



**The Minutes of the Meeting of the
State Drug Treatment Court Advisory Committee**

**October 18, 2012
Richmond, Virginia**

**SUPREME COURT OF VIRGINIA
Office of the Executive Secretary
Richmond, Virginia**

State Drug Treatment Court Advisory Committee

The State Drug Treatment Court Advisory Committee (SDTCAC) met at 10:00 am on Thursday, October 18, 2012 in the 5th floor Virginia Criminal Sentencing Commission Conference Room at the Supreme Court of Virginia. Chief Justice Cynthia D. Kinser, Chair presided.

The following members were present:

- Hon. Jerrauld C. Jones, Judge, Norfolk Circuit Court
- Karl R. Hade, Executive Secretary, Supreme Court of Virginia
- Hon. Charles Sharp, Judge, Stafford Circuit Court
- Hon. David Peterson, Judge, Fredericksburg Juvenile and Domestic Relations District Court
- Hon. Margaret Spencer, Judge, Richmond Circuit Court
- Tracey Jenkins, Program Specialist, Department of Criminal Justice Services
- Angela Coleman, Executive Director, Commission on Virginia Alcohol Safety Action Program (VASAP)
- Terrell Holbrook, Assistant Chief of Police, Roanoke County, Virginia; Association of Chiefs of Police
- Greg Hopkins, President, Virginia Drug Court Association (VDCA)
- Patricia Shaw, Vice-President, VDCA
- Michael Whipple, SA Program Manager, Department of Corrections (DOC)
- Deron Phipps, Policy and Planning Director, Department of Juvenile Justice
- Cheryl Robinette, Coordinator, Tazewell Adult Drug Court
- Catherine Ruzs, Esq., Attorney, Virginia Indigent Defense Commission
- Hon. Jack Weisenburger, Sheriff, Bristol; Virginia Sheriff's Association
- Bettina Coghill, Director, Riverside Community Corrections; Virginia Community Criminal Justice Association
- Natale Ward, Sr. Director Intellectual and Developmental Disability Svcs., Hampton/Newport News Community Services Board; Virginia Association of Community Services Boards

The following guests were present:

- Hon. Frank Benser, Judge, King George General District Court
- Carol Powell, Coordinator, Fredericksburg Area DUI Drug Court
- Hon. Louise DiMatteo, Judge, Arlington Circuit Court
- Dana Mertz, Sentencing Advocate, Public Defenders Office, Arlington County
- Joe Bullock, Ed.D, Director, Substance Abuse Services Bureau, Arlington County Department of Human Services
- Matthew Foley, Public Defenders Office, Arlington County
- Dr. Fred Cheesman, Principal Court Research Consultant, National Center for State Courts (NCSC)
- Tara Kunkel, Principal Court Research Consultant, NCSC

The following staff members were present:

- Paul DeLosh, Director of Judicial Services, Supreme Court of Virginia
- Anna Powers, State Drug Court Coordinator, Supreme Court of Virginia
- Lakresha Etheredge, Assistant to Drug Courts, Supreme Court of Virginia

WELCOME & INTRODUCTIONS

Chief Justice Kinser called the meeting to order and welcomed those in attendance. She began with sharing the change in legislative budget language that will permit drug courts that are not requesting state funds to operate without General Assembly approval. Applications will continue to be reviewed and approved by the Advisory Committee.

APPROVAL OF MINUTES

The next order of business was approval of the April 12, 2102 meeting minutes. Judge Charles Sharp, Stafford Circuit Court, moved to approve the minutes and Judge Margaret Spencer, Richmond Circuit Court, seconded. The motion carried to approve the minutes as submitted unanimously.

Chief Justice Kinser commended the Committee for their continued commitment to drug courts and turned the meeting over to the Vice-Chair, Judge Jerrauld Jones.

GENERAL ASSEMBLY UPDATE

After introductions of meeting attendees, Karl Hade, Executive Secretary, Supreme Court of Virginia reported the 2012 General Assembly session was a successful session for drug courts. During the 2011 session there were a number of localities seeking permission to establish drug

courts. The General Assembly did not approve the drug. Mr. Hade reported he and Chief Justice Kinser met with the governor prior to the recent session requesting his support for drug courts. In response, the governor submitted budget language that provided the ability for drug courts to be established without General Assembly approval, providing funding comes from federal grants and/or local sources. Mr. Hade added he is hopeful the language will streamline the application and approval process for drug courts. He further noted the state funding provided to support 14 of Virginia's drug courts was not cut as a budget line item during the 2012 session. In years prior, funding for drug courts had been cut then restored.

PROGRAM PROGRESS

Paul DeLosh, Director of the Department of Judicial Services, Supreme Court of Virginia, updated the Committee on recent activities of the state drug court office and drug court programs across the Commonwealth.

