

# Minutes

## Special Commission on Substance Addictions Treatment in the Criminal Justice System

**Date:** Friday, January 30, 2015

**Time:** 10:30am

**Location:** Two Center Plaza, Boston, MA

### **Commissions Members Present:**

Harry Spence- Co-chair and Trial Court Administrator

Brian Sylvester – Co-Chair and Director of Inter-Agency Initiatives, Bureau of Substance Abuse Services (BSAS) Representative

Paula Carey- Chief Justice of the Trial Court

Mark Larsen, Esq., -Committee for Public Council Services (CPCS) Representative

John Verner- Assistant Attorney General- Attorney General's Office Representative

Randy Hunt- House of Representatives (via remote participation)

Charlene Bonner- Parole Board Chair

Katherine Chmiel- Deputy Commissioner - Department of Correction (DOC) Representative

Clifford Robinson-Deputy Commissioner – Department of Mental Health Representative,

Edward Dolan- Commissioner, Mass. Probation Service

David Sullivan.- Northwestern District Attorney, Mass. District Attorneys Association Representative

David Henderson- Doctor, Massachusetts General Hospital-Substance Addiction Treatment Representative

### **Visitor Attendees:**

Mary Rafferty-Trial Court Senior Assistant for Administration and Communications,

Sheila Casey-Trial Court Specialty Courts Administrator,

Hon. Mary Hogan Sullivan- Director of Specialty Courts, District Court Department

Linda Holt -Trial Court Director of Research & Planning

James Kelleher- Assistant Superintendent of Western MA Correctional Alcohol Center

Michael Ashe- Hampden County Sheriff, Mass. Sheriffs' Association Representative

I **Call to order:** at 10:40a.m. by Co-Chair Harry Spence.

II **Quorum:** 12 voting members present and 1 voting member via remote participation

**Introductions:** The meeting was called to order by Co-Chair Harry Spence with opening remarks regarding approval of December minutes. The minutes were voted upon and unanimously approved. He then asked Commission Members and guests to introduce themselves.

**Remote Participation:** The first item of business was a discussion of remote participation. Co-Chair Spence reviewed the regulations, and requirements. The Commission then voted unanimously to allow remote participation. At such time Rep. Randy Hunt joined the meeting via telephone.

**Definition of Nonviolent:** Co-Chair Spence then briefly discussed non-violent offenders and the Commission's charge regarding non-violent offenses committed by substance addicted offenders. Co-Chair Spence noted that the Commission should, in its consideration of how to proceed with its charge regarding non-violent offenders, take into account public safety. There was a general discussion of the eligibility for treatment of non-violent offenders.

Assistant Attorney General Verner later raised an issue of possible confusion regarding defining non-violent offender versus non-violent offense. Co-Chair Spence agreed that there is some confusion regarding the terms. Sheila Casey stated that the specialty courts will be using the Risk and Need Triage (RANT) to determine eligibility for specialty courts. Chief Justice Carey added that the Trial Court is working on developing risk assessment in Specialty Courts, as well as working on the issue of disproportionate minority representation.

**Specialty Courts Presentation:** Co-Chair Spence introduced guest speaker Sheila Casey and Judge Mary Hogan Sullivan to provide an overview of the Trial Court's work on specialty courts. They gave an overview of how these courts target individuals with underlying medical, mental health or substance abuse issues that contribute to their criminal behavior. Specialty court sessions enhance public safety and reduce recidivism. Specialty Courts are intended to focus on high risk/high need individuals. Attendance at substance abuse treatment is a requirement of participation in a Drug Court which is the most intensive probation program. Ms. Casey then reiterated the Trial Court's goal is to double the number of drug courts, adding nine more within FY2015 to total 35, with a goal of having 50 specialty courts across Massachusetts by FY2017. Co-Chair Spence referenced the state of New York as a benchmark, and added that the Trial Court intends to provide statewide access to a drug court no matter the location. Judge Hogan Sullivan discussed Veterans Court sessions, which currently operate in BMC and Dedham. Mental illness exceeds substance abuse as the primary issue for many veterans. Veterans Courts have the advantage that veterans seeking treatment can also utilize VA services. In addition to federal VA services, Veterans outreach workers from the state are assigned to the court. In many instances they assist with the common need for individuals hospitalized for mental illness due to post traumatic stress syndrome. She then provided some distinction between Veterans Court and the Drug Court. They differ in sanctions and incentives. She pointed out that incarceration is not an effective sanction for veterans and increases relapse.

The Dudley specialty court session is piloting with low-risk, high need individuals ages 19-25. The Trial Court is working to define standard staffing for consistency. This includes clinicians that are mental health/substance abuse experts. The UMASS Medical Center of Excellence will perform an evaluation to ensure quality outcome data for participants and certification of Drug Courts every 3 years. Representative Hunt spoke about the Bureau of Substance Abuse Services and the need for a representative to attend a meeting and discuss the needs of beds and treatment facilities, so that the Committee could get a better sense and understanding of treatment services.

**Subcommittees:** Co-Chair Spence initiated a discussion regarding Commission subcommittees and directed the Commission's attention to G.L. c 123 § 35. Co-Chair Spence stated that the issues around this section are related to the issues under consideration by the Commission. He raised the question of whether the Commission should have, in addition, to Specialty Courts and Treatment Services, a subcommittee regarding Section 35. After a long discussion, the Commission suggested tabling the sub-committee topic until the next meeting since the sub-committees need to be formed by tasks and delegated.

Co-Chair Spence also raised the questions of whether the notion of sub-committees work or is unrealistic. Co-Chair Sylvester suggested breaking down the charge of the Commission. Co-Chair Spence then reviewed the primary tasks of the Commission's charge as follows: evaluation of SJC Standards, defining non-violent offenses, examining best practices and expanding resources). It was agreed that Trial Court members of the Commission will focus on the SJC Standards and be prepared to discuss them in March.

District Attorney Sullivan stated that there should be a drug court needs assessment. He pointed out that there is a large shortage of beds for treatment and it is a big issue. He raised the question, how do we stabilize and help offenders from relapsing and committing a crime. Commissioner Dolan suggested Deputy Commissioner of Probation Michael Coelho work on a plan for assessing the needs for treatment. The Sheriffs Association will assist on the sub-committee for treatment need assessment along with Representative Hunt, Dr. Dave Henderson, Charlene Bonner and Linda Holt.

III **Other Business:** The Commission members agreed to invite a representative from the Department of Corrections to attend a Commission meeting and present on Drug Treatment session.

Co-Chair Spence reminded the Commission that at the end of 2015 a report needs to be sent to the legislator on their goals and progress.

IV **New Business:** The next meeting is scheduled for February 13, 2015. At the next meeting, the Committee will further discuss sub-committees. Co-Chair Sylvester will present in February on drug addiction and how offenders are placed CJ Carey also requested Co-Chair Sylvester to provide an inventory of the reports that already exist or are being developed. Chief Justice Carey, Court Administrator Spence and Sheila Casey will present a draft report in March on the SJC standards on substance abuse for the Committee to review. Commissioner Dolan was asked to provide data on (RNT) risk need assessment.

**Adjournment:** Court Administrator Harry Spence declared the meeting adjourned by unanimous consent.

Meeting adjourned at 12:40pm