



STATE OF MICHIGAN
55TH JUDICIAL DISTRICT COURT
700 BUHL AVENUE • MASON, MICHIGAN 48854
517-676-8400
www.ingham.org/dc

Administrative Order 2009-03

**ORDER FOR THE ESTABLISHMENT OF A DRIVING WHILE IMPAIRED
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 driving while impaired treatment court in 55th District Court – OWI COURT upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 10 Guiding Principles for DWI Courts promulgated by the National Drug Court Institute, a division of the National Association of Drug Court Professionals (see attachment A).

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. 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 DWI 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 DWI 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 DWI 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: June 1, 2009

Date: 6-2-09



Honorable Thomas P. Boyd
Chief Judge

ATTACHMENT A

The 10 Guiding Principles of DWI Courts

Guiding Principle #1 – Target the Population

Guiding Principle #2 – Perform a Clinical Assessment

Guiding Principle #3 – Develop the Treatment Plan

Guiding Principle #4 – Supervise the Offender

Guiding Principle #5 – Forge Agency, Organization, and Community Partnerships

Guiding Principle #6 – Take a Judicial Leadership Role

Guiding Principle #7 – Develop Case Management Strategies

Guiding Principle #8 – Address Transportation Issues

Guiding Principle #9 – Evaluate the Program

Guiding Principle #10 – Create a Sustainable Program

55th DISTRICT SOBRIETY COURT
MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING made and entered into on the 13th day of May, 2009 BY and BETWEEN THE 55th District Court officials, Prosecutor's Office, Defense Counsel Representative and Treatment Representatives.

WHEREAS, the 55th District Sobriety Court began operation on January 1, 2004 and a Memorandum of Understanding is needed to clarify the respective roles and expectations of participating agencies. A cooperative program of all agencies listed, the Sobriety Court has been developed to channel non-violent defendants arrested on repeat offense drunk driving cases (OWI 2nd & OWI 3rd) charges into a comprehensive program of alcohol/drug treatment and rehabilitation services.

INTENT OF SOBRIETY COURT:

The 55th District Sobriety Court has been developed as a program to help reduce the adverse impact of repeat drunk driving offenders on the Ingham County criminal justice system. All agencies involved concur a more effective treatment alternative is needed to cope with the problem. The purpose is to channel non-violent defendants arrested on Sobriety Court eligible felony or misdemeanor OWI charges, who show signs of a substance dependency and a willingness to change their lives, committing to a goal of sobriety, into an intensive program of alcohol and other drug treatment and rehabilitation services. The Sobriety Court Program began operations on January 1, 2004 and will continue to provide services to Ingham County.

PROGRAM GOALS AND OBJECTIVES:

The Sobriety Court will reduce the incidence of repeat offense drunk driving and other criminal activity by promoting recovery of offenders charged with OWI 2nd & OWI 3rd offenses while also increasing public safety. In order to achieve this, we will utilize intensified treatment, supervision and monitoring of the participants. We will employ a team approach to ensure the participant receives treatment and support which is tailored to his/her addiction and needs. We believe through a coordinated, collaborative response to offenders dependent on alcohol and other drugs that dependency and abuse will be reduced and the incidence of subsequent offenses diminished.

. Performance indicators include the following:

- Sobriety:- reduction in frequency of relapse and/or total abstinence from drugs and alcohol
- Recidivism: reduction in arrests and contacts with the criminal justice system
- Retention: consistent and successful attendance in treatment programs
- Personal Achievements: maintenance of stable living conditions and employment, promoting self-sufficiency and becoming productive, responsible members of society
- Efficient Judicial System: reduction in judicial system costs relative to criminal case processing, and incarceration

DUTIES AND EXPECTATIONS OF PARTICIPATING DEPARTMENTS:

All participating agencies agree to assist in the design, development and maintenance of this program. The following section outlines the duties each department agrees to perform as part of the Sobriety Court Program subject to the availability of adequate departmental and outside resources:

Sobriety Court Judge:

- Preside over the Review hearings and monitor appropriate application of disciplines, sanctions and incentives while maintaining the integrity of the court.
- Attend case staffings and weekly review hearings.
- Participate as part of planning and oversight committee in the Program
- Remain in compliance with State of Michigan's 2004 PA 224, regarding Drug Courts.

Sobriety Court Coordinator:

- Responsible for the daily functioning of the Sobriety Court Program
- Responsible for writing, maintenance and compliance of grants.
- Act as court liaison to community regarding Sobriety Court Program
- Participate as part of planning and oversight committee in the Program
- Attend case staffings and weekly review hearings when able
- Oversees and directs Probation staff assigned to Sobriety Court
- Provide data and information regarding the target population.
- Utilize the DCCMIS case management system

Sobriety Court Prosecutor:

- Assistant Prosecuting Attorney assigned to the program will be committed to the rehabilitative goals of the Program, on a part-time basis.
- Attend case staffings and weekly review hearings
- Attend and participate in revocation hearings
- Determine criminal justice eligibility at the complaint filing level.
- Participate as part of planning and oversight committee in the Program.

Criminal Defense Attorney Representative

- Staff the Program with an attorney, advising clients of the options available, and encouraging their participation while committed to the rehabilitative goals of the Program
- Attend case staffings and weekly review hearings
- Represent participants in violation of their court-ordered conditions while understanding the Sobriety Court model and its intent and rehabilitative goals.
- Participate as part of planning and oversight committee in the Program.

Probation Officers

- Provide case supervision services as appropriate based on the departments risk assessment and phase progression.
- Attend case staffings and weekly review hearings
- Participate as part of planning and oversight committee in the Program.
- Provide Substance Abuse Assessments to potential candidates
- Manage cases via the DCCMIS computer system.

Treatment Representatives

- Provide ongoing coordination and monitoring of alcohol and drug treatment counseling services on an outpatient or inpatient basis as needed
- Attend case staffings and weekly review hearings
- Participate as part of planning and oversight committee in the Program.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their duly authorized officers.

COUNTY OF Ingham

By: Donald L. Allen Jr.
Donald L. Allen Jr.
Presiding Judge of
55th District Sobriety Court

Date 5-13-09

By: Beryl Frenger
Beryl Frenger
Chief Probation Officer, Sobriety Court Coordinator
55th District Court

Date 5/13/09

By: Guy Sweet P-34298
Guy Sweet
Sobriety Court Prosecutor
Ingham County, Michigan

Date 05/13/09

By: Stephanie Hicks P-72224
Stephanie Hicks
Court Appointed Counsel
Foster Swift Law firm

Date 05/13/09

By: Eva Higgins
Eva Higgins
Sobriety Court Probation Officer

Date 5/13/09

By: Amy Iseler
Amy Iseler
Sobriety Court Probation Officer

Date 5/13/09

By: Steve Souza
Steve Souza
Therapist
Prevention & Training Services

Date 5-13-09