

MEETING MINUTES

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| Committee | | Joint Meeting of the UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL and DORA OVERSIGHT COMMITTEE |
| Date | | Tuesday, March 24, 2009 |
| Time | | 12:00 noon – 2:00 p.m. |
| Location | | Utah State Capitol Complex Senate Building – Copper Room |
| USAAV Council | Members Present | Dr. Gary Jorgensen, Harold Morrill, Gaby Anderson, Craig Burr, Senator Chris Buttars, Louis Callister, Santiago Cortez, Commissioner Bill Cox, Forrest Cuch, Kim Gibb (for Commissioner Lance Davenport), Ron Gordon, Verne Larsen, Mark Payne, Craig PoVey, Terry Russo, Richard Schwermer (for Dan Becker), Mayor JoAnn Seghini, Jeff Smart |
| | Members Excused | Heather Borski, Dr. Karen Buchi, Colonel Merrill Carter, Lisa-Michele Church, Judy Kasten Bell, Fotu Katoa, Judge Michael Kwan, Scott Reed, Chief Paul Tittensor, Kirk Torgensen, Anna Kay Waddoups, Karen and Sherm Watkins, |
| DORA Oversight Committee | Members Present | Katie Bernards-Goodman, Craig Burr, David Felt, Ron Gordon, Tammy Hart, Dr. Gary Jorgensen, Brent Kelsey, Denise Leavitt, Dr. Christine Mitchell, Harold Morrill, Richard Schwermer, Jacey Skinner, Adam Trupp, Dave Walsh, Robyn Williams |
| | Members Excused | Cliff Butter, Dan Chesnut, Sheriff Bud Cox, Mike Haddon, Tim Hibler, Stephen Howard, Nori Huntsman, Lohra Miller |
| Guests | | Brent Butcher, Adam Cohen, Kim DeMille, Kevin Eastman, Patrick Fleming, Casey Hill, Stephen Jardine, Shawn McMillen, Richard Nance, Jean Nielsen, Nicole Sherwood, Gary Syphus, Tim Whalen, Travis Wood |
| Staff | | Mary Lou Emerson and Monica Taylor |
| Agenda Item | | Call to Order |
| Notes | | Chairman Gary Jorgensen called the meeting to order and asked everyone in attendance to introduce themselves. |
| Agenda Item | | Review of Legislative Action |
| Notes | | <p><u>DORA Funding Summary</u> Dave Walsh reviewed the current status of DORA funding. The 2009 Legislature appropriated \$3,012,400 in one-time funding for DORA implementation in FY 2009-2010 (beginning July 1, 2009), as follows: \$948,000 to the Department of Corrections for supervision; \$2,009,400 to the Division of Substance Abuse and Mental Health for treatment; and \$55,000 to the Courts. In addition, there is still \$143,000 in ongoing funding that has not been cut from several agencies' budgets, as follows: CCJJ - \$19,500 for evaluation; Division of Substance Abuse and Mental Health - \$83,300 for treatment; and Board of Pardons and Parole - \$40,500. All other DORA funding was cut by the Legislature in either the September 2008 Special Session or the 2009 General Session. Finally, the Legislature appropriated \$700,000 in one-time funding to the Division of Substance Abuse and Mental Health for the current fiscal year (FY 2009) to enable offenders currently in DORA-funded treatment to complete their programs.</p> <p><u>S.B. 202 – Drug Offender Reform Act Amendments</u> Mary Lou Emerson reviewed S.B. 202, passed in the 2009 General Session. The purpose of the bill was to make changes in the DORA statute necessitated by funding cuts and new funding appropriated for FY 2010. The bill does the following: 1) adds “supervision” as a key component of the DORA model; 2) adds language summarizing the goals of DORA; 3) directs the USAAV Council to designate (in cooperation with the Division of Substance Abuse and Mental Health, the Department of Corrections, and the Local Substance Abuse</p> |

