

Agenda Item No. 3Q-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 24, 2012

☒ Consent ☐ Regular
☐ Ordinance ☐ Public Hearing

Department

Submitted By: CRIMINAL JUSTICE COMMISSION

Submitted For: CRIMINAL JUSTICE COMMISSION

I. EXECUTIVE BRIEF

MOTION AND TITLE: Staff recommends motion to: (A) Receive and File the Adult Drug Court Discretionary Grant Program FY 2011 Competitive Grant Award from the Department of Justice (DOJ) for \$200,000 for the period October 1, 2011, through September 30, 2013 to be used to facilitate the development of a specialized drug treatment for prescription drugs; (B) Authorize the County Administrator or his designee to execute all related documents for Palm Beach County's FY 2011 Adult Drug Court Discretionary Grant Program, and all necessary forms and documents as required by the U.S. Department of Justice, Bureau of Justice Assistance; and (C) Approve a Budget Amendment of \$200,000 in the Justice Services Grant Fund to establish funding for this grant project.

SUMMARY: Palm Beach County applied for a grant award of \$200,000 from the Department of Justice to facilitate the expansion and enhancement of Palm Beach County's Adult Drug Court. Using the prescription drug epidemic and subsequent reaction by state and local law enforcement, the existing Drug Court will use new therapies and enhanced training to reduce the number of adult drug offenders in our county. The grant was released on April 26, 2011 and the submission date was June 9, 2011. This application is now funded and approved and begins on October 1, 2011. Over the past five years, the rise in prescription pill addiction has continued to climb. The grant calls for the use of an evidence based design to address the expansion, enhancement of court operations, and to enhance offender services. The Grant requires a non-federal in-kind match of 25% during the two year project period. Specifically, the in-kind match requirement for the project is \$66,703. This match has been identified through the Criminal Justice Commission and its partners in Drug Court through current staff salaries. The delay in processing was caused in part by the US Justice Department approving parts of the grant and not the complete document, then allowing Palm Beach County to modify the budget. This budget modification further delayed the approval by the Department of Justice. Countywide (GB).

Background and Justification: The Palm Beach County Criminal Justice Commission has been involved in Drug Court since its inception over 10 years ago. Funding Drug Court is one of the cornerstone programs of the Commission. Sixty new participants will be treated through Drug Court over a two year period using innovative treatment, increased screening and testing, and new innovations in counseling therapy. The sixty new participants will be an attempt to decrease the number of deaths due to overdoses, vehicular accidents, and the proliferation of pill mills. If a reduction can be made in the demand for these services it will improve the quality of life for the residents in Palm Beach County. The average yearly number of participants in Drug Court is 250, the additional 30 participants per year is a net increase of over 10 percent.

Attachments:

- 1.) Award Acceptance and Grant Application
- 2.) Signature Authority Letter
- 3.) Budget Amendment (Fund 1436)

Recommended by: 

Department Director

1-19-12
Date

Approved By: 

Assistant County Administrator

1-19-12
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures					
Operating Costs	<u>266,703</u>				
External Revenues	<u>(200,000)</u>				
Local Match (Cash)					
Local Match (In-kind)	<u>(24,115)</u>				
NET FISCAL IMPACT	<u>\$42,528</u>				
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>				

Is Item Included In Proposed Budget? Yes _____ No X

Budget Account No.: Fund 1436 Dept. 662 Unit 5243 Object var

B. Recommended Sources of Funds/Summary of Fiscal Impact:

ms 1/4/12

C. Departmental Fiscal Review:

The net fiscal impact represents varying percentages of CJC and Drug Court staff salaries which are already included in the adopted budget for FY 2012 (F-D-U: 0001-767-7607).

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Net fiscal impact of \$42,528 is included in current budget. Acceptance of grant does not increase costs to County and rejection of grant does not provide savings to County.

OFMB

Contract Dev. and Control

B. Legal Sufficiency:

Assistant County Attorney


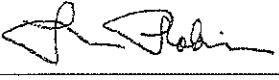
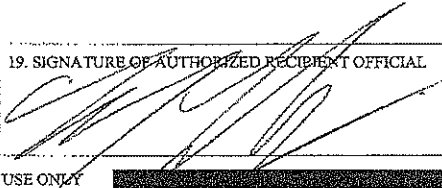
1-17-12 B. Wheeler

It appears as though there was a delegation of authority previously to apply for this grant.

C. Other Department Review:

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

 Department of Justice Office of Justice Programs Bureau of Justice Assistance	Grant	PAGE 1 OF 4
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Palm Beach County Board of County Commissioners 301 North Olive Avenue West Palm Beach, FL 33401	4. AWARD NUMBER: 2011-DC-BX-0029	
	5. PROJECT PERIOD: FROM 10/01/2011 TO 09/30/2013 BUDGET PERIOD: FROM 10/01/2011 TO 09/30/2013	
	6. AWARD DATE 09/07/2011	7. ACTION Initial
1A. GRANTEE IRS/VENDOR NO. 596000078	8. SUPPLEMENT NUMBER 00	
	9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Palm Beach County Adult Drug Court Enhancement Project	10. AMOUNT OF THIS AWARD \$ 200,000	
	11. TOTAL AWARD \$ 200,000	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).		
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3797u (a) (BJA - Drug Courts)		
15. METHOD OF PAYMENT GPRS		
<div>AGENCY APPROVAL</div> <div>GRANTEE ACCEPTANCE</div>		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Laurie Robinson Assistant Attorney General	18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Michael Rodriguez Executive Director	
17. SIGNATURE OF APPROVING OFFICIAL 	19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 9/8/11
<div>AGENCY USE ONLY</div>		
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DC 80 00 00 200000		21. KDCUGT1308

