

Minutes

Special Commission on Substance Addictions Treatment in the Criminal Justice System

Date: Friday, December 5, 2014

Time: 10:00am

Location: 2 Center Plaza, Boston, MA

Present: Co-Chair Court Administrator Harry Spence, Co-Chair Brian Sylvester from the Bureau of Substance Abuse Services, Trial Court Chief Justice Paula Carey, Matthew McKenna on behalf of Veteran's Services Secretary Coleman Nee, Mark Larsen, Esq., on behalf of Committee for Public Counsel Services (CPCS) Chief Counsel Anthony Benedetti, Assistant Attorney General (AAG) John Verner on behalf of Attorney General Martha Coakley, Representative Randy Hunt, Sex Offender Registry Board (SORB) Chair Charlene Bonner, Massachusetts Bar Association President Marsha Kazarosian, Deputy Commissioner Katherine Chmiel on behalf of Department of Correction (DOC) Commissioner Carol Higgins O'Brien, Cheri Rolfes on behalf of Executive Office of Public Safety and Security Secretary Andrea Cabral, Department of Mental Health (DMH) Commissioner Marcia Fowler, Alejandro Alves on behalf of Senator John Keenan, Crystal Collier on behalf of Edward Dolan Commissioner of Probation

Other guests in attendance were Mary Rafferty, Trial Court Senior Assistant for Administration and Communications, Georgia Critsley, Trial Court Senior Manager for Intergovernmental Relations and Linda Holt, Trial Court Research Director of Sentencing Commission.

I **Call to order:** at 10:07am by Co-Chair Harry Spence.

II **Quorum:** 13 voting members present

Introductions: The meeting was called to order by Co-Chair Harry Spence with opening remarks regarding meeting materials and Agenda. He then asked each Committee Member to introduce themselves. The first item of business was a discussion of the Special Commission's charge, as set forth in Section 42 of Chapter 258 of the Acts of 2014. Co-Chair Spence first gave an overview of the items to be discussed and raised the question of how broadly does the Commission see its work and whether it should focus its attention on Juvenile, as well as Adult Drug Court.

- (a) **Evaluation of the SJC Standards on Substance Abuse.** Chief Justice Carey stated that the Commission should ensure that the Standards are based on current research. She also discussed the Trail Court's current initiative to standardize Drug Courts. Co-Chair Spence then directed the Commission's attention to the Center for Excellence which will be a resource for the Commission and will pull numbers regarding low risk/high need individuals. Chief Justice Carey discussed sequential intercept analysis, developing increased community involvement, and developing a website with the assistance of UMASS to provide information to communities. Mark Larsen then asked for the director or point person for UMASS to which Chief Justice Carey responded the point person is Ira Packer and funding for this program was received from the Legislature to assist with certification for Specialty Courts.
- (b) **Recommendations for improvement of specialty courts.** Co-Chair Spence stated that much of the Commission's charge regarding specialty courts is underway. He further discussed the Center of Excellence implementation program that Chief Justice Carey will be attending in Shrewsbury the following week. Co-Chair Spence also stated, in January, he expected the Adult Drug Court manual would be ready for distribution to the Commission. Co-Chair Spence also stated that certification of drug courts would be based on their adoption of evidence based practices. Chief Justice Carey also discussed the fact that teams from all Drug Courts were currently attending training.

