



KATHLEEN G. GALEN
DISTRICT JUDGE

MARK J. MAKOSKI
MAGISTRATE

STATE OF MICHIGAN
DISTRICT COURT
THIRTY-EIGHTH JUDICIAL DISTRICT
16101 NINE MILE ROAD
EASTPOINTE, MICHIGAN 48021
(586) 445-5020
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Local Administrative Order 2025 -

ORDER FOR THE ESTABLISHMENT OF A HYBRID DWI/DRUG 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 hybrid DWI/drug treatment court in the 38th District Court to service Eastpointe Michigan upon approval by the State Court Administrative Office (SCAO). 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 (see attachment A) as required by MCL 600.1060(c), and 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 B) as required by MCL 600.1084(2).

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 describes the role of each party and is attached (Attachment C).
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 will be admitted until a complete preadmission screening and substance abuse assessment are completed.
4. All participants will sign a voluntary written consent to participate in the program in conformance with MCL 600.1068(1)(d).

5. The court will maintain case files separate from legal files and those files will be kept in compliance with the Retention and Disposal Schedule General Schedule #13, the Michigan Trial Court Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of treatment court records.
6. The court has established, as part of its program requirements, procedures to ensure compliance with MCL 600.1072 and 600.1074.
7. Pursuant to MCL 600.1078, the court will provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the treatment court program.
8. The court will 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. In order to begin or continue operation of the hybrid DWI/drug treatment court, the 38th District Court will become certified by the State Court Administrative Office under MCL 600.1062 and MCL 600.1084.

Effective Date:

Date: 10-1-25 Chief Judge Signature:  P42727

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 nonadversarial 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

The 10 Guiding Principles of 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 biopsychosocial 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 biopsychosocial 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.

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.

ATTACHMENT C

Memorandum of Understanding

38th District Treatment Court Program

Memorandum of Understanding

38th District court

This is an understanding between Macomb County; the Eastpointe Police Department, hereafter referred to as Police Department, 38th District Court and the probation department; (Defense Attorney), referred to as defense attorney; (Treatment Provider), hereafter referred to as Treatment Coordinator/Evaluator and Kathleen G. Galen, Chief Judge/Treatment Court Judge.

1. 38th District Treatment Court,
 - a. Judge Kathleen G. Galen
2. Program coordinator, ~~Frank Valenti~~ *Shawn McElroy*
3. 38th District Court probation department
 - a. Probation officer, James Messina
4. Macomb County
5. Eastpointe Chief of Police
6. (Treatment Provider)
7. (Defense Attorney)

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to describe duties and allocate responsibilities for members of the 38th District Treatment Court Team. The MOU also establishes team member responsibilities and requirements for maintaining compliance with the federal law of confidentiality (42 CFR, part 2) and the Michigan Drug Court Statute (MCL 600.1060).

II. Terms/Definitions

- a. Participant: Any person referred to the 38th District Treatment Court, currently being screened as a candidate for 38th District Treatment Court (including those who are ultimately denied entry to the program), currently participating in 38th District Treatment Court, or someone who has been discharged from the 38th District Treatment Court program.
- b. Person authorized to give consent for a minor: A parent with parental rights intact, a legal guardian, or a person over the age of 18 with a current power of attorney.
- c. Policies and Procedures Manual: Policy and procedure manuals document policies and procedures designed to influence and determine all major decisions and actions, and all activities that take place within the boundaries set by them. Procedures are the specific methods employed to express policies in action in day-to-day operations of the organization.

d. Preadjudication: Prior to the participant entering a plea.

e. Redisclosure: The act of sharing or releasing health information that was received from another source (e.g., external facility or provider) and made part of a patient's health record or the organization's designated record set.

f. Stakeholders: A person, group or organization that has interest or concern in an organization.

g. Waiver: The "voluntary relinquishment of a known right." (Kelly v. Allegan Circuit Judge, 1969)

III. Goals and Mission of the 38th District Sobriety Court

a. The below parties agree to share the following vision for the 38th District Treatment Court.

i. Enhance the quality of life throughout Macomb County

ii. Provide leadership through innovative services

iii. Continuously improve services

iv. Achieve program goals through teamwork

v. Break the generational cycle of criminality and substance use

vi. Ensure "each component of the drug court is aware and in compliance with federal confidentiality law requirements"

b. We endorse the goals and mission of the 38th District Treatment Court program in order for participants to eliminate future criminal behavior and improve the quality of their lives. For these programs to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission, challenge, and vision of the 38th District Treatment Court.

c. We agree that the mission of the 38th District Treatment Court program shall be to successfully rehabilitate substance using individuals while maintaining public safety.

d. We agree to the following challenge of the 38th District Treatment Court program: Engaging substance using 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.

IV. Guiding Principles of the 38th District Treatment Court

a. There are ten principles under which the respective agencies work cooperatively:

i. Drug and alcohol addiction is a chronic relapsing disease that is treatable and substance use is reversible behavior; which, if unaddressed, may lead to continuing and increasing criminal behavior and other personal, family, and societal problems.

ii. Drug court programs offer an opportunity to direct those in crisis with addictions and substance use disorders to begin a rehabilitation process, which may ultimately lead to a reduction or elimination of addiction and use and permit the development of a productive lifestyle.

iii. Treatment intervention should occur early on upon entry to the criminal justice system to achieve maximum treatment outcomes.

iv. Thorough assessment and evaluation is a critical component of the drug court program.

v. Participants with drug and alcohol abuse issues cannot maximize their treatment potential without appropriate treatment intervention that includes their families.

vi. Participant accountability is foremost in the program, with written program agreements and court monitoring of behavior on a biweekly basis. Court monitoring will include incremental sanctioning for negative behaviors and positive rewards for improved behaviors.

vii. Drug court programs are established with written protocols, which are well-defined and documented through the Policies and Procedures Manual. The program manual will be updated annually to respond to the changes in the needs of the programs; participants; families; agencies, and community.

viii. Preadjudication participant entry into the drug court program shall be governed by written eligibility criteria as established by the drug court team.

ix. Information about participant progress, participant family progress, and the functioning of the drug court program shall be made available to all team members.

x. Effective evaluation of the drug court program shall be sought with appropriate responses being made relative to these evaluations.

