

# Final Minutes

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## State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, October 26, 2010

Legislative Council Conference Room • Boji Tower

Lansing, MI

### Members Present:

Judge Patrick Bowler, Chair	Kevin Jones
Judge William Rush, Vice Chair	Andrew Konwiak
Kathleen Brickley	Chris Luty
Pamela Davis	Judge Brian MacKenzie
Judge William T. Ervin	Richard Woods

### Members Absent:

Sophia Burr  
Dennis Priess  
Jeff 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 and absent members were excused.

### III. Approval of Minutes of July 23, 2010

The Chair asked members to review the minutes of the July 23, 2010 meeting. Judge Rush noted that the State Drug Coordinators meeting referenced under Certification subcommittee was held in October and asked that "November" be changed to "October." There was no objection. **Judge MacKenzie moved, supported by Judge Rush, to approve the proposed minutes of the July 23, 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 provided an update of the possible candidates for the four vacant committee appointments. The candidates are as follows:

**Ms. Janette Kolodge**—for the advocate for the rights of crime victims position. Ms. Kolodge is the Mother's Against Drunk Driving Michigan State Executive Director.

**Judge Allen Garbrecht**—for the circuit court judge position. Judge Garbrecht is the Chief Circuit Court Judge of the 37<sup>th</sup> Circuit.

**Ms. Nadine Issacs** of Okemos, Michigan—for the individual who has successfully completed an adult drug treatment court program position. Ms. Issacs is a graduate of the 54-A District Court drug treatment court program and was recommended by Judge Louise Alderson.

**Judge Amy Krause**—for the domestic violence provider program position. Judge Krause has a strong background in domestic violence issues and is currently appointed to the 54-A District Court in Lansing.

The Chair welcomed one candidate, Ms. Nadine Issacs, who was in attendance to observe the committee in action. After discussion, the Chair directed the clerk to draft a letter to the Senate Majority Leader and the Speaker of the House to recommend the appointments of Ms. Kolodge, Judge Garbrecht, Ms. Issacs, and Judge Krause to the Committee. The letter will be circulated to the Chair and the members for approval before it is sent out.

### V. Strategic Action Plan

The Chair called on Pamela Davis to provide an update on the revised Strategic Action Plan. Judge Ervin wondered if using "drug treatment court" in the mission statement is broad enough. Ms. Davis explained that

the language is what is used in the drug court statute and Judge Bowler added that the definition of drug treatment court in the statute includes a list that references all the specialty courts. For more details, please see the strategic action plan that is attached to these minutes.

## **VI. Legislative Report**

The Chair called on Judge Hoffman to provide the Legislative Report. Judge Hoffman noted that the bill to amend the role of the prosecutor and the interlock bill were successfully passed. He added that work continues on the bill that changes how some diversions are handled and it is hoped that the bill will move in lame duck. Judge Hoffman reported that DTC funding seems to be in good shape, but there seems to be a real threat to treatment funding. He is encouraged that an interdepartmental transfer of \$1 million dollars was made from MDOC to SCAO to deal with mental health issues for participants in drug courts. Judge MacKenzie shared that the State Bar and SCAO will be coming out with a report in November pertaining to the operation of courts and broad changes on how courts work. He understands that one of the recommendations will be to transfer funds from MDOC to the judiciary to increase support for drug courts. Judge Rush raised a question regarding the legislation that standardizes a diversion and whether it has an impact on the gatekeeper role. Judge Hoffman responded that the bill does not change the gatekeeper status. The issue of who is responsible for seeking clarification as to how each county is handling all of the different diversions was raised by the Chair. Mr. Wood responded that it is certainly SCAO's role as the administrative arm of the Supreme Court to provide directives on how things should be processed, but, in terms of follow-up, it would take massive resources to determine if all courts are in compliance with all of the court rules. The Chair acknowledged the problem and Ms. Davis noted there is the MADCP and education and training might help. Judge Bowler also urged that the time for a delay of sentence be lengthened from 12 to 24 months. Judge Hoffman stated that he will relay the bill number of the diversion legislation to the clerk who will then distribute a copy of the bill to the members of the Committee. The discussion of the importance of the diversion bill continued and the Chair noted that he will ask Judge Hoffman to contact Committee member Chris Luty to make sure everyone is on the same page.

