

Problem Solving Courts Committee

December 16, 2011
1:00 pm – 3:00 pm
Indiana Judicial Center, 9th floor

Meeting Minutes

- I. Call to order, review of minutes and introductions
The meeting commenced at 1:10 pm. Members present included Judge Salinas, Judge Surbeck, Judge Niemeier, Judge Trockman, Judge Collins, Judge Vasquez, Judge Happe, Susan Knoebel for Judge Jacobi, Judge Jent and Don Travis. Judge Monroe, Judge Daart and Sheila Hudson participated by conference call. Others present included Tammy O'Neill, Larry Paul, Diane Mains, Mary Kay Hudson, Justin Miller, Angie Hensley and Jamie Bergacs and Travis Robinson.
- II. Education subcommittee report
Angie Hensley provided a summary of the Problem-Solving Court Workshop evaluations and reported that problem-solving court staff orientation is scheduled for March 28-29, 2012. November staff orientation dates are tentatively scheduled for November 26-27, 2012.
- III. Certification update
Justin Miller provided an update of the problem-solving court certification reviews completed by IJC staff since the last meeting.
- IV. AR9/PSC rule amendments update
Diane Mains reported that on November 18, 2011, the Board of Directors approved the committee's proposed revisions to the problem-solving court rules. Amendments to the rules included a revised definition of judicial officer, a provision permitting IJC to extend the certification period and other technical amendments. The amendments were effective upon passage. Ms. Mains also reported that she has been working with Division of State Court Administration staff and the Supreme Court Rules Committee to change the reference from drug courts to problem-solving courts in AR 9 and to adopt a retention schedule for problem-solving court records that is consistent with the probation and court alcohol and drug program records schedules.
- V. Proposed legislative amendment update and discussion
Diane Mains reported that the Board of Directors approved the proposed amendments to the problem-solving court legislation, which included a provision to permit the court to accept individuals on information adjustments, permits problem-solving courts to collect the user and eliminates the requirement that person participating in a problem-solving court in lieu of a non-suspendable sentence must agree to the conditions.

VI. Performance measures task force update and discussion

Mary Kay Hudson reported that the Performance Measures Task Force met earlier that morning. The task force decided to form two separate work groups. One group will draft measures for adult problem-solving courts and the other for juvenile and family problem-solving courts. Both groups are scheduled to meet on February 24, 2012 at IJC.

VII. Reentry court site visits

Judge Surbeck reported that he and several other judges, including Judge Vasquez, Judge Todd and Judge Happe participated in site visits to other reentry courts in Lake, Madison, Grant and Allen counties to learn about various reentry court practices in the state.

VIII. National Initiatives : Adult Drug Court, Family Drug Court and Reentry Court

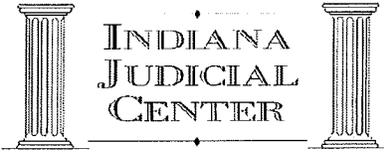
Mary Kay Hudson reported that the National Association of Drug Court Professionals (NADCP) is in the process of developing adult drug-court standards, which will be based upon the 10 key components and current research. NADCP is also in the process of developing key components for reentry courts. Children and Family Futures received funding from OJJDP to develop guidelines for family dependency drug courts. Ms. Hudson reported that she serves on committees for each of these initiatives and will update the members on the progress of each project at future meeting dates.

X. Future meeting dates

- March 16, 2012 1:00 pm – 3:00 pm
- June 15, 2012 1:00 pm – 3:00 pm
- September 21, 2012 1:00 pm – 3:00 pm
- December 14, 2012 1:00 pm – 3:00 pm

XI. Adjourn

Judge Surbeck adjourned the meeting at 2:00 pm



Problem-Solving Courts Committee

September 9, 2011
Meeting Minutes

I. Call to Order and Review of Minutes

Judge Surbeck called the meeting to order at 1:00 pm. Members in attendance were Judge Surbeck, Chair, Judge Collins, Mr. Chris Cunningham, Ms. Sheila Hudson, Judge Jacobi (via conference call), Judge Jent, Judge Miller, Judge Monroe, Judge Niemeier, and Judge Salinas. Others present were Ms. Tammy O'Neill, Ms. Kelly Carter, Ms. Jamie Bergacs, Ms. Angie Hensley, Mr. Justin Miller, Ms. Jen Weber and Ms. Diane Mains.

