



2020

Annual Report

of the

State Drug Treatment Court

Advisory Committee

Submitted to the

Michigan Legislature and the Michigan Supreme Court

Pursuant to MCL 600.1082, Public Act 224 of 2004.

For the period

January 1, 2020 through December 31, 2020

State of Michigan

The Honorable Amy Ronayne Krause, Chair

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INTRODUCTION

This report of the State Drug Treatment Court Advisory Committee (SDTCAC) activities during the period of January 1, 2020 to December 31, 2020 is submitted in compliance with MCL 600.1082 (Public Act 224 of 2004).

OVERVIEW

MISSION STATEMENT

The mission of the State Drug Treatment Court Advisory Committee is to monitor and advocate for the effectiveness of drug treatment courts in Michigan.

ORIGIN AND SCOPE

Public Act 224 of 2004 created the State Drug Treatment Court Advisory Committee within the Legislative Council. In October 2012, the Legislature enacted Public Act 334 of 2012 which added a veterans' treatment court representative. The advisory committee consists of the State Court Administrator, or his or her designee, plus 17 members appointed jointly by the Senate Majority Leader and the Speaker of the House, as follows:

- A circuit court judge who has presided for at least 2 years over a drug treatment court.
- A district court judge who has presided for at least 2 years over a drug treatment court.
- A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program.
- A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court.
- A circuit or district court judge who has presided over a veterans' treatment court.
- A court administrator who has worked for at least 2 years with a drug or alcohol treatment court.
- A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court.
- An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years.
- An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court.
- An individual representing defense attorneys who has worked for at least 2 years with drug or alcohol treatment courts.
- An individual who has successfully completed a drug treatment court program.
- An individual who has successfully completed a juvenile drug treatment court program.
- An individual who is an advocate for the rights of crime victims.
- An individual representing the Michigan Association of Drug Court Professionals.
- An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court.



- An individual representing a substance use disorder services section of a Pre-Paid Inpatient Health Plan (previously known as a substance abuse coordinating agency).
- An individual representing domestic violence service provider programs that receive funding from the state domestic violence prevention and treatment board.

The SDTCAC members serve without compensation but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Members of the advisory committee serve for terms of 4 years each.

The SDTCAC is charged with the responsibility of monitoring the effectiveness of drug treatment courts and veterans' treatment courts and the availability of funding for them. The Committee is required to present to the Michigan Legislature and the Michigan Supreme Court annual recommendations of proposed statutory changes regarding drug treatment courts and veterans' treatment courts. In addition, statute requires that the Committee meet at least quarterly, or more frequently at the call of the chairperson or if requested by 9 or more members. The business that the advisory committee performs is conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275, and any writing prepared, owned, used, in the possession of, or retained by the advisory committee in the performance of an official function is subject to the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

2020 COMMITTEE MEMBERS

The SDTCAC experienced one change in its membership in 2020. Having served on the Committee since his appointment on February 18, 2015, Mr. Gary P. Secor, Court Administrator of the 61st District Court did not seek reappointment to the Committee when his term expired in September 2020. The Committee recognized Mr. Secor at the October 20, 2020 SDTCAC meeting with a Certificate of Appreciation for his invaluable contributions to the Committee throughout the years. The Committee welcomed Ms. Ines Straube, Barry County Trial Court Administrator, when she was appointed on September 4, 2020 to serve as the court administrator representative. In 2020, five (5) Committee members were also reappointed by the Senate Majority Leader and the Speaker of the House for 4-year terms—Mr. Andrew Konwiak, Prosecutor Douglas Lloyd, Sheriff Michael Main, Mr. Mark Risk, and Ms. Stacy Salon. The position for a juvenile drug treatment court graduate that expired in June of 2019 is currently still vacant.

SDTCAC Members Serving in 2020

Andrew Smith - The state court administrator, or his or her designee. Mr. Smith, SCAO Problem-Solving Courts Manager, was designated and began serving as the SCAO designee in July 2018.

