

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:00 a.m. • Tuesday, July 26, 2011

Legislative Council Conference Room • Boji Tower

Lansing, MI

Members Present:

Judge William Rush, Chair
Pamela Davis, Vice Chair
Kathleen Brickley
Judge William T. Ervin
Judge Allen Garbrecht
Judge Michael Haley

Andrew Konwiak
Judge Amy Ronayne Krause
Judge Brian MacKenzie
Jeffrey Sauter
Mark Witte
Richard Woods

Members Absent:

Nadine Issacs
Janette Kolodge
Chris Luty

I. Call to Order

The Chair called the meeting to order at 9:00 a.m.

II. Roll Call

The Chair welcomed the new members to the Committee and asked the members to identify themselves. He then asked the clerk to call the roll. A quorum was present and absent members were excused.

III. Approval of Minutes of May 24, 2011

The Chair asked members to review the minutes of the May 24, 2011 meeting. No changes or additions were recommended. The Chair asked for a motion to approve the minutes as proposed. **Judge Ervin moved, supported by Mr. Witte, to approve the proposed minutes of the May 24, 2011 State Drug Treatment Court Advisory Committee meeting. The motion was unanimously approved.**

IV. Committee Appointments

Recommendation of Stephanie Drury: The Chair provided an update on the appointment of Stephanie Drury to fill the vacant Probation Officer position on the Committee. As moved by the Committee at the last meeting, a letter was prepared and sent to the Senate Majority Leader and Speaker of the House with the Committee recommendation that Ms. Drury be appointed to fill the vacancy created by the resignation of Kevin Jones. There has been no word on this appointment from leadership.

Expiration of Sophia Burr's Term: The Chair then informed the members that Committee member Sophia Burr's appointment expired on June 13, 2011. She represented an individual who has successfully completed a juvenile drug treatment court program. He asked members if they knew of any potential candidates the Senate Majority Leader and Speaker of the House should consider. Ms. Davis will look into possibilities and Judge Krause offered that she will check with Judge Lawless to see if there is anyone she can recommend.

Appointment of Janette Kolodge: The Chair also shared that he was recently informed by Ms. Pam Gill, Director of Field Relations with Mothers Against Drunk Driving, that Committee member Janette Kolodge is no longer employed as the State Executive Director and affiliated with MADD (see attached letter). Because MADD is not in communication with Ms. Kolodge and did not provide any forwarding contact information for her, the Committee Clerk has been unable to contact Ms. Kolodge and is unsure whether she is receiving notice of the Committee meetings. The Chair noted that the Senate Majority Leader and Speaker of the House may need to consider other candidates to fill this position, but the Committee will wait to determine if any action is needed regarding to this appointment.

V. 2010 SDTCAC Annual Report

The Chair reported that the draft 2010 State Drug Treatment Court Advisory Committee Annual Report is attached for review and asked if there were any questions or concerns. No changes or additions were recommended and the Chair asked for a motion to adopt the annual report as proposed. **Mr. Woods moved,**

supported by Ms. Davis, to adopt the 2010 State Drug Treatment Court Advisory Committee Annual Report as proposed. The motion was unanimously approved.

VI. Review of Subcommittee Assignments

The Chair directed the members attention to the listing included in the meeting packet that identifies the composition of the various subcommittees. Judge Krause offered to be appointed to the Vision and Evidence-Based Subcommittee or the Legislative Subcommittee. The Chair explained that at the last meeting the Committee had discussed the idea that the Vision and Evidence-Based Subcommittee should be considered almost as a committee of the whole with goals discussed at the Strategic Planning session rather than have it be a separate functioning subcommittee. The Chair appointed Judge Krause to the Legislative Subcommittee.

VII. Subcommittee Updates

Confidentiality Issues Subcommittee: Mr. Sauter had nothing new to report at this time.

Cross-Assignment Subcommittee: The following report was submitted by Subcommittee Chair Judge Michael Haley:

Cross Assignment Subcommittee Report – July 26, 2011

The Cross Assignment Subcommittee, comprised of Richard Woods, Bill Rush, Allen Garbrecht and Michael Haley, Chair, met by telephone conference on July 21, 2011. We reviewed what was identified by Richard Woods as the 3d draft of SCAO Form MC 394 "Order of Transfer" and discussed some of the hot button issues which need to be addressed before a consensus will ever be reached, chief among them is jurisdiction. The proposed form includes the following:

Paragraph 4. "Jurisdiction over the defendant remains with the transferring court."

It seems that many Judges want to see that jurisdiction is retained by the transferring court, even though there is authority for jurisdiction to be transferred. Some object to the transferring court keeping the fines and costs as well.

Up to this point, SCAO has been facilitating the transfers by making an assignment, i.e., the receiving court judge is assigned as a judge of the transferring court. Richard pointed out that the 25 or so transfers being made each year are really "courtesy supervisions." They seem to work out fine, but sometimes there is significant delay in processing the assignment request.