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

Attachment # /



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2011-DC-BX-0029

AWARD DATE 09/07/2011

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



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SPECIAL CONDITIONS

8. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
9. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
10. The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2011-DC-BX-0029 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, the Community Capacity Development Office, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the OJP Financial Guide provides guidance on allowable printing and publication activities.
11. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
12. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ccr/equal_fbo.htm.
13. All contracts under this award should be competitively awarded unless circumstances preclude competition. When a contract amount exceeds \$100,000 and there has been no competition for the award, the recipient must comply with rules governing sole source procurement found in the current edition of the OJP Financial Guide.
14. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.



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SPECIAL CONDITIONS

15. Recipient agrees to develop and maintain a Drug Court Policies and Procedures manual for program operation. The Policies and Procedures manual must be submitted by the end of the first year of the grant period in order to be in compliance with this requirement.
16. Recipient agrees to submit a written strategy describing the jurisdiction's plan for sustaining the drug court program after Federal financial assistance has ended. The sustainability plan must be submitted by the end of the first year of the grant period in order to be in compliance with this requirement.
17. Recipient understands and agrees that it must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>), and that it must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other requirements, refer to BJA's website. Failure to submit required reports by established deadlines may result in the freezing of grant funds and High Risk designation.
18. Grantee agrees that assistance funds awarded under this grant will not be used to support any inherently religious activities, such as worship, religious instruction, or proselytization. If the grantee refers participants to, or provides, a non-Federally funded program or service that incorporates such religious activities, (1) any such activities must be voluntary for program participants, and (2) program participants may not be excluded from participation in a program or otherwise penalized or disadvantaged for any failure to accept a referral or services. If participation in a non-Federally funded program or service that incorporates inherently religious activities is deemed a critical treatment or support service for program participants, the grantee agrees to identify and refer participants who object to the inherently religious activities of such program or service to, or provide, a comparable secular alternative program or service.
19. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.
20. Recipient agrees to submit an evaluation plan and/or management information system (MIS) plan for review and approval within 180 days from the date of acceptance of this award. The recipient agrees to submit finalized evaluation report(s) to the Bureau of Justice Assistance prior to the end of the grant period.
21. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own operate in his or her name).
22. Award recipients must verify Point of Contact(FOC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

STATEMENT OF PROBLEM

Pill Mills have invaded the State of Florida. Authorities say there are hundreds of pain clinics throughout Palm Beach County that are involved in illegal activity. These pain clinics are also known as "pill mills" because people come there to get prescriptions, often with no questions being asked. More than the proliferation of pain clinics, the number of deaths related to prescription drug use rose from 2,780 in 2006 to 3,750 in 2008. According to the Office of National Drug Control Policy, prescription drugs are the second most abused category of drugs in the United States, following marijuana. Why has the use of prescription drug use risen to such levels in South Florida? It is the lack of regulation and ease of zoning laws that have propelled this industry. Local governments are now passing moratoriums to keep new clinics from opening. County government is following suit by creating local ordinances to crack down on the opening of new sites. According to the United States Attorney for the Southern District of Florida, Wilfredo A. Ferrer, these clinics offer patients prescriptions for highly addictive oxycodone and other controlled substances without a legitimate medical purpose. The physicians also provide excessive and inappropriate quantities of such substances. These are "cash and carry" businesses where the pills sell for \$10 to \$30. People drive or fly many thousands of miles seeking easy access to highly-addictive, powerful painkillers, then return to their home states with large quantities of pills for personal use and /or sale. United States Attorney Ferrer blames it on greed, with proceeds from some locations bringing in as much as \$22,392,391 in two years. Drug dealing has gone legitimate but the consequences are chilling. Younger children are becoming addicted, as young as 11 and 12 years of age. Young people under the age of 24 are the fast growing group of addicts. On the other end of the spectrum, older adults over the age of 60 years of age are the second highest ranking demographic group

for new drug addiction. Crime related to drugs and drug addiction is on the rise with burglary and drugs among the leaders in new crime in Palm Beach County. Burglary has seen a 21% rise in one year noting 2010. In addition, drugs as a criminal offense have seen an 8.8% increase. The cost to Palm Beach County and to the victims of crime is almost insurmountable. Under the category of "Drug New Commitments," drugs have increased 24% for all new commitments, an increase from 19.7% in 2009. In addition, drug trafficking is 42.3% of new drug commitments, with drug manufacturing/sale/purchase leading this category at 47.5%. This is an epidemic with few real solutions at hand. The classic example is a person under the age of 40 years, either locally or from out of state, with an appointment or as a walk-in at a pain clinic. Appointments at these facilities literally last just minutes, with the most basic information taken while prescriptions are written. The term "mill" was coined in comparison to the manufacturing term which describes the speed of a production line. Physicians can see up to 45 patients in one hour. In some cases one clinic owner may dispense more than 660,000 doses of oxycodone per month. Even if many pain clinics were shut down, drug addicted persons could still "doctor shop", a process by which patients go from doctor to doctor amassing large quantities of prescription medications. Pharmaceuticals have become the drugs of choice for a large number of addicts. According to the Centers for Disease Control, this problem has reached epidemic proportions with over 27,000 deaths from abuse of prescription drugs. It has been determined that seven people die in Palm Beach County each day from prescription drug overdoses. In the first six months of 2010, physicians in Florida ordered more than 41 million oxycodone tablets from suppliers, over 9 times more than all other states combined. This number is a five-fold increase over 1990. According to the 2009 National Survey on Drug Use and Health, more than 5 million Americans misused opioid painkillers in the past month. It is a complicated problem

understanding the risks of addiction and weighing them against the legitimate need for pain medication.

