Hon. John Stegner Marilyn Miller Hon. Robert Naftz Richard Neu Hon. Darren Simpson Hon. Scott Wayman JoAnn Martinez Hon. Ron Naftz Doug Tyler Henry Atencio Gabriel McCarthy</p>
<p><b><u>Guests</u></b></p> <p>Paul Meigio David Birch</p>	<p><b><u>Staff Present</u></b></p> <p>Norma Jaeger Ryan Porter Scott Ronan Jim Arnold Taunya Jones Michelle Crist-Aguila</p>

**Next Meeting: September 8, 2017.**

**Welcome and Introductions:**

The meeting was convened at 8:30 a.m. by Judge Daniel Eismann Chairman, and members and guests present at the meeting introduced themselves. Justice Eismann introduced Taunya Jones, who has been appointed as the Director of the Justice Services Division, to replace Kerry Hong, who has become the District 6 Trial Court Administrator.

## **Approval of Minutes of the September 16, 2016 Meeting**

**Darren Simpson moved and Richard Bevan seconded approval of the Minutes of the September 16, 2016 meeting. Motion carried.**

## **FY17 Budget Update and FY18 Budget and Policy Recommendations**

Scott Ronan reviewed previously adopted Committee priorities for the use of any savings in the funds to support substance use disorder treatment. Such savings could result from management controls or other utilization factors on the expenditure of those funds. Priorities include:

- 1) Securing drug testing
- 2) Ensuring the full continuum of treatment services are available for existing drug courts (residential and recovery support services)
- 3) Expansion of existing or new courts

In the last legislative session, the Supreme Court was authorized an additional ongoing \$79,900 in spending authority to use funds available to the dedicated Drug Court and Family Court Services fund. It was clarified that these funds can be used by either adults or juveniles

**Ron Wilper moved and Burt Butler seconded that the additional \$79,900 of spending authority be used to support residential treatment and recovery support services. Motion carried.**

Judge Stegner asked why more treatment funds cannot be obtained to avoid necessity of sentencing individuals to a rider? Sara Thomas responded that the court will be working on this for the FY19 legislative request.

Scott Ronan reviewed the potential impact for those problem-solving courts that had previously circumvented the priority of payments for court ordered financial obligations. This puts drug court participant fees behind other payments and delays drug courts receiving drug court fees. Courts depend to varying degrees upon these participant fees to operate. Scott Ronan pointed out that this issue does not impact courts that accept participants on a pre-sentence status. Prior to sentencing there are no orders for payments such as restitution.

Issues raised included how districts would document their need for such assistance, the time limit for expending the funds provided, and how much of a court's projected loss could be covered with such support.

Judge Bevan asked if courts elsewhere are experiencing a reduction in accepting persons into drug court who have sizeable restitution requirements. Ada County reported that they have seen that happening. Scott Ronan reminded the Committee of the current Standards requirement that ability to pay not be a condition for acceptance into the court.

**Judge Bevan moved and Sharon Harrigfeld seconded approval of the concept of using one time funds from the increased spending authority in FY18 to provide fair and equitable financial assistance to a court experiencing significant budget problems resulting from the application of the priority of payments statute with a report to the October meeting on a process for determining need and fair distribution process. Motion carried.**

Scott Ronan reported that funds were approved by the Legislature to enable the Division of Veterans Services to provide \$80,000 in one time funding to support veterans treatment courts to offer PTSD and family treatment to approximately 43 veterans during the next year. In addition, \$12,500 will also be made available to support veterans treatment court team members to attend a national training conference.

Scott Ronan and Sara Thomas discussed the opportunity through Odyssey development to establish some statewide uniform drug court forms. Such forms may have certain mandatory elements, to enable the statewide collection of certain data elements and would also have variable elements to meet specific needs in individual courts.

