

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:00 a.m. • Tuesday, May 24, 2011

Legislative Council Conference Room • Boji Tower
Lansing, MI

Members Present:

Judge William Rush
Pamela Davis
Judge William T. Ervin
Judge Allen Garbrecht
Judge Michael Haley
Andrew Konwiak
Judge Amy Ronayne Krause
Judge Brian MacKenzie
Jeffrey Sauter
Mark Witte
Richard Woods

Members Absent:

Kathleen Brickley
Sophia Burr
Nadine Issacs
Janette Kolodge
Chris Luty

I. Call to Order

The Vice Chair called the meeting to order at 9:10 a.m.

II. Roll Call

The Vice Chair welcomed the new members to the committee and asked the members to identify themselves. He then asked the clerk to call the roll. A quorum was present and absent members were excused.

III. Election of Chair and Vice Chair

The Vice Chair called for the election of a new Chair. **Judge Ervin moved, supported by Judge Ronayne Krause, to nominate Judge Rush to serve as Chair of the State Drug Treatment Court Advisory Committee. There were no other nominations. The motion was adopted, a majority of the members present and serving voting therefor, by yeas and nays, as follows:**

Yeas—9:	Judge William Rush	Andrew Konwiak
	Pamela Davis	Judge Amy Ronayne Krause
	Judge William Ervin	Jeffrey Sauter
	Judge Allen Garbrecht	Mark Witte
	Judge Michael Haley	

Nays—0

The Chair called for the election of a new Vice Chair. **Judge Ervin moved, supported by Judge Garbrecht, to nominate Pamela Davis to serve as Vice Chair of the State Drug Treatment Court Advisory Committee. There were no other nominations. The motion was adopted, a majority of the members present and serving voting therefor, by yeas and nays, as follows:**

Yeas—10:	Judge William Rush	Andrew Konwiak
	Pamela Davis	Judge Amy Ronayne Krause
	Judge William Ervin	Jeffrey Sauter
	Judge Allen Garbrecht	Mark Witte
	Judge Michael Haley	Richard Woods

Nays—0

IV. Approval of Minutes of January 25, 2011

The Chair asked members to review the minutes of the January 25, 2011 meeting. The following corrections were offered: 1) page 1, under Committee Appointments, add "Ronayne" to Judge Amy Krause, 2) page 1, under Committee Appointments—Judge Amy Ronayne Krause, strike "54-A District Court in Lansing" and add "Michigan Court of Appeals", 3) page 2, under Changes to Treatment Services, second paragraph, strike "doctor" and add "adopter", 4) page 2, under Subcommittee Updates-Certification Subcommittee, strike "immediately" and add "upon receipt", 5) page 3, under Defense Attorney Participation Subcommittee, strike "prosecutor" and add "defense attorney representative". The Chair asked for a motion to approve the minutes with the proposed corrections. **Judge Ronayne Krause moved, supported by Ms. Davis, to approve the proposed minutes of the January 25, 2011 State Drug Treatment Court Advisory Committee meeting as amended. The motion was unanimously approved.**

V. Committee Appointments

Resignation of Kevin Jones: The Chair reported that Committee member Kevin Jones has accepted a new position with the Michigan Department of Corrections-Pontiac Parole and has tendered his resignation.

Mr. Witte moved, supported by Judge Garbrecht, to accept Mr. Jones' resignation. There was no further discussion and the motion was unanimously approved.

Recommendation of Stephanie Drury: The Chair asked for suggestions of potential candidates to fill the probation officer position on the Committee. Ms. Davis shared that she is very familiar with Stephanie Drury, the person Mr. Jones recommended as his replacement, and feels Ms. Drury would be an excellent addition to the Committee. Ms. Davis will contact Ms. Drury to confirm her interest in the appointment. There were no other nominees suggested. **Judge Ervin moved, supported by Mr. Konwiak, that a recommendation to the Senate Majority Leader and the Speaker of the House be made urging Ms. Stephanie Drury be considered to fill the vacant Probation Officer position on the Committee. The motion was unanimously approved.**

VI. Subcommittee Updates

Certification Subcommittee: The Chair provided background on the formation, purpose, and progress of the subcommittee. He noted that a legislative change that drug courts abide by the 10 key components was recommended and has since been enacted by the Michigan Legislature. He continued that the subcommittee concluded that the certification issue should be left to the Michigan Association of Drug Court Professionals to pursue as the issue is very complex and hard to implement on a state-to-state basis. Mr. Woods added that the position of the State Drug Treatment Court Coordinators is that each state is so unique and it is difficult to come up with a national standard that fits each state. The Chair entertained a motion to dissolve the subcommittee in light of the current status of the certification issue. **Judge Haley moved, supported by Mr. Woods, to dissolve the Certification Subcommittee. The motion was unanimously approved.**

Confidentiality Issues Subcommittee: Mr. Sauter provided a description of the subcommittee's purpose for the benefit of the new members and noted that he has not yet received the 2008 Florida Supreme Court Task Force report he indicated he would share with the Committee members at the last meeting.

Cross-Assignment Subcommittee: The Chair noted that Judge Bowler was the Chair of the subcommittee and asked if there is still a need for the subcommittee. Mr. Woods suggested that action to dissolve the subcommittee be delayed because there is still work being done on the Agreement and Order of Transfer form which he hopes to submit to the subcommittee in the future. Mr. Woods reported there may be a need to revisit the issue of jurisdiction. He explained that the transfer form that has been proposed specifies that the receiving court provides oversight associated with participation in the program, but the transferring court retains jurisdiction. This is a problem according to SCAO's legal counsel. A discussion of the issues of transferring supervision versus transferring jurisdiction followed. The Cross Assignment subcommittee will continue to review the issue. Judge Haley, Judge Garbrecht, and Mr. Woods were added to the Cross Assignment subcommittee and Judge Haley was designated Chairperson.

Defense Attorney Participation Subcommittee: Because Ms. Brickley was absent from today's meeting, the Chair described the scope of the subcommittee's purpose and announced that Ms. Brickley has advised that Thomas Dutcher has agreed to be added to this subcommittee. Judge Ronayne Krause commented that she agrees that defense attorney involvement is important.

Funding Alternative Subcommittee: Because Judge Hoffman was absent from today's meeting, the Chair announced that no report will be given.

Juvenile Issues Subcommittee: Ms. Davis reported that medical marijuana is becoming an issue with the juvenile population. She will be bringing the issue up with the MADCP for guidance on how to handle children with a medical marijuana card. In the interim, her court and some other juvenile courts she has been corresponding with have decided not to accept these types of cases. She continued with news that she hopes to have another juvenile forum in the fall. Further discussion regarding the medical marijuana issue and how the law is being interpreted and applied throughout courts in Michigan followed. Judge Ronayne Krause noted that her chief judge's unwritten rule was that individuals on probation cannot violate state or federal law and using marijuana is a violation of federal law. Mr. Sauter offered that it might be a good idea for this Committee to recommend to the Legislature that medical marijuana cannot be allowed for any participant of a drug or sobriety court or while on probation unless the use of marijuana is based on need. Judge MacKenzie proposed a subcommittee on medical marijuana be created, with Jeff Sauter, Judge Hoffman, Pamela Davis, and Judge MacKenzie as members, for the purpose of preparing language for the Legislature's consideration regarding the use of medical marijuana while participating in a drug or sobriety court or while on probation. Mr. Woods added that SCAO has already surveyed drug court judges within our state and the State Drug Treatment Court Coordinators may know what other states have done to address this issue. He recollected that the views on this issue are all over the spectrum. The Chair suggested that Mr. Sauter use whatever means he chooses to make a specific proposal and submit language that the Committee can review at the next meeting. Mr. Sauter agreed to take on this task. Mr. Woods suggested Mr. Sauter review the SCAO survey results and added that he would be willing to survey all of the drug courts again if more current information is needed.

Vision & Evidence-Based Sentencing Subcommittee: Mr. Woods noted that the actions of this subcommittee will be tied to the Strategic Action Plan session to occur later in the meeting.

VII. Funding Update

The Chair called on Mr. Woods for a funding update. Mr. Woods offered the following report:

1. Funding
 - a. FY2012 MDCGP applications opened on 5/12/11 and close on 6/24/11.
 - i. All electronic submission.
 - ii. Mental health services are an allowable expense because the MHSDCP ends on 9/30/11.
 - b. Both the Byrne JAG and OHSP solicitations will be open soon. Our Byrne JAG application is due to MSP on June 17 (i.e., \$1.8 million). The OHSP funding will be around \$500,000 and target population will expand to fund DWI and drug cases.
 - c. We received \$1 million in our proposed FY2012 budget for the operation of a swift and certain sanctions program (i.e., modeled after the Hawaii HOPE program). Currently, boilerplate language limits participants to drug courts. However, the HOPE model targets high risk offenders, violent offenders, requires immediate sanctions for violations, and does not require voluntary participation. Mr. Woods will forward the journal article on the HOPE program to the clerk who will distribute the information to the members. Other issues include data collection and evaluation.
 - d. We received notice from MSP and the National Criminal Justice Association that federal Byrne JAG and COPS funding is in danger for FY2012 due to competing interests. (NOTE: Mr. Woods will provide Committee members with the language drug courts should send to Congressional members.)
2. Suggestion for the Committee to convene a Drug Court Data Workgroup to develop a standard definition for recidivism. Mr. Sauter and Judge MacKenzie expressed an interest in serving on the workgroup. The Chair asked a motion to create a Recidivism Subcommittee, which will be led by

Mr. Woods with additional members to be identified and added by Mr. Woods. **Mr. Woods moved, supported by Judge MacKenzie, to create a subcommittee on Recidivism. The motion was unanimously approved.**

Judge MacKenzie presented information on veteran treatment courts and volunteered to chair a subcommittee to propose language to include veteran treatment courts in the drug court statute. The Chair suggested Judge MacKenzie form an ad hoc committee, develop a proposal, and submit it to the clerk in advance of the next meeting. A discussion of whether involvement in specialty courts not addressed in statute is a deviation from the Committee's mission followed.

