



Problem-Solving Courts Committee Meeting  
March 28, 2014  
Meeting Minutes

**1. Call to Order and Introductions**

Judge Trockman called the meeting to order at 1:00 pm.

Members present: Judge Trockman, Chair, Judge Harper, Mr. Ivory, and Judge Niemeier

Members participating via conference call: Mr. Cunningham and Judge Salinas

Guest: Ms. Tammy O'Neill, Porter County

Staff present: Jamie Bergacs, Angie Hensley, Mary Kay Hudson, Chad Long, Diane Mains, and Justin Miller

Introductions were made and Ms. Hudson formally introduced Chad Long to the Committee as the newest staff addition to the Court Services Division of the Judicial Center.

**2. Approval of Meeting Minutes**

Members unanimously approved the December 13, 2013 meeting minutes.

**3. Education Subcommittee Report**

Ms. Angie Hensley reported that the Education Subcommittee met yesterday and reviewed the results of the survey sent to coordinators to ascertain their advice on future training topics. The Subcommittee is considering modifying the survey for use by other team members.

Ms. Hensley reported that new Coordinator Orientation was held on February 17, 2014, and attended by six individuals. A combined problem-solving courts and court alcohol and drug program new Staff Orientation program will be held April 22-23, 2014. There are currently 14 people registered for this training event. New Coordinator Orientation and new Staff Orientation will be held again in September 2014.

The 2014 Problem-Solving Court Workshop will be held on October 7-8, 2014 at the Hilton North Hotel, Indianapolis. The Workshop will commence at 10:30 am on October 7<sup>th</sup> and lunch will be provided on the first day only.

**4. Certification Update**

Ms. Jamie Bergacs reported that IJC recertified six problem-solving courts since the December committee meeting: Madison County drug court, Gibson County drug court, Vigo County drug court, LaPorte County reentry court, Howard County reentry court and St. Joseph County problem-solving court (comprised of the drug and veterans courts). Ms. Bergacs also reported that two courts were provisionally certified during this time period: Allen County veterans' court and LaPorte County veterans' court.

5. **NADCP Best Practice Standards and IJC Certification**  
<http://www.nadcp.org/sites/default/files/nadcp/AdultDrugCourtBestPracticeStandards.pdf>

Ms. Mary Kay Hudson advised the Committee that Volume II of the Best Practice Standards is anticipated to be released at the national conference this year to include three new standards on drug testing, team membership and ancillary services.

The Committee considered how the Best Practice Standards will impact the current certification process. The Committee assigned to the Education Subcommittee the task of reviewing the five standards in Volume I to identify priority issues and consistency with NIC's eight principles of effective interventions. The Education Subcommittee will report back to the Committee at the June meeting as to its progress and projected timeline for completing this project. Judge Trockman volunteered to work with the members of the Education Subcommittee on this project.

6. **IJC Forensic Diversion Grant Application**

Ms. Hudson reported that the Judicial Center was awarded two million dollars to support forensic diversion (mental health and substance abuse treatment services) at the local level. The grant application is currently under development and anticipated to be released within the next couple of weeks. The Judicial Center will consider applications from adult probation departments, problem-solving courts and court alcohol and drug programs that enhance existing operations or increase the current operating capacity to serve moderate and high risk offenders who are at risk of being sent to the Department of Correction. The grant dollars will be available to grant recipients on July 1, 2014.

7. **Revisions to Probation Standards**

Ms. Hudson reported that the final draft standards were adopted by the Judicial Conference Board of Directors on March 7, 2014, with an effective date of July 1, 2014. Training and technical assistance on the new standards will be offered to all probation departments.

8. **Business Court Proposal Update**

Ms. Hudson reported on behalf of Judge Bobay and the Subcommittee that the business court proposal for complex business litigation is currently under development. An update on this project will be provided to the Committee at the June meeting.

9. **Probation Incentives and Sanctions Project Update**

Ms. Hudson reported that the Judicial Center has contracted with the University of Cincinnati to assist with the development of a contingency management system (CMS) for behavioral modification in community supervision. The CMS will be a framework within which each jurisdiction will have the discretion to appropriately respond to its clientele. The project is currently being piloted in Allen, Lawrence and Pulaski counties. The initial pilot phase began in January and is expected to last for at least three months. Following the initial pilot phase, training will occur followed by a second pilot phase projected to occur in late 2014.

10. **Adjournment**

Judge Trockman adjourned the meeting at 2:01 pm.

