

# final minutes

---

## State Drug Treatment Court Advisory Committee Meeting

Tuesday, January 24, 2006

Senate Hearing Room • Boji Tower Building

9:15 a.m.

### Members Present:

Ken Aud  
Lawrence Belen  
Judge Patrick Bowler  
Kathleen Brickley  
Andrew Konwiak  
Beth Morrison  
Judge William Rush  
Jeffrey Sauter  
Homer Smith  
Chuck Spence

### Members Excused:

Constance Laine  
Judge Brian MacKenzie  
Judge William Schma  
Terrence Sizeland  
Judge Edward Sosnick  
Phyllis Zold-Kilbourn

### Others Present:

John Strand, Legislative Council Administrator  
Susan Cavanagh, Legislative Council Administrator's Office  
John Lazet, Senator Cropsey's Office  
Representative Tonya Schuitmaker  
Emily Taylor, State Court Administrative Office  
Bruce Timmons, House Republican Policy Office

Others were present, but did not identify themselves.

## I. Convening of Meeting

The Chair called the meeting to order at 9:45 a.m. and asked the clerk to call the roll. A quorum was present. The Chair asked for a motion to excuse absent members. **Judge Rush moved, seconded by Mr. Belen, to excuse absent members. The motion prevailed.**

## II. Approval of Minutes

The Chair asked for a motion to adopt the minutes of the October 15, 2005 State Drug Treatment Court Advisory Committee meeting. **Judge Rush moved, seconded by Mr. Belen, to approve the minutes of the October 11, 2005 meeting. There was no discussion. The minutes were adopted, a majority of the members present and serving voting therefor, by yeas and nays, as follows:**

<b>Yeas—9:</b>	<b>Mr. Aud</b>	<b>Judge Rush</b>
	<b>Mr. Belen</b>	<b>Mr. Sauter</b>
	<b>Judge Bowler</b>	<b>Mr. Smith</b>
	<b>Mr. Konwiak</b>	<b>Dr. Spence</b>
	<b>Ms. Morrison</b>	

**Nays—0**

## III. Old Business

In response to a request made at the last meeting that the Committee be provided with a clearer picture of how many drug treatment courts and sobriety courts there are in Michigan and their funding sources, the following information was presented:

**A. List of Michigan Drug Courts**

Judge Bowler directed the Committee's attention to Attachment A which provided a description of the drug treatment and sobriety courts in Michigan. Emily Taylor, sitting in for Dr. Zold-Kilbourn of the State Court Administrative Office, provided an overview of the attachment and was available to answer any questions. She noted that there are 44 courts funded by the Michigan Drug Court Grant Program including one that had been added since the document was prepared, 18 non-funded drug courts, and 4 tribal courts. She added that the list is an evolving document and courts will be added or removed as needed when SCAO is notified. Judge Bowler inquired if this information is transferred to the National Association of Drug Court Professionals or the National Drug Court Institute (NDCI). Ms. Taylor responded that the information has been supplied to NDCI for use in an annual publication they prepare. In response to a question posed by Dr. Spence, Ms. Taylor explained that the non-shaded lines on the list are drug courts that do not receive state funding and clarified that the list may be incomplete since SCAO relies on a self-reporting process to indicate whether this type of effort is going on in a particular community. There were no other questions or comments.

**B. Potential Sources of Funding**

Judge Bowler pointed out that Attachment B shows potential sources of funding for drug courts and sobriety courts in Michigan and indicated that the issue of who determines whether a court is in compliance with the 10 key components as outlined in the federal guidelines will be discussed later during the meeting. Dr. Chuck Spence suggested that it would be helpful to add a paragraph describing the coordinating agencies and their local and state funding streams. He also thought the Department of Corrections should be added since it has a significant funding stream that could potentially fund treatment programs in the drug courts. Ms. Taylor commented that the \$1.8 million Byrne/JAG funding for higher risk offenders (priority population courts) is included in Attachment C, but was not included in this attachment because drug courts cannot apply directly to MDOC. The money flows through the Office of Drug Policy and is administered through SCAO. She agreed that it might be good to add them to the funding source list and will work with Dr. Spence to develop a description of the system and an overview of the funding.

