

State Court Administrative Office  
Model Local Administrative Order 29a - Plan for the Establishment of a  
Driving While Impaired Treatment Court Program

(rev. 05/09)

77<sup>th</sup> District Court Mecosta County

D77 Administrative Order 2011 - 025

C49 Administrative Order 2011 - 045

**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 77<sup>th</sup> 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 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: \_\_\_\_\_

Date: 6/23/11

Judge Signature: *Susan H. Grant*  
Judge Susan H. Grant

Date: 6/23/11

Chief Judge Signature: *Scott Hill-Kennedy*  
Judge Scott Hill-Kennedy

**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**

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**Memorandum of Understanding  
for the  
Mecosta County Sobriety Court (MCSC)**

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Understanding by and between the Mecosta County Prosecuting Attorney, 77<sup>th</sup> District Court, 49<sup>th</sup> Circuit Court, Mecosta County Defense Bar, 77<sup>th</sup> District Court Administrator, TenSixteen Recovery Network, and Catholic Charities West Michigan.

The Sobriety Court Team consists of the following: Judge Susan H. Grant, Coordinator Susan Guernsey, Prosecuting Attorney Peter Jacklevic, Attorney Ken Plas, DOC Field Supervisor Paula Garver, Probation Officer John Zocco, TenSixteen Recovery Network Representative Christa Galer, Catholic Charities of West Michigan Representative Ashley Wheeler, Community Corrections Director Pete Carlson, Sheriff Todd Purcell, CPT James Cook – FSU DPS, Trooper Travis House – Michigan State Police, and Evaluator Mischelle Stone – Associate Professor of Criminal Justice-FSU.

The Operational Team consists of the following: Judge Susan H. Grant, Coordinator Susan Guernsey, Prosecuting Attorney Peter Jacklevic, DOC Field Supervisor Paula Garver, and Probation Officer John Zocco.

We agree to share the following vision for the MCSC. Enhance the quality of life throughout Mecosta County, provide leadership through coordinated services, continuously improve services, achieve program goal through team work, and strive to break the generational cycle of criminality and substance abuse.

We endorse the goals and mission of the MCSC for the purpose of helping participants to eliminate future criminal behavior and to improve the quality of their lives. For our program to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission, the challenge and the vision of the MCSC.

We agree that the mission of the MCSC is to: improve the public safety of Mecosta County residents by increasing participant accountability through team based intensive supervision, treatment, and frequent judicial oversight.

We agree to allow participation of offenders who are not violent offenders as defined by MCL 600.1060(g); to wit:

“Violent offender” means an individual who meets either of the following criteria:

(i) Is currently charged with or has pled guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense, involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct of any degree.

(ii) Has 1 or more prior convictions for, or, if a juvenile, has 1 or more prior findings of responsibility for, a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.

We agree to the following challenge of the MCSC. 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.

**There are ten principles under which we will work cooperatively:**

1. Drug and alcohol addiction is a chronic relapsing disease which is treatable and substance abuse is a reversible behavior, but which, if unaddressed, may lead to continuing and increasing criminal behavior and other personal, family, and societal problems.
2. MCSC offers 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 on upon entry into the criminal justice system to achieve maximum treatment outcomes.
4. Thorough assessments and evaluations are critical components of the MCSC.
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 frequent, even daily, basis. Court monitoring will include incremental sanctioning for negative behaviors and positive rewards for improved behaviors.
7. MCSC is established with written protocols, which are well defined and documented through the Policies and Procedures Manual. The Program Manual will be updated annually, or as needed, to respond to changes in the needs of the program, participants, families, agencies, and community.
8. Entry into the MCSC will be governed by written eligibility criteria as established by the MCSC Team.
9. Information about participant progress, participant family progress, and the functioning of the MCSC will be made available to all necessary or proper parties.
10. Effective evaluation of the MCSC will be sought with appropriate responses being made relative to these evaluations.

## **RESPONSIBILITIES AND COMMITMENTS**

### **Sobriety Court Judge:**

The MCSC Judge assumes the primary role to motivate and monitor participants, actively represent the MCSC in the community, ensure a cooperative atmosphere for Team members, provides appropriate rewards and sanctions for participant behaviors, assumes a leadership role in the promotion and growth of the MCSC, assumes a leadership role for the Team, and facilitates all Court responsibilities for the MCSC, and participates in the MCSC Team and the MCSC Operational Team. The MCSC Judge will comply with all MCSC Policies and Procedures.

### **Sobriety Court Coordinator:**

The Sobriety Court Coordinator has both service and managerial responsibilities and duties. In the area of service, the Coordinator conducts intake and follow-up interviews, confirms and verifies interview information, refers potential participants and all enrolled participants for assessment and treatment, completes intake screenings, provides direct intervention with participants and their families, and provides case management to monitor compliance. In the area of program management, the Coordinator completes and files all case documentation, prepares and distributes biweekly reports, attends and participates in Court sessions, makes recommendations to the Court and Operational Team, collects data for program evaluation, makes recommendations about programmatic changes, audits records, and participates in MCSC Team and Operational Team. The Coordinator will comply with all MCSC Policies and Procedures.

