

# Governor's Advisory Commission on Opioids and Addiction

## Virginia Specialty Dockets: Drug Treatment Court Dockets

*“Providing Treatment, Promoting Recovery, and  
Saving Lives”*

Hon. Jack S. “Chip” Hurley, Jr., Judge  
Vice Chair, Drug Treatment Court Advisory Committee  
Tazewell County Adult Drug Treatment Court  
March 15, 2019



# Objectives

- † **Virginia Drug Treatment Court Dockets**
- †† **Benefits of Medically Assisted Treatment (MAT)**
  - ✦ All Eligible Drug Court Participants
- ††† **Proposed Funding Formula**
  - ✦ Establish Sustainability
  - ✦ Ensure Accountability
- †††† **Adult Drug Treatment Courts in Every Judicial Circuit**

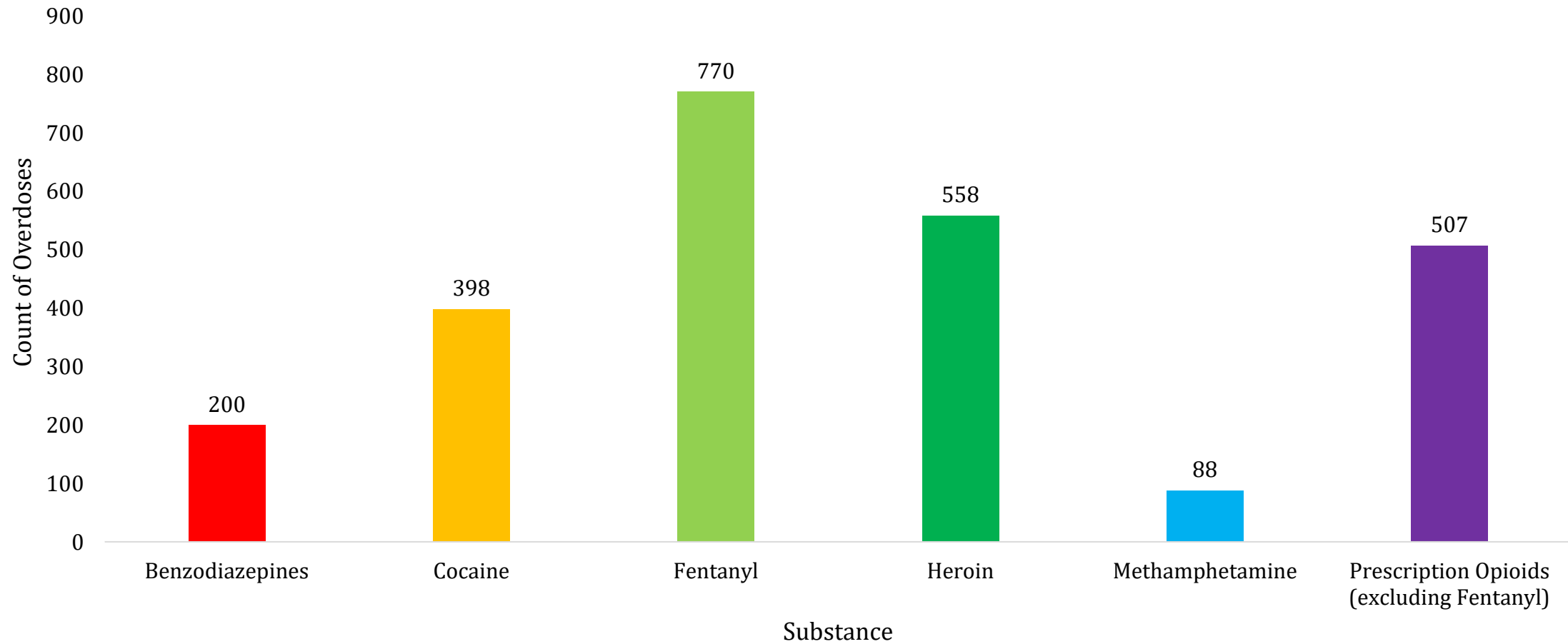


# 47,600 Individuals Died the United States From Drug Overdoses in 2017

(Pecto Park, San Diego – Capacity 42,445)



