



2016

Annual Report

of the

State Drug Treatment Court

Advisory Committee

Submitted to the

Michigan Legislature and the Michigan Supreme Court

Pursuant to MCL 600.1082, Public Act 224 of 2004.

For the period

January 1, 2016 through December 31, 2016

State of Michigan

The Honorable Amy Ronayne Krause, Chair

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INTRODUCTION

This report of the State Drug Treatment Court Advisory Committee (SDTCAC) activities during the period of January 1, 2016 to December 31, 2016 is submitted in compliance with MCL 600.1082 (Public Act 224 of 2004).

OVERVIEW

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.

ORIGIN AND SCOPE

Public Act 224 of 2004 created the State Drug Treatment Court Advisory Committee within the Legislative Council. In October 2012, the legislature enacted Public Act 334 of 2012 which added a veterans' treatment court representative. The advisory committee consists of the State Court Administrator, or his or her designee, plus 17 members appointed jointly by the Senate Majority Leader and the Speaker of the House, as follows:

- A circuit court judge who has presided for at least 2 years over a drug treatment court.
- A district court judge who has presided for at least 2 years over a drug treatment court.
- A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program.
- A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court.
- A circuit or district court judge who has presided over a veterans' treatment court.
- A court administrator who has worked for at least 2 years with a drug or alcohol treatment court.
- A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court.
- An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years.
- An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court.
- An individual representing defense attorneys who has worked for at least 2 years with drug or alcohol treatment courts.
- An individual who has successfully completed a drug treatment court program.
- An individual who has successfully completed a juvenile drug treatment court program.
- An individual who is an advocate for the rights of crime victims.
- An individual representing the Michigan Association of Drug Court Professionals.
- An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court.



- An individual representing a substance abuse coordinating agency.
- An individual representing domestic violence service provider programs that receive funding from the state domestic violence prevention and treatment board.

The SDTCAC members serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Members of the advisory committee serve for terms of 4 years each.

The SDTCAC is charged with the responsibility of monitoring the effectiveness of drug treatment courts and veterans' treatment courts and the availability of funding for them. The Committee is required to present to the Michigan Legislature and the Michigan Supreme Court annual recommendations of proposed statutory changes regarding drug treatment courts and veterans' treatment courts. In addition, statute requires that the Committee meet at least quarterly, or more frequently at the call of the chairperson or if requested by 9 or more members. The business that the advisory committee performs is conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275, and any writing prepared, owned, used, in the possession of, or retained by the advisory committee in the performance of an official function is subject to the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

2016 COMMITTEE MEMBERS

The SDTCAC experienced some changes in its membership in 2016. Having served since 2013, Honorable Harvey Hoffman resigned from the Committee in September of 2016. Sheriff Thomas Reich of Eaton County also left the Committee in 2016 having served since February of 2015. Their contributions to the Committee have been invaluable and the SDTCAC is truly grateful for their service. The Committee also welcomed the addition of four new members in 2016—Honorable Louise Alderson, Heidi Cannon, Sheriff Michael Main, and Honorable Geno Salomone.

SDTCAC Members Serving in 2016

Dr. Jessica Parks - The state court administrator, or his or her designee. Dr. Jessica Parks, Deputy Director of Trial Court Services, was designated as the State Court Administrative Office designee.

Members appointed jointly by the Speaker and the Senate Majority Leader:

Judge Amy Ronayne Krause (Chair) - An individual representing domestic violence service provider programs that receive funding from the State Domestic Violence Prevention and Treatment Board. Judge Ronayne Krause of the 4th District Court of Appeals is currently serving her third term that expires on June 13, 2019. Judge Ronayne Krause has served as Chair since May 28, 2013.

Judge William T. Ervin (Vice Chair) - A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program. Judge Ervin of the Isabella County Probate Court is serving his third term that expires on June 13, 2017. Judge Ervin has served as Vice Chair of the Committee since May 28, 2013.

Judge Louise Alderson - A district court judge who has presided at least two years over a drug treatment court. Judge Alderson was appointed to the Committee on October 12, 2016 to fill the remainder of a 4-year term that expires on September 18, 2017. Judge Alderson is Chief Judge of the 54A District Court and presides over the specialized felony Sobriety Court.

Mr. Jesse Billings - An individual who has successfully completed a juvenile drug treatment court program. Mr. Billings of Troy was appointed on February 18, 2015 to fill the remainder of a term and to a full 4-year term that expires on June 13, 2019.



