


CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 12/13/21

AGENDA ITEM:	
Acceptance of Therapeutic Court Grant from Administrative Office of the Courts	
PREPARED BY:	DIRECTOR APPROVAL:
Suzanne Elsner	
DEPARTMENT:	
Municipal Court	
ATTACHMENTS:	
Grant and Approval Letter	
BUDGET CODE:	AMOUNT:
	\$307,817.00
SUMMARY:	

The Municipal Courts of Everett and Marysville submitted a grant request to the Administrative Office of the Courts for a Therapeutic Court grant. The joint grant project will allow the courts to provide substance abuse evaluations at the court by a licensed drug and alcohol evaluator. The courts will be developing a program to process people who are eligible for the evaluation and provide resources to services.

RECOMMENDED MOTION: I move to authorized the Mayor to accept the Therapeutic Court Grant from the Administrative Office of the Courts in the amount of \$307,817.00 to help the Marysville Municipal Court develop a Therapeutic Court program with the Everett Municipal Court.



WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

Dawn Marie Rubio, J.D.
State Court Administrator

SENT VIA EMAIL

October 29, 2021

ATTN:

Lorrie Towers, Presiding Judge
Suzanne Elsner, Administrator
Marysville Municipal Court
1015 State Ave
Marysville, WA 98270-4240

Amy Kaestner, Presiding Judge
Sharon K. Whittaker, Administrator
Everett Municipal Court
3028 Wetmore Ave
Everett, WA 98201-4018

Subject: Award Letter for SB 5476 Therapeutic Court Grant Program

We are pleased to inform you that the Administrative Office of the Courts (AOC) has reviewed your recent grant application, and has chosen to award you a grant in the amount of **\$307,817.00**.

The amount awarded may differ from the amount you requested. AOC adjusted all funding requests to start in December 2021 and end at the conclusion of FY23 (July 2023). If you have any questions about how your award was recalculated, please reach out to Stephanie Oyler at Stephanie.Oyler@courts.wa.gov.

It is the intention of AOC that the grant be used to identify individuals before Marysville Municipal Court and Everett Municipal Court with substance use disorders or other behavioral health needs and engage those individuals with community-based therapeutic interventions as described in your grant application. This award letter explains the responsibilities and expectations of grant recipients.

You will receive a Grant Agreement formalizing the terms of your award and a blank A-19 form in November. Grant recipients must sign the Grant Agreement and complete an A-19 form within ten days of receipt, and specify the contract manager, including their contact information. Once the Grant Agreement and accompanying A-19 form are signed and returned to AOC, the award monies will be dispersed.

Award Disbursement

Your award will be split into two disbursements. Recipients will receive the first half of their award (\$153,908.50) in December 2021, and the second half of their award (\$153,908.50) in July 2022.

Award monies will be divided into one of four cost categories. Cost categories will dictate how an award can be spent. The cost categories are as follows:

- Personnel Salaries & Benefits
- Staff Equipment & Training

- Treatment Services (therapeutic services specifically designed to address SUD and MH) & Compliance Monitoring
- Other Participant Services (other supportive services meant to ensure participant success- i.e. transportation services, including bus passes or car services providing transportation to court related activities and direct provision of meals, water and snacks, but excluding program incentives that would constitute a "gift."

The table below will show how your award must be distributed amongst the cost categories. A recipient is allowed to move award monies between categories if it less than 10% of the total award amount. If a recipient wishes to move more than 10% of the total award between cost categories, the recipient must have permission from AOC.

<i>Personnel</i>	<i>Staff Equipment & Training</i>	<i>Treatment Services</i>	<i>Other Participant Services</i>	<i>Total Award</i>
\$307,817.00	\$0.00	\$0.00	\$0.00	\$307,817.00

Reporting Requirements

Award recipients will be required to report quarterly to AOC on the impact of the award on their court and the effectiveness of their therapeutic court program at the dates listed below:

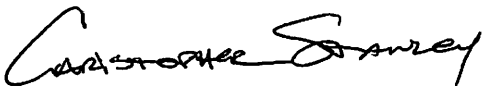
- First Report due April 30, 2022
- Second Report due September 31, 2022
- Third Report due February 28, 2023
- Fourth Report due June 30, 2023

Reports should include the number of individuals engaged in your therapeutic court program for that quarter, a detailed list of the services provided to individuals involved in the program for that quarter, the cost of those services and a description of the challenges faced by your therapeutic court program.

Reports should be submitted to Stephanie.Oyler@courts.wa.gov.

If you have any questions regarding the terms expressed in this letter, please contact Brittany Gregory at Brittany.Gregory@courts.wa.gov.

Respectfully,



Christopher Stanley
Chief Financial and Management Officer

cc: Dawn Marie Rubio, State Court Administrator
Brittany Gregory, Associate Director of Judicial and Legislative Relations
Stephanie Oyler, Court Association Coordinator

Application for Therapeutic Court Funding

- 1. Name & Title:** Lorrie Towers Presiding Judge & Amy Kaestner Presiding Judge
- 2. Phone Number:** (360) 363-8050, (425) 257-8778
- 3. Email:** ltowers@marysvillewa.gov akaestner@everettwa.gov
- 4. Are you the presiding Judge of your court?:** Yes
- 5. Jurisdiction:** City of Marysville, City of Everett
- 6. County:** Snohomish

7. Amount Requested: \$427,872

8. Currently Receiving other Funding - No

9. From the following three options, select the option that best represents your court's current position. Please only select one.

My court does not have an existing program or resources to address substance use disorders or other behavioral health needs.

Please describe your court's proposed program, including your planned start date and target population:

Three Cities, Everett, Lake Stevens and Marysville, representing over 215,000 citizens are combining to offer a new and innovative program for misdemeanor drug cases. A new perspective on criminal justice is needed. We are proposing a new pilot project that offers accelerated yet meaningful treatment solutions for justice-involved individuals. Upon funding, our program intends to:

- offer SUD assessments at the earliest intercept at the Courthouse
- accelerate enrollment into drug programs
- provide peer support services
- utilize case management services to manage cases to successful outcomes

Start Date: January 1, 2022.

Target population: Adults with substance use disorders (SUD) who have been charged with misdemeanor crimes in Everett and Marysville Municipal Courts.

The Everett and Marysville Municipal Court SUD program will be a pre-conviction therapeutic, problem-solving court. This program will use continuous and intense judicially supervised treatment and services to reduce recidivism of offenders whose conduct has been linked to substance use disorders. It is designed for rapid access to Substance Use Disorder Assessments and shorten the time between assessment and entry into SUD treatment.

The SUD Court Team includes the Judge, Prosecutor, Public Defender, Judicial Assistant, Court Administrator, SUD Liaison, Mental Health Professional (MHP) and a Peer Advocate.

The Liaison role, staffed by a Licensed SUD professional, brings an understanding of SUD and the complex challenges people living with SUD may contend with across various life domains. The SUD Liaison is knowledgeable of service providers throughout Everett and Snohomish County, and how to facilitate engagement with their programs.

A key component of the proposed program (necessitating the SUD credential for the Liaison role) is the commitment to provide access to an appropriate assessment in a timely manner. The goal will be to provide the assessment on the day of arraignment or as closely thereafter as is possible. The results of the assessment, based on the American Society of Addiction Medicine (ASAM) placement criteria, will determine the course of care through this program. Additional support for co-occurring mental health disorders will be provided by the Mental Health Professional.

Should the defendants require Detox, Inpatient, Intensive Outpatient, Outpatient or Alcohol Drug Information School (ADIS) services, the Liaison will assist with appropriate program placements.

The Court recognizes that the path for recovery for many defendants must include additional support services to help individuals move through the stages of change and towards the path to recovery.

The SUD Court program will provide support to:

1. **Achieve Stability:** Enrollment in treatment per the assessment findings. Interventions can include helping defendants engage with a housing navigator, employment specialist and mental health services.
2. **Community Responsibility:** Interventions and engagement may include exploring jobs, volunteer opportunities, continuing education, vocational training, certifications, achieving their GED, etc.
3. **Sustainability:** Maintaining treatment compliance and ensuring that established supports will be adequate for ongoing success.

