

54-A DISTRICT COURT

124 W. Michigan Ave., 6th Floor City Hall, Lansing, MI 48933

DISTRICT JUDGES
CHARLES F. FILICE
PATRICK F. CHERRY
FRANK J. DeLUCA
LOUISE ALDERSON
HUGH B. CLARKE, JR.



Court Administrator
ANETHIA O. BREWER

Magistrate
LAURA A. MILLMORE

Administrative Order:

54A 2012-02J

55th 2012-04J

30th 2012-02J

ORDER FOR THE ESTABLISHMENT OF PROCEDURES FOR THE SOBRIETY 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 felony Sobriety Court in the 54A and 55th District Court with concurrence of the 30th Circuit Court and 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) and as required by MCL 600.1060(c).

1. The courts have entered into a Memorandum of Understanding with each participating county prosecuting attorney in the circuit or district court, 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 courts have 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 courts 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 treatment court records, and as described in paragraph 12, 13 and 14.

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MAIN COURT NUMBER
(517) 483-4433

TRAFFIC-CRIMINAL DIVISION
(517) 483-4445

CIVIL DIVISION
(517) 483-4426

PROBATION DIVISION
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6. The courts have established, as part of their program requirements, procedures to assure compliance with MCL 600.1072 and 600.1074.
7. Pursuant to MCL 600.1078, the courts shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the DWI treatment court program.
8. The courts 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 courts acknowledge that case disposition information regarding DWI 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 DWI treatment court participation in Michigan courts.
10. The courts acknowledge that they have completed the federal Drug Court Planning Initiative (DCPI) training sponsored by the Bureau of Justice Assistance (BJA), in compliance with MCL 600.1062(3).
11. The 54A and 55th Sobriety Court are felony DWI courts. The District Court judge, acting as a Circuit Court Judge per MCR 6.111, will take the felony plea in district court. Upon successful completion of the terms and conditions of the Sobriety Court program, the participant will have the charge reduced to DWI II and proceed in the district court. Those who do not successfully complete the Sobriety Court program will have a felony pre-sentence report generated by Circuit Court probation and be sentenced by the District/Acting Circuit Judge in compliance with the procedures set forth in MCR 6.425. Any probationary term following a felony sentence will be supervised by Circuit Court probation. The District/Acting Circuit Judge will preside over any post sentencing hearing, including but not limited to probation violation arraignments and hearings.
12. The participant criminal case and probation file will be kept in the district court until: 1) successful completion of the Sobriety Court program; 2) termination from the program resulting in jail/prison time only or 3) completion of Circuit Court probation following termination. The original copy of the case file will then be returned to the Circuit Court. All Sobriety Court criminal files will be subject to the Circuit Court retention policy, the probation file will be retained by the District Court if the participant successfully completes the program. If the participant is terminated from the program, the District Court may retain a copy of the probation file if the original is needed in the Circuit Court.
13. For the purposes of record keeping and abstracting, the case will be processed by the district court, including but not limited to MDOS license abstracting and MSP criminal history reporting. A District Court clerk will be assigned as an acting Circuit Court clerk for this purpose. Sobriety Court files will be kept in a separate file cabinet in the district court.

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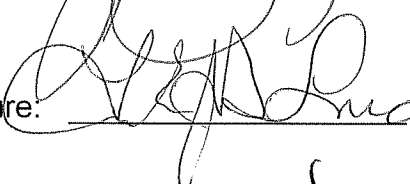
14. Fines, costs and oversight fees will be collected and retained in the District Court. Restitution will be collected by the District Court and disbursed according to statute. Attorney fees, crime victim assessment and state mandatory assessment will be collected and retained in the Circuit Court. If a participant is terminated from the program prior to completion, any outstanding fines, costs and oversight fees will be prorated between the District and Circuit Court based on the time spent in each jurisdiction.

Effective Date: 8/2/12

Date: July 17, 2012

Signature:  Chief Judge, 30th Circuit

Date: 7/24/12

Signature:  Chief Judge, 54A District

Date: 7-24-12

Signature:  Chief Judge, 55th District

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ATTACHMENT A

GUIDING PRINCIPLES FOR DWI COURTS

GUIDING PRINCIPLE #1 TARGET THE POPULATION

Targeting is the process of identifying a subset of the DWI offender population for inclusion in the DWI court program. This is a complex task given that DWI courts, in comparison to traditional drug court programs, accept only one type of offender: the person who drives while under the influence of alcohol or drugs. The DWI court target population, therefore, must be clearly defined, with eligibility criteria clearly documented.

GUIDING PRINCIPLE #2 PERFORM A CLINICAL ASSESSMENT

A clinically competent objective assessment of the impaired-driving offender must address a number of bio-psychosocial domains including alcohol use severity and drug involvement, the level of needed care, medical and mental health status, extent of social support systems, and individual motivation to change. Without clearly identifying a client's needs, strengths, and resources along each of these important bio-psychosocial domains, the clinician will have considerable difficulty in developing a clinically sound treatment plan.

