

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, September 23, 2008

Legislative Council Conference Room • Boji Tower Building

Members Present:

Judge Patrick Bowler, Chair
Judge William Schma, Vice-Chair
Charita Coleman-Gladdis
Judge William Ervin
Kevin Jones
Andrew Konwiak

Beth Morrison
Judge William Rush
Jeffrey Sauter
Homer Smith
Richard Woods

Members Excused:

Kathleen Brickley
Pamela Davis
Judge Brian MacKenzie

Others Present:

Donald Allen, Office of Drug Control Policy
Susan Cavanagh, Office of the Legislative Council Administrator
Judge Harvey Hoffman
John Lazet, Senator Cropsey's Office
John Strand, Legislative Council Administrator
Others were present, but were not identified

I. Convening of Meeting

The Chair called the meeting to order at 9:40 a.m. and asked the clerk to call the roll. A quorum was present. **Absent members were excused.**

II. Office of Drug Control Policy

The Chair called on Mr. Donald Allen of the Office of Drug Control Policy to provide an update on the state of the current drug control policy. Mr. Allen began with background information on the funding cuts and an explanation of his office's mission and the efforts they have tried to take to make sure those cuts did not impact the crime lab and SCAO. He noted the genesis of the cuts began in December 2007 when the President cut Bryne Jag funding by 67% and only \$694,000 ended up being available to SCAO. A discussion of ways to restore the funding cuts followed including the possibility of using general funds or looking for resources within the community that can assist the court systems. Judge Schma inquired if funding is currently being put into mental health courts. In response, Mr. Allen offered that he thought funding from the DOC budget is being redetermined to go toward the planning aspect of mental health courts. Mr. Woods also shared that he is unaware of any sites that have been selected with regard to the funding that is appropriated for SCAO to establish pilot mental health courts. He added that SCAO is working with DCH to establish the policy and procedures as well as working with the planning committee members that are assisting them in setting up the pilot mental health court initiative. The restoration and possible increase in funding for drug courts in the next budget year was then discussed. In terms of the state budget, Mr. Allen reported it is status quo and, in terms of the federal budget, he is hopeful funding will be restored, but unsure given the financial meltdown on Wall Street. The Chair thanked Mr. Allen for his presentation and expressed the Committee's appreciation for Mr. Allen's offer to return whenever he could be of service.

III. Approval of Minutes

The Chair directed the members' attention to the minutes of the March 25, 2008 meeting and asked for a motion to adopt the minutes as proposed. **Judge Rush moved, seconded by Ms. Coleman-Gladdis, to approve the proposed minutes of the March 25, 2008 State Drug Treatment Court Advisory Committee meeting. There was no further discussion. The minutes were unanimously adopted.**

IV. Report from Funding Alternative Subcommittee

Judge Harvey Hoffman reported the recent efforts made to restore drug court funding and suggested the Chairman send a letter on behalf of the Commission to express the need for funding drug courts. **Judge Rush moved, supported by Mr. Smith, that the Chair direct a letter to Bob Emerson, Lynn Owens, the Department of Community Health, Don Allen, Kelley Keenan of the Governor's Office, the Speaker of the House, and the Senate Majority Leader expressing the need to fund drug courts.** A discussion followed and the Chair offered he will pose a letter restating the proven effectiveness through evaluation and the reasons the Commission urges the restoration of funding. **There was no objection and the motion was unanimously adopted.**

Judge Hoffman continued with an update on the evidence-based pilot program passed by the legislature, but vetoed by the Governor because of a separation of powers issue. He noted that Senator Alma Wheeler Smith would like to set up a meeting to discuss establishing three evidence-based pilots without including language that deals with control of

the probation officers, but instead dedicates a certain amount of the funding to retrain and reorient the probation officers that would be assigned to the projects.

He also reported that the issue of funding and the need to set priorities was discussed at the MADCP retreat. He shared that a resolution will be sent to SCAO sometime in the future which suggests it be a priority to put a larger share of the limited resources into the courts and the populations that have the least resources available to them. He continued with one other item that is in the early stage of discussion which is an idea to try to make DWI Courts more attractive so that people will want to put resources into them by allowing repeat offenders to get restricted licenses after 45 days if they have an interlock on their vehicle and participate in a drug court.

