

Office of the
Secretary of Public Safety

REPORT ON THE STATUS AND
EFFECTIVENESS OF OFFENDER DRUG
SCREENING, ASSESSMENT AND TREATMENT

To The General Assembly of Virginia



Commonwealth of Virginia
Richmond, December 31, 2003



COMMONWEALTH of VIRGINIA

Office of the Governor

John W. Marshall
Secretary of Public Safety

Robert P. Crouch, Jr.
Chief Deputy Secretary of Public Safety

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Deputy Secretary of Public Safety

December 31, 2004

Honorable Members of the General Assembly:

This Fiscal Year 2003 **Drug Screening, Assessment and Treatment Report** on the status and effectiveness of substance abuse services for offenders is submitted pursuant to requirements of *Virginia Code* §2.2-225. The Office of the Secretary of Public Safety (SPS) prepares and issues this report as the Commonwealth's most comprehensive statewide statistical benchmark of state-administered substance abuse screening, assessment and treatment services provided to offenders during the previous 12-month period. Instrumental in gathering, analyzing and compiling the bedrock data essential to completing this report is the multi-agency Drug Screening, Assessment and Treatment (DSAT) Work Group, under the leadership of the SPS. Throughout FY '03, the DSAT Work Group continued its regularly scheduled meetings and calendar of reporting activities.

Within the Commonwealth the state agencies with primary responsibility for offender screening, assessment and treatment are the Department of Corrections, the Department of Juvenile Justice, the Department of Criminal Justice Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The latter agency accomplishes this objective via the regional Community Services Boards. Significant, but required, budget and staff reductions have affected each of the principal agencies involved in collecting this data, making the consistent collection and reporting of reliable information more difficult. Although budget cuts have reduced the staff positions formerly devoted to this task, the agencies have continued their efforts to compile pertinent data by streamlining the process in some instances, adopting more uniform screening instruments and otherwise attempting to make this task more manageable for the fewer number of staff involved.

Sincerely,

A handwritten signature in black ink that reads "John W. Marshall".

John W. Marshall

Background

In 1998, Virginia's General Assembly passed House Bill 664 and Senate Bill 317 (HB664/SB317) enacting the Drug Offender Screening, Assessment, and Treatment (DSAT) initiative. The DSAT legislation, subsequently amended in 1999, outlined specific substance abuse screening and assessment provisions that became effective for offenses committed on or after January 1, 2000. These provisions, contained in §§ 16.1-273, 18.2-251.01, 19.2-299, and 19.2-299.2 of the *Code of Virginia*, target three offender groups, including juveniles, adult felons, and adult misdemeanants. Because several different types of offenders are subject to the *Code* mandates, the initiative affects staff and clients of numerous agencies, including the Department of Juvenile Justice (DJJ); the Department of Corrections (DOC); local community-based probation and pretrial services programs administered by the Department of Criminal Justice Services (DCJS); the Commission on Virginia Alcohol Safety Action Program (VASAP); and the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS).

The Screening and Assessment Process

The screening and assessment process is not uniform for all offender groups but, rather, was designed to work within existing court processes. For juveniles adjudicated of any felony, Class 1, or Class 2 misdemeanor violation of the Drug Control Act or for whom the court orders a pre-dispositional investigation, DJJ's court services units are responsible for conducting the screening and assessment. Juvenile offenders adjudicated without a screening or social history ordered receive screening and/or assessment services when beginning probation supervision in the community or prior to their transfer to a juvenile correctional facility. DOC probation and parole districts are responsible for screening and assessing all offenders convicted of a non-capital felony, for whom a pre-sentence investigation report is ordered or who is sentenced to state responsible incarceration or to the statewide community-based corrections system. Local offices of VASAP are required to screen and assess adult misdemeanants, unless an offender is ordered to probation supervision. In these instances, local community-based probation programs are responsible for screening and assessing those offenders as well as local-responsible felons who receive a sentence including probation supervision. When approved by a locality's chief judge, pretrial services programs also conduct screenings and assessments on pretrial defendants as part of the evaluation for pre-trial release.