These supports may be provided through both 1:1 and peer support group contacts with the Liaison and/or Peer Advocate. Additional support will be provided through incentives and emergency (flex) funds for active engagement and progress throughout the prescribed programs

Currently, both Everett and Marysville offer a limited-entry alternative called Mental Health Alternative program ("MAP"). The MAP program has existed in Everett for seven years; and for three years in Marysville. This program specializes in mental health cases and services for co-occurring disorders. A typical MAP treatment plan emphasizes counseling and mental health support. The MAP program is structured as a long-term, multi-year approach. A typical MAP case will last for 18 months; many last much longer than 18 months. Both the Everett and Marysville MAP programs contribute \$50,000 annually for case management/Court liaison services. These funds are paid from the general operating budget of the respective cities and are renewed annually as part of a regular budget review process.

The pilot project proposed would be separate and distinct from MAP in three primary ways. First, the pilot is focused on drug cases. Second, rapid assessment and rapid entry will be points of emphasis for the pilot. Third, successful outcomes for the pilot will be measured using a graduated scale, in a timeframe much shorter than 18 months.

10. Briefly explain how your court's program will comply with evidence-based best practices if chosen to receive grant funding.

Evidence based service provisions and referrals will be guided by:

- a. ASAM Placement Criteria
- b. GAIN Short Screen findings
- c. Researched and evidenced-based screening tools to establish treatment plans which may include PHQ9 and the Generalized Anxiety Disorder Scale
- d. Moral Reconciliation Therapy (MRT)
- e. Motivational interviewing
- f. Relapse prevention
- g. Medication-Assisted Treatment (MAT)

Utilizing these services for guidance, the SUD and the MH professional will utilize each one when it is needed for the successful placement, treatment and compliance of the participant. In being able to provide experiential and professional discretion to each individual case, the SUD and MH professionals can then utilize the correct services that are appropriate for the respective needs of the individual participants. This model will provide for a more effective and more targeted approach to treatment that both utilizes important evidence-based practices, while also maintaining a level of mailability to meet the participants where they are.

An example of one of the evidence-based practices is, Medication-Assisted Treatment ("M-A-T"). National organizations have reported evidence-based clinical trials showing that MAT is efficacious for drug disorder treatment outcomes. * The Care Team for this pilot project embraces MAT as one of the effective tools for treatment protocols. Federal D.O.J. grants to drug courts list FDA-approved medications as one of 11 effective components of practice. **

Additionally, the new jail at the Marysville Civic Campus (scheduled Opening date 2022) includes a medication room where jail inmates can receive Methadone. This not only prevents the horrible symptoms of acute withdrawal, but also allows a justice-involved individual to accomplish continuity of treatment and alleviates other drug-seeking behaviors.

This, in addition to the other evidence-based practices, will be available for the SUD and MH professionals to provide them with the right tools, giving them the best possible support and making the biggest impact for program participants.

11. Briefly explain how your court's program addresses/will address racial inequities and increase access to the courts.

Marysville and Everett Municipal Court judges are all members in good standing of the District and Municipal Court Judge's Association (DMCJA). The DMCJA Board of Governors recently reaffirmed its commitment to eliminating barriers to equal justice and to reinvigorate its leadership in this area. The DMCJA Diversity Policy Statement expresses a twofold imperative that judges must ensure that persons of diverse backgrounds and experiences are treated with respect and understanding in their courtrooms, courthouses, and communities, and they must implement diversity participation in all aspects of their individual court operations. Our program will effectuate these DMCJA standards in two ways: (1) All referrals to the SUD Professional will be maintained by Bridgeways by way of an intake form, which will

include demographic data and will record the outcome of the referral (e.g. date referred, accepted or not, participation, completion); (2) Participants will be required to complete a survey documenting their perceptions of procedural justice during their participation in drug treatment court.¹ Survey questions are set out below. Participants will be asked to respond with their choice of Strongly Disagree / Disagree / Undecided / Agree / Strongly Agree

Respect

- Overall you were treated with respect in court
- The security court officers treated you respectfully
- The judge treated you respectfully
- The prosecutor treated you respectfully