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| | <p>Authorities) those Local Authority areas where DORA will be implemented beginning July 1, 2009; 4) adds annual reporting requirements for the USAAV Council, Department of Corrections, and Local Substance Abuse Authorities; 5) provides that beginning July 1, 2009, the Courts shall order offenders convicted of a felony to participate in screening and assessment only as funding allows (not necessarily all offenders); and 6) deletes language providing for parolee participation in DORA-funded services upon release from prison (due to limited funding, beginning July 1, 2009, DORA will be limited to probationers only).</p> |
| <p>Agenda Item</p> | <p>Discussion of DORA Model: How to Best Utilize Funding to Provide Effective Treatment and Supervision for Felony Offenders</p> |
| <p>Notes</p> | <p>Brent Kelsey explained we have a \$3 million opportunity to develop a program to provide treatment and supervision services for felony probationers, and we should utilize this opportunity to look at what works best for this population. Denise Leavitt surveyed the literature and identified seven principles regarding effective DORA supervision and treatment (included in meeting packet), which Brent reviewed (Brent will send a more detailed summary of the research to Mary Lou to distribute to the group). He said DORA is part of a larger issue – the need to provide substance abuse services for the justice population – and that we should develop a comprehensive plan of which DORA is one component.</p> <p>Brent also said the prevention field has taught us a lot about how to go about this, including several steps: 1) identify the problem; 2) inventory existing resources available to address the problem; (3) collaboratively develop a plan; and (4) re-think the evaluation strategy (we have only one-time funding, which leaves only a short window of opportunity to gather meaningful evidence of DORA’s effectiveness). We need to think about where we want to be 12 months from now, when we will be having another discussion about DORA with the Legislature. Brent said he feels if we simply try to shrink the current program to fit the reduced resources, we will not be successful.</p> <p><u>DORA Audit</u> Dr. Chris Mitchell reviewed the DORA Audit findings and the agencies’ collaborative responses to the Audit recommendations. A summary of the findings and responses was included in the meeting packet. Dr. Mitchell emphasized the DORA Pilot Study did find that the essential elements of DORA predicted successful completion of probation, including: completing a treatment admission, agent and offender contact in the community, and short time lags between conviction and probation start.</p> <p>Lou Callister noted he has seen recommendations from the U.S. Sentencing Commission, which has studied the issue nationwide, that states put more money in DORA-type programs because it will result in fewer people in jail, savings of taxpayer money on prison cells, and that those who have the advantage of treatment will be less likely to return to the justice system. Dr. Mitchell said there is a lot of national data that shows substance abuse treatment is effective in reducing recidivism. What we don’t have is evidence of Utah’s specific experience with DORA in our state.</p> <p><u>Treatment Estimates for FY 2010</u> Dr. Mitchell also reviewed projections calculated for probationer admissions to DORA-funded treatment services in FY 2010, based upon admissions data from FY 2008 and FY 2009 with parolees excluded. A copy of the projections, by Local Substance Abuse Authority area, was included in the meeting packet. The projections were based on the current DORA criteria (LSI-R score, no violent or sex offenders, etc.). Chris noted if the geographic implementation is modified from the current statewide model, the eligibility criteria may also need to be changed.</p> |

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| | <p><u>Revisions to DORA Implementation Guidelines</u> Mary Lou Emerson noted the modified implementation of DORA in selected areas of the state may require revisions to the Implementation Guidelines. This task that will be addressed by the DORA Oversight Committee.</p> <p>Richard Nance, director of the Utah County Division of Substance Abuse, expressed concern about the July 1, 2009 date in the Guidelines. If DORA is limited to those offenders convicted on or after this date, a new start up phase will be required and it will be several months before DORA is fully implemented. Mary Lou said the intent is not to stop and then re-start DORA, but to have an uninterrupted transition. Senator Buttar explained the date is related to the new FY 2010 funding and coincides with the fiscal year. Pat Fleming said the Counties’ proposal takes this into account. This and other issues will be the focus of future meetings as the details of DORA implementation are worked out.</p> |
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| Agenda Item | Presentation of Proposals, Discussion and Selection of DORA Implementation Site(s) |
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| Notes | <p><u>Presentation of Proposals</u></p> <p>▪ Utah Association of Counties’ Behavioral Healthcare Committee Adam Trupp, Legal Counsel for the Utah Association of Counties, presented the proposal for the Utah Association of Counties’ Behavioral Healthcare Committee (copy of proposal included in the meeting packet). He said their goal was to keep the proposal as broad as possible and to serve as many clients as possible, recognizing that this is a modification of DORA, but not a complete undoing. The proposal also attempts to address the broader issue of how to address the justice population using available resources. The proposal was to implement DORA in six different Local Substance Abuse Authority areas throughout the state: Bear River (Cache County), Weber County, Salt Lake County, Davis County, Utah County, and Southwest Utah (Washington County). The proposal provided for 12 AP&P agents (with caseloads of about 50 each) and 635 treatment slots.</p> <p>Pat Fleming, director of the Salt Lake County Division of Substance Abuse Services, said the commitment is to keep the philosophy of DORA alive as much as possible, and that all of the Local Substance Abuse Authority areas have agreed to this six-site proposal. He added that the proposal minimizes administration and maximizes services, is a good mix of urban and rural areas and, in terms of improving the economy, the will sustain as many jobs as possible – 12 AP&P agents and 30 treatment providers.</p> <p>Commissioner Bill Cox said to keep the program moving and maximize the available funding, the six-site proposal is the best, and was jointly formulated by the treatment providers and local/county officials.</p> <p>▪ Utah Department of Corrections Robyn Williams, Deputy Director for the Utah Department of Corrections, explained that the \$948,000 available for Corrections does not translate directly to 12 DORA agents. The Department would define a “DORA Unit” of 12 to include 9 agents, one supervisor, one agent assistant, and one UA collector. Keeping a DORA Unit together as a whole would work best for Corrections; spreading the agents throughout the state will not be workable. They have discussed this with Adam Trupp and Brent Kelsey, and while they appreciate the Counties’ attempts to limit implementation to six areas, Corrections does not feel the six-site proposal will work, partially because the AP&P agents work in pairs. They are also concerned with the audit findings for the Department of Corrections regarding co-mingling of funds and having DORA agents supervising non-DORA offenders (mixed caseloads). They would like to keep a functioning DORA Unit together in one area. The only areas that could support such a unit would be Weber/Morgan/Davis Counties (AP&P Region 2) and Salt Lake County (AP&P Region 3), but there is only enough funding for one or the other.</p> |
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Discussion