The State of Florida will initiate a prescription drug monitoring program in 2011. Palm Beach County will also tackle this epidemic on several fronts. Drug Court will create a new strategy emphasizing the following:

- * Community-based prevention;
- * Integration of evidence-based treatment into the healthcare system;
- * Innovations in the criminal justice system; and a broad multi-agency approach to law enforcement that will reach across international waters as well.

With the signing of the new legislation creating a statewide database and penalties for overprescribing medication, there should be an improvement in outcomes. The outcome improvement measurement would be: less overprescribed medications, less deaths, and less addiction. The Florida Bill HB7095, "The Pill Mill Bill", takes effect on July 1, 2011 and will implement administrative and criminal penalties for overprescribing narcotics. By October 1, 2011, a new database will be in place to log in every pain medication prescribed so that monitoring for illegal activity can take place.

PROJECT DESIGN AND IMPLEMENTATION

The Palm Beach County Drug Court is seeking a grant in the amount of \$200,000 to enhance the provision of inpatient treatment services and to enhance training for the Drug Court Team, thus enabling Team members to effectively address this issue.

The mission of the Palm Beach County Drug Court is to unite criminal justice entities, substance abuse treatment providers and non-violent substance abusing offenders in a therapeutic court setting, in order to assist the participant in developing a structured, disciplined, law abiding, drug

and alcohol free way of life. The targeted population is adult, male and female, non-violent felony offenders, with charges including Possession of a Controlled Substance, Attempted Purchase of a Controlled Substance or Obtaining a Controlled Substance by Fraud. Participants must reside in Palm Beach County, have no other pending charges, no prior violent charges and cannot currently be on probation or parole.

All county jail bookings are sorted and screened by a Drug Court Specialist to determine initial eligibility. If eligible, defendants are interviewed and asked if they would like to participate, prior to their First Appearance in court. If they choose to apply for admission to Drug Court, they are scheduled immediately for a Drug Court Initial Hearing where they will receive an initial screening, complete the Brief Jail Mental Health Screen and meet with the primary substance abuse treatment program liaison to schedule their comprehensive bio-psycho-social assessment within five days. This assessment determines phase placement and treatment modifications based on cultural issues. Then the participant receives an orientation of the Drug Court Program and is referred to a Department of Corrections Probation Officer. Participants adhere to the following phase requirements:

Phase I – (12 week minimum)

Three group counseling sessions per week; two individual counseling sessions per month; monthly reporting to the probation officer; random urinalyses at least twice per week; 12-step meetings; and weekly court hearings with the Judge and the Drug Court Team.

Phase II – (12 week minimum)

Two group counseling sessions per week; two individual counseling sessions per month; monthly reporting to the probation officer; random urinalyses at least twice per week; 12-step meetings; and bi-weekly hearings with the Judge and the Drug Court Team.

Phase III – (12 week minimum)

One group counseling session per week; one individual counseling session per month; monthly reporting to the probation officer; random urinalyses at least weekly; 12-step meetings; and monthly hearings with the Judge and the Drug Court Team.

Phase IV – Aftercare/Continuing Care Services (8 week minimum)

Two group counseling sessions per month; one individual counseling sessions per month; monthly reporting to the probation officer; random urinalyses at least twice per month; 12-step meetings; and monthly hearings with the Judge and the Drug Court Team.

The Drug Court Team (consisting of the Judge, Assistant State Attorney, Assistant Public Defender, Drug Court Coordinator, Treatment Liaisons, Mental Health Liaison, Department of Corrections Probation Officer, and Drug Court Specialists) holds staffings to discuss each individual case prior to scheduled court hearings, which occur twice weekly. Case Managers (including the Drug Court Coordinator, three Drug Court Specialists, two Probation Officers, and four treatment liaisons) provide weekly reports to the Drug Court Team. At these staffings, behavior modifications are decided and applied based on a participant's progress/non-progress in phase requirements. Incentives include: judicial encouragement, gift certificates, "Short List" (participants are given priority at status hearings), phase advancement, dismissal of pending felony charges, graduation, and expungement or sealing of criminal record, if eligible. Graduated sanctions include: an increase in court hearings, an increase in urinalysis testing, writing assignments, short detention sentences, increased treatment sessions, residential treatment, and (up to) termination from the program.

To help offset the costs of counseling and drug testing, each participant contributes \$20.00 per week. Those who are unable to pay are not precluded from participating. Since victim cases are not referred, no restitution is collected.

