

**54B District Court Drug Court
Memorandum of Understanding**

I. Overview

MISSION STATEMENT:

It is the mission of the 54B District Court Drug Court (54BDCDC) to enhance the public safety and community welfare by reducing recidivism among felony and misdemeanor drug 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.

VISION

Maintain this drug court that identifies defendants who are severely addicted to illegal substances to:

- Coordinate services between the Court, Probation, and other service providers;
- Provide probation monitoring and court supervision;
- Coordinate feedback between the court, probation, and any other service provider; and
- Treat the needs of the participant promptly and professionally.

AUTHORITY

The 54BDCDC has the authority to operate the Drug Court pursuant to M.C.L. 600.1060 *et seq.*

PROGRAM GOALS:

The primary goals of the 54BDCDC 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 drug offenders;
- Reduce the impact of repeat drug 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 54BDCDC. 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 54BDCDC criteria for:

- participant eligibility/suitability;
- program sanctions and incentives;
- program termination;
- program graduation as determined by the 54BDCDC treatment team.

II. Roles of the Treatment Team

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

54B DISTRICT COURT DRUG COURT agrees to:

- Comply with the 10 key components of drug treatment courts as promulgated by the National Association of Drug Court Professionals as required by MCL 600.1060(c) (**attachment A**);
- Participate in training as required by the State Court Administrative Office;
- Provide the following:
 - o Consistent, continual, and close monitoring and integration with the court, treatment providers, probation, and the participant;
 - o Mandatory periodic and random testing for the presence of any controlled substance or alcohol, to the extent possible, the best available, accepted, and scientifically valid methods;
 - o Periodic evaluation assessments of the participant's circumstances and process in the program;
 - o A regimen or strategy of appropriate and graduated but immediate rewards for compliance and sanctions for noncompliance;
 - o Substance abuse treatment services, relapse prevention services, education, and vocation opportunities as appropriate and practicable;

54B DISTRICT COURT agrees to:

- Provide Judicial officers, as resources permit, to adjudicate drug court cases, provide leadership, encourage collaboration between all participating agencies, and participate on the 54BDCDC team;
- Provide management staff, as resources permit, to administer the overall operation of the 54BDCDC and participate on the 54BDCDC team;
- Provide the necessary courtroom support staff for the 54BDCDC operation;
- Provide the necessary equipment to administer the operation of the 54BDCDC;
- Provide the necessary computer software for overall program data collection and maintain the historical database;
- Participate in the design and development of the 54BDCDC process and outcome evaluations;
- Participate in the development of operational standards and policies for 54BDCDC in conjunction with other participating agencies.

30th CIRCUIT COURT agrees to/that:

- Provide the necessary support staff for the processing of all Drug Court matters;
- Collaborate with the 54B District Court on felony sentencing issues;
- Support LAO 2016-06J which allows for felony sentencing, record retention and assessment allocation with 54B District Court.

55th DISTRICT COURT agrees to/that:

- Collaborate with the 54B District Court on transferring of files;
- Provide eligibility screening for potential Drug Court participants at a reasonable time. No transferred participant will be admitted to Drug Court without the approval of the transferring court;
- Provide the necessary support staff for the screening and issuance of all Drug Court matters;
- Support LAO 2016-06J which allows for misdemeanor sentencing, record retention and assessment allocation with 54B District Court.

54A DISTRICT COURT agrees to/that:

- Collaborate with the 54B District Court on transferring of files;
- Provide eligibility screening for potential Drug Court participants at a reasonable time. No transferred participant will be admitted to Drug Court without the approval of the transferring court;
- Provide the necessary support staff for the screening and issuance of all Drug Court matters
- Support LAO 2016-06J which allows for misdemeanor sentencing, record retention and assessment allocation with 54B District Court.

INGHAM COUNTY PROSECUTING ATTORNEY agrees to/that:

- Provide referrals for potential 54BDCDC participants at the time of pretrial;
- No participant will be admitted to 54BDCDC without the approval of the Prosecutor or City Attorney;
- An assistant prosecutor will be available to staff each operational 54BDCDC, 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 54BDCDC prosecutions;
- Participate in the development of operational standards and policies for 54BDCDC in conjunction with other participating agencies.