Pat Fleming suggested Corrections already has supervision and UA capability throughout the state. He also suggested allocating costs via time sheets for agents with mixed caseloads or utilizing another method to account for agents' time. Robyn expressed concern that the issue would then become one of managing paper versus managing offenders/clients.

Jean Nielsen, director of Human Services for Salt Lake County, said the figures show Weber and Davis Counties could not justify 9 agents. Adam Trupp asked since the AP&P agents work in pairs, would be possible to create a system where even numbers of agents could be spread throughout the state.

Santiago Cortez asked what the difference in treatment clients served would be between the two proposals. Robyn said it would depend on the caseloads, for example: with a caseload of 45, 405 clients would be served; and with a caseload of 53, 477 could be served. Santiago said it appears the Corrections proposal would serve 200 fewer offenders than the Counties' proposal.

Senator Buttars said his observation is that the Corrections proposal is much more concerned about costs than about treatment. He feels there has to be a way to work out the accounting for agents' time, and said he is confused about why we would even consider this proposal. Robyn explained the DORA model calls for much more intensive supervision for offenders.

Adam Trupp suggested another option. He noted the three key DORA components are assessment, treatment and supervision, and that perhaps we need to reevaluate what is really needed – do we really need all of these components? He also asked if we could utilize other resources, such as Drug Court, to contribute to the process.

Katie Bernards-Goodman explained in Salt Lake County's Drug Court, they separate case management and law enforcement/supervision. The county sheriff provides five officers to assist them with supervision. Pat Fleming asked if there is an option to have county sheriffs provide the supervision instead of AP&P. Brent Kelsey expressed support for this idea and said it would show creativity and the ability to bring other resources to the table. Gary Jorgensen asked Katie to send studies of the effectiveness of the Salt Lake County Drug Court to Mary Lou.

Santiago Cortez asked about the capacity of the counties included in the six-site proposal to provide treatment. Adam Trupp said we wouldn't be starting from the beginning, that there are already clients in the system, and that each of the areas have the capacity to serve the projected numbers. Pat Fleming explained how the treatment numbers were calculated in the Counties' plan: the total amount of treatment funding appropriated was divided by an average case cost of \$3,300; and the funding appropriated to Corrections was divided by an average AP&P salary of \$79,000, which provides for 12 agents with caseloads of approximately 50 offenders each. He said the goal is to get as many people into treatment as possible.

Shawn McMillen, director of First Step House in Salt Lake County, asked if Weber County has the capacity to provide treatment for 400-600 clients under the Corrections plan. Kevin Eastman, Executive Director of Weber Human Services, said no; they would have to contract for additional treatment services.

Commissioner Cox asked if it would take a statutory change to allow the DORA supervision model to utilize Drug Court or county sheriffs. Katie Bernards-Goodman said the reason

Drug Court has not been used is because the DORA statute requires offenders to be convicted of a felony and Drug Court utilizes a plea in abeyance model. Senator Butters said the two – DORA and Drug Court – should merge together and be one program (and that we may need to change the law).

