



2014

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, 2014 through December 31, 2014

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, 2014 to December 31, 2014 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 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.

2014 COMMITTEE MEMBERS

The SDTCAC experienced some significant changes in its membership when three of its members resigned in 2014—Honorable Michael J. Haley, Honorable Brian MacKenzie, and Court Administrator Robert Nida. Their dedication and commitment to the success of drug treatment and veterans' treatment courts was clearly evident in the outstanding contributions they made throughout their many years of service on the State Drug Treatment Court Advisory Committee. The SDTCAC is truly grateful for their service and wishes them well in their future endeavors.

SDTCAC Members Serving in 2014

Dr. Jessica Parks - The state court administrator, or his or her designee. Dr. Jessica Parks, Deputy Director of Trial Court Services, was designated as the State Court Administrative Office (SCAO) designee.

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

Judge 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 is currently serving her second term that expires on June 13, 2015. Judge Ronayne Krause has served as Chair since May 28, 2013.

Judge William T. Ervin (Vice Chair) - 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 Ervin of the Isabella County Probate Court was reappointed to a third term that expires on June 13, 2017. Judge Ervin has served as Vice Chair of the Committee since May 28, 2013.

Judge Harvey Hoffman - A district court judge who has presided for at least 2 years over a drug treatment court. Judge Hoffman of the 56-A District Court was appointed to fill this position on September 28, 2013. His 4-year term expires on September 18, 2017.

Ms. Stephanie Drury - An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court. Ms. Drury is with the 6th Circuit Court and is currently serving her second term that expires on August 4, 2015.



Judge Frederick R. Mulhauser - A circuit court judge who has presided for at least 2 years over a drug treatment court. Judge Mulhauser of the 7th Probate District was appointed to fill this position on November 7, 2013. His 4-year term expires on November 6, 2017.

Judge Michael J. Haley - An individual representing the Michigan Association of Drug Court Professionals. Judge Haley of the 86th District Court was reappointed to a second term that expires on June 13, 2015. Judge Haley retired from the bench and resigned from the Committee in November 2014. The position is currently vacant.

Ms. Janette Kolodge - An individual who is an advocate for the rights of crime victims. Ms. Kolodge of Lake Angelus was appointed in March of 2011 to fill the remainder of a 4-year term and is currently serving her second term that expires on June 13, 2015.

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 and is currently serving his third term that expires on July 18, 2016.

Judge Brian MacKenzie - A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court. Judge MacKenzie of the 52nd District Court was reappointed to a third term that expires on June 13, 2017. Judge MacKenzie resigned from the Committee in November 2014. The position is currently vacant.

Mr. Robert Nida - A court administrator who has worked for at least 2 years with a drug or alcohol treatment court. Mr. Nida is the Barry County Trial Court Administrator was serving his first term that expires on September 3, 2016. Mr. Nida retired from the Barry County Trial Court and resigned from the Committee in November 2014. The position is currently vacant.

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 is currently serving his first term that expires on September 3, 2016.

Ms. Stacy Salon - An individual who has successfully completed an adult drug treatment court program. Ms. Salon of Traverse City is currently serving her first term that expires on September 3, 2016.

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 to fill the remainder of a vacant position. His term expires on September 18, 2016.

Judge Raymond P. Voet - A circuit or district court judge who has presided over a veterans' treatment court. This position was added in October 2012 when the legislature enacted Public Act 334 of 2012. Judge Raymond P. Voet of the Ionia County 64-A District Court was appointed to this position on September 19, 2013. His 4-year term expires on September 18, 2017.

Mr. Mark A. Witte - An individual representing a substance abuse coordinating agency. Mr. Witte, formerly of Network 180 and now the Director of Substance Abuse Services with Lakeshore Regional Partners, is currently serving his second term that expires June 13, 2015.

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

VACANT - An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years. This position is currently vacant.