The Committee reviewed the minutes from the June 24, 2011 meeting. The minutes were approved with the addition of Angie Hensley's name on the attendance list.

II. Committee Membership

Ms. Mains reported that Judge Newman has resigned from the Committee and that Chief Justice Shepard has reappointed Judge Surbeck as chair of the Committee and appointed Judge Happe, Madison County and Judge Vasquez, Lake County as new Committee members.

III. Certification Report

Ms. Mains reported that there are currently 48 certified problem-solving courts (33 drug courts, 8 reentry courts, 3 family treatment drug courts, 2 mental health courts, 1 community court, and 1 veterans' court). Ms. Mains also reported that there are 7 problem-solving courts currently in the planning stages (written notice of intent received by IJC).

Ms. Bergacs reported the up-coming certification schedule to the Committee.

IV. Education Subcommittee Report

Ms. Hudson reported that the 2011 PSC Workshop, "Rethinking Court Responses to Client Behavior: Incentives and Sanctions" will take place on October 24-25, 2011 at the Marriott at Keystone at the Crossing, Indianapolis. As of September 8, 148 team members have registered for the workshop. Ms. Hensley reported that she anticipates receiving the tentative agenda for the workshop next week.

Ms. Hudson also reported that the first PSC staff orientation training will be held on October 12-13, 2011 at the Judicial Center. Ms. Hensley presented the draft agenda for the orientation training. The Committee unanimously approved the agenda.

V. Performance Measures for Problem-Solving Courts

Ms. Mains asked the Committee to approve resuming working on performance measures and to expand the scope of this project to include all problem-solving court models. The Committee previously approved the Drug Court Performance Measures Task Force which was formed in 2007 and met through June 2009. The purpose of the Task Force was to

review the need for adopting statewide performance measures to promote uniform data collection and the ongoing evaluation of drug courts.

The Committee approved reconvening the Task Force with the first meeting to be held on Friday, December 16, 2011, beginning at noon for one hour. Ms. Mains will send out a list of individuals who participated in the Drug Court Performance Measures Task Force to the Committee members. All problem-solving court judges and staff are invited to participate in this process.

VI. Problem-Solving Court Rules

Ms. Mains advised the Committee that neither the problem-solving court statutes nor rules require city court judges operating a problem-solving court to be an Indiana attorney in good standing. The drug court statutes did contain this requirement, but this language was inadvertently omitted from the problem-solving court statutes. At this time there are two city courts operating certified problem-solving courts. The judge of each of these courts is an attorney in good standing pursuant to IC 33-35-5-7(c).

The Committee approved requiring city court judges to be an attorney in good standing as a condition of problem-solving court certification and authorized proposing a rule amendment to the Board of Directors at its next meeting. The Committee will defer to the Board of Directors on its preference for statutory or rule amendment on this issue.

The Committee also discussed the interpretation of Section 17(b) of the rules on process evaluations. The Committee adopted the following interpretation of this subsection of the rules:

- Each problem-solving court certified prior to or on July 1, 2011, shall complete an initial process evaluation no later than June 30, 2014. Subsequent process evaluations shall be completed within each 3-year period thereafter. A written report summarizing the evaluation shall be submitted to the Judicial Center no later than August 1 of each year in which a process evaluation is due. A court may submit the process evaluation report to the Judicial Center any time prior to the due date.
- Each problem-solving court certified after July 1, 2011, shall complete an initial process evaluation within 3 years from the date that the court became provisionally certified. Subsequent process evaluations shall be completed within each 3-year period thereafter. A written report summarizing the evaluation shall be submitted to the Judicial Center no later than 30 days following the completion of each 3-year reporting period. A court may submit the process evaluation report to the Judicial Center any time prior to the due date.

VII. 2012 Legislative agenda items

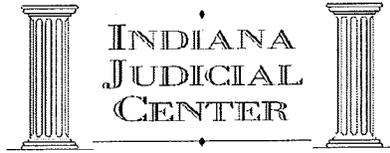
The Committee discussed proposed legislative items for the 2012 legislative session. Judge Salinas recommended that the Committee propose an expungement statute for successful certified psc participants. Judge Salinas will draft the language for the Committee to review before the next Board of Directors meeting in November.