Rick Schwermer said he feels the Legislature has give us the opportunity to reinvent ourselves, to step back and look at the original intent of DORA, which was to screen and assess every felony offender, then provide treatment for those who need it. We have since added more intensive supervision, limited participation to a certain range of LSI scores, etc. Under the original model, we'll have to serve a lot fewer people, but at least we'll be doing it according to the original intent.

Selection of DORA Implementation Site(s)

Senator Butters said from a 30,000 foot view of this program, we know what it costs to treat a person, and we know how much funding we have. We should divide it up and spread it out as far as we can so we have both urban and rural participating sites. We don't want to present a "corner of Utah" answer – we want to present a "Utah" answer. Senator Butters proposed this as a motion. Commissioner Bill Cox seconded the motion for the sake of discussion. Gary Jorgensen re-stated the motion as follows: to spread the money across the state so we have an urban/rural mix and a statewide look at what's going on. He then called for discussion.

Dave Walsh asked if we go for a "Utah" view, how we will help the Department of Corrections regarding the limitations on their budget and their model of working in teams. Tim Whalen asked if there is enough flexibility that Department of Corrections agents could have mixed caseloads of both DORA and non-DORA offenders. Corrections said the mixed caseloads and the accounting for the DORA funding were both issues in the audit. Katie Bernards-Goodman asked if clients could just be placed on regular probation (they would be on probation anyway), and have the increased supervision be part of treatment.

Rick Schwermer encouraged a return to the original intent – an "approach" vs. a "program" – fit the approach to the resources versus fitting the resources to the program. He suggested selecting a small geographical area for implementation, screening and assessing all offenders, and providing treatment where needed (versus limiting the eligible population via LSI scores, etc.). Brent Kelsey argued if all offenders are screened and assessed, no funding will be left for treatment. This poses an ethical problem for substance abuse treatment providers who are obligated to provide treatment for those they assess and find to be in need of treatment. In addition, if all of the funding is utilized for screening and assessment, we will have no outcomes to assess the effectiveness of DORA.

Lou Callister asked for Pat Fleming's view on the issue. Pat expressed support for Senator Butters' vision, and said this is what they tried to do with the Counties' proposal. He suggested adopting the six-site proposal and working on the supervision model, whether it is through Corrections/AP&P, Drug Court, or the county sheriff. Each local DORA planning group could create its own supervision proposal. Harold Morrill asked Robyn if Corrections could work on a supervision model to address the six areas in the Counties' proposal. Robyn explained there are six AP&P regions, each with multiple counties.

Senator Butters called for the question on the motion.

Lou Callister made a substitute motion, to support the Utah Association of Counties' proposal and work with AP&P and other entities to provide/design the supervision piece. The substitute motion was seconded by Harold Morrill.

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| | <p>Rick Schwermer said the Counties' proposal is too broad. Katie Bernards-Goodman suggested that we open DORA implementation wide and keep it going until the funding runs out. Santiago Cortez noted the greater the number of counties that are included, the smaller the number of offenders (currently in treatment) who will be out in the cold on July 1st.</p> <p>Dave Walsh pointed out the counties did not have Corrections in the room when they formulated their proposal. Tim Whalen said he feels the counties can work with Corrections to reach a solution.</p> <p>Lou Callister called for the question on the substitute motion. The motion passed with a vote of 14-3 (Richard Schwermer, Ron Gordon and Craig Burr voting in the negative).</p> |
| Agenda Item | Next Steps |
| Notes | Gary Jorgensen proposed that representatives from the six sites in the Counties' proposal meet with Corrections to try to work things out within the next week. It was determined that the following individuals will participate in the meeting: Bill Cox, Richard Nance, Denise Leavitt, Ron Gordon, Harold Morrill, Gary Jorgensen, and three representatives from Corrections. The meeting will be held on Monday, March 30, 2009, at 9:00 a.m., at the Utah Department of Corrections Administration Building (14717 South Minuteman Drive), in the Executive Conference Room on the 4 th floor. |
| Agenda Item | Other Business |
| Notes | No other items of business were addressed. |
| Next Meeting | DORA Small Group: Monday, March 30, 2009 – 9:00-11:00 a.m. – Utah Department of Corrections Administration Building, Executive Conference Room (4th Floor) |

Note: Copies of meeting materials are available upon request by contacting Mary Lou Emerson, USAAV Council Director, at (801) 538-1921 or memerson@utah.gov.