V. Roles of the Parties of the 38th District Treatment Court

a. The roles of the parties are as follows:

1. Prosecuting attorney:

- i. Provide legal screening of eligible participants.
- ii. Attend staffing meetings and review hearings.
- iii. Represent the interests of the prosecutor and law enforcement.
- iv. Advocate for public safety.
- v. Advocate for victim interest.
- vi. Hold participants accountable for meeting their obligations.

- vii. May help resolve other pending legal cases that impact participants' legal status or eligibility.

2. Probation department:

- i. Attend staffing meetings and review hearings.
- ii. Provide probation oversight for all drug court participants.
- iii. Work with the drug court coordinator in supervising and monitoring the individuals in the program.
- iv. Prepare presentence reports as needed.
- v. Schedule probation violations or show cause hearings for participants who have violated the program rules and are subject to dismissal.

3. Drug court judge:

- i. Serve as the leader of the team.
- ii. Attend staffing meetings.
- iii. Engage the community.
- iv. Communicate with the participants in a positive manner and make final decisions regarding incentives and sanctions and program continuation.
- v. Provide program oversight and ensure communication and partnership with treatment.
- vi. Shall consider whether to terminate a participant's participation in the drug treatment program if that participant is accused of a new crime. If a participant is convicted of a felony for an offense that occurred after being admitted to drug treatment court, the judge must terminate the participant's participation in the program.

4. Defense counsel representative:

- i. Attend staffing meetings and review hearings.
- ii. Ensure that defendants' procedural and due process rights are followed.
- iii. Ensure that the participant is treated fairly and that the drug treatment court team follows its own rules.
- iv. Provide feedback, suggestions, and ideas on the operation of the drug court.

5. Treatment Court coordinator:

- i. Attend staffing meetings.
- ii. Arrange for additional screenings of persons aside from the prosecutor's legal screening.
- iii. Answer inquiries from defense attorneys on possible eligibility.
- iv. Enter data into DCCMIS system.
- v. Liaison with treatment providers and drug testing contractor, district court intensive supervised probation, and residential treatment facilities.

6. Treatment provider:

- i. Attend staffing meetings and review hearings.
- ii. Report on progress of participants.
- iii. Manage delivery of treatment services.
- iv. Administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes.
- v. Provide clinical case management.
- vi. Offer insights and suggestions on the treatment plans of individuals in the program.

7. Law enforcement agency:

- i. Provide officers to assist with home checks for participants
- ii. Attend staffing meetings and review hearings.
- iii. Advocate for public safety.
- iv. Advocate for victim interest.
- v. Provide feedback, suggestions, and ideas on the operation of the drug court.

VI. Deferrals, Delays, and Deviation from Sentencing Guidelines

a. Under MCL 600.1068(2), the prosecutor must approve an individual's admission into the 38th District Treatment Court if the individual will be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

VII. Program Fee

a. The program charges a fee of \$500 to each in jurisdiction participant to be paid in equal monthly installments. In accordance with MCL 600.1070 the clerk of the drug treatment court shall transmit the fees collected to the treasurer of the local funding unit at the end of each month. The fee must be reasonable and calculated based on costs reasonably related to administering the program that are not covered by other funding such as insurance, block grants, PA 511, or another agency.

VIII. Confidentiality

a. A drug treatment court's performance of, or request for, an assessment of chemical dependency of a drug court participant, or a referral to treatment, places the drug court within the parameters of 42 CFR, Part 2. Additionally, treatment agencies partnering with the 39th District Sobriety Court must comply with the Health Insurance Portability and Accountability Act (HIPAA) that protects confidentiality and the security of protected health information, therefore, all parties agree to abide by the following:

i. Confidential treatment court information and records, including information obtained as a result of participating in a preadmission screening and evaluation assessment, is confidential and is exempt from disclosure under the Freedom of Information Act (FOIA), and may not be used to initiate or to substantiate any criminal charges against a participant or to conduct any investigation of a participant, unless it reveals criminal acts other than, or inconsistent with, personal drug use. (42 CFR, Part 2)

ii. State law may neither authorize nor compel any disclosure prohibited by the federal regulations, but where state law prohibits disclosure that would be permissible under the federal regulations, the stricter standard applies.

iii. Treatment courts may receive or release information or records of participants only with the specific knowing, voluntary, and written consent of the participant, or under certain very limited exceptions, per 42 CFR, Sections 2.22 and 2.31(a).

iv. All participants must be advised, orally and in writing, that federal law protects the confidentiality of treatment records. The notice must cite Section 290dd-2 and the implementing regulations (Sections 2.1 through 24 of Title 42 of the Code of Federal Regulations), and must state the following:

1. Treatment information is ordinarily kept confidential.

2. It is a crime to violate this confidentiality requirement, which the participant may report to appropriate authorities, Michigan Attorney General's office, 517-373-1110.

3. Notwithstanding this confidentiality requirement, covered information may be released under specified circumstances, and may include medical emergency, crimes on the premises, crimes against staff, administration/qualified service providers working with drug court, and outside auditors, central registries and researchers.

4. Federal law does not protect information relating to the abuse or neglect of a child, state child abuse laws, court orders signed pursuant to 42 CFR part 2 for release of specific information, state laws relating to cause of death and duty to protect others, and to warn of serious imminent harm.

v. Any documented treatment information distributed on the basis of the treatment participant's consent must be accompanied by a Notice of Prohibition against Redisclosure. The prohibition on redisclosure only applies to information that would identify, directly or indirectly, an individual as having been diagnosed, treated, or referred for treatment for a substance use disorder, such as indicated through standard medical codes, descriptive language, or both, and allows other health-related information shared by the part 2 program to be redisclosed, if permissible under other applicable laws. (42 CFR, Section 2.32)

vi. Confidential records must be kept in a secure room and locked container. Access to confidential records must be limited to authorized individuals. (42 CFR, Section 2.16)

1. Drug treatment court team members shall be familiar with relevant federal and state laws and regulations in order to develop or modify appropriate policies and procedures regarding confidentiality.

2. All file storage systems shall include procedures for limiting access to records after the participant's consent expires or is revoked. Thus, paper records that can be accessed by all drug court personnel during the duration of the participant's consent are transferred to a more restricted storage facility as soon as the consent is terminated. Records on computers are sealed by changing the password or other access.

