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To: c21@isabellacounty.org, ldexter@isabellacounty.org
CC: Region3 Info
Date: 12/19/2008 11:32 AM
Subject: UTC04 2008-02 Approved

UTC04 2008-02 Approved
Order for the Establishment of the Isabella County Adult Drug Treatment Court

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Bruce Kilmer
Region III Administrator
Michigan State Court Administrative Office
P.O. Box 750
Mt. Pleasant, MI 48804-0750
989-772-5934

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STATE OF MICHIGAN



ISABELLA COUNTY TRIAL COURT

300 NORTH MAIN STREET

Mt. Pleasant, Michigan 48858

TEL. (989) 772-0911 FAX (989) 772-7337

HON. PAUL H. CHAMBERLAIN
CHIEF JUDGE
LANCE S. DEXTER
COURT ADMINISTRATOR

HON. WILLIAM R. RUSH
TRIAL JUDGE
HON. WILLIAM T. ERVIN
TRIAL JUDGE
HON. MARK H. DUTHIE
TRIAL JUDGE

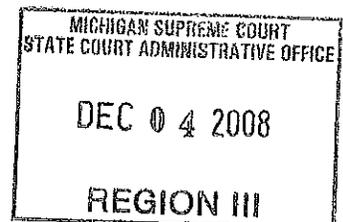
LOCAL ADMINISTRATIVE ORDER 2008-2

**ORDER FOR THE ESTABLISHMENT OF THE
ISABELLA COUNTY ADULT DRUG TREATMENT COURT**

IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.1060 et seq. The purpose of this order is to establish a drug treatment court in the Isabella County Trial Court upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 10 Key Components of drug treatment courts promulgated by the National Association of Drug Court Professionals (see attachment A) as required by MCL 600.1060(c).

1. The court has entered into a Memorandum of Understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative of community treatment providers and other key parties pursuant to MCL 600.1062. The Memorandum of Understanding is attached.
2. The court has established eligibility criteria consistent with MCL 600.1064 and 600.1068.
3. In compliance with MCL 600.1064(3), no participant shall be admitted until a complete preadmission screening and substance abuse assessment are completed.
4. All participants shall sign a voluntary written consent to participate in the program in conformance with MCL 600.1068(1)d.
5. The court shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of drug treatment court records.



6. The court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1072 and 600.1074.
7. Pursuant to MCL 600.1078, the court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the drug treatment court program.
8. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO while receiving grant money from the SCAO.
9. The court acknowledges that case disposition information regarding drug treatment court participation is unavailable from the Department of State driving record and criminal history record, and failure to use the DCCMIS will result in the absence of a complete record of drug treatment court participation in Michigan courts.
10. The court acknowledges that it has completed the federal Drug Court Planning Initiative (DCPI) training sponsored by the Bureau of Justice Assistance (BJA), in compliance with MCL 600.1062(3).

Effective Date: December 1, 2008 _____

Date: 12-1-08



Honorable Paul H. Chamberlain
Chief Judge

ATTACHMENT A

The 10 Key Components of Drug Treatment Courts

as Promulgated by the National Association of Drug Court Professionals

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

**Memorandum of Understanding
for the
Isabella County Drug Treatment Court (DTC)**

Understanding by and between the Isabella County Prosecuting Attorney, Isabella County Trial Court, Isabella County Defense Counsel, Isabella Trial Court Administrator, and Isabella County Providers Group.

The Drug Court Team consists of the following: Judge Bill Rush, Coordinator Kathleen Fields, Prosecuting Attorney Larry Burdick, Attorney Gordon Bloem, DOC Agent Jacqui Zainea, Community Corrections Coordinator Joe Caleca, Attorney Joe Barberi, Provider's Representative Sharon Tillman and Evaluator Dr. Larry Sych.

The Operational Team consists of the following: Judge Bill Rush, Coordinator Kathleen Fields, Prosecuting Attorney Larry Burdick and DOC Agent Jacqui Zainea.