Mr. Woods also shared that he will be contacting the chairpersons of the Michigan Association of Drug Court Professionals' adult, family, and DWI subcommittees to work out and coordinate a schedule for each subcommittee to hold a forum at the Hall of Justice similar to what has been done for the juvenile subcommittee. He will be looking to the chairs of the subcommittees to plan the events. Ms. Davis offered that she would be happy to help.

Mr. Woods concluded with news that the Drug Treatment Court Legislative Report for 2010 will be published soon and the NADCP conference is scheduled for the second week of July.

VIII. Legislative Report

Judge Hoffman could not be in attendance at today's meeting so the Chair called on Mr. Sauter for an update. Mr. Sauter reported that the proposal to make all the diversion statutes operate the same is ready and waiting for legislative action. The Chair then asked if anyone else had any comments.

Mr. Witte offered that, based on the earlier conversation regarding the charge of the Committee and given the growing variety of specialty courts, it might be in the interest of the Committee to consider other specialty courts even if it involved making a recommendation to the legislature that the Committee's mandate be expanded. He added that he would be eager to participate in the discussions to somehow find a way to strengthen the structure by which drugs courts operate so that other specialty issues which may not fit squarely into the drug court mold are included.

The discussion returned to the consideration of broadening the SDTCAC statute to include other problem-solving courts including veterans' courts. Mr. Sauter suggested that the recommendation from the Committee might be that the legislature organizes a workgroup to look at the veterans' court structure to determine if there are enough things in common to include that type of court into the SDTCAC statute. Ms. Davis recalled that the Committee did discuss including other specialty courts in the drug court statute at the first strategic planning session, but decided it may not be feasible because there were so many different emerging types of specialty courts. Mr. Woods offered that the most logical way to address the issues might be to recommend the legislature amend the existing drug court statute to address the differences in the operation of family, juvenile, and sobriety courts and appoint the same members of this committee to another newly-formed committee that could be called the Problem-Solving Court Advisory Committee. The specialty courts would then have their own separate legislation that falls under the purview of the Problem-Solving Court Advisory Committee or, if you fold in the functions of the drug courts, you would have one advisory committee overseeing separate statutes to address those specialty courts that have differences that cannot be reconciled under the drug court model. Ms. Davis commented that this may be a goal or objective that can be discussed during the strategic planning where a solution may be found through the subcommittee structure.

IX. Public Comment

The Chair asked for public comment. There were no comments.

X. Next Meeting Date

The Chair announced that the next meeting is tentatively scheduled for **Tuesday, July 26, 2011, at 9:30 a.m.**

XI. Strategic Action Plan

After a brief recess, the Chair called on Ms. Davis to facilitate the strategic planning session. Ms. Davis noted that, because of time limitations, today's session will focus on identifying issues that the Committee wants to target for action in the upcoming year and finish working on the strategic plan at the next meeting. As each goal from the 2010 Strategic Plan was reviewed, the following parking lot issues were added for members to think and talk about at the next meeting:

- #1: Issue of incorporating other types of specialty courts possibly into legislation
- #2: Measuring the effectiveness of the Advisory Committee
- #3: Define "success" and "recidivism" based on each type of drug court (juvenile, sobriety, DWI, family dependency, adult felony, and adult district)
- #4: Educate new legislators in conjunction with the MADCP
- #5: Under the funding priority objective, add ", including but not limited to funding for substance abuse and mental health treatment"
- #6: Capacity development – SDTCAC
- #7: Subcommittee accountability – work assignment updates

Ms. Davis will organize the information from today's meeting and attach the current goals and objectives in a document which she will send to the members. From that document, she asked members to send her a list of anything the Committee has accomplished in the past year in regards to the goals and objectives of the 2010 strategic plan so that the document can be updated in time for the next meeting.

X. Adjournment

Judge Ervin moved, supported by Mr. Woods, that the meeting be adjourned. There was no further discussion and the motion was unanimously adopted. The meeting was adjourned at 12:30 p.m.

Next Meeting Date - Time Change

The Chair announced that the time for the next meeting tentatively scheduled for **Tuesday, July 26, 2011**, will be changed to **9:00 a.m. to 1:00 p.m.** to accommodate the continuation of the strategic action planning session.

(Minutes approved at the July 26, 2011 State Drug Treatment Court Advisory Committee meeting.)