Members appointed jointly by the Speaker and the Senate Majority Leader:

The Honorable Amy Ronayne Krause (*Chair*) – An individual representing domestic violence service provider programs that receive funding from the State Domestic Violence Prevention and Treatment Board. Judge Ronayne Krause of the 4th District Court of Appeals was appointed to the Committee on March 18, 2011 and is currently serving her fourth term that expires on June 13, 2023. Judge Ronayne Krause has served as Chair since May 28, 2013.

The Honorable Raymond P. Voet (*Vice Chair*) – A circuit or district court judge who has presided over a veterans' treatment court. Judge Raymond P. Voet of the Ionia County 64-A District Court was appointed to this position on September 19, 2013 and was reappointed to serve a second term that expires on September 18, 2021. Judge Voet was unanimously elected to serve as Vice Chair of the Committee at the July 18, 2017 SDTCAC meeting.



The Honorable Louise Alderson – A district court judge who has presided at least 2 years over a drug treatment court. Judge Alderson was appointed to the Committee on October 12, 2016 and was reappointed to a second term that expires on September 18, 2021. Judge Alderson is Chief Judge of the 54A District Court and presides over the specialized felony Sobriety Court.

Ms. Heidi Cannon - An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court. Ms. Cannon was appointed to the Committee on July 13, 2016 to fill the remainder of a four-year term that expires on August 4, 2019. Ms. Cannon is currently the Sobriety Court Probation Officer for the 2A District Court in Adrian. Ms. Cannon has served on the Committee since July 13, 2016 and was reappointed in 2019 to a second term that expires August 4, 2023.

The Honorable Susan L. Dobrich – An individual representing the Michigan Association of Drug Court Professionals. Judge Dobrich of the Cass County Probate Court was appointed to the Committee on February 18, 2015 and was reappointed to a third term that expires on June 13, 2023.

Mr. Andrew Konwiak – An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court. Mr. Konwiak is with the Sacred Heart Rehabilitation Center. Mr. Konwiak has served on the Committee since June 13, 2005 and was reappointed in 2020 to a fifth 4-year term that expires on July 17, 2024.

The Honorable Mark W. Latchana – A circuit court judge who has presided at least 2 years over a drug treatment court. Judge Latchana is the 67th District Court Judge but has been assigned by the State Court Administrative Office to serve as the judge of the 7th Circuit Court. Judge Latchana was appointed to the Committee on September 7, 2017 to fill the remainder of a four-year term that expired on November 6, 2017 and for a succeeding four-year term that expires on November 6, 2021.

Mr. Douglas R. Lloyd – A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court. Prosecutor Lloyd of Eaton County was appointed on September 19, 2013 and was reappointed in 2020 to a third 4-year term that expires on September 18, 2024.

Sheriff Michael Main – An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years. Sheriff Main of Isabella County was appointed on July 18, 2016 and was reappointed in 2020 to a second 4-year term that expires on July 17, 2024.

Ms. Christina Nicholas, LMSW – A representative of substance use disorder services section of a Pre-Paid Inpatient Health Plan. Ms. Nicholas serves as the Director of Substance Use Disorder Prevention and Treatment Services with the Oakland Community Health Network and is the current chair of the ten pre-paid inpatient health plans Substance Use Director workgroup in Michigan. Ms. Nicholas was appointed to the Committee on December 7, 2017 and was reappointed to a second term that expires June 13, 2023.

The Honorable Julia B. Owdziej – A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program. Judge Owdziej currently is the presiding judge of the Washtenaw County Juvenile Court Delinquency Division. She was appointed to the Committee on September 7, 2017 to fill the remainder of a four-year term that expires on June 13, 2021.

Mr. Mark Risk – An individual representing defense attorneys who has worked for at least 2 years with drug or alcohol treatment courts. Mr. Risk of Traverse City was appointed to the Committee on September 3, 2012 and reappointed in 2020 to a third term that expires on September 3, 2024.

