



2018

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, 2018 through December 31, 2018

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, 2018 to December 31, 2018 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.

2018 COMMITTEE MEMBERS

The SDTCAC experienced only one change in its membership in 2018. Dr. Jessica Parks, who had served as the State Court Administrative Office (SCAO) designee since January 2012, announced her resignation at the July 17, 2018, SDTCAC meeting. The Commission welcomed Andrew Smith, SCAO Problem-Solving Courts Manager, as the new SCAO designee.

SDTCAC Members Serving in 2018

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 SCAO designee in January 2012 and represented SCAO until July 2018.

Andrew Smith, SCAO Problem-Solving Courts Manager, began serving as the SCAO designee in July 2018.

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

The Honorable 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 was appointed to the Committee on March 18, 2011 and is currently serving her third term that expires on June 13, 2019. Judge Ronayne Krause has served as Chair since May 28, 2013.

The Honorable Raymond P. Voet (Vice Chair) - 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 and was reappointed to serve a second term that expires on September 18, 2021. Judge Voet was unanimously elected to serve as Vice Chair of the Committee at the July 18, 2017 SDTCAC meeting.

The Honorable Louise Alderson - A district court judge who has presided at least 2 years over a drug treatment court. Judge Alderson was appointed to the Committee on October 12, 2016 and was reappointed to a second term that expires on September 18, 2021. 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 four-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 four-year term that expires on August 4, 2019. Ms. Cannon is currently the Sobriety Court Probation Officer for the 2A District Court in Adrian.

The Honorable 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 and was reappointed to a second term that expires on June 13, 2019.

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. Mr. Konwiak has served on the Committee since June 13, 2005 and was reappointed in 2016 to a fourth term that expires on July 17, 2020.

The Honorable Mark W. Latchana – A circuit court judge who has presided at least 2 years over a drug treatment court. Judge Latchana is the 67th District Court Judge but has been assigned by the State Court Administrative Office to serve as the judge of the 7th Circuit Court. Judge Latchana was appointed to the Committee on September 7, 2017 to fill the remainder of a four-year term that expired on November 6, 2017 and for a succeeding four-year term that expires on November 6, 2021.

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 18, 2016. His four-year term expires on July 17, 2020.

Ms. Christina Nicholas, LMSW – A representative of a substance abuse coordinating agency. Ms. Nicholas serves as the Director of the Substance Use Disorder Prevention and Treatment Services with the Oakland Community Health Network and is the current chair of the ten pre-paid inpatient health plans in Michigan. Ms. Nicholas was appointed on December 7, 2017 for the remainder of a four-year term that expires on June 13, 2019.

The Honorable Julia B. Owdziej – 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 Owdziej currently is the presiding judge of the Washtenaw County Juvenile Court Delinquency Division. She was appointed to the Committee on September 7, 2017 to fill the remainder of a four-year term that expires on June 13, 2021.

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 appointed to the Committee on September 3, 2012 and reappointed in 2016 to a second term that expires on September 3, 2020.

The Honorable 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 to the Committee on July 13, 2016 to fill the remainder of a four-year term that expired on June 13, 2017. In 2017, he was reappointed to a full four-year term that expires on June 13, 2021.

Ms. Stacy Salon – An individual who has successfully completed an adult drug treatment court program. Ms. Salon of Traverse City has served on the Committee since September 4, 2012 and was reappointed to a second term 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 that expires on September 3, 2020.

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

2018 COMMITTEE MEETINGS

The State Drug Treatment Court Advisory Committee held four (4) full committee meetings in 2018:

January 16, 2018
April 17, 2018

July 17, 2018
October 16, 2018

2018 STUDY SUBCOMMITTEES

In 2018, ten (10) subcommittees examined various subjects under review by the State Drug Treatment Court Advisory Committee.

Affordable Health Care Act Impact Subcommittee

Members: Christina Nicholas (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.

Changes to the Affordable Care Act (ACA) are continuously monitored since it could directly impact individuals participating in treatment courts. The ACA provides individuals with substance use disorders coverage for substance use treatment services resulting in better access to care. Throughout 2018 the subcommittee continued to follow attempts at the federal level to repeal the ACA. In addition, the subcommittee closely followed the Medicaid work requirements bill introduced in the spring of 2018 and passed in June 2018. The specific requirements continue to be monitored and reported on prior to the effective date of January 1, 2020. In addition, any changes that may further impact individuals with substance use disorders will be monitored and reported to the advisory committee as it relates to treatment courts.

Best Practices and Certification Subcommittee

Members: The Honorable Louise Alderson (Chair), The Honorable Amy Ronayne Krause, Douglas Lloyd Mark Risk, and The Honorable Geno Salomone

The Best Practices and Certification subcommittee was established at the January 31, 2017 SDTCAC meeting. The role of the subcommittee is to review and offer input into the draft manual of best practices for adult drug courts, mental health courts and veterans courts created by SCAO. The subcommittee is also designed to provide input and review of legislation to support the statutory implementation of the certification process. The subcommittee met on March 29, 2017 and approved, as to form, the best practices manual and reported to the full committee. Following the release of the manual, further discussions provided input on proposed legislation and support for swift adoption of those proposals. Working with the Legislative Subcommittee, a number of other issues were able to be addressed in the certification legislation. Committee members were available for testimony before legislative committees. After the adoption of the best practices manual, the subcommittee was dissolved by action taken at the April 17, 2018 SDTCAC meeting.



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.

The subcommittee found that treatment courts continued to gain acceptance among defense attorneys in 2018. As more people have been exposed to these courts, (i.e. families and employers of participants), the benefits of participation are better known and appreciated. Public perception of the criminal judicial system as a whole has benefitted greatly.