We agree to share the following vision for the DTC. Enhance the quality of life throughout Isabella County, provide leadership through innovative services, continuously improve services, achieve program goal through team work, and strive to break the generational cycle of criminality and substance abuse.

We endorse the goals and mission of our DTC for the purpose of helping participants to eliminate future criminal behavior and to improve the quality of their lives. For our program to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission, the challenge and the vision of the DTC.

We agree that the mission of the DTC is to: promote public safety and reduce the number of repeat offenders by rehabilitating substance abusers into law-abiding and productive citizens of our community through intensive judicial supervision and case management.

We agree to allow participation of offenders who are not violent offenders as provided by MCL 600.1060(g):

“Violent offender” means an individual who meets either of the following criteria:

- (i) Is currently charged with or has pled guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct of any degree.
- (ii) Has 1 or more prior convictions for, or, if a juvenile, has 1 or more prior findings of responsibility for, a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.

We agree to the following challenge of the DTC. Engaging substance abusing individuals involved in the criminal justice system in a continuum of treatment services and providing them with appropriate intervention through treatment, rehabilitative programming, reinforcement and monitoring.

There are ten principles under which we will work cooperatively:

1. Drug and alcohol addiction is a chronic relapsing disease which is treatable and substance abuse is a reversible behavior, but which, if unaddressed, may lead to continuing and increasing criminal behavior and other personal, family, and societal problems.
2. DTC offers an opportunity to direct those in crisis with addictions and abuse to begin a rehabilitation process, which may ultimately lead to a reduction or elimination of addiction and abuse and permit the development of a productive lifestyle.
3. Treatment intervention should occur early on upon entry into the criminal justice system to achieve maximum treatment outcomes.
4. Thorough assessments and evaluations are critical components of the DTC.
5. Participants with drug and alcohol abuse issues cannot maximize their treatment potential without appropriate treatment intervention that includes their families.
6. Participant accountability is foremost in the Programs with written Program agreements and Court monitoring of behavior on a frequent, even daily, basis. Court monitoring will include incremental sanctioning for negative behaviors and positive rewards for improved behaviors
7. DTC is established with written protocols, which are well defined and documented through the Policies and Procedures Manual. The program Manual will be updated annually, to respond to changes in the needs of the Programs, participants, families, agencies and community.
8. Pre-adjudication participant entry into the Drug Treatment Court Programs will be governed by written eligibility criteria as established by the DTC Team.
9. Information about participant progress, participant family progress, and the functioning of the DTC will be made available to all necessary or proper parties.
10. Effective evaluation of the DTC will be sought with appropriate responses being made relative to these evaluations.

RESPONSIBILITIES AND COMMITMENTS

Drug Treatment Court Judge:

The DTC Judge assumes the primary role to motivate and monitor participants, actively represent the DTC in the community, ensures a cooperative atmosphere for Team members, provides appropriate rewards and sanctions for participant behaviors, assumes a leadership role in the promotion and growth of the DTC, assumes a leadership role for the Team, and facilitates all Court responsibilities for the DTC, and participates in the DTC Team and the DTC Operational Team. The DTC Judge will comply with all DTC Policies and Procedures.

Drug Treatment Court Coordinator:

The Drug Treatment Court Coordinator has both service and managerial responsibilities and duties. In the area of service, the Coordinator conducts intake and follow-up interviews, confirms and verifies interview information, refers potential participants and all enrolled participants for assessment and treatment, completes bio-psycho-social assessments, provides direct intervention with participants and their families, and provides case management to monitor compliance. In the area of program management, the Coordinator completes and files all case documentation, prepares and distributes biweekly reports, attends and participates in Court sessions, makes recommendations to the Court and Operational Team, collects fees including restitution for distribution to victims, collects data for program evaluation, makes recommendations about programmatic changes, audit records, and participates in DTC Team and Operational Team. The Coordinator will comply with all DTC Policies and Procedures.

Office of the Prosecuting Attorney:

The Prosecuting Attorney, or designee, makes and/or reviews DTC referrals and decides and advises if the proposed participant meets the eligibility requirements in consultation with the Operational Team. The Prosecutor, or designee, establishes the Plea and/or Sentencing terms and conditions of participation.

The Prosecutor, or designee, facilitates cooperation and communication between the Prosecutors office and the DTC, participates in the DTC Team and the Operational Team and promotes the DTC within the community. The Prosecuting Attorney, or designee, will comply with all DTC Policies and Procedures.

Defense Attorney:

The participant's Attorney is responsible for identifying and recommending referrals of eligible potential participants to the DTC. The Defense Attorney meets with the assigned Prosecutor to negotiate pleas and establish terms and conditions for participation and represents participants who are rejected or unsuccessfully discharged from the Program.

Defense Attorneys will comply with all DTC Policies and Procedures as long as the same does not cause the Defense Attorney to violate any of Michigan's Rules of Professional Responsibility.

Two Defense Attorneys who regularly practice in Isabella County (one of whom is to be a Public Defender) are to serve on our DTC Team.

Providers Group:

Provider representative(s) participate in biweekly Court Sessions and provide written reports for use at biweekly Court sessions, report absences and highlight special circumstances requiring the Coordinator's intervention or action, prepare "Biweekly Status Reports" detailing attendance information for distribution to the DTC Operational Team, and monitor and amend the participant's treatment plan in accordance with their recovery progress with input from the DTC Team. If an individual is in a residential treatment setting, the Provider has an obligation to report planned and unplanned discharges immediately. Providers will comply with all DTC Policies and Procedures.

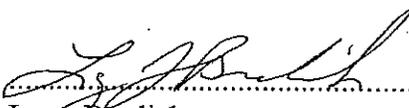
All reports regarding participant treatment activity will be documented, released and transmitted in accordance with Federal Regulation 42CFR Part 2; Confidentiality of Alcohol and Drug Abuse Patient Records.

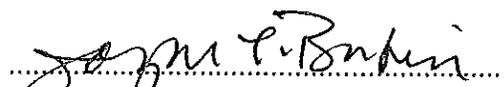
Researchers and Evaluators:

The Researchers/Evaluators, generally affiliated with Central Michigan University, participate in DTC meetings, court sessions, and other meetings as necessary. The researchers and evaluators assist the Drug Treatment Court Coordinator in planning, developing and conducting process and outcome program evaluations.

Trial Court Administrator:

The Trial Court Administrator will be responsible for obtaining all operational funding for the day to day operation of the DTC in general, and the Coordinator in particular. Additionally, the Administrator will be responsible for obtaining funding the ongoing training of the Operational Team and other required or necessary training(s). The Administrator will be responsible for complying with all reporting requirements of the Funders. The Trial Court Administrator will comply with all DTC Policies and Procedures.


.....
Larry Burdick,
Isabella County Prosecutor


.....
Joseph T. Barberi,
Private Practice Defense Attorney



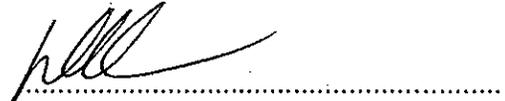
Kathleen Fields,
Drug Treatment Court Coordinator



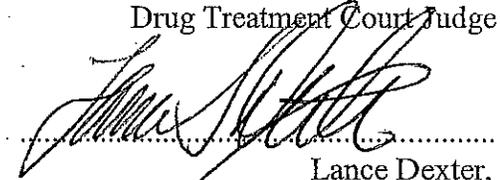
Sharon Tillman,
Isabella County Providers Group



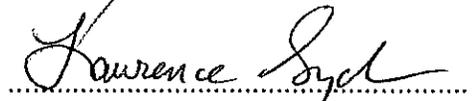
Gordon Bloem,
Public Defender Attorney



Hon. Bill Rush,
Drug Treatment Court Judge



Lance Dexter,
Trial Court Administrator



Larry Sych,
Evaluator

5-14-08
Date: