

# **FY19 PALMER WELLNESS COURT ANNUAL REPORT**

## **MISSION STATEMENT**

The mission of the Palmer Wellness Courts (PWC) is to enhance the quality of life in our community and public safety by breaking the cycle of criminality of drug-and-alcohol-addicted persons, and to reduce the cost associated with re-arrest, criminal case processing, confinement; and jail overcrowding. Using evidence-based practices, the Palmer Wellness Court supports participants' abstinence from drugs and alcohol and promotes self-sufficiency while they reside in the community and rebuild their lives.

## **TARGET POPULATION**

The Palmer Wellness Court serves both 1) high risk probationers referred from the Palmer PACE program (Probation Accountability with Certain Enforcement), 2) felony DUI and drug offenders. Defendants charged with property crimes may also be considered if the offense is drug related. The court requires intensive out-patient treatment and is therefore designed to best serve those individuals whose prior attempts at treatment have been unsuccessful. In addition, due to the length and intensity of the court, it is beneficial for a participant to face significant jail time in regards to his/her current criminal charges. The participant must live in Mat-Su Borough and have access to the services required in their case plan.

## **STRUCTURE MODEL**

The Palmer Wellness Court will use multiple models: diversion; post-plea, pre-adjudication; and probation revocation. Each participant is required to plead guilty to the charge(s) at the beginning of the program and sentencing is delayed until the participant graduates, is discharged or opts-out. The plea agreement provides for two alternate sentences: a more favorable sentence if the participant graduates and a less favorable (regular court) sentence if the participant is discharged or opts-out.

This is a voluntary court that requires the consent of the District Attorney's office, the defendant and the Judge, in order for an individual to participate. The court strives to:

Identify potential participants early in the criminal justice process.

Help participants overcome their addiction and maintain sobriety through:

- close court supervision, including frequent court status hearings to check on progress; and
- the use of out-patient substance abuse treatment.

Impose sanctions for non-compliance and provide rewards for achievement.

## **OVERVIEW**

An individual is not eligible to apply to the PWC if:

- He/she is currently charged with an unclassified felony, a class A felony or an offense involving drug distribution;
- He/she has criminal history that includes any prior drug distribution history or he/she has ever been convicted in a homicide case;
- He/she has an outstanding felony warrant and detainer from another state;
- More than two weeks has elapsed since defense counsel received the PWC application.

An individual is eligible to participate in the PWC if:

- He/she is currently has a PTR out of PACE and has been referred to the PWC

- He/she is charged with an offense that is drug or alcohol related;
- He/she is 18 years old or older;
- He/she is not on parole;
- He/she resides in the Matanuska Susitna Borough; and
- He/she has not previously participated more than once in a drug or alcohol therapeutic court.

An applicant meeting the qualification of the PWC does not have a “right” to admission and the District Attorney (DA) reserves the right to veto an applicant’s participation at any point throughout the application process.

All applicants shall be assessed based on the following standards:

- An applicant’s SUD assessment must meet DSM-V criteria for substance use disorder, moderate or severe.
- An applicant must be clinically manageable in an intensive outpatient program.
- If the applicant meets the criteria for substance abuse withdrawal, he/she must be manageable with outpatient intoxication management and he/she will be referred to such services by the PWC Team.
- If the applicant meets criteria for withdrawal and is determined to need withdrawal management inpatient intoxication management, his/her admission into the PWC may be deferred until such time as a detoxification is complete.
- An applicant must be assessed as medium/high risk/needs based on the current risk assessment tool (Level of Service Inventory Revised). Therapeutic Court programs approve low risk individuals on a case by case basis.

#### Additional Criteria

- Any applicant with known cognitive impairment that will impede his/her ability to participate in the program without significant program modifications will be addressed on a case-by-case basis.
- An applicant prescribed benzodiazepines, amphetamines sleep aids, medical marijuana or opiate/ Opioid-based medications for either pain or addiction management will generally not be allowed to participate in the program.
- Alternative options will be explored on a case-by case basis prior to allowing admission to the program.

### **Part A: Meeting Goals and Objectives**

Primary Goal 1: To enhance public safety and improve the quality of life in our community, reduce recidivism/re-arrest and incarceration rates by reducing criminal behavior/recidivism among participating offenders.