# Fatal Drug Overdoses in Virginia, 2017



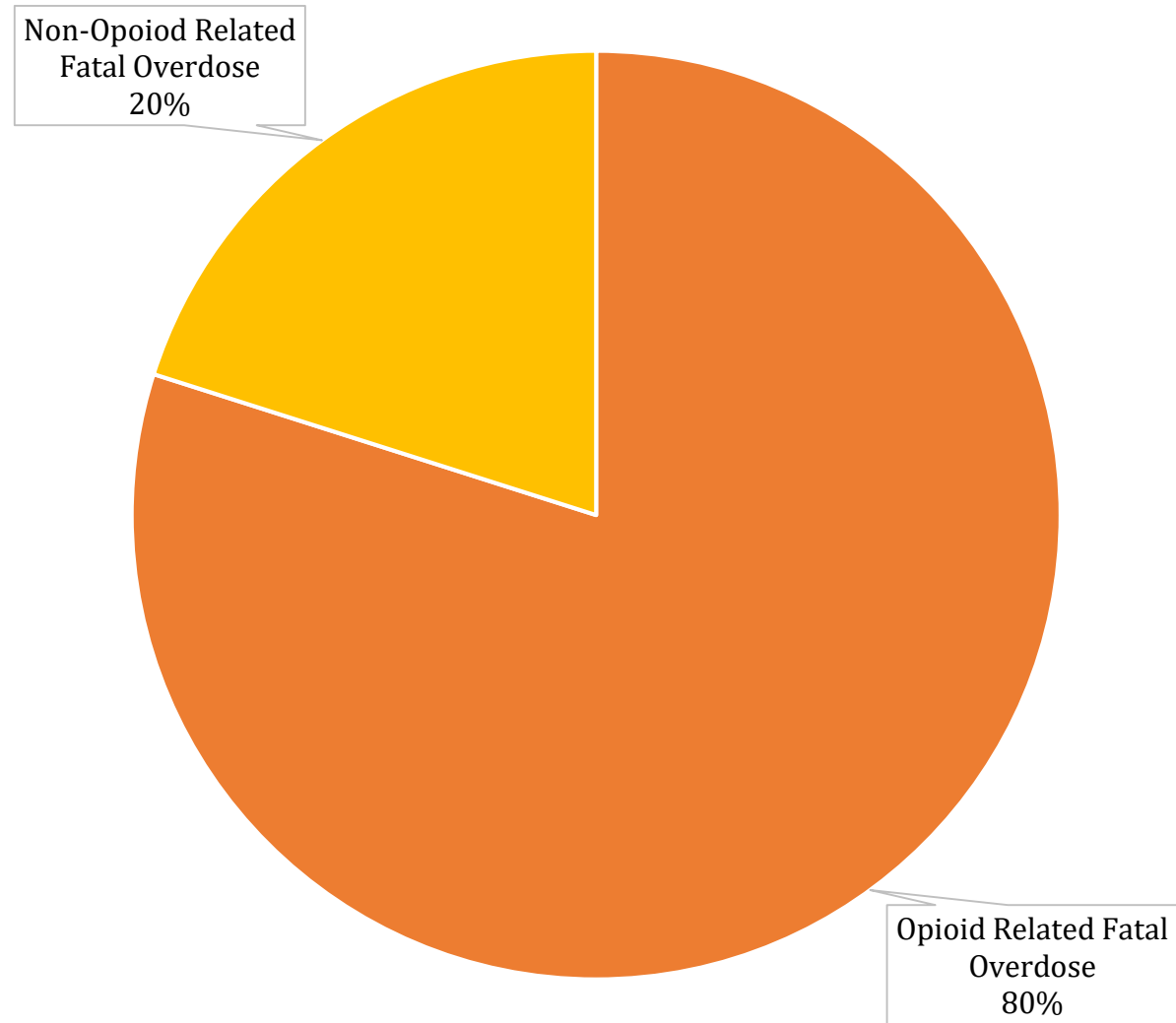
**Note: Deaths may be represented in more than one category.**

Virginia Department of Health, Office of the Chief Medical Examiner (July, 2018).

<http://www.vdh.virginia.gov/content/uploads/sites/18/2018/07/Quarterly-Drug-Death-Report-FINAL-Q1-2018.pdf>

# Fatal Drug Overdoses in Virginia, 2017

Of the 1,538 instances of fatal drug overdose in 2017, 1,229 or **80%** were related to the use of opioids.