- (c) **Expansion Costs and Nonviolent Substance Offenders.** Co-Chair Spence stated that the Commission's charge in paragraph c is "the heart of the work we want to achieve" and stated that the goal is to provide drug court services for every person in need. Representative Hunt also agreed. Co-Chair Spence further stated the Trial Court's goal is to double the number of drug courts, adding 9 more with FY15 money and totaling 24 new specialty courts in 3 years. Co-Chair Spence referenced the state of New York as a benchmark, and added the Trial Court expected to, with some 50 specialty courts, have a specialty court available such that any person in the state, no matter where their location, who needs the resources of a specialty court, would have access to one. Chief Justice Carey stated that transferring cases on warrants was a struggle but an easy fix. Representative Hunt stated that there was a similar issue in the Barnstable court where he feels an expansion is needed within the courts that are currently in existence. With such an expansion in Barnstable, the Drug Court could service approximately 100-150 people rather than the current number of 40-45 individuals. Co-Chair Spence posed the question of how to reach all the population. The danger is there are offenders who are low risk/high needs who should be in a different session. Co-Chair Spence also discussed the staffing of drug courts and the courts' need for probation officers, judges and clinicians. Parole Chair Bonner stated that psychologists are also needed and have been hired in the past. Commissioner Fowler then asked is the model pre-or post-arraignment. Co-Chair Spence stated that the model is currently post arraignment. Chief Justice Carey stated that cases for pre-trial services were being reviewed through probation.
- (d) **Non-Violent Offenses Committed.** Co-Chair Spence discussed the Commission's charge in paragraph d and introduced Linda Holt, Director of the Sentencing Commission, who will be working to provide risk/need data regarding substance abuse and non-violent offenders.
- (e) **Definition of Nonviolent.** The Commission also discussed how to define nonviolent. Co-Chair Spence stated that drug courts take some violent offenders and raised the question of how narrowly to define this.
- (f) **Best Practices.** Co-Chair Spence discussed utilizing information from the National Association of Drug Courts Professionals ("NADCP"). Chief Justice Carey confirmed that the NADCP has already done this research and that the Trial Court is working with a consultant who will be assisting with developing best practices by January 2015.
- (g) **Expanding Resources.** Co-Chair Sylvester stated that a healthcare policy panel is currently conducting a study on behavioral health and mental health and suggested bringing that in to help inform the Commission's work. Commissioner Fowler stated that additional private funding may be available. She also pointed out that 90% of substance abuse offenders do not seek treatment. Co-Chair Sylvester stated that there is a RFP out for a central navigation system which could help connect people to resources and pointed out that BSAS' charge is to provide services to everyone in Massachusetts, not just one population. Chief Justice Carey also discussed how the sequential intercept approach can help people find proper resources. Co-Chair Spence also stated that Section 35 is used as a way to access treatment and that part of the UMASS program is to provide resources and assist Drug Courts. Commissioner Fowler stated accessing benefits is crucial to recovery. Many of the offenders do not have employment or stable housing. Matthew McKenna discussed veterans' courts as a possible model, pointing out that recidivism numbers are low in the veterans' courts. He also suggested that the Veterans court provide a model for Drug Courts. A discussion of the difference between drug courts and other specialty courts followed.

Representative Hunt also discussed the peer support requirement in veterans' courts and Matthew McKenna stated that the peer support is a successful program. Co-Chair Sylvester raised the issue of drug courts having different resources available to them in respective communities and wanting consistency provided across all courts. Co-Chair Spence discussed the need for post drug court support and the need for community support in assisting with the transition. When offenders complete drug court after 18months, continued support is important. Lastly, Co-Chair Spence suggested learning from the Lynn Court case management resource system. Representative Hunt inquired whether graduates were being utilized in a role as a

mentor which would assist long term recovery. Co-Chair Sylvester and Matthew McKenna suggested having an individual from BSAS with knowledge of Veteran systems join the subcommittee.

The Committee then briefly discussed the "Open Meeting Law". Representative Hunt asked permission to circulate materials from today's meeting. Georgia Critsley informed the Committee that all information was open to the public under the Open Meeting Law. Marsha Kazarosian brought up the point of limiting communication outside of the meeting due to the open meeting law. It was agreed by the Committee that a website would be put in place by the Executive Office of the Trial Court (mass.gov) to include all committee materials, and meeting minutes.

III **Other Business:** The Committee members were all in favor of inviting a representative from the Sheriffs Association to attend Commission meetings.

IV **Open Forum:**

Representative Hunt asked the Committee to review the Commission's charge and suggested that the Commission also consider minimum mandatory sentencing issues as they relate to non-violent drug offenders. The suggestion was seconded by DMH. The Committee voted to table the suggestion. The Committee also voted to look at the sentencing guidelines at a future meeting. Chief Justice Carey stated that SJC Chief Justice Gants of the SJC has been working on reviewing the sentencing best practices.

Deputy Commissioner Collier suggested looking at the point of access to benefits-who is seeking services and how the community is being engaged to provide resources. Chief Justice Carey stated that people of color are under-represented in the drug courts and stated that the question of why more people of color are not being referred to drug courts should be examined. Co-Chair Sylvester further suggested that the Special Commission review the studies and evaluate the data provided so as not to reinvent the wheel.

The Committee then discussed its work plan and goals for 2015. It was agreed that the Commission will meet monthly and, at each meeting, have 45 minute presentations on suggested relevant topics. The Special Commission will also frame out a report to have a rough draft by March on which to build. The Commission will form 2 key Sub-Committees, Specialty Courts and Treatment. Commission Members will email their preferences of sub-committee membership, recommendations of topics and presentations to Donna Hall (Minutes Secretary) as well as suggestions for non-Commission members for subcommittees. The Commission agreed to fill the subcommittees with other experts or providers. It was also recommended that Judge Mary Hogan Sullivan from Specialty Courts attend meetings.

V **New Business:** The next meeting will be scheduled for January 30, 2015. The Commission voted to hold meetings monthly on Fridays from 10:30-12:30pm. At the next meeting, the Commission will consider of the issue of remote participation. Looking ahead, Brian Sylvester will present for the month of February and Matthew McKenna will represent in March for Veterans Courts.

Adjournment: There being no further business, Court Administrator Harry Spence declared the meeting adjourned by unanimous consent.

Meeting adjourned at 11:35am