Primary Goal 2: Using evidence-based practices, the Palmer Wellness Court supports participants’ abstinence from drugs and alcohol and promotes self-sufficiency while they reside in the community and rebuild their lives.

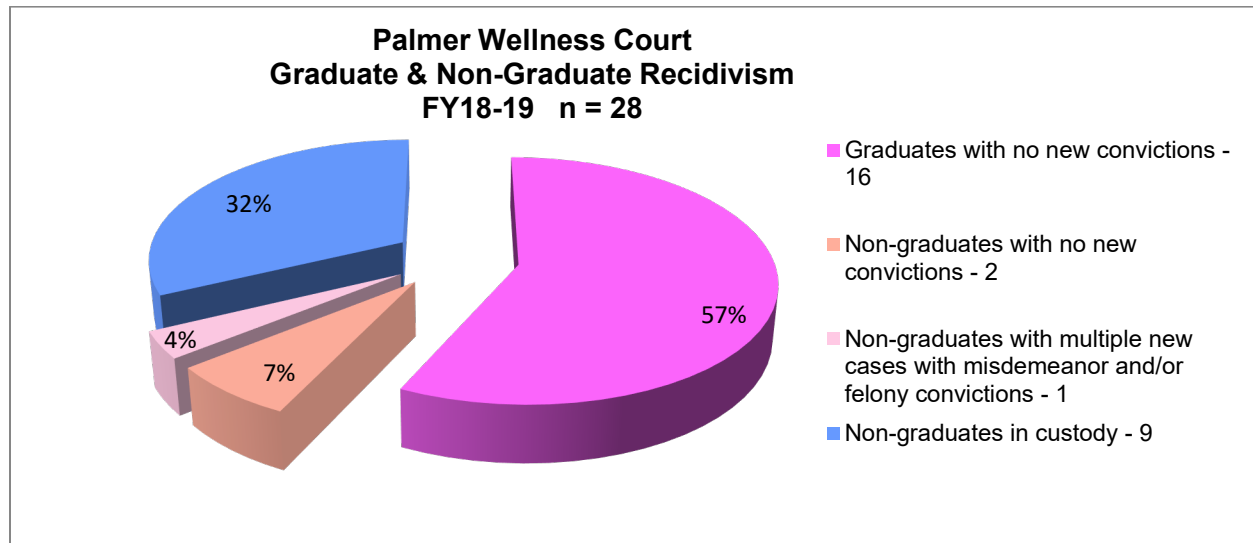
Primary Goal 3: To reduce the cost associated with re-arrest, criminal case processing, and incarceration of PWC participants.

Primary Goal 4: Conduct outreach and work with the Therapeutic Courts Office and Communications Counsel to inform the public about the benefits of therapeutic courts

Primary Goal 5: Complete and document an annual team review of the Therapeutic Court's Policies and Procedures, Client Contract and Client Handbook.

## RECIDIVISM

Goal 1- Reduce criminal behavior/recidivism among participating offenders.



In FY18-19, 100% of graduates did not receive a new conviction. Graduates consisted of 57% (16) of those discharged from the program. 39% (11) of exiting participants were non-graduates who did not receive a new conviction. 29% (8) were immediately remanded to custody to serve their sentence and 11% (3) of the non-graduates, who had absconded, were not immediately remanded. 1 (4%) non-graduate received multiple new cases with misdemeanor and/or felony convictions.

### FY19

28 current participants

15 Graduates

3 Discharged

1 Voluntary discharged

- 1 initial opt in 5/25/2017 —D/C 12/14/2018 (Graduation)
- 2 initial opt in 1/11/2018-D/C 5/28/19 (Opt out) Chose not to continue in the program.
- 3 initial opt in 3/23/2017-D/C 11/09/2019 (Graduation)
- 4 initial opt in 7/13/2017- D/C 02/14/2019 (Graduation)
- 5 initial opt in 11/02/2017-D/C 5/30/2019 (Graduation)
- 6 initial opt in 0/06/2017 - D/C 04/11/2019(ADM Discharge) Absconded
- 7 initial opt in 01/25/2018 - D/C 5/23/2019 (Graduation)
- 8 initial opt in 07/05/2018 -D/C 02/08/2019 (ADM D/C) continue use drugs.
- 9 initial opt in 6/14/2018 - D/C 6/20/2019 (ADM D/C) drove a vehicle without a valid license.
- 10 initial opt in 04/13/2017 D/C 11/14/2018 (Graduation)
- 11 initial opt in 7/20/2017 - D/C 03/21/2019 (Graduation)
- 12 initial opt in 3/30/2017 D/C 07/19/2018 (Graduation)
- 13 initial opt in 3/22/208 D/C 06/24/2019 (Graduation)
- 14 initial opt in 07/20/2017 - D/C 09/11/2018 (Graduation)
- 15 initial opt in 8/31/2017 - D/C 11/16/2018 (Graduation)
- 16 initial opt in 3/23/2017 - D/C 11/09/2018 (Graduation)
- 17 initial opt in 11/16/2017 -D/C 05/09/2019 (Graduation)
- 18 initial opt in 07/6/2017 - D/C 12/13/2018 (Graduation)
- 19 initial opt in 07/06/2017 - D/C 02/14/2019 (Graduation)