Remaining 2014 meeting dates:

June 20, 2014

September 19, 2014

December 19, 2014

All meetings are scheduled from 1:00 pm – 3:00 pm



Problem-Solving Courts Committee Meeting  
June 20, 2014  
Meeting Minutes

**1. Call to Order and Introductions**

Judge Trockman called the meeting to order at 1:05 pm.

Members present: Judge Trockman, Chair, Mr. Cunningham, Judge Harper, Mr. Ivory, Judge Jent, and Judge Todd

Members participating via conference call: Judge Bobay, Justice Rush, Judge Salinas, and Judge Vasquez

Guests: Mr. Malone, Monroe County and Ms. O'Neill, Porter County

Staff present: Jamie Bergacs, Maureen Craney, Angie Hensley, Mary Kay Hudson, Chad Long, Diane Mains, Justin Miller, and Jen Weber

**2. Approval of Meeting Minutes**

Members approved the March 28, 2014 meeting minutes.

**3. Education Subcommittee Report**

Ms. Angie Hensley reported that a combined problem-solving courts and court alcohol and drug program new Staff Orientation program was held April 22-23, 2014. New Coordinator Orientation and new Staff Orientation will be held again in September 2014.

The 2014 Problem-Solving Court Workshop will be held on October 7-8, 2014 at the Hilton North Hotel, Indianapolis. The Workshop will focus on the Eight Principles of Effective Interventions. Jennifer Luther from the University of Cincinnati will be the plenary speaker.

The Subcommittee will send out a survey to obtain session topics for the Workshop within the next few weeks.

**4. Certification Update**

Ms. Jamie Bergacs reported that IJC recertified one problem-solving court since the March committee meeting, the Wabash drug court. Ms. Bergacs also reported that the following courts are scheduled for certification reviews prior to the next committee meeting: Porter reentry court, Wabash family dependency court, Lake veterans' court, Monroe drug court, Dearborn drug and veterans courts, Montgomery veteran's court and Lawrence domestic violence court.

The Committee requested that IJC provide an update on Indiana's first domestic violence court certification review in Lawrence County at the next committee meeting.

5. **NADCP Best Practice Standards and IJC Certification**  
<http://www.nadcp.org/sites/default/files/nadcp/AdultDrugCourtBestPracticeStandards.pdf>

Ms. Mary Kay Hudson provided an overview of the Education Subcommittee's review of the impact of Volume I of the Best Practice Standards on our current certification process. A handout containing the Subcommittee's recommendations for incorporating the Standards into the certification process and/or amending the Problem-Solving Courts Rules (PSCR) was provided to the Committee.

The Committee endorsed the following recommendations:

- I. **Target Population** – no PSCR changes were recommended for this standard but the following certification issues were endorsed: (1) to continue to allow local discretion when determining criminal history disqualification, and (2) to enforce the prohibition on disqualifying individuals with co-occurring mental health or medical conditions or individuals who have been legally prescribed psychotropic or addiction medication **if** adequate treatment is locally available. Courts are required to make individual eligibility determination if an applicant falls within one of these categories.
- II. **Historically Disadvantaged Groups** – no action taken on this standard at this time. Incorporate into future research or evaluation discussions.
- III. **Roles and Responsibilities of the Judge** – (1) amend PSCR to establish an initial training requirement for problem-solving court judges; and (2) amend PSCR to require participants to attend status hearings no less frequently than bi-weekly during the first 90 days of program participation and no less frequently than every 30 days in the final stage of program participation.
- IV. **Incentives, Sanctions and Therapeutic Adjustments** – amend rules to require courts to establish a policy and procedure governing the use of jail sanctions in excess of seven days, including an order for the participant's next court appearance.
- V. **Substance Abuse Treatment** – (1) amend PSCR pertaining to team member MOUs to establish the basic responsibilities of team members, including attendance at team meetings and status hearings; (2) amend PSCR pertaining to referral agreements to require courts to provider treatment providers with risk assessment results, obtain information from treatment providers such as group size for segregation by risk level, program curricula used and outline of services provided; and (3) amend PSCR to require courts to establish written policy and procedure for participant medication use, including prescription and over-the-counter medications, use of INSPECT and consultation with treating physician(s).

The Committee made several recommendations for providing additional problem-solving court training opportunities for judicial officers such as targeted sessions at the Annual Workshop and offering training at the September Annual Meeting and new judge orientation.

IJC staff was directed to draft PSCR rule amendments based on these recommendations for the Committee's review at the next meeting.

6. **Business Court Proposal Update**

Judge Bobay reported that he has drafted a proposal with the assistance of Judge Welch and Julie McDonald. Judge Bobay reported that he is in the process of scheduling a meeting with Indianapolis Bar Association representatives and the Governor's Office to present this proposal and obtain feedback. If the proposal is endorsed, he will submit the proposal to the Committee for consideration and recommendation to the Supreme Court. Judge Bobay will keep the Committee updated of his activities on this project.

7. **Fourth Amendment Searches Standard**

Ms. Diane Mains provided the Committee with a copy of the recent case, *State v. Vanderkolk*, No. 79A04-1308-CR-407, N.E.3d (Ind. Ct. App. June 11, 2014), and requested guidance on the search standard to be used during certification reviews. IJC currently uses the “reasonable suspicion” standard consistent with current case law on probation searches. The Committee considered whether this standard continues to be applicable and whether or not the search standard should be incorporated into statute or the PSCR. The Committee advised IJC to continue to use the reasonable suspicion search standard and decided not to formalize this standard into statute or rule at this time pending further judicial review of the *Vanderkolk* case.

8. **Indiana Judicial Center Updates**

• **IJC Community Supervision Grant**

Ms. Hudson reported that IJC is currently in the process of reviewing the 32 grant applications received and intends to announce the grant awards on or about July 1 with the expectation that recipients will commence grant activities within 30 days of the award. There is a total of two million dollars available for distribution to local courts to support forensic diversion (mental health and substance abuse treatment) services.

• **Revisions to Probation Standards**

Ms. Hudson reported that the final draft standards were adopted by the Judicial Conference Board of Directors on March 7, 2014, with an effective date of July 1, 2014. Training and technical assistance on the new standards will be offered to all probation departments.

• **Probation Incentives and Sanctions Project**

Ms. Hudson reported that the contract with the University of Cincinnati to assist with the development of a contingency management system (CMS) for behavioral modification in community supervision is progressing. The CMS is currently piloting in Allen, Lawrence and Pulaski counties. This pilot will conclude in the fall then the project will be expanded to larger number of counties. The long-term project goal is to provide CMS training for every probation department.

• **EBDM Project**

Indiana has assembled a team representing the various disciplines in the criminal justice system for the purposes of applying for a NIC statewide technical assistance grant on evidence-based decision making due in the fall. Grant County staff is serving as consultants on this project.

• **Bail/Pretrial Project**

Chief Justice Dickson established a committee last year to review bail/pretrial practices in Indiana. The committee members attended a NCSC conference in Washington DC last week. The committee will draft a proposal for possible legislative and rule changes to be submitted to the Chief Justice.

• **Committee Membership**

The annual review of Judicial Conference committees is approaching. There will likely be membership changes made by Chief Justice Dickson, effective at the Annual Meeting in September 2014.

- **New IJC Staff**

Ms. Hudson reported that IJC has hired Tareq Nazamy as a Program Coordinator who will be responsible for overseeing certification activities with Ms. Bergacs and Mr. Miller. Mr. Nazemy will be leaving employment with the Marion County drug and reentry courts to start at IJC on July 7, 2014.

**9. Adjournment**

Judge Trockman adjourned the meeting at 2:49 pm.

Remaining 2014 meeting dates:

September 19, 2014

December 19, 2014

All meetings are scheduled from 1:00 pm – 3:00 pm



Problem-Solving Courts Committee Meeting  
December 19, 2014  
Meeting Minutes

1. **Call to Order and Introductions**

Judge Niemeier called the meeting to order at 1:00 pm.

Participating Members: Judge Niemeier, Chair, Mr. Cunningham, Judge Dartt, Justice David, Judge Jent, Magistrate Kitch, Judge Miller and Judge Todd

Staff: Jamie Bergacs, Angie Hensley, Diane Mains and Jen Weber

2. **Approval of Meeting Minutes**

Members approved the June 20, 2014 meeting minutes.

3. **Education Subcommittee Report**

Mr. Chris Cunningham reported that problem-solving court new Staff Orientation program held on September 23-24, 2014, was attended by 31 people.

The 2015 Problem-Solving Court Workshop will be combined with the Court Alcohol and Drug Court Program Annual Meeting and held on October 1-2, 2015 at the Indianapolis Convention Center. A block of hotel rooms will be reserved at the Marriott Courtyard for this event. Attendance is anticipated to be 450-550 at this conference.