The Honorable Geno Salomone – A circuit or district court judge who has presided at least 2 years over an alcohol treatment court. Judge Salomone of the 23rd District Court in Taylor was appointed to the Committee on July 13, 2016 to fill the remainder of a four-year term that expired on June 13, 2017. In 2017, he was reappointed to a full four-year term that expires on June 13, 2021.



Ms. Stacy Salon – An individual who has successfully completed an adult drug treatment court program. Ms. Salon of Traverse City has served on the Committee since September 4, 2012 and was reappointed in 2020 to a third term that expires on September 3, 2024.

Mr. Gary P. Secor – A court administrator who has worked for at least 2 years with a drug or alcohol treatment court. Mr. Secor is the Court Administrator of the 61st District Court and was appointed to the Committee on February 18, 2015. Mr. Secor did not seek reappointment and served on the Committee until his second term expired on September 3, 2020.

Ms. Ines Straube – A court administrator who has worked for at least 2 years with a drug or alcohol treatment court. Ms. Straube is the Trial Court Administrator for the Barry County Trial Court and was appointed to the Committee on September 4, 2020. Her first term expires on September 3, 2024.

Ms. Alma Valenzuela – An individual who is an advocate for the rights of crime victims. Ms. Valenzuela is the Director of Ottawa County Probation and Community Corrections. She was appointed to the Committee on June 14, 2019 to serve a four-year term that expires June 13, 2023.

Vacancy – An individual who has successfully completed a juvenile drug treatment court program. This position is currently vacant.

2020 COMMITTEE MEETINGS

The State Drug Treatment Court Advisory Committee held three (3) full committee meetings in 2020:

January 14, 2020
June 23, 2020
October 20, 2020

The March 31, 2020 SDTCAC meeting was cancelled due to the state of emergency declared across the State of Michigan under Executive Order 2020-4.

2020 STUDY SUBCOMMITTEES

In 2020, eight (8) subcommittees examined various subjects under review by the State Drug Treatment Court Advisory Committee.

Affordable Health Care Act Impact Subcommittee

Members: Christina Nicholas (Chair), Andrew Konwiak, Mark Risk

This subcommittee was initiated in November 2012 to monitor the impact of the Affordable Care Act (ACA) and its specific application to treatment court participants who now may have increased access to other public funding for their care.

In 2020, due to the COVID-19 virus and its significant impact, there was an increase in individuals qualifying for Medicaid expansion through the Affordable Care Act (ACA). In addition, Michigan was one of the states that enacted work requirements for individuals qualifying for benefits under the ACA. The requirement began January 1, 2020. In March 2020, the Supreme Court ruled work requirements unconstitutional, no longer requiring individuals to report work or volunteer efforts or risk losing insurance. No other significant changes occurred.

Defense Attorney Participation Subcommittee

Members: Mark Risk (Chair)

This subcommittee was created at the January 23, 2007 meeting to examine the defense attorney's role in the drug court process and funding for defense counsel involvement.



Several issues were raised and studied by the subcommittee in 2020, including an issue dealing with drug court participants who commit another felony and are expelled from their current drug court program. In conjunction with SCAO and the Michigan Association of Treatment Court Professionals (MATCP), recommendations to amend the statute to allow more discretion and to take into consideration these high risk/high need individuals will continue to be explored by the SDTCAC's Legislative Subcommittee. In 2020, the Defense Attorney Participation Subcommittee also looked into the issue of shortened driver license suspensions for drunk driving offenses if an interlock device is installed. Review of this issue will also continue.

Family Dependency Court Subcommittee

Members: The Honorable Susan Dobrich (Chair), Mark Risk

This subcommittee was created in October of 2015. The subcommittee is charged with looking at recruiting family dependency court membership, and developing objectives, including examination of current legislation and funding.

Discussions to enhance and expand family dependency treatment courts (FDTCs) in Michigan continued in 2020. Recognizing the unique nature of FDTCs and the different needs of its participants, a family dependency treatment court workgroup made up of 19 stakeholders was created in 2020 to draft a proposed FDTC statute. The proposed legislation incorporates best practice standards identified in 2019 by the National Drug Court Professionals (NADCP) and the Center for Children and Family Futures. Proposed legislation is expected to be introduced in the Michigan Legislature and the subcommittee will continue to monitor any progress. Michigan also experienced an expansion of "Healing to Wellness" courts in 2020 which are the equivalent of family treatment courts among Native American tribes.

