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Ways and Means Testimony

Good morning Senator Moore, Representative Keefe and members of the Joint Ways and Means Committee. Thank you for the opportunity to speak with you today about the Trial Court, its budget, and its needs. I will speak primarily about the budget modules and Court Administrator Williams will address the overall budget request.

First, I would like to echo the gratitude expressed by Chief Justice Gants to the Legislature, to all of you, for providing the Trial Court with a stable budget over the past few years. This stability has enabled us to implement reforms and improvements in our system that have increased efficiencies, thereby ensuring that justice is delivered “with dignity and speed.”

I would like to highlight the continued and unparalleled collaboration by both the legislative and executive branches and the judiciary in ways that are new, innovative and provide the public with the best of state government. I believe that we are in a time of unprecedented communication, cooperation, support, and shared ideas and initiatives.

One of the most prominent aspects of our joint vision is the expansion of Specialty Courts and the use of courts as a problem solving, strategic approach to reduce recidivism. We have only been able to do this through the engagement, funding and support of our partners in government.

We do our Specialty Court work in collaboration with our Executive Branch partners – DMH, DPH and Veterans Services. As you will see from our budget request for Specialty Courts, we seek resources not only for the courts, but also for DMH, and

Veterans Services programs that are integral to the success of the specialty court model.

The Massachusetts Trial Court opened its first drug court in 1995 to end the revolving door of drug addicted people cycling in and out of incarceration by addressing their underlying substance use disorder.

Fast forward to today – with powerful and deadly opiates bringing devastation we have never seen before. We are losing 144 people in this country and 6 Massachusetts residents every day to opiate overdoses. In 2017, drug overdose deaths tragically reached an all-time high of 71,600. By comparison, the United States suffered 58,000 casualties during the Vietnam War. Drugs now kill more people than guns, car accidents and suicides combined.

Leaders in Massachusetts – from the Governor, to the Legislature, EOHHS, DPH and the Courts saw this recent crisis building and found ways to respond.

The Trial Court has responded through the expansion of specialty courts because we know that drug courts are effective at helping people find and sustain recovery and reduce future recidivism. Drug Courts also save money when compared to the costs of crime and the costs of incarceration.

The Trial Court's 2013 strategic plan made expansion of specialty courts a top priority. There were then 25 specialty courts across Massachusetts, including 18 drug courts. Each operated independently, led by a judge with interest in doing justice differently because the failures of business as usual appeared back in court every week. Or sometimes not, because they had died of an overdose.

In partnership with the Department of Public Health's Bureau of Substance Addiction Services and the Department of Mental Health, the Trial Court developed plans for expanded, evidence-based specialty courts.

Between 2013 and 2017, the Trial Court opened 21 new specialty courts.

Also, with the support of the legislature, the Trial Court has:

- Established the Center of Excellence for Specialty Courts, the first in the country dedicated solely to support specialty courts;
- Developed and published the Adult Drug Court Manual, which incorporates nationally recognized best practice standards for drug court operations;
- Created a certification process (with the Center of Excellence) to ensure that Drug Courts are following the 10 Key Components and the Best Practice Standards; to date, 10 courts have been certified and another 6 courts will undergo the certification process in this calendar year. We take a close look at how the drug court operates, how the team functions, and how the program can be improved. Any deficiencies are addressed and corrections and improvements implemented before a court can be certified.

The certification process has helped standardize the use of evidence-based best practices in drug courts throughout the state, and helps us determine the best use of resources to better respond to the opiate crisis.

The Trial Court also embarked on a comprehensive evaluation of the efficacy and cost-effectiveness of drug courts as mandated by the Legislature. In partnership with the Center of Excellence, which is conducting the evaluation, we have identified and collected more than 200 data points on over 300 drug court participants and close to 400 matched probationers (also HR/HN) and will compare their recidivism rates, cost of jail, and cost of treatment to demonstrate the effectiveness of drug courts. We expect a preliminary analysis of recidivism rates by June 2018.

Specialty Courts require judges, probation officers and other team members be up-to-date on the latest and best treatment modalities, medication-assisted treatment, and drug testing to keep up with the development of synthetic strains of fentanyl or carfentanil, or off-label uses of prescription medications.

We have conducted comprehensive “Drug Court 101” trainings for new drug court teams in 2014 and 2016 with another training scheduled this March.

500 court staff have attended conferences of the New England Association of Drug Court Professionals since 2014, judges attended week-long judicial training for drug court judges, and numerous judges and probation officers have attended national conferences with training funded by federal grants.

With the help of the Center of Excellence, we have secured six multi-year federal grants totaling close to \$5.9 million over the last 4 years:

These grants have funded wraparound case management and peer support/recovery coaching to drug court participants in specific courts and also funds research into the effects of these services on specialty court participants. DPH and DMH also received other grants to provide expanded services to certain specialty courts.

However, many of these federal grants are winding down. And we are concerned that if we are not able to show sustainability, it will actually damage our ability going forward in securing new grants to support other sites. We have hit the ceiling without further funding from all of you.

Today the Trial Court has 45 SPECIALTY COURTS: 26 Drug Courts, 7 Mental Health Courts, 5 Veterans Treatment Courts, 3 Juvenile Drug Courts, 2 Homeless Courts, 1 Family Drug Court and 1 Family Resolutions Specialty Court.

We have collected data on 828 drug court participants across Massachusetts. Drug Courts are designed for High Risk/High Need individuals: Our data shows we are targeting the right people for drug court participation.