**Judge Wilper moved and JoAnn Martinez seconded that a workgroup be convened to make recommendations to the Coordinating Executive Committee for approval on specific drug court forms needed and the content of the forms. Motion Carried.**

Volunteers and nominees for the workgroup included Hon. Richard Greenwood, Hon. Ron Wilper, Rich Neu, Jamie Freeman, (Bingham County) and Sherrie Cooper (Twin Falls County). It was recommended that a representative from Ada County and the Department of Correction be sought.

#### **New Drug Court Letter of Intent - Minidoka-Cassia County Misdemeanor DUI Court.**

Rich Neu advised the Committee on efforts to establish a DUI Court in Minidoka-Cassia Counties. They are currently working to determine the exact location. The court would accept primarily misdemeanor 2<sup>nd</sup> offense or excessive BAC first offense. The court could accept a felony DUI case but are not asking for IDOC probation to attend staffings. Misdemeanor probation would communicate with an IDOC probation officer on such a case. Participants would be assessed as high risk / high need. Projected start date would be after the next wave of Odyssey implementation about November 1, 2017.

Burt Butler indicated that District 7 is interested in starting a felony DUI court and wants to better address the re-offense rate they experience post DUI court completion, perhaps through extending the probation period. The court could also take misdemeanor cases.

The issue was raised of questions about the current use of the LSI-R as the risk assessment for DUI courts. Scott Ronan indicated that there is an opportunity to work with IDOC on validation of the LSI-R for the DUI population. Henry Atencio indicated willingness to work with the court on this but indicated that they are not currently pursuing this validation process.

#### **Certification Proposal**

Kerry Hong reported on efforts to study and develop a recommendation for a drug court certification process. He reminded the Committee of current language in ICAR 55 (e) Any district court operating a drug court and/or mental health court shall annually review and report back to the Statewide Drug Court and Mental Health Coordinating Committee, through the Administrative District Judge and Trial Court Administrator, as to how the court is operating in

accordance with the Guidelines, the approved participant capacity, and any directions from the Drug Court and Mental Health Court Coordinating Committee.

Kerry proposed a report format for the District to use in reporting. It was also suggested that the current survey form used in the Peer Review Process be sent annually to each team to guide their self-assessment. Taunya Jones supported the use of such a checklist. Rich Neu observed that there is a need for such a checklist for all court types.

Discussion centered on whether to fully implement the process or take a pilot approach. Roger Christensen commented that with always tight budgets it is important to look at courts that are performing as required and put available resources there.

**Judge Stegner moved and Burt Butler seconded that the proposed process of annual certification be implemented, with use of a standardized review checklist and involvement of all team members. Motion Carried.**

### **Preliminary FY19 Budget Concepts**

Scott Ronan reviewed preliminary budget recommendations for FY19. He detailed a budget increase request in the substance use disorder budget of \$2,333,859 as follows:

- Increase the slot rate for treatment and testing to match dosage needs of high risk offenders of 200 – 300 hours
- Increase capacity by 100 to meet need
- Establish a statewide pool for residential and recovery support
- Joint state agency/entity request to increase provider rates by 5%

Scott also reported on a potential request for \$350,000 in court operational funds to offset participant fee collection rates due to adherence to priority of payments particularly that could result from potential changes in victim rights legislation or constitutional amendment. This amount would be \$350,000. In addition, court operations would cover fees to support language access in drug, family and domestic violence courts and court assistance activities.

### **Statewide Mental Health Court Outcome Evaluation Update**

Rob Owens, Division of Policy and Planning, reported on the status of the Statewide Mental Health Court Outcome Evaluation. After considerable effort, the court will soon have access to mental health data allowing a comparison group for the evaluation. The evaluation has completed a process evaluation. This includes findings and recommendations with a full interim report available. Among the process findings:

- most courts adhere most of the time to the target population
- not all team members in all courts attend all staffings and hearings
- many courts operate with an incomplete Assertive Community Treatment Team
- courts clearly understand the importance of emphasizing incentives over sanctions
- just over half of the courts convene the standards-established two training and planning meetings each year
- mental health court judges have high approval ratings
- participants take some time to adjust to the court and its requirements

- participants appreciate the benefits of the mental health court.

The outcome evaluation report may be available by the fall meeting.

### **Statewide Standards and Guidelines Update**

Judge Wilper and Norma Jaeger reported on the project to update Statewide Standards and Guidelines for Adult Drug Courts. The Drug Court and Mental Health Court statute requires the Committee to establish standards and guidelines. The purpose of the current update is to address the new national standards published by the National Association of Drug Court Professionals. Judge Simpson raised the issue of the length of time a sentenced individual in drug court stays on probation after graduation. He suggested that current practice is too long and that the guidelines might address this issue. He recommended discharge after 3 months. This would remove the requirement for paying for cost of supervision and enable payment of drug court fees. Henry Atencio expressed support for this concept. It was offered that phase 4 needs to look more like “life”, with reduced court involvement and probation supervision beyond whatever a reassessment of risk shows the person to need. It was suggested that “court supervision / probation” replace IDOC supervision. Scott Ronan indicated that the court has data that could support a consideration of discharge planning length of probation related to recidivism.

The Standards and Guidelines workgroup will plan to bring the revised standards to the next Committee meeting. During the summer more work will be accomplished to developing guidelines for medication assisted treatment and determination of what is a standard and what is a guideline.

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

Director Sharon Harrigfeld reported on the Department of Juvenile Corrections. She highlighted the strong partnership with counties which operate both the front end and back end of the juvenile justice system in the state. 95% of juvenile justice takes place at the county level. The Department had a \$900,000 cut to the substance use disorder (SUD) budget. One third of the funding goes to the local government units. The department uses the Change Company programs in their facilities. Counties develop individual plans for the use of SUD funding.

Norma Jaeger commented that after the adult drug court guidelines and standards are finalized, there will be a workgroup to address juvenile drug court guidelines and standards. Volunteers were sought for this workgroup. JoAnn Martinez and Paul Meigio volunteered and Jason Dye (Pocatello), Judge Mick Hodges, (Mini-Cassia), Judge Ingram (Supreme Court Juvenile Justice), and Judge Dayo Onanubosi (Caldwell) were recommended for participation along with representation from county probation and treatment. Norma Jaeger will convene and staff this process.

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

Behavioral Health Division Director Ross Edmunds reported for the Department of Health and Welfare (DHW). The DHW budget receives funding for DUI courts, domestic violence courts and for supervised misdemeanants. They will explore the possibility of some funds to be moved to the Court, either through legislative action or an interdepartmental action. Ross stated that he would like to see the peaks and valleys in the use of this funding resolved. He reported that the

recent legislature appropriated 5.6 million dollars in mental health treatment contract funding for felony offenders on probation or parole. DHW wants to see contracts with providers who can deliver integrated co-occurring disorder treatment. DHW submitted an application for funds to address the opiate crisis and will receive about 2 million dollars for treatment and a contract with the Office of Drug Policy to address overdose incidence through distribution of naloxone drugs.

### **Peer Review Update**

Ryan Porter reported that all of the drug courts will have received a peer review at the end of this cycle. The intention is for all courts to receive a peer review once every three years. A number of new peer reviewers have been trained this year and it is gratifying that several judges have joined the peer review ranks.

### **Department of Correction Update**

Director Henry Atencio reported on the Department of Correction. They requested 24 additional probation and parole officers but received funding for 12. They are making changes in supervision practices to provide “focused supervision” to high risk individuals during their initial period on probation. They are also looking at how to improve upon their rider program failure rate of 14%, up from 11%. 70% of riders are high risk individuals. They are happy about the additional mental health resources that will be available next fiscal year.

**Meeting Adjourned (Date of next meeting: September 8, 2017)**