## RETENTION & UTILIZATION RATES

Secondary Goal 3: Reduction in direct costs of arrest, judicial case processing and incarceration of participants.

Palmer Wellness Court - Capacity 30 Annual Statistics Comparison FY18-19										
	General Statistics		% Referrals Who Initially Opted In		% Initial Opt-Ins Who Returned to Regular Court		% Initial Opt-Ins Who Signed Rule 11s		% Types of Discharges	
	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19
# Total Participants	35	44								
# Referrals	49	36								
# Initial Opt-Ins	27	20	55%	56%						
# Returns to Regular Court	3	4			11%	20%				
# Formal Opt-Ins/Rule 11s	23	20					85%	100%		
# Opt-Outs After Formal Opt-In	0	1							0%	5%
# Graduates	1	15							14%	79%
# Discharges	6	3							86%	16%
% Average 12 Month Utilization	74%	99%								

The PWC is both a DUI and Drug Court. DUI is a mandatory 18 month minimum program and Drug Court is a 12 month program. The PWC Drug Court should meet an annual retention rate of 75% or greater. In FY19 the utilization rate improved from 74% in FY18 to 99% utilization. In FY19, there were approximately 36 referrals; 20 of those 36 initially opted into drug court (56%) and only 4 were returned to regular court after initial opt-in, 3 were initially opted in but discharged after the R11 and 15 successfully graduated.

**4** participants were returned to regular court after initial opt in but had no R11 agreements for the following reasons:

- 2 were in need of detox and unable to follow through with the plan to participate in detox.
- 1 had a severe mental health diagnosis that the treatment provider thought would be a barrier to their success in the program. They were referred to the Palmer CRP court.
- 1 decided not to continue after the assessment.

**3** participants were discharged post-R11 and/or post-treatment throughout FY19 for the following reasons:

- 1 was discharged upon driving without a valid license;
- 1 was discharged after a large amount of money and drugs were found in his possession;
- 1 participant chose to opt out post-R11 stating they no longer wanted to follow the conditions of the program.

It is discouraging that the participants who were in need of detox were unable to be admitted quickly and therefore did not follow through.

### PACE/PTR Participants

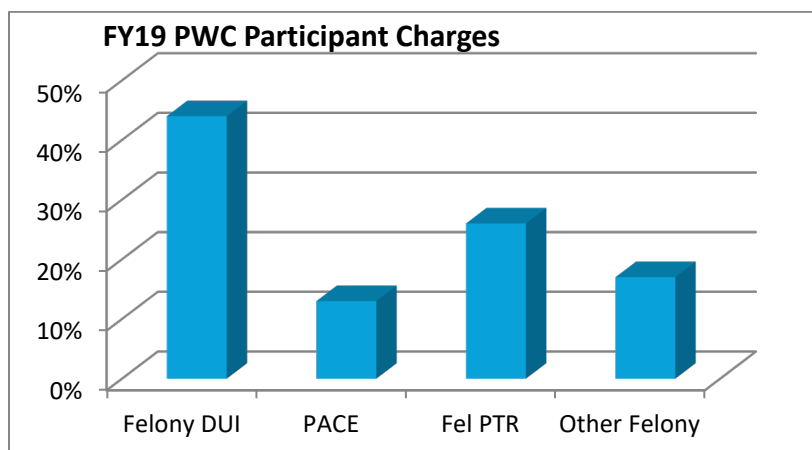
PWC is also taking PACE and Felony PTR referrals into the court. In FY 17-18, 22 PACE/PTR participants were admitted into PWC. In FY17, 1 PACE/PTR was administrative discharged. In FY18,

5 were administratively discharged and 2 ended up not formally coming into PWC. In FY19 10 PACE/PTR participants were admitted into PWC. In FY19 10 PACE/PTR participants successfully graduated and 1 was administratively discharged. At the end of FY19 there were 13 PACE/PTR participants.