INGHAM COUNTY CITY ATTORNEYS (EAST LANSING/LANSING/MASON) agrees to/that:

- Provide referrals for potential 54BDCDC participants at the time of pretrial;
- No participant will be admitted to 54BDCDC without the approval of the City Attorney or Prosecuting Attorney;
- Provide the necessary support staff for the screening and issuance of all 54BDCDC prosecutions.

INGHAM COUNTY TOWNSHIP ATTORNEYS (DELHI/MERIDIAN) agrees to/that:

- Provide referrals for potential 54BDCDC participants at the time of pretrial;
- No participant will be admitted to 54BDCDC without the approval of the Township Attorney or Prosecuting Attorney;
- Provide the necessary support staff for the screening and issuance of all 54BDCDC prosecutions.

DEFENSE COUNSEL agrees to:

- Participate, as necessary and as resources permit, in 54BDCDC team meetings;
- Provide legal representation to 54BDCDC participants that are facing program violation arraignments, hearings, and revocation;
- Participate in the development of operational standards and policies for 54BDCDC in conjunction with other participating agencies.

54B PROBATION DEPARTMENT agrees to:

- Provide staff to supervise 54BDCDC participants pursuant to orders of the Court;
- Provide staff to work in partnership with treatment providers to provide ongoing participant progress assessment and recommendations to the 54BDCDC judge;
- Provide a representative to the 54BDCDC team;
- Participate in the design and implementation of 54BDCDC process and outcome evaluation;
- Participate in the development of operational standards and policies for 54BDCDC in conjunction with other participating agencies

ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROVIDER agrees to:

- Provide alcohol and drug abuse counseling by qualified staff in partnership with probation staff to 54BDCDC participants;
- Provide and administer alcohol and drug testing for all 54BDCDC participants;
- Provide all necessary progress reports, testing results and other documentation required by the 54BDCDC;
- Provide qualified staff to be available at meetings and hearings as required by the 54BDCDC;
- To have staff available for all necessary communication to and from other components of the 54BDCDC.

III. Eligibility

ELIGIBILITY

The 54BDCDC eligibility criteria are as follows:

- Participant is not a violent offender under MCL 600.1060;
- Participant is not appropriate or eligible for Mental Health Court, Drug Court or Veterans Treatment Court;
- Participant either works or lives in Ingham County;
- Participant meets High Risk/High Needs criteria;
- Participant is severely addicted to opiates, stimulants or benzodiazepines;
- Participant is charged with a crime that is related to the abuse, illegal use, or possession of a controlled substance;
- Participant must understand the consequences of entering the drug treatment court and must agree to comply with all court orders and requirements of the court's program and treatment providers;
- Participant must not be an unwarranted or substantial risk to the safety of the public or any individual;
- Participant must complete a preadmission screening and evaluation assessment and must agree to cooperate with any future evaluation assessment as directed by the drug court;
- Participant has the ability to perform all Drug Court obligations, including testing, reporting, reviews, and treatment; and
- Receive prosecutor consent.

INELIGIBILITY

A potential participant is ineligible if he/she is:

1. A "Violent Offender" which means an individual who is currently charged with or has pled guilty to 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 in any degree. Or has one or more prior convictions for a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm. MCL 600.1060(g); and/or
2. The crime alleged is a traffic offense;
3. An unwarranted or substantial risk to the safety of the public or any individual; or
4. Determined by the 54BDCDC that objections to enrollment by current and/or past victims of the participant's crime(s) and/or community members of the participant's community of residence or Ingham County are legitimate grounds to deny eligibility.

ADMISSION

1. Final approval for admission into the 54BDCDC lies solely at discretion of the 54BDCDC presiding judge. While no individual has a right to be admitted into the 54BDCDC, no candidate

will be denied admission on the basis of gender, race, ethnic background, sexual orientation, cultural and/or religious beliefs.

2. An individual that is not accepted into the 54BDCDC will continue through the traditional criminal process in the original jurisdiction where the alleged crime occurred.
3. If admitted, the participant will be ordered to appear for sentencing. At sentencing, the presiding judge will officially place the participant into the 54BDCDC.

IV. Logistics of 54BDCDC

COURT SESSIONS

1. The 54BDCDC is held on the 1st and 3rd Tuesday of each month.
2. Prior to commencement of the formal court session, a treatment team session is held to address any necessary issues related to the participants coming before the court that session. Present for each treatment team meeting are the judge, probation officer, community treatment providers, prosecution and defense attorney representation, and such other staff as may be advisable from time to time.
3. In formal court sessions, each participant is called by the judge. The judge reviews both positive and negative developments since the last court date with the participant, treatment provider and the probation officer.