3. All team members shall abide by the attached [name of drug treatment court] procedures and/or policies regarding confidentiality, which regulate and control access to and use of written and electronic confidential records. Written procedures include requests for access to confidential information by the public, attorneys, or any interested party outside the treatment court team, and formal policies and procedures addressing security, including sanitization of associated media, for both paper and electronic records. (42 CFR section 2.16)

4. Electronic data that is subject to confidentiality standards shall be protected by security walls and password-protected. Access shall be limited; and disclosure/redisclosure is subject to approval by the treatment court judge and team.

5. The drug treatment court team shall decide if precourt staffing meetings will be closed to participants and the public and describe its policy in the participant agreement. If the staffing is open to visitors the participant must be provided the name of the visitor(s) and must consent in writing to having his or her confidential information released to the visitor. All visitors shall be required to sign an agreement that they adhere to the confidentiality provisions of the law (and particularly as to the rule against redisclosure) and the other requirements of the 38th District Treatment Court MOU.

6. The parties, including each party's employees and other agents, shall maintain the confidentiality of all records generated during the term of this MOU in accordance with all applicable state and federal laws and regulations, including, but not limited to, 42 CFR Part 2.

IX. Term of Agreement

This agreement is effective for one year upon the date of the final signature and shall renew automatically for subsequent one-year terms unless otherwise modified. Any signatory to this agreement may terminate participation upon thirty days' notice to all other signatories.

X. Agency Representatives

This MOU will be administered by the 38th District Treatment Court local team, which consists of the following stakeholder agency representation: the Macomb County Prosecutor, the Eastpointe Police Department, 38th District Court and the probation department; (Defense Attorney), defense attorney; (Treatment Provider), and Kathleen G. Galen, Chief Judge/Treatment Court Judge.

XI. Modification of Agreement

Modification of this agreement shall be made by formal consent of all parties, pursuant to the issuance of a written amendment, signed and dated by the parties, prior to any changes.

XII. Other Interagency Agreements

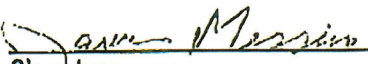
This agreement does not preclude or preempt each of the agencies individually entering into an agreement with one or more parties to this agreement, nor does it supplant any existing agreement between such parties.

XIII. Signatures of Parties to this Agreement

The parties have entered into this agreement as evidenced by their signatures below. A certified copy of the agreement shall be provided to each signatory to the agreement. The original agreement shall be filed with the clerk of 38th Judicial District Court.

 10/24/24
Honorable Kathleen G. Galen, Chief Judge, 38th District Court

 10/23/2024
Signature Date
Mark Makoski, Court Administrator, 38th District Court

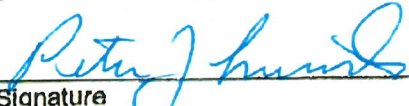
 10-20-24
Signature Date
James Messina, Probation Department, 38th District Court

 10-24-2024
Signature Date
Frank Valenti, Treatment Court Coordinator

 10/22/24
Signature Date
(Police Chief), Eastpointe Chief of Police

Signature Date
(Treatment Provider), Provider of counseling and treatment services

 11/12/24
Signature Date
(Defense Attorney), defense attorney,

 1-29-25
Signature Date
Macomb County Prosecutor

 1/23/2025
Signature Date
Macomb County
Andrew McKinnon
Deputy County Executive

Attachments

Attachment 1: 38th District Treatment Court procedures and/or policies regarding confidentiality

Attachment 2: Policy and Procedure Manual

Attachment 3: 38th District Treatment Court consent to release information (form)

Attachment 4: 38th District Treatment Court visitor confidentiality agreement.

Attachment 1

I. 38th DISTRICT TREATMENT COURT

Policies and Procedures Regarding Access to and Use of Written and Electronic Confidential Records

I. Access and Use of Written and Electronic Confidential Records within the Drug Court Team

- a. Except as otherwise permitted in the Michigan Drug Court Statute, any statement or other information obtained as a result of participating in a preadmission screening and evaluation assessment is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15:231 to 15:246, and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.
- b. Confidential treatment court information and records may not be used to initiate or to substantiate any criminal charges against a participant or to conduct any investigation of a participant.
- c. Records of participants may only be released to parties listed on a signed up-to-date release of information form. Records may only be released if the requested record is listed as information that may be shared.
- d. Any documented treatment information disclosed under a signed consent to release information, shall be accompanied by the 38th DISTRICT TREATMENT COURT Notice of Prohibition against Redisclosure.
- e. 38th DISTRICT TREATMENT COURT written/paper program files shall be kept in a locked filing cabinet in the Treatment Court Probation Office, with access limited to authorized individuals.
- f. Precourt staffing meeting reports shall be returned to the 38th DISTRICT TREATMENT COURT program coordinator upon conclusion of the meeting.
- g. All users of the DCCMIS shall sign a DCCMIS user agreement prior to being assigned a username and password.
- h. Electronic data that is subject to confidentiality standards is protected by security walls and is password-protected. Access is limited, and disclosure/redisclosure is subject to approval by the treatment court judge and team.
- i. Upon expiration of consent for release of information, written/paper program files shall be moved to the 38th District Probation archives and shall be kept in a locked filing cabinet.
- j. Upon expiration of consent for release of information confidential records on computers are protected by changing the password or other access.

II. Access and Use of Written and Electronic Confidential Records Outside of the Drug Court Team

- a. Generally, unless access to a file is restricted by statute, court rule or an order pursuant to MCR 8.119(I), any person may inspect pleadings and other papers in a court clerk's office and may obtain copies as provided in MCR 8.119(J).

- b. Responses to all requests for access to nonpublic and limited-access records shall be made per the following resources:
 - i. Michigan Trial Court Case File Management Standards - Component 19, Providing Public Access to Records
 - ii. Chart of Nonpublic and Limited-Access Court Records
 - iii. Michigan Supreme Court Administrative Order 2006-2 - Privacy Policy and Access to Records
 - iv. SCAO Administrative Memorandum 2006-04 - Privacy Policy and Access to Records
- c. Staffing meetings may be observed by staff from other courts for the purpose of planning their own drug court program, and by SCAO staff. All observers of the meeting shall sign a confidentiality agreement prior to the start of the meeting, and all participants discussed at the meeting must sign a 38th DISTRICT TREATMENT COURT consent to release information, with the observing parties listed, prior to the staffing meeting.

III. Email communications

- a. Encryption of Emails Containing Sensitive Data
 - i. Emails containing participants' names must be encrypted before being sent.
 - ii. If encryption is not available, use of the participant first and last initial will be acceptable.