Referrals during FY19 continued to be consistent for this court, although several participants started at the same time, and graduated close together.

All referrals must be approved by the DA's office before an application can be provided to the defense attorney for their client. During FY19 we took in the following cases:

- Felony DUI
- PACE/PTR referral (original charges included Burg 1, Vehicle Theft )
- Theft 2

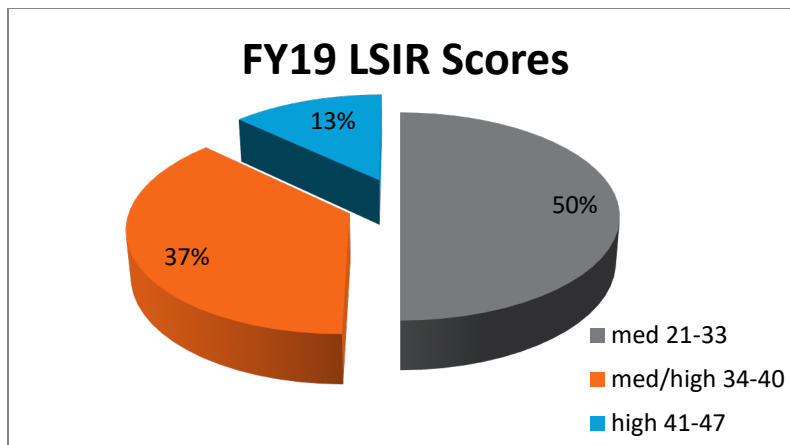


According to the PWC flow chart, an approved referral has two weeks to submit a completed application and then they are calendared for the 1<sup>st</sup> available PWC court date for 1<sup>st</sup> review and initial opt in; this process is contingent upon the program having an opening. In FY19, the average time from referral to initial opt in was 47 days. The time allowed between initial opt in and treatment admit date is approximately 23 days; Some reasons for the delays can include but are not limited to: court is at capacity and waiting for an opening and also when participants are released from DOC on a Monday rather than on a Thursday.

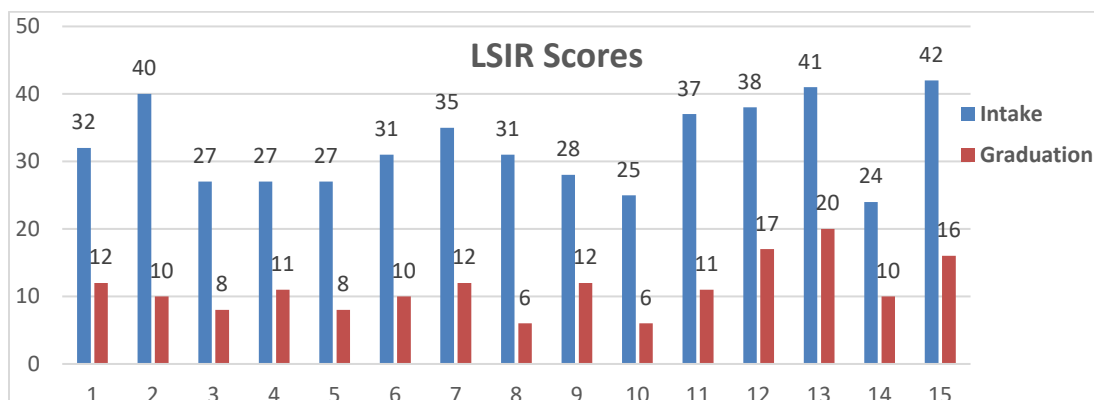
## LSIR

The LSI-R (Level of Service Inventory-revised) is an evidence-based assessment tool designed to identify offender's risk and needs with regards to recidivism. PWC uses this tool to assess the level of monitoring and support needed by each participant. Higher LSIR scores denote higher risks and needs.