### **Office of the Prosecuting Attorney:**

The Prosecuting Attorney, or designee, makes and/or reviews MCSC referrals and decides and advises if the proposed participant meets the eligibility requirements in consultation with the Operational Team. The Prosecutor, or designee, establishes the Plea and/or Sentencing terms and conditions of participation.

The Prosecuting Attorney, or designee, facilitates cooperation and communication between the Prosecutors office and the MCSC, participates in the MCSC Team and the Operational Team and promotes the MCSC within the community. The Prosecuting Attorney, or designee, will comply with all MCSC Policies and Procedures.

### **Defense Attorney:**

The participant's attorney is responsible for identifying and recommending referrals of eligible potential participants to the MCSC. The Defense Attorney meets with the assigned Prosecutor to negotiate pleas and establish terms and conditions for participation and represents participants who are rejected or unsuccessfully discharged from the Program.

Defense Attorneys will comply with all MCSC Policies and Procedures as long as the same does not cause the Defense Attorney to violate any of Michigan's Rules of Professional Responsibility.

A Defense Attorney who regularly practices in Mecosta County is to serve on the MCSC Team.

**Treatment Providers:**

Provider representative(s) participate in biweekly Court sessions and provide written reports in DCCMIS for use at biweekly Court sessions, report absences and highlight special circumstances requiring the Coordinator's intervention or action, and monitor and amend the participant's treatment plan in accordance with their recovery progress with input from the MCSC Team. If an individual is in a residential treatment setting, the Provider has an obligation to report planned and unplanned discharges immediately. Providers will comply with all MCSC Policies and Procedures.

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.

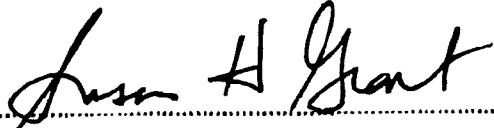
**Researchers and Evaluators:**

The Evaluator, generally affiliated with Ferris State University, participates in MCSC meetings, court sessions, and other meetings as necessary. The researchers and evaluators assist the Sobriety Court Coordinator in planning, developing, and conducting process and outcome program evaluations.

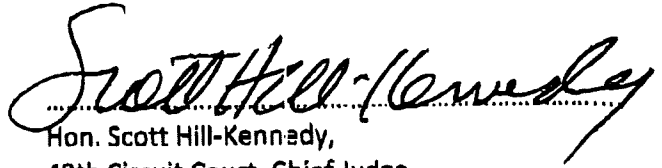
**District Court Administrator:**

The District Court Administrator will be responsible for managing all operational funding for the day to day operation of the MCSC. The Administrator will be responsible for complying with all reporting requirements of the Funding Sources. The District Court Administrator will comply with all MCSC Policies and Procedures.

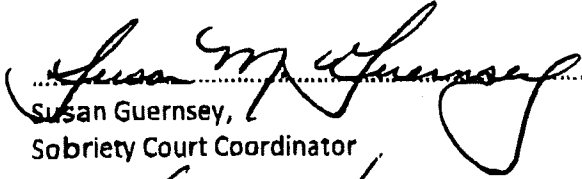
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Hon. Susan H. Grant,  
Sobriety Court Judge



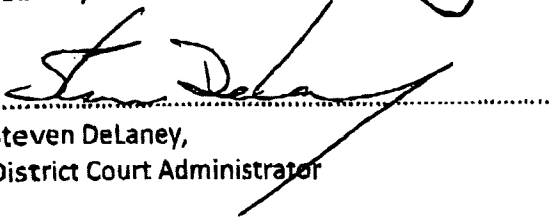
Hon. Scott Hill-Kennedy,  
49th Circuit Court, Chief Judge



Susan Guernsey,  
Sobriety Court Coordinator



Peter Jacklevic,  
Mecosta County Prosecuting Attorney



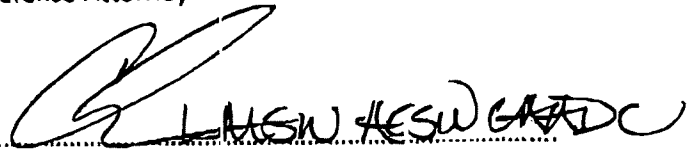
Steven DeLaney,  
District Court Administrator



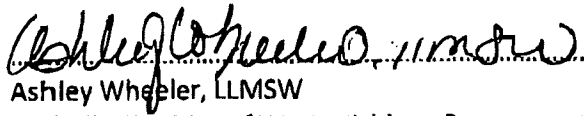
Kenneth Plas,  
Defense Attorney



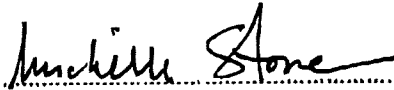
Paula Garver,  
MDOC Field Supervisor



Christa Galer, MSW, LMSW, ACSW, CAADC  
TenSixteen Recovery Network Representative



Ashley Wheeler, LLMSW  
Catholic Charities of West Michigan Representative



Mischelle Stone,  
Evaluator

Date: 8/21/2011