The County of Hillsborough
New Hampshire

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March 2, 2016

Hon. Larry G. Gagne, Chairman
Hillsborough County Executive Committee
329 Mast Road
Goffstown, NH 03045

Inter Office

Re: Substance Abuse Treatment Community for Offenders

Dear Chairman Gagne:

The Board of Commissioners understands that members of the Executive Committee and County Delegation have been engaged in an in-depth study of the opioid crisis and a legislative response for the State. Through this process you most certainly have received input from countless individuals and experts who have first-hand knowledge of the consequences of the crisis and best practice approaches to confront it. We support and applaud the good work that is ongoing however, before final action is taken, we ask you to consider the impact that those actions, intentionally and otherwise, will have on the County and its taxpayers.

We support the effort of the Judicial Branch to pursue the state-wide implementation of "Drug Courts." As you know, Hillsborough County is an active participant and works with the Superior Court in the implementation of the "Drug Court" program operating in the Southern District. That said, we have serious concerns with any effort that shifts the operating expense associated with the drug courts to our County taxpayer. The operation of a court or a court program is the fiscal responsibility of the State, which appropriates a budget for the judicial and executive branch. Drug courts are not a core function of county government. We believe that efforts to shift fiscal responsibility for operating these courts will have a significant long-term impact on Hillsborough County's operating expenses. Presently the County expends in the range of one hundred thousand County dollars in support the drug court operating in Hillsborough County Southern District while the State uses a temporary federal grant to aid funding.

Our concern with the shifting of State financial obligations to the counties has roots that go very deep and this shift of responsibility for the drug courts focuses on what are the essential "core" functions of Hillsborough County. Most recently the focus on core County responsibilities became the driving force behind an effort of the Executive Committee and Delegation to significantly change the way that the County was doing business. At the urging of the Executive Committee and Delegation, in FY 2012 the Board of Commissioners and Elected County Officials initiated a comprehensive study of our operations to determine that the County taxpayers were supporting only core county functions and programs. Study groups, including Executive Committee representation, were established to review Revenue, Expenses and Operations. The groups were directed to "[i]dentify those statutory and constitutional obligations of

county government and Hillsborough County in particular that are essential core functions vital to county operations." The groups' work was to serve as the foundation upon which future budgets that maintain "necessary County services" would be developed.

In fact, through this process a number of difficult decisions were made over the course of FY 2012 and FY 2013. Positions were eliminated, budget cuts were made, and significant to the ongoing discussion around the opioid crisis it was determined that an Alcohol and Drug Abuse Diversion Program that had been operational within the County's Human Service Department was beyond the County's core responsibilities and it was eliminated.

Through the subsequent budget years, consistent with the Study Groups' work the Board of Commissioners has been diligent in its effort to remain committed to the premise of presenting budget recommendations and approving budget expenditures that support only "our core County responsibilities." The Board's Fiscal-Year 2016 Budget Instructions are illustrative of our effort. We opened our budget parameters to departments and elected offices by stating that:

> "As a Board we are committed to once again presenting a budget recommendation that *supports our core, County responsibilities*. To that end we will work to develop a recommendation that *funds the delivery of necessary county services* supported by a tax appropriation that is fair and equitable to our taxpayers. ... Any request to increase expenditures must be *necessary to support an identifiable core county service*, must be modest at best, and must be supported by offsetting revenue to the extent possible." (Emphasis added)

Cognizant of our commitment to core County functions and the burgeoning opioid crisis, we resolved to find an appropriate County path to enhancing our impact on the effort to confront addiction. We requested that representatives from the County departments intersecting with the crisis look at and study a County driven response that would be consistent with our commitment to "support an identifiable core county service." We directed that the effort be focused on the role and responsibilities of the County and its various intersections with the breath of the opioid crisis.

The group quickly identified challenges to justifying the inclusion of a drug court or drug court program within the umbrella of the County's core responsibilities. A number of years ago the Legislature moved oversight and responsibility for the court system from the counties to the State. Then, in 2013 the Legislature acted to expand the authority of each superior or circuit court to include the ability to establish "one or more drug courts under which drug offenders may be processed to address appropriately an identified substance abuse problem." Within this legislatively created structure, responsibility and oversight for drug courts and the drug court program is with the State, not a core county responsibility.

With this understanding the group turned its consideration to how, within the County's core responsibilities, we could make a positive impact on the crisis while enhancing the services that we are required to deliver. The most obvious group of individuals that the County must serve is that confined to our Department of Corrections. Many of these individuals come to our facility as a result of addiction and actions driven by their dependencies. Many are not the high risk/high need offenders that drug courts specifically target. They are a group for which the County is already responsible and for whom the County has the opportunity to offer a road to recovery during a time that otherwise may be spent without treatment or support. And they are not a group that has yet to be defined as high risk/high need for the drug court eligibility. They are generally at an earlier stage in the criminal justice system.