I wholeheartedly believe Treatment Courts are the best thing that has happened to the criminal justice system in the in my time of practice, some 38 years. Further expansion and funding for treatment courts is urged.

Additional funds to the courts to pay for drug testing is also urged. Access to in-patient programs through government programs is very problematic. Access to treatment and the length of treatment are serious concerns.

The subcommittee will continue to press for adequate funding in this area.

Family Dependency Court Subcommittee

Members: The Honorable Susan Dobrich (Chair), Mark Risk

This subcommittee 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 continues to monitor family dependency court issues and promote an expansion in the number of family dependency courts in Michigan but did not identify any specific areas that require change or improvement at this time. The subcommittee is encouraged by the increased involvement of the Department of Health and Human Services in family dependency courts.

Juvenile Issues Subcommittee

Members: The Honorable Julia B. Owdziej (Chair), 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.

The subcommittee continued to monitor the efforts being made by the National Center for State Courts and the State Court Administrative Office in conducting a study of juvenile sobriety courts in Michigan. Now in the middle of the five-year renovation plan, the subcommittee followed the efforts juvenile courts have made to implement changes which will be re-evaluated to track whether outcomes are improving.

Legislative Subcommittee

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

This subcommittee was created at the July 23, 2010 Strategic Planning Session to monitor legislative activities. In 2018, the subcommittee continued to monitor legislation that impacted or could impact treatment courts. Legislation monitored included bills that would require mandatory evaluation for medically assisted treatment, locks for prescription containers, expansion of veterans' court expunctions, expanded allowance for violent offenders into mental courts, and Medicaid provider fitness criteria.



Marihuana Subcommittee

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

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 Marihuana Act. However, with the legalization of marihuana in November 2018, the full committee voted to dissolve the marihuana subcommittee, and to address all issues involving marihuana and treatment courts under the rubric of the legislative subcommittee.

Program Standardization and Funding Alternatives Subcommittee

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

Created in 2007, this subcommittee continued to review program standardization 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.

The past year saw the emphasis on program certification by SCAO continue, including numerous training opportunities being offered to treatment courts by SCAO, MATCP, NDCI and other organizations. Some programs requested and received training specifically designed to address that court's particular needs. The numerous trainings share the common themes of teaching fidelity to the treatment court model and utilizing evidence-based practices.

With regard to funding, a new development is the increased participation of private foundations. Prior to the last year, any significant funding for treatment courts or the services the courts need to provide, such as treatment, testing, peer recovery coaches etc., came from government grants and/or local communities general funds. Private sector funding usually occurred in the form of fundraisers held by individual programs. In 2018, major foundations, such as the Bloomberg Foundation, Blue Cross/Blue Shield's foundation and Community Foundations from around the state, began pledging significant dollar amounts to treatment and other support services needed by treatment courts. Most funds are addressing the fight against opiate abuse/addiction. All are a welcome funding addition.

Veterans' Treatment Court Subcommittee

Members: The 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 courts the SDTCAC is to monitor. Both public acts went into effect on October 16, 2012. The subcommittee continued to provide input and closely monitor veterans' treatment court issues in 2018 but did not identify any specific areas that require change or improvement at this time.

Vision Subcommittee

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

This subcommittee was created at the January 22, 2008 meeting to monitor and provide long range goals for the State Drug Court Treatment Advisory Committee. In 2018, the Vision subcommittee observed the passing of recreational marihuana and sought guidance from the Committee as to what long range goals they would like to have in relation to the legalization of marihuana and the knowledge



that it was still a drug which could and would influence courts and their best practices. The Vision subcommittee continues to monitor other groups and organizations as a guide for future input as to the direction this subcommittee should 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 128 operational drug courts in the State of Michigan in 2018. 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/default.aspx>

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. SCAO awarded \$7,780,000 to the courts in FY 2018. Additionally, \$624,200 was awarded to MDCGP grantees for medication-assisted treatment (MAT) for participants with opioid and alcohol disorders.

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, DWI Court Programs (focused on drunk driving cases), and Hybrid Drug/DWI Court Programs are eligible to receive funding from the Michigan Drug Court Grant Program. Information on the availability of grant funding and the grant deadlines are announced in the spring of each year.

State Court Administrative Office

Regional Driving While Intoxicated 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 2018 was 834,000.

State Court Administrative Office

Office of Highway Safety Planning Grant (Federal Funds)

The Office of Highway Safety Planning (OHSP) grant funds come to SCAO through the Michigan Office of Highway Safety Planning which is a division of the MSP. The Michigan Office of Highway Safety Planning is federally funded by the National Highway Traffic Safety Administration (NHTSA) which is a division of the US Department of Transportation. The specific funding stream is called the Safe, Accountable, Flexible & Efficient Transportation Equity Act of 2003 (SAFETEA-LU) Section 410 Alcohol-Impaired Driving Countermeasures Incentive Grants program. States are eligible for this funding by having an alcohol-related fatality rate of 0.05 or below per 100 million vehicle miles of travel or satisfying several programmatic eligibility criteria which includes the operation of DWI courts. The amount awarded in FY2018 was \$1,633,000

State Court Administrative Office

Edward Byrne Memorial Justice Assistance Grante (Byrne JAG) (Federal Funds)



The Byrne JAG grant funds come to SCAO through the Michigan State Police's (MSP) Grants Management Section. The Michigan State Police are responsible for administering Federal criminal justice grants in the state of Michigan. These Federal funds come to the Michigan State Police from the Department of Justice (DOJ). The DOJ provides funding to states for the use of drug treatment programs that provide alternatives to prison for persons who pose no danger to the community. The amount awarded to the courts in FY2018 was \$1,305,000

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 2018, the members of the State Drug Treatment Court Advisory Committee monitored and actively participated in a number of drug treatment court issues. We hope our activities over this past year as outlined in this report 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.

