

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, March 25, 2008

Legislative Council Conference Room • Boji Tower Building

Members Present:

Judge Patrick Bowler, Chair
Charita Coleman-Gladdis
Judge William Ervin
Andrew Konwiak
Judge Brian MacKenzie
Beth Morrison

Judge William Rush
Jeffrey Sauter
Homer Smith
Dr. Chuck Spence
Dr. Phyllis Zold-Kilbourn

Members Excused:

Judge William Schma, Vice-Chair
Kathleen Brickley

Others Present:

Susan Cavanagh, Office of the Legislative Council Administrator
Dawn Monk, State Court Administrative Office
John Strand, Legislative Council Administrator
One other individual was present, but did not identify himself.

I. Convening of Meeting

The Chair called the meeting to order at 9:30 a.m. and asked the clerk to call the roll. A quorum was present. **Judge Rush moved, supported by Judge MacKenzie, to excuse absent members. There was no objection and the motion was unanimously approved.**

The Chair noted the attendance of Ms. Charita Coleman-Gladdis and welcomed her as a new member of the Committee. Judge Bowler then announced that he will be retiring from the bench at the end of the year, although he plans to stay involved in drug/sobriety courts in some capacity.

II. Update on Committee Membership

The Chair called on Mr. Strand to provide a brief history of the Committee appointments and reappointments still pending before the Senate Majority Leader and the Speaker of the House. A discussion followed. It was decided that the Chair will send a letter to the leadership to request that Ms. Morrison's and Dr. Spence's reappointments be made as soon as possible and to urge that Senator Bishop and Speaker Dillon now consider the reappointments of the current members whose terms are set to expire in June of 2008 so that the Committee has sufficient membership to obtain a quorum at future meetings. Judge MacKenzie suggested members follow-up with phone calls to the Speaker and the Senate Majority Leader. Mr. Strand will also make another call to leadership on this matter.

III. Approval of Minutes

The Chair directed the members' attention to the minutes of the January 22, 2008 meeting and asked for a motion to adopt the minutes as proposed. **Judge MacKenzie moved, seconded by Mr. Konwiak, to approve the proposed minutes of the January 22, 2008 State Drug Treatment Court Advisory Committee meeting. There was no further discussion. The minutes were unanimously adopted.**

IV. Certification Subcommittee Report

Judge Rush provided an update on the certification issue. He reported that his subcommittee has not met in over a year and a half and, as far as he is aware, the issue has been turned over to the Michigan Association of Drug Court Professionals. Dr. Zold-Kilbourn clarified that her comments at the last meeting were based on her attendance at a MADCP board meeting and were meant to suggest that if this Committee is going to do anything in this area, she recommends it be coordinated with the MADCP as opposed to being done independently. She noted that her other comment at the last meeting was that this issue is very resource intensive and she did not think this Committee has the resources to take on such a monumental task. Judge MacKenzie added that the MADCP board has established committees to explore the certification issue and what criteria will be used for certifying. He hopes to bring back all the ongoing efforts undertaken by MADCP and agrees there is no point in dual tracking the issue. The Chair suggested that discussion on this issue be adjourned until there is some MADCP movement on the issue. There was no objection.

V. Funding Alternatives Subcommittee Report

Judge Hoffman participated in today's meeting via conference phone. He provided an overview of the issue and an update on the status of a proposal to expand the role of the courts in treating high-risk repeat offenders. He explained that the legislative members he is working with feel the way to proceed is through adding boilerplate language in the

Corrections and Judiciary budgets and noted language designating \$980,000 for a pilot project administered through SCAO has been inserted into the Corrections budget bill. The other boilerplate language that he anticipates will be inserted in the Judiciary appropriations bill will allow the creation of three pilot sites selected by SCAO and outlines the specifications for establishing these pilot programs. Judge Hoffman also noted that a tremendous amount of work and thought will be needed to figure out how to turn this barebones proposal into functioning public policy. He continued that the State Drug Treatment Court Advisory Committee is an ideal place to discuss the initial pilots and the Committee's role in analyzing the statistics and making recommendations will be important. Judge MacKenzie concurred in the assessment of this falling within the jurisdiction of this Committee and suggested a subcommittee be created. **Judge MacKenzie moved, supported by Judge Ervin, to create the Evidence-Based Sentencing Subcommittee with Judge Bowler as Chair and Judge Schma, Judge Hoffman, Judge MacKenzie, Mr. Sauter, and Dr. Zold-Kilbourn as members. There was no further discussion and the motion was unanimously adopted.**

VI. Grant Funding

Dawn Monk had mentioned earlier that the Office of Drug Control Policy has committed to give the courts \$1.8 million for next year which is good news and will provide continuation funding. The Chair called on Dr. Zold-Kilbourn to report on a grant to the National Center for State Courts. She explained that the purpose of the grant is to offer technical assistance to states for drug courts to help them develop state-wide practices in the area of standardized needs risk assessments. She also summarized the activities of the task force that was put together and noted that Dr. Marlow provided some guidance with regard to recommendations as to what information really needs to be collected in order to make a valid assessment and treatment recommendations for drug court participants. She continued with highlights of the report being prepared by the task force. The Chair asked that the report, entitled the Drug Court Standardized Assessment and Screening Task Force Report, be added to the next meeting agenda.