Ms. Heidi Cannon - An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court. Ms. Cannon was appointed to the Committee on July 13, 2016 to fill the remainder of a 4-year term that expires on August 4, 2019. Ms. Cannon is currently the Sobriety Court Coordinator for the 2A District Court in Adrian.

Judge Susan L. Dobrich – An individual representing the Michigan Association of Drug Court Professionals. Judge Dobrich of the Cass County Probate Court was appointed to the Committee on February 18, 2015. Her term expires on June 13, 2019.

Judge Harvey Hoffman – A district court judge who has presided for at least 2 years over a drug treatment court. Judge Hoffman was appointed to fill this position on September 28, 2013 to a term that expires on September 18, 2017. Judge Hoffman resigned from the Committee on September 12, 2016 due to his retirement from his position as Judge of the 56-A District Court.

Mr. Andrew Konwiak – An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court. Mr. Konwiak is with the Sacred Heart Rehabilitation Center and was reappointed in 2016 to his fourth term that expires on July 19, 2020.

Mr. Douglas R. Lloyd – A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court. Prosecutor Lloyd of Eaton County was appointed on September 19, 2013 and reappointed in 2016 to a second term that expires on September 18, 2020.

Sheriff Michael Main – An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years. Sheriff Main of Isabella County was appointed on July 19, 2016. His 4-year term expires on July 18, 2020.

Judge Frederick R. Mulhauser – A circuit court judge who has presided for at least 2 years over a drug treatment court. Judge Mulhauser of the 7th Probate District was appointed to fill this position on November 7, 2013. His 4-year term expires on November 6, 2017.

Sheriff Thomas Reich – An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years. Sheriff Thomas Reich of Eaton County was appointed on February 18, 2015 to fill the remainder of a term that expired on July 18, 2016.

Mr. Mark Risk – An individual representing defense attorneys who has worked for at least 2 years with drug or alcohol treatment courts. Mr. Risk of Traverse City was reappointed in 2016 to a second term that expires on September 3, 2020.

Judge Geno Salomone – A circuit or district court judge who has presided at least 2 years over an alcohol treatment court. Judge Salomone of the 23rd District Court in Taylor was appointed on July 13, 2016 to fill the remainder of a 4-year term that expires on June 13, 2017.

Ms. Stacy Salon – An individual who has successfully completed an adult drug treatment court program. Ms. Salon of Traverse City was reappointed to a second term in 2016 that expires on September 3, 2020.

Mr. Gary P. Secor – A court administrator who has worked for at least 2 years with a drug or alcohol treatment court. Mr. Secor is the Court Administrator of the 61st District Court and was appointed to the Committee on February 18, 2015 and reappointed to second term in 2016 that expires on September 3, 2020.

Judge Raymond P. Voet – A circuit or district court judge who has presided over a veterans' treatment court. Judge Raymond P. Voet of the Ionia County 64-A District Court was appointed to this position on September 19, 2013. His 4-year term expires on September 18, 2017.



Mr. Mark A. Witte – An individual representing a substance abuse coordinating agency. Mr. Witte is the Interim Executive Director of the Allegan County Community Mental Health Agency and is currently serving his third term that expires on June 13, 2019.

Vacant – An individual who is an advocate for the rights of crime victims. This position is currently vacant.

2016 COMMITTEE MEETINGS

The State Drug Treatment Court Advisory Committee held four (4) full committee meetings in 2016:

January 19, 2016	July 26, 2016
April 19, 2016	October 18, 2016

2016 STUDY SUBCOMMITTEES

In 2016, nine (9) subcommittees examined various subjects under review by the State Drug Treatment Court Advisory Committee.

Affordable Health Care Act Impact Subcommittee

Members: Mark Witte (Chair), Andrew Konwiak, Dr. Jessica Parks, Mark Risk

This subcommittee was initiated in November 2012 to monitor the impact of the Affordable Care Act and its specific application to treatment court participants who now may have increased access to other public funding for their care.

The subcommittee identified two key issues in 2016, the first was the need to conduct an inventory among state-funded drug treatment courts to determine the frequency of participants using public or private funds instead of court funds for treatment. The second issue was to monitor efforts to roll all publicly-funded behavioral health services into Medicaid health plans.

The subcommittee also closely followed the State of Michigan Medicaid Manual revisions and clarifications about the way in which substance use disorder treatment services are provided under the expansion of Medicaid through the Healthy Michigan Plan.

