final minutes

State Drug Treatment Court Advisory Committee Meeting
10:00 a.m. • Tuesday, October 20, 2015
Legislative Council Conference Room • 3rd Floor Boji Tower
124 W. Allegan • Lansing, MI

Members Present:
Judge William Ervin, Chair
Judge Susan L. Dobrich (via teleconference)
Andrew Konwiak
Douglas Lloyd
Judge Frederick Mulhauser
Dr. Jessica Parks
Mark Risk
Gary Secor
Judge Jodi Switalski
Judge Raymond Voet
Mark Witte

Members Excused:
Judge Amy Ronayne Krause, Chair
Jesse Billings
Judge Harvey Hoffman
Janette Kolodge
Sheriff Thomas Reich
Stacy Salon

I. Call to Order
Judge Ervin served as Chair of today's meeting. He called the meeting to order at 10:05 a.m.

II. Roll Call
The Chair asked the clerk to take the roll. A quorum was present and absent members were excused.

III. 2015 Reappointment Recommendation
The Chair announced that since the last meeting, Stephanie Drury submitted her resignation due to a change in her employment. A discussion of possible candidates for the probate officer representative followed. Judge Switalski recommended Angela Reid who is a master's level probation officer and has been on the ground floor of the drug treatment courts and the veterans' treatment court in Oakland County. Judge Switalski will talk to Ms. Reid and have her submit her resume to the Committee. Dr. Parks recommended Heidi Cannon who is a probation officer in Lenawee County and has extensive knowledge about the ignition interlock program. Mr. Risk agreed that having a member with knowledge of the ignition interlock program would be very helpful. Dr. Parks will have Ms. Cannon submit her resume to the committee clerk. A discussion of the candidates will be added to the next meeting agenda.

The Chair provided an update on the reappointment of Janette Kolodge. He reported that although we are aware that Ms. Kolodge responded to a questionnaire she received from the Senate Majority Leader's office, the Committee has not received any information regarding a decision being made to reappoint her to the Committee. He assured members that they will be notified of any new developments.

IV. Minutes of the August 11, 2015 Meeting
The Chair directed attention to the proposed minutes of the August 11, 2015 meeting and asked if there were any changes. There were none. **Mr. Witte moved, supported by Mr. Risk, to approve the minutes of the August 11, 2015 SDTCAC meeting as presented. There was no objection. The motion was unanimously approved.**

V. Confidentiality of Court Orders in Drug Courts
Dr. Parks provided information on confidentiality of court orders in drug courts (see attached memo) and presented an overview of the issue. She inquired if this is something the Committee would like to look into further. A discussion followed. **Judge Mulhauser moved, supported by Judge Switalski, that the Committee take no action on recommending changes to the statute to provide that court orders for individuals ordered into a drug court and who are not eligible for a deferral do not reference drug treatment court. There was no objection. The motion was unanimously approved.**

VI. Subcommittee Updates
The Chair called on each subcommittee chair for an update.

Affordable Health Care Act Impact Subcommittee: Mr. Witte had no report as there have been very few developments related to the rollout of the Affordable Health Care Act in Michigan. He noted that some effort is being made to identify

which of the benefits that were expanded under Healthy Michigan actually apply to persons with substance abuse disorders. Once that is defined by the State, the subcommittee will meet and come back with a report.

Defense Attorney Participation Subcommittee:
Mr. Risk had no update to report.

Funding Alternative Subcommittee:
Judge Hoffman was not present so no report was given.

Juvenile Issues Subcommittee:
Judge Mulhauser reported that the juvenile family court judges' project his court has been participating in to develop best practices for juvenile drug courts may have a final report and recommendations in January. He anticipates the report will contain some recommendations with regard to shortening and narrowing the focus of juvenile drug court programs. Mr. Secor raised the issue of removing 17 year olds from adult courts. Discussions of shortening the length of time a juvenile participates in a program and adding a trauma component to the comprehensive assessments being conducted to develop a participant's recovery program followed.

