



**THIRD JUDICIAL CIRCUIT
OF MICHIGAN**

701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

VIRGIL C. SMITH
CHIEF JUDGE

(313) 224-5430

LOCAL ADMINISTRATIVE ORDER 2009 – 08

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

SUBJECT: ESTABLISHMENT OF AN ADULT DRUG TREATMENT COURT

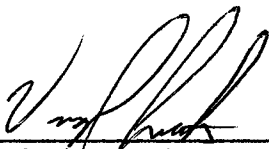
This Administrative Order is issued in accordance with MCL 600.1060 et seq. The purpose of this Order is to establish a Drug Treatment Court in the Criminal Division of Third Judicial Circuit of Michigan (The Court). All policies and procedures comply with the statute and are consistent with the 10 Key Components of Drug Treatment Courts promulgated by the National Association of Drug Court Professionals, NADCP, (Attachment A) as required by MCL 600.1060(c).

IT IS ORDERED THAT:

1. The Court has entered into Memorandum of Understanding (Attachment B) with each participating 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.
2. The Court has established eligibility criteria consistent with MCL 600.1064 and 600.1068.
3. No participant shall be admitted until a complete pre-admission screening and substance abuse assessment are completed in compliance with MCL 600.1064(3).
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.

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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 State Court Administrative Office (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).

Dated: 5-15-09



Virgil C. Smith, Chief Judge
Third Judicial Circuit of Michigan

ATTACHMENT A

The 10 Key Components of Drug Treatment Courts as Promulgated by NADCP

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

Key Component #2: Using a non-adversarial 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.

Attachment B

MEMORANDUM of UNDERSTANDING

A. Program Description / Introduction

This agreement is entered into between Third Circuit Court of Michigan (Wayne County), Criminal Division, Adult Drug Treatment Court, hereafter referred to as the ADTC; the Michigan Department of Corrections – Field Operations, hereafter referred to as MDOC; Wayne County Prosecuting Attorney's Office, hereafter referred to as the Prosecutor's Office; Wayne County Criminal Defense Bar Association and Legal Aid and Defenders Association, hereafter referred to as Defense Attorneys'; Wayne County Department of Children and Family Services, hereafter referred to as CAFS; Southeast Michigan Community Alliance, hereafter referred to as SEMCA (CA) and City of Detroit Bureau of Substance Abuse Treatment Prevention and Recovery, hereafter referred to as City Bureau of Substance Abuse (CA), and the Office of the Wayne County Sheriff, hereafter referred to as Sheriff, to document the roles and responsibilities of each agency as members of the Adult Drug Treatment Court Team. For purposes of brevity, other law enforcement agencies represented on the ADTC Team are not included in this MOU, since they are function on an ad hoc basis, based on availability of officers.

B. Mission Statement

The mission of the Third Circuit ADTC is to improve the lives of participants that have been impacted by drug addiction, and to increase public safety by reducing the amount and frequency of drug related crimes. These goals are accomplished by assisting the participants in leading clean, sober, independent and productive lives. The tools used to provide this assistance are mandated treatment, intensive court supervision, incentives, sanctions and the commitment of caring and knowledgeable collaborative team members.

C. Provisions

To this end, each agency agrees to participate by coordinating and/or providing the following:

The Third Circuit Court agrees to:

- Designate Adult Drug Court Judges, Courtroom clerks and other necessary staff as needed to the Adult Drug Treatment Court Program.
- Comply with all Adult Drug Treatment Court policies and procedures.
- Send representatives to Drug Court conferences and training seminars, based on availability of funding;
- Adult Drug Court Judges will participate as Drug Court team members.

The ADTC Program will:

Serve as the lead organization in applying for and administering the grants that support case management, treatment and testing for the ADTC Program. Responsibilities shall include the following:

- Oversee all data collection on ADTC participants that is performed by Case Managers, using the DCCMIS database.
- Compile and provide ADTC reports to grantors and ADTC stakeholders as requested or mandated;
- Comply with all ADTC policies and procedures.
- Send representatives to Drug Court conferences and training seminars, based on availability of funding;
- Serve as the liaison to the State Court Administrator's Office and other grantors for matters relating to all grants supporting the ADTC Programs.

Michigan Department of Corrections agrees that:

The Third Circuit Court will engage the services of the MDOC Probation Staff to perform the following duties as the Third Circuit Court, Adult Drug Court Probation Officer in accordance with the terms and conditions set forth in this agreement:

- a. Review and complete the Adult Drug Court eligibility checklist provided by the 3rd Circuit Court and submit with the Probation Violation report.
- b. Provide written probation violation reviews at the time of the initial screening of probation violators
- c. Provide written progress reviews, prior to each phase of movement, graduation, assessment and aftercare recommendation for each Adult Drug Court participant.
- d. Perform urinalysis testing of Adult Drug Court participants, as ordered.
- e. Provide monthly written urinalysis results to the Adult Drug Court Program Case Manager or designee.
- f. Forward progress reports received by substance abuse treatment facilities to the Adult Drug Court.
- g. Provide monthly written status reports to the Court and the Adult Drug Court Program team regarding overall program progress, concerns and potential endeavors.
- h. Attend hearings related to the Adult Drug Court Program, as required.