Mr. Cunningham also reported that the Subcommittee has developed a list of training topics based on the NADCP Best Practice Standards for the new problem-solving court judge orientation program pursuant to the proposed changes to the PSCR Section 12. It was recommended that training on treatment provider EBP be included in this orientation program. The Subcommittee will continue to refine this list and report back to the Committee.

4. **Certification Update**

Ms. Jamie Bergacs reported that IJC recertified 13 problem-solving courts since the June committee meeting: Porter Reentry Court, Wabash Family Dependency Court, Monroe Drug Court, Lawrence Domestic Violence Court, Montgomery Veterans' Court, Dearborn Drug and Veterans' Courts, Delaware Drug and Veterans' Courts, Kosciusko Drug Court, LaPorte Veterans' Court, Hancock Drug Court, Vanderburgh Family Dependency Court, and Allen Veterans' Court.

Ms. Bergacs also provided the Committee with the requested update on the Lawrence Domestic Violence Court. As of November 23, 2014, this court had three participants. The court assesses applicants with the IRAS-CST and the Domestic Violence Inventory (DVI) and utilizes Stopping Abuse For Everyone (SAFE) interactive journaling with participants as well as refers participants to mental health and substance abuse services as needed. The team consists of Judge Robbins, a prosecutor, a public defender, the chief probation officer, a case manager, a mental health/substance abuse treatment provider, and a victim advocate.

The Committee expressed an interest in learning more about this program. Staff will contact Judge Robbins and invite him to attend the March committee meeting.

**5. NADCP Best Practice Standards and IJC Certification**

<http://www.nadcp.org/sites/default/files/nadcp/AdultDrugCourtBestPracticeStandards.pdf>

Ms. Diane Mains provided highlights of the proposed rule changes in Sections 12, 14, and 27. Committee discussion involved the new language in Sec. 18 prohibiting automatic ineligibility due to co-occurring disorders, medical conditions or taking legally prescribed psychotropic or addiction medication and in Sec 27 regarding the use of jail sanctions in excess of seven days.

Staff was directed to distribute the proposed PSCR rule amendments to all certified courts for review and feedback. Staff will bring these comments and concerns back to the Committee for review and further discussion at the March meeting.

**6. IJC Updates**

Ms. Jen Weber reported that Judge Bobay, Judge Welch and other members of the commercial court working group are moving forward with developing a proposal for commercial court pilot projects to be launched in 2015.

Ms. Weber also reported that Phase 1 of the incentives and sanctions project is currently wrapping up. The Judicial Center worked with Dr. Paula Smith of the University of Cincinnati Corrections Institute to develop a contingency management system for probation officers to use in administering incentives and sanctions to probationers during office contacts. Three probation departments served as pilot sites to test the feasibility of the system: Allen (adult), Lawrence and Pulaski. The Judicial Center was just awarded additional grant funding from the Criminal Justice Institute to conduct a data collection/outcome evaluation pilot with six additional probation departments: Bartholomew, Hamilton, Marion juvenile, Miami, Wabash and Wayne. The Phase 2 data collection pilot will begin in January.

Ms. Weber provided an update on the Evidence-Based Decision Making Project, reporting that the Indiana EBDM planning team (SC, IJC, STAD, DOC, IPAC, PDC, DMHA, etc) submitted its application to NIC to participate in the statewide evidence-based decision making initiative in November. The planning team had a conference call with NIC today to discuss the application. NIC will conduct a site visit in January to meet with the state and local EBDM teams, which include Bartholomew, Hamilton, Hendricks, Jefferson, Porter and Tipton. NIC will select two states to receive the TA and will notify the applicants in late January or early February.

Finally, Ms. Weber updated the Committee on the status of the Evidence-Based Pretrial Release Project. Members of this Committee are visiting Kentucky pretrial services on December 22, 2014 to learn more about Kentucky's pretrial release process and its supervision agency. The Committee is proposing that the Supreme Court authorize a pilot project in 2015 to assess the feasibility of administering a pretrial risk assessment so that information may be used to inform pretrial release decisions, e.g. OR, release with conditions, etc.

**7. Other Business**

- 2015 meeting dates: (all meetings held from 1:00 pm – 3:00 pm at the Judicial Center office)  
March 20, 2015  
June 12, 2015  
September 18, 2015  
December 18, 2015
- Staff reported that Committee member Eric Ivory, Coordinator for the St. Joseph County Drug and Veterans' Courts has left employment with the county and will no longer be serving on the Problem-Solving Courts Committee.

**8. Adjournment**

Judge Niemeier adjourned the meeting at 1:55 pm.