V. Committee Appointment Recommendations

The Chair asked if any member had a recommendation to fill any of the three vacant positions on the Committee. Mr. Konwiak will send the resume of Darlene Owens of SEMCA as a nominee for the substance abuse coordinating agency representative. The Chair will share her resume with the rest of the members and, if there are no objections, he will then send her resume to the Speaker and the Senate Majority Leader. The appointment of Detective Captain David Meachum is still pending and the members will keep looking for a juvenile graduate.

VI. Report from Subcommittees

Certification Subcommittee

The Chair shared that he has learned that the Association has revived and appointed a new certification subcommittee. He suggested Judge Rush be appointed to serve as a liaison between the Association and this Committee and that there be some sort of coordination with SCAO as far as where we go with the certification issue. Mr. Woods shared that SCAO works with a company out of Oregon for all of their program evaluations and they have recently added a new staff member, Jessica Parks, with extensive background in research methodology. He also mentioned that SCAO's drug court team has not discussed certification, but he will check if Dr. Marlowe addressed the issue in the statewide TA project. He will send a final copy of the report to Committee members in the next month or so.

The Chair suggested the Committee's Certification Subcommittee be revived and noted that Judge Rush, Kevin Jones, and Richard Woods are the appointed members. Judge Rush suggested Ken Aud, who had served on the Certification subcommittee until his resignation, be tapped as a resource for the Association's certification subcommittee. Mr. Jones offered to make contact with Mr. Aud. Mr. Woods then reported he recently completed a model local administrative order that allows courts an opportunity to be identified as a bona fide drug treatment court. At this point, the LAO is optional, but he expects it will become mandatory and tied into their grant programs. He also shared that Jessica Parks from the SCAO office will have the responsibility of overseeing compliance with PA 224.

Cross Assignment Subcommittee

Judge Bowler provided the goals of the subcommittee and reported that no specific work has been completed. Mr. Woods thought this subcommittee could help in establishing what SCAO would like to draft as a policy for how to handle transferring cases to another jurisdiction from one drug court to another.

Confidentiality Issues

Judge Bowler noted no new activity to report from this subcommittee. Judge Schma asked if SCAO's administrative order defines in any detail what compliance with 42 CFR means. Mr. Woods responded that the LAO simply states that the court assures that they have measures in place to comply with 42 CFR. The issue was discussed further. Mr. Sauter suggested that it may be a good time to review Judge Schma's earlier proposal. Judge Schma will send Mr. Woods a copy of his proposal and the issue will be carried over to the next meeting agenda.

Juvenile Issues

A juvenile issues subcommittee report from Pam Davis was included in the meeting packet. Judge Ervin stated that there is only one additional item to report—Jennifer Warner will try to locate a family court judge that can be appointed to the subcommittee.

Defense Attorney Subcommittee

No update was reported due to the absence of Judge MacKenzie.

Vision Subcommittee

Judge Bowler reported that the members of the subcommittee had a telephone conference involving a funding issue in July and discussed the need for establishing a long range vision for drug treatment courts in Michigan. Part of that vision is working with SCAO to develop long-term sustainable funding.

Evidence Based Sentencing Subcommittee

Judge Bowler presented background information on the issue and urged the need to utilize evidence based assessments at the front end of the criminal justice process instead of focusing on the back end. The subcommittee's work is in progress and will continue.

VII. Other Comments

The Chair asked for a summary of the MADCP strategic planning discussions. Mr. Sauter and Judge Rush noted the only issues that might be of interest to the Committee were the issues of confidentiality and the practices of the Judicial Tenure Commission giving guidance to the drug courts. A discussion of those issues followed.

The Chair shared that the national association had plans to put together a national book on procedures and processes and how they line up with constitutional dictates and legal opinions handed down by the courts. He will follow up with the national drug court institute to check on their progress.

VIII. Public Comment

The Chair asked for public comment. There was none.

IX. Adjournment

Having no further business, Mr. Smith moved, supported by Mr. Sauter, to adjourn the meeting. Without objection, the motion was approved. The meeting was adjourned at 11:15 a.m.

NEXT MEETING DATE

The next meeting is scheduled for **Tuesday, November 25, 2008**. Mr. Woods noted that he will not be able to participate in the next meeting, but he will have someone from SCAO attend in his place.

(Minutes approved at the November 25, 2008 SDTCAC meeting.)