Clearly there should be a simple, uniform way to deal with situations wherein problem-solving courts can transfer cases so that the defendant may have the benefit of the unique characteristics of a Veteran's Treatment or a Sobriety Court, e.g., without having to re-invent the wheel time this occurs. Judges and other stakeholders also need to focus on what is best for the people they serve - the defendant and a society which will benefit substantially from a defendant's participation in a problem-solving court program. Jurisdiction surrender or retention, financial concerns and supervision issues should all take a back seat to allowing the courts to work together to serve the public effectively. This is really where we need "access to justice". People in need of treatment in the context of some very well-developed programs like Sobriety Court should be able to access these programs easily and consistently regardless of where they live in the state.

A uniform plan could begin with an examination of the existing draft of the "Order of Transfer" SCA form, but such a plan will have to address issues pertinent to Adult Treatment Courts, Sobriety Courts (misdemeanor and felony) as well as Veteran's treatment Courts.

Respectfully submitted
Michael J. Haley

A discussion of the issues of jurisdiction and supervision followed. Mr. Woods noted that the statute that currently authorizes the transfer of jurisdiction does not address a multitude of other issues like funding, case management, or reporting requirements and does not deal with other types of courts.

Funding Alternative Subcommittee: Because Judge Hoffman was absent from today's meeting, the Chair asked Judge MacKenzie for a report. Judge MacKenzie shared that Judge Hoffman is working on the potential transfer of money to the Supreme Court to fund adult felony drug courts. Mr. Woods confirmed that Judge Hoffman is in the preliminary stages of looking into this proposal.

Juvenile Issues Subcommittee: Ms. Davis reported that she is still working on pulling together their next juvenile forum.

Legislative Subcommittee: Judge Hoffman was absent from today's meeting. Judge MacKenzie shared there was a meeting involving a number of individuals and there appears to be some interest in the veterans' treatment court bill. He noted the goal is to have something ready in the fall and a decision was made to make it a subsection of the drug court law. Mr. Woods added he was informed that Judge Hoffman had received some good insight from Judge Russell regarding the issue of accepting felony offenders. The issues of jeopardizing grants, creating new diversions, and public vs. non-public records are some of the issues that are still to be resolved.

Medical Marijuana: Mr. Sauter explained that the subcommittee was created to look at the issue of whether to allow someone to use medical marijuana while on probation. He is unaware of any tolerance of the use of medical marijuana while on probation. The issue was discussed further, and he does not think there is anything the subcommittee can recommend as the probation statute is very clear.

Recidivism Subcommittee: Mr. Woods reported that instead of SCAO convening a recidivism workgroup as planned, a decision was made to first iron out issues with the IT vendor and resolve problems with the completeness of records used to calculate and measure the performance of drug courts. Since SCAO is not convening a workgroup, the SDTCAC subcommittee will review and talk about what type of crimes should be included in the definition of recidivism.

Defense Attorney Participation Subcommittee: Ms. Brickley reported that she is hoping to get a spot in the Criminal Defense Attorney of Michigan conference in the spring. In addition, Judge MacKenzie mentioned that Mr. Derwood Haines may be interested in being appointed to the subcommittee and noted there is going to be an effort made to have defense attorneys attend the MADCP conference in March. A review of the subcommittee's membership followed.

Vision and Evidence-Based Sentencing Subcommittee: The action of this subcommittee will again be tied to the Strategic Action Plan session to occur later in the meeting.

VIII. Ad Hoc Committee Update

Veteran Treatment Court: Judge MacKenzie had no further information except what he shared under the Legislative Subcommittee report.

IX. Funding Update

The Chair called on Mr. Woods for a funding update. Mr. Woods offered the following report:

- The application period for the Michigan Drug Court Grant Program closed and they received over 70 applications with more than \$9 million in requests. There is only \$1.3 million available to distribute and the grant review panel will be meeting next week to make some preliminary award determinations.
- The Byrne Jag grant application period is also closed. He was also asked to provide to the grant management contact at the State Police with the implications of a 20% reduction in funding for FY 2012 (FY 2013 for SCAO) and another 20% reduction in FY 2013 (FY 2014 for SCAO).
- The OHSP application period has not been opened yet as they are waiting for the State Police to complete the process.

- No decisions have been made for the programs that will be piloted for the swift and sure sanctions funding. According to the boilerplate, in order to qualify, a court must be part of a unified trial court and have a felony drug court program in the county. A discussion followed.

Mr. Witte had a follow-up on the funding issue he raised at the last meeting. He noted that because courts are often connected to the treatment resources in the community, he is concerned with the direction the whole movement of healthcare reform is taking, particularly for the people involved in our specialty courts. He urged the Committee to consider getting involved in the discussions being held and to expect to have input with the Department of Community Health as it continues its work to implement healthcare reform in Michigan. He just wanted to put this issue on the radar to whatever extent the Committee might be able to take this up at some point in the future.