Motivational Enhancement Therapy

Motivational Enhancement Therapy is a drug and alcohol therapy based on the principles of cognitive and social psychology. The client is the agent of change with assistance from the counselor. It is a complete reversal of commonly accepted principles. Emphasis is placed upon eliciting from clients self-motivational statements affirming their commitment to change. Drug problems are viewed as behaviors under at least partial voluntary control of the client. The task in MET is to elicit and strengthen competing motivations. MET bears similarities to Rogerian client-centered counseling but is directive rather than nondirective. The counseling sessions are typically brief, thereby limited to two to four sessions that each last an hour. They are used as a precursor to cognitive behavior therapy. It is used to supplement more traditional therapy to get clients more motivated to address behavior and needs. The settings can be inpatient or outpatient in structure. Palm Beach County will focus more on the outpatient therapy in order to address a greater number of clients. The sessions tend to be individual versus group sessions and are compatible with twelve step programs. The role of the counselor in this therapy can't be diminished. The training in MET is important, involving 2 to 3 days of intensive training. The use of motivational interviewing and listening, coupled with a high level of therapeutic empathy, is important and offers the client an opportunity to share and be heard. This does not use the standard confrontation/denial mode of questioning; instead, the counselor takes on the role of facilitator, educator and/or collaborator. The counselor and client work in tandem creating a therapeutic alliance. This alliance is the foundation for the client taking charge of the change.

There is a supportive, listening environment that feels safe. The clients best suited for this therapy vary widely in range. Court-mandated clients appear to respond as favorably as those who are self-referred. MET has been shown to be differentially effective with clients in the earliest stages of change (i.e., most unmotivated). MET offers a strong and structured assessment of use, consequences, addiction, biomedical and family history, and other risk factors. No assessment instrument is defined, however there are many including the LSI-R. Palm Beach County Drug Court will also include its standard Cognitive-Behavioral Therapy, already in existence in Drug Court, along with the MET Program. This program has been effectively utilized as a method to prevent relapse when treating problem drinking and later was adapted for cocaine-addicted individuals. Cognitive-behavioral strategies are based on the theory that learning processes play a critical role in the development of maladaptive behavioral patterns. Individuals learn to identify and correct problematic behaviors by applying a range of different skills that can be used to stop drug abuse and to address a range of other problems that often co-occur with it.

Cognitive-behavioral therapy generally consists of a collection of strategies intended to enhance self-control. Specific techniques include exploring the positive and negative consequences of continued use, self-monitoring to recognize drug cravings early on and to identify high risk situations for use, and developing strategies for coping with and avoiding high-risk situations and the desire to use. A central element of this treatment is anticipating likely problems and helping patients develop effective coping strategies.

Research indicates that the skills individuals learn through cognitive-behavioral approaches remain after the completion of treatment. In several studies, most people receiving a cognitive-behavioral approach maintained the gains they made in treatment throughout the following year.

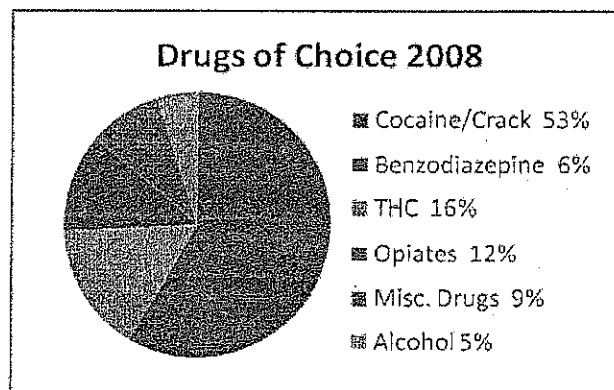
Current research focuses on how to produce even more powerful effects by combining cognitive-behavioral therapy with other types of behavioral therapies such as MET. Researchers are also evaluating how best to train treatment providers to deliver cognitive-behavioral therapy.

As a former Mentor Court, Palm Beach County Drug Court as well as the proposed enhancement, embody the 10 Key Components of Drug Court. The goal of this enhancement is to provide sixty (60) Drug Court participants with complete and greater access to integrated substance abuse and integrated treatment services, increasing the likelihood that they will enter and complete Drug Court at a rate equal to or higher than those solely provided substance abuse treatment (Key Components #1, 2, 4, 6, 10). This Drug Court enhancement project, focusing on Prescription Drug Addictions, will encompass all ages. Objectives of this enhancement are to identify Drug Court participants with this specialized form of addiction (Key #3), to facilitate access to expanded treatment services by the addition of those services (Keys #4, 10), to provide close judicial supervision and monitoring (Key #7), to provide case management/community referrals (Keys #4, 6, 10), and to provide training for Motivational Enhancement Therapy (MET) for all stakeholders involved in the expansion of the Prescription Drug Addiction Track of Drug Court (Key #9). Defendants will be provided with treatment, a greater chance of completing the program, rehabilitation, having their case dismissed, and lowering their recidivism rates, thus allowing them to stop the revolving door cycle of court involvement and jail confinement (Keys #1, 2, 3, 4, 6, 8, 10).

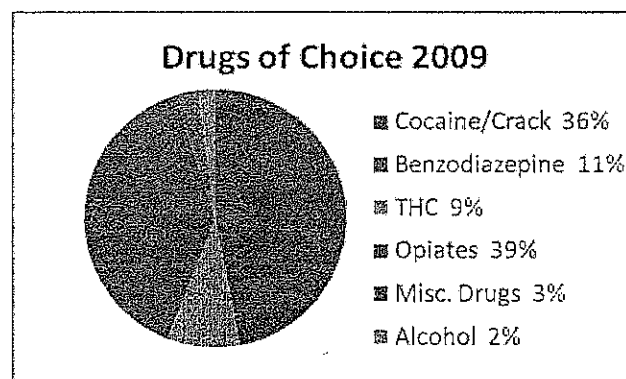
Evaluation findings that justify the need for additional resources or services

The drugs of choice used by Drug Court participants are determined by the individuals' self-reported use and by analyzing results obtained through Drug Court's drug testing program. This intensive drug testing program allows the court to determine each participant's use of and/or