Virginia Department of Health, Office of the Chief Medical Examiner (July, 2018)

<http://www.vdh.virginia.gov/content/uploads/sites/18/2018/07/Quarterly-Drug-Death-Report-FINAL-Q1-2018.pdf>

# Virginia

*“Even as Virginia expects a slight dip in fatal opioid related drug overdoses in 2018, deaths caused by cocaine and methamphetamines as well as babies born addicted are on the rise, indicating a disease of despair.....*

*what we are dealing with is an **addiction epidemic**, not an opioid epidemic.....we may get a handle on prescription opioids just to see meth and other things take their place.”*

State Health Commissioner M. Norman Oliver speaking at a Virginia Board of Health meeting on December 13, 2018 (Bridget Balch, Richmond Times Dispatch, December 15, 2018)



# Drug Stricken SWVA

Virginia's Rural Communities - Devastated by the Opioid and Prescription Drug Crisis since the 1990s

**TAZEWELL COUNTY CIRCUIT COURT GRAND JURY DOCKET, JULY 8**  
Narcotics cases



**Addison Akers Anderson Barnett Belcher Bucklen Burge Bunks Calfee Collins Coner Cox**



**Deal Green Grose Hamer Harrison Hayes Jennelle B. Johnson R. Johnson Lamb Lewis McCraven**



**McGlothlin Moore Murray Olivo Panagopoulos Pauley Pendergrass Redmond Repass Rife Robertson Robinette**



**Shrader Signon Solis Stinson Thompson J. Tibbs M. Tibbs Vance White Whitt Wyatt**

# Addiction Epidemic

Left Fork  
Business as  
Usual (BAU)



Right Fork  
Drug  
Treatment  
Court Dockets



# Virginia Drug Treatment Court Dockets

*As an alternate to traditional court processing, **drug treatment court dockets** have proven successful in deterring addicts from future criminal acts.*

*The **Recidivism Rate** of drug court graduates are approximately half or less than the re-arrest rates of non-drug court graduates.*





## Virginia's Drug Treatment Court Dockets Save \$\$\$

- \$ Virginia drug treatment court program saved nearly **\$20,000** per participant for total costs against the similar comparison group who were in a **“business as usual”** model.
- \$ In that same year the Impact Study reported Virginia's recidivism rate was **26.6%** for Drug Court and **40.4%** for a matched comparison group for a new conviction and **15.2%** compared to **26.1%** respectively for a new felony conviction.
- \$ Virginia's recidivism rate measured by rearrests, of **45%**, indicates that Virginia drug courts as a whole out-perform many drug courts in other states at **52%**.
- \$ These findings suggest a robust and sustained impact of drug court on recidivism compared to the business-as-usual alternative.

# Virginia's Drug Treatment Court Dockets

- ✓ **36 Adult Drug Treatment Courts**  
*+ 2 Not Operational*
- ✓ **2 DUI Treatment Courts**  
*+ 1 Not Operational*
- ✓ **3 Family Drug Treatment Courts**  
*+1 Not Operational*
- ✓ **7 Juvenile Drug Treatment Courts**





# Virginia's Drug Treatment Court Dockets

## □ Target population:

- high risk/high need, non-violent offenders struggling with *substance use disorder*

## □ Combine comprehensive **treatment** with intensive legal **supervision** and monitoring;

- Utilize Evidenced Based treatment and including Medically Assisted Treatment (MAT) & Moral Reconciliation Therapy (MRT)

## □ Hold participants **accountable**:

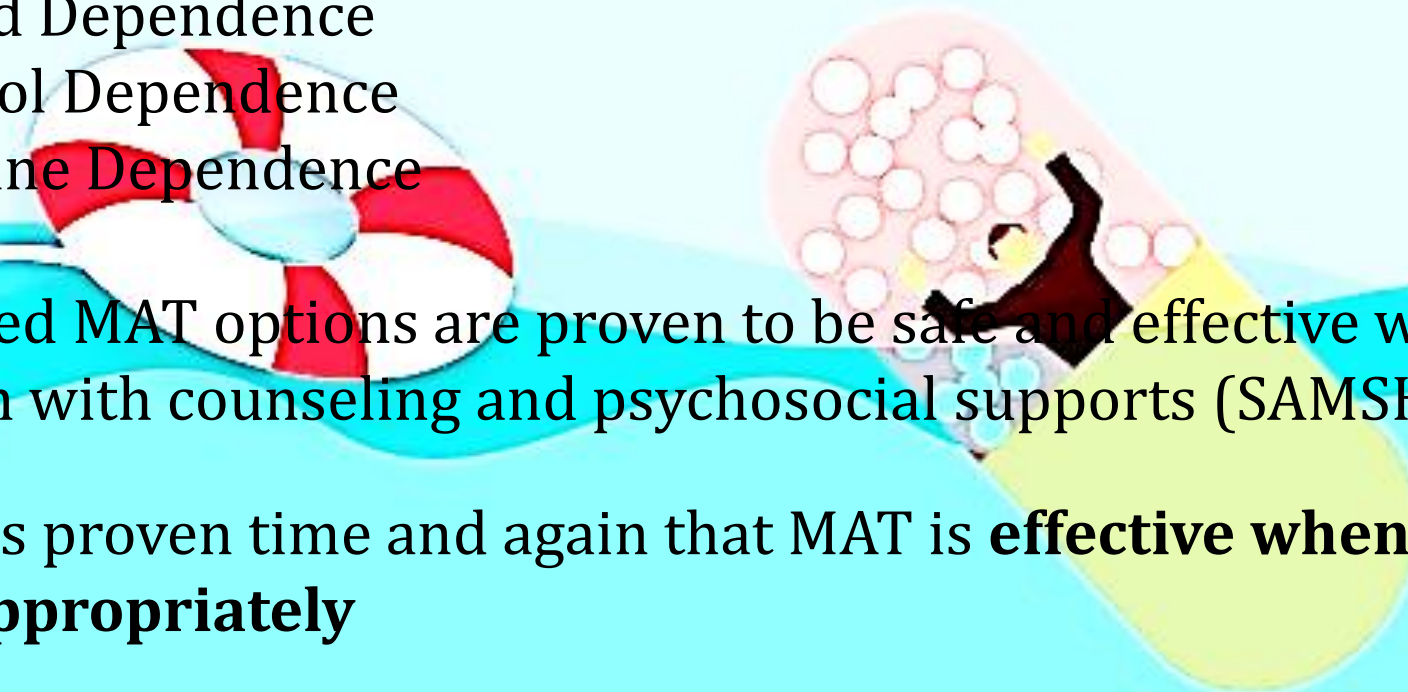
- graduated sanctions for failure to adhere to program rules and expectations and incentives for positive behaviors