PWC participants in FY19 had a broad range of scores, with 44 being the highest and 21 the lowest. The majority were in the medium risk range. This court is the only therapeutic court for drugs and DUI charges in Palmer, so if an individual has a Felony DUI, the only way they can obtain a limited license is by entering this program. Therefore, some individuals with lower scores have been allowed to come in.



LSIR assessments are conducted prior to participants enter the program and again prior to graduation. In FY19, participants who successfully completed the PWC court reflected significant reductions in LSIR scores – averaging a 62% reduction from the point of admission. Risk reductions of this nature should be predicative of lower recidivism rates.



## PARTICIPANT SOBRIETY

### Secondary Goal 2: Reduce and eliminate use of controlled substances and alcohol

#### **Treatment**

The PWC's treatment provider is contracted by DOC. DOC has contracted with Set Free Alaska. Assessments for potential participants are conducted within 5 business days of their initial opt in for individuals who are either in or out of custody.

Behavioral health assessments are conducted and used along with the LSIR (written by the PO) to provide a comprehensive look at each individual coming into the Palmer Wellness Court. Participants with co-occurring disorders are identified during the behavioral health assessments, and these are either provided by Set Free or referrals are made to other agencies if warranted. Updates on mental health treatment are included in hearing updates.

Family education or services are not currently being provided by Set Free however they have plans to provide at least a family education group in the near future.

#### **Medical Assisted Treatment (MAT)**

It is the policy of the PWC Court to incorporate evidenced based practices for drug courts which include the use of medications, in combination with counseling and behavioral therapies, to provide a

holistic approach to the treatment of substance use disorders. Since the beginning of the PWC in 2017, 43 (70%) of participants have been assisted with Vivitrol.

As part of the assessment process the contracted substance abuse treatment provider will screen a participant for the potential use of adjunctive medication. The screen is based on current and past patterns of substance use, level of cravings, current level of stress, age, history of post-acute withdrawal, past use of adjunctive medication, and motivation for recovery. 31 participants received MAT in FY19.

### Peer Support

Peer support brings the lived experience of recovery, combined with training and supervision to assist others in initiating and maintaining recovery. Peer support in the PWC has been an essential component of the court that supports recovery for the participants. Unfortunately, In July 2018 we lost access to peer support for our participants when Set Free Alaska ended their contract with Fiend 2 Clean. In February 2019, Set Free started offering peer support and in April 2019 those housed at True North Recovery started receiving peer support services.

### Drug Testing

Drug testing is conducted on all participants during his or her participation in the Palmer Wellness Court (PWC). Participants are required to complete a combination of random urinalysis screens, portable breath and oral fluid screens. A female part-time UA tech was hired in August 2018 for therapeutic courts. This relieves the female probation officers from having to conduct UAs when colors are called.

### FY19 UA Report

			Negative	Positive - Confirmed	Unclear	Total
No Screen	Excused Absence		44	0	0	44
	Failed To Appear		39	0	0	39
	Total		83	0	0	83
Screens	Specimen Collected	Breathalyzer	8	0	0	8
		Urine Sample	7	1	0	8
		Urine Sample/Breathalyzer	3190	76	11	3277
	Specimen Diluted	Urine Sample/Breathalyzer	1	0	1	2
	Unable To Provide		61	0	0	61
	Total		3267	77	12	3356
Total			3350	77	12	3439

### Sanctions and Incentives

According to National Drug Court Institute Although some sources recommend that rewards should outnumber sanctions by a 4:1 ratio (Gendreau, 1996; Wodahl et al., 2011); this suggestion is based on after-the-fact clinical observations or correlations rather than on controlled scientific studies. In the absence of definitive guidance, a rule of thumb is to have at least equivalent amounts of positive reinforcement and punishment available for participants. There were 394 incentives and 137 sanctions during FY19. FY19 PWC incentives outnumber sanctions more than the 4:1 ratio. 36 participants received incentives and 26 received sanctions. The majority of the incentives were intangible such as verbal praise from the judge, reduced supervision and UA testing, curfew extensions and travel passes. Tangible incentives were mainly gift cards for purchasing food, clothing and other items. Sanctions covered a broader range of actions, from community work service, delayed phase change and verbal reprimands, to jail time.