Judge Dobrich noted that there is no family dependency court subcommittee and suggested one be established. A discussion followed. **Mr. Risk moved, supported by Judge Mulhauser, to create a family dependency court subcommittee. There was no objection. The motion was unanimously approved.** The Chair appointed Judge Dobrich as Chair with Judge Ervin and Mr. Risk as members.

Legislative Subcommittee:
Judge Hoffman was not present to provide an update, however, Judge Dobrich shared information about legislative efforts looking at Good Samaritan laws for juveniles. Judge Switalski also noted that the House just passed a bill to tax and regulate marijuana. Judge Voet reported a bill to legalize marijuana has also been introduced.

Marijuana Subcommittee:
Judge Voet reminded members of the ballot proposals being circulated and a bill introduced to legalize marijuana. He also shared that he attended a presentation by a State Police captain on the Colorado experience. Key highlights Judge Voet took away from that presentation are that the marijuana lobby is very well funded, the marijuana sold through Colorado dispensaries is highly potent, and the marketing seems to be geared toward children. A discussion followed. Judge Switalski indicated that she will share some of the major studies out on medicinal cannabis and its use as a harm reduction strategy to Opioids and a publication regarding the use of marijuana by veterans with PTSD. Judge Dobrich reported that MADCP conference in March will hold sessions on the use of assisted medications.

Veterans Treatment Court Subcommittee:
Judge Switalski will continue to work on a proposed letter to the legislature to expand participation of veterans in treatment courts.

Vision Subcommittee:
Judge Hoffman was not present at today's meeting. No update was given.

VII. Funding Update

The Chair called on Dr. Parks for a funding update. Dr. Parks reported that all of the grants are out and contracts are coming back in. She noted that they were able to get a carry forward of unspent funds from FY 2015 to FY 2016 which helped restore some of the federal funding cuts. She cautioned that these funds cover only one year and, since cuts to federal funding are expected to continue, there may be less funds available for next year. Mr. Secor distributed a handout he prepared on problem-solving court grants and funding (attached to these minutes.) A discussion of the restrictions on grant funding followed and Judge Mulhauser inquired if there are efforts the Committee can make to open discussions to restructure specialty court funding. Identifying key legislators to meet with was suggested as a first step. Judge Dobrich suggested that it is also important that the Committee develop a consistent message before meeting with legislators. The Chair suggested that Judge Voet, Judge Switalski, and Judge Mulhauser talk to Joe Bauman from SCAO and come back at the next meeting with a recommendation as to what the Committee should do. He asked them to send whatever they put together including a list of talking points to the committee clerk so that it can be distributed to the SDTCAC members before the next meeting.

VIII. Public Comment
The Chair asked for public comment. Mr. Jim Casha of Ontario, Canada, spoke as an advocate for children with fetal alcohol syndrome. There were no other public comments.

IX. 2016 Proposed Meeting Dates
The Chair announced that in keeping with the Committee's target to meet quarterly, January 19, April 19, July 19, and October 18 are the meeting dates proposed for 2016. There was no objection to these dates.

X. Next Meeting Date
The Chair announced that the next SDTCAC meeting is scheduled for **Tuesday, January 19, 2016 at 10:00 a.m.**

XI. Adjournment
There was no further business. **Judge Mulhauser moved, supported by Judge Voet, to adjourn the meeting. There was no objection. The motion was unanimously approved.** The meeting was adjourned at 11:38 a.m.

(Minutes approved at the January 19, 2016 SDTCAC meeting.)