Defense Attorney Participation Subcommittee

Members: Mark Risk (Chair)

This subcommittee was created at the January 23, 2007 meeting to examine the defense attorney's role in the drug court process and funding for defense counsel involvement.

Funding for defense attorneys serving drug treatment courts continues to be a problem in 2016. The cost savings of drug treatment courts is well documented. In addition, there is a direct correlation between greater success of programs and having a defense attorney on the team. However, no specific dollar amount has been determined.

It is recommended that the defense attorney position be dedicated to the team and not any individual participant. A defense attorney who also represents individual participants appears to have a built in conflict of interest, serving both the Court team and the participant.

Budget cutbacks in previous years has had a detrimental impact on funding for defense attorney positions. Although there are some defense attorneys who believe strongly enough in drug treatment courts to serve without compensation, the lack of court-funded defense attorney representation is problematic. The subcommittee will continue to press for adequate funding in this area.



Family Dependency Court Subcommittee

Members: Honorable Susan Dobrich (Chair), Honorable William Ervin, Mark Risk

This committee was created in October of 2015. The subcommittee is charged with looking at recruiting family dependency court membership, and developing objectives, including examination of current legislation and funding. The subcommittee will be identifying specific areas of improvement to encourage additional family dependency court.

Juvenile Issues Subcommittee

Members: Honorable Frederick Mulh auser (Chair), Honorable William Ervin, Jodi Latuszek, Dr. Jessica Parks, Mark Risk

Created at the September 26, 2006 meeting, this subcommittee is charged with reviewing the differences inherent to juvenile drug court and family court. The objectives of the subcommittee include examination of the current drug court legislation and how the legislation differs from juvenile court procedures and promotion of juvenile drug courts as unique, adolescent-specific therapeutic jurisprudence interventions.

Several studies of juvenile sobriety courts have been and are currently under way to study best practices in juvenile court programs.

In general, juvenile recovery court results have lagged behind adult courts in the area of recidivism rates. While in many surveys juvenile drug courts show improvements over comparison groups, the difference is modest and in some study's nonexistent. In most studies, reoffending is the primary measurement criterion. However, most juvenile drug courts stress the progress made in other societal sectors as equally important. As examples, most courts report improved educational scores, improved family relations, decreased severity of use, and a return to sobriety following a relapse as equally important to the community although harder to measure.

In order to examine the effectiveness of juvenile sobriety programs, the National Council for Juvenile and Family Court Judges and the Office of Juvenile Justice and Delinquency Prevention under took a national three-year project with selected courts to examine the best practices of those representative courts. One Michigan court, Charlevoix/Emmet juvenile court, was selected for the study. That report is now complete.

In a similar vein, the National Center for State courts working with the State Court Administrators Office is in the first year of a five-year study of juvenile sobriety courts in Michigan.

Both studies examine best practices for juvenile courts and recognize the differences in expectations and outcomes that exist when working with two populations, juveniles vs adults, that have very different profiles given their relative maturity and ability to function in the community.

Legislative Subcommittee

Members: Honorable Raymond Voet (Chair), Honorable Amy Ronayne Krause

This subcommittee was created at the July 23, 2010 Strategic Planning Session to monitor legislative activities. In 2016, the subcommittee continued to monitor legislation that impacted drug or veterans' treatment courts. Legislation to regulate the installation of ignition interlock devices and provide oversight of the operations of the ignition interlock companies under the Michigan DWI/Sobriety Court Ignition Interlock Program was enacted in 2016. Public Acts 32, 33, and 34 of 2016 added provisions for the installation and service of breath alcohol ignition interlock devices (BAIID) and revised the sentencing guidelines for certain BAIID-related offenses. The acts went into effect on June 6, 2016.

The subcommittee also followed legislative efforts to change the first minor in possession to a civil infraction. Public Acts 357 and 358 of 2016 were enacted in 2016 and went into effect on January 1, 2018.



Marijuana Subcommittee

Members: Honorable Raymond Voet (Chair), Mark Risk, Mark Witte

This subcommittee was created at the May 24, 2011 meeting to review issues pertaining to drug court participants and the enactment of the Michigan Medical Marijuana Act. The subcommittee's mission and scope were extensively reviewed in 2014 and, in July 2014, the subcommittee's charge was broadened to include all marijuana regulatory issues including legalization. The name of the subcommittee was changed to the Marijuana Subcommittee. The subcommittee continued to follow legislative efforts surrounding marijuana issues, but did not identify any specific areas that require change or improvement at this time. The subcommittee closely monitored the efforts made by several groups to place legalization of marijuana on the ballot in the 2016 general election. The efforts were not successful.

In addition, a package of three bills dealing with the production, transporting, and retail sale of medical marijuana was passed by the legislature in 2016. Public Act 281 of 2016 creates the medical marijuana facilities licensing act to create a licensing and regulation framework for medical marijuana growers, processors, secure transporters, provisioning centers (retail sellers), and safety compliance facilities. Public Act 282 creates the marijuana tracking act, and Public Act 283 amends the existing Michigan Medical Marijuana Act to allow for the manufacture and use of marijuana-infused products by qualifying patients. All three acts took effect on December 20, 2016.

Program Standardization and Funding Alternatives Subcommittee

Members: Honorable Geno Salomone (Co-Chair), Dr. Jessica Parks (co-Chair), Dawn Monk, Gary Secor

Created in 2007, this subcommittee continued to review funding alternatives for drug treatment courts in Michigan. At the July 26, 2016 SDTCAC meeting, the subcommittee accepted the additional responsibility of reviewing efforts to develop program standardization and best practices among specialty courts.

PROGRAM STANDARDIZATION

The State Court Administrative Office's "Certification" of Michigan's drug, DWI, hybrid, and family dependency treatment court programs will start in fiscal year 2018. It will also apply to mental health courts and veteran's treatment courts, beginning fiscal year 2019. "Certification" means that the program is a recognized problem-solving court in Michigan and is following the standards and best practices from the drug court, mental health court, or veteran's treatment court *Standards, Best Practices, and Promising Practices* manuals. Potential benefits of certification may include eligibility for grant funding through the State Court Administrative Office (SCAO); receiving letters of support from the SCAO to apply for federal or other grant funding; eligibility to issue an ignition interlock restricted driver's license; and the ability to collect program fees.

ALTERNATIVE FUNDING SOURCES

In addition to the many state and federal grant opportunities, problem solving courts may also be funded by Pay for Success partnerships (also known as Social Impact Bonds); by utilizing \$5 of each civil case filing fee; by partnering with community nonprofits; or by raising civil infraction court costs.

Veterans' Treatment Court Subcommittee

Members: Honorable Raymond Voet (Chair), Dr. Jessica Parks, Mark Risk

Created at the May 24, 2011 meeting, this ad hoc committee was instrumental in the enactment of two pieces of legislation in 2012. The Veterans' Treatment Court Ad Hoc Committee was changed to subcommittee status by action taken at the April 22, 2014 SDTCAC meeting. Public Act 335 of 2012 authorized the establishment of veterans' treatment courts and provided direction for the development of treatment programs for veterans who are substance abusers or mentally ill. Public Act 334 of 2012 added a veterans' treatment court judicial representative to the State Drug Treatment Court Advisory



Committee and included veterans' treatment courts under the types of court the SDTCAC is to monitor. Both public acts went into effect on October 16, 2012. The ad hoc committee continued to provide input and closely monitor veterans' treatment court issues in 2016, but did not identify any specific areas that require change or improvement at this time.

Vision Subcommittee

Members: Douglas Lloyd (Chair), Honorable Patrick Bowler, Dr. Jessica Parks

This subcommittee was created at the January 22, 2008 meeting. This subcommittee was formed to monitor and provide long-range goals of the State Drug Treatment Court Advisory committee. In 2016, the question was posed again, as to where we want this subcommittee to focus their attention for long-range goals. A discussion was held that specific areas including Best Practices should be considered. A Best Practices subcommittee was formed to consider Best Practices for drug courts. The committee continues to monitor other groups and organizations as a guide for future input as to the direction this committee is to proceed.

CURRENT AND POTENTIAL SOURCES AND LEVELS OF FUNDING

The Committee is charged with the responsibility of monitoring the effectiveness of drug treatment courts and the availability of funding for them. According to the State Court Administrative Office (SCAO), there were 116 operational drug courts in the State of Michigan in 2016. The amount of state and federal funds available to those courts was discussed and current funding sources were identified.

Current and potential sources of funding for Drug Treatment Courts were identified as follows: (Information provided by the State Court Administrative Office)

STATE ADMINISTERED FUNDING PROGRAMS

State Court Administrative Office

Michigan Drug Court Grant Program (MDCGP)

<http://courts.mi.gov/administration/admin/op/problem-solving-courts/drug/pages>

The State Court Administrative Office administers a program that provides funding assistance for drug courts through its Michigan Drug Court Grant Program. Funding must be reappropriated annually by the Legislature. Amount awarded in FY 2016 was \$4,395,000.

