

Notes

State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, September 29, 2009

Legislative Council Conference Room • Boji Tower Building

Members Present:

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

Members Absent:

Sophia Burr
Charita Coleman-Gladdis
Judge William Ervin
Kevin Jones
Andrew Konwiak
Kevin Jones
Andrew Konwiak

Judge Brian MacKenzie
Beth Morrison
Jeffrey Sauter
Richard Woods

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 not present. The Chair noted that this would, therefore, be an informal information session only.

III. Next Meeting

The Chair has asked the clerk to check with the members to determine if the next meeting should be scheduled for November 24, 2009.

IV. Subcommittee Updates

Certification Subcommittee: The Chair called on Ms. Davis to summarize the Michigan Association of Drug Court Professionals Certification Committee efforts and Judge Rush presented information on the association's certification committee (see attachment). The Chair suggested the State Drug Treatment Court Advisory Committee's Certification Subcommittee continue to monitor association activities and get some direction from Mr. Woods regarding national efforts.

Cross Assignment Subcommittee: The Chair noted that the recommendations from the Vision Subcommittee will address some of the Cross Assignment Subcommittee goals.

Visions Subcommittee: Judge Bowler provided an update on the subcommittee's activities and shared that he hopes the Vision Subcommittee will make the following recommendation: 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 the drug treatment court target population have an opportunity to enter into a drug treatment court. He also noted that training for judges will be an important element and a discussion of an education movement that is looking at making the problem-solving court philosophy part of the law school curriculum followed. Judge Schma reported that SCAO is putting on a 2-day problem-solving principles training conference in November which is being marketed especially to new judges. Judge Hoffman added that much of the credit should go to the Chief Justice who has been very supportive of drug courts.

Confidentiality Subcommittee: Because there is no chair of this subcommittee, Judge Bowler will check with Mr. Sauter to see if he would agree to be the chair.

Juvenile Issues Subcommittee: The Chair called on Ms. Davis to give an update. She noted that the subcommittee is looking at best practices for programming and for treatment. The appointment of Ms. Sophia Burr to the State Drug Treatment Court Advisory Committee was shared and Ms. Davis will reach out to Ms. Burr before the next meeting. Issues over the treatment of juveniles were also discussed.

Defense Attorney Subcommittee: Kathleen Brickley was assigned the task of determining the status of the subcommittee and will think about the subcommittee's direction and make a report at the November meeting.

Evidence-Based Sentencing Subcommittee: Judge Hoffman shared some background on the MDCPA's evidence-based sentencing committee and their proposal to set up some pilot projects where three circuit courts would be identified as depositories to take the use of validated risk-need assessments and require the courts to use evidence-based

practices in terms of their responses. Judge Schma suggested that it might be helpful to roll the SDTCAC's evidence-based sentencing subcommittee into the Committee's Vision Subcommittee. This issue will be placed on the November meeting agenda.

Prosecutor Gatekeeper Subcommittee: Ms. Davis provided some background on the situation between the Oakland County drug court and the Oakland County prosecutor. The Chair suggested that, perhaps for the Oakland County situation, a request could be made to have a technical advisory team, put together by the National Drug Court Institute, come in to attempt to arbitrate and evaluate whether Oakland County is adhering to the 10-key components. Because efforts are being made to resolve this issue, Judge Hoffman reported that the Prosecutor Gatekeeper Subcommittee is unanimous in recommending that nothing be done at this time.

V. Funding Update

Judge Hoffman presented the funding update report due to the absence of Mr. Woods at today's meeting. He shared that the cuts to drug court funding was only \$34,000 and reflects overall support for drug courts. The continued education of legislators over the years has been helpful and will need to be continued in the future.

VI. Legislative Report

Judge Hoffman provided an update on the interlock legislation and noted the bills should be moving in the next two weeks. He also reported that the Governor has dismantled the Drug Policy Office and the Byrne grant funding normally sent to this office has been transferred to the State Police. He suggested the need to work with State Police on how that money is spent.

VII. Plan to Amend Drug Court Legislation Subcommittee Timeline

This item will be moved to the November meeting agenda.

VIII. Update on Pilot Mental Health Courts

This item will be moved to the November meeting agenda.

IX. Public Comment

The Chair asked for public comment. Rebecca Devooght from Representative Schuitmaker's Office was present and offered comments regarding mental health courts funding and juvenile drug court standards. She also stressed the importance of the education of legislative staff.

X. Adjournment

The meeting was adjourned at 11:15 a.m.

NEXT MEETING DATE

The next meeting is tentatively scheduled for **Tuesday, November 24, 2009 at 9:30 a.m.** in the Legislative Council Conference Room, 3rd Floor Boji Tower, 124 W. Allegan, Lansing, MI; however, it was noted that the date may need to be changed if a majority of the members cannot be present.

Certification Committee Update

Honorable Rob Kropf

The Certification Committee (Hon. Rob Kropf, Hon. Sue Dobrich and Hon. Dawnn Gruenberg) was charged with the task of devising a process to determine whether a court is truly functioning as a drug treatment court. The committee considered development of an evaluation tool, settling on one developed by Judge William Meyer (ret), a faculty member at the National Drug Court Institute. While this tool was initially intended for courts to evaluate their own performance, the committee was able to modify the device to pertain to the outside evaluation of Michigan drug courts. The committee further reviewed options for how to conduct external evaluations. A review of court statistics, policies and other written records to determine compliance with the Ten Key Components was determined to be more efficient than on-site reviews.

Concern arose that the Certification Committee might be duplicating the efforts of the SCAO which last year began a gradual but thorough evaluation of existing drug treatment courts. At last month's NADCP conference this issue was discussed among state DTC administrators, and work has now begun to develop a process for certification on the national level, in cooperation with NADCP. Using the outcome of these efforts as a model, SCAO and MADCP can potentially work together to develop a process which applies to Michigan DTCs. Further discussion will occur at the MADCP Board level to reconsider our course of action in light of these developments.

A second concern has been how to motivate a court to seek MADCP certification. Presently there is little incentive to do so. However, one possibility might be to incorporate a certification requirement into the DTC transfer process. Kalamazoo County has recently developed a transfer policy and procedure for participants moving into and out of Kalamazoo County DTCs (see Attorney Michael Hills' article, above) to which this obligation could be attached. Stay tuned for further developments on the certification front.

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