- Median age at first alcohol use: 14
- Median age of first drug use: 15
- Over 75% were primarily heroin users; 9.7% alcohol and 7.5% crack /cocaine / methamphetamine
- 45% are unemployed; only 22% are working full or part time
- 17% are homeless at intake
- Over 93% have incomes of \$25,000 or less

- 80% are on Mass Health
- Over 68% have a mental health diagnosis, but only 32% had prior mental health treatment and 16% had prior mental health inpatient treatment.

The needs of this population are complex and demand a coordinated, multi-agency approach, if we are going to help them make changes in their lives.

Of the 828 participants, 36% completed drug court; many more are in process or have been terminated from drug court, primarily because of inability to follow the program rules or picking up a new charge.

For the 36% who successfully completed drug court, **only 27% picked up a new charge**. This is a remarkable reduction in recidivism for such a High Risk/High Need Group who typically recidivate at a rate of 60-65%.

For the balance who were not successful and were terminated from drug court participation **61.6% had a new charge within one year**.

Two others died.

Today, there are still many areas of Massachusetts without access to a drug court. To continue to meet the demand for drug court requires an expansion of state investment- training, clinicians, probation officers, drug testing, and transportation are all necessary components.

We are requesting an additional \$3.9 million in funding to add 15 more specialty courts: 10 new drug courts, 3 new veterans' treatment courts and 2 family resolution specialty courts.

This funding will enable us to have a drug court within reach of everyone who needs one. It will enable us to properly staff the drug courts with probation officers, clinicians, and drug court coordinators and provide transportation, so that participants can access the court, as well as treatment sessions. It will enable us to do drug testing that can detect the latest strains of synthetic heroin and designer drugs being developed faster than we can design tests for them. The data demonstrates the success of drug courts in promoting recovery, improving public safety and reducing recidivism.

I could talk to you all day about the benefits and efficacy of drug courts but the real people who benefit are the participants, meet Shane:

1. My life before drug court was unmanageable and down-right depressing. Obviously I was in active addiction, homeless, alone and honestly I didn't care whether I lived or died. I got used to losing over and over again. I had tried probation before on other cases and never completed any of it. Usually it ended in a warrant issued and me eventually getting detained. I decided to take drug court because I needed the structure and needed to be held accountable.

Honestly, I could not get clean on my own and I thought the drug court could help. It did and I am forever grateful to my drug court team because they were by my side every step of the way and cared for me and my well-being. I did have personal challenges during my time in drug court. I lost someone close to me due to an overdose and I found out my father had cancer, in part due to his severe addiction to alcohol. Because of my sobriety I was able to be available and present for my dad and that is the greatest gift recovery has given me so far.

Life is different than it was a few years ago. I don't dread waking up; my family is in my life and people trust me.

2. Meet Jeff, who after an array of larcenies and credit card thefts, was listed among Massachusetts "most wanted" criminals. After being held without bail for a period of time, he had the choice of serving an extensive sentence or joining a local Drug Court team.

He chose Drug Court and began in 2015. On several occasions he ran from residential programs after a few months. In March 2017, while in default, he overdosed and ended up in a coma for 9 days. When he finally appeared in Drug Court, the judge detained him and in June 2017 he was again admitted to a residential treatment center and graduated in December 2017. In the interim, his driver's license has been reinstated; he has obtained employment at a good wage with benefits; he has reunited

with his children; has a fiancé and was able to maintain sobriety through the trauma of a miscarriage. In Jeff's words, "I would not be alive today without Drug Court."

A second budget module I want to bring to your attention focuses on Race and Implicit Bias. As you know, issues of race and bias are front and center in our society. As a judicial system, we too struggle to ensure that our staff is diverse, our decisions are fair and unbiased, and that those who use our system perceive them to be so. This module provides the building blocks for the courts to make progress in this area.

For the last two years we have worked on strategies to move forward with proven methods. We request funding for staff and training funds to implement a set of evidence-based engagement strategies that enable leadership and employees across the Trial Court to learn ways to address race and bias, while increasing public trust and confidence and building a culture that supports effective, respectful, and accountable interactions.

Our strategy to achieve these objectives includes community engagement. First, we must build the capacity of strategically-placed leadership teams at the local level to address race and bias, through leadership workshops and individualized support. Second, we will work with these strategically located leadership groups, with the support of Justice Fellows, so that leadership implements court and community-based workshops, dialogues, and policies to build cultures where employees engage effectively with each other and with court users around race and bias. Third, we will equip courthouses with teams of internal educators and trainers to sustain and spread these engagement strategies throughout the court system. We will also ensure continuous learning through data collection, assessment, reflection, and dissemination. The request is for \$378,000, which includes a program manager, a training manager and funding for external assistance and trainings.

You have heard Chief Justice Gants' compelling words and shortly you will hear about the fiscal condition of the Trial Court from Court Administrator Williams. I offer just a few additional thoughts.

From my perspective, today's judiciary is dramatically leaner than even a few years ago --it is definitely not your father's judiciary. Our interest in continuous improvement remains strong. An increased focus on new applications of technology has helped significantly. Digital filings are now accepted for many civil and criminal case types; we have begun the digital preservation of court documents to move toward a paperless system; attorneys have electronic access to many court records across the state; and we have developed guidelines for the online publication of vast amounts of data.

This is a Massachusetts Judiciary with the same outstanding quality of judicial decision-making that has always characterized the Commonwealth's judiciary, but with modernized, streamlined and highly professional operational support.

We look forward to continuing our partnership with you and your colleagues to provide the public with the best in state government and to do our part by continuing to move Massachusetts judicial practices and its criminal justice system into the 21st century – leaner, more effective, more accessible and committed to a demonstrated reduction in recidivism.