DATE: December 23, 2014

RE: Confidentiality and Drug Treatment Court

Federal statutes require confidentiality of records concerning a patient's substance abuse. When an individual is ordered into a drug treatment court, there is concern that the court's order referencing "drug treatment court" violates the provisions of 42 USC §290dd-2 because it discloses substance abuse information. In many cases, this is not an issue because the court file is nonpublic due to the deferral provision[1] in Michigan's drug court statutes, which permits nonpublic treatment of the court file. However, individuals ordered into drug treatment court on an underlying traffic offense are not eligible to have their judgment of guilt deferred. MCL 600.1070(1)(b)(ii). Because they are not eligible for a deferral, a judgment of guilt is entered on the underlying traffic offense and the appropriate court orders[2] are entered. The Problem Solving Courts (PSC) team is concerned about federal confidentiality violations regarding this specific subset of offenders whose files contain orders referencing drug treatment court and are open to the public. PSC has suggested form amendments and/or creation of a court rule[3] to avoid violating the federal confidentiality provisions. The overarching question is whether a *court order* is a *record* and thus subject to 42 USC §290dd-2. **Based on case law and a review of Michigan's drug treatment court statutes, court orders are not records, as defined by the confidentiality regulations, and are not subject to confidentiality provisions.**

42 USC §290dd-2 is the federal statute that requires confidentiality of *records* concerning a patient's substance abuse. Section 290dd-2 provides:

> Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e) of this section, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

The federal regulation implementing the abovementioned Code provision is 42 CFR Part 2. As defined in the regulations, *records* means "any information, whether recorded or not, relating to a patient received or acquired by a federally assisted alcohol or drug program." 42 CFR Section 2.11.

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[1] Nontraffic offenders are eligible for a deferral of guilt under the drug court statute. If the case is deferred, then the defendant's court file is nonpublic. MCL 600.1076(9).

[2] It is not uncommon for the court's orders to specifically state "drug treatment court" when sentencing the defendant into treatment court. For example, MC 394 Order transferring supervision to drug treatment court and MC 245 Motion and Order for Discharge from Probation have check boxes designated for Drug Treatment Court and the MC 219 Judgment of Sentence form has a free-form section in item 15 where the court may list Drug Treatment Court as part of the sentence.

[3] Suggestions include form amendments to "mask" the reference to drug treatment court, such as using the statutory citation instead of the phrase *drug treatment court* and creation of a court rule mandating all drug treatment files be nonpublic.

There is no Michigan case law interpreting how the regulation's definition of *records* applies to *court orders*. There is very little guidance on this topic, period. The available opinions on this subject indicate that the confidentiality regulations *do not* apply to court orders. Specifically, case law discusses the sentencing order of a magistrate judge and the order of commitment signed by a magistrate judge. Both cases determined that the federal regulations regarding confidentiality did not apply to such judges' orders. An attorney general opinion discussed the log book maintained at a county jail. Again, it was opined that the federal confidentiality regulations do not apply to jail records.

In U.S. v White, 902 F Supp 1347 (D. Kan. 1995), White was sentenced by a magistrate judge and, as part of her sentence, she was required to disclose her history of substance abuse to the local health department and social services. She contended that this portion of the sentence was illegal because it violated confidentiality provisions of 42 CFR Part 2. The court found that the regulations (of 42 CFR Part 2) did not act as a bar to the disclosure required by the sentence imposed by the judge. Further, the court indicated,

> [I]f White's analysis and interpretation of the regulations were correct, any mention by the magistrate judge of the information gleaned from the evaluation performed by the Pawnee Mental Health Center during sentencing in open court would potentially constitute a violation of those regulations, subjecting the magistrate judge to criminal penalties. Clearly, this is not and cannot be the law. Because sentencing hearings are generally open to the public, *see In re Washington Post Co.,* 807 F.2d 383, 389 (4th Cir.1986) ("Sentencings have historically been open to the public."); D.Kan.Rule 304(d) ("Unless otherwise provided by law, all criminal proceedings shall be held in open court and shall be available for attendance and observation by the public."), the court and the attorneys for both the defendant and the government would be precluded from discussing any portion of the evaluation in determining the appropriate sentence to be imposed in open court. White's interpretation of the regulations would effectively hamstring the court's ability, if it so chose, to explain in open court the reasons for imposing the sentence it deemed appropriate. In this case, the magistrate judge apparently pronounced White's sentence in open court.