1. The Virginia DUI Drug Court Conference was held on September 18-19, 2012 at the Williamsburg Hotel and Conference Center.
 - a. Attended by approximately 200 people including 25 judges (best judge attendance rate).
 - b. The Department of Motor Vehicles (DMV) grant has been awarded for the 2013 conference. This will be scheduled in May or June of 2013. The location is to be determined.
 - c. The DMV is requesting a greater partnership with drug courts. Such as requesting drug court activities to recognize National Impaired Driving Prevention in December. Information has been forwarded to Virginia's drug court coordinators.
2. Fourteen Virginia Drug Court grants
 - a. No problems with any reports the last quarter.
 - b. FY2013 first quarterly reports were due October 16th.
3. Virginia Drug Court Data
 - a. Juvenile drug court was pulled from the database and sent to the Department of Juvenile Justice for analysis.
 - b. Adult, family and DUI data to be pulled in October 2012 to send for records check.
4. Training Grants
 - a. Drug Court Planning Initiative (DCPI) scholarship applications are open. The deadline is November 7, 2012.
 - b. DWI Drug Court Training scholarships applications are open. The deadline is November 30, 2012.
5. Federal Grant Awards
 - a. Anna Powers, State Drug Court Coordinator, Supreme Court of Virginia, announced the Supreme Court of Virginia received a Bureau of Justice Assistance (BJA) Adult Drug Court Discretionary Grant for \$1.5 million

dollars. The grant will allow the court to purchase and implement the Risk and Needs Tool (RANT) assessment for adult and DUI drug court programs as well as the associated training. The grant will also pay for Moral Reconciliation Therapy (MRT) implementation, training, and manuals for adult & DUI drug courts not already using the evidence based program. The RANT and MRT tools are available for adult and DUI programs that are not currently receiving federal grant funds. Local financial assistance will be provided to Norfolk, Chesapeake, Buchanan County, Russell County, Dickenson County, and 30th Judicial Circuit adult drug courts. Funding will go towards specific drug testing supplies. Additional funding will go towards a prescription drug study for five adult drug courts to be determined. Funds will also provide a statewide study of the two regional DUI drug courts in Virginia.

- b. Tazewell County Drug Court was awarded the joint BJA/SAMHSA federal grant.

VIRGINIA DRUG COURT ASSOCIATION UPDATE

Greg Hopkins, President, VDCA, reported the VDCA's next meeting would be held on October 30, 2012 in jointly with the drug court coordinator's meeting at the Glen Allen Library in Henrico, VA. He added the VDCA was also supporting the impaired driving prevention campaign. Mr. Hopkins reported the VDCA 2013 legislative agenda would promote what drug courts do: how they are cost effective, save money, and save lives. In May 2012, the VDCA thanked the Secretary of Public Safety, Ms. Marla Decker, for her efforts and support of drug court at the NADCP Relay for Recovery event in Richmond. The VDCA's goal for 2013 is to encourage all drug courts to actively participate with the association, and to continue to gain support from legislators and the administration.

Mr. Hopkins further reported the VDCA has provided presentations and materials for various association and agency conferences and exhibitions.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE

Judge Jones reported the Executive Committee continues to meet monthly the last Friday of every month by conference call. The committee monitors the activities of the Evaluation, Operation, and Planning and Development Committees. Judge Jones noted a letter from the Executive Committee was sent to judges across the Commonwealth advising them that the May 1st deadline for submitting applications to establish a drug treatment court has been suspended.

OPERATIONS COMMITTEE

Judge David Peterson, Fredericksburg J&DR District Court reported representatives from two localities seeking approval to establish a drug court were present at the meeting. Judge Frank Benser, King George General District Court and Carol Powell, Coordinator, Fredericksburg Area DUI Drug Court were present on behalf of the Fredericksburg Area DUI Drug Court to seek permission to extend the DUI drug court to King George County. The Operations Committee recommended approval and Judge Peterson moved to have the full Committee approve the request. The motion was seconded by Judge Sharp. The motion carried unanimously to approve the request. Judge Benser thanked the Committee for their support and consideration. He advised the expansion of the DUI drug court into King George was based on the suggestion of Ms. Powell who serves not only as coordinator of the DUI drug court but also as Executive Director of the Rappahannock Regional Alcohol Safety Action Program (ASAP). Judge Benser added there were approximately 40 people in the ASAP program eligible for the DUI drug court. Ms. Powell noted she has encouraged other ASAP directors across the Commonwealth to consider creating a DUI drug court program in their area. She further noted the participant contact with the judge is the real difference between the business-as-usual and drug court models.

Judge Peterson acknowledged staff from the Arlington County Adult Planning Drug Court. The Arlington County application requesting permission to establish a drug court was reviewed by the Operations Committee on May 24, 2012. Suggestions and recommendations were provided by the committee and the application was resubmitted. The Operations Committee recommended the application for approval and Judge Peterson moved to have the full Committee approve the application. Judge Sharp seconded the motion. The motion carried unanimously to approve the application. Judge Louise DiMatteo, Arlington Circuit Court, noted the Arlington staff attended the DCPI training in July 2012. The program will begin with a up to 10 participants as the program will be completely locally funded and Arlington County will absorb the drug court participants into the existing system.

