



2017

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, 2017 through December 31, 2017

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, 2017 to December 31, 2017 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.

2017 COMMITTEE MEMBERS

The SDTCAC experienced a few changes in its membership in 2017. Having served on the Committee since his appointment on December 13, 2007, the Honorable William T. Ervin retired from the bench in 2017 and did not seek reappointment to the Committee when his term expired in June 2017. Judge Ervin had served as the Committee's Vice Chair since May 28, 2013. The Honorable Frederick R. Mulhauser also announced his retirement from the bench and resigned from the Committee in June 2017 having served since his appointment on November 6, 2013. Committee member Mark A. Witte also tendered his resignation in October 2017 due to a change in his position. He now serves as the Executive Director of Allegan County Mental Health Services. The Committee recognized all three members with Certificates of Appreciation at the October 17, 2017 SDTCAC meeting and thanked them for their invaluable contributions to the Committee throughout the years.

The Committee welcomed the addition of three new members in 2017—the Honorable Julia B. Owdziej, the Honorable Mark W. Latchana, and Christina Nicholas. Judge Owdziej was appointed to the Committee on September 7, 2017 to represent 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 Latchana was also appointed on September 7, 2017 to represent a circuit court judge who has presided at least 2 years over a drug treatment court. Ms. Nicholas was appointed on December 7, 2017 to represent a substance abuse coordinating agency.

SDTCAC Members Serving in 2017

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 designee.

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 is currently serving her third term that expires on June 13, 2019. Judge Ronayne Krause has served as Chair since May 28, 2013.

The Honorable 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 resigned from the Committee after serving his third term that expired on June 13, 2017. Judge Ervin served as Vice Chair of the Committee from May 28, 2013 to June 12, 2017.

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.

Mr. Jesse Billings – An individual who has successfully completed a juvenile drug treatment court program. Mr. Billings of Troy was appointed on February 18, 2015 to fill the remainder of a term and to a full four-year term that expires on June 13, 2019.

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 Coordinator for the 2A District Court in Adrian.

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. Her term expires on June 13, 2019.

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 was reappointed in 2016 to a fourth term that expires on July 19, 2020.

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. The term of his appointment is for 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 reappointed in 2016 to a second term that expires on September 18, 2020.

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 19, 2016. His four-year term expires on July 18, 2020.

The Honorable 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 and continued to serve until his resignation from the Committee in June 2017 due to his retirement from the bench.

Ms. Christina Nicholas, LMSW – A representative of a substance abuse coordinating agency. Ms. Nicholas serves as the Administrator of the 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 in Michigan. Her appointment is for the remainder of a four-year term that expires on June 13, 2019.



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 14, 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 reappointed in 2016 to a second term that expires on September 3, 2020.

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 14, 2021.

Ms. Stacy Salon – An individual who has successfully completed an adult drug treatment court program. Ms. Salon of Traverse City was reappointed to a second term in 2016 that expires on September 3, 2020.

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 and reappointed to second term in 2016 that expires on September 3, 2020.

Mr. Mark A. Witte – An individual representing a substance abuse coordinating agency. Mr. Witte is the Executive Director of the Allegan County Community Mental Health Agency and is currently serving his third term that expires on June 13, 2019. Mr. Witte resigned from the Committee on October 17, 2017.

Vacant – An individual who is an advocate for the rights of crime victims. This position is currently vacant.

2017 COMMITTEE MEETINGS

The State Drug Treatment Court Advisory Committee held four (4) full committee meetings in 2017:

| | |
|------------------|------------------|
| January 31, 2017 | July 18, 2017 |
| April 18, 2017 | October 17, 2017 |

2017 STUDY SUBCOMMITTEES

In 2017, ten (10) subcommittees examined various subjects under review by the State Drug Treatment Court Advisory Committee.

Affordable Health Care Act Impact Subcommittee

Members: Mark Witte (Chair), Andrew Konwiak, Dr. Jessica Parks, Mark Risk

(NOTE: Committee member Christina Nicholas was appointed Chair of the Affordable Health Care Act Impact Subcommittee at the January 16, 2018 SDTCAC meeting after Mr. Witte's resignation.)

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

Throughout 2017, the subcommittee closely followed attempts at the federal level to repeal the Affordable Health Care Act and monitored the potential for substantial policy changes proposed by the



new administration. The subcommittee also continued to follow the impact of the clarification and implementation of the State of Michigan Medicaid Manual revisions and issued a reminder that drug treatment courts may have coverage under the Affordable Health Care Act that includes treatment for substance abuse disorders.

Best Practices and Certification Subcommittee

Members: The Honorable Louise Alderson (Chair), The Honorable Amy Ronayne Krause, Douglas Lloyd Mark Risk, and The Honorable Geno Salomone

The Best Practices and Certification subcommittee was established at the January 31, 2017 SDTCAC meeting. The role of the subcommittee is to review and offer input into the draft manual of best practices for adult drug courts, mental health courts and veterans courts created by SCAO. The subcommittee is also designed to provide input and review of legislation to support the statutory implementation of the certification process. The subcommittee met on March 29, 2017 and approved, as to form, the best practices manual and reported to the full committee. Following the release of the manual, further discussions provided input on proposed legislation and support for swift adoption of those proposals. Working with the Legislative Subcommittee, a number of other issues were able to be addressed in the certification legislation. Committee members were available for testimony before legislative committees.