In U.S. v Smith, 511 F3d 77 (1st Cir. 2007), the court held that an order of commitment, signed by a magistrate judge, is not a record to which the federal regulations governing records at federally assisted drug abuse treatment programs apply.

> [The order of commitment] is properly characterized as a judicial order and, as such, is far more akin to a court record than to a patient record of drug treatment. The endorsement was "obtained" for the purpose of complying with Maine's emergency involuntary commitment statute, rather than for treatment, diagnosis, or referral. Because the endorsement contains no information to which the PHSA [42 USC 290-dd-2] regulatory restrictions on use apply, it is not a "record" within the purview of those regulations.

It should be noted that, in dicta, the court suggested that the commitment order (referred to as the "blue paper") be separated into two parts to separate the medical diagnosis from the judicial order authorizing commitment. Supra, FN 7.

An Alabama Attorney General Opinion No. 2003-048 (Dec. 17, 2002) cites to the US v White case to support its opinion that the federal regulations covering confidentiality of patient records do not apply to the records maintained by a jail, including the public booking log detailing the defendant's arrest for violating terms of drug court treatment.

> The plain language … clearly indicates that the restrictions provided in § 2.12(a)(i) to (ii) and (a)(2) only apply to records collected and maintained by the alcohol and drug treatment/education entity for treatment, diagnosis, and referrals. Because a jailer neither maintains these confidential records nor uses them to treat, diagnose, or refer a patient to treatment, these regulations would ***not*** restrict a jailer from recording identifying information of persons who have been sent to jail for failing to comply with orders of a drug court.

In summary, case law supports the position that the regulation's definition of *records* does not extend to court orders. Further, as the attorney general opinion indicates, the restrictions in the federal regulations are intended to apply to records collected and maintained by the drug treatment entity.

Turning next to Michigan's drug treatment court statutes, the plain language of the statutes further supports the position that the court's *order* is not covered by confidentiality requirements. The statutes selectively use confidentiality provisions to shield any statement or other information obtained as a result of participating in drug treatment court. However, there are no such provisions in the sections of the statutes which govern court proceedings. It is well-established that courts speak through their written orders, not their oral statements. *Boggerty v. Wilson*, 160 Mich. App. 514, 530 (1987). The unambiguous language of the statutes provides confidentiality protections for *specific information obtained* by the court, but not for the *court proceedings* themselves.

For example, as a precursor to admission into drug treatment court, the drug court statutes specifically require a court to make a finding that the individual is dependent upon or abusing drugs or alcohol. Statute requires this finding be *on the record* or filed *on a statement in the court file*. MCL 600.1066. Since all court proceedings are open to the public[4], if the finding is put on the record, then this statement is made in open court where the public may overhear. If a statement is put in the court file, and the underlying offense is a traffic offense, then it is subject to public inspection (because the traffic offender is not eligible for a deferral). Section 1066 makes no provision that this finding on the record or this statement in the file is confidential.

Likewise, in section 1076, when an individual completes or terminates drug treatment court, the court shall find *on the record* or place a *statement in the court file* regarding the individual's success or failure in the program. For cases where the defendant fails to successfully complete

[4] See MCR 8.116 regarding the procedure to limit public access.

the drug treatment court, statute requires the court to transmit that information to the Michigan State Police. Again, section 1076 makes no provision that the finding on the record or statement in the court file is confidential. Further, section 1076(9) specifically requires the court proceedings to be open to the public.

In contrast, other sections[5] of the drug court statutes contain specific language mandating confidentiality of "any statement or other information obtained as a result of participating" in drug treatment court. This language is noticeably absent from section 1066 and 1076. The commonplace use of confidentiality provisions in other sections in the drug court statutes underscores the absence of such language from section 1066 and 1076. Clearly, the statutes were designed to require the confidentiality of statements and information *obtained as a result of participating* in drug treatment court. There is no statutory language rendering the court proceedings (or, logically, the *court's orders* which document the proceedings) confidential.