Voice

- In court, your defense attorney spoke up on your behalf
- The judge listened to your side of the story before making a decision
- In court, you had the opportunity to express your views

Understanding

- You were always able to find your courtroom
- Signs were clearly posted to explain any rules in the courtroom
- The judge made sure you understood what was going on
- In court, you understood what was going on
- Whenever your case wasn't heard right away, someone explained the wait
- Each time you left court, you understood what you had to do next

Neutrality

- You were treated differently because of your age, income, sex, race, other

Overall Feelings

- Overall, you felt the outcome of your case was fair

Survey results will be reviewed by the SUD Court Team at quarterly meetings. The Team will research and implement best practices to address any indication of racial inequity or lack of access to the courts. Examples of remedial measures: Follow-up / counseling with any court staff or SUD Court Team members who were identified as not respectful, judicial attendance at Continuing Judicial Education on effective listening, follow-up with court administrative staff to help correct confusing aspects of court facilities.

¹ The survey questions are adapted from the publication "What do Defendants *Really* Think?", by Rachel Swaner, Cassandra Ramdath, Andrew Martinez, Josephine Hahn, and Sienna Walker, published on the Center for Court Innovation website.

12. Briefly explain how your court collaborates with other courts and community partners to address SUD and the behavioral health needs of defendants.

Everett Municipal Court collaborates with the Snohomish County District Court to provide in-house Moral Reconciliation Therapy. The program is facilitated by probation officers from both courts. The program cost is only \$250 total, making it substantially more affordable for offenders who cannot afford similar programs outside the court. Everett Municipal Court has also informally collaborated with Marysville Municipal Court by assisting them in establishing a Mental Health Alternatives Program.

Everett Municipal Court's Assistant Court Administrator works with the Everett Mayor's project team that has been established to address issues related to chronically homeless individuals. The Team also includes staff from the Mayor's office, the Community Development Division of the Community, Planning & Economic Development Department, the Police Department, the Legal Department, the Fire Department, and Public Works. The core areas of Everett's approach include diversion and treatment, and the team specifically recognizes that chronic homelessness is often a result of untreated/undertreated mental and behavioral health conditions and addiction. The team seeks to connect people to opportunities for treatment and services, including Law Enforcement Assisted Diversion, Snohomish County Dedicated Crisis Responders, Everett Municipal Court Day Reporting and MAP programs, external treatment providers, and State-mandated referrals for services by law enforcement under ESB 5476.

The City of Marysville believes in a diverse, thriving, and equitable community. Mayor Nehring formed a Diversity Council as an advisory body for the city. Established in 2010, the Mayor's Diversity Advisory Committee (DAC) works to identify issues, prioritize support, and ensure that the diverse character of the community is represented in decision-making processes with regards to diversity and inclusion. Committee members should reflect the racial, ethnic, and socioeconomic diversity of the Marysville-Tulalip area.

The City of Marysville is adjacent to the Tulalip Tribal Reservation. The judges at Marysville Municipal Court have collaborated with Tulalip Tribal judges in the past on areas of common interest. This pilot project offers an opportunity to expand that working relationship with the Tribal Court. One example would be the Tribal Court Wellness Program, which offers no-cost drug treatment services to enrolled tribal members.

The Marysville Police force, under the leadership of Chief Eric Scairpon and Asst. Chief Jim Lawless, are adapting to more community-oriented areas of service. Rochelle Long is an embedded Social Worker (ESW) who works with unhoused individuals and attempts to provide wrap-around support for disadvantaged individuals. A new program allows a Mental Health worker (MHW) to be embedded with police patrols. The city shares three mental health embedded workers with three other entities. This allows for de-escalation of police force in situations where mental crises, not criminal behavior, are reported to 911.

Currently, there are no service providers for SUD assessments in the City of Marysville. Pre-Covid, the Catholic Community Services (CCS) non-profit agency offered SUD assessments to Medicaid and uninsured individuals. The Marysville office has been closed for a year, with no indication of re-opening. This pilot project envisions partnering with Bridgeways to offer low-barrier access to treatment. A specific goal of the Care Team is to have the capability of offering SUD assessments to justice-involved individuals on the first day of contact.