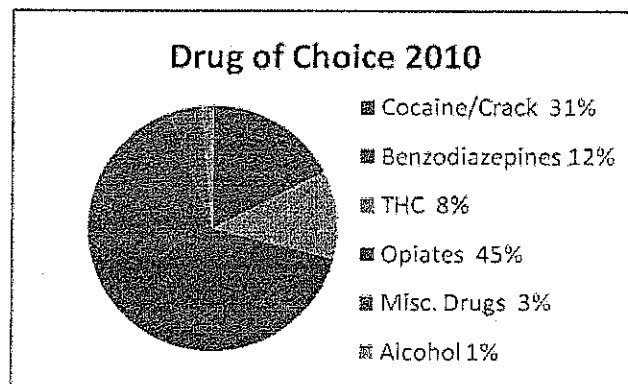
abstinence from drugs, as well as determine local trends in drug use. Some interesting results are:



In 2008, cocaine and crack were the primary drugs of choice for more than half (**53%**) of Drug Court participants. At that time, drugs such as opiates (OxyContin®, Roxicodone, Percocet, heroin, etc.) and benzodiazepines (Xanax, alprazolam, etc.) accounted for primary use by **18%** of participants, with marijuana used by **16%**. Within one year, this would all change.



In 2009, the use of benzodiazepines and opiates increased significantly as the drugs of choice of **50%** of Drug Court participants. Cocaine and crack use dropped to **36%**, marijuana dropped to **9%** and miscellaneous drugs, including alcohol, dropped to **5%**.



In 2010, cocaine and crack remained a formidable problem in Palm Beach County, albeit reduced from years past, as the drug of choice for 31% of Drug Court participants. Use of benzodiazepines and opiates increased again as the drugs of choice of 57% of participants. It should also be noted that determining single drugs of choice became more difficult due to the widespread combining of drugs, as “pill mills” and pain clinics have made numerous prescription drugs far more accessible than in the past.

Explanation of how additional resources will benefit Drug Court clients

The Drug Court Prescription Drug Addiction Track is planned as a four phase, structured treatment program, lasting for a minimum of one year (Key #1). Successful completion of the Prescription Drug Addiction Track will result in the defendant’s charges being nolle prossed (Key #2). The care of these defendants will be integrated and coordinated through: screening, diagnosis, psychiatric services, evidence-based motivational treatment, case management, close judicial supervision, random drug testing, graduated sanctions, tailored incentives such as Gift Cards for groceries from Publix, and training related to MET for the staff/Drug Court Team (Keys #1, 3, 4, 5, 6, 7, 9, 10). Linkages to advocates and existing community resources for the defendant and his/her family will be established so that utilization of these supports, in conjunction with appropriate treatment, will halt or slow further involvement of the individual in the criminal justice system (Keys #1, 4, 6, 8). For those with strong supporting variables, family,

age, offense, etc., it is anticipated that the measurable outcome to this structured therapeutic approach will be an increased rate of graduation from Drug Court, increased options, reduced recidivism and improved public safety (Key #2, 8).

Structure of the Drug Court Prescription Drug Addiction Track

Participants in the Prescription Drug Addiction Track will move through the current established Drug Court phases (Key #1). Similar to existing program, upon successful completion, the charge(s) will be nolle prossed (Key #2). Failure to complete the Drug Court Prescription Drug Addition Track, (including defendants who opt-out), will result in the defendant's case being reassigned to a traditional court docket (Key #2). Screening will be based on the current arrest charge and will follow the same initial eligibility criteria (possession of a controlled substance, attempted purchase of a controlled substance, and obtaining a controlled substance by fraud, no other pending felony charges, no prior violent felony convictions, and no domestic battery convictions). Eligible defendants who have not bonded out of jail will be interviewed before going to First Appearance (Key #3). During the interview, the Drug Court Specialist will administer the *Brief Jail Mental Health Screen* along with the Drug Court Questionnaire. Eligibility for the Prescription Drug Addiction Track requires that defendants have a substance abuse disorder and meet all the other eligibility requirements. If the Drug Court Specialist determines the defendant meets the criteria for the Prescription Drug Addiction Track, then the Drug Court Specialist will meet with the defendant to explain the program requirements. After the initial screening and Drug Court interview, the Judge will offer the program to the defendant at First Appearance Court. A court date (set within 72 hours) for an Initial Drug Court hearing will be given at that time (Key #3). At the Initial Drug Court Hearing, the defendant will have a full phase orientation with the Drug Court staff and sign the Drug Court Agreement (Key #6).

The defendant will meet the Drug Court Judge and team, as well as the Department of Corrections supervision officer, who will further explain the requirements of the Agreement to the defendant. The defendant will also, within 72 hours, begin outpatient treatment at Counseling Services of Lake Worth, Inc. (Key #10). The participant will have a specific treatment plan developed upon admission and updated a minimum of once monthly. The treatment plan will contain goals and measurable objectives to address the needs identified in the participant's clinical assessment (Key #8). The licensed community-based treatment provider has committed to participating in the weekly case staffings and court hearings as part of the Drug Court Team. Drug Court will provide a continuity of care and a supportive environment that engages participants in positive change by provision of highly customized services. Outcome measurements will be utilized which ensure accountability and highly competent and effective treatment that, while tailored for each individual, can fit into the already established Drug Court phase structure.