Further, it cannot be overlooked that the statutes specifically disallow traffic offenses from being eligible for deferral. The court shall enter a judgment of guilt in the case of an individual who pled guilty to a traffic offense. MCL 600.1070. The plain language of the statute does not permit the traffic offender to avail himself of the deferral option. Therefore, the statute prevents the traffic offender from obtaining nonpublic treatment of his case.

In summary, because the drug court statutes specifically require the court proceedings to be open to the public, for information related to alcohol or drug dependence and success or failure in the drug treatment court to be placed on the record or in the court file, neither the court's proceedings nor the orders memorializing said proceedings were intended to be cloaked in confidentiality[6].

The Drug Court Benchbook has a different take on confidentiality[7]. With respect to confidentiality rules under 42 CFR Part 2, the Drug Court Benchbook provides "[w]hen a court receives information protected by the federal confidentiality laws, the court is prohibited from redisclosing such information, absent a proper consent or those limited authorized disclosures permitted without consent." However, the *receipt* of information is different than the court's order, which the court *originates*. No one is advocating that the records received from the treatment provider are or should be subject to public inspection. The distinction is that the court is creating the order to document the public proceeding, it is not receiving protected information and then making that same information public.

With regard to PSC's request for a new court rule to make the file or order nonpublic based on the authority in 42 CFR Part 2, serious consideration must be given to the ramifications of treating that court order as a *record* under the federal statutes and regulations. A court rule created in reliance on the federal confidentiality provisions supports the position that a court order is a *record* subject to the federal regulations. As previously explained, this interpretation is

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[5] See Sections 600.1064(4), 600.1072(2).

[6] It was suggested by Forms analysts that if a defendant (who is not eligible for a deferral because the underlying offense is a traffic matter) wanted to file a motion to seal the record pursuant to MCR 8.119, this would provide a mechanism for a defendant to have the file treated as nonpublic just like those individuals who participate in drug treatment court via a statutorily permissible deferral.

[7] Along these lines, the SCAO has advised courts to have participants sign consent agreements.

not supported by case law or Michigan's drug court statutes, so building a court rule upon this reliance has a weak foundation. Once that court *order* is viewed as a *record*, the mandates of 42 CFR Part 2 in its entirety dictate how that information must be handled. For instance, 42 CFR §2.16 requires "written records which are subject to these regulations must be maintained in a secure room, locked file cabinet, safe or other similar container when not in use" and each program has to "adopt in writing procedures which regulate and control access to and use of written records which are subject to these regulations." Section 2.35 requires patients to sign a written consent so that disclosure may take place between persons within the criminal justice system. Practically speaking, this would mean the courts would have to lock up their *court* files, not just its probation or drug court files[8], and court staff, prosecuting attorneys and probation departments could not communicate about a drug court file without proper disclosures from the defendant.

In conclusion, the court's order is not a record within the purview of 42 USC §290dd-2 or its implementing regulation 42 CFR Part 2. The statutes establishing Michigan's drug courts are devoid of confidentiality language in the sections pertaining to court proceedings and, thus, court orders. Further, the statute specifically prevents the traffic offender from obtaining nonpublic treatment of his case. Therefore, there is no requirement to create special forms or draft a court rule to make the files (or the orders) of traffic offenders ordered into drug treatment court nonpublic. Some courts have already been told by the SCAO that they should mask the language on court orders and use acronyms like "DTC" instead of spelling out drug treatment court. In light of the research and analysis, this seems unnecessary.

[8] The probation department or drug court keeps drug court files under lock and key. However, the court file is maintained in the court's or county clerk's central filing repository.

Problem Solving Courts Grants and Funding

2012-2014 Caseload Data

Between October 1, 2012, and September 30, 2014, Michigan drug courts handled a total of 9,154 participants/cases. Of the active cases,

Sobriety Court Programs = 4,535 participants (49 percent);

Adult Circuit Court Programs = 2,476 participants (27 percent);

Adult District Court Programs = 1,234 participants (14 percent);

Juvenile Drug Court Treatment Programs = 600 participants (7 percent) and

Family Dependency Treatment Court Programs = 309 participants (3 percent).