2014 COMMITTEE MEETINGS

The State Drug Treatment Court Advisory Committee held four (4) full committee meetings in 2014:

January 28, 2014
April 22, 2014

July 22, 2014
December 9, 2014

2014 STUDY SUBCOMMITTEES

In early 2014, eight (8) subcommittees and two (2) ad hoc committees examined various subjects under review by the State Drug Treatment Court Advisory Committee. The Committee undertook a process beginning in April 2014 to assess the purpose and charge of each subcommittee. At the conclusion of this assessment, a charge was established for each subcommittee, the Cross Assignment Subcommittee and the Recidivism Subcommittee were dissolved, and the Veterans' Treatment Court Ad Hoc Committee and Affordable Healthcare Act Impact Ad Hoc Committee were changed to subcommittee status by action taken at the April 22, 2014 committee meeting.

Cross-Assignment Subcommittee

Members: Judge Michael Haley (Chair), Dr. Jessica Parks, Jeffrey Sauter

This subcommittee was created at the March 28, 2006 meeting to review the cross-assignment of drug treatment court cases across jurisdictions to maximize court funding resources. The 2006 SDTCAC recommendation to allow cross-assignment of drug court cases was included in Public Act 620 of 2006 and went into effect January 3, 2007. The drug court transfer form and protocol developed in 2013 continued to be successful in the facilitating the cross-assignment of drug court cases. Because the subcommittee had concluded its work, the subcommittee was dissolved by action taken at the April 22, 2014 SDTCAC meeting.

Defense Attorney Participation Subcommittee

Members: Mark Risk (Chair), Judge Brian MacKenzie

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. In 2014, the subcommittee did not identify any specific areas that require change or improvement at this time. Efforts to find additional members to contribute to the subcommittee continued in 2014.

Funding Alternatives Subcommittee

Members: Judge Harvey Hoffman (Chair), Dawn Monk

Created in 2007, this subcommittee continued to review funding alternatives for drug treatment courts in Michigan. The impact of the Affordable Care Act as a possible funding source for indigent treatment through the expansion of Medicaid continued to be studied in 2014.

Juvenile Issues Subcommittee

Members: Robert Nida (Chair until July 22, 2014), Judge Frederick Mulhauser (Chair as of July 22, 2014) Judge William Ervin, Jodi Latuszek, Dr. Jessica Parks, 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. Recruiting membership from several state agencies, 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. In 2014, subcommittee members closely monitored SCAO's efforts to conduct a process evaluation of juvenile drug court programs and actively participated in the National Center for Juvenile and Family Court Judges' project to develop best practices for juvenile drug courts. The subcommittee did not identify any specific areas that require change or improvement at this time.



Legislative Subcommittee

Members: Judge Harvey Hoffman (Chair), Judge Amy Ronayne Krause, Judge Raymond Voet

This subcommittee was created at the July 23, 2010 Strategic Planning Session to monitor legislative activities. In 2014, the subcommittee continued to monitor legislation that impacted drug or veterans' treatment courts. Senate Bills 637, 638, and 639, introduced by Senator Tonya Schuitmaker to regulate the actual installation of ignition interlock devices and provide oversight of the operations of the ignition interlock companies under the Michigan DWI/Sobriety Court Ignition Interlock Program, cleared the Senate, but ended the legislative session in the House Committee on Judiciary. Discussions continue between the legislature, the Michigan Secretary of State, and representatives of the ignition interlock companies to advance legislation and the subcommittee will follow any legislation that is introduced in the 2015-2016 legislative session.

The subcommittee also spent some time in 2014 reviewing a report prepared by The Council of State Governments (CSG), "Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System." The report was the result of the Michigan Law Revision Commission's Sentencing Guidelines and Justice Reinvestment project started in 2013. After several meetings with stakeholders, many aspects of the CSG report that impact drug courts were eliminated. Four bills were introduced (House Bills 5928-5931), but only two (House Bills 5928 and 5929) made it all the way through the legislative process. Public Act 465 of 2014 creates a 17-member Criminal Justice Policy Commission similar to the Michigan Sentencing Commission that existed from 1994 to 2002 and Public Act 466 of 2014 updates the Community Corrections Act to reflect current community corrections policy practices put into practice after revisions to the sentencing guidelines were adopted.