Attendance of training programs by Drug Court practitioners (Key Component #9)

Drug Court Team members will attend two national training programs sponsored by the NADCP. Team members will focus their training on skill building, specializing in improved interviewing skills, technology, and evaluation. This training will benefit the team by providing them with an equal level of basic education regarding Motivational Interviewing, an opportunity to learn about innovative developments across the country, and a spirit of cooperation, collaboration and commitment. After the training events, the members who attended will host a local training for the Drug Court staff and non-attending Team members to share the strategies learned at the national training. Team members will also travel to neighboring counties to

observe how Drug Court clients with Prescription Drug Addictions are integrated into existing Drug Courts.

Capabilities and competencies

Available funding allows for a program capacity of 250 participants, and the daily average number of participants enrolled is 240. Since its inception on November 6, 2000, there have been 2,904 participants enrolled in the Drug Court program. There have been 1,136 participants who have completed all requirements successfully and graduated from the program, and 242 participants are currently enrolled and engaged in treatment. Participant terminations total 1,488, and of those terminations, 232 participants were removed for new charges, 332 were terminated for non-compliance or unwillingness to participate in program requirements, and 924 participants opted out. Thirty-eight participants were transferred to other Florida circuits, pursuant to F.S. 910.035, which allows defendants to transfer to a Drug Court program in the circuit where they reside.

Over the last year, the Drug Court office has screened a total of 1,180 defendants who were arrested and booked for drug-related offenses who did not bond out of jail. According to JSIS (Justice Service Information System) data, the race and ethnicity breakdown is 64% White, 25% Black, 1% Middle Easterner, 1% Asian, and 10% Hispanic. The gender breakdown is 70% male and 30% female. The age breakdown is 20% between the ages of 18 and 22; 32% between the ages of 23 and 28; 26% between the ages of 29 and 39; 13% between the ages of 40 and 49; and 9% over 50 years of age.

The Prescription Drug Addiction Track participants will total thirty (30) per year for two years, totaling an increase of sixty (60) participants. These new prescription drug-addicted participants will receive the same extensive treatment services offered in traditional Drug Court and

combined with the new MET Program. This increased number of participants will be the largest growth in Drug Court in the past 5 years. This growth is necessitated by needs in the greater Palm Beach County community due to the increased availability of prescription drugs which has in turn facilitated increased prescription drug abuse in Palm Beach County.

Impact/outcomes, evaluation and sustainment

The disparity in the reported outcomes (i.e. successful completion vs. unsuccessful completion) between offenders displaying substance abuse problems alone, and those with prescription drug addiction, demonstrates the need to enhance the current Drug Court program. The evaluation will be carried out by the Palm Beach County Criminal Justice Commission, under the direction of the Research and Planning Manager. The Commission's mandate and independence means that it is best suited to monitor and evaluate the enhancement of Drug Court. Furthermore, as a member of the expansion committee, the Commission evaluator will be able to both observe the implementation process and contribute to the development of final outcome measures and how they are captured. The proposed evaluation process will include two evaluation types: *Implementation Evaluation* and *Outcome Evaluation*. The Implementation Evaluation will be completed eighteen months after the implementation date. The purpose of this evaluation is to examine the extent to which the enhanced court has been implemented (e.g., stakeholder participation, access to treatment options, availability of resources). This evaluation will include structured interviews with stakeholders and with Drug Court participants, as well as the observations of the Commission evaluator, Manager of Research and Planning. This evaluation will also include the development and refinement of data collection, and assist the Drug Court's ability to monitor and track its participants, using court system data, the Sheriff's corrections data, as well as the treatment providers' case management data. Ultimately, this evaluation will

lay the groundwork for the next evaluation, focusing on outcomes. The Outcome Evaluation will be completed thirty to thirty-two months following the date of implementation. This evaluation will focus on the following Drug Court Track outcomes:

- a. Access Provision - participants will be screened into the enhanced program regardless of sex, race, ethnicity, or class and we will demonstrate a percent increase in the units of service referrals and types of referrals, an increase in service providers and an increase in the number of drug court clients served.
- b. Rate of successful graduation – Thirty participants will have the same level or better success rate, when compared to participants with substance abuse issues only.
- c. Rate of recidivism -Thirty graduates will report the same or better rate of recidivism when compared to participants with substance abuse issues alone during the program, as well as, within one year after completion.
- d. Increased Training - the number of criminal justice staff who have been trained in Motivational Enhancement Therapy and substance abuse issues will increase.

Long Term Support

Local elected officials now demand that an “evidence-based” approach be taken when considering the development and implementation of new programs. Long term sustainable funding from local officials is contingent upon the findings of an empirical review of the expanded Drug Court program. The “evidence-based” and collaborative approach demonstrating that treatment and therapy are more cost-effective than incarceration is vital to securing long-term funding. Showing that a program is effective will also help to build a more collaborative partnership, which will be viewed in a favorable light by local elected officials. We foresee

results which will merit long term support and the resource commitment required to sustain such a program.

In these tough budget times, if additional dollars are not allocated for the Prescription Drug track, the current funding may be reallocated to include treatment for those with opiate addiction once a program is established. Ultimately, while the same number of individuals may be served, it will be easy to show the greater impact to the community due to the enhancement of diversity and scope of services for those individuals in need of substance abuse treatment.