X. Public Comment

The Chair asked for public comment. There were no comments.

XI. Next Meeting Date

The Chair announced that the next meeting is tentatively scheduled for **Tuesday, September 27, 2011, at 9:30 a.m.**

XII. Strategic Action Plan

After a brief recess, the Chair called on Ms. Davis to facilitate the continuation of the strategic planning session that began at the last meeting. The following goals and accomplishments from the 2010 Strategic Plan were reviewed:

Goal #1: Monitor the effectiveness of the State Drug Treatment Court Advisory Committee

- 1) Conducted 4 meetings during the strategic plan reporting period
- 2) Prepared an annual written report for the Legislature
- 3) Ongoing - Conduct strategic planning

Goal #2: Monitor the qualitative effectiveness of Michigan Drug Treatment Courts

- 1) Ongoing – Review SCAO annual report
- 2) Have uniform definition of recidivism
- 3) Ongoing – Invite MADCP to review data (5 members are MADCP members)
- 4) SCAO has provided for each type of court a LAO which requires the attachment of an operating guideline

Goal #3: Advocate for Drug Treatment Courts in Michigan

- 1) Continue to present on drug courts to all stakeholders (National Center for DWI Courts, Academy Court, State Bar seminar on Mackinac, ongoing presentation to local elected officials, connecting with media to spotlight drug courts)
- 2) Domestic violence courts input
- 3) Ongoing - Educate defense attorneys/bar
- 4) Confidentiality – Advocate to protect drug treatment courts and sobriety courts from federal government over-regulation
- 5) Veteran courts – Actively working on legislation and educating legislators, elected officials, prosecutors, and defense attorneys on veteran courts
- 6) Discussed mental health courts – not part of legislation, but an important part of the movement
- 7) Meetings with individual legislators and discussed family, juvenile, and hybrids and relevance to drug courts

Goal #4: Improve Michigan Drug Treatment Court Statute

- 1) Prosecuting attorneys gatekeeper legislative revision
- 2) Subcommittee meeting regarding consistency in diversion statutes
- 3) Ongoing review of statute for improvements (veterans courts, medical marijuana, standardize delay statutes, advisement and pleas)
- 4) Cross assignment subcommittee has met and is reviewing statute to facilitate transfers of probationers

Parking Lot

- 1) Regular reviews of strategic plan
- 2) Ensure that funding for drug court participants is secured under healthcare reform (include as item #7 under Goal #3)
- 3) Ensure the sustainability of drug courts with limited external funding (include as item #8 under Goal #3)
- 4) Identify accepted definition of "success", "failure", and "recidivism"(include as item #3 under Goal #2)

The strategic plan will be revised with the changes discussed and the 2011-2012 strategic plan will be presented for approval at the next meeting.

Subcommittees chairs were asked to provide a written report at each meeting, preferably before the meeting, so that it can be included in the meeting packet.

The following changes to the Vision and Evidence-Based Sentencing subcommittee were also made:

- 1) Judge Rush was appointed as Chair
- 2) Ms. Davis was added to the subcommittee
- 3) The title of the subcommittee was changed to the Vision subcommittee
- 4) The goal of the subcommittee is: The subcommittee will continue to monitor the long range goals of the State Drug Treatment Court Advisory Committee.

XIII. Adjournment

Judge moved Garbrecht , supported by Mr. Sauter that the meeting be adjourned. There was no further discussion and the motion was unanimously adopted. The meeting was adjourned at 12:45 p.m.

(Approved at the September 27, 2011 SDTCAC meeting.)



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877.MADD.HELP victim support
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July 25, 2011

Judge William Rush
Chair, State Drug Treatment Court Advisory Committee

Dear Judge Rush,

This is to inform the State Drug Court Advisory Committee that Janette Kolodge is no longer employed as the State Executive Director and is no longer affiliated with MADD Michigan.

MADD is not in communication with Ms. Kolodge and therefore is unable to provide a written resignation directly from her that indicates that she will no longer be serving on the State Drug Treatment Court Advisory Committee.

MADD Michigan is in the process of filling the State Executive Director position. The goal is to have this position filled by the end of August. When this position is filled the Advisory Committee will be notified. We hope that the individual selected to serve as MADD Michigan's State Executive will be appointed by the Speaker of the House and the Senate Majority Leader to serve on the Committee.

If you have any questions or require additional information please feel free to contact me on 469-420-4584 or via email pam.gill@madd.org

Sincerely,

A handwritten signature in blue ink, appearing to read "Pam Gill", is written over a light blue horizontal line.

Pam Gill
Director, Field Relations