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.

Funding for defense attorneys serving drug treatment courts continues to be a problem in 2017. The cost savings of drug treatment courts is well documented. In addition, there is a direct correlation between greater success of programs and having a defense attorney on the team. However, no specific dollar amount has been determined.

It is recommended that the defense attorney position be dedicated to the team and not any individual participant. A defense attorney who also represents individual participants appears to have a built-in conflict of interest, serving both the Court team and the participant.

Budget cutbacks in previous years has had a detrimental impact on funding for defense attorney positions. Although there are some defense attorneys who believe strongly enough in drug treatment courts to serve without compensation, the lack of court-funded defense attorney representation is problematic. The subcommittee will continue to press for adequate funding in this area.

Family Dependency Court Subcommittee

Members: The Honorable Susan Dobrich (Chair), The Honorable William Ervin, 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. The subcommittee continues to monitor family dependency court issues to identify specific areas of improvement to encourage additional family dependency court.

Juvenile Issues Subcommittee

Members: The Honorable Frederick Mulhauser (Chair), The Honorable William Ervin, Jodi Latuszek, Dr. Jessica Parks, Mark Risk (NOTE: The Honorable Julia B. Owdziej was appointed Chair of the Juvenile Issues Subcommittee at the October 17, 2017 SDTCAC meeting after Judge Mulhauser's resignation.)

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.

At the April 18, 2017 SDTCAC meeting, the subcommittee presented extensive information on the Juvenile Drug Treatment Court Guidelines Report released in December 2016 by the Office of Juvenile Justice and Delinquency Prevention. The report presented new juvenile drug treatment court guidelines developed to provide juvenile courts with an evidence-based, treatment-oriented approach when dealing with youths with substance use and mental health disorders. The subcommittee reports that all juvenile drug courts in Michigan have had their initial evaluation and recommendations and that a seminar was held in November 2017 to go over the findings and to identify next steps.

The subcommittee also continued to monitor the efforts being made by the National Center for State Courts and the State Court Administrator's Office in conducting a five-year study of juvenile sobriety courts in Michigan. The subcommittee will continue to follow these efforts in 2018 and the efforts being made by the Mental Health Diversion Council to rewrite the Mental Health Code relative juveniles.

Legislative Subcommittee

Members: The Honorable Raymond Voet (Chair), The Honorable Amy Ronayne Krause

This subcommittee was created at the July 23, 2010 Strategic Planning Session to monitor legislative activities. In 2017, the subcommittee continued to monitor legislation that impacted drug or veterans' treatment courts. Legislation to regulate the expansion of interlock use, and the eligibility for treatment courts was reviewed and supported by the subcommittee. Further, the subcommittee reviewed and supported legislation requiring certification of treatment courts.

Marijuana Subcommittee

Members: The Honorable Raymond Voet (Chair), Mark Risk, 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. The subcommittee closely monitored the efforts made by several groups to place legalization of marijuana on the ballot in the 2018 general election, and continues to monitor this effort.

Program Standardization and Funding Alternatives Subcommittee

Members: The Honorable Geno Salomone (Co-Chair), Dr. Jessica Parks (Co-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.

In 2017, SCAO implemented the training process for certifying Michigan's drug, sobriety, hybrid, and family dependency treatment courts. The announcement of the process and preliminary education began at the Michigan Association of Treatment Court Professionals (MATCP) annual conference in March. In addition, two other trainings with over 85 attendees took place. SCAO also has a webinar available to view online at any time. It is believed that the State Legislature's certification requirements have also resulted in more treatment courts requesting training from MATCP and other similar organizations or agencies.



In the funding arena, more treatment courts are also seeking alternative methods of funding their programs. A growing number of entities are reaching out to community non-profits for funding related to specific goals, i.e. transportation and/or housing for treatment court participants.

Veterans' Treatment Court Subcommittee

Members: The Honorable Raymond Voet (Chair), 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. 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 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 2017, 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, Dr. Jessica Parks

This subcommittee was created at the January 22, 2008 meeting to monitor and provide long-range goals for the State Drug Treatment Court Advisory Committee. In 2017, the subcommittee continued to seek guidance from the full committee as to what long-range goals the subcommittee should focus attention on. At the January 31, 2017 SDTCAC meeting, a discussion between the Vision Subcommittee and the full committee led the creation of the Best Practices and Certification Subcommittee which now considers best practices for drug courts. The Vision Subcommittee continues to monitor other groups and organizations as a guide for future input as to the direction this subcommittee is to proceed.

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 127 operational drug courts in the State of Michigan in 2017. 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 reappropriated annually by the Legislature. The amount awarded in FY 2017 was \$5,475,400. Additionally, \$513,400 was awarded to MDCGP grantees who piloted medication-assisted treatment (MAT) for participants with opioid disorders.

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 Court Programs (focused on drunk driving cases), 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

Regional Driving While Intoxicate Grant Program (RDWI)

<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. Example 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 2017 was \$575,000.

State Court Administrative Office

Urban Drug Court Initiative (UDCI)

<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 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. The amount awarded in FY 2017 was \$771,000.

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 2017, 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.

