

Thirty-Seventh Judicial Circuit of Michigan

ALLEN L. GARBRECHT, Chief Judge
JAMES C. KINGSLEY
STEPHEN B. MILLER
GARY K. REED, by assignment
CONRAD J. SINDT
Circuit Judges



JEFFREY S. ALBAUGH
Circuit Court Administrator
269-969-6523

MICHAEL BOLTZ
Family Division Administrator
269-969-6812

Administrative Order 2010-02

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 confirm the establishment of a drug treatment court in the 37th Judicial Circuit Court for Calhoun County. 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 the county prosecuting attorney, 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 describes the role of each party and 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 pre-admission 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.

Calhoun County Justice Center
161 E. Michigan Ave.
Battle Creek, MI 49014-4066

The Court is an affirmative-action, equal-opportunity employer.

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: September 1, 2010 _____

Date: August 13, 2010



ALLEN L. GARBRECHT
Chief Circuit Judge, P27036

Mission Statement and Memorandum of Understanding for the Calhoun County Drug Treatment Court

Understanding by and between the Calhoun County Office of the Prosecuting Attorney, 37th Circuit Court, Circuit Court Adult Probation, Defense Counsel, Treatment Providers, Program Researcher and Evaluator and the Battle Creek Police Department

WHEREAS, the below signed parties agree to share the following vision for the Drug Treatment Court Programs: Enhance the quality of life throughout our community through dedicated leadership and teamwork by providing innovative alternative services that support a drug-free lifestyle; thereby, breaking the generational cycle of criminality, reducing recidivism and promoting healthy families.

WHEREAS, the signatories to this document endorse the goals and mission of the Drug Treatment Court Program in order for participants to eliminate future criminal behavior and improve the quality of their lives. For this program to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission, challenge and vision of the Drug Treatment Court Programs.

WHEREAS, the below signed individuals agree that the mission of the Drug Treatment Court Program shall be to: successfully habilitate substance-abusing individuals through intensive court supervised treatment, while maintaining public safety.

WHEREAS, the below parties agree to the following challenge of the Drug Treatment Court Programs: 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.

WHEREAS, there are ten principles under which the respective agencies work cooperatively:

1. Drug and alcohol addiction is a chronic relapsing disease which 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.
2. Drug Treatment 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.
3. Treatment intervention should occur early upon entry to the criminal justice system to achieve maximum treatment outcomes.
4. Thorough assessment and evaluation is a critical component of the Drug Treatment Court Program.

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 program with written program agreements and court monitoring of behavior on a bi-weekly basis. Court monitoring will include incremental sanctioning for negative behaviors and positive rewards for improved behaviors.
7. Drug Treatment Court Programs are established with written protocols, which are well defined and documented through the Policy 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.
8. Pre-adjudication participant acceptance into the Drug Treatment Court Programs shall be governed by written eligibility criteria as established by the Drug Treatment Court Advisory Board with the concurrence of the Office of Prosecuting Attorney.
9. Information about participant progress, participant family progress, and the functioning of the Drug Treatment Court Program shall be made available to all parties.
10. Effective evaluation of the Drug Treatment Court Program shall be sought with appropriate responses being made relative to these evaluations.

RESPONSIBILITIES AND COMMITMENTS

Calhoun County Drug Treatment Court Advisory Board

The Calhoun County Drug Treatment Court Advisory Board (CCDTCAB) was established to oversee the natural transitions that occur within the program as it continues to meet the needs of the participants and community. The CCDTCAB is comprised of the Drug Treatment Court Judges, the County Prosecutor or his designee, a representative of the Michigan Department of Corrections, the Calhoun County Sheriff's Department and a representative of Defense Attorney Services. In addition, the CCDTCAB has a representative from the County Commissioner's Office, the Battle Creek Police Department, The Substance Abuse Council of Greater Battle Creek, Treatment Providers and representatives from local organizations and the community.

Included within CCDTCAB parameters, is the Drug Court Team Review Committee (DCTRC). This committee is comprised of the Drug Treatment Court Judges, the Prosecutor, the Defense Attorney, a representative of the Circuit Court Probation Department and the Drug Court Coordinator. These individuals are responsible for reviewing referrals to the CCDTCP that do not meet eligibility criteria. Any member of the DCTRC may bring an exceptions referral to the DCTRC for discussion.

