

Supreme Court of Vermont
Office of State Court Administrator

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TO: Maxine Grad, Chair. – House Committee on Judiciary

FROM: Patricia Gabel, Esq., State Court Administrator

RE: H.213 (statewide access to drug and DUI treatment courts)

DATE: March 16, 2017

I write to discuss the fiscal impact to the Judiciary of H.213 (an act relating to establishing statewide access to drug and DUI treatment courts) as set forth in Draft 3.1 (dated March 15, 2017).

On page 7 (lines 12–16), the bill establishes a mobile adult treatment court pilot program and requires the Judiciary to assign a half-time Judicial Master. PLEASE NOTE: This will only be possible if the Legislature funds both the 50% of the Judicial Master team currently in the Governor's recommended budget for the Judiciary for the Family Division, which the Judiciary supports, and the 50% of the Judicial Master team described in this bill, which is currently expressly limited to the Criminal Division. In other words, the pilot is only viable with a fully-funded team, and the hiring is only viable into full-time positions.

The costs of this pilot will vary depending on the configuration of the mobile region served, so these estimates set forth below are only approximate. Under the Mobile Adult Treatment Court Pilot Program, the Judiciary estimates the following fiscal impacts:

- Master staffing costs: Providing a Judicial Master as well as two administrative support personnel – each at 50% FTE -- will cost approximately \$137,952 including salary and benefits, reflecting:
 - One judicial master @ \$37,500 salary plus benefits = \$63,000
 - Two administrative courtroom support @ \$37,476 each = \$74,952
- Treatment coordinator (one) Salary and fringe benefits: \$77,995
- Travel and Education: In addition, given that this is a mobile court, it can be assumed that significant travel will be incurred for both day-to-day operation of the docket as well as costs to send treatment team members to trainings and conferences consistent with best practices.
 - Assuming that transportation for the 3 employees, depending on where they live, would incur the leasing of two state vehicles (assuming some carpooling), that would cost approximately \$6,000 per vehicle, or a total of \$12,000.

- Costs to send three treatment team members to trainings and conferences of the New England Association of Drug Court Professionals and the National Association of Drug Court Professionals: \$10,230.
- Office space, security, and other expenses: For purposes of this fiscal note, we are assuming that the mobile pilot program will slot into available court times within existing dockets, and therefore no additional office space or court security costs are anticipated at this time. If, however, the mobile court focuses on county units where court space is fully booked or additional security is unavailable, this issue may need be revisited.
- Evaluation: Because the draft bill requires the Judiciary to report to the House and Senate Judiciary Committees information about the progress and outcomes of the pilot (see page 8, lines 8–10), the Judiciary will need to work with an evaluator at an estimated cost of \$20,000. Note that there are three kinds of evaluations: process evaluations, cost-benefit evaluations, and outcome evaluations; the latter two reports are typically conducted several years after inception of a new treatment docket program. The July 2018 deadline for the Chief Superior Judge’s report indicates that the bill contemplates a report of results from a process evaluation.
- Defense attorneys’ services: If the pilot program operates on a post-sentence—rather than a post-plea—basis, then there would be a cost for defense counsel to be involved in the treatment team: \$46,800.
- Total annual cost: \$304,977 (or \$258,177 if the program is configured as a post-plea program).

Note that it is also assumed that clinical support services would be required, including a Clinical Case Manager and/or Clinical Director, but these services would be furnished by the Department of Health.

Note also that the bill (page 4, lines 17-20) would establish the Adult Treatment Courts Special Fund “exclusively” for the purpose of providing the financial means for the Vermont Supreme Court to expand geographic access to adult treatment courts across the state. This limitation might be problematic if the Supreme Court seeks to establish a treatment docket for a different population. For example, if there is an epidemic of juveniles abusing a certain narcotic and the Supreme Court determines that a juvenile drug treatment docket is needed, moneys from the Special Fund would appear to be unavailable.

Thank you for your time and consideration. Of course, I remain available to appear before your Committee.

cc: Shannyn Morse, Committee Assistant
 Rep. Catherine Toll, Chair, House Appropriations
 Theresa Utton, Committee Assistant – House Appropriations
 Maria Belliveau, Associate Fiscal Officer
 Rep. Mary Hooper
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