The Wayne County Defense Attorneys and LADA agree to:

- Attend all pre-trial proceedings relating to the ADTC.
- Seek justice and argue for appropriate sentencing.
- Present the defendant's position in the most favorable light.
- Prepare for matters by reviewing pertinent information relative to the case.
- Interview potential participants to ensure eligibility and willingness to comply.
- Review ADTC Program requirements with all parties to ensure understanding of the necessary commitment and requirements.
- Participate as an ADTC Team member, and provide feedback during ADTC team meetings regarding program progress, concerns and potential endeavors.

The Wayne County Prosecutor's Office agrees to:

- Identify and recommend referrals of eligible prospective participants in the ADTC Program from earliest appearance through sentencing.
- Give higher priority to the ADTC Program over other alternative programs when placing eligible participants.
- Attend all pre-trial proceedings relating to the ADTC Program.
- Seek justice by arguing for appropriate sentencing, including dismissals when appropriate.
- Review and prepare for matters by reviewing pertinent details of case information to determine circumstances.
- Motion for new trial and for dismissals for eligible participants.
- Participate as a member of the ADTC Team and share information regarding program progress, concerns and potential endeavors during ADTC team meetings.
- Send representatives to Drug Court conferences and training seminars, based on funding availability.

The Wayne County Sheriff's Office agrees to:

- Screen potential participants who are in custody for eligibility into the ADTC Program through jail based programs available at the Wayne County Jail and William Dickerson Facility and, where appropriate, accept participants into jail based programs as part of ADTC participation.
- Provide status reports on ADTC participants in jail based programs.
- Provide transportation of in custody ADTC participants to the Third Circuit Court for necessary appearances.
- Attend court hearings related to the ADTC as part of regular courtroom responsibilities, including, but not limited to security.

- Provide information to the ADTC case manager or designee regarding each participant's progress and participation in jail based programs and/or other related ADTC requirements.
- Provide feedback during ADTC team meetings regarding overall program successes, concerns and potential endeavors.
- Provide timely utilization of the Fugitive Apprehension Street Team (FAST) for violators and participants who are in warrant status.

Southeast Michigan Community Alliance (SEMCA) (CA) agrees that the primary areas of collaboration between SEMCA and the Adult Drug Treatment Court will be:

- Linkages with other human service organizations as needed to meet the needs of the adult drug court clients.
- Linkages with the medical health care system.
- Linkages with locally cultural specific providers.
- Identification of training needs.
- Identification of gaps in service needs.
- Identification of problem areas in relation to treatment issues.

SEMCA agrees to set aside PA2 funds specifically for ADTC participants. As necessary, clients of the ADTC will have access to all providers within the CA's network panel. If available, private insurance funds must be utilized for treatment services before SEMCA public funds can be accessed. Eligible clients will have access to both Medicaid and Block Grant funded services as determined by the CA. If determined ineligible for the above funding, PA2 funds will be accessed.

The referral process for SEMCA is as follows:

- Clients are assessed through SEMCA's Access, Assessment and Referral Department (AAR).
- Clients must call AAR at 1-800-686-6543 for an over-the-phone assessment.
- Clients must identify that they are a participant in Wayne County's ADTC Program and are a non-Detroit, Wayne County resident. AAR will determine the appropriate level of care based on the client's responses to the assessment tool. Clients will be authorized to receive services after the assessments have been completed.

City of Detroit Bureau of Substance Abuse Prevention Treatment and Recovery (CA) agrees that the primary areas of collaboration between the City of Detroit Bureau of Substance Abuse and the Adult Drug Treatment Court will be:

- Linkages with other human service organizations as needed to meet the needs of the ADTC clients.
- Linkages with the medical health care system.

- Linkages with locally cultural specific providers.
- Identification of training needs.
- Identification of gaps in service needs.
- Identification of problem areas in relation to treatment issues.

As necessary, clients of the ADTC who are qualified residents of the City of Detroit will have access to all providers within the CA's network panel. If available, private insurance funds must be utilized for treatment services prior to City of Detroit Bureau of Substance Abuse public funds can be accessed. Eligible clients will have access to both Medicaid and Block Grant funded services as determined by the CA. If determined ineligible for the above funding, other available CA funds will be accessed.

The referral process for the City of Detroit Bureau of Substance Abuse Prevention Treatment and Recovery is as follows:

Clients will be assessed through the Health Service Technical Assistance-Addiction Treatment Service Inc. (HSTA-ATS) access, assessment and referral process. The ADTC Coordinator will contact the appointed representative of HSTA-ATS to schedule a date for an assessor to conduct an assessment at the Third Circuit Court. If deemed necessary by the ADTC case manager or designee, an over-the-phone assessment may be completed. The HSTA-ATS, assessor will determine the appropriate level of care based on the client's responses to the assessment tool. The clients will be authorized services after the assessments have been completed.