Mr. Woods provided an overview of some of the changes that have occurred since the last Committee meeting with regard to the high BAC and interlock legislation. He pointed out that in order for a participant to qualify the offense must occur after January 1, 2011. SCAO is working with the Secretary of the State to help prepare for the implementation of this bill, but there are a number of logistical issues that were overlooked in the drafting process that still need to be worked out. The Chair also noted there have been discussions regarding available resources to provide the necessary training should there be an influx of new sobriety courts.

## **VII. Education and Training of New Sobriety Courts**

The discussion of education and training of new sobriety courts continued. The Chair shared that MADCP is taking a hard look at how to set up and meet the education requirements of these new courts. Efforts to duplicate the training that the National Drug Court Institute puts on now nationally are being made so that the training could be put together here in Michigan. Mr. Woods pointed out there are still some issues with the form that SCAO would like courts to use when transferring cases. A general discussion of the issues raised in cross-assignment of cases followed including questions such as who receives the funding and program/participation fees, how to handle the case management system, and what to do when felony cases are transferred to district courts. Mr. Woods noted that the difficulty in developing a form that addresses all the concerns stems from the fact that the statute does not address the procedural issues involved when processing the defendants. He will email the latest draft of the form to the committee members for their input.

## **VIII. Subcommittees Updates**

Certification Subcommittee: Judge Rush spoke to Judge Kropf who indicated that the MADCP is interested in pursuing the topic of certification. He is waiting for an update from Mr. Woods regarding the discussion of this topic at the State Drug Treatments Court Coordinators conference. Mr. Woods explained that he is waiting for the minutes of that discussion to complete a report he is preparing on the subject. He did provide a brief update and noted that Michigan is ahead of most states in terms of certification.

Confidentiality Issues Subcommittee: The Chair reported that the subcommittee is still working on a standard release form that includes an expiration date. He also reported that there is some movement in Washington concerning tweaking the national legislation so that it takes into consideration drug treatment courts. The subcommittee will be dissolved after the Chair receives the form from Mr. Sauter.

Cross-Assignment Subcommittee: The Chair noted that this topic was discussed earlier under the Education and Training of New Sobriety Courts.

Defense Attorney Participation Subcommittee: Ms. Brickley reported she is still waiting to hear back from Jack Holmes and Thomas Dutcher regarding their interest in serving on the subcommittee. She did meet with Mike Hills since the last meeting and they decided to try to get an educational component on drug courts on the schedule of an upcoming Criminal Defense Attorneys of Michigan seminar. The Chair added that the restricted license opportunity has generated a lot of interest and the MADCP is holding a special session for defense attorneys in Kent County on how to implement the provisions of the program for their clients.

Funding Alternative Subcommittee: The Chair called on Richard Woods to provide an update of the grants awarded this year. He reported that the Michigan Drug Court Grant program awarded \$1.58 million to 65 courts, OHSP funding totaled \$500,000 for 9 sobriety courts, and Byrne Jag funding of \$1.8 million funded 14 courts. He added that the \$1 million dollars in DOC funding has been earmarked for mental health treatment for drug court participants and noted that they are getting close to finalizing the terms and conditions of this mini-grant program. In response to a request from the Chair, Mr. Woods will add Committee members to his notification mailing list.

Juvenile Issues Subcommittee: Ms. Davis reported that they are working on a statewide Juvenile Drug Court Forum that has been scheduled for November 19. She noted that SCAO is involved and will help facilitate the forum, MJI will help with demonstrations, and MADCP will be funding the food. Although information has been sent out, she asked members to help spread the word if they have a juvenile drug court in their jurisdiction. Mr. Woods added that in the future other teams will be invited to the Hall of Justice to have open forums where issues can be dealt with and discussed.

Prosecutor Gatekeeper Subcommittee: The Chair noted that this topic was discussed earlier.

Vision & Evidence-Based Sentencing Subcommittee: No report was given.

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

The Chair asked for public comment. One unidentified member of the public offered comments that she supports the idea of conducting a forum to bring everyone involved together in a more positive manner. There were no other comments.