PROBATION OVERVIEW

1. Participants are ordered to a 24 month term of probation but may be placed on probation for the statutorily permitted time allowed. Participants are assigned a probation officer. As part of the probation order, there are standard probation conditions that the participant is required to follow. Those conditions are as follows:
 - a. The defendant shall not commit any criminal offenses.
 - b. The defendant shall not leave the state without prior permission.
 - c. The defendant shall report to the probation officer as directed by the court.
 - d. The defendant shall inform the probation officer of all changes of addresses and changes of employment.
 - e. The defendant shall pay court ordered fines, costs, fees, restitution, and restitution.
2. In addition to standard conditions of probation, participants must follow all terms and conditions of the 54BDCDC Waiver and Agreement (**attachment B**).
3. The Court may order specific terms and conditions for each participant in the probation order.

V. Transfer Process

The transfer procedure for Ingham County Courts is incorporated within this Memorandum (**attachment C**).

VI. VI. Amendment of the Memorandum of Understanding

The term of this Memorandum of Understanding is one year commencing on October 1, 2016. Thereafter, it will automatically renew for consecutive one year terms commencing on October 1, 2017, of each year until amended. Any party may terminate its participation in this MOU at any time by providing written notice to all other parties not less than thirty days prior to the effective date of such termination.

54B DISTRICT COURT

By: Andrea Larkin Date: 11/1/14
Andrea Andrews Larkin
54B District Court Chief Judge

54B DISTRICT COURT DRUG COURT

By: Andrea Larkin Date: 11/1/14
Andrea Andrews Larkin
54B District Court Drug Court Presiding Judge

30th CIRCUIT COURT

By: Janelle Lawless Date: 10-20-16
Janelle Lawless
30th Circuit Court Chief Judge

54A DISTRICT COURT

By: Louise Alderson Date: 11/1/14
Louise Alderson
54A District Court Chief Judge

55th DISTRICT COURT

By: Donald L. Allen Jr. Date: 11-3-16
Donald Allen
55th District Court Chief Judge

INGHAM COUNTY PROSECUTING ATTORNEY

By: Gretchen Whitmer Date: 10/24/16
Gretchen Whitmer
Ingham County Prosecuting Attorney

EAST LANSING CITY ATTORNEY

By: _____ Date: _____
Thomas Yeadon
City Attorney

LANSING CITY ATTORNEY

By: _____
Jim Smiertka
City Attorney

Date: _____

MASON CITY ATTORNEY

By: _____
Thomas Hitch
City Attorney

Date: _____

DELHI TOWNSHIP ATTORNEY

By: _____
Robert Robinson
Township Attorney

Date: _____

MERIDIAN TOWNSHIP ATTORNEY

By: _____
Cullen Harkness
Township Attorney

Date: _____

DEFENSE COUNSEL

By: _____
Frederick Bell
54BDCDC Defense Counsel

Date: _____

54B DISTRICT COURT PROBATION

By: _____
Kevin Tatroe
Chief Probation Officer

Date: _____

TREATMENT PROVIDER

By: _____
Sean Corbin
Director - Cognitive Consultants, Inc.

Date: _____

Attachment A

The 10 Key Components of Drug Treatment Courts as Promulgated by the National Association of Drug Court Professionals

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

54B District Court 101 Linden St. East Lansing, MI 48823 (517) 351-7000	54B District Court Drug Court (54BDCDC) Participation Waiver and Agreement	Case Number:
Name: DOB:		Charge(s):
Judge: Andrea Andrews Larkin		Prosecutor: Ingham County City Attorney: East Lansing (Circle One)
Defense Attorney:		Probation Officer:

I understand that when I enter a guilty plea to the above-stated charge(s), I will be sentenced to the 54B District Court Drug Court (54BDCDC). I understand that there will be additional conditions to my sentence. As a condition of my sentence to the 54BDCDC, I knowingly, voluntarily, and understandingly agree to the terms and conditions set forth in this agreement:

1. I understand that I am subject to a term of probation set by law or as determined by the sentencing judge.
2. I understand that my attorney no longer represents me for review hearings.
3. I understand that if my plea of guilt relates to an offense that requires an abstract, such as drinking and driving, an abstract shall be sent to the Secretary of State, and my driver's license may be suspended/revoked pursuant to Michigan Law. Because of my participation in 54BDCDC, I may be eligible for an Ignition Interlock-mandated restricted license as allowed by law.
4. I agree that I will complete diagnostic evaluations and participate in a treatment program and plan as ordered by the judge and pay all program fees as directed. I understand that 12-step support groups or similar recovery groups may be required. I understand that my treatment plan may be modified by the judge at any time and for any reason.
5. I understand that the judge, assigned probation officer, and all members of the Treatment Team will be informed of my involvement in counseling and its objectives, alcohol and/or drug testing results, and my overall progress in the program. I consent to a disclosure of my compliance with treatment recommendations and test results compiled by individuals involved in my treatment and counseling, and I waive all privileges and confidentiality. I will sign a release for treatment providers to speak with my sponsor and treating physician(s).

6. I agree to inform my treating physicians if I have a moderate or severe substance disorder, and I understand that I may not be able to take narcotic or addictive medications or drugs.
7. I agree that I will not use, possess or associate with persons who use or possess any controlled substance or illegal drugs. I agree that I will not use, possess, or consume any products that contain alcohol, including but not limited to mouthwash and non-prescription medications that contain any amount of alcohol. I agree that I will not use or possess any other drug without a prescription, and I will only use my prescription medications as prescribed and I will only use my prescriptions with probation officer approval.
8. I agree to be tested for the presence of alcohol and/or drugs as often as requested by the judge, probation officer, and/or treatment provider. Testing may be accomplished by a preliminary breath test, observed urinalysis, SCRAM monitoring, Soberlink monitoring, blood draw, hair follicle, saliva, or any other method selected by the probation officer. I understand that if I fail to participate in a test, it will be treated as a positive (dirty) test. I understand that late, positive, diluted, or adulterated test results and/or failure to participate in ordered testing will be treated as a positive (dirty) test and will result in sanctions for my conduct at the discretion of the judge.
9. I agree that I will attend all appointments scheduled through my probation officer and keep him or her and the Court aware of my current address, email address, and telephone number(s). I understand that I must report to my probation officer whenever the probation officer directs me to. I understand that I must report any police contact to my probation officer within 24 hours. I understand that my probation officer or any other court or police officer may make scheduled/unscheduled home visits. I understand that the Court may impose a curfew. I understand that I shall not be present in any bar, liquor establishment, tavern, or other facility that primarily sells alcohol, nor be in any establishment that sells alcohol after 9 p.m.
10. I understand that the Court may require me to obtain an Ignition-Interlock device if I drive a vehicle. I understand that the probation officer may order a specific Ignition-Interlock agency. I understand that the Ignition-Interlock must have camera capabilities. I understand that I am the only person permitted to submit a test with the Ignition-Interlock device.
11. I agree to appear in court on all scheduled court dates and remain in the courtroom until I am dismissed by the judge. I understand that if I do not appear, a bench warrant will be issued for my arrest. I agree to be on time to court and dressed appropriately for court and treatment sessions and remove my hat when entering the courtroom.
12. I understand that as a condition of participation in the 54BDCDC program, my person, property, place or residence, vehicle or personal effects may be searched at any time with or without a warrant, and with or without probable cause, when required by a probation officer or other law enforcement officer.
13. I understand that I may not be able to possess any weapons while in the 54BDCDC program.
14. I agree that I will not engage in any assaultive, abusive, threatening, or harassing behavior.
15. I knowingly waive my right to be present at the treatment team staff meetings, that the treatment team meeting is not operated as an open court, and that neither my attorney nor I will be permitted to attend.
16. I understand that my case will be discussed in open court, among the treatment team, and with my sponsor, regardless of whether my case is non-public. I understand that there may be references to the 54BDCDC and my participation in my court file(s) and/ or the electronic register of actions (ROA) and/or a transcript request. I understand that guests of the 54BDCDC may visit the

program and attend team meetings, and/or review hearings, during which they may be privy to confidential information regarding my 54BDCDC involvement.