Wayne County Department Of Children And Family Services agrees to:

Provide services to be delivered by treatment providers within the CAFS network.

Primary Areas of collaboration between CAFS and the ADTC will be:

- Linkages with other human service organizations as needed to meet the needs of the adult drug court clients.
- Linkages with the medical health care system.
- Linkages with local culturally specific providers.
- Identification of training needs.
- Identification of gaps in service needs.
- Identification of problem areas in relation to treatment issues.

D. Mutual Indemnification

The participating agencies agree to indemnify, defend and hold harmless each other and their officers, agents and employees from any and all claims, actions or proceedings arising solely out of the acts or omissions of the indemnifying agency in the performance of this Memorandum of Understanding.

The participating agencies agree that each is acting in an independent capacity and not as officers, employees or agents of the other agencies.

E. Term of Agreement

This Agreement is effective on date of full execution and may be renewed each year upon mutual agreement of all parties. Termination of this agreement shall occur by 60 day written advance notice of one party to the other, or upon mutual written consent of the parties for a shorter notice period.

F. Fiscal Terms

This Memorandum of Understanding does not involve an exchange of funds. The parties, instead, agree to participate in an exchange of services as specified in Item C, Provisions.

G. Terms and Conditions

All terms and conditions of the Agreement are subject to the continuation of ADTC Program funding for treatment and testing of ADTC participants.

H. Termination of Memorandum of Understanding

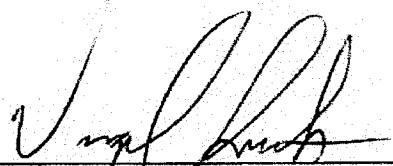
Upon mutual consent of all parties, this Memorandum of Understanding is subject to further negotiation and revision as required to support the needs of the ADTC programs. Any changes shall be in writing and signed by all parties herein or their duly appointed representatives authorized to act on their behalf.

This Memorandum of Understanding may be terminated by any party for any reason by giving a thirty (30) calendar day written notice.

I. Expiration

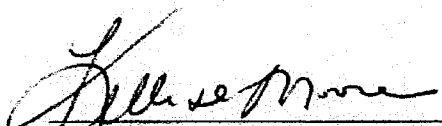
This Memorandum of Understanding will be reviewed on a yearly basis by the Third Circuit Court ADTC Team members and revised as necessary upon mutual agreement of all parties.

Signatures of Authorized Representatives:



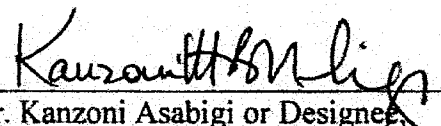
Judge Virgil Smith
Chief Judge, Third Circuit Court

4/24/09
Date



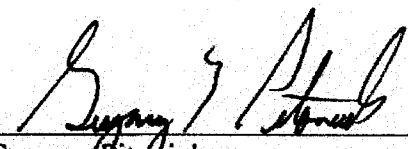
Ronald Ruffin or Designee
Executive Court Administrator

5-1-09
Date



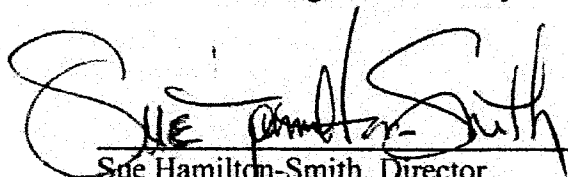
Dr. Kanzoni Asabigi or Designee
City of Detroit Bureau of Substance
Abuse Prevention Treatment and Recovery

4-23-09
Date



Gregory Pitoniak
Chief Executive Officer
Southeast Michigan Community Alliance


4/24/09
Date



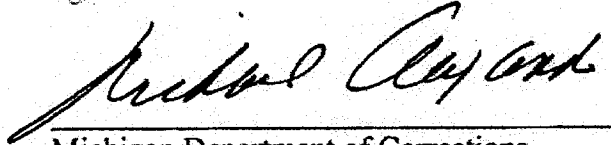
Sue Hamilton-Smith, Director
Wayne County Department of
Children & Family Services

4-23-09
Date

Signatures of Authorized Representatives (Continued):


Wayne County Sheriff or Designee

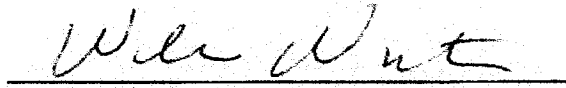
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Michigan Department of Corrections

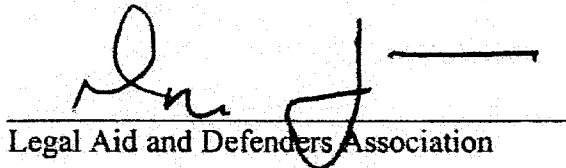
4/22/09
Date


Wayne County Prosecutor or Designee

4-24-09
Date


Wayne County Criminal Defense Bar

4-23-09
Date


Legal Aid and Defenders Association

4-23-09
Date