#### **X. Adjournment**

**Judge MacKenzie moved, supported by Judge Rush, 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 date was discussed. The Chair announced that the next meeting is tentatively scheduled for **Tuesday, January 25, 2011.**

*(Minutes adopted at the January 25, 2011 State Drug Treatment Court Advisory Committee meeting.)*

# STATE DRUG TREATMENT COURT ADVISORY COMMITTEE

Strategic Action Plan (05/2010 – 5/2011)

**Mission Statement:** The mission of the State Drug Treatment Court Advisory Committee is to monitor and advocate for the effectiveness of drug treatment courts in Michigan.

Goal	Objective(s)	Action Step(s)	Assignment	Time Frame
1 <b>Monitor Effectiveness of the State Drug Treatment Court Advisory Committee</b>	<ol style="list-style-type: none"> <li>1. Conduct Strategic Planning</li> <li>2. Conduct S.W.O.T.T. Analysis</li> </ol>	<ol style="list-style-type: none"> <li>1. Schedule sub-committee meetings as needed</li> <li>2. Prepare written report and submit to DTCAC Chair</li> <li>3. SDTCAC shall approve annual legislative report prior to submission to legislature.</li> </ol>	<ul style="list-style-type: none"> <li>▪ SDTCAC Chair</li> <li>▪ Each Sub-committee Chair</li> </ul>	Annually
2 <b>Monitor the Qualitative Effectiveness of Michigan Drug Treatment Courts</b>	<ol style="list-style-type: none"> <li>1. Review reports and data regarding Michigan Drug Treatment Courts</li> <li>2. Coordinate efforts with MADCP</li> <li>3. Coordinate efforts with NADCP</li> </ol>	<ol style="list-style-type: none"> <li>1. Review SCAO annual report</li> <li>2. Invite MADCP and NADCP to review collected data and participate in annual strategic planning</li> </ol>	<ul style="list-style-type: none"> <li>▪ Each Sub-committee Chair</li> <li>▪ SDTCAC</li> </ul>	Ongoing
3 <b>Advocate for Drug Treatment Courts in Michigan</b>	<ol style="list-style-type: none"> <li>1. Expand and coordinate efforts with stakeholders</li> <li>2. Increase Legislative, Judicial and Executive awareness, understanding and knowledge of Drug Treatment Courts</li> <li>3. Promote Drug Treatment Courts as a Funding Priority</li> </ol>	<ol style="list-style-type: none"> <li>1. Identify stakeholders and secure input</li> <li>2. Identify other types of problem-solving courts and secure input as needed</li> <li>3. Provide testimony to appropriate legislative bodies</li> <li>4. Maintain contact with appropriate Executive agencies</li> <li>5. Disseminate information and data to Executive, Legislative and Judicial branches</li> <li>6. Provide input to SCAO, MJI and MADCP on funding issues</li> </ol>	<ul style="list-style-type: none"> <li>▪ Vision Sub-committee</li> <li>▪ Funding Alternative Sub-committee</li> <li>▪ SDTCAC</li> <li>▪ Evidence-based Practices Sub-committee</li> </ul>	Ongoing
4 <b>Improve Michigan Drug Treatment Court Statute</b>	<ol style="list-style-type: none"> <li>1. Submit report and recommendations to Legislature</li> </ol>	<ol style="list-style-type: none"> <li>1. Review the statute for improvements</li> <li>2. Recommend legislative changes</li> <li>3. Invite other stakeholders to make suggested legislative</li> </ol>	<ul style="list-style-type: none"> <li>▪ SDTCAC</li> <li>▪ SDTCAC</li> <li>▪ SDTCAC</li> </ul>	Annually

		<p><b>2.</b> Address legislative issues specific to the operations of all drug treatment courts.</p>	<p>changes (MADCP, PAAM, MASACA, etc.)</p> <ol style="list-style-type: none"> <li><b>4.</b> Solicite feedback regarding proposed changes to all appropriate drug court contacts and MADCP.</li> <li><b>5.</b> Prioritize changes and identify best method to make those changes.</li> <li><b>6.</b> Develop plan for facilitating proposed changes.</li> <li><b>7.</b> Submit final proposed changes to SDTCAC and if necessary, Supreme Court and legislature.</li> </ol>	<ul style="list-style-type: none"> <li>▪ SCAO</li> <li>▪ Legislative Sub-committee</li> <li>▪ SDTCAC</li> <li>▪ SDTCAC</li> </ul>	
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