VIII. INSPECT

Ms. Mains introduced the Indiana Scheduled Prescription Electronic Collection and Tracking Program (INSPECT) to the Committee. IJC has partnered with the Indiana Professional Licensing Agency Board of Pharmacy to establish protocols for court staff to access and use INSPECT. An announcement will be sent to all psc when this process has been completed and the application for access is available via the internet. A fact sheet on INSPECT was provided to the meeting attendees.

IX. **Next meeting: December 16, 2011 at 1:00 pm**

X. Adjournment occurred at 2:15 pm.



Problem Solving Courts Committee

June 24, 2011
1:30 pm – 3:00 pm
Indiana Judicial Center, 9th floor

Meeting Minutes

I. Call to order, review of minutes and introductions

The meeting commenced at approximately 1:40 pm. Members in attendance were Judge Surbeck, Judge Jent, Judge Niemeier, Don Travis and Chris Cunningham. Judge Jacobi, Judge Miller and Sheila Hudson participated in the meeting via conference call. Others present included Tammy O’Neill, Jamie Bergacs, Mary Kay Hudson, Diane Mains, Justin Miller and Travis Robinson.

Members approved the minutes from the meeting held April 8, 2011.

II. Education subcommittee report

Don Travis reported that the 2011 Problem-Solving Court Workshop will be held on October 24-25, 2011 at the Marriott North. The agenda will be the National Drug Court Institute incentives and sanctions curriculum. Registration will begin in August.

Mr. Travis reported that the first problem-solving court staff orientation will be held on October 12-13, 2011 at IJC. The education subcommittee will meet in July to finalize the agenda.

III. Legislative Update

Diane Mains reviewed the amendments to IC 33-23-16 adopted by the legislature during the 2011 session (HEA 1153). Ms. Mains highlighted the addition of the term “drug” to the definition of chemical test under IC 33-23-16-2 and a new section to include termination procedures under IC 33-23-16-14.5.

IV. Discussion of board-adopted problem-solving court rules and certification process

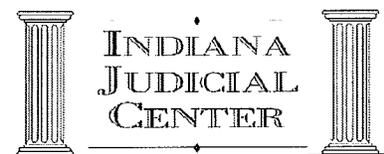
Diane Mains reported that the board of directors adopted the final rules for problem-solving courts with an effective date of July 1, 2011. IJC will begin certification reviews under the new rules beginning this fall.

V. Future meeting dates

- September 9, 2011 1:00 pm – 3:00 pm
- December 16, 2011 1:00 pm – 3:00 pm

VI. Adjourn

Judge Surbeck adjourned the meeting at approximately 2:30 pm.



Problem Solving Courts Committee

April 8, 2011

1:00 pm – 3:00 pm

Indiana Judicial Center, 9th floor

Minutes

I. Call to order, review of minutes and introductions

Judge Surbeck called the meeting to order at 1:00 pm. Members present included Judge Collins, Chris Cunningham, Judge Newman, Judge Trockman, Don Travis, Judge Monroe, Tammy O'Neill, Judge Jent, Judge Niemeier, Sheila Hudson, Judge Salinas and Judge Todd. Others present included Steve Johnson, Indiana Prosecuting Attorneys Council, Jill Alerding and Rhonda Hopkins of Amani Treatment Center and IJC staff members Mary Kay Hudson, Diane Mains, Angie Hensley and Travis Robinson.

II. Education subcommittee report

Sheila Hudson reported that the 2011 Problem-Solving Courts Workshop will be held on October 24-25, 2011 at the Marriott North. The agenda for the workshop will be the National Drug Court Institute's incentives and sanctions curriculum.

The education subcommittee is in the process of developing the problem-solving court staff orientation agenda. The first orientation program is scheduled for October 12-13, 2011. The subcommittee will finalize the agenda once the problem-solving court rules are adopted by the board of directors.

III. Discussion of problem-solving court draft rules and public comment hearing

Members discussed the draft problem-solving court rules dated March 7, 2011. Members agreed upon the following revisions:

- Sec. 14(a)(3)(F) and (I) to reflect that participants may not be compelled to waive constitutional rights as a condition of admission.
- Sec. 18(c) will be amended to indicate that the problem-solving court must consider the results of the IRAS/IYAS when determining eligibility for problem-solving court that accepts participants under a criminal cause number or pursuant to a delinquency petition. The members agreed to remove the language prohibiting a problem-solving court to accept individuals scoring low risk and low need on the IRAS/IYAS.
- Sec. 22 will be amended to add a section indicating that the court may utilize other risk assessment instruments to determine the needs of participants in addition to the IRAS/IYAS.

IJC staff will draft the revisions discussed above and distribute to committee members for review. Upon approval by the committee, the rules will be posted for public comment period of 30 days followed by a public hearing.

IV. Legislative Issues

Diane Mains reported that HB 1153 had passed the Senate on March 15, 2011 and had been referred back to the House. Ms. Mains reported that SB 561 was heard by the House Courts and Criminal Code Committee on April 6, 2011.

IX. Discussion of the role of defense counsel and prosecutors in problem-solving courts

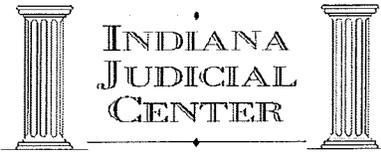
This agenda item was not addressed specifically; however, the committee had a lengthy discussion regarding due process issues in problem-solving courts during the discussion on the rules as noted above.

X. Future meeting dates

- June 24, 2011 1:00 pm – 3:00 pm
- September 9, 2011 1:00 pm – 3:00 pm
- December 16, 2011 1:00 pm – 3:00 pm

XI. Adjourn

Judge Surbeck adjourned the meeting at 2:55 pm.



Problem Solving Courts Committee

January 28, 2011
1:00 pm – 3:00 pm
Indiana Judicial Center

Meeting Minutes

I. Call to order and review of minutes

Judge Surbeck called the meeting to order at 1:03 pm. Members present included Judge Jacobi, Judge Collins, Chris Cunningham, Judge Niemeier, Don Travis, Judge Jent and Sheila Hudson. Others present included Tammy O'Neill, Diane Mains, Travis Robinon, Jamie Bergacs and Mary Kay Hudson. Members reviewed and approved the minutes from the meeting held October 22, 2010.

II. Education subcommittee report

Don Travis reported that the annual problem-solving courts workshop is tentatively scheduled for November 1-2, 2011 at the Marriott North. IJC is in the process of negotiating a contact with the hotel.

The education subcommittee has developed a draft agenda for the problem-solving court staff orientation. Mr. Travis reported that the subcommittee will revisit the agenda once the final problem-solving court rules are adopted. The first staff orientation is tentatively scheduled for October 2011.

Mary Kay Hudson reported that the National Drug Court Institute has selected Indianapolis as a host site for their "Managing Methamphetamine Users in Drug Court" regional training. The training will take place on April 15 at IJC. NDCI will coordinate registration for the event. IJC will notify all problem-solving courts when the registration is available.

III. Discussion of problem-solving court draft rules

- Diane Mains reported that the rules workgroup met earlier that day and continued discussions regarding the draft rules. Sections discussed by the workgroup today included:
 - ex parte communications
 - continuing education for staff
 - team membership
 - policy and procedure requirements
 - user fees
 - evaluations and annual reports
 - eligibility related to risk and needs
 - participation agreement provisions

Ms. Mains reported that the rules workgroup will meet again to review revisions based upon today's meeting and to discuss additional issues. The workgroup anticipates having a final draft for the committee's review at the April committee meeting.

IV. Legislative Issues

- HB 1153
Diane Mains reported that HB 1153 was scheduled for third reading in the House next week. She reported that once the bill passes the House, IJC staff would approach members of the Senate to serve as sponsors for the bill.

- Discussion of Pew / CSG legislative recommendations
Members discussed the various provisions of SB 561 and the potential impact of local probation and community corrections departments. Diane Mains reported that the bill was referred to the Committee on Corrections, Criminal and Civil Matters but had not been scheduled for a hearing. Ms. Mains reported that IJC staff would continue to follow the bill's activity.

IX. The committee will meet on the following dates in 2011.

- April 8, 2011 1:00 pm – 3:00 pm
- June 24, 2011 1:00 pm – 3:00 pm
- September 9, 2011 1:00 pm – 3:00 pm
- December 16, 2011 1:00 pm – 3:00 pm

X. Adjourn

Judge Surbeck adjourned the meeting at 2:55 pm.