

# Final Minutes

---

## State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, February 23, 2010

Legislative Council Conference Room • Boji Tower Building

### Members Present:

Judge Patrick Bowler, Chair	Christopher Luty
Judge William Schma, Vice-Chair	Dennis Priess
Kathleen Brickley	Judge William Rush
Pamela Davis	Homer Smith
Judge William Ervin	Richard Woods

### Members Absent:

Sophia Burr  
Charita Coleman-Gladdis  
Andrew Konwiak  
Kevin Jones  
Judge Brian MacKenzie  
Jeffrey Sauter

### 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. **Judge Rush moved, supported by Judge Ervin, to excuse members who are absent from today's meeting. There was no objection and the motion was unanimously approved. Absent members were excused.**

### III. Approval of Minutes of November 24, 2009

The Chair asked members to review the minutes of the November 24, 2009 meeting. No changes were suggested. **Judge Rush moved, supported by Mr. Priess, to approve the proposed minutes of the November 24, 2009 State Drug Treatment Court Advisory Committee meeting. There was no further discussion. The minutes were unanimously approved.**

### IV. Annual Report

The Chair presented a draft of the 2009 Annual Report. For the "Issues Reviewed" section of the report, the Chair asked the subcommittee chairs to prepare and submit by March 23 a short description of approximately 100 words or less of the specific issue reviewed by their subcommittee. It was noted that Richard Woods will prepare statements for mental health courts and drug treatment court participant transfer procedures. Judge Hoffman will be asked to prepare something for the ignition interlocks issue and the prison presumptive proposal and Jeff Sauter will be asked to prepare text for confidentiality issues. Pam Davis will prepare a statement for juvenile issues and strategic planning session and Kathleen Brickley will prepare something for the defense attorney participation issue. The Chair and Co-Chair will prepare text for the "Future Issues to be Reviewed" and "Summary" sections. A final draft will be distributed in April and members should be prepared to vote on the report's approval at the April meeting.

### V. Subcommittees Updates

Certification Subcommittee: Judge Rush reported no change to the certification issue. Mr. Woods noted that he had a conference call with other state drug court coordinators and the plan is to submit a proposal to the NADCP to identify what role the association should play in helping the states establish certification programs. Mr. Woods also shared that a study by the National Association of Criminal Defense Attorneys is challenging three of the ten key components. The Chair will have a link to the site that contains the report sent to all members. The idea of having the prosecutors conduct a survey to find out what is going on in the counties with regard to the timing of the plea was discussed. The Chair will discuss this issue with Mr. Sauter.

Defense Attorney Participation Subcommittee: Ms. Brickley inquired if the charge of the subcommittee could be amended to include other defense attorney issues and if she could recruit other defense attorneys to serve on the subcommittee. The Chair agreed this was an excellent idea. Issues that might be reviewed by the subcommittee and possible participants including Mike Hills who is an attorney on the MADCP Board were suggested. The delayed sentencing statute and clarification of the conviction on record were among the issues that will be included in the subcommittee's review.

#### Confidentiality Subcommittee:

The Chair suggested it might be good to pursue establishing some guidelines for referencing treatment in a courtroom and will discuss this idea with Mr. Sauter. Mr. Priess added that he received an email that there may be some effort to amend 42 CFR. He will have the email that contains a link to the proposed legislation forwarded to all the members.

Cross-Assignment Subcommittee: Mr. Woods distributed the latest version of the DTC Order to Transfer Defendant form. He shared that all the recommendations have been combined and the issues raised by the regional administrators have been considered. The form is scheduled to be discussed by the SCAO form committee on March 4. Other changes were discussed and Mr. Woods will incorporate the recommendations from today's meeting into the form.

Funding Alternative Subcommittee: Due to Judge Hoffman's absence at today's meeting, no report was given.

Juvenile Issues Subcommittee: Ms. Davis distributed some proposed changes to PA 224 but noted more discussion is needed. She suggested SCAO design a template for each specialty court to use as a local administrative order (LAO) which could provide some structure. The promulgation process was also discussed and Ms. Davis noted that at this time the subcommittee is not recommending the drug court statute be amended.

Prosecutor Gatekeeper Subcommittee: The Chair noted that a question raised during the prosecutor gatekeeper situation was whether the prosecuting attorney of a Class B jurisdiction, who is the city attorney, can enter into a memorandum of understanding if the county prosecuting attorney refuses to participate in a drug court program. Ms. Davis explained that this can be done on misdemeanors and city ordinances, but county prosecutor approval is needed on felonies. Mr. Woods then shared that Judge McMillan from Waterford has suggested the Committee look at some proposed changes to Sec. 1068 (2). A change to Sec. 1062 (1) may need to be made as well. Mr. Woods will send the proposed language to the Chair and the proposed changes will be taken up at the April or June meeting. Ms. Davis then provided an update on the situation in Oakland County which is more positive now.

Vision & Evidence-Based Sentencing Subcommittee:

The Chair reported that the subcommittee has discussed the possibility of bringing in organized trainers to conduct educational sessions on how to set up a sobriety or drug court program in a community. He hopes the Committee will put some effort into thinking of this as a way of providing assistance at a foundation level. Mr. Woods shared that he makes presentations on the specialty courts quite frequently for the various regions and SCAO provides administrative support to the courts, but typically has not been approached to provide that type of assistance to a grass root organization. He also shared that he is now on the Department of Corrections' Evidence-Based Sentencing work group.

#### **VI. Plan to Amend Drug Court Legislation Subcommittee Timelines**

Ms. Davis and Mr. Woods will come up with a revised timeline and action plan for the subcommittees reviewing the current statute.

#### **VII. Funding Update**

Mr. Woods reported that SCAO is still waiting to actually receive the funds from the Bryne Jag grant from the Michigan State Police. There was no other news to report.

#### **VIII. Legislative Report**

Judge Hoffman was not present to provide a report, but the Chair noted that the "Guardian Interlock Legislation" which would allow for a restricted license opportunity for specialty court participants is moving forward. Mr. Woods added that the legislative drug treatment court orientation held last week was well attended.

#### **IX. Public Comment**

The Chair asked for public comment. There was none.

#### **X. Adjournment**

**Judge Schma moved, supported by Judge Rush, 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, April 27, 2010 at 9:30 a.m.** in the Legislative Council Conference Room, 3<sup>rd</sup> Floor Boji Tower, 124 W. Allegan, in Lansing. The Chair will not be present at the next meeting and asked Judge Schma to lead the meeting in his absence.

*(Minutes approved at the April 27, 2010 State Drug Treatment Court Advisory Committee meeting.)*