Attachment 2

38th DISTRICT TREATMENT
COURT
Policy and Procedure Manual



HONORABLE KATHLEEN G. GALEN

Program Overview

Drug Courts represent a non-traditional approach to prosecution of offenders who are suffering from addiction to drugs and/or alcohol. Instead of focusing on punitive measures to address the crimes committed, drug courts attempt to resolve the underlying issues that have brought the individual into the legal system. This will assist the participant in becoming a law-abiding citizen and a productive member of society.

The 38th District Drug Court is a program aimed to equip individuals with the tools to make life changes including abstinence, growth, and development in all areas. Drug Court is different than being sentenced to a term of Probation. This program is for those individuals who are ready to be actively involved in making life changes, which will sustain abstinence and foster their growth and development in all areas. Drug Courts are built upon a collaborative partnership between the criminal justice system and the treatment community. This partnership results in a program that provides structure, support, intervention and supervision with the goal of breaking the cycle of drug/alcohol abuse and criminal behavior. Our program has developed tracks with services that are modified to meet the risk and need levels of its participants. Program participants will undergo intensive treatment and counseling, attendance of community support groups, medication-assisted treatment when needed, sanctions, incentives, random drug and alcohol testing, relapse prevention, frequent court appearances and peer recovery coaching. This program is a minimum of 15 months and may last a maximum of 24 months, which includes five phases. Participants must complete the requirements and goals in each phase in order to progress toward successful graduation.

38th District Drug Court Team

The 38th District Drug Court team is a partnership between the criminal justice system and treatment stakeholders. The team consists of dedicated professionals who share the goal of supporting and rehabilitating those individuals whose lives have been adversely affected by substance abuse. Each team member understands the consensus building process and supports a non-adversarial group discussion. The team understands the importance of keeping communication between and amongst members confidential. The Drug Court Team consists of one District Court Judge, one Probation Officer, a defense attorney, therapists, a member of the Prosecutor's Office, and peer recovery coaches. Together, the team jointly makes decisions regarding the Court's response to the participant's progress.

Court Team Member Roles and Responsibilities:

Treatment Court Judge:

- Responsible focal point for operations; including overseeing and assigning each client's treatment and after-care plan, imposing sanctions and giving incentives.
- Makes the final decision based upon collaborative team input.
- Responsible for providing leadership to the program.
- Attends all team pre-meetings.
- Will work to develop a mentoring relationship with the offender, to promote success and compliance.

Defense Counsel:

- The defense attorney will assist in the early identification of defendants who will be suitable for the program.
- Advocate for participants' access to and continued participation.
- Attend all staffing and judicial supervision/status hearings and provide ongoing legal representation and advocacy in the judicial supervision process.
- Provide input regarding incentives and sanctions.
- If termination is being sought, the attorney may apprise the participant of his/her rights and may provide legal defense/representation in the proceedings.
- Help educate the defense bar and community regarding the efficacy of the problem-solving court model.

Treatment:

- Provides immediate treatment orientation.
- Facilitate the ongoing assessment of each participant, providing biopsychosocial assessments.
- Works with each participant to develop an individual treatment plan.
- Provides an array of treatment options to meet the individual needs of each participant.
- Provides treatment plans and treatment updates to the Probation Officer.
- Refers for additional services, if needed.
- Attends all staffing and judicial supervision/status hearings.
- Provides input regarding incentives and sanctions.
- Reports on participants' progress including non-compliance issues as they occur via verbal presentation.

Prosecuting Attorney:

- Work to identify appropriate candidates for the program, by considering a referral to the Drug Court as part of a plea bargain as early in the case as possible.
- Make determinations for termination and new charges that balances community needs and therapeutic outcomes.
- Attend pre-meetings and operate in a non-adversarial manner, promoting a sense of a unified team presence.
- Share the common goal of helping participants successfully comply with treatment.
- Assist in legal screening of new participants in accordance with State and Federal Law.
- Assist in recommending sanctions and incentives that are evidence based.

Probation Officer:

- Completes eligibility screening to determine initial program eligibility;
- Assists with orientation of new participants;
- Provides intensive supervision/monitoring and case management services and an ongoing positive motivational force for behavioral change;
- Assigns a drug testing facility;
- Monitors court ordered conditions;
- Attends all staffing and judicial supervision/status hearings;
- Serves on the Advisory Committee;
- Organizes and presents progress/adjustment information at staffing and during judicial review hearings and makes recommendations for incentives and sanctions;
- Notifies the court of any violation and accomplishments;
- Attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in drug courts.

Treatment Court Coordinator:

- Ensures the program is in compliance with agreed upon policies and procedures;
- Responsible for administrative and operational oversight
- Monitors and provides input/feedback regarding fidelity to Adult Drug Court Best Practices Standards;
- Provides notification regarding the pre-admission staffing process;
- Maintains statistical summary and outcome information;
- Monitors activities of participating agencies;
- Monitors the meeting of program goals and objectives;
- Provides monitoring and contractual service quality assurance;
- Assists with community outreach and education;
- Attends staffing and provides input regarding incentives and sanctions;
- Writes grants and provides ongoing grant reporting
- Attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in drug courts.

Peer Recovery Coaches (CARE)

- They enrich participants and their family members and provide recovery support to participants.
- Assist in helping the participants attend meetings and find a sponsor.
- Attend pre-meetings and provide vital community resources and personal knowledge regarding substance use to aid in sanctions and incentives.
- Assist in finding housing, treatment, meetings, and education-training.

Law enforcement agency:

- Provide officers to assist with home checks for participants
- Attend staffing meetings and review hearings.
- Advocate for public safety.
- Advocate for victim interest.
- Provide feedback, suggestions, and ideas on the operation of the drug court.

Mission Statement

The mission of the program is to reduce drug/alcohol-related crime and improve the quality of life for all residents by providing a balance of treatment, sanctions, incentives and services to substance abusing offenders in a judicially supervised program.

The Program strives to accomplish this mission by:

- Protecting the public through increasing public safety, reducing crime/recidivism, and making victims/survivors whole,
- Improving communication among all stakeholders, which will in turn increase effectiveness between agencies; and
- Improving the quality of life of the participants in leading clean, sober, independent and productive lives.

The tools used to provide this assistance include strengths-based treatment planning and case management, substance abuse treatment, rigorous court supervision, evidence-based incentives and sanctions, as well as the collaboration of inter-disciplinary team members.

