

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, November 28, 2006

Legislative Council Conference Room • Boji Tower Building

Members Present:

Judge Patrick Bowler, Chair Judge William Rush
Judge William Schma, Vice Chair Jeffrey Sauter
Ken Aud Homer Smith
Lawrence Belen Dr. Chuck Spence
Andrew Konwiak Phyllis Zold-Kilbourn
Beth Morrison

Members Excused:

Kathleen Brickley
Constance Laine
Judge Brian MacKenzie
Terrence Sizeland
Judge Edward Sosnick

Others Present:

John Strand, Legislative Council Administrator
Susan Cavanagh, Legislative Council Administrator's Office
John Lazet, Senator Cropsey's Office
Others were present, but did not identify themselves.

I. Convening of Meeting

The Chair called the meeting to order at 9:40 a.m. and asked the clerk to call the roll. A quorum was present. **Dr. Spence moved, seconded by Judge Schma, to excuse all absent members. There was no further discussion. All absent members were excused.**

II. Approval of Minutes

The Chair asked for a motion to adopt the minutes of the September 26, 2006 State Drug Treatment Court Advisory Committee meeting. **Judge Rush moved, seconded by Judge Schma, to approve the minutes of the September 26, 2006 meeting. There was no further discussion. The minutes were unanimously adopted.** Mr. Smith clarified some of his comments made during the high BAC and repeat offenders issue discussion at the September meeting and noted that with regard to the release standards, they are working on creating a mechanism so that the releases are more under control.

III. Subcommittee Organizational Chart

Judge Bowler reviewed the four subcommittee assignments and shared that Ms. Laine has indicated that she would prefer not to chair the Juvenile Issues Subcommittee due to her full work schedule. Judge Bowler will ask Ms. Laine to recruit a co-chair and pursue the involvement of those in the juvenile field on the subcommittee.

IV. Defense Attorney Participation Issue

The Chair noted that Ms. Brickley has requested the defense attorney participation issue be tabled until the January meeting. There were no objections.

V. Dismissal Issue

Dr. Zold-Kilbourn and Mr. Sauter provided an explanation of the issue. A discussion regarding the opportunity for an individual to receive a diversion for participation in a drug treatment court and the legislative intent followed. The Committee will keep track of the direction the national association is moving and consider recommending legislative changes as the issue develops in the future.

VI. Confidentiality Issue

Dr. Spence provided an update and noted that 42CFR is complex and very challenging. Dr. Zold-Kilbourn recalled that this issue is central to the LEIN issue and shared that although the Michigan State Police code is ready to accept the report, it is SCAO's position at this time that they will not instruct the courts to report into LEIN the drug court disposition of whether the defendant was successful or unsuccessful. Mr. Sauter offered that recording the drug treatment court diversion as a non-public diversion might be a good alternative and the Legislature's concern of tracking the success of drug courts may need to be addressed in a different way. The consideration of a recommendation to the Legislature to resolve the legal conflict between state and federal statute was then discussed. Mr. Sauter reminded the committee of his earlier memorandum which included specific

recommendations. The Chair suggested that the Committee formally send this proposal to SCAO and ask for their official remarks. The SCAO response can be taken up at the January meeting and then sent onto the Legislature. There were no objections. In response to Judge Schma's request for input on the appropriate process to use, John Lazet offered some additional comments.

VII. New Nationwide Developments—Interlock and new OWI Strategies

The Chair called on Mr. Smith to present a report on the recent developments in this area. Mr. Smith highlighted MADD's "Campaign to Eliminate Drunk Driving" and responded to questions from committee members.

VIII. High BAC and Repeat Offenders Issue

Mr. Smith then proceeded with an update of MADD's efforts with regard to the high BAC legislation. The Chair inquired if the Committee should issue an opinion referencing the use of technology in order to grant restricted licenses to those who are in good standing in drug treatment/sobriety courts. Mr. Smith indicated that MADD would welcome the Committee's support. The discussion continued and the Chair noted he will propose some support language for the Committee to consider at the January meeting.

IX. Report on Financing Drug/Sobriety Courts

Earlier during the meeting, Judge Bowler had reported that there has been no strong movement on the pending House bill that would add and designate \$10 for every alcohol-related conviction to drug courts. He returned to the discussion of the House bill and two other different aspects of this agenda item---monies generated through SCAO and a discussion Judge MacKenzie had with the Michigan Council on Foundations regarding the establishment of a statewide foundation to assist drug/sobriety courts. Judge Bowler called on Dr. Zold-Kilbourn to provide a summary of the current funding level and she noted that the discretionary grant money from the federal government is very limited. Judge Schma then explained the efforts that have been made in Kalamazoo to establish a foundation that provides grants to support drug court programs. He added that more information will be shared at future state and national association meetings. Dr. Zold-Kilbourn reported that SCAO is open to the concept and is at the beginning stage of being available to assist the courts that want to set up a 501C3. The Committee's role in this issue will be explored and Judge Schma will follow-up with SCAO and bring back a report at the next meeting.

X. Public Comment

The Chair asked for public comment. There was none.

The status of Judge Schma's appointment on the Committee was brought up and the Chair noted the resignation of Judge Sosnick and Terrence Sizeland from the Committee. The Chair will send a letter to the Senate Majority Leader and the Speaker of the House suggesting substitutes be appointed to the two vacant positions (the juvenile drug court judge position and the successful drug treatment court participant position.)

XI. Adjournment

Having no further business, Mr. Aud moved, supported by Mr. Belen, to adjourn the meeting. Without objection, the motion was approved. The meeting was adjourned at 11:50 a.m.

NEXT MEETING DATE

The next full Committee meeting is scheduled for **Tuesday, January 23, 2007**. A proposed agenda and the location of the next meeting will be sent to members.

(Approved at the January 23, 2007 State Drug Treatment Advisory Committee meeting.)