

final minutes

State Drug Treatment Court Advisory Committee Meeting

9:15 a.m. • Tuesday, March 28, 2006

Legislative Council Conference Room • Boji Tower Building

Members Present:

Judge Patrick Bowler, Chair
Judge William Schma, Vice-Chair
Ken Aud
Lawrence Belen
Constance Laine
Judge William Rush

Jeffrey Sauter
Homer Smith
Judge Edward Sosnick
Chuck Spence
Phyllis Zold-Kilbourn

Members Excused:

Kathleen Brickley
Andrew Konwiak
Judge Brian MacKenzie
Beth Morrison
Terrence Sizeland

Others Present:

John Strand, Legislative Council Administrator
Susan Cavanagh, Legislative Council Administrator's Office
Deliah Underwood, Office of the State Budget

I. Convening of Meeting

The Chair called the meeting to order at 9:25 a.m. and asked the clerk to call the roll. A quorum was present. All absent members were excused.

II. Approval of Minutes

The Chair asked for a motion to adopt the minutes of the January 24, 2006 State Drug Treatment Court Advisory Committee meeting. Dr. Zold-Kilbourn offered one change to page 2, part B, line 7, by deleting "MDOC" and inserting "Byrne/JAG" with regard to the \$1.8 million funding for higher risk offenders. There was no objection. **Judge Schma moved, seconded by Mr. Aud, to approve the minutes of the January 24, 2006 meeting as amended. There was no further discussion. The minutes were unanimously adopted.**

III. Old Business

Confidentiality concerns of reporting into the LEIN system brought up at a previous meeting were discussed. Dr. Zold-Kilbourn provided a detailed explanation and shared that it appears Public Act 224 of 2004 has a potential conflict with the federal code in requiring courts to report into LEIN that a defendant has participated in a drug court and the outcome as to whether they were successful or unsuccessful. She added there are other issues being discussed at the national level including what is considered to be a public record. A discussion to create a subcommittee to study the issues further and the possibility of bringing in help to provide technical assistance followed. Dr. Zold-Kilbourn was asked to prepare a list of the specific issues relating to 42 CFR. She will also check on the availability of Judge Meyer and Robin Kandel of SAMHSA to participate in a conference call at the next meeting. The discussion continued including a dialog regarding the removal of the requirement to report into LEIN and using other methods of exchanging information to identify individuals who had previously received a diversion in a drug court and had the charges dismissed. The Chair noted that the objective of the May 23 meeting will be to resolve the LEIN issue with a recommendation to the Legislature and to develop an outline of the additional confidentiality issues that will be discussed at future meetings. Members will be notified of the exact time and location of the May 23 meeting when the availability of Judge Meyer and Ms. Kandel is determined.

IV. New Business

A. Proposed Federal Line Item Budget for Drug Treatment Courts 2007

Judge Bowler called upon Constance Laine to provide an overview of their recent visit to Washington when they met with the staff of all of the Michigan members of Congress to seek support of the President's recommendation of \$69.86 million for drug courts. Judge Bowler stressed another push will be made in September by the Congress of State Drug Court Professionals and it would be helpful for Committee members to assist by making a direct appeal to their own members of Congress. Urging members of their

organizations and graduates of the Drug Courts to write was also encouraged. Ms. Laine shared that a letter Judge Schma sent to Congressman Upton and a NADCP draft letter could be used as examples. A discussion of the direct ramification of the federal line item to state dollars followed. A correction to the Michigan Drug Treatment Court Programs handout provided in the Committee meeting packet was made reflecting that Michigan currently has 61 operational drug courts and 10 in the planning stage.

B. Cross Assignment of Drug Treatment/Sobriety Courts

The Committee next discussed the issue of prioritizing the funding of existing drug treatment/sobriety courts versus the funding for establishing new drug treatment/sobriety courts. Although no change or addition to legislation is required, in order to better utilize and maximize court funding resources Judge Bowler offered that it might be helpful for the Committee to make a recommendation that the Legislature encourage the cross assignment of individuals removing artificial geographic and jurisdiction lines. Better coordination with the feds and including the recommendation in the Committee's annual report was also discussed. Judge Bowler will invite Jon Lazet from Senator Cropsey's office to the next meeting to discuss the timing of the release of the Committee's annual report. Dr. Zold-Kilbourn will find out if SCAO has a position on cross assignment.

Judge Bowler suggested a subcommittee be appointed to review the cross assignment issue and bring a recommendation back to the full Committee. **Judge Schma moved, seconded by Judge Rush, that a Cross Assignment Subcommittee be created and that the following members be appointed: Judge Bowler as Chair, Judge Schma, and Jeffrey Sauter. The motion prevailed.**

The cross assignment and certification issues will be discussed by the subcommittees in the morning or afternoon of May 23 depending on the time of the full committee meeting conference call with the guest commentators.

C. Draft Minimum Standard Data Set for Adult Drug Courts

As requested, Dr. Zold-Kilbourn provided the Committee with the Minimum Standard Data Set for Adult Drug Court. She indicated that the new state-wide drug court management information system (MIS) is designed to capture these data, however, not all drug courts will choose to use the system. She stressed that collecting and reporting longitudinal and individual data is necessary to perform evaluations of drug courts as required by statute. If some drug courts choose not to use the MIS, then alternative methods for reporting these data to SCAO will be required, which could include paper reporting. She suggested that paper reporting does not appear to be practical because it would be very time-consuming for both, the courts and SCAO, and require additional personnel to input data into the MIS.

D. Appointments

Captain Belen announced that he will be retiring from the Kalamazoo Department of Public Safety, but he will be pursuing a position with another law enforcement agency in the near future. Judge Bowler suggested that Mr. Belen continue serving on the Committee for at least the next few meetings until his future plans are finalized. Mr. Belen noted that he will not be able to attend the May meeting.

V. Meeting Schedule

The Chair announced the next meeting is scheduled on May 23, 2006

VI. Public Comment

The Chair asked for public comment. There was none.

VII. Adjournment

Having no further business, Judge Rush moved, supported by Ms. Laine, to adjourn the meeting. Without objection, the motion was approved. The meeting was adjourned at 12:00 noon.

NEXT MEETING DATE

The next full Committee meeting is scheduled for **Tuesday, May 23, 2006**, with the time to be determined at a later date. A proposed agenda and the location of the next meeting will be sent to members.