Goals and Objectives of our Treatment Court

The 38th District Treatment Court Program has the following goals and objectives pertaining to positive outcomes for legal system contact and recidivism:

Goal: Alleviate jail overcrowding

Thereby, reducing incarceration costs to the community. Instead of serving jail time, they are placed into this intensive program. This saves the tax payers/community by rehabilitating the high risk/high need individuals and frees up jail beds.

Goal: Reduce recidivism among participants

Participants undergo intensive treatment aimed at addressing the underlying issues that have brought them into the criminal justice system. The treatment focuses at co-occurring disorders; therefore, it targets both substance abuse behavioral patterns and underlying psychological issues that typically co-occur in persons with substance abuse problems. The tools they gain through this program assist them in long-term recovery, which in turn reduces the likelihood of returning to criminal behaviors.

Goal: Reduce drug and alcohol related crimes in the jurisdiction

Intensive treatment, including individual therapy, group therapy, relapse prevention, job skills training, and other ancillary services will provide participants with the tools they need to become productive, law-abiding members of society. They are required to be employed while in the program, which helps connect them with the community by becoming productive members of society.

Goal: Continue abstinence, increase self-esteem, and improve symptoms of co-occurring disorders:

Participants will not only abstain from substance use, but they will gain understanding of underlying issues and co-occurring disorders that are connected to their addict behaviors and strong desire to use drugs/alcohol to self-medicate. Using evidenced based screenings and treatment protocols for both substance abuse severity and mental health disorders, treatment providers will create a treatment plan that encompasses all the needs of the client.

Eliminate drug and alcohol use

We are a post-conviction treatment program whose target population is individuals with a criminal history directly related to substance abuse/addiction. Most of our participants have previously been enrolled in substance abuse outpatient treatment but have been unable to remain clean for any sustainable amount of time. They continue to commit crimes to support their addiction. This target population is dependent upon drugs and/or alcohol and it is the goal of this program to achieve a new result of recovery through effective collaboration and partnerships with the criminal justice and health care treatment systems.

RESPONSIBILITY AND ACCOUNTABILITY

Responsibility and accountability are two of the most important components of Drug Court. You are responsible to obey all the rules of the Drug Court. It is mandatory to keep all appointments and to appear in court on time. There will be no unexcused absences from any appointments. Unexcused absences will result in a sanction. Excused absences must be accompanied by proper, approved documentation such as a Doctor's note or emergency room paperwork.

HONESTY

Honesty is a major part of recovery. Anyone being dishonest about any matter will be sanctioned. It is vital that you immediately report any use of alcohol and/or drugs, (including prescription and over-the-counter medications) to your Probation Officer. Waiting to report a relapse after you have submitted a positive test does not constitute honesty. Dishonesty may result in expulsion from the 38th District Treatment Court.

Entry and Assessment

Target Population:

The target population are individuals who are 18+ years of age. Charges must be of or related to substance use (MCL 600.1068). Must plead guilty to charges. The individual must be assessed to have moderate-to-severe substance use disorder. Individuals who do not have a substance use disorder are not eligible to participate in a treatment court (MCL 600.1066). Must not have a severe and persistent mental or physical illness or impairment that cannot be managed by the resources available to the treatment court.

Eligibility Criteria:

The decision-making process for admitting someone is as follows: 1) Legal screening is done by the prosecutor or his designee. Intake screening and Clinical assessment is conducted by master's level therapist; 3) completion of necessary paperwork; 4) presentation by the team (primarily treatment coordinator) to the judge at pre-court meeting. At this time, each team member presents his/her argument for admission/exclusion. The ultimate decision for admission rests with the Judge who makes the final decision at the meeting after hearing all team member input.

We developed eligibility criteria based on Guiding Principle One: the target population possesses significant criminal and substance dependency history and strives to alter those behaviors that present a clear danger to our community. Certain categories of individuals are immediately excluded as detailed below:

Must not be a violent offender. Must not have prior convictions or current charges involving the death of, or serious bodily injury to, any individual, or an offense that is criminal sexual conduct of any degree (MCL 600.1064).

- A violent offender which is defined as:

- Anyone currently charged with, has pled guilty, currently alleged to have committed or had admitted responsibility for, an offense involving the death of, or serious bodily injury to any individual, or the carrying, possession, 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 criminal sexual conduct of any degree.

- Anyone with one or more prior convictions for a felony involving the use or attempted use or force against another individual with the intent to cause death or serious bodily harm.

Must not have prior convictions or current charges that indicate the delivering, manufacturing, or distribution of controlled substances in a manner inconsistent with supporting personal substance use.

Must not have pending charges/obligations in other jurisdictions that will interfere with treatment court participation.

May be denied admission if prior convictions or current charges include felonies involving firearms.

Disqualification/Termination Criteria

Completing this program will provide offenders with tools, life skills and knowledge with continued support that will lead the participant to be a proactive, flourishing member of society. If for reasons listed below, the Treatment Court Team cannot accept a participant, we will redirect participants to another form of treatment. Participation in the 38th District Treatment Court program is an opportunity for an offender to overcome his/her dependence upon drugs and/or alcohol. Successfully completing this program will provide offenders with tools and knowledge that will assist in leading a healthy, drug/alcohol free life. It will also assist in avoiding future criminal activity.

You may be disqualified from program entry, or continuation or completion of the program, if it is in the interest of the community and/or credibility of the program to do so. It is difficult to identify all circumstances that may lead to program disqualification, but examples include:

- Committing a violent crime;
- The Treatment Court being made aware of behavior that is violent or threatening to the safety of others as defined by MCL 600.1060;
- Individuals suffering from mental illness that is so severe that it will prevent full participation in the program requirements;
- Lack of willingness to comply with program requirements after repeated attempts to get the participant to engage;
- Continued dishonesty;
- Forging documents such as attendance at community support groups; community service, etc.
- Lacks engagement in services that are suggested or referred to, refuses to attend self-help support groups in the community;
- Continuous interruptions in court sessions; disrespect to the Court and/or the team members.

ACCEPTANCE INTO THE TREATMENT COURT PROGRAM

An offender may be referred to the program through his/her defense attorney, probation officer, judge, prosecutor or self. Once entry is requested, an initial assessment will be performed by the Probation Officer. If initially eligible, a referral to the treatment provider will be given for a complete biopsychosocial assessment. If the offender is determined ineligible for the program, the case will be returned to the referring Judge for a non-Drug Court disposition. If accepted, the participant will be required to sign all necessary paperwork, including the Participation Agreement, which outlines the expectations for the program. We accept a broad, diverse spectrum of offenders who identify as high risk/high need and are drug and/or alcohol dependent.

PHASES, and GRADUATION CRITERIA

All Treatment Court participants are offered a comprehensive and integrated program of drug treatment and rehabilitation services, to be supervised by the Treatment Court Judge. The program requires a minimum of 15 months before program completion/graduation. Each phase has a minimum consecutive period of clean time. Forced clean time, i.e., jail, in-patient, etc. will not be counted in the minimum period. A person can also serve more time in each phase, if he or she does not comply with program requirements. If the participant shows he/she is no longer benefiting from the program, the Treatment Court team will discuss alternatives with the participant.

ORIENTATION

During Orientation, participants meet with the Probation Officer for an orientation session. The

Probation Officer and participant review reporting procedures, their Individual Treatment Plan; employment and/or education goals; drug testing procedures; travel arrangements; travel restrictions, and telephone communication with the Team.

PHASE I

Phase I: In Phase I, the Individual Treatment Plan (ITP) created during Orientation is implemented over a period of a minimum of 56 days with 14 consecutive days of clean time. The treatment modality for each participant is continued or assigned depending upon the needs of the individual. The general requirements in Phase I are:

- 1) Random urinalysis drug testing 2-4 times a week as assigned by probation; may use alternative testing device if given permission by Probation Officer
- 2) Treatment consistent with need identified in assessment; individual and/or group therapy, IOP, detox, substance abuse classes, residential, etc. Required a minimum of one time per week.
- 3) Treatment Court appearances every other week.
- 4) Job search, school or vocational program; if unemployed and not in school, must complete full-time weekly community service.
- 5) Fees, Fines and Costs Ordered: You must pay fines and costs as ordered by making monthly minimum payments.
- 6) Must have daily contact with the Probation Officer; must have an in-person meeting on the week prior to court appearances.
- 7) Additional services as determined by the Treatment Court Team (i.e., employment counseling/search, medical, psychiatric, and/or psychological evaluations).

PHASE II

Phase II Length: Minimum 84 days with 30 days consecutive clean time. Phase II requires, at a minimum, continuation of the participant's treatment modality and:

- 1) Random urinalysis drug testing 2-4 times a week as assigned by the probation officer.
- 2) Treatment is required a minimum of one time per week; Continued ITP review and modifications (if necessary)
- 3) Treatment Court appearances every other week.
- 4) Job search, school or vocational program: Maintain full-time employment and/or progress toward an educational goal, or perform community service and provide the Probation Officer with all appropriate information necessary.

5) Attendance at a self-help group a minimum of 3 meetings per week; and identify a sponsor or mentor (if not already identified).

6) Fees, Fines and Cost; Continue to make routine payments towards fines and costs—minimum quarterly payments.

7) Must have daily contact with the Probation Officer; Must have an in-person meeting on the week prior to court appearances.

8) Additional services as determined by the Treatment Court Team (i.e., employment counseling/search, medical, psychiatric, and/or psychological evaluations).

PHASE III

Phase III Length: Minimum 112 days with 45 days consecutive clean time. Phase III addresses ongoing recovery needs, including maintaining total abstinence from all prohibited substances. The focus is on daily living skills. This phase is designed to support the participant in his/her return to the community as a productive and responsible member. Phase III requirements include, at a minimum, continuation of the participant's treatment modality and:

1) Random urinalysis drug Testing 2-4 times as assigned by Probation Officer.

2) Participation in a Relapse Prevention/critical thinking program.

3) Treatment as recommended by treatment provider.

4) Treatment Court appearances every other week.

5) Job search, school or vocational program; Maintain full-time employment and/or progress toward an educational goal, or perform community service.

6) Attendance at a self-help group a minimum of 3 meetings per week. Must provide contact information of permanent sponsor to Probation Officer.

7) Fees, Fines and Cost: On time payments as established in payment plan.

8) Must have daily contact with the Probation Officer; Must have an in-person meeting on the week prior to court appearances.

9) Additional services as determined by the Sobriety Court Team (i.e., employment counseling/search, medical, psychiatric, and/or psychological evaluations).

PHASE IV

Phase IV Length: Minimum 112 days with 60 days consecutive clean time.

- 1) Random urinalysis drug Testing 2-4 times per week as assigned by your Probation Officer.
- 2) Treatment as recommended by treatment provider.
- 3) One court appearance every four weeks.
- 4) Maintain full-time employment or full-time student; if not able to obtain full-time employment or full-time student status, must perform weekly community service.
- 5) Attendance at a self-help group a minimum of 3 meetings per week. Must maintain the permanent sponsor.
- 6) Fees, Fines and Cost: On time payments as established in payment plan.
- 7) Weekly contact with Probation Officer; in-person contact on the week prior to court.
- 8) Additional services as determined by the Treatment Court Team (i.e., employment counseling/search, medical, psychiatric, and/or psychological evaluations).

PHASE V

Phase V Length: Minimum 84 days with 84 days consecutive clean time.

- 1) Random urinalysis drug Testing 2-4 times per week as assigned by your Probation Officer.
- 2) Treatment as recommended by treatment provider.
- 3) One court appearance every four weeks.
- 4) Maintain full-time employment or full-time student; if not able to obtain full-time employment or full-time student status, must perform weekly community service.
- 5) Attendance at a self-help group a minimum of 2 meetings per week. Must maintain the permanent sponsor.
- 6) Fines and cost paid in full.
- 7) Weekly contact with Probation Officer; in-person contact on the week prior to court.
- 8) Additional services as determined by the Treatment Court Team (i.e., employment counseling/search, medical, psychiatric, and/or psychological evaluations).
- 9) Report to the Treatment Court judge on progress/accomplishment as directed.
- 10) Exhibit invested interest and strengthened ties to individuals (family, etc.) and community.
- 11) Preparation of Personal application for program completion/graduation.

12) Documented attendance at required self-help meeting working the steps with a permanent sponsor;

13) Proof of attendance at all other events as required by the Treatment Court Judge.

GRADUATION

The treatment court team aims to provide the resources necessary for participants to successfully complete the 38th District Treatment Court program. Graduation from the treatment court is a major accomplishment and shall be celebrated in ceremony with the treatment court team and participants during graduation ceremonies. Graduation ceremonies may take place individually or collectively for a group of participants graduating near the same time. Family and recovery support are welcomed at graduation ceremonies.