Drug Treatment Court Sub-Committee Group

The Sub-Committee Group was established for the purpose of developing the strategic plan for the development of the Drug Treatment Court Programs within the community. As such, the Sub-Committee is comprised of members of the community including but not limited to treatment providers, the Substance Abuse Council of Greater Battle Creek, the Homeless Coalition, representatives from Michigan Work First, Community Churches, Drug Treatment Court staff and other interested parties.

Drug Treatment Court Judge

The Drug Treatment Court Judge assumes the primary role to motivate and monitor participants, actively represent the Drug Treatment Court Program in the community, ensures a cooperative atmosphere for team members and related facilitators, provides appropriate rewards and sanctions for participant behaviors, assumes a leadership role in the promotion and growth of the program, assumes a leadership role for the team, facilitates all court responsibilities for the program and actively participates as the chairperson for the Calhoun County Drug Treatment Court Advisory Board, along with the Drug Court Team Review Committee.

Drug Treatment Court Coordinator

The role of the Drug Treatment Court Coordinator includes but is not limited to: administration of Adult Drug Treatment Court Program, grant writing and reporting, policy and program development, facilitation of interagency cooperation, representation of the program to the community and facilitation of the Drug Treatment Court Advisory Board meetings, participation in the Drug Court Team Review Committee and promotion of the program within the community.

Drug Treatment Court Program Staff

Staff duties include but are not limited to: conduct intake and follow-up interviews, complete and file all case documentation, confirm and verify interview information, refer potential participants and all enrolled participants for assessment and treatment, complete biopsychosocial assessments, provide case management to monitor program compliance, provide direct intervention with participants and their families, prepare and distribute biweekly reports, attend biweekly court sessions, make recommendations to the court and Drug Court Team Review Committee, collect data for program evaluation, make recommendations about programmatic changes, audit records, and participate in Drug Treatment Court Sub-Committee meetings.

Office of the Prosecuting Attorney

The Office of the Prosecuting Attorney (OPA) reviews warrant requests and pending cases to identify the defendants who preliminarily meet the eligibility requirements for the program. After review, the Prosecuting Attorney (PA) advises defense counsel of the defendant's possible eligibility. If the defendant is willing to participate in the Drug Court Program, the OPA will make a final determination as to the defendant's eligibility for the program.

The OPA facilitates the pre-plea process by communicating with defense counsel the process for enrollment into the Drug Treatment Court Program. The OPA prepares and delivers the Nolle Prosequi to post-plea (not probation or sentenced) participants who have successfully completed all of the program requirements and are successfully discharged from the program.

The Prosecuting Attorney and/or APA assigned to the Drug Treatment Court Program facilitates the cooperation and communication between the OPA and the Drug Treatment Court Program, participates in the Drug Treatment Court Policy Council, Work Group, Exceptions Committee, attends and participates in the bi-weekly review sessions, and promotes the program within the community.

Treatment Agencies

Treatment provider representative(s) offer assessments for potential participants, provide both intensive out-patient and out-patient treatment services for substance abuse for drug court participants. In addition, treatment providers participate in bi-weekly court sessions and provide written reports for use at bi-weekly court sessions, report absences and highlight special circumstances requiring the case manager's intervention or action, prepare "Bi-weekly Status Reports" detailing attendance information for distribution to the Drug Treatment Court Program judges and staff, and monitor and amend the participant's treatment plan in accordance with their recovery progress with input from the DTCP team. If an individual is in a residential treatment setting, the provider has an obligation to report planned and unplanned discharges immediately. 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.

Battle Creek Police Department

The Battle Creek Police Department provides for the entering of bench warrants into LEIN, maintains the police copies of bench warrants, assists in providing police home visits for random preliminary breath tests on participants within the program, participates in the Calhoun County Drug Treatment Court Advisory Board and promotes the programs within the community.

Defense Attorney

The Calhoun County Drug Treatment Court Defense Attorney(s) actively participate on the CCDTCAB. The Defense Attorney(s) on the Drug Treatment Court Advisory Board represents the interests of potential participants for the CCDTCP. The Defense Attorney also participates in the scheduled bi-weekly review sessions and in the Drug Court Team Review Committee.

