

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, May 22, 2007

Legislative Council Conference Room • Boji Tower Building

Members Present:

Judge Patrick Bowler, Chair
Lawrence Belen
Kathleen Brickley
Beth Morrison
Judge William Rush

Jeffrey Sauter
Homer Smith
Dr. Chuck Spence
Dr. Phyllis Zold-Kilbourn

Members Excused:

Ken Aud
Andrew Konwiak
Constance Laine
Judge Brian MacKenzie
Judge William Schma, Vice Chair

Others Present:

Susan Cavanagh, Office of the Legislative Council Administrator
Laura Graham, State Bar of Michigan
Judy Hershkowitz, State Bar of Michigan
Judge Harvey Hoffman
Lewis Langham, Governor's Office
Michelle Mualem, Representing Andrew Konwiak
John Strand, Legislative Council Administrator
Others were present, but did not identify themselves.

I. Convening of Meeting

The Chair called the meeting to order at 9:30 a.m. and asked the clerk to call the roll. A quorum was present. **Dr. Spence moved, seconded by Mr. Belen, to excuse all absent members. There was no further discussion. All absent members were excused.**

II. Approval of Minutes

The Chair asked members to review the minutes of the March 27, 2007 meeting and asked for a motion to adopt the minutes. **Mr. Belen moved, seconded by Ms. Morrison, to approve the minutes of the March 27, 2007 State Drug Treatment Court Advisory Committee meeting. There was no further discussion. The minutes were unanimously adopted.**

III. Defense Attorney Issue

The Chair called on Ms. Brickley to provide a synopsis of the issue. A discussion followed and it was noted that the search for an additional member to the subcommittee continues. The full Committee will wait for the subcommittee to bring forward a recommendation.

IV. Confidentiality Issue

The Chair noted that Senator Cropsey will assist in having a bill introduced or finding a sponsor to implement the legislative changes recommended by the Committee to address the confidentiality concerns of the Michigan statute and 42 CFR. The additional legislative change being worked on by Judge Schma and the timing of the submission of the Committee recommendations to Senator Cropsey was discussed. It was decided that the Committee will submit the current recommendations now and advise Senator Cropsey that an additional change will be submitted separately in the future.

V. Committee Appointments

The Chair asked for an update on the search for candidates for the three vacant Committee appointments. Judge Rush reported that Judge William T. Ervin from the Isabella County Probate Court has granted his permission for the Committee to submit his name for appointment and Mr. Sauter found an excellent candidate for the juvenile graduate appointment, Leah Heinze. After further discussion, the Chair stated that he will submit both names to the Senate Majority Leader and the Speaker of the House along with the name of the candidate Ms. Laine recommended at the March meeting.

The Chair noted that the terms of five of the current members are set to expire in the next few months. Because all are still interested in serving, a request will be made to leadership asking for reappointment.

VI. Drug Court Loan Program

The Chair called on Judge Harvey Hoffman to provide an update on the progress made by the Funding Alternative Subcommittee. Judge Hoffman reported that the on-going budget negotiations have slowed the discussions, but it

looks like the regular line item for drug court funding is not going to be cut. He continued with a report of other legislative activity including possible funding for a drug court participant prisoner re-entry program. Jurisdiction questions were discussed and Judge Hoffman recommended a work group be appointed to review the prisoner re-entry program idea. Possible appointees included Judge Schma, Mr. Aud, Wayne County Circuit Judge Timothy Kenny, and Calhoun County Circuit Judge Allen Garbrecht.

Judge Bowler then turned the committee's attention to the schematics included in the meeting packet that show the number of drug courts, DWI courts, and felony courts in Michigan. He explained that the information was put together as part of the analysis of drug courts in relation to counties with high prison commitment rates. Judge Bowler questioned what role the Committee should take in relaying this type of information to the Legislature and called on Dr. Zold-Kilbourn to provide an overview of the Michigan Drug Court Performance Report and the data included in the Department of Corrections report. Dr. Zold-Kilbourn proceeded, but cautioned that in regards to the overlay it is important to look at the numbers as well as the percentages. After providing a summary of the Michigan Drug Court Performance Report, she recommended that the report be distributed and members of the Committee be given the opportunity to read at least the executive summary before it is discussed in more detail by the Committee. A discussion on regionalization and resources for a statewide evaluation followed.

VII. Other Comments

Mr. Smith provided an update on the high BAC legislation and reported that he has been working with a group in Mason to create a foundation for funding the local drug court.

Dr. Spence stressed the need for a process to develop rationale policy that SCAO can apply and DOC can continue to follow their mission. He hopes the Association and the Committee will continue to oversee the evolution of these courts to allow common sense to prevail.

Ms. Morrison noted some concerns with what appears to be a growing trend where the domestic violence issue is being overlooked. She will try to get more information for the next meeting.

Judge Hoffman reported that the District Court Association is looking at a change DOC is proposing is to reduce certain felonies to one-year misdemeanors.

VIII. Public Comment

The Chair asked for public comment. Lewis Langham of the Governor's Office was present and Laura Graham introduced herself as a Program Manager for the State Bar's Criminal Issue Initiative. Judy Hershkowitz of the State Bar was also present. The Chair noted that if there was someone from the State Bar willing to review the subject of jurisdiction, the Committee would welcome their assistance.

IX. Adjournment

Having no further business, Judge Rush moved, supported by Mr. Belen, to adjourn the meeting. Without objection, the motion was approved. The meeting was adjourned at 11:00 a.m.

NEXT MEETING DATE

The next full Committee meeting is scheduled for **Tuesday, July 24, 2007**. A proposed agenda and the location of the next meeting will be sent to members.

(Approved at the January 22, 2008 State Drug Treatment Court Advisory Committee Meeting.)