(Medical) Marijuana Subcommittee

Members: Judge Raymond Voet (Chair), Judge Brian MacKenzie, Mark Risk, and Mark Witte

This subcommittee was created at the May 24, 2011 meeting to review issues pertaining to drug court participants and the enactment of the Michigan Medical Marijuana Act. The subcommittee's mission and scope were extensively reviewed in 2014 and, in July 2014, the subcommittee's charge was broadened to include all marijuana regulatory issues including legalization. The name of the subcommittee was changed to the Marijuana Subcommittee. The subcommittee continued to follow legislative efforts surrounding marijuana issues, but did not identify any specific areas that require change or improvement at this time.

Recidivism Subcommittee

Members: Dr. Jessica Parks (Chair)

This subcommittee was created at the May 24, 2011 meeting to monitor recidivism issues and to assist in the development of a standard definition for recidivism. Work on developing a standard recidivism definition concluded in 2012 and the SCAO now defines recidivism broadly and narrowly under two definitions. These recidivism definitions were used in creating SCAO's 2012 and 2013 Annual Report for drug court. Because the work of the subcommittee has concluded, the subcommittee was dissolved by action taken at the April 22, 2014 SDTCAC meeting.

Vision Subcommittee

Members: Judge Patrick Bowler (Chair until July 22, 2014), Judge Harvey Hoffman (Chair as of July 22, 2014), Douglas Lloyd, Judge Brian MacKenzie, Dr. Jessica Parks

Created at the January 22, 2008 meeting, this subcommittee continues to monitor the long range goals of drug treatment courts. The subcommittee did not identify any specific areas that require change or improvement at this time.



Veterans' Treatment Court Ad Hoc Committee

Members: Judge Brian MacKenzie (Chair until November 26, 2014), Judge Raymond Voet (Chair as of December 9, 2014), Judge Michael Haley, Judge Harvey Hoffman, Dr. Jessica Parks, 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. 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 court the SDTCAC is to monitor. Both public acts went into effect on October 16, 2012. The ad hoc committee continued to provide input and closely monitor veterans' treatment court issues in 2014, but did not identify any specific areas that require change or improvement at this time. The Veterans' Treatment Court Ad Hoc Committee was changed to subcommittee status by action taken at the April 22, 2014 SDTCAC meeting.

Affordable Healthcare Act Impact Ad Hoc Committee

Members: Mark Witte (Co-Chair), Judge Harvey Hoffman (Co-Chair), Andrew Konwiak, Judge Brian MacKenzie, Dr. Jessica Parks, Mark Risk

This ad hoc committee was created at the November 27, 2012 meeting to determine the impact of the Affordable Healthcare Act and its specific application to drug court funding. The Affordable Healthcare Act Impact Ad Hoc Committee was changed to subcommittee status by action taken at the April 22, 2014 SDTCAC meeting.

The Affordable Care Act has reached a new level of implementation in Michigan with an increasing number of citizens obtaining health care coverage in the commercial market (due to an individual mandate to have such coverage). In addition, Michigan has expanded its public insurance program (Medicaid) through the Healthy Michigan program and has dramatically increased the covered service array for substance abuse services for these citizens.

Mr. Witte has encouraged the committee to be cognizant of the reality that an increasing number of court participants will have both health care coverage and specific substance abuse service benefits. In this way, courts can increasingly leverage insurance-funded treatment services rather than having to use limited court funds to pay for treatment services.

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 111 operational drug courts in the State of Michigan in 2014 with an additional 2 courts in various stages of planning and development. 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>

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 reappropriated annually by the Legislature. Amount awarded in FY 2014 was \$4,241,890.00.



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 and DWI Court Programs (focused on drunk driving cases) are eligible to receive funding from the Michigan Drug Court Grant Program. Expedited docket programs are not eligible for funding through this grant. Information on the availability of grant funding and the grant deadlines are announced in the spring of each year.

**State Court Administrative Office
Urban Drug Court Initiative (UDCI)**

<http://courts.mi.gov/administration/admin/op/problem-solving-courts/pages/grants-and-funding>

The State Court Administrative Office administers a program that provides funding assistance for urban areas; Detroit, Pontiac, Oakland, and Saginaw. UDCI programs follow the *10 Key Components of Drug Courts* and focus on offenders who commit offenses within the identified city limits. Funding is reappropriated annually by the Legislature. Amount awarded in FY 2014 was \$1,203,080.00.