Juvenile Issues Subcommittee

Members: The Honorable Julia B. Owdziej (Chair), Jodi Latuszek, Mark Risk

Created at the September 26, 2006 meeting, this subcommittee is charged with reviewing the differences inherent to juvenile drug court and family court. The objectives of the subcommittee include examination of the current drug court legislation and how the legislation differs from juvenile court procedures and promotion of juvenile drug courts as unique, adolescent-specific therapeutic jurisprudence interventions.

The 5-year process of evaluating juvenile drug courts continued in 2020. This plan was put in place when juvenile drug court statistics were not showing outcomes as good the adults courts were showing. Recommendations have been made to individual counties, new procedures put in place, and a 2d evaluation is pending.

Legislative Subcommittee

Members: Heidi Cannon (Chair), The Honorable Harvey Hoffman, The Honorable Amy Ronayne Krause, The Honorable Raymond Voet

This subcommittee was created at the July 23, 2010 Strategic Planning Session to monitor legislative activities. At the January 8, 2019 SDTCAC meeting, the Honorable Raymond Voet's role on the subcommittee was transitioned to a regular member and Ms. Heidi Cannon was appointed Chair of the Legislative Subcommittee. Throughout 2020, the subcommittee continued to monitor legislation that impacted or could impact treatment courts in Michigan. Public Act 375 of 2020 (House Bill 5844) eliminates mandatory minimum sentences on certain offenses and Public Act 383 of 2020 (HB 5854) allows certain terms of imprisonment to be suspended if a defendant agrees to participate in a specialty court program and successfully completes the program. A bill package that provides for the expungement of certain offenses and setting aside convictions in certain criminal cases was signed into law (Public Acts 187 through 193 of 2020) in the fall of 2020. The subcommittee also closely followed legislation that did not pass during the 2019-2020 legislative session that would have amended the Mental Health Code to include additional professions in the definition of a mental health professional and to allow those professionals to conduct certain examinations and tasks (Senate Bill 826) and a bill to require the Department of Health and Human Services (DHHS) to establish a fee-for-service payment



for services related to the treatment of alcohol use disorder (House Bill 5408). Other issues monitored by the subcommittee in 2020 were a Supreme Court rule change to allow the use of a cell phone in the courtroom and the findings of the Michigan Jail and Pretrial Incarceration Task Force.

Program Standardization and Funding Alternatives Subcommittee

Members: The Honorable Geno Salomone (Chair), Dawn Monk, Gary Secor

Created in 2007, this subcommittee continued to review program standardization funding alternatives for drug treatment courts in Michigan. At the July 26, 2016 SDTCAC meeting, the subcommittee accepted the additional responsibility of reviewing efforts to develop program standardization and best practices among specialty courts.

This past few years have seen an increase not only in the number of treatment courts in Michigan, but also an increase in the number of new treatment court judges, many presiding over courts where the prior judge retired. Our committee believes that to help these courts continue to reduce recidivism and reduce costs, and to promote sustainability, these judges should receive specialized training and mentoring. With regard to training, the Supreme Court Administrative Office (SCAO) and the Michigan Association of Treatment Court Professionals (MATCP) continue to provide webinars and conferences for training related to the use of best practices in treatment courts.

With regard to mentoring or coaching programs for new judges, SCAO, MATCP, and the Regional Judicial Opiate Initiative (RJOI) have partnered to start a pilot program which is using virtual meetings to both teach and assist new treatment court judges. When this pilot ends in June of 2021, the organizations will review and see what other measures can be instituted for such mentoring or coaching, including the use of retired treatment court judges as mentor/coaches. The members of the committee are willing to assist and support such programs if needed.

Veterans' Treatment Court Subcommittee

Members: The Honorable Raymond Voet (Chair), Andrew Smith, Mark Risk

Created at the May 24, 2011 meeting, this ad hoc committee was instrumental in the enactment of two pieces of legislation in 2012. The Veterans' Treatment Court Ad Hoc Committee was changed to subcommittee status by action taken at the April 22, 2014 SDTCAC meeting. Public Act 335 of 2012 authorized the establishment of veterans' treatment courts and provided direction for the development of treatment programs for veterans who are substance abusers or mentally ill. Public Act 334 of 2012 added a veterans' treatment court judicial representative to the State Drug Treatment Court Advisory Committee and included veterans' treatment courts under the types of courts the SDTCAC is to monitor. Both public acts went into effect on October 16, 2012. The subcommittee continued to provide input and closely monitor veterans' treatment court issues in 2020 but did not identify any specific areas that require change or improvement at this time.

Vision Subcommittee

Members: Douglas Lloyd (Chair), The Honorable Patrick Bowler

This subcommittee was created at the January 22, 2008 meeting to monitor and provide long-range goals for the State Drug Court Treatment Advisory Committee. In 2020, the Vision Subcommittee observed that due to the pandemic, numerous specialty courts were required to go virtual. Going virtual provided the specialty courts the opportunity to continue their good work (staffing, court interaction with participants) while allowing individuals to remain safely distanced. The vision committee believes that further studies should be completed to determine if by going virtual more communities and courts can create and continue specialty courts. The question for the committee is whether allowing a virtual court to function allows more participation of defendants without the need to travel great distances to be a part of the specialty court. The Vision Subcommittee will continue to monitor the courts as well as other groups and organizations as a guide for future input as to whether virtual courts should continue.



CURRENT AND POTENTIAL SOURCES AND LEVELS OF FUNDING

The Committee is charged with the responsibility of monitoring the effectiveness of drug treatment courts and the availability of funding for them. According to the State Court Administrative Office (SCAO), there were 134 operational drug courts in the State of Michigan in Fiscal Year 2020. The amount of state and federal funds available to those courts was discussed and current funding sources were identified.

Current and potential sources of funding for drug treatment courts were identified as follows: (Information provided by the State Court Administrative Office)

STATE ADMINISTERED FUNDING PROGRAMS

State Court Administrative Office

Michigan Drug Court Grant Program (MDCGP)

<http://courts.mi.gov/administration/admin/op/problem-solving-courts/drug/pages/default.aspx>

The State Court Administrative Office administers a program that provides funding assistance for drug courts through its Michigan Drug Court Grant Program. Funding must be appropriated annually by the Legislature. SCAO awarded \$9,029,740 to the courts in Fiscal Year 2020, which included funding for Medication Assisted Treatment (MAT).

The Michigan Drug Court Grant Program is modeled after the federal Drug Court Grant Program and requires compliance with the 10 Key Components of Drug Courts as outlined in the federal guidelines. Adult Drug Court programs, Juvenile Drug Court programs, Family Dependency Drug Court programs, DWI Sobriety Court programs (focused on drunk driving cases), Regional DWI/Hybrid programs, and Hybrid Drug/DWI Court programs are eligible to receive funding from the Michigan Drug Court Grant Program. Information on the availability of grant funding and the grant deadlines are announced in the spring of each year.

State Court Administrative Office

Office of Highway Safety Planning Grant (Federal Funds)

The Office of Highway Safety Planning (OHSP) grant funds come to SCAO through the Michigan Office of Highway Safety Planning which is a division of the Michigan State Police (MSP). The Michigan Office of Highway Safety Planning is federally funded by the National Highway Traffic Safety Administration (NHTSA), which is a division of the U.S. Department of Transportation. The specific funding stream is called the Fixing America's Surface Transportation Act (FAST Act), Section 405(d) Impaired Driving Countermeasures. The FAST Act is the surface transportation bill that authorizes the federal surface transportation program including the highway safety programs for federal fiscal year 2016 through 2020. States are eligible for this funding by having an alcohol-related fatality rate of 0.05 or below per 100 million vehicle miles of travel or satisfying several programmatic eligibility criteria which includes the operation of DWI courts. The amount awarded to the courts in Fiscal Year 2020 was \$858,157.