The Problem-Solving Courts staff shall conduct an exit interview with all graduates to gather feedback on the program and conduct follow-up contact after discharge for at least one (1) year to check on progress, provide encouragement, and provide any referrals necessary.

Graduates will be encouraged to maintain regular contact with their Peer Coaches after graduation.

To graduate successfully, participants must meet the following criteria:

- Complete all phases of the program.
- Pay all court fines and costs. The court may waive some or all these fines if payment would be a substantial hardship for the participant or would interfere with their rehabilitation (MCL 600.1074(3)).
- Complete a Recovery Maintenance Plan and Exit Interview.
- Have a stable, sober housing environment.
- Have a minimum of 90 consecutive days of sobriety.
- Have a minimum of 90 days without sanctions.
- Have employment, schooling, or involvement in other approved Activities.

After Probation Following Graduation

1. At the discretion of the Drug Court Team, you will be placed on regular reporting. Probation following your completion of the Drug Court Program. At that time, it will be your responsibility to pay for drug/alcohol testing, Probation oversight, and any additional costs associated with Probation.
2. Begin attending mutual self-help groups. Obtain a home group. {provide contacts, phone number, etc.} and maintain sponsorship.
3. Meet Monthly with Probation
4. Drug/Alcohol Testing at Probationer's Expense
5. Continue with Treatment as ordered

TERMINATION

The 38th District Treatment Court shall make every effort to retain participants in the program; however, some circumstances may warrant unsuccessful termination.

Reasons for termination include gross non-compliance, absconding for longer than 30 days, committing new crimes, inability to be safely managed in the community, or other grounds seen fit by the treatment court team. Conviction of a felony offense which occurred after admission to the treatment court shall result in automatic termination, pursuant to MCL 600.1074(2). Many factors shall be taken into consideration prior to termination, including amount of time spent in the program, number of previous violations, severity of violations, treatment history and progress, evidence demonstrating that the participant is not likely to obtain continued benefits from the program, and whether continued participation would have a negative impact on other participants.

Any team member may make an oral motion to terminate a participant. If the team determines termination is the appropriate course of action, the participant shall be notified and advised of their right to a hearing to contest the alleged violations forming the grounds for termination.

A participant may be terminated immediately without notice or hearing if the motion for termination is based on a participant absconding for longer than 30 days, the inability to physically participate in the treatment court due to incarceration in another jurisdiction, or conviction of a felony offense occurring after admission to the treatment court.

If the participant waives the right to be heard, or if the judge rules in favor of termination after a hearing, the court shall enter an Order of Discharge into the court file stating the date of discharge, whether successful or unsuccessful, and the reason for discharge if unsuccessful. The case will be restored to a public file, any plea offers made contingent upon successful completion of the program will be revoked, and any jail/prison sentence that was suspended, delayed, or deferred may be imposed.

The legal consequences of termination shall be comparable to those sustained in a probation revocation unless it is determined that the participant attempted to the best of their ability to complete the program, but adequate treatment was not available to meet their clinical needs. In such cases, the participant should not face punitive sanctions for trying but failing to respond to treatment.

INCENTIVES, SANCTIONS, AND THERAPEUTIC ADJUSTMENTS

Incentives, sanctions, and therapeutic adjustments shall be administered to facilitate behavior modification and ensure the clinical needs of participants are met. Responses to participant behavior shall be predictable, fair, consistent, and administered in accordance with best practices. The 38th District Treatment Court team will determine what incentives and sanctions are warranted during each team meeting, with the judge being the final decision-maker when a consensus cannot be reached.

Therapeutic adjustments are administered at the recommendation of the treatment provider. The incentives, sanctions, and therapeutic adjustments will then be imposed by the judge during the following review hearing. Participants are given the opportunity to be heard when incentives, sanctions, and therapeutic adjustments are imposed.

Participants are provided information on incentives, sanctions, and therapeutic adjustments in the Participant Handbook including examples of each that may be imposed; the behaviors that may elicit them; and criteria for phase advancement, graduation, and termination.

INCENTIVES

Incentives are rewards given to reinforce behavior that is conducive to a lifestyle of recovery. Participants are awarded incentives for meeting program requirements, reaching recovery

milestones, and achieving treatment goals. Incentives range from low magnitude for achieving routine accomplishments, to high magnitude for meeting substantial goals.

Examples of Incentives

LOW MAGNITUDE

Praise from the Judge

Round of Applause

Certificate of Accomplishment

Small Tangible Rewards

- Bus Tokens

- Low value gift cards

- Planners or calendars

- Trinkets

- Posters

Symbolic Rewards

- Sobriety tokens

- Sobriety key chains

- Recovery gifts

- Recovery literature

MODERATE MAGNITUDE

Less frequent probation reporting

Less frequent review hearings

Phase Promotion

Extended curfew

Early dismissal from review hearings

Appointment as in-program peer mentor

Appointment to treatment court All-Star List

Moderate Tangible Rewards

- Higher value gift cards

- Gas cards

Entry into "Star of the Docket" drawing

HIGH MAGNITUDE

Travel pass

Waiver of fines or fees

Ambassadorship

Commencement Ceremony

- Picture with the Judge

- Certificate/Diploma

- Media coverage or interviews

Legal Incentives

- Restricted driver's license (if eligible)

- Charge reduction

- Charge dismissal

- Sentence reduction
- Avoidance of jail/prison
- Early probation discharge

SANCTIONS

Sanctions are consequences imposed for program violations to discourage behavior that is harmful to recovery. Sanctions shall be applied as quickly as possible after a violation to closely tie the consequence to the behavior that elicited it. Sanctions shall be progressive and increase in magnitude over successive violations. Sanctions are individually tailored to each participant with consideration of the individuals' risk/need level, length of time in the program, number of previous violations, severity of violations, circumstances surrounding the violation, proximal/distal goals, and what response magnitude should be employed. Jail sanctions shall be used sparingly and imposed for no longer than six days unless there is concern for public safety.

Participants are entitled to a hearing to contest alleged program violations if there is a factual challenge to the violation and liberty interest is at stake, or termination may occur. The contested hearing may be informal, and the alleged program violation must be proven by a preponderance of evidence.

Participants have the right to receive a written copy of the alleged violation; to plead guilty or not guilty or to stand mute; to have the assistance of an attorney; and to have an attorney appointed at public expense if they cannot afford to hire an attorney.