**State Court Administrative Office
Regional Driving While Intoxicate Grant Program (RDWIGP)**

<http://courts.mi.gov/Administration/admin/op/problem-solving-courts/Drug/Pages/DWI-Court.aspx>

The State Court Administrative Office administers a program that provides funding assistance for regional DWI court programs. Regional programs consist of two or more circuit court, two or more district court from differing counties, or one or more district court and one or more circuit court from differing counties. Regional DWI programs follow the Guiding Principles of DWI Courts. Amount awarded in FY 2014 was \$1,000,000.

**Michigan State Police Department, Grants and Community Service Division
Edward Byrne Memorial Justice Assistance Grant Program**

http://www.michigan.gov/msp/0,4643,7-123-1593_34040_34043_54578-224991--,00.html

The Michigan State Police Department, Grants and Community Services Division is the State Administering Agency for the federal Edward Byrne Memorial Justice Assistance Grant Program funds received from the Bureau of Justice Assistance. MSP provides funding to eligible state and local units of government through a competitive grant process where applications are accepted online through the Michigan Automated Grant Information Connection (MAGIC+). Information on the availability of grant funding such as program areas, criteria, and deadlines are announced in the spring of each year. Funds from the Byrne JAG Program support projects that focus on drug-related crime, and target a priority population, consisting of prison bound offenders, non-violent felony offenders and probation violators. Amount awarded in FY 2014 was \$1,500,000.

**Michigan State Police Department, Grants and Community Services Division
Office of Highway Safety Planning**

http://www.michigan.gov/msp/0,4643,7-123-64773_5083--,00.html

The Michigan State Police Department, Grants and Community Services Division is the State Administering Agency for the federal Office of Highway Safety Planning Grant Program funds received from the National Highway Traffic Safety Administration. MSP provides funding to eligible state and local units of government through a competitive grant process where applications are accepted online through the Michigan Automated Grant Information Connection (MAGIC+). Information on the availability of grant funding such as program areas, criteria, and deadlines are announced in the spring of each year. Funds from the OHSP support projects that focus on substance use and driving related offenses. Amount received in FY 2014 was \$850,000.00



FEDERALLY ADMINISTERED FUNDING PROGRAMS

Bureau of Justice Assistance Drug Court Planning Initiative

<http://dcpi.ncjrs.org>

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

Bureau of Justice Assistance Drug Court Discretionary Grants Adult Drug Court Implementation Grants Adult Drug Court Enhancement Grants Statewide Drug Court Enhancement Grants

www.ojp.usdoj.gov/bja/grant/drugcourts.html

The Drug Court Discretionary Grant Program (DCDG) provides financial and technical assistance to states, state courts, local courts, units of local government and American Indian tribal governments to develop and implement treatment drug courts that effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent, substance abusing offenders. Programs funded by DCDG are required by law to target nonviolent offenders and must implement a drug court based on **10 Key Components of Drug Courts**. The types of activities funded under this program have focused on adult drug court implementation, enhancement, and statewide enhancement.

Bureau of Justice Assistance Drug Court Discretionary Grants Office of Juvenile Justice and Dependency Prevention (OJJDP) Juvenile Drug Court Implementation Program

www.ojp.usdoj.gov/bja/grant/drugcourts.html

The Juvenile and Family Drug Court Discretionary Grant Program is designed to assist states, state courts, local courts, units of local government, and Indian tribal governments in developing and establishing drug courts for substance-abusing juvenile offenders. Drug court programs funded by the Juvenile and Family Drug Court Discretionary Grant Program are required by law to target nonviolent offenders. The program supports the following activities: juvenile drug court implementation, family drug court implementation, single jurisdiction drug court enhancement, and statewide drug court enhancement and planning efforts.

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

Throughout 2014, the members of the State Drug Treatment Court Advisory Committee monitored and actively participated in a number of drug treatment court issues. From participation on a project to develop best practices for juvenile drug courts to providing guidance from a drug court perspective on a variety of legislative issues, we hope our activities over this past year 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.