To promote consistency in the screening and assessment process, participating agencies have established general guidelines for conducting substance abuse screening and assessment, given the parameters of the legislation, and have selected specific standardized screening and assessment instruments to utilize in this process. Juvenile offenders are screened using the Substance Abuse Subtle Screening Instrument and are assessed using the Child and Adolescent Functional Assessment Scale and the drug/alcohol scale of the Adolescent Problem Severity Index. Adult offenders are screened using the Simple Screening Instrument and are assessed using the Addiction Severity Index.

The screening instruments are used to determine whether an offender is likely to benefit from a comprehensive substance abuse assessment. If deemed necessary based on the results of the screening process, an assessment is conducted to provide a more thorough evaluation and establish definitively the presence or absence of a diagnosable substance abuse disorder. Results from the assessment process are used to assist in treatment referral decisions. Scoring overrides on the screening and assessment instruments sometimes occur when staff members use other factors to make a decision contrary to what is indicated by the instrument score alone.

To support screening and assessment activities and to provide a level of “quality assurance”, the General Assembly established specialized staff positions within both DJJ and DOC. Individuals in these positions, known as “certified substance abuse counselors” or “certified substance abuse specialists” (CSACs/SASs), require specialized training and education in the field of substance abuse and must receive certification from the state’s Board of Professional Counselors. In addition, both DJJ and DOC established regional supervisor positions charged with the responsibilities of overseeing the screening and assessment program in their respective regions.

Sources of Funding and Legislative Requirements

The DSAT initiative received funding from two primary sources in addition to existing general and grant funds. The 1999 General Assembly established a funding mechanism for the screening and assessment process in §18.2-251.02 of the *Code of Virginia*. The Drug Offender Assessment Fund consists of monies received from fees imposed on offenders convicted of certain drug charges. Offenders with felony or misdemeanor drug convictions are assessed fees of \$150 and \$75, respectively. The *Code* mandates that all DOAF monies be subject to annual appropriation by the General Assembly to DJJ, DOC, and VASAP for implementing and operating the DSAT initiative. DCJS does not receive an appropriation from this fund. These funds are used primarily to support screening and assessment activities, including drug testing, training activities, hiring of specialized staff, and to offset the cost of the screening and assessment instruments. Additionally, general funds first made available to agencies on July 1, 2000 through the Substance Abuse Reduction Effort (SABRE) provided a substantial source of funding for substance abuse treatment services for drug-involved offenders. A total of approximately \$12.3 million in SABRE funds was distributed to DJJ, DOC, and DCJS during FY 2001 and FY 2002. During the 2002 legislative session, the General Assembly eliminated the SABRE initiative and its funding provisions, resulting in large-scale reductions in monetary support for substance abuse treatment services. This loss of funding, which became effective on July 1, 2002, substantially reduced the ability of agencies to provide substance abuse education and treatment services to offenders being screened and assessed under the DSAT *Code* provisions.

An Interagency Drug Offender Screening and Assessment Committee, established by §2.2-223 to consist of representatives from each agency above as well as the Virginia Criminal Sentencing Commission (VCSC) and the Secretary of Public Safety, has several intended functions, including assisting and monitoring agencies that implement the provisions of the initiative, ensuring quality and consistency in the screening and assessment process, and promoting interagency collaboration. An Interagency Workgroup, composed of designees from the Committee, was also established to provide direct oversight of these tasks.

The *Code of Virginia* language that created the Interagency Committee directed it to implement an evaluation process. In 2000, the former Secretary of Public Safety requested that the Department of Criminal Justice Services' Criminal Justice Research Center conduct this evaluation. The evaluation, planned for two phases, sought to address program implementation (Phase I) followed by an examination of program outcomes (Phase II). The Phase II program outcome evaluation, intended to begin after completion of Phase I, was terminated in July 2003, due to budget constraints.

Program Evaluation

The *Code of Virginia* language that created the Interagency Committee directed the Committee to implement an evaluation process. In 2000, the former Secretary of Public Safety requested that the Department of Criminal Justice Services' Criminal Justice Research Center conduct this evaluation. The evaluation, planned for two phases, sought to address program implementation (Phase I) followed by an examination of program outcomes (Phase II).