GUIDING PRINCIPLE #3 DEVELOP THE TREATMENT PLAN

Substance dependence is a chronic, relapsing condition that can be effectively treated with the right type and length of treatment regimen. In addition to having a substance abuse problem, a significant proportion of the DWI population also suffers from a variety of co-occurring mental health disorders. Therefore, DWI courts must carefully select and implement treatment practices demonstrated through research to be effective with the hard-core impaired driver to ensure long-term success.

GUIDING PRINCIPLE #4 SUPERVISE THE OFFENDER Driving while intoxicated presents a significant danger to the public. Increased supervision and monitoring by the court, probation department, and treatment provider must occur as part of a coordinated strategy to intervene with repeat and high-risk DWI offenders and to protect against future impaired driving.

GUIDING PRINCIPLE #5 FORGE AGENCY, ORGANIZATION, AND COMMUNITY PARTNERSHIPS

Partnerships are an essential component of the DWI court model as they enhance credibility, bolster support, and broaden available resources. Because the DWI court model is built on and dependent upon a strong team approach, both within the court and beyond, the court should solicit the cooperation of other agencies, as well as community organizations to form a partnership in support of the goals of the DWI court program.

GUIDING PRINCIPLE #6 TAKE A JUDICIAL LEADERSHIP ROLE

Judges are a vital part of the DWI court team. As leader of this team, the judge's role is paramount to the success of the Drug court program. The judge must also possess recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders. The selection of the judge to lead the DWI court team, therefore, is of utmost importance.

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GUIDING PRINCIPLE #7 DEVELOP CASE MANAGEMENT STRATEGIES

Case management, the series of inter-related functions that provides for a coordinated team strategy and seamless collaboration across the treatment and justice systems, is essential for an integrated and effective DWI court program.

GUIDING PRINCIPLE #8 ADDRESS TRANSPORTATION ISSUES

Though nearly every state revokes or suspends a person's driving license upon conviction for a DUI offense, the loss of driving privileges poses a significant issue for those individuals involved in a DWI/Drug Court program. In many cases, the participant solves the transportation problem created by the loss of their driver's license by driving anyway and taking a chance that he or she will not be caught. With this knowledge, the court must caution the participant against taking such chances in the future and to alter their attitude about driving without a license.

GUIDING PRINCIPLE #9 EVALUATE THE PROGRAM

To convince "stakeholders" about the power of DWI court, program designers must design a DWI court evaluation model capable of documenting behavioral change and linking that change to the program's existence. A credible evaluation is the only mechanism for mapping the road to program success or failure. To prove whether a program is efficient and effective requires the assistance of a competent evaluator, an understanding of and control over all relevant variables that can systematically contribute to behavioral change, and a commitment from the DWI court team to rigorously abide by the rules of the evaluation design.

GUIDING PRINCIPLE #10 CREATE A SUSTAINABLE PROGRAM

The foundation for sustainability is laid, to a considerable degree, by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding. Becoming an integral and proven approach to the DWI problem in the community however is the ultimate key to sustainability.

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MEMORANDUM OF UNDERSTANDING
54A SOBRIETY COURT – CITY OF LANSING

This MEMORANDUM OF UNDERSTANDING is made and entered into on the 13 day of July, 2012, BY AND BETWEEN the 54A District Court, 30th Circuit Court/Ingham County, 54A Probation Department, Ingham County Prosecuting Attorney, Defense Attorney, Treatment Providers and the Lansing Police Department. It shall be revised biannually.

WHEREAS, the 54A Sobriety Court began a coordinated training effort to implement a Sobriety Court on January 1, 2004, a Memorandum of Understanding is necessary to clarify the respective roles and expectation of the participating agencies. A cooperative program of agencies representing the City of Lansing/Ingham County justice and treatment communities, the Sobriety Court operates with the mission to enhance the public safety and community welfare by reducing recidivism among felony alcohol offenders. The mission is accomplished through an interdisciplinary approach which includes intensive supervision, individualized treatment, and personal accountability through frequent judicial review. The program will effectively use court and community resources to support individuals in developing and maintaining a substance free lifestyle.

The parties hereto do mutually agree to the attached Memorandum of Understanding.

54A DISTRICT COURT

By: Louise Alderson Date: 7/13/12
54A Sobriety Court Judge – Louise Alderson

30th CIRCUIT COURT
By: Janelle Lawless Date: 7/17/12
30th Circuit Court Chief Judge – Janelle Lawless

INGHAM COUNTY PROSECUTING ATTORNEY
By: Stuart Dunnings Date: 7/24/12
Ingham Co. Prosecuting Attorney – Stuart Dunnings

DEFENSE ATTORNEY
By: Randall Behrmann Date: 7/19/12
Sobriety Court team member – Randall Behrmann

54A DISTRICT COURT PROBATION
By: Robin Osterhaven Date: 7-18-12
Sobriety Court coordinator – Robin Osterhaven