PLANNING AND DEVELOPMENT COMMITTEE

Judge Spencer reported the Planning and Development and Operations Committees jointly worked to develop a Sustainability Report that details some of the issues as to why drug courts fail. The committee members reviewed all six (6) drug courts that have closed or been suspended in Virginia since 2004. The major issue reported was funding (including nonmonetary

resources, i.e. personnel). The next step for the joint committees is to develop recommendations. Two foremost recommendations will be mentoring and training. Each of the drug courts that closed or suspended operation did not receive state funds. Judge Spencer suggested the state-funded courts develop a mentoring relationship with new drug courts and drug courts without state funding. Judge Spencer further suggested online drug court training, particularly webinars, be available to new programs and or to persons interested in starting a drug court.

EVALUATION COMMITTEE

Judge Sharp reported the Evaluation Committee meets to monitor the progress of drug courts in terms of both impact and cost effectiveness. He noted the Supreme Court of Virginia was in year two of a two year study for Adult Drug Courts. Year one was devoted to an assessment of the impact of recidivism as a result of drug courts and year two focused on a cost-benefit analysis. Dr. Fred Cheesman and Tara Kunkel, Principal Court Research Consultants, NCSC provided a presentation on the year two results.

Dr. Cheesman began the presentation reminding the Committee of the results from the year one study. The primary finding from the phase one report was that there was a robust and sustained difference in recidivism between the business-as-usual comparison group and the drug treatment court group. The analysis revealed program characteristics associated with the graduation rates and in-program recidivism rates include the use of Moral Reconciliation Therapy¹, the age of the participant, and pre-program arrests and convictions. Participation in drug court decreases the odds of recidivism by 55% compared to the comparison group. The research demonstrates a strong finding that drug courts do work in the Commonwealth and are more effective than the business-as-usual alternatives.

Ms. Kunkel presented the cost-benefit analysis portion of the study. The Transactional and Institutional Cost Analysis (TICA) approach was used to develop the cost-benefit analysis. The model required four steps: 1. understanding the program process and identifying where all

¹ Moral Reconciliation Therapy (MRT) is a cognitive behavioral intervention designed to address criminal thinking. MRT is taught in a group format using structured group exercises and prescribed homework assignments. The MRT workbook is structured around 16 objectively defined steps (units) focusing on seven basic treatment issues: confrontation of beliefs, attitudes, and behaviors; assessment of current relationships; reinforcement of positive behavior and habits; positive identity formation; enhancement of self-concept; decrease in hedonism and development of frustration tolerance; and development of higher stages of moral reasoning. Participants meet in groups, typically once a week, and can complete all steps of the MRT program in a minimum of 3 to 6 months. MRT facilitators must complete 32 hours of professional training and be certified to facilitate MRT.

the transactions were happening; 2. identifying the parties involved and measuring how much time was spent on the transaction; 3. identifying how many times each participant completed each type of transaction; and 4. multiplying the average price of the transaction by the number of transactions of that kind. There were four cost domains: i. placement (cost of arrest to placement in drug court or business as usual intervention); ii. drug court (cost of screening, assessment, drug testing, etc.); iii. outcomes (cost of new arrests, new court hearings, sanction jail time, etc.); and iv. victimization (cost of victimization for new property offenses and new violent offenses). Using these domains, Ms. Kunkel reported that drug courts in the Commonwealth are an average cost of \$17,900 per participant. She noted the figure was not an annual cost but a total cost from assessment to graduation or termination including cost of assessment, treatment, supervision, court oversight and drug testing. A vast majority of the cost comes from substance abuse treatment. The fundamental question of whether drug courts save money compared to business as usual case processing was answered by using the four domains of cost and subtracting the fees paid by drug court participants. The TICA model only looks at the cost for tax payers. Ms. Kunkel reported Virginia's drug courts saved \$19,234 as compared to the business as usual processing. In FY2011, this equated to \$18,022,258 in savings for the 937 participants served. The full report of the findings would be available in December 2012.

2013 MEETINGS

Prior to announcing the 2013 meeting dates, Judge Jones reported he attended the American Judges Association Conference. He noted Judge Steven Alm from Hawaii's Opportunity Probation with Enforcement (HOPE) program was on the agenda. A similar program, Sanctions with Unified Rapid Enforcement (SURE), was developed in Virginia this past year. Judge Jones added the Committee needed to be diligent and gather ideas on how to increase the number of drug court programs in Virginia to take advantage of the opportunity for this body to approve drug courts and continue to inform and educate the community about the benefits of drug courts.

Judge Jones reported the Committee would meet again on April 4th and October 17th in 2013. With no further business, Judge Jones thanked the Committee for their time and involvement on the Committee. The meeting was adjourned.

Respectfully submitted,

Hon. Jerrauld Jones, Judge