17. I understand that any data collected through my participation may be used in future program evaluations by the 54BDCDC, State Court Administrative Office, or other individuals/agencies independent of the 54BDCDC.
18. I understand that my continued participation in the 54BDCDC is solely at the discretion of the judge. Violation of any provision may result in an increase treatment options and/or sanctions, extension of program participation, incarceration, and/or termination from the program.
19. I knowingly waive the requirement of filing of an Order to Show Cause or Bench Warrant before the Court may impose immediate sanctions.
20. I understand that immediate sanctions may be imposed at any time by the 54BDCDC judge without formal violation charge(s) and/or hearing. I understand that if I dispute the alleged violation that could result in jail, I have the right to a hearing by the Court to determine whether or not the alleged violation occurred. I understand that in order to ensure my appearance at the hearing, a bond may be ordered.
21. I understand that the 54BDCDC may amend these conditions and/or add new conditions of my probation, notice of which will be provided to me in writing. I understand that I must comply with the amended or added conditions.

I have carefully read all of the terms and conditions of this Agreement. I have done this in the presence of my attorney or I have waived the right to have an attorney present. I have had an opportunity to ask questions regarding this Agreement. **By signing this Agreement, I am indicating that I knowingly, voluntarily, and understandingly agree to all of the terms and conditions detailed in this Agreement and agree to abide by each of the conditions.**

Date: _____ Participant Print: _____

Participant Signature: _____

Date: _____ 54BDCDC Presiding Judge: _____
Hon. Andrea Andrews Larkin

Attachment C

Eligibility Determination and Plea:

- At pretrial of transferring court, prosecutor determines potential eligibility
 - Prosecutor contacts drug court (DC) for additional file information
- Transferring court (TC) sets plea date out four weeks
- TC contacts Drug Court's chief probation officer (CPO) or designee via email.
- TC orders a bond condition that defendant complies with 54BDCDC screening polices
 - CPO or designated probation officer (CPO) follows this process and advises prosecutor of compliance/noncompliance
- 54BDCDC, via CPO notifies TC if eligible
 - If not, TC keeps case (does not transfer)
 - If eligible, TC transfers via the Agreement and Order of Transfer (attached)
 - TC scans and emails copy of file, including transfer order, to designees of 54BDCDC.
 - 54BDCDC takes plea
 - File opened in 54BDCDC and proceeds as court of jurisdiction

Transfer Order

- TC prepares Agreement and Order of Transfer
- Forms created in Word are available upon request to CPO

Warrants

- Issued by 54BDCDC
- Arrested and lodged in 54BDCDC's designated jail

Violations/Disqualifications from Drug Court

- 54BDCDC retains jurisdiction (case was transferred)
- For Felony cases, 54BDCDC will follow MCR 6.425 (see attachment D).

Case Assignment/Transfer/Caseload/Payments

- Eligible files will TRANSFER in JIS (no SCAO assignment)
- TC closes file after case is transferred in JIS
- 54BDCDC counts case on caseload report, TC excludes from caseload (will occur naturally in JIS using "transfer" option)
- 54BDCDC collects all fines, costs, restitution, and oversight fees.

Attachment D
54B District Court Drug Court
FELONY TERMINATION

Termination – Felony

1. If a participant is terminated from the program while the case is still a felony, a sentencing date is scheduled by judicial staff in front of the drug court judge. The judicial staff contacts the original Circuit Court attorney of record.
2. At termination, a jail commitment will be completed by a probation clerk.
3. The probation clerk will e-mail a copy of the District Court PSI, police report, and DCCMIS notes to the Circuit Court’s probation clerk. MDOC assigns an agent to complete a PSI, which is to be submitted to the judge prior to sentencing. The district court file is then closed.
4. The MDOC agent is present at the sentencing with the court file and a blank Judgment of Sentence (JOS).
5. Judicial staff is to type up the JOS based on the judge’s order. A copy goes to the probation clerk at which time a letter is sent to the jail to let them know that they are no longer under the District Court’s jurisdiction. MDOC agent takes the original back to be filed in the Circuit Court clerk’s office with a copy in the probation file.
6. If the defendant is being sentenced to prison, MDOC requires three typed and sealed copies of the JOS along with the completed prison packet, which should be completed by the MDOC agent. All paperwork must be completed the day of sentencing to accompany the defendant to the county jail.

Felony Violations Post Termination

- If the defendant is placed on Circuit Court probation and there is a violation, MDOC completes the violation and contacts the judge’s office for a hearing date. Judicial staff will contact the original Circuit Court attorney of record with the hearing date.
- MDOC is responsible for making sure that the defendant is notified of the hearing and will be present (send notices and/or have them brought over from the jail).
- MDOC to follow steps 4-6 stated above under “Termination – Felony”