

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:00 a.m. • Friday, July 23, 2010

Conference Room 1S69 • Michigan Hall of Justice

Members Present:

Judge Patrick Bowler, Chair
Judge William Rush, Vice Chair
Kathleen Brickley
Pamela Davis
Andrew Konwiak

Judge Brian MacKenzie
Dennis Priess
Jeff Sauter
Richard Woods

Members Absent:

Sophia Burr
Judge William T. Ervin
Kevin Jones (*arrived for Strategic Planning Session*)
Christopher Luty

I. Call to Order

The Chair called the meeting to order at 9:00 a.m. and welcomed members to today's meeting.

II. Roll Call

The Chair asked the clerk to call the roll. A quorum was present and absent members were excused. The Chair welcomed Kathleen Brickley and Dennis Priess who participated in the meeting via teleconference call.

III. Approval of Minutes of April 27, 2010

The Chair asked members to review the minutes of the April 27, 2010 meeting. Judge Rush suggested one change to clarify that the memo referenced in the discussion of the delay of sentencing statute was authored by him and addressed to Judge Bowler. There was no objection. **Judge Rush moved, supported by Mr. Konwiak, to approve the proposed minutes of the April 27, 2010 State Drug Treatment Court Advisory Committee meeting as amended. There was no further discussion. The minutes, as amended, were unanimously approved.**

IV. Committee Appointments

The Chair reviewed the vacancies on the Committee. He noted that Judge Schma had sent a letter to a potential candidate from Kalamazoo for the circuit court judge position and he is waiting to hear if that person is interested in serving on the Committee. The Chair will share Judge Schma's letter with the Committee members. Judge Hoffman suggested the Chair communicate with MADD to encourage the person they appoint to replace Homer Smith be nominated to fill the advocate for the rights of crime victims position and offered that if the Kalamazoo judge does not work out that Judge Jim Fisher who is a Circuit Court judge out of Barry County would also be an excellent candidate for the circuit court judge position. Judge Bowler will follow-up with Judge Schma first and, if his person does not work out, he would like Judge Hoffman to contact Judge Fisher. Judge MacKenzie also suggested the President of the County's Parents of Murdered Children would be a good candidate if the MADD person is not interested. The Chair also shared that he thought Judge Alderson might be able to find a Lansing resident for the graduate position. Judge Hoffman offered to contact the Ingham County drug courts for possible candidates. Mr. Sauter will check with the Michigan Domestic Violence Prevention and Treatment Board for potential candidates for the domestic violence provider program representative position. The possibility of forming a nominating committee was then discussed.

The Chair also pointed out that the Committee needs to elect a Vice-Chair due to Judge Schma's recent departure. **Judge MacKenzie moved, supported by Mr. Sauter, to elect Judge William Rush as Vice-Chair of the Committee. There was no further discussion. The motion to elect Judge Rush as Vice-Chair of the State Drug Treatment Court Advisory Committee was unanimously approved.**

V. Subcommittees Updates

Certification Subcommittee: Judge Rush indicated there was no news for him to report and asked Mr. Woods to share any updates. Mr. Woods noted that the State Drug Coordinators will be meeting in October at which time the topic of certification will be discussed. Judge Hoffman also shared that he worked on a project with the

National Center of DWI courts wherein they took the ten guiding principles and pulled together implementation checklists from various states. This information has been boiled down to a series of checklist questions that could be asked of any DWI court around the country that would show basic compliance with the DWI court model. The list is in final draft form and set for probable approval at the next National Conference of DWI Courts meeting. He explained that the approach is a self-check, but could be used as part of a certification process. Judge Rush will include Judge Hoffman in any future Certification Subcommittee meetings.

Confidentiality Subcommittee: The Chair called on Mr. Sauter for an update. Mr. Sauter recalled that the Committee had contemplated some changes to the statute included in a memorandum he had prepared a few years ago. He suggested the Committee go ahead and ask for the amendments as identified in the memorandum he presented to the Committee at the July 25, 2006 meeting. Judge MacKenzie suggested that since the federal government has never pressed and the courts are doing everything they can to work within compliance, there is no need for the Committee to move forward on this issue until it becomes a matter that needs to be addressed. A discussion on the elimination of the subcommittee followed. Mr. Woods reported that, based upon discussions with other state coordinators, not a single state can report that their state is in full compliance with 42 CFR, but many use a standard release that provides some protection for the drug courts. He suggested Michigan use a similar form that includes an expiration date on the release. The Chair requested that the subcommittee work on a form and present it at the next meeting. The elimination of the subcommittee can then be considered at that time.

Cross-Assignment Subcommittee: The Chair asked Mr. Woods about the progress being made on the Order to Transfer Defendant form. Mr. Woods reported that at this point the draft of the form is completed and the last discussion was to put the form out as an optional document for the courts to use to transfer participants. He noted that some concern has been raised recently about the process involved and some issues regarding the form have been identified.