At a special meeting on February 1st the group presented a recommendation to the Board seeking the County's support of a proposed substance abuse program to be operated within our Department of Corrections. The Substance Abuse Treatment Community for Offenders (SATCO) program will target offenders sentenced to the DOC with substance abuse issues and co-occurring disorder. With an eye towards successful reentry into the community after incarceration the program, through the work of a Case Manager, LADCs (Licensed Alcohol and Drug Counselors), and a Housing, Employment, Medical Specialist (HEMS) will engage with participants to re-establish a productive life, through sobriety and the promotion of economic self-sufficiency. Qualified offenders will participate in an intensive in-house treatment program that will be followed by a period of work release with treatment programing and transitioning to electronic monitoring or probation supervision with weekly aftercare groups. We foresee a program that will make available assessment, treatment, support, and the tools required for successful reentry after incarceration to a cohort of individuals not eligible for the drug court and for whom the County has a core responsibility.

We are pleased to support the recommendations of the group and have enclosed an overview of the program and copies of the applicable Department of Corrections Policies & Procedures for your information. In order to initiate the program as soon as possible we are requesting the Executive Committee's immediate consideration and approval of five (5) newly created positions within the program. Position Descriptions for each are enclosed and include:

One (1) Case Manager position within the SATCO program at a Grade 5

One (1) Lead LADAC position within the SATCO program at a Grade 10

Two (2) Clinician (LADAC) positions within the SATCO program at Grade 9

One (1) Housing, Employment, Medical Specialists (HEMS) position within the SATCO program at a Grade 4

For the remainder of FY 2016 it is our intention to incorporate the positions in, and to fund them through the Department of Corrections budget. At this time, while we anticipate the funds for the remainder of this fiscal year should be available within the DOC budget, transfers may be necessary before the end of the year to facilitate the program. As we move to the FY 2017 budget approval process we will be recommending the establishment of a separate department budget to be designated SATCO, which will include all positions and costs associate with the program. An estimated proposed budget for the remainder of FY 2016 and an estimated projected budget for the program in FY 2017 are enclosed for your information. We are also requesting the Executive Committee's support for the creation of the new, separate SATCO department budget.

We are confident that by focusing on our core county responsibilities and making the commitment to the SATCO program Hillsborough County will have a positive impact on the opioid crisis and the long-term fight against addiction. Re-establishing a productive life, through sobriety, promotes economic self-sufficiency which minimizes the cost of reliance on state social service systems, reduces new crime and victimization, law enforcement costs, court costs, and the cost of re-incarceration. Dedicating the limited available County taxpayer dollars to a County program that addresses the needs of individuals in direct County care supports our core responsibilities and looks to maximize our influence on the fight against addiction. The County maintains control of its taxpayer dollars and its programing while expanding upon the cohort of addicted offenders that the Judiciary seeks to support through its drug courts. Our effort is designed and intended to maintain our budget discipline while utilizing taxpayer dollars to address core County responsibilities in supplement to, and in conjunction with the State's "Drug Court" effort.

Upon approval of the requested positions we will immediately move forward with the program. We would anticipate working with the courts, attorneys, providers and other stakeholders to initially refine and then implement the program in a manner that will meet its intended purpose and allow it to become an effective tool in a multipronged battle against addiction. Throughout that process and as the Delegation continues to refine the State's legislative response to the crisis, we hope to work with you and the Judiciary to support the "Drug Court" effort and to continue exploring how, through our core responsibilities we can make a positive impact on that effort. We are optimistic that in conjunction with the "Drug Court" effort, the SATCO program will provide opportunities for the County to bring stakeholders together to explore how, within each stakeholder's unique core responsibilities a shared commitment to making the necessary financial resources available can be discovered. Committed to our core county responsibilities we are confident that avenues to this shared approach will be identified that allow the County to maintain its' budget discipline.

We ask that the Executive Committee support our effort to bring the SATCO program to the Hillsborough County Department of Corrections at the earliest opportunity. We will be available, and look forward to the opportunity to discuss our review of the County's role in the response to the opioid crisis and the importance of the SATCO program to our effort. Should there be anything additional that we can provide you at this time to facilitate your consideration of the requested positions please advise us. We appreciate your consideration and remain

Sincerely yours,

Sandra Ziehm
Chairman

Carol H. Holden
Vice Chairman

Toni H. Pappas
Clerk

Enc.

Cc: Hillsborough County Executive Committee
Hillsborough County Delegation
Sheriff James Hardy w.o./enc.
Dennis Hogan, Esq. w.o./enc.
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Chief Justice Tina L. Nadeau, NH Superior Court
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