The average length of time between behavior and sanction is 7 days, typically due to waiting for the next court day to address the issue on the record before a Judge. However, if a participant admits to substance use, screens positive on a drug test or a lab comes back confirmed positive for substances, the PO/CM may put in place some safeguards until the participant's case can be heard in court; for example, the PO/CM would email the team and indicate that they would like to increase UA testing, shorten the curfew and have daily check-ins until the next court date and then discuss other sanctions with the team. These immediate responses are not entered into the sanctions and incentives tab in AKAIMS because they were not imposed while on the record in front of a Judge.

## **ASSISTANCE TO PARTICIPANTS**

Secondary Goal 3.2: To assist participants in regaining their lives.

Secondary Goal 3.3: Decrease participants' reliance upon social and human services and increase their abilities to live independently and responsibly.

Safe and sober housing is essential for participants' success and PWC works with each one to secure housing if they do not have housing available. PWC has contracted beds with both True North Recovery and Knik House. Rent is covered for the first few months if needed with participants expected to actively look for work and pay at least partial rent initially and then the entire rent by the third month in the program.

PWC works with one main provider (Family Health Clinic) in order to help clients get their medical needs met. The PO/CMs and peer support assist all participants in obtaining Medicaid, which stretches resources for PWC participants as it assists with the cost of treatment, adjunctive medication and mental health services. Therapeutic courts have access to emergent funds to assist indigent participants with needs that Medicaid does not cover. Without emergent funds, PWC would not have the funding to assist clients with housing, basic needs and transportation. They are for use at the beginning of the program for occasional emergency needs, and are not to be used as a substitute for employment or for other public or private resources that may be available to the participant.

Transportation is challenging in the Mat-Su Borough and the ability for participants to get to their treatment appointments, UAs, court, and work is necessary for their success in the program. Medicaid vouchers and peer support is used when available, but does not always meet the need. Transportation cost has been high and the Project Coordinator has been working with other agencies to improve options for our participants.

Once the participants leave the probation office, they should have most of their basic needs met: housing, food, and clothing. PO/CMs regularly obtain budgets from participants in order to see if they are managing their funds adequately and to ensure that they can provide for their basic needs. These budgets help to indicate if a participant should pay monthly program fees, if they are capable of paying either a portion of or their entire monthly rent and where their money is going if funds seem to be lacking. PO/CMs also assist participants with educational goals and one goal of PWC is to have everyone graduate the program with their GED if they do not have a high school diploma.

### **Limited Licenses**

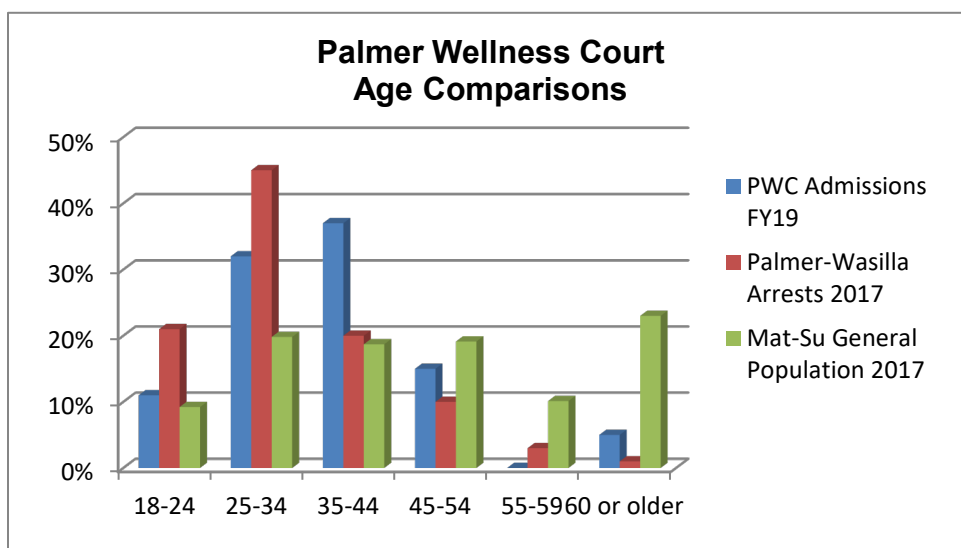
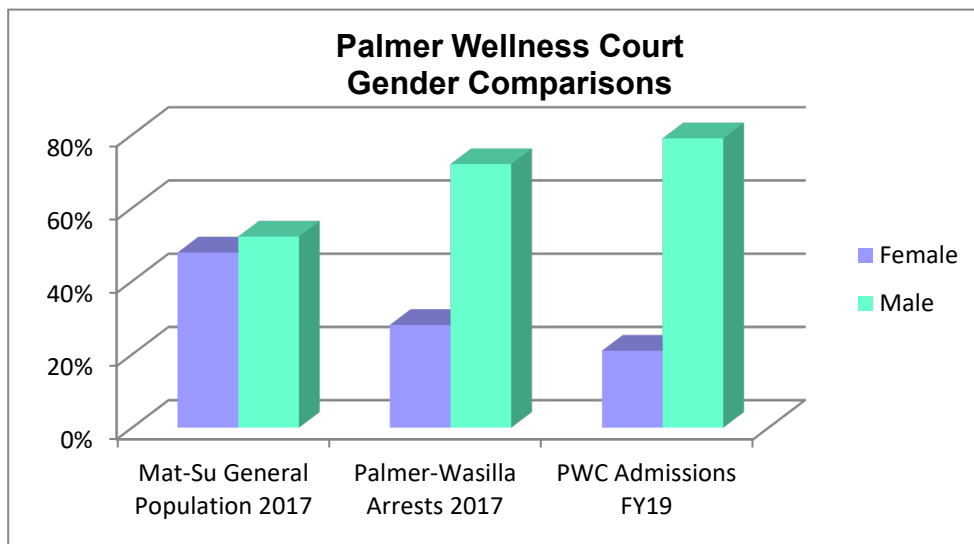
Participants are eligible to receive a limited license once they have met the requirements outlined in the Policy and Procedure manual. The ability to obtain a limited license allows individuals to obtain/maintain a job, get to treatment, go to support meetings and court appointments as required.