# 9 Components of Effective MAT Programs

1. Counseling and other services – plus medication – are essential.
2. Courts are selective about treatment programs and private prescribing physicians.
3. Courts develop strong relationships with treatment programs and require regular communication regarding participant progress.
4. Screening and assessment must consider all clinically appropriate forms of treatment.
5. Judges rely heavily on the clinical judgment of treatment providers as well as the court's own clinical staff.
6. Endorsement of medication-assisted treatment by all members of the drug court team is the goal, but not a prerequisite.
7. Monitoring for illicit use of medication-assisted treatment medication is a key component of the program and can be accomplished in different ways.
8. Medications for medication-assisted treatment are covered through government and/or private insurance programs.
9. Medication-assisted treatment operates very similarly to other kinds of treatment.

# Medication Assisted Treatment (MAT)

- FDA has only approved medication therapy options for the treatment of individuals struggling with the following addictions
    - Opioid Dependence
    - Alcohol Dependence
    - Nicotine Dependence
  - FDA approved MAT options are proven to be safe and effective when used in combination with counseling and psychosocial supports (SAMSHA)
  - Research has proven time and again that MAT is **effective when prescribed and used appropriately**
  - MAT is much **underused**, in part due to **discrimination against MAT patients**, despite state/federal laws prohibiting it (SAMHSA)
- 
- An illustration featuring a red and white life preserver on the left and a yellow lifeboat on the right. Inside the lifeboat, a person is depicted in a dark, distressed state, surrounded by a pinkish, bubbly atmosphere. The background consists of light blue wavy lines representing water.

# Drug Court MAT Policy Example

- ❖ Drug Treatment Courts allows participants to access and receive Medication Assisted Treatment (MAT) services from approved providers.
- ❖ Drug Treatment Court **does not** deny admission to eligible and appropriate referrals who are receiving MAT services and does not require its participants to discontinue MAT services as a graduation eligibility criterion
- ❖ Drug Court allows access to MAT when available through the local Community Services Boards (CSB)
- ❖ Drug Court does not use MAT as an admission criterion or as a graduation criterion
- ❖ Drug Court has relationships with approved local OBOT providers/prescribers, including the Opioid Treatment Program (“methadone clinic”), who adhere to Best Practices for MAT prescribing
- ❖ Drug Court has graduated participants receiving MAT; the decision to discontinue MAT is an individual participant’s decision made jointly with his/her MAT prescriber



# National Drug Court Institute



*“It is not acceptable for drug courts to have blanket prohibitions against MAT or to act on the basis of incomplete or erroneous information when making fundamental decisions that affect participants’ health and welfare. Failing to consider scientific evidence falls short of best practice standards.”*



# Four Keys of Medically Assisted Treatment (MAT)

- Those with **substance use addiction must have access to all FDA approved MAT options**
- Appropriate individuals must have access to the MAT option **most appropriate** for his/her needs
- **reduce the stigma** associated with the use of MAT
- **no recommended maximum duration for MAT maintenance treatment**

*...including Drug Court participants*



**42%** of active drug court participants report opiates as their drug of choice

# Proposed Sustainability Funding Formula

\$ Flat funding allowed only the 14 original Drug Court dockets to be consistently “funded dockets”

\$ 2012 allowed new Drug Court applications to be considered for approval by Advisory Committee if the jurisdiction was not requesting state funding.