The Michigan Drug Court Grant Program is modeled after the federal Drug Court Grant Program and requires compliance with the 10 Key Components of Drug Courts as outlined in the federal guidelines. Adult Drug Court Programs, Juvenile Drug Court Programs, Family Dependency Drug Court Programs and DWI Court Programs (focused on drunk driving cases) are eligible to receive funding from the Michigan Drug Court Grant Program. Expedited docket programs are not eligible for funding through this grant. Information on the availability of grant funding and the grant deadlines are announced in the spring of each year.

State Court Administrative Office

Urban Drug Court Initiative (UDCI)

<http://courts.mi.gov/administration/admin/op/problem-solving-courts/drug/pages>

The State Court Administrative Office administers a program that provides funding assistance for urban areas; Detroit, Pontiac, Oakland, and Saginaw. UDCI programs follow the 10 Key Components of Drug Courts and focus on offenders who commit offenses within the identified city limits. Funding is reappropriated annually by the Legislature. Amount awarded in FY 2016 was \$770,000.

State Court Administrative Office

Regional Driving While Intoxicate Grant Program (RDWI)

<http://courts.mi.gov/Administration/admin/op/problem-solving-courts/Drug/Pages/DWI-Court.aspx>



The State Court Administrative Office administers a program that provides funding assistance for regional DWI court programs. Example regional programs consist of two or more circuit court, two or more district court from differing counties, or one or more district court and one or more circuit court

from differing counties. Regional DWI programs follow the Guiding Principles of DWI Courts. Amount awarded in FY 2016 was \$612,000.

FEDERALLY ADMINISTERED FUNDING PROGRAMS

Bureau of Justice Assistance Drug Court Planning Initiative <http://dcpi.ncjrs.org>

The Drug Court Planning Initiative (DCPI) is a training initiative that helps communities develop effective adult, juvenile, family, and tribal drug court programs. Communities interested in planning a drug court program are encouraged to register for DCPI training.

Bureau of Justice Assistance Drug Court Discretionary Grants Adult Drug Court Implementation Grants Adult Drug Court Enhancement Grants Statewide Drug Court Enhancement Grants www.ojp.usdoj.gov/bja/grant/drugcourts.html

The Drug Court Discretionary Grant Program (DCDG) provides financial and technical assistance to states, state courts, local courts, units of local government and American Indian tribal governments to develop and implement treatment drug courts that effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent, substance abusing offenders. Programs funded by DCDG are required by law to target nonviolent offenders and must implement a drug court based on **10 Key Components of Drug Courts**. The types of activities funded under this program have focused on adult drug court implementation, enhancement, and statewide enhancement.

Bureau of Justice Assistance Drug Court Discretionary Grants Office of Juvenile Justice and Dependency Prevention (OJJDP) Juvenile Drug Court Implementation Program www.ojp.usdoj.gov/bja/grant/drugcourts.html

The Juvenile and Family Drug Court Discretionary Grant Program is designed to assist states, state courts, local courts, units of local government, and Indian tribal governments in developing and establishing drug courts for substance-abusing juvenile offenders. Drug court programs funded by the Juvenile and Family Drug Court Discretionary Grant Program are required by law to target nonviolent offenders. The program supports the following activities: juvenile drug court implementation, family drug court implementation, single jurisdiction drug court enhancement, and statewide drug court enhancement and planning efforts.

OTHER POTENTIAL SOURCES OF FUNDING FOR DRUG TREATMENT COURTS

National Association of Drug Court Professionals www.nadcp.org

The association provides training and technical assistance for drug courts and is a resource for training and funding opportunities.



FOUNDATION FUNDING

Kellogg Foundation

<http://www.wkkf.org>

Skillman Foundation

<http://www.skillman.org/>

Local Charities and Foundations

SUMMARY

Throughout 2016, the members of the State Drug Treatment Court Advisory Committee monitored and actively participated in a number of drug treatment court issues. From participation on a project to develop best practices for juvenile drug courts to providing guidance from a drug court perspective on a variety of legislative issues, we hope our activities over this past year show our continued dedication and enthusiasm for the drug court movement. We will remain vigilant in our efforts to champion the effectiveness and long-term future of drugs courts here in Michigan and look forward to continuing our service to the Michigan Legislature in the coming year.