Additionally, both courts are partnering with Bridgeways, a clinical services provider within the city of Everett to utilize their experience and expertise in the process of building the SUD court program. Bridgeways has 40 years of experience providing much needed services to Snohomish County with a mission focus on providing those living with a mental health concern a better quality of life through housing, employment, and court programs. In particular, Bridgeways has been working with the Everett and Marysville courts to implement and manage their respective MAP programs. With seven years in Everett and three years in Marysville, Bridgeways has a successful record of implementing and sustaining similar kinds of court programs that are effective and fully funded year after year. The combined expertise and success of the partnership between the courts and Bridgeways will allow for guaranteed and sustainable success of the SUD court program.

13. Provide a justification statement, including priority of costs for potential funding. Please complete the Excel grid (separate document) and submit with this application form.

The City of Everett, with a current population of over 112,000, is the largest city in Snohomish County, the county seat, and the 7th largest city in Washington. The average household income in Everett is \$78,435 with a poverty rate of 12.81%. The population for the City of Marysville is over 70,00 with an average household income of \$90,278. The poverty rate is 7.23%. Lake Stevens' population is over 35,000, with the average household income of \$103,706 and a poverty rate of 6.82%. All non-felony crimes that occur within the Everett and Marysville city limits are filed into Everett Municipal Court and Marysville Municipal Court, respectively. Currently the process for getting criminal defendants into SUD treatment after they are charged with crimes is slow and ineffective. Both Courts only hear recommendations from the parties for SUD treatment at the time of sentencing, which is usually several months after the violation date. In addition, if a sentence includes jail time, that jail time has nearly always already been served by the time of sentencing. These two dynamics disincentivize defendants from following through with a required SUD assessment and treatment. The problem is exacerbated by the limited availability of publicly funded SUD assessments and treatment since the start of the COVID-19 pandemic.

The goal of our program is to enhance the likelihood that a defendant will successfully become involved in SUD treatment. The SUD professional will do the assessments several months earlier in an individual's criminal case and having the SUD professional at the courthouse at the time of first appearance will eliminate many existing barriers and vastly improve access to services. The SUD professional will also work with court staff and, as appropriate, with each city's executive branch staff, to recognize the needs in each community, craft local solutions, and assist in integrating and coordinating with existing behavioral health programs and with outreach to persons of color and under-served populations.

The applicants for this grant are the Cities of Everett, Marysville and Lake Stevens. Criminal cases in Everett are filed at Everett Municipal Court; cases in Lake Stevens and Marysville are filed at Marysville Municipal Court. The power of three cities, combined into one entity, is significant. If one were to create a single city from these three, it would look like:

Everett	112,249
Marysville	70,298
Lake Stevens	<u>32,487</u>

TOTAL 215,034

A combined city of 215,034 represents the 4th largest city in the state, trailing only Seattle, Spokane, Tacoma. * It would be the largest city by far in the 3rd most populous County in the state. **

The Pilot Program funding request is for \$427,863.00 for the two-year term. This amount represents startup costs of \$16,055 and an ongoing cost of \$17,159/month in direct labor and benefits, overhead and service provision supports. To properly manage the program and meet the needs of the combined cities, staffing will include:

- 1.0FTE SUDP/Court Liaison,
- .5FTE Peer Advocate,
- .5FTE Mental Health Professional/Supervisor
- .05 Clinical Director

To put this into perspective, the annual cost per resident equates to \$0.96.

14. Provide a description of the reporting measures you have in place/will put in place to measure the impact of additional funding on your therapeutic court program.

In order to provide for the most accurate and impactful reporting measurements, Bridgeways will prioritize only the most necessary data to provide a clear picture of the program's impact on its participants. This will begin with a focus on rapid turn-around assessments, providing them as early as when a defendant first enters the courthouse (this typically being upon arraignment). This model will provide Judges with a less crowded queue and will enable the opportunity for the therapeutic program to reach these individuals as soon as possible. By providing quick SUD assessments it is reasonable to assume that the time needed for entry into SUD treatment will be shortened. Both duration and the number of assessments and entry into treatment will be tracked. It will primarily focus on compliance of the program that include engaging and remaining in treatment and not necessarily other less-tangible metrics. This will provide for a more streamlined, accurate and consistent measurement of the impact of the program funding allowing for a clear picture of the program's efficacy.