\$ Drug Court Dockets rely on:

- In-kind donations for staff and resources from participating agencies and other community partners/stakeholders;
- Federal grant funding sources, i.e., SAMHSA and BJA Drug Court Implementation and Enhancement Grants
- Foundation funds and/or donations with a 501c3 partner

**\$ The General Assembly has now authorized limited funding to address the sustainability needs of current Drug Court programs, and tasked the Advisory Committee with the responsibility of allocating these funds**

# Proposed Sustainability Funding Formula



- ☰ The Committee's proposed formula ensures:
  - ☰ **Accuracy** – measured by data entered in the Statewide Drug Court Database by every operational Drug Court
  - ☰ **Fairness** – eventually provide some level of funding to all operational Drug Court Docket
  - ☰ **Transparency** – measuring data and consistently applying the funding formula with all Drug Court programs
  
- ☰ Factors to consider in formula:
  - ☰ Average number of **active** participants – over the previous three (3) years
  - ☰ the size category of the docket
  
- ☰ **Single floor** funding to be applied to all **adult & juvenile dockets** using three sizes.
  - ☰ **Small** – capacity is maintained with a minimum of ten active participants
  - ☰ **Medium** – capacity is maintained between a minimum of 11 active participants
  - ☰ **Large** – capacity is more than 75 or more active participants

# Sustainability Formula

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\$ The original ten Adult Drug Court Dockets will receive \$240,000 unless their budgets were previously adjusted to less

\$ Original Juvenile Drug Court Docket funding will transition from \$175,000 in FY2020 to \$165,000 in FY2022 and thereafter

\$ Newly funded Adult Drug Court Dockets with over ten active participants will be phased in to receive \$90,000

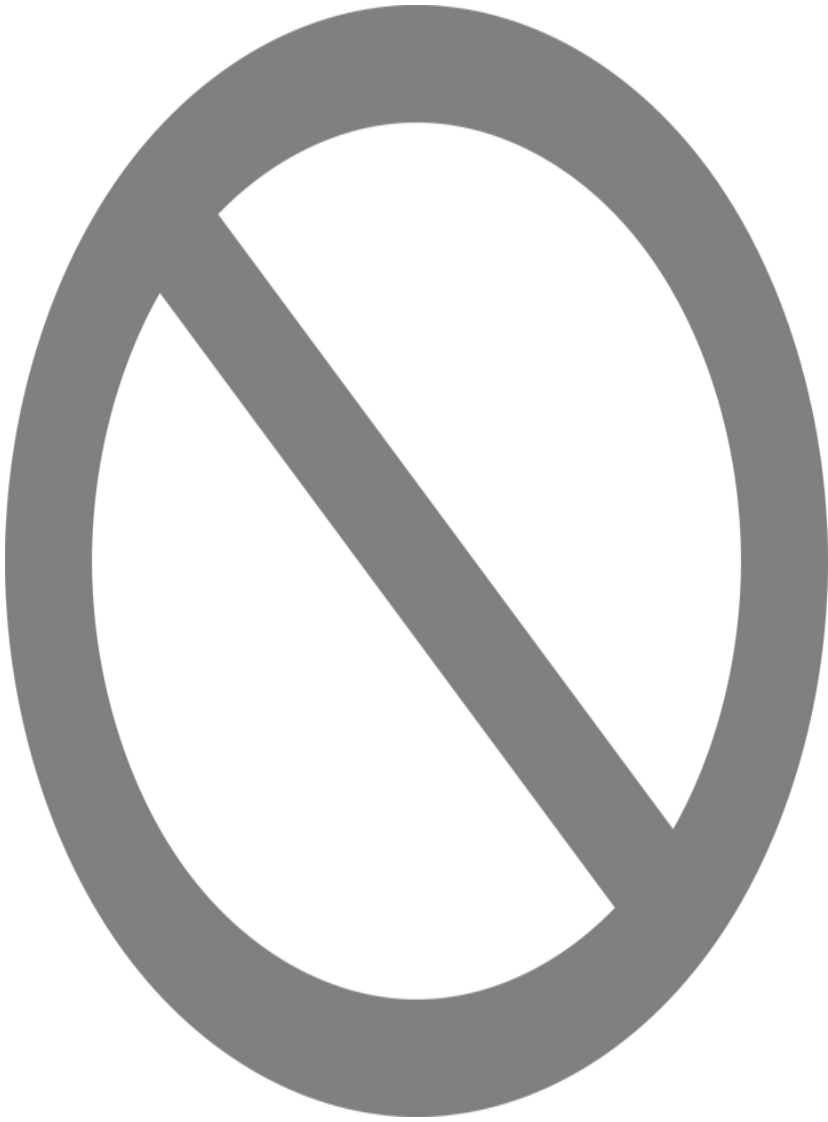


# Sustainability Funding Accountability

Drug Court Dockets supported by these funds must adhere to compliance measures including, but not limited to the following:

- Approved by the Statewide Drug Treatment Court Advisory Committee to operate
- Adherence to the Virginia Drug Treatment Court Standards and the National Ten Key Components for Drug Courts
- Demonstrated use of Evidence Based Practices
- Maintain accurate, complete, and current data in the Statewide Specialty Docket Database
- Complete quarterly progress & fiscal grant reports by the expected target dates
- Maintain appropriate retention and recidivism rates compared to statewide measures

# Pending Additional Funding



**Ineligible** for the first round of proposed funding :

- ⊙ Drug Court Dockets approved but not operational before January 1, 2017
- ⊙ Drug Court Dockets not approved by Advisory Committee
- ⊙ Drug Court Dockets with fewer than ten active participants

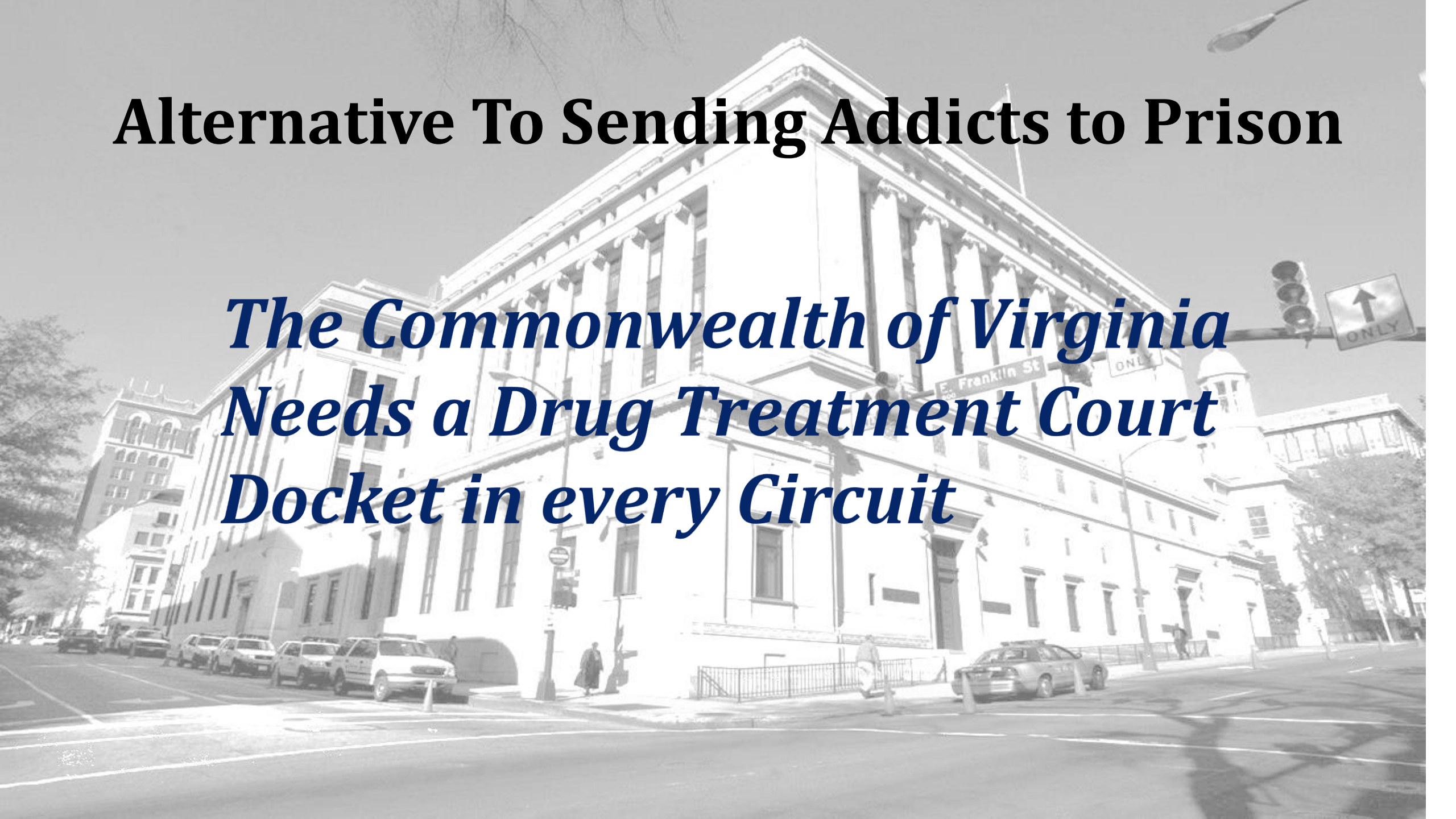


*“Drug Courts are the single most powerful and innovative tool available the criminal justice system in the fight against drug abuse.”*