Palm Beach County Drug Court Prescription Drug Addiction Track Budget

Budget Detail Sheet – Year 1

Travel			
Purpose of Travel	Location/Item	Computation	Cost
4 Staff to Attend the NADCP 18 th Annual Training Conference	United States- Airfare	\$500.00 per person X 4 people	
			\$2,000.00
	United States- Hotel	\$250.00 per person X 3 nights X 4 people	
			\$3,000.00
	United States- Subsistence	\$40.00 per person X 3 days X 4 people	
			\$480.00
	United States-Transportation	\$25.00 per trip X 4 people	
			\$100.00
Sub-Total			\$5,580.00
Other Costs			
Service	Computation		Cost
Drug Testing - Phase 1	14.00 per test X 8 tests per month X 25 people X 3 months		\$8,400.00
Drug Testing - Phase 2	14.00 per test X 7 tests per month X 25 people X 3 months		\$7,350.00
Drug Testing - Phase 3	14.00 per test X 4 tests per month X 25 people X 3 months		\$4,200.00
Drug Testing - Phase 4	14.00 per test X 2 tests per month X 25 people X 3 months		\$2,100.00
Individual Counseling - Phase 1	57.68 per session X 2 per month X 25 people X 3 months		\$8,652.00
Individual Counseling - Phase 2	57.68 per session X 2 per month X 25 people X 3 months		\$8,652.00
Individual Counseling - Phase 3	57.68 per session X 1 per month X 25 people X 3 months		\$4,326.00
Individual Counseling - Phase 4	57.68 per session X 1 per month X 25 people X 3 months		\$4,326.00
Group Counseling - Phase 1	22.50 per group X 3 per week X 25 people X 12 weeks		\$20,250.00
Group Counseling - Phase 2	22.50 per group X 2 per week		\$13,500.00

Palm Beach County Drug Court Prescription Drug Addiction Track Budget

	X 25 people X 12 weeks		
Group Counseling - Phase 3	22.50 per group X 1 per week X 25 people X 12 weeks		\$6,750.00
Group Counseling - Phase 4	22.50 per group X 2 per month X 25 people X 2 months		\$2,250.00
Incentives -	Publix Gift Cards @ \$20.00 each		\$1,064.00
NADCP 18 th Annual Training Conference Registration	\$650.00 per person X 4 people		\$2,600.00
Sub-Total			\$94,420.00
Total Year 1			\$100,000.00

Budget Detail Sheet – Year 2

Travel			
Purpose of Travel	Location/Item	Computation	Cost
4 Staff to Attend the NADCP 19 th Annual Training Conference	United States- Airfare	\$500.00 per person X 4 people	\$2,000.00
	United States- Hotel	\$250.00 per person X 3 nights X 4 people	\$3,000.00
	United States- Subsistence	\$40.00 per person X 3 days X 4 people	\$480.00
	United States-Transportation	\$25.00 per trip X 4 people	\$100.00
Sub-Total			\$5,580.00
Other Costs			
Service	Computation		Cost
Drug Testing - Phase 1	14.00 per test X 8 tests per month X 25 people X 3 months		\$8,400.00
Drug Testing - Phase 2	14.00 per test X 7 tests per month		\$7,350.00

Palm Beach County Drug Court Prescription Drug Addiction Track Budget

	X 25 people X 3 months		
Drug Testing - Phase 3	14.00 per test X 4 tests per month X 25 people X 3 months		\$4,200.00
Drug Testing - Phase 4	14.00 per test X 2 tests per month X 25 people X 3 months		\$2,100.00
Individual Counseling - Phase 1	57.68 per session X 2 per month X 25 people X 3 months		\$8,652.00
Individual Counseling - Phase 2	57.68 per session X 2 per month X 25 people X 3 months		\$8,652.00
Individual Counseling - Phase 3	57.68 per session X 1 per month X 25 people X 3 months		\$4,326.00
Individual Counseling - Phase 4	57.68 per session X 1 per month X 25 people X 3 months		\$4,326.00
Group Counseling - Phase 1	22.50 per group X 3 per week X 25 people X 12 weeks		\$20,250.00
Group Counseling - Phase 2	22.50 per group X 2 per week X 25 people X 12 weeks		\$13,500.00
Group Counseling - Phase 3	22.50 per group X 1 per week X 25 people X 12 weeks		\$6,750.00
Group Counseling - Phase 4	22.50 per group X 2 per month X 25 people X 2 months		\$2,250.00
Incentives -	Publix Gift Cards @ \$20.00 each		\$1,064.00
NADCP 18 th Annual Training Conference Registration	\$650.00 per person X 4 people		\$2,600.00
Sub-Total			\$94,420.00
Total Year 2			\$100,000.00
Matching Funds			
Match	Computation		
Court Administration - Drug Court Coordinator	\$48,351 @ 50% = \$24,175		
Criminal Justice Commission- Research and Planning Manger	\$88,644 @ 20% = \$17,728		
Criminal Justice Commission-Grant Administrator & Drug Court Liaison	\$80,000 @ 31%= \$24,800		
		Total Match	

Palm Beach County Drug Court Prescription Drug Addiction Track Budget

			\$66,703.00
Federal Request		Total Federal Request	\$200,000.00

Budget Summary	
<u>Budget Category</u>	<u>Amount</u>
A. Travel	\$ 11,160.00
B. Other Costs	\$ 188,840.00
Total Direct Costs	
 TOTAL PROJECTED COSTS	 \$ 200,000.00
Federal Request	\$ 200,000.00
Non-Federal Amount*	\$ 66,703.00

Palm Beach County Drug Court Prescription Drug Addiction Track Budget

* The non-federal budget amount clearly exceeds the required 20% local match and still does not include other local costs including office space, phones, computer networking, postage and supplies together with other in-kind contributions from local resources that are not included in this line item budget.