Below highlights the importance and intent of this program to provide quick SUD assessments and rapid entry into treatment.

Below is a custody docket from 8-26-2021 with the Marysville Court. You can see that the jail population is filled with people who are non-compliant with their drug treatment. Even though this is a small sample size, we think it is representative of the larger problem. Here are the first three cases:

- Defendant #1 – Non-compliant with court-ordered Eval and Treatment – Sentencing on 1-15-2021
– Time Elapsed from Sentencing: 222 Days
- Defendant #2 - Non-compliant with court-ordered Eval and Treatment – Sentencing on 12-28-2020
– Time Elapsed from Sentencing: 20 Months

Defendant #3 - Non-compliant with court-ordered Eval and Treatment – Sentencing on 8-7-2018 – Time Elapsed from Sentencing: 3 Years

We intend to track and report data in two areas:

1. **Early Access to Services:** In a traditional courthouse model, a drug-involved individual does not get referred to SUD assessment and treatment until sentencing. This means a delay of several months (sometimes years) from the drug-related behavior to the drug-related treatment. A typical court sentence will give a drug-involved individual 60-90 days to file a written SUD assessment. In many instances, this 60-90-day deadline is not met by the individual. The court response is to summons the individual to a court hearing. All across Washington state, courts are holding FTC hearings to enforce compliance with sentencing. The significant time delay between the drug behavior and the drug treatment has been shown to lead to poor outcomes and drug recidivism. It is a very common occurrence for a CLJ judge to see a drug-involved individual for arraignment on a second drug or drug-related charge before he or she has completed their evaluation on the first drug case. As part of the Everett-Marysville project, the Care Team intends to measure the time from referral to treatment. Referral (R) - Treatment (T) will be measured in Days (D).
2. **Compliance with Program:** The second statistical measurement will be the compliance rate for drug-involved individuals in this program. To measure the impact of the funding for this project, it is anticipated that a very simple measurement tool will be used. We plan to primarily focus on tracking the number of defendants who engage and remain in treatment, and not necessarily other less-tangible metrics. For example: Total drug cases filed (total population); Number of referrals to services; and Number of participants engaged in services and graduating in lieu of termination from their services. We believe this will allow for a clear picture of the program's efficacy.

15. This funding will end in fiscal year 2023, how will your court sustain the program after the funding period ends?

With the expectation of program success – renewing if the program funding stops after 2023 we would...

With the assumption of program success, Bridgeways' development department would look for funding through a multitude of potential opportunities. Currently, there are many funding streams both private and public that would support a successful program like this.

One organization, Stand Together, has shown an immense amount of interest and support for the work of justice involved individuals and has made clear any expansion or extension of the current mission of our current court program would be supported and encouraged by their organization. Funding amounts from Stand Together generally range from \$50,000 up to \$500,000, offering Bridgeways ample opportunity for the growth and reach of an SUD program.

Additionally, we would look to seek support through the City of Everett's Human Needs funding in order to further provide support for a program that falls under the same umbrella of funding as similar court programs at Bridgeways. The Human Needs program has fully funded other court programs in the past, giving \$50,000 in 2020. With this past and future support of similar court programs, along with the assumed success of the SUD program, the Human Needs funding would provide for a likely funding source. Lastly, we have a strong connection with The Tulalip Charitable Contributions Fund and have a history of their support with our other court programs, that we feel makes them a likely candidate for support of the SUD program.

Beyond those larger organizational funders, we would look to the support of our individual donors to help fund this program. Previous supporters of similar programs like, Shields Law Firm, provide for a great opportunity to boost the giving of our individual donor base and the continued success of this program.

Presiding Judge:

Signature: *Lynne Tamers*

Date: 9.9.2021

Court Administrator:

Signature: *Suzanne Elser*

Date: 9/10/21

Presiding Judge:

Signature: 

Date: 9/13/21

Court Administrator:

Signature: *S. Whittore*

Date: 9/13/2021