Additionally, **Mental Health Court Programs** = 1,059 participants

2015 Grant Funding Opportunities/Allocations

Two federally-funded grant programs support drug and DWI courts. The total amount of federal funds available for 2015 was $3.4 million.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (BYRNE JAG)

Utilizing federal funds made available through a grant from the Michigan State Police CFDA 16.738, Byrne JAG funding assists jurisdictions with fully operational drug or DWI courts. Programs must ensure compliance with the statutory requirements of MCL 600.1060 through MCL 600.1084, and target prison-bound felony offenders as identified by straddle or presumptive cell placements according to the Michigan Sentencing Guidelines. Grant applicants will be given priority based upon the percentage of their open cases that are straddle or presumptive cell participants, and the total number of straddle and presumptive cell participants served by the program. Invitations to apply will be sent out only to those programs who qualify.

(Federal Grant-Eligibility determined by MSP) = $1,500,000 – 19 Courts (Average available per court = $78,947)

FY 2016 amount available is $1,305,000. This reduction was the result of a reduction at the federal level.

FEDERAL OFFICE OF HIGHWAY SAFETY PLANNING REGIONAL DWI COURT GRANT PROGRAM OHSP-RDWI)

Administered by SCAO from funds received from the Michigan State Police, Office of Highway Safety Planning (OHSP), the OHSP grant program is funded by the National Highway Traffic Safety Administration (NHTSA) CFDA 20.601 and provides funding for planning and implementation grants for new and expanding RDWI courts. Programs must ensure compliance with the statutory requirements of MCL 600.1060 through MCL 600.1084 and target drugged and/or drunk driving offenses. Grantees may apply for OHSP-RDWI funding for up to three years; programs that have received three years of funding are eligible to apply for one year of step-down funding. In the step-down funding year, programs may request up to fifty percent of the award that the program received in its third year. RDWI courts are distinguished from other DWI courts by the number and geographically distinct jurisdictions participating in a single joint program. Examples of RDWI court designs are:

1. Two or more circuit courts participating in a single regional DWI court.
2. Two or more district courts from different counties participating in a single regional DWI court.
3. One or more district courts and one or more circuit courts, from different counties, participating in a single regional DWI court.

(Federal Grant - Eligibility determined by MSP/OHSP) = $1.9 million – 19 courts (average available per court = $94,736)

FY 2016 amount available is $1.8 million. However, this is an award of $1.1 million in new FY 2016 funds and a carry forward of $700,000 in unspent FY 2015 funds. This too was a reduction at the federal level.

STATE COURT ADMINISTRATIVE OFFICE/OFFICE OF HIGHWAY SAFETY PLANNING GRANT PROGRAM (SCAO OHSP)

Administered by SCAO from funds received from the Michigan State Police, Office of Highway Safety Planning (OHSP), the SCAO OHSP grant program is funded by the National Highway Traffic Safety Administration (NHTSA) Catalog of Federal Domestic Assistance (CFDA) 20.601, and provides funding for planning and implementation grants for new or expanding driving while intoxicated (DWI) treatment courts. Programs must ensure compliance with the statutory requirements of MCL 600.1060 through MCL 600.1084. Grantees may apply for SCAO OHSP funding for up to three years; programs that have received three years of funding are eligible to apply for one year of step-down funding. In the step-down funding year, programs may request up to fifty percent of the award amount that the program received in its third year.

(Federal Grant - Eligibility determined by MSP/OHSP) – See Above

There are four state-funded drug court grant programs that serve adult, DWI, juvenile, and family dependency drug courts. The total amount of state funds available in 2015 was $6.01 million.

