

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, November 24, 2009

Legislative Council Conference Room • Boji Tower Building

Members Present:

Judge Patrick Bowler, Chair	Christopher Luty
Judge William Schma, Vice-Chair	Dennis Priess
Charita Coleman-Gladdis	Judge William Rush
Pamela Davis	Jeffrey Sauter
Kevin Jones	Richard Woods
Andrew Konwiak	

Members Absent:

Kathleen Brickley
Sophia Burr
Judge William Ervin
Judge Brian MacKenzie
Homer Smith

I. Call to Order

The Chair called the meeting to order at 9:30 a.m.

II. Roll Call

The Chair asked the clerk to call the roll. A quorum was present. Absent members are excused.

III. Approval of Minutes of July 28, 2009

The Chair asked members to review the minutes of the July 28, 2009 meeting and the notes of the September 29, 2009 (no approval needed on notes.) No changes were suggested. **Ms. Davis moved, supported by Judge Rush, to approve the proposed minutes of the July 28, 2009 State Drug Treatment Court Advisory Committee meeting. There was no further discussion. The minutes were unanimously approved.**

IV. Resignation of Commissioner Morrison

The Chair announced that Beth Morrison has tendered her resignation from the Committee. He asked members to let him know if there is anyone they think should be considered for the vacancy. He noted that although the Senate Majority Leader and the Speaker of the House make the appointment, the Committee can make a recommendation.

V. Subcommittees

At the last meeting, Judge Schma suggested it might be helpful to roll the SDTCAC's Evidence-Based Sentencing subcommittee into the Committee's Vision subcommittee. At the Chair's request, Judge Schma reminded members why he had proposed a blending of the two subcommittees. **Judge Schma moved, supported by Judge Rush, to combine the Vision and Evidence-Based Practices subcommittees into a single subcommittee called the Vision and Evidence-Based Practices Subcommittee. There was no further discussion and the motion was unanimously passed.**

Confidentiality Subcommittee:

The Chair asked Mr. Sauter to be the chair of the Confidentiality subcommittee. Mr. Sauter had no objections. A discussion of establishing some guidelines for referencing treatment in a courtroom followed. Judge Schma recalled that the national association had put together a publication on confidentiality which may be online. He thought perhaps the publication could be publicized at the national meeting and that SCAO might help facilitate an email distribution of this information with the waiver to all court administrators with a request to pass this along to their judges.

Certification Subcommittee: Judge Rush had nothing new to report, but will check with the MADCP by the next meeting to see if there is anything new on that end. Judge Hoffman mentioned that the DWI task force he is on has been looking at a checklist for courts to fill out for funding. This effort is in the preliminary stages, but may provide some measure of quality control. Judge Rush added that the Michigan association had looked at a similar self-assessment form years ago, but it was not adopted.

Cross-Assignment Subcommittee: The Chair reported that in September he offered a challenge to the Chief Justice to officially move forward on setting up some regional drug treatment courts and regional sobriety courts. He also shared that he ran into a district court judge at the Michigan Judicial Institute symposium in November who is interested in working with other district court judges in nearby jurisdictions to set up specialty courts so that they can cross-assign participants. He suggested they think about that as a possible pilot. He then called on Mr. Woods to provide an explanation of the drug treatment court order to transfer a defendant form he drafted for the Committee to consider. To assure there is an explicit agreement with the defendant that will not violate HIPPA, Judge Schma suggested the words "on the following conditions" be

added at the end of the introductory sentence that mandates all of the parties agree to the transfer. He also thought it might be helpful to add a fourth category for additional conditions the parties may want to agree on. Mr. Woods noted that the next steps will be for him to make the modifications suggested at today's meeting, get further feedback, and then submit the form to the SCAO Forms Committee for formal approval. **Judge Rush moved, supported by Ms. Davis, that the State Drug Treatment Court Advisory Committee supports the idea of the DTC Order to Transfer Defendant form. There was no further discussion and the motion was unanimously approved.**

Juvenile Issues Subcommittee: Ms. Davis reported there was not much movement since the last meeting, but noted several bills were introduced that deal with the juvenile competency issue. She also reported that the other issue they have been working on is voluntary versus involuntary admittance into the program. In response to an inquiry from the Chair regarding a need to move on suggested changes to the drug court statute, Ms. Davis explained that we first need to decide whether or not to make changes in the legislation. If so, the consensus is to look at adopting local administrative orders or administrative orders at the state level. She noted that they do have something they currently can use, but they need to wait to find out whether or not they are going to make any changes to the statute first.

Defense Attorney Subcommittee: No news to report. The Chair will contact Ms. Brickley before the next meeting.

Funding Alternative Subcommittee: Judge Hoffman did not have much new to report. There was a discussion of Byrne Grant funding which is now through the Department of the State Police due to the closure of the Office of Drug Control Policy. The Chair noted Mr. Luty's position with the Michigan State Troopers Association and extended an invitation for Mr. Luty to attend the MADCP Annual Meeting in February. Mr. Luty pledged he will do all he can to support the funding of drug treatment courts.

Vision Subcommittee: The Chair referred members back to the subcommittee discussion in the notes of the September meeting. He noted that SCAO's training conference last November was extremely successful and the education of new judges seems to be a logical way to promote the expansion of drug treatment courts. Mr. Sauter and Mr. Woods proposed two changes to the subcommittee's recommendation. **Mr. Sauter moved, supported by Judge Schma, to adopt the Vision Subcommittee's recommendation to read as follows: It is the vision of the State Drug Treatment Court Advisory Committee that all individuals who enter into the criminal justice system in Michigan who meet the eligibility requirements of drug treatment courts have an opportunity to enter into a drug treatment court. There was no further discussion and the motion was unanimously approved.**

Prosecutor Gatekeeper Subcommittee: Judge Hoffman presented an overview of the issue reviewed by the subcommittee and noted that any proposal to change the role of the prosecutor should be looked at very carefully. Ms. Davis provided an update on the Oakland County situation. Mr. Sauter cautioned that any legislative change that is opposed by the prosecutors might inhibit the development and expansion of drug treatment courts. Judge Schma felt the Committee should be involved with statewide issues and not in local issues. The Chair appointed Mr. Sauter as Chair of the Prosecutor Gatekeeper subcommittee.

VI. Review of Proposed Timeline to Amend 2004 PA 224

The Chair asked each of the subcommittees to review the Plan to Amend Drug Court Legislation document prepared by Mr. Woods and distributed at the July 2009 SDTCAC meeting. He asked members to let him know at the next meeting if the timeline to meet the objectives listed on the plan needs to be revised.

VII. Drug Court Participants Job Training Act/Wage and Hour Field Handbook

Mr. Woods had received an email regarding possible amendments to the Fair Labor Standards Act to exempt addicts and alcoholic who have been court-ordered to a recovery program. He could not find any evidence that the proposed changes have been introduced, but thought he should share the information that was sent his attention. The Chair asked Mr. Woods to let the committee members know if he receives any further information on this subject.

VIII. Funding Update

Mr. Woods provided a quick update. The last census indicated a total of 88 drug treatment courts that are recognized by SCAO with 66 actual programs funded. With over \$7 million in funding requested but only \$1.5 million available to drug courts, a discussion of what the Committee can do to recommend more funding followed. Judge Schma suggested a recommendation to the Chief Justice to increase drug court funding be sent at the appropriate time. Mr. Woods continued with an update on other specialty courts including funding for mental health courts. Mr. Priess commented that the Committee may need to monitor the possibility that as funding for drug treatment courts increase, funding for treatment may decrease.

IX. Legislative Report

Judge Hoffman provided an update on the DUI interlock legislation. The Chair asked for a motion that the Committee officially support the interlock bills. **Judge Rush moved, supported by Mr. Priess, to adopt a recommendation of**

support for the interlock bills currently before the Michigan legislature. There was no objection and the motion was unanimously adopted.

The issue of drug court participants using marijuana medically was also discussed. The Chair asked Mr. Jones to look into this issue to determine if there is a problem that the Committee should address. Mr. Jones will contact the Committee clerk if this issue needs to be added to the agenda in the future.

X. Public Comment

The Chair asked for public comment.

Mr. Woods had one final item to report on which was that his office submitted a grant for federal recovery act funding to supply each of the drug treatment courts in Michigan with a license to use the risk-need assessment tool. He noted that there were only 9 awards for 394 applicants in that category and Michigan did not receive an award primarily due to the fact that the feds did not feel the grant would generate enough new jobs.

XI. Adjournment

Judge Rush moved, supported by Mr. Luty, that the meeting adjourn. There was no further discussion and the motion was unanimously adopted. The meeting was adjourned at 11:30 a.m.

NEXT MEETING DATE

The next meeting is tentatively scheduled for **Tuesday, February 23, 2010 at 9:30 a.m.** in the Legislative Council Conference Room, 3rd Floor Boji Tower, 124 W. Allegan, in Lansing.

(Minutes approved at the February 23, 2010 State Drug Treatment Court Advisory Committee meeting.)