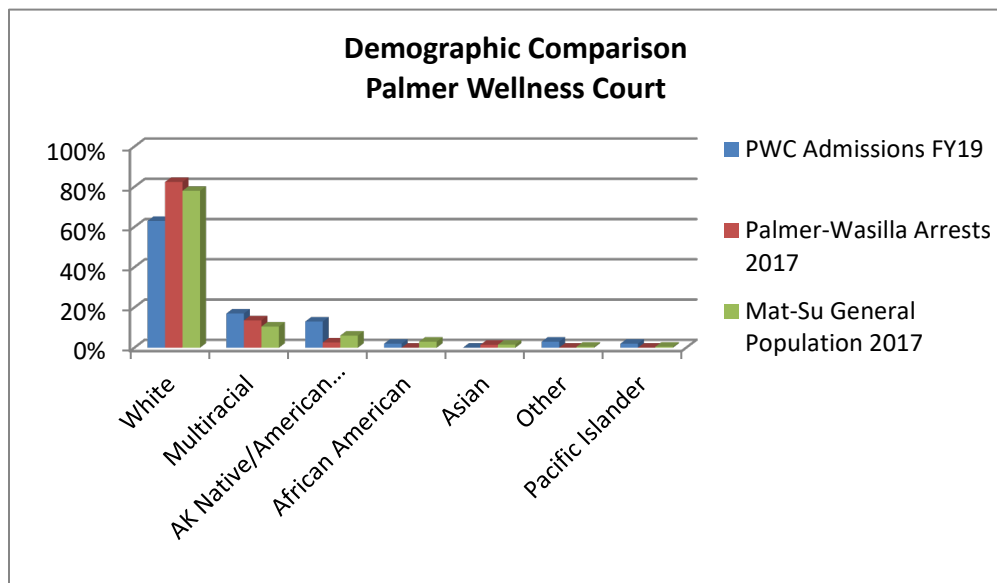


Employment has a positive effect on PWC participants by providing a source of income, transferable skills and experience, and a routine and stable environment. There have been 20 limited licenses issued in the PWC to date.

## Demographics

**HISTORICALLY DISADVANTAGED GROUPS:** Citizens who have historically experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion or socioeconomic status receive the same opportunities as other citizens to participate and succeed in the Drug Court – National Standards for Adult Drug Courts.





## Procedures and Participant Handbook

Primary Goal 5: Complete and document an annual team review of the Therapeutic Courts Policies and Procedures, Client Contract and Client Handbook.