MICHIGAN DRUG COURT GRANT PROGRAM (MDCGP)

SCAO provides funding assistance for drug courts through its Michigan Drug Court Grant Program. Funding must be re-appropriated annually by the legislature. Adult, juvenile, family dependency, and DWI (focused on drunken driving cases) programs are eligible to receive funding from the MDCGP. Information on the availability of grant funding and the grant deadlines are announced in the spring of each year.

Operational grants are available to jurisdictions that have completed a planning phase of their drug/DWI court program and are seeking funds for the first year of operation or to continue operating their drug/DWI court program. The funding should enable drug/DWI courts to promote public safety and contribute to a reduction in substance abuse and recidivism among nonviolent adult and/or juvenile substance abusing offenders; reduce reliance on incarceration within existing correctional systems and local jails; and establish monitoring and evaluation measures that will demonstrate the effectiveness of the program.

Planning grants are for jurisdictions that are interested in establishing a new drug or DWI court and are in the early stages of planning that effort.

(State Grant-Eligibility determined by SCAO) = $4.1 million – 64 courts (Average available per court = $64,062)

MICHIGAN DRUG COURT GRANT PROGRAM PLANNING GRANT (MDCGP-PLANNING)

SCAO provides funding assistance for jurisdictions that are interested in establishing a new drug or DWI court and are in the early stages of planning. Funding is appropriated annually by the legislature. The outcome of the planning process should enable grantees to develop a sufficient needs assessment and cost analysis to justify a request to local, state, or federal funding sources available for operational programs. Applicants must refer to MCL 600.1060 through MCL 600.1084 when completing the application to ensure that the drug or DWI court program will be designed in compliance with statutory requirements. Letters of support from key team members must be attached to the grant application for funding consideration.

(State Grant-Eligibility determined by SCAO) – See Above

MICHIGAN REGIONAL DWI DRUG COURT PROGRAM (RDWI)

SCAO provides funding assistance for jurisdictions that have completed a planning phase of their RDWI court program and are seeking funds for the first year of operation or to continue operating their RDWI court program. Funding is appropriated annually by the legislature. RDWI courts are distinguished from other DWI courts by the number of geographically distinct jurisdictions participating in a single joint program. Examples of RDWI court designed are:

1. Two or more circuit courts participating in a single regional DWI court.
2. Two or more district courts from different counties participating in a single regional DWI court.
3. One or more district courts and one or more circuit courts, from different counties, participating in a single regional DWI court.

Programs must ensure compliance with the statutory requirements of MCL 600.1060 through MCL 600.1084 and target drugged and/or drunk driving offenses.

(State Grant-Eligibility determined by SCAO) = $710,000 million - 3 Regional DWI Courts (Average available per court = $236,666)

URBAN DRUG COURT INITIATIVE GRANT (UDCI)

SCAO provides funding assistance for programs targeting high-risk, high-need felony offenders who have committed criminal offenses within the city limits of Detroit, Pontiac, Flint, or Saginaw and who have been diagnosed with a substance use disorder. Funding is appropriated annually by the legislature. The goal of this grant is to identify costs incurred by the jurisdiction on a per-pparticipant level. Programs must ensure compliance with the statutory requirements of MCL 600.1060 through MCL 600.1084, and additional reporting requirements are required by SCAO to track participant costs.

(State Grant-Eligibility determined by legislature) = 1.20 million – 4 courts (Average available per court = $300,000)

There are three state-funded mental health court grant programs that serve adults and juveniles. The total amount of state funds available in 2015 was $5.8 million.

MICHIGAN MENTAL HEALTH COURT GRANT PROGRAM (MMHCGP)

SCAO provides funding assistance for the planning and operation of mental health courts. Funding is appropriated annually by the legislature. Courts must partner and collaborate with Community Mental Health Services Programs (CMHSP) through a single joint application to be eligible for SCAO funds. Programs must ensure compliance with the statutory requirements of MCL 600.1090 through MCL 600.1099a, must target participants that have been diagnosed with a serious mental illness, serious emotional disturbance, or a developmental disability as defined by MCL 333.1100a(25) and 33.1100d(2)(3), and the severe nature of the mental illness or functional impairment must necessitate intensive clinical services.