**C. Drug Court Awards/Appropriations: FY 2000-FY2006**

Ms. Taylor provided an overview of Attachment C and clarified that the first figure is the amount of money that was appropriated and the second figure is the actual amount that was awarded to fund local drug court efforts. Beth Morrison observed that between 2005 and 2006 the total award amount is down and the number of programs funded is up and wondered if less funding was allotted in order to add more programs. Ms. Taylor explained that there were two things that played into that—certain courts reached their maximum funding cap and ODCP did not fund new courts that applied for the first time. Mr. Homer Smith inquired if action taken by Congress to scale back federal funding has any affect on funding here in Michigan. Ms. Taylor responded that the Byrne Funding does represent federal dollars and was cut significantly in FY 2006. It is uncertain what the funding level will be in FY 2007.

**D. FY 2005 and FY 2006 Funding**

Attachment D presents FY 2005 and FY 2006 information regarding requested amounts versus what was actually received. Ms. Taylor cautioned that even though it looks like some courts did not receive money in FY 2005, the FY 2004 contracts were extended so that those courts received leftover FY 2004 funds. In response to Judge Bowler's inquiry, Ms. Taylor explained that a small group of staff within SCAO determines which courts receive any leftover funding and the decision-making process they use includes looking at courts that are well-established, have good programs, and meet all of the statutory requirements. Dr. Spence commended staff on the job they are doing and inquired if the 10 key components are included in the evaluation of a court's status. Ms. Taylor confirmed that they review the grant applications to make sure the performance measures and descriptions of the programs are compliant with the 10 key components. The meaning of priority population was questioned by Ms. Brickley and Ms. Taylor offered that those are higher risk offenders that the Michigan Department of Corrections, Office of Drug Control Policy, and the State Court Administrative Office have agreed to

target. Mr. Ken Aud offered further explanation by stating that under Michigan sentencing guidelines they target straddle cells from 5 months to 18 months on the minimum and that becomes the priority population that they are targeting in the drug courts.

#### **IV. New Business**

##### **A. Annual Conference of the Michigan Association of Drug Court Professionals**

Judge Bowler encouraged all Committee members to attend the Annual Conference of the Michigan Association of Drug Court Professionals which is being held February 14-15, 2006 at the Lansing Center. Arrangements can be worked out to pay the registration fees and Dr. Spence instructed members who would like to attend to contact Committee member Constance Laine at (269) 285-6039. Ms. Taylor added that the Michigan Judicial Institute offers some scholarships to attend this conference and members should contact Peter Stathakis for more information.

##### **B. Letter of Support to Congress**

In response to the dramatic cut in federal drug court funding, Judge Bowler received a letter from Carolyn Hardin, Deputy Director of the National Drug Court Institute, urging the Committee to contact members of Congress to encourage restoration of the funding. He asked that the minutes reflect that on behalf of the Committee and based on Judge Schma's motion at the last meeting, he did send out letters to Senators Levin and Stabenow. He suggested a motion be made instructing the Chair to follow up on that effort by sending an additional letter to the members of Congress. **Dr. Spence moved, seconded by Judge Rush, that the Chair prepare and send a letter on behalf of the Committee encouraging restoration of federal funding for drug courts. The motion was adopted, a majority of the members present and serving voting therefor, by yeas and nays, as follows:**

<b>Yeas—10:</b>	<b>Mr. Aud</b>	<b>Ms. Morrison</b>
	<b>Mr. Belen</b>	<b>Judge Rush</b>
	<b>Judge Bowler</b>	<b>Mr. Sauter</b>
	<b>Ms. Brickley</b>	<b>Mr. Smith</b>
	<b>Ms. Konwiak</b>	<b>Dr. Spence</b>

