

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, January 22, 2008

Legislative Council Conference Room • Boji Tower Building

Members Present:

Judge Patrick Bowler, Chair	Jeffrey Sauter
Judge William Schma, Vice Chair	Homer Smith
Andrew Konwiak	Dr. Chuck Spence
Judge Brian MacKenzie	Dr. Phyllis Zold-Kilbourn

Members Excused:

Kathleen Brickley
Charita Coleman-Gladdis
Judge William Ervin
Beth Morrison
Judge William Rush

Others Present:

Susan Cavanagh, Office of the Legislative Council Administrator
Margie Good, House Democratic Policy
Dawnn Gruenburg, 37th District Court
John Strand, Legislative Council Administrator
Susan Woodhouse, 37th District Court
One other individual was present, but did not identify himself.

I. Convening of Meeting

The Chair called the meeting to order at 10:00 a.m. and asked the clerk to call the roll. A quorum was present.

II. Approval of Minutes

The Chair asked members to review the minutes of the May 22, 2007 meeting and asked for a motion to adopt the minutes. **Judge MacKenzie moved, seconded by Mr. Sauter, to approve the minutes of the May 22, 2007 State Drug Treatment Court Advisory Committee meeting. There was no further discussion. The minutes were unanimously adopted.**

III. Reconstituting the Committee to Full Status

The Chair provided an update on the reappointments and appointments pending before the Senate Majority Leader and the Speaker of the House. A discussion followed and suggestions for potential nominees to fill the juvenile graduate position and the positions recently vacated by Ken Aud, Connie Laine, and Larry Belen were discussed. The Chair noted that Mr. Aud had suggested a person for his replacement and Ms. Laine recommended Pam Davis from the Oakland Circuit Court as a candidate for her position. A possible recommendation for a law enforcement representative was also considered and it was decided that Judge MacKenzie will make an inquiry for someone from Wayne County and Judge Bowler will make an inquiry for someone from Traverse City. **Judge MacKenzie moved, supported by Mr. Smith, that the Chair will inform the members of the names of possible candidates for the four vacant positions on the Committee and, if there are no objections within 48 hours of the notification, those names will be included in a letter from the Committee to the Senate Majority Leader and the Speaker of the House requesting the appointments of these candidates and the reappointment of Beth Morrison and Chuck Spence whose terms expired in June 2007 and the reappointment of Kathleen Brickley, Charita Coleman-Gladdis, Andrew Konwiak, and Jeff Sauter whose terms will expire in June of 2008. There was no further discussion and the motion was adopted unanimously.**

IV. Committee Goals and Objectives

A list of the current SDTCAC subcommittees was distributed. The Chair proceeded to open a discussion of the status of each subcommittee.

Certification Subcommittee

Dr. Zold-Kilbourn noted that the Certification Subcommittee has had no activity since they proposed a legislative change in 2006 which was adopted. She indicated that there may be a need to regroup and coordinate efforts with the MADCP because of some proposed activity. The Chair asked Dr. Zold-Kilbourn to contact Judge Rush and ask him to give a report at the next meeting.

Cross Assignment Subcommittee

The Chair then provided an update on the Cross Assignment Subcommittee and noted that the 2009 Byrne Grant cuts may give rise to additional consideration of this issue including regionalization.

Confidentiality Issues Subcommittee

An update on the Confidentiality Subcommittee was next and Dr. Zold-Kilbourn reported that the Michigan State Police found the solution proposed by the subcommittee unworkable for them. Judge Schma will contact Mike Gadola for further discussion. **Judge MacKenzie moved, supported by Mr. Konwiak, to add Judge Schma to the Confidentiality Issues Subcommittee and that the work of the subcommittee continue with no specific charge. There was no further discussion and the motion was adopted unanimously.**

Juvenile Issues Subcommittee

The Chair reported no activity by the Juvenile Issues Subcommittee and suggested that new members be added because of the departure of Ms. Laine. He suggested Pam Davis be included and Mr. Sauter suggested Ms. Heinze, if she receives appointment, and Judge Ervin also be added. The Chair will contact Judge Ervin to find out if he would be willing to serve on this subcommittee. Dr. Zold-Kilbourn recommended and will ask Jennifer Warner at SCAO if she would be a part of the subcommittee as well.

Defense Attorney Subcommittee

Judge MacKenzie will talk to Ms. Brickley and report back on the status and possible additions to the Defense Attorney Subcommittee at the next meeting.