State Court Administrative Office

Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) (Federal Funds)

The Byrne JAG grant funds come to SCAO through the MSP's Grants Management Section. The MSP is responsible for administering federal criminal justice grants in the state of Michigan. These federal funds come to the MSP from the Department of Justice (DOJ). The DOJ provides funding to states for the use of drug treatment programs that provide alternatives to prison for persons who pose no danger to the community. The amount awarded to the courts in Fiscal Year 2020 was \$1,500,000.00.



FEDERALLY ADMINISTERED FUNDING PROGRAMS

Bureau of Justice Assistance Drug Court Planning Initiative

<https://www.ndci.org/resource/training/foundational-training/design-a-drug-court/>

The Drug Court Planning Initiative (DCPI) is a training initiative that helps communities develop effective adult, veterans, and tribal drug court programs. Communities interested in planning a drug court program are encouraged to register for DCPI training.

Bureau of Justice Assistance Adult Drug Court and Veterans Treatment Court Discretionary Grant Program Adult Drug Court Implementation Grants Adult Drug Court Enhancement Grants Statewide Drug Court Enhancement Grants

<https://bjia.ojp.gov/funding/opportunities/bja-2020-17098>

This program provides financial and technical assistance to states, state courts, local courts, units of local government, and federally recognized Indian tribal governments to implement and enhance the operations of adult drug courts and veterans' treatment courts. These courts effectively integrate evidence-based substance abuse treatment, random drug testing, equitable sanctions and incentives, and transitional services in judicially supervised court settings with jurisdiction over offenders to reduce recidivism, substance abuse, and prevent overdoses.

Bureau of Justice Assistance Drug Court Discretionary Grants Office of Juvenile Justice and Dependency Prevention (OJJDP) Juvenile Drug Treatment Court Program Family Drug Court Program Tribal Juvenile Healing to Wellness Court Program

<https://ojjdp.ojp.gov/programs/drug-courts>

The Juvenile Drug Treatment Court Program supports treatment and services for youth with substance abuse problems. The courts work to strengthen family engagement, address the root problems that may cause substance use and addiction, and empower young people to lead drug-free and crime-free lives.

The Family Drug Court Program serves parents and guardians who require treatment for a substance abuse disorder and who are involved with the child welfare system as a result of child abuse or neglect. Family drug courts provide intensive judicial monitoring and interventions using a multidisciplinary approach to treat parents' substance use and/or co-occurring mental health disorders. Program goals are to ensure that children have safe, nurturing, and permanent homes; family members receive the needed supports and services; and, parents achieve stable recovery.

The Tribal Juvenile Healing to Wellness Court Program enhances the capacity of tribal courts to respond to the substance use challenges of court-involved youth. The courts employ cultural informed approaches to promote accountability, healing, and tribal identity in youth younger than 21.

OTHER POTENTIAL SOURCES OF FUNDING FOR DRUG TREATMENT COURTS

National Association of Drug Court Professionals

www.nadcp.org

The association provides training and technical assistance for drug courts and is a resource for training and funding opportunities.



FOUNDATION FUNDING

Kellogg Foundation

<http://www.wkkf.org>

Skillman Foundation

<http://www.skillman.org>

Local Charities and Foundations

SUMMARY

The global Coronavirus pandemic presented many unique challenges in 2020, but thanks to the flexibility of our members, our Committee carried on our work, albeit by remote conferencing, and continued to fulfill our monitoring role for the Michigan Legislature. Throughout 2020, the members of the State Drug Treatment Court Advisory Committee actively participated in a number of drug treatment court issues. We hope our activities over this past year, as outlined in this report, show our continued dedication and enthusiasm for the drug court movement. We will remain vigilant in our efforts to champion the effectiveness and long-term future of drugs courts here in Michigan and look forward to continuing our service to the Michigan Legislature in the coming year.