Hon. Thomas Horne, Judge (Retired)  
Loudoun County Circuit Court

# **Alternative To Sending Addicts to Prison**

***The Commonwealth of Virginia  
Needs a Drug Treatment Court  
Docket in every Circuit***

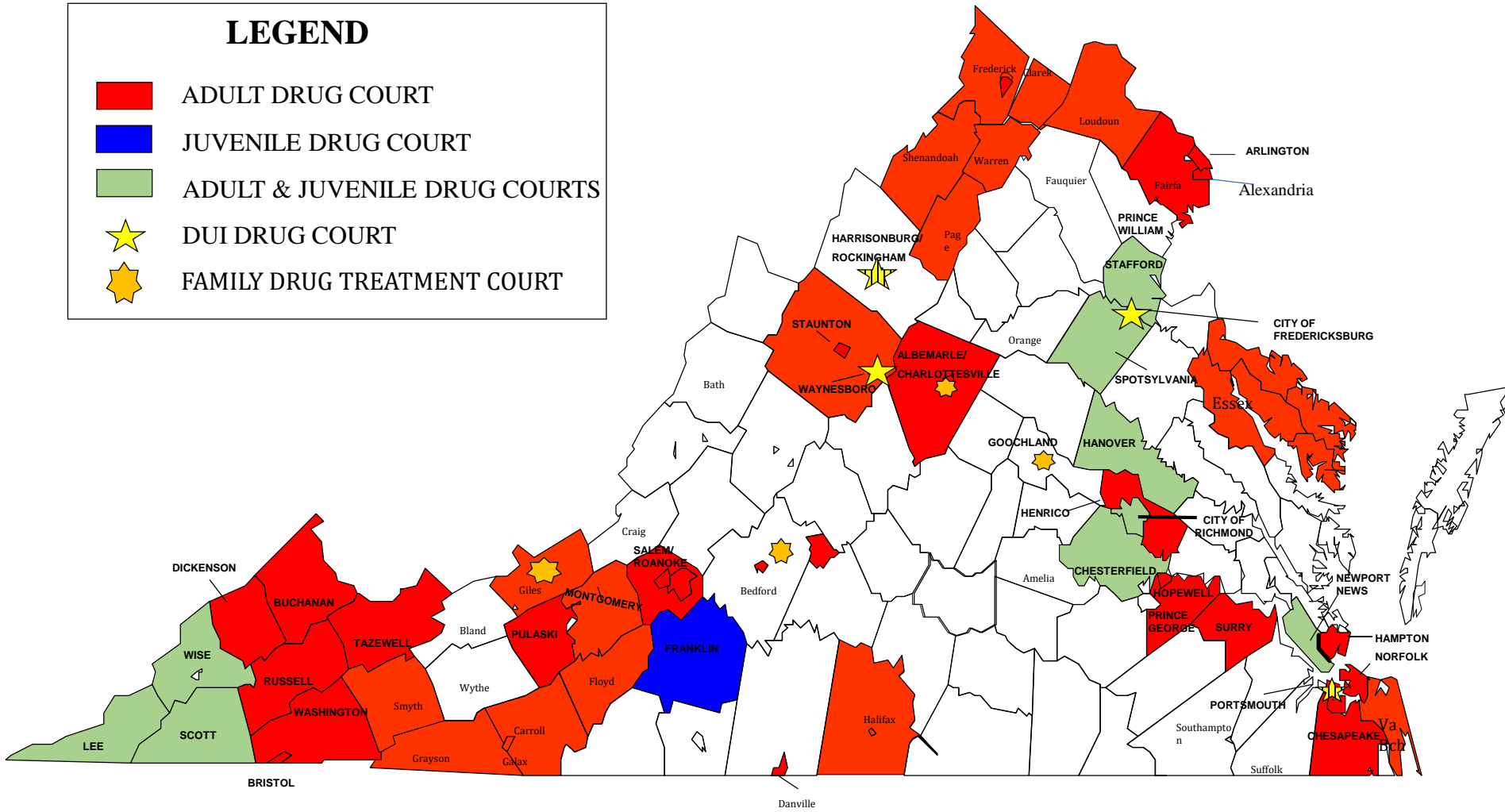




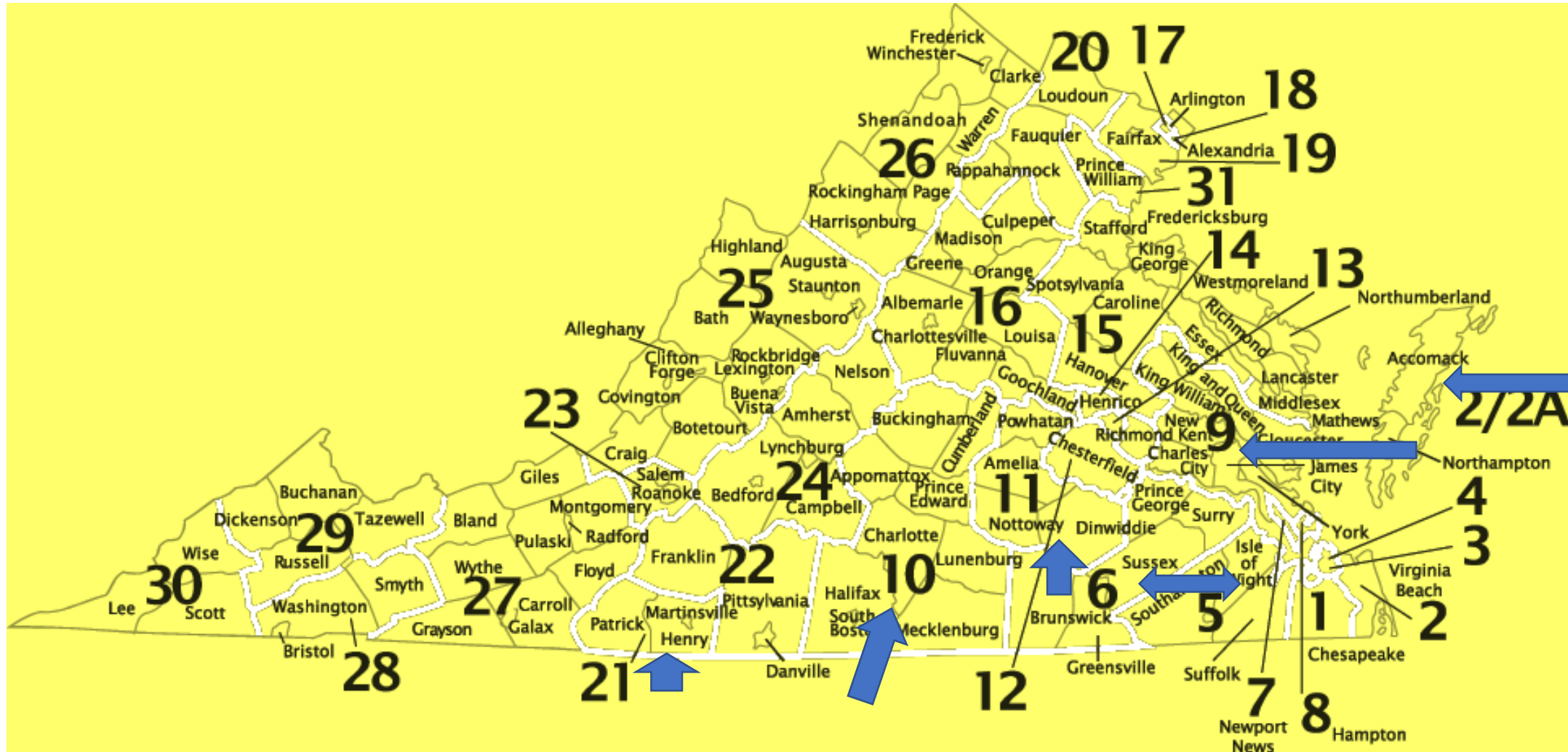
# VIRGINIA'S DRUG TREATMENT COURTS

**LEGEND**

- ADULT DRUG COURT
- JUVENILE DRUG COURT
- ADULT & JUVENILE DRUG COURTS
- DUI DRUG COURT
- FAMILY DRUG TREATMENT COURT



# 31 Virginia Judicial Circuits





# Drug Courts

“Providing Treatment, Promoting Recovery, and Saving Lives”



**Who's on Board?**

# Additional Information

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