Funding Alternatives Subcommittee

There was no report given due to the absence of Judge Hoffman from today's meeting, but the Chair noted the need for the subcommittee to continue.

Parolee Jurisdiction Subcommittee

The history of the formation of the Parolee Jurisdiction Subcommittee was discussed. A motion to create the subcommittee was made at the July meeting, but no official action was taken due to a lack of a quorum. Judge Schma suggested that a motion be considered in the future if conditions warrant the creation of this subcommittee.

Vision Subcommittee

The Chair reported that a motion to create the Vision Subcommittee was made at the July meeting, but no official action was taken due to a lack of a quorum. The need for this subcommittee was discussed. **Judge Schma moved, supported by Mr. Sauter, to create the Vision Subcommittee with Judge Bowler, Judge MacKenzie, Judge Hoffman, Mr. Sauter, Dr. Spence, and Dr. Zold-Kilbourn as members. The motion was discussed further and was unanimously adopted.**

Dr. Zold-Kilbourn shared that SCAO has fielded many questions about recommendations, best practices, and advice with regards to dealing with drug court public records as part of the confidentiality issue. Ways to deal with court records in the statewide system were discussed and Dr. Zold-Kilbourn thought that when the Vision Committee looks at the statute, it take into consideration some changes that may be needed in this area as well. The Chair preferred this issue be left to the Confidentiality Issues subcommittee.

V. High BAC Legislation

The Chair called on Mr. Smith to provide an update on the bills involving the interlocking devices. Mr. Smith reported that the bills have passed the House with strong votes and are being heard today at a joint hearing of the Senate Judiciary and Transportation Committees. He noted that the opposition seems to be on the issues of the BAC level for first-time offenders and the repeat offender provisions. The Chair asked Mr. Smith to provide the clerk with an update and a summary of the legislation that can be forwarded to the members of the Committee.

VI. Byrne Grant Funding Cuts

The Chair asked Dr. Zold-Kilbourn to provide an update on the Byrne Grant Funding cuts for 2009. The Chair suggested Donald Allen of the Office of Drug Control Policy be invited to the next meeting to explain the ramification of the cuts. Judge MacKenzie indicated that he may have more information after the National Association of Drug Courts' Congress meeting in March as well.

VII. Michigan Drug Court Performance Review

Dr. Zold-Kilbourn summarized the approach used to prepare the report and highlighted some of the findings. She noted that a new report for 2007 will be out April 1 and Judge Bowler asked that she provide an update on the 2007 report at the May SDTCAC meeting. For the March meeting, he asked SCAO to make a suggestion for the data collection process as to how each sobriety/drug court is to handle people who abscond and come back into the program and whether a person who is a participant in a drug court and is charged with a felony can still participate in a drug court.

VIII. Judicial Discretion in Selecting Drug Court Participation

Judge Dawnn Gruenburg of the 37th District Court was present and brought forward a situation where the prosecutor in her county is limiting participation in her drug court. She asked the Committee to consider making a recommendation to the legislature to remove the prosecutor as the gate keeper for the entry of participants into a drug court if a dismissal or a reduction is not being considered. The issues of judicial discretion and the integrity of drug courts were discussed. Judge MacKenzie suggested that the Committee make a recommendation to the Michigan Association to look into the problem Judge Gruenburg is experiencing in Macomb County. There was further discussion and the Committee will not take any formal action at this time.

IX. Public Comment

The Chair asked for public comment. Margie Good, Policy Analyst for the House Democratic Policy Staff, was present and provided the Committee with information on family treatment drug courts. She encouraged the Committee to be more inclusive of family drug court issues in future deliberations. Judge MacKenzie shared that there will be a series of classes on this issue at the annual conference of the Michigan Association of Drug Court Professionals which will be held February 12–14 in Lansing and Dr. Zold-Kilbourn explained that family dependency courts are currently funded by SCAO's drug court money. The Chair concluded the discussion by suggesting that this is an issue for the Juvenile Issues Subcommittee. He noted that perhaps the subcommittee could examine and recommend alternate sources of funding for family dependency courts such as using foster care funding. There were no other public comments.

X. Adjournment

Having no further business, Judge MacKenzie moved, supported by Mr. Sauter, to adjourn the meeting. Without objection, the motion was approved. The meeting was adjourned at 12:20 p.m.

NEXT MEETING DATE

The next full Committee meeting is scheduled for **Tuesday, March 25, 2008**. A proposed agenda and the location of the next meeting will be sent to members.

(Approved at the March 25, 2008 State Drug Treatment Court Advisory Committee)