Judge MacKenzie shared that the Council of State Governments is conducting a study of the Corrections system and suggested the Committee monitor this study closely. A discussion of whether the State Drug Treatment Court Advisory Committee could be a part of the study process and have access into this project followed. Judge MacKenzie will follow-up with Judge Hoffman on this question.

Judge MacKenzie also suggested that the DUI outcome study conducted by the State Court Administrator's Office be attached to these minutes. Dr. Zold-Kilbourn provided a brief summary of the report and the document will be posted on the Committee's web page. Coordinating efforts to get this information out was also discussed.

VII. Absconder Data Collection Process and Participation Status of Individuals Charged with a Felony

This agenda item was revisited and Dr. Zold-Kilbourn recalled what she had reported at the last meeting which included going over some of the statistics found on the MADCP handout about recidivism and retention. Mr. Sauter pointed out there is a difference between a bench warrant for failure to appear and a new criminal charge for absconding and Dr. Zold-Kilbourn clarified what she had reported at the last meeting. She noted that, in terms of a felony, the statute says that if a participant is convicted of a felony for an offense that occurred after the defendant is admitted into drug court, the judge shall terminate the participant's participation in the drug court program. As far as whether somebody has absconded but there is no charge, she explained it has been the position that it is a local policy decision as to when someone should be terminated from the program. Mr. Sauter cautioned that, in determining the effectiveness of drug courts, having a failure rate that is affected by some courts having an unusually long period of time where they are carrying someone who has disappeared and is not conforming to the drug court approach will undermine the integrity of drug courts. Dr. Zold-Kilbourn concurred that this does affect retention using the standard convention of measuring retention. She acknowledged that there is a high retention rate in Michigan and some of this is being driven by a large population being retained on dockets and not discharged and not graduated. Dawn Monk suggested that perhaps initially they should monitor the data and work with those individual courts where they are noticing a problem.

VIII. Defense Attorney Subcommittee Status

Judge MacKenzie reported that his efforts to find another defense attorney to serve on the subcommittee continue. He also noted that he spoke to the new executive director for the Michigan Association of Drug Court Professionals about the need to use the state bar grant to attract defense attorneys to next year's conference.

IX. Other Comments

The Chair asked if there were any additional comments.

Dawn Monk shared that Mental Health Court funding has been added to the budget—\$1.1 million in the Judiciary budget and \$2.25 million in the DCH budget. If the funding remains, she suggested that one of the things they may

want to look at is some type of a drug court/mental health court project. The Chair agreed this is definitely a situation where drug/sobriety courts and mental health courts should coordinate efforts.

Dr. Zold-Kilbourn reported that, in response to a request made at the last meeting, she has asked and Jennifer Warner has agreed to participate on the Juvenile Issues subcommittee. She would like to provide Jennifer with an update on the timing of how this will be moving forward. The subcommittee will look at separating juvenile drug courts from the adult drug court legislation and address the family dependency drug court issue raised by Margie Good at the last meeting. **Judge Ervin moved, supported by Judge Rush, to appoint Pamela Davis as Chair of the Juvenile Issues Subcommittee and to add Judge Ervin and Jennifer Warner as additional members. There were no objections and the motion was unanimously adopted.**

X. High BAC Legislation

Mr. Smith provided an update on the High BAC legislation and reported that they are making progress. He noted they have gained some significant support and Senator Cropsey has introduced an identical bill to HB 4920 making it a bipartisan/bicameral package. He anticipates they will ask for the next committee hearing in April.

IX. Public Comment

The Chair asked for public comment. There was none.

X. Adjournment

Having no further business, Judge Rush moved, supported by Ms. Coleman-Gladdis, to adjourn the meeting. Without objection, the motion was approved. The meeting was adjourned at 11:30 a.m.

NEXT MEETING DATE

Because the tentative date of the next full Committee meeting falls on the first day of the Drug Court Professionals Conference, Judge MacKenzie suggested the meeting be changed. After some discussion, it was decided that the next full Committee meeting will be scheduled for **Tuesday, June 10, 2008.**

(Minutes approved at the September 23, 2008 State Drug Treatment Court Advisory Committee meeting.)