DCJS completed Phase I, the implementation evaluation, in October 2002. A complete review of this project and its findings can be found in the full research report, *Implementation Evaluation of the Drug Offender Screening, Assessment, and Treatment Initiative (2002)*. This report is available upon request from the Department of Criminal Justice Services, Criminal Justice Research Center.

Status During 2003

The Department of Criminal Justice Services

- During FY '03 pretrial and local community-based probation agencies completed 20,046 screenings, 35 percent (7,044) of which revealed the need for additional assessment. The approved Addiction Severity Index was used for 48 percent of the 3,404 individuals requiring assessment during FY '03, as compared to 64 percent having received required assessments the previous year, when SABRE funds, since eliminated, were used for this purpose. This represents a 32 percent decline. The adoption of an alternative (non-approved, but more uniform) screening instrument during FY '03 staved off some decline in the level of screening and assessments during FY '03, keeping the one-year screening reduction at 13 percent less than the number screened in FY '02.

Of this number, 2,996 individuals (88 percent) were found to be in need of substance abuse education and/or treatment. There was a corresponding 34 percent decrease in the number of those who were placed in substance abuse treatment programs during FY '03.

The Department of Corrections

- During FY '03, DOC completed 21,187 substance abuse screenings and 4,209 assessments. Of these, 3,929 offenders were identified as being in need of education or treatment services. A significant cohort within this group required mental health services as well.
- Random urinalysis of the inmate population resulted in 300,000 samples being tested during FY '03.

The Department of Juvenile Justice Services

- Although statutory language in §16.1-273 continues to exist as a mandate for DJJ to perform screenings and assessments, the budget bill adopted by the 2003 General Assembly included language that exempted the agency from this requirement (Budget Item #144). Even so, some level of juvenile offender screening and assessment continued during FY '03. DJJ conducted 4,911 screenings and 1,778 assessments during FY '03.

The Department of Mental Health, Mental Retardation and Substance Abuse Services

- Under contract with Community Services Boards throughout the Commonwealth, Probation and Parole Districts contracted services during FY '03, on behalf of 16,000 offenders, for inpatient and outpatient substance abuse and alcohol treatment. Providing these services were 7 vendors offering inpatient treatment and 27 vendors offering outpatient treatment.
- Therapeutic Community programs conducted in local jails served 850 offenders during FY '03.

Impact of Budget and Staff Reductions

- SABRE funding prior to FY'03 provided to the Department of Criminal Justice Services \$1.5 million annually for DSAT activities. Since that time, only about \$150,000 of SABRE funding (carried over from FY '02) has been available to support an increasing demand for these same services. These funds were expended during the first quarter of FY '03. Additionally, in FY '02, DCJS provided approximately \$17.1 million for support operations in 37 community-based probation offices and 30 local pre-trial agencies. While these operating funds remained level for FY'03, only \$366,000 of the total was earmarked for

substance abuse assessment, testing and treatment. For FY '04, this amount has been reduced to \$150,000.

- At the Department of Corrections, SABRE funds supported substance abuse screening, assessment, testing and treatment for all felon offenders convicted on or after January 1, 2000. This loss of support soon will be compounded by the FY '04 overall reduction in federal Byrne Grant funds, eliminating \$1.8 million that now is used by DOC for an array of treatment services, including transitional therapeutic community programs.
- Beyond the administrative impact of budget constrictions that continue to hamper data collection and reporting are the quality-of-direct-service impacts resulting from the loss of personnel. DOC lost more than 60 FTE positions, and vacancies were frozen. The loss of clinical supervisors has compromised clinical oversight of DOC's Certified Substance Abuse Counselors, weakened quality control in service delivery, reduced training opportunities and curtailed the delivery of technical assistance to field staff.
- The Department of Juvenile Justice eliminated 35 FTE positions associated with substance abuse screening, assessment and treatment programs. These positions formerly delivered services via the agency's Court Services Units located throughout the state.

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