During a contested hearing, participants have the right to call witnesses to speak on their behalf; to see, hear, and question all witnesses against them; to challenge the evidence against them; to testify on their own behalf or remain silent, and to be presumed innocent until proven guilty by a preponderance of the evidence. Participants may also choose to waive their right to a hearing and plead guilty to the program violation. If the guilty plea is accepted, there will not be a contested hearing and the participant will give up the rights they would have been provided during a contested hearing. The participant may offer any explanation or information they would like the Judge to consider before imposing the sanction. The participant may request the public defender's assistance in providing such explanations.

If a participant pleads or is found guilty of a program violation, sanctions up to and including jail and/or termination from the program may be imposed, or additional conditions may be added as determined by the Judge with input from the treatment court team.

Examples of Sanctions

LOW MAGNITUDE

Admonishment from the Judge

Essay Assignment

Letter of apology

Daily activity log

Journaling

Life skills assignment

- Obtain State ID.

- Enroll in GED or HS equivalency program.

- Conduct job search
- Jury Box Observation
- Stricter Curfew Imposed

MODERATE MAGNITUDE

Increased probation reporting
More frequent review hearings
Delay in phase advancement
Phase Demotion
Delay in graduation
Community Service
Formal probation violation
Holding Cell

HIGH MAGNITUDE

Day reporting
Electronic surveillance
• GPS Tether
• SCRAM Tether
• Interlock Device
House Arrest
Extended probation term
Jail Sanctions
Termination
• Conviction of underlying charge.
• Probation revoke

THERAPEUTIC ADJUSTMENTS

Therapeutic adjustments are changes to a participant's treatment plan to ensure their clinical needs are met. Adjustments to treatment plans shall be at the recommendation and clinical expertise of the treatment provider.

Therapeutic enhancements may be implemented for difficulty discontinuing substance use, positive drug/alcohol screenings, admitted relapse, and other setbacks in treatment. When a participant is not responding to their current treatment plan, they shall be reassessed by the treatment provider to determine the appropriate therapeutic adjustment. Examples of enhanced therapeutic adjustments include increased level of care, more frequent treatment sessions, medications, and change in treatment interventions.

Participants shall not be sanctioned for continued use in early phases of the program if they are otherwise compliant but are not responding to the current treatment plan.

Participants who have received adequate treatment and are stabilized shall receive graduated sanctions for subsequent substance use. Therapeutic adjustment may also be appropriate and shall be implemented at the recommendation of the treatment provider.

Therapeutic reductions shall occur when the treatment provider determines the participant is clinically ready to reduce their treatment frequency, intensity, or level of care. Care should be taken to ensure treatment is not reduced prematurely to prevent risk of precipitating relapse.

In some cases, a participant may continue using substances over an extended period despite multiple adjustments to the treatment plan, and discharge may become necessary if continued efforts toward treatment are unlikely to be successful. If it is found that the participant was largely compliant and gave their best effort toward treatment, the participant shall not receive punitive sanctions upon discharge for being nonresponsive to the treatments available to the court. Alternatively, if it is found that the participant was willfully failing to apply themselves in treatment, punitive sanctions upon discharge for noncompliance are appropriate.

TREATMENT PROTOCOL

The primary treatment provider of the 38th District Treatment Court determines a diagnosis based on DSM-5 criteria, level of care based on ASAM placement criteria, and creates a treatment plan for each participant. Treatment provider representatives attend team meetings and review hearings; provide input on incentives, sanctions, and therapeutic adjustments; report treatment progress; and are key members of the treatment court team.

The levels of care available include subacute detox, short- and long-term residential treatment, outpatient group therapy, individual therapy, transitional housing, and recovery support services. Participants are placed into the appropriate level of care as determined by the ASAM placement criteria. Subacute detox places an individual in a safe environment while substances leave the body, ranging from 3 to 7 days. Residential treatment employs intensive daily programming with stays ranging from 30 to 90 days. Outpatient employs once weekly group therapy sessions for a duration of 12 to 36 weeks. Length of time in outpatient services is dependent on assessed need and progress in treatment. Individual therapy is assigned in duration and frequency based on the individual needs of the participant. Transitional housing for a minimum of six (6) months may be recommended for participants needing additional accountability and support as they transition out of treatment.

Peer Coaches typically meet with participants on a weekly basis in early phases of the program and may reduce in meeting frequency as the participant becomes more stable in recovery. Throughout the various levels of care, treatment providers utilize evidence-based treatment. Participants requiring medication assisted treatment (MAT), intensive outpatient treatment (IOP), or mental health treatment shall be referred to other providers in the community. Adherence to treatment in these programs is monitored through close communication between Probation and the treatment providers. Participants must waive confidentiality to disclose treatment information in all services.

MEDICATION POLICY

Participants must disclose all prescription medications they are taking to their probation agent and provide a copy of the prescription upon request. Participants must consent to the release of any health care information requested by the agent. Participants must notify their agent of any emergency room visits, surgical procedures, and medication changes they encounter. Participants who experience health events requiring narcotic medication intervention must provide the agent with all prescription and medical documentation requested, adhere to prescribed dosage and frequency, and must remain in close contact with their agent and treatment provider to ensure recovery maintenance.

Participants may not use over-the-counter medications that contain dextromethorphan, diphenhydramine, alcohol, or other abusable properties while under treatment court supervision.

Participants are notified of over-the-counter medications to avoid in the Participant Handbook. Abusing over-the-counter medications to avoid detection in a drug screen shall result in sanctions.

STAFFING

Closed, pre-court team meetings shall occur thirty minutes prior to court hearings, at the 38th District Court. Team members in attendance shall include the Presiding Judge, Prosecutor, Defense Attorney, Probation Officer(s), Treatment Provider(s), Peer Coaches, Problem-Solving Courts Director, and others as approved by the Judge.

During team meetings, the team reviews new referrals to the treatment court, reviews participant progress and compliance, and makes decisions on behavior responses to impose. Participant progress is reported by probation/supervision agents, treatment providers, peer coaches, and the Problem-Solving Courts staff. The progress reports shall address attendance at recovery support meetings, attendance and progress in treatment, drug and alcohol testing results, employment/education changes, and compliance with program requirements. Information learned in team meetings is confidential and shall not be disclosed without proper consent. Visitors shall only be permitted to observe team meetings after signing the