** Treatment costs will be coordinated with other federally funded programs through the Department of Children and Families Substance Abuse and Mental Health Office to cover the full cost of services.

Budget Narrative

Travel Costs

The Drug Court Expansion Committee will send a four-member team to attend two National Association Drug Court Professional Conferences. The 18th and the 19th Annual Training Conferences, locations unknown at this time, will consist of skill building workshops. Travel estimates and meal costs are based on Palm Beach County’s written travel policy.

Other Costs

The majority of funds requested in this item will be used for treatment services, including outpatient individual and group therapy and drug testing services. The following is an itemization of the costs of treatment:

Outpatient Service - Individual	\$57.68 per hour
Outpatient Service - Group	\$22.50 per hour
Drug Test	\$14.00 per test

Palm Beach County Drug Court Prescription Drug Addiction Track Budget

The Prescription Drug Addiction Phase Track of Drug Court's schedule by phases is as follows: Phase I participants receive two individual counseling sessions per month, three group sessions per week and drug testing two times per week for a minimum of three months. Phase II participants receive two individual counseling sessions per month, two group sessions per week and seven drug tests per month, for a minimum of three months. Phase III participants receive one individual counseling session per month, one group sessions per week and drug testing once per week for a minimum of three months. Phase IV participants receive one individual counseling session per month, two group sessions per month and two drug tests per month for a minimum of two months.

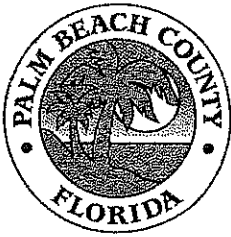
Matching Funds

A percentage of the salaries of two county and one state position will be provided as an in kind match. Court Administration will provide their Drug Court Coordinator with a salary of \$48,351 @ 50% for a total of \$24,175. The County through the Criminal Justice Commission will provide their Research and Planning Manager with a salary of \$88,644 @ 20% for a total of \$17,728 and their Grant Administrator and Drug Court Liaison with a salary of \$80,000 @ 31% for a total of \$24,800. The total in kind match is \$66,703.00.

Palm Beach County Drug Court Prescription Drug Addiction Track Budget

Other Cash Funds

Treatment costs will be coordinated with other federally funded programs through the Department of Children and Families Substance Abuse and Mental Health Office to cover the full cost of services. Because the money is federally funded it is not able to be used as matching funds.



Criminal Justice Commission
301 North Olive Avenue, Suite 1001
West Palm Beach, FL 33401-4705
(561) 355-4943
FAX: (561) 355-4941
www.pbcgov.com/cjc

**Palm Beach County
Board of County
Commissioners**

Karen T. Marcus, Chair
Shelley Vana, Vice Chair
Paulette Burdick
Steven L. Abrams
Burt Aaronson
Jess R. Santamaria
Priscilla A. Taylor

County Administrator
Robert Weisman

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September 20, 2011

Ms. Tracy Lee-Williams
Program Manager
Bureau of Justice Assistance
810 Seventh Street NW, Fourth Floor
Washington, DC 20531

Re: BJA FY11 Adult Drug Court Discretionary Grant Program
Enhancement - Signature Authority Designation (2011-DC-
BX-0029)

Dear Ms. Lee-Williams:

I am writing to extend signature authority to Mr. Michael L. Rodriguez, Executive Director of the Palm Beach County Criminal Justice Commission, to execute all related documents for the BJA FY11 Adult Drug Court Discretionary Grant Program Enhancement retroactive back to June 9, 2011. This authorization includes submitting the application electronically and the execution of all necessary forms and documents as required by the U.S. Department of Justice, Office of Justice Programs.

If you have any questions, please feel free to call Mr. Rodriguez at (561) 355-2314.

Thank you for your cooperation and attention to this matter.

Sincerely,

Robert Weisman
County Administrator

Attachment #

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12- 0307

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET AMENDMENT

Page 1 of 1

NOV 30 2011

Palm Beach County
Criminal Justice Commission

FUND 1436 - Justice Service Grant Fund

BGEX 662-112211*392
BGRV 662-112211*109

Use this form to provide budget for items not anticipated in the budget.

ACCOUNT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED as of 11/28/11	REMAINING BALANCE
REVENUES								
DOJ - Drug Court Enhancement Grant								
1436-662-5243-3129	Grant Revenue	0	0	200,000	0	200,000		
TOTAL REVENUES		<u>0</u>	<u>0</u>	<u>200,000</u>	<u>0</u>	<u>200,000</u>		
EXPENDITURES								
DOJ - Drug Court Enhancement Grant								
1436-662-5243-3401	Other Contractual Services	0	0	181,512	0	181,512		
1436-662-5243-4001	Travel and Per Diem	0	0	11,160	0	11,160		
1436-662-5243-4941	Registration Fees	0	0	5,200	0	5,200		
1436-662-5243-4901	Other Current Charges & Obligations	0	0	2,128	0	2,128		
TOTAL EXPENDITURES		<u>0</u>	<u>0</u>	<u>200,000</u>	<u>0</u>	<u>200,000</u>		

Criminal Justice Commission

INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval

OFMB Department - Posted

Signatures

Date

Stephanie Sepincho 11/28/11
N Diaz 1/11/2012

By Board of County Commissioners
At Meeting of 01/24/12

Deputy Clerk to the
Board of County Commissioners

Attachment #

6