Calhoun County Circuit Court Adult Probation

Specific Probation Agents have been assigned to supervise the Drug Treatment Court Program probation participants. Agents referring probationers to the Drug Treatment Court Programs will transfer the participant's case to the assigned Drug Treatment Court Program agent. The probation agent(s) will attend all bi-weekly court sessions and provide the Drug Treatment Court Program staff with any relevant information regarding the participant including Department of Corrections urinalysis results.

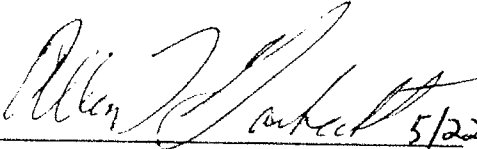
The Drug Treatment Court Program Probation agents will be responsible for reviewing the Bi-weekly Court Reports and providing recommendations, attending bi-weekly court sessions, preparing warrants for absconders, facilitating detainers, and sharing information regarding participants with the Drug Treatment Court Program staff. Bi-weekly review sessions, prior to the court session, provides a forum for the probation agents to offer input into the treatment planning and recommendations presented in the bi-weekly court reports.

The Drug Treatment Court Program Probation Agents will also be responsible for the transfer of documentation regarding referred probationers to Drug Treatment Court Program staff. This documentation will include the Basic Information Report and the Amended Probation Order or Order of Probation as appropriate to the individual cases. A representative of the Michigan Department of Corrections participates in the CCDTCAB and the DCTRC and promotes the programs within the community.

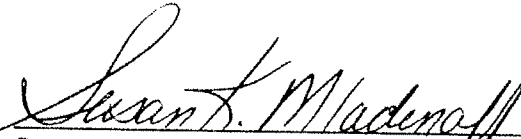
Researcher and Evaluator

The CCDTC will employ an independent researcher/evaluator to provide program evaluation. The evaluator is responsible for submitting (1) Bi-annual evaluation reports for both the men's and women's drug treatment courts to the CCDTCAB; (2) Progress reports and/or year-end evaluations for Federal, State and Local funding agencies.

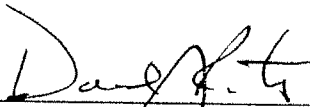
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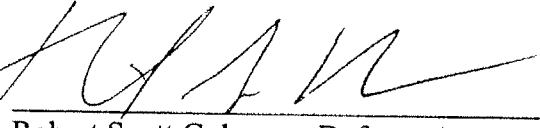
Hon. Allen Garbrecht
Chief Judge, 37TH Circuit Court



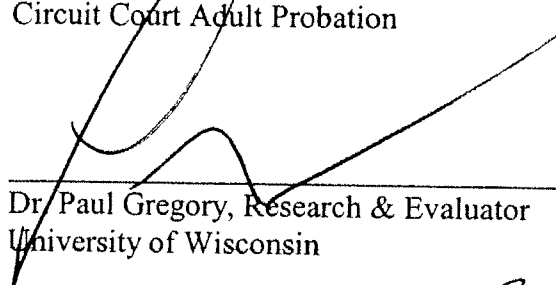
Susan Mladenoff, Prosecuting Attorney
Calhoun County



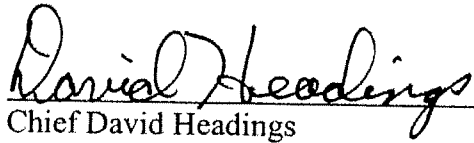
Dave Riley
Circuit Court Adult Probation



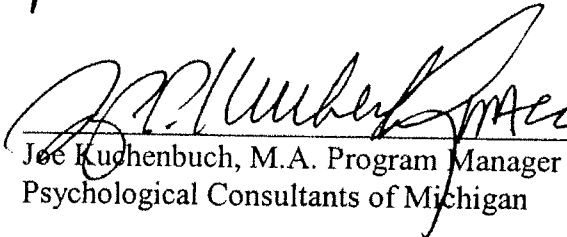
Robert Scott Coleman, Defense Attorney




Dr. Paul Gregory, Research & Evaluator
University of Wisconsin



Chief David Headings
Battle Creek Police Department



Joe Kuchenbuch, M.A. Program Manager
Psychological Consultants of Michigan



Sue Bonds, President & CEO
Substance Abuse Prevention of Greater
Battle Creek