



BARRY COUNTY TRIAL COURT

Amy L. McDowell
Circuit Judge
220 West State Street
Hastings, MI 49058
(269) 945-1286

William M. Doherty
Family Court Chief Judge
206 West Court Street, Suite 302
Hastings, MI 49058
(269) 945-1390

Michael L. Schipper
District Court Judge
206 West Court Street, Suite 202
Hastings, MI 49058
(269) 945-1404

Administrative Order 2012 - _____

ORDER FOR THE ESTABLISHMENT OF A 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 56B District 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 shall describe the role of each party.
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: 6-1-12

Date: 6-1-12 Chief Judge Signature: 

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

Between
County of Barry, Adult Drug Court,

And
County of Barry Trial Court – District Division
And
Barry County Office of Community Mental Health and Substance Abuse
And
County of Barry, Law Enforcement Representatives
And
County of Barry, Prosecutor's Office
And
County of Barry, Defense Attorney Representative
And
County of Barry, Office of Community Corrections

1. The above parties agree to share the following vision for the Barry County Adult District Drug Court:
 - a. Enhance the quality of life throughout Barry County;
 - b. Provide leadership through innovative services;
 - c. Continuously improve services;
 - d. Achieve program goals through teamwork;
 - e. Break the generational cycle of criminality and substance abuse.
2. We endorse the goals and mission of the Barry County Adult District Drug Court Program in order for participants to eliminate future criminal behavior and improve the quality of their lives. For these programs to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission, challenge and vision of the Barry County Adult District Drug Court.
3. We agree that the mission of the drug court program shall be to successfully rehabilitate substance abusing individuals while maintaining public safety and;
4. We agree to the following challenge of the drug court program: 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.
5. We agree that agency representatives will be provided to attend drug court related trainings upon availability and when funding is available.

6. There are ten principles under which the respective agencies work cooperatively:

- a. Drug and alcohol addiction is a chronic relapsing disease that is treatable and substance abuse is reversible behavior, but which, if unaddressed, may lead to continuing and increasing criminal behavior and other personal family, and societal problems.
- b. Drug court programs offer 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.
- c. Treatment intervention should occur early on upon entry to the criminal justice system to achieve maximum treatment outcomes.
- d. Thorough assessment and evaluation is a critical component of the drug court program.
- e. Participants with drug and alcohol abuse issues cannot maximize their treatment potential without appropriate treatment intervention that includes their families.
- f. Participant accountability is foremost in the program, with written program agreements and Court monitoring of behavior on a biweekly basis. Court monitoring will include incremental sanctioning for negative behaviors and positive rewards for improved behaviors.
- g. Drug court programs are 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 the changes in the needs of the programs, participants, families, agencies and community.
- h. Pre-adjudication participant entry in to the drug court program shall be governed by written eligibility criteria as established by the Drug Court Steering Committee with the concurrence of the prosecuting attorney.
- i. Information about participant progress, participant family progress, and the functioning of the drug court program shall be made available to all parties.
- j. Effective evaluation of the drug court program shall be sought with appropriate responses being made relative to these evaluations.

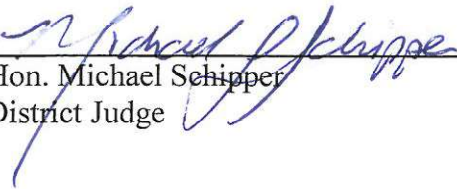
7. The roles of the parties are as follows:

- a. Prosecuting Attorney: Provide initial screening of eligible participants; participate in biweekly team meetings and biweekly court sessions. Provide feedback, ideas,

and suggestions as needed. Represent the interests of the prosecutor and law enforcement.

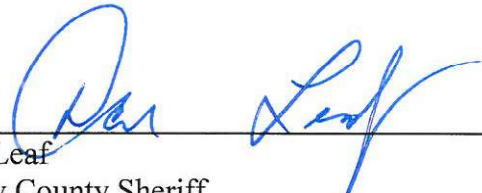
- b. County Office of Community Corrections: Provide advice and feedback to the court on the program steering committee.
- c. District Division: Attend team meetings and biweekly sessions. Provide probation oversight and for all drug court participants. Work with the drug court coordinator in supervising and monitoring the individuals in the program. Prepare presentence reports as needed. Schedule hearings for participants who have violated the program rules and are subject to dismissal.
- d. Drug Court District Judge: Chair meetings, preside in court, and coordinate team activities, evaluations, and planning.
- e. Defense counsel representative: Attend team meetings and court sessions. Insure that defendants' procedural and due process rights are followed. Provide feedback suggestions, and ideas on the operation of the court.
- f. Project Coordinator: Attend team meetings. Arrange for additional screenings of persons screened by the prosecutor. Answer inquiries from defense attorneys on possible eligibility. Act as liaison with treatment providers and drug testing provider, district court intensive supervised probation and residential treatment facilities.
- g. Community Mental Health and Substance Abuse Services: Attend meetings; report on progress of participants and offer insights and suggestions on the treatment plans of the individuals in the program. Attend scheduled court hearings; provide testimony as necessary regarding the treatment milieu.
- h. Law enforcement: Attend Steering Committee meetings; provide input pertaining to the law enforcement perspective, provide feedback regarding community issues related to drug court participants, provide an officer for occasional and random in-home participant checks.

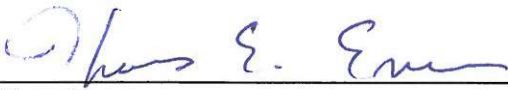
Signatures of Authorized Representatives:


Hon. Michael Schipper
District Judge
6/5/12
Date


Ines Straube
Drug Court, Program Director
6/11/12
Date


Christine Hiar
Barry County Community Mental Health and Substance Abuse Services
6/11/12
Date


Dar Leaf
Barry County Sheriff
06-06-12
Date


Tom Evans
Barry County Prosecuting Attorney
6/5/2012
Date


C. Marcel Stoetzel
Barry County Defense Attorney Representative
6/1/2012
Date


Jeff Westra
Office of Community Corrections, Program Director
6-1-12
Date