(State Grant-Eligibility determined by Legislature) = $5.3 million - 24 Mental Health Courts (Average available per court = $241,666)

FY 2016 amount available is $5,330,000

MICHIGAN MENTAL HEALTH COURT GRANT PROGRAM PLANNING GRANT (MMHCGP-PLANNING)

SCAO provides funding assistance for jurisdictions that are interested in establishing a new mental health court and are in the early stages of planning. Funding is appropriated annually by the legislature. The outcome of the planning process should enable grantees to develop a sufficient needs assessment and cost analysis to justify a request to local, state, or federal funding sources for operational funding. Applicants must refer to MCL 600.1090 through MCL 600.1099a, must intend to target participants that have been diagnosed with a serious mental illness, serious emotional disturbance, or a developmental disability as defined by MCL 333.1100a(25) and 333.1100d(2)(3), and the severe nature of the mental illness or functional impairment must necessitate intensive clinical services. Letters of support from key team members must be attached to the grant application for funding consideration.

(State Grant-Eligibility determined by Legislature-Part of Above))

MICHIGAN MENTAL HEALTH COURT REGIONAL GRANT PROGRAM (MMHCGP-REGIONAL)

SCAO provides funding assistance for regional mental health courts that have completed the planning phase or are fully operational. Funding is appropriated annually by the legislature. Regional mental health courts are distinguished from other mental health courts by the number of geographically distinct jurisdictions participating in a single, joint program. Examples of regional mental health courts designed are:

1. Two or more circuit courts participating in a single regional mental health court.
2. Two or more district courts from different counties participating in a single regional mental health court.
3. One or more district courts and one or more circuit courts, from different counties, participating in a single regional mental health court.

Programs must maintain compliance with the statutory requirements of MCL 600.1090 through MCL 600.1099a;must target participants who have been diagnosed with a serious mental illness, serious emotional disturbance, or a developmental disability as defined by MCL 333.1100a(25) and 333.1100d(2)(3); and the severe nature of the mental illness or functional impairment must necessitate intensive clinical services.

(State Grant-Eligibility determined by Legislature – Part of Above))

MICHIGAN VETERANS TREATMENT COURT GRANT PROGRAM (MVTCGP)

There is one state-funded veterans treatment court program. The total amount of state funds available in 2015 was $500,000.

SCAO provides funding assistance for veteran's treatment courts through its Michigan Veterans Treatment Court Grant Program. Funding must be re-appropriated annually by the legislature. Information on the availability of grant funding and the grant deadlines are announced in the spring of each year.

Grants are available to jurisdictions that have completed a planning phase of their veteran's treatment court program and are seeking funds for the first year of operation or to continue operating their veterans treatment court program. The funding should enable veterans treatment courts to promote public safety and contribute to a reduction in substance abuse and mental illness among adult veteran offenders; reduce reliance on incarceration within existing correctional systems and local jails; and establish monitoring and evaluation measures that will

demonstrate the effectiveness of the program. Programs must collaborate with VA hospitals for treatment to which veterans are entitled.

There is no planning grant for veterans' treatment court programs, only operational funding.

(State Grant-Eligibility determined by Legislature) = $500,000 - 16 Veterans Courts (Average available per court=$31,250)

SWIFT AND SURE SANCTIONS PROBATION PROGRAM (SSSPP)

SCAO provides funding assistance for an intensive probation supervision program that targets high-risk felony offenders with a history of probation violations, or failures due to behavioral noncompliance or three or more sanctioned probation violations. Funding is appropriated annually by the legislature and courts must adhere to Public Act 616 of 2012 to receive funding. SSSPP is not a problem-solving court and probationers are not required to attend treatment for substance use or mental health disorders.

(State Grant-Eligibility determined by Legislature) =$6 million - 18 Courts (Average available per court = $333,333)

FY 2016 amount available is $3,888,695