Defense Attorney Participation Subcommittee: Ms. Brickley reported that Mike Hills, an attorney from Kalamazoo, has agreed to serve on the subcommittee and she has calls into Jack Holmes per Pam Davis' suggestion and Thomas Dutcher per Judge Hoffman. Judge Hoffman reported that Mr. Dutcher has indicated that he would be happy to serve on the subcommittee. Judge MacKenzie then suggested Derwood Haines from Novi as a member of the subcommittee and provided Ms. Brickley with his email. Ms. Brickley went on to explain that her hope is to have the scope of the subcommittee expanded to allow defense attorneys a forum to discuss issues and ideas that might help the process. One such idea is to educate attorneys about fully informing their clients a-head-of-time of the requirements of drug court to potentially increase their success rate. Mr. Sauter noted that Mr. Dutcher took the initiative to prepare a DVD explaining the Eaton County drug court program and his participation on the subcommittee should be helpful. The Chair suggested Ms. Brickley work with Karen MacKenzie, Executive Director of the MADCP, to explore the possibility of including an educational component at the MADCP annual program. Ms. MacKenzie was present at today's meeting and shared that the next annual meeting is scheduled for February 1 and 2 at the Kellogg Center in East Lansing.

Funding Alternative Subcommittee: Judge Hoffman provided an update on drug court funding and noted that John Lazet from Senator Cropsey's office and staff from Senator Switalski's office were present. Mr. Konwiak commented that treatment dollars for both mental health and substance abuse have been cut to the point that some coordinating agencies have run out of funding for the fiscal year. He added that they have had to cut funding for indigents for two agencies this month with no money available until October 1 and, in terms of mental health funding, a person has to be psychotic with a history of state hospitalization in order to be eligible for treatment. He noted that organizations such as the Michigan Association of Coordinating Agencies sponsor events every year to highlight the lack of treatment dollars. The Chair noted that the MADCP is a potential resource members could use to educate and disseminate information. Ms. MacKenzie concurred and suggested members contact her if they wish to submit articles for publication in the MADCP newsletter.

Juvenile Issues Subcommittee: Ms. Davis reported that in response to emails subcommittee members have been receiving about different issues that have recently come up including drug testing practices, rural area juvenile drug courts, and alternatives to 12-step programs, a statewide Juvenile Drug Court Forum has been scheduled for November 19. The next subcommittee meeting is scheduled for August 19.

Prosecutor Gatekeeper Subcommittee: Mr. Sauter explained that Senate Bill 1354 is a proposal that encompasses a resolution of the gatekeeper issue. He proceeded to summarize the provisions of the bill. Judge Hoffman then presented some background on the issue and Marie Gordon of Senator Switalski's office provided an update on the bill's status which is currently in the Senate Judiciary Committee.

Vision & Evidence-Based Sentencing Subcommittee: Judge Bowler noted that the strategic planning session this afternoon will cover the subcommittee's activities in more detail. He then mentioned that he received a call from Judge Bill Kelly who has been asked to substitute at an event on vision and evidence-based sentencing for the National Judicial College. Judge Kelly is looking to contact any experts in this area and asked Judge Bowler for suggestions. Mr. Woods will email Judge Bowler the name of a judge that presented at an event he attended.

VI. Funding Update

Mr. Woods reported that the Michigan Drug Court Grant program is in the process of wrapping up the review of the grant applications and will be making some award determinations very soon with announcements being made perhaps as early as September. He noted that there are 73 applicants this year and they typically fund approximately 90%. He added that the review process has become more stringent as the number of applicants has increased and the funding level has decreased. He also explained that SCAO has held workshops on how to write grant applications to better prepare drug courts when they apply for state and national funding.

VII. Legislative Report

Judge Hoffman provided an update on the concerns with the non-public record aspect of some of the diversions and the status of the interlock bills. In regards to the drug court diversion issue, Judge Hoffman explained that the diversion being applied at the end of the program is affecting some student loan applicants when going through the program. Language has been put together that makes any of the four different diversions non-public at the start of the diversion. He continued with a status report of the interlock bills and noted that the bills have gone through the House, have been reported by the Senate Judiciary Committee, but have not been brought to the floor.

The Chair and Judge Rush have not heard anything more on the delay of sentencing statute issue since the last meeting.

VIII. Public Comment

The Chair asked for public comment. There was none.

Mr. Priess commented that the issue of mental health parity and health care reform is a topic that the Committee should keep on its radar screen. The Chair asked Mr. Priess to share more information on this subject at the next committee meeting.

IX. Adjournment

Judge Rush moved, supported by Ms. Davis, that the meeting be adjourned. There was no further discussion and the motion was unanimously adopted. The meeting was adjourned at 10:48 a.m.

NEXT MEETING DATE

The next meeting is tentatively scheduled for **Tuesday, September 28, 2010.**

(Approved at the October 26, 2010 SDTCAC meeting.)