**Nays—0**

##### **C. Certification—Legislative Changes**

The issue of whether the Committee should make a recommendation to the Legislature that the law be amended to require the certification of drug treatment courts or sobriety courts was raised by Judge Bowler and discussed by the Committee. Ms. Taylor shared that SCAO has had some discussion about this issue, but questions were raised regarding who would be the certifying agency and what certification criteria is used. Mr. Konwiak noted that his concern would be the cost of the administrative structure and whether it would take away treatment dollars. Dr. Spence added that he supports the concept, but is also concerned about the cost of a certification process being run out of a state department. Ms. Morrison asked if the Committee could be provided with information from other states that have a certification process. Ms. Taylor will share the information she has with the Committee and Judge Bowler responded that he has requested that information and the legislative language other states have used from the National Drug Court Institute. The discussion continued and it was agreed that the Committee should study this issue further.

Judge Bowler suggested a subcommittee be appointed to look at the certification issue and bring a recommendation back to the full Committee. **Ms. Morrison moved, seconded by Mr. Sauter, that a Certification Subcommittee be created and that the following members be appointed: Judge Rush as Chair, Mr. Aud, Ms. Laine, and Dr. Zold-Kilbourn. The motion prevailed.**

#### **D. Funding—Legislative Change**

A discussion regarding funding for drug treatment courts and a need for verifiable data followed. Dr. Spence provided an update on what his organization is looking at as a possible revenue source including a potential user tax.

Ms. Taylor raised another issue the Committee may want to consider in the future regarding the five year limit within the budget boiler plate that allows SCAO to provide funding for drug courts. She noted that 2008 will be the first year some courts that receive state funding will be affected. The Chair suggested this be made an agenda item for the next meeting.

Additional funding criteria for the Committee to consider in the future were discussed including geographic considerations, interests of tribal or family courts, and sobriety courts versus adult treatment courts.

#### **V. Meeting Schedule**

The Chair announced the following meeting dates for 2006: **March 28, May 23, July 25, September 26, November 28.**

#### **VI. Other Issues**

Mr. Sauter provided an update on the access and dissemination of criminal history records issue discussed at the last meeting. He reported that new legislation, which goes into effect on February 1, shifts authority to the Criminal Justice Information Systems Policy Council and allows the dissemination of this information for public safety purposes. He cautioned that the computer system that LIEN runs on must be rewritten to handle the additional information requests, but legally there is no impediment as of February 1. Ms. Taylor inquired if the language allows drug courts to use the data to assess the eligibility of the program and to use the data post-program to measure recidivism. Mr. Sauter will check and get back to her.

Mr. Sauter also brought to the Committee's attention the efforts of Ralph Monsma of the Department of Human Services in organizing a State of Michigan team for family drug court training. He suggested that Mr. Monsma be invited to the next meeting to provide an update and to see how his efforts might coordinate with the work of this Committee. Ms. Taylor shared that Mr. Monsma extended an invitation for a SCAO representative to serve on the training team, but as far as she is aware NDCI has not informed applicants of any decisions regarding NDCI training because of the funding cuts.

As a follow up to the earlier discussion on certification, Ms. Brickley commented that we cannot underestimate the importance of getting a uniform system going and her concern comes with skewing numbers to show a successful discharge or completion rate in order to get funding.

#### **VII. Public Comment**

The Chair asked for public comment. Bruce Timmons, Legal Counsel for the House Republican Policy Office, was present and cautioned that on the issue of certification the Legislature has usually been hesitant to rely on any outside agency for the distribution of funds or other public policy. No one else wished to speak.

#### **VIII. Adjournment**

**Having no further business, Ms. Brickley moved, supported by Mr. Konwiak, to adjourn the meeting. Without objection, the motion was approved.** The meeting was adjourned at 11:05 a.m.

#### **NEXT MEETING DATE**

The next meeting is scheduled for **Tuesday, March 28, 2006, from 9:15 a.m. until noon.** A proposed agenda and the location of the next meeting will be sent to members.

*(Approved by Committee on March 28, 2006)*