As issues arise, policy and procedures are reviewed often in pre-meet. There were two Administrative meetings scheduled during FY19 on November 2018 (cancelled due to earthquake) and February 2019. All policies were reviewed in July 2018 while specific policies were updated as listed in the chart.

Policy	Implementation	Reviewed/Revised
Mission Statement	Feb 2017	
Structure/Model	Feb 2017	
Target Population	Feb 2017	
Programs Goals and Objectives	Feb 2017	
Participant Eligibility Criteria	Feb 2017	8/01/2019
Disqualification & Discharge Criteria	Feb 2017	
Admission Policy	Feb 2017	
Participant Orientation	Feb 2017	7/01/2019
Supervision Policy	Feb 2017	8/22/2018
Treatment Policy	Feb 2017	
Medication-Assisted Treatment	Feb 2017	7/01/2019
Medication Use & Monitoring for Active Participants - Draft	Feb 2017	
Phase Criteria	Feb 2017	
Drug & Alcohol Testing	Feb 2017	
Sanction & Incentives	Feb 2017	
Confidentiality/ethics	Feb 2017	
Release of Information	Feb 2017	

Multi-Disciplinary Team	Feb 2017	
Evaluation/Data Collection	Feb 2017	
Memorandum of Understanding	Feb 2017	
Discretionary Funds	Feb 2017	
Limited License	July 2018	1/31/2019
Handbook	Feb 2017	8/7/2018

## CURRENT TEAM

**Judges:** Kari Kristiansen & David Zwink  
**Court Coordinator:** Kristin Hull  
**Treatment:** Set Free Alaska  
**Probation Officers:** Tricia VonLolhoffel  
**Prosecutor:** Shawn Traini  
**Defense Counsel:** Windy Hannaman  
**Male UA tech:** Justin Hunt

Ms. Tricia vonLolhoffel was hired July 2017 as the ASAP PO for the Palmer Wellness Court. She has proven to be an excellent Probation Office and is a great asset to our team. In February 2018, our assigned PD, Windy Hannaman, left the PD office. Windy has been a strong member and leader within the therapeutic courts in Palmer. Once she left, there were multiple “fill in” attorneys from the PD’s office and at the end of the fiscal year, the PWC still didn’t have a permanent attorney assigned.

## Training

In order to ensure the PWC team has appropriate training and operations are aligned with Best Practices, training for the therapeutic team is ongoing. Training opportunities including webinars have been offered to the team and have been attended by many.

Trainings attended

### Trainings Attended

- PWC Team:  
November Project Hope held a Narcan Training
- PC Kristin Hull :
  - August Mat-Su Prevention Summit
  - September Webinar “Unlock the Power of Peers-Strategies for Response, Rehabilitation, Reentry and Recovery Support”
  - November “What is Multi-dimensional Assessment: Matching Services to Needs and Strengths
  - February Hazelden COR-12 MAT training
  - June Webinar “Bending the Opioid Curve through Collaboration”
- PO Tricia Vonlolhoffel  
July LSIR training

October	Mat-Su Crisis Intervention Training
March	Reducing Recidivism and Re-entry Conference

**In FY20 the plan is for the entire PWC team to attend the NADCP Annual training in California if funding can be secured.**

## **Fiscal and Administrative**

### **Sustainability**

During FY20 a portion of the PWC's operations were funded through a BJA grant. We were able to extend the BJA grant an additional year for FY20 but will need to secure funding for the future. The plan is for the Court System to request that funding be added to the therapeutic court budget in the state budget. Currently DOC is covering our treatment costs for those participants without Medicaid. Our hope is that they will continue to support the Palmer Wellness Court by providing this coverage in the future.

## **Outreach**

Primary Goal 4: Conduct outreach and work with the Therapeutic Courts Office and Communications Counsel to inform the public about the benefits of therapeutic courts.

The project coordinator sits on many multiple-disciplinary coalitions in our community, which allow for key stakeholders and community members to be informed and educated on the benefits of the Palmer Wellness Court.

In July 2019, we had the pleasure of having Senator Shelley Hughes, Judiciary Committee Chair, observe a PWC court session and then spent time with the team asking questions and being educated on the court. Andy Jones, Director of the DHSS Office of Substance Misuse and Addiction Prevention also observed the court.

In March of 2019, graduates of Alaskan therapeutic courts, including PWC, went to Juneau to educate legislators and speak on behalf of therapeutic courts in the state.