TREATMENT PROVIDER/S

By: Robert E. Davis Date: 7-18-12
Director, Prevention and Training Services (PATS) – Robert Davis

LANSING POLICE DEPARTMENT

By: [Signature] #32 Date: 7-19-12
Lansing Police Department Chief – Theresa Szymanski (on behalf) – Capt. Mike Yankowski

MEMORANDUM OF UNDERSTANDING
54A SOBRIETY COURT - CITY OF LANSING

MISSION STATEMENT:

It is the mission of the 54A Sobriety Court to enhance the public safety and community welfare by reducing recidivism among felony alcohol offenders. The mission is accomplished through an interdisciplinary approach which includes intensive supervision, individualized treatment, and personal accountability through frequent judicial review. The program will effectively use court and community resources to support individuals in developing and maintaining a substance free lifestyle.

PROGRAM GOALS:

The primary goals of the 54A Sobriety Court are to

- Introduce participants to an ongoing process of drug treatment and recovery designed to develop and maintain a substance free lifestyle;
- Reduce the workload in processing repeat alcohol/driving offenders
- Reduce the impact of repeat alcohol/driving offenders on the local community
- Require personal responsibility and accountability

RESPONSIBILITIES AND EXPECTATIONS OF PARTICIPATING AGENCIES:

All participating agencies agree to assist in the design and ongoing development of the 54A Sobriety Court. Further, as appropriate, agencies will assist in providing all necessary data for evaluation purposes.

All participating agencies agree to respect other agencies roles and responsibilities to ensure the integrity of the judicial and therapeutic processes.

All participating agencies agree to the 54A Sobriety Court criteria for: (1) participant eligibility/suitability, (2) program sanctions and incentives, (3) program termination, and (4) program graduation as delineated in the 54A Sobriety Court handbook. Any need for revision will be approved by the 54A Sobriety Court team.

The following sections outline the responsibilities each agency agrees to perform as part of their involvement in the 54A Sobriety Court subject to the availability of adequate agency and outside resources:

54A DISTRICT COURT

- Provide Judicial officers, as resources permit, to adjudicate sobriety court cases, provide leadership, encourage collaboration between all participating agencies, and participate on the Sobriety Court team
- Provide management staff, as resources permit, to administer the overall operation of the Sobriety Court and participate on the Sobriety Court team
- Provide the necessary courtroom support staff for the Sobriety Court operation
- Provide the necessary equipment to administer the operation of the Sobriety Court
- Provide the necessary computer software for overall program data collection and maintain the historical database
- Participate in the design and development of the Sobriety Court process and outcome evaluations
- Participate in the development of operational standards and policies for Sobriety Court in conjunction with other participating agencies

30th CIRCUIT COURT

- Provide access to CourtView for the processing of felony cases
- Provide training to District Court personnel on CourtView process/procedure
- Collaborate with the 54A District Court on felony sentencing issues
- Support LAO 2012-2 which allows for felony sentencing, record retention and assessment allocation with the District Court

INGHAM COUNTY PROSECUTING ATTORNEY

- Provide eligibility screening for potential Sobriety Court participants at the time of filing the felony complaint. No participant will be admitted to Sobriety Court without the approval of the Prosecutor
- An assistant prosecutor will be available to staff each operational Sobriety Court, as necessary, as long as it is scheduled in a manner consistent with the assigned Prosecutor schedule
- Provide the necessary support staff for the screening and issuance of all Sobriety Court matters
- Participate in the development of operational standards and policies for Sobriety Court in conjunction with other participating agencies

DEFENSE ATTORNEY

- Participate, as necessary and as resources permit, in Sobriety Court team meetings
- Participate in the development of operational standards and policies for Sobriety Court in conjunction with other participating agencies

PROBATION DEPARTMENT

- Provide staff to supervise Sobriety Court participants pursuant to orders of the Court
- Provide staff to work in partnership with the treatment providers to provide ongoing participant progress assessment and recommendations to the Sobriety Court judge
- Provide a representative to the Sobriety Court team
- Participate in the design and implementation of Sobriety Court process and outcome evaluation
- Participate in the development of operational standards and policies for Sobriety Court in conjunction with other participating agencies

ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROVIDERS

- Provide alcohol and drug abuse counseling by qualified staff in partnership with probation staff to Sobriety Court participants
- Provide and administer alcohol and drug testing for all Sobriety Court participants
- Provide all necessary progress reports, testing results and other documentation required by the Sobriety court
- Provide qualified staff to be available at meetings and hearings as required by the Sobriety Court
- To have staff available for all necessary communication to and from other components of the Sobriety Court

LANSING POLICE DEPARTMENT

- Provide sworn personnel support, as resources permit, to insure the integrity and security of the operation of the Sobriety Court sessions
- Provide sworn personnel support, as resources permit, to assist in the apprehension of absconded Sobriety court participants and home visits
- Provide a representative to the Sobriety Court team
- Participate in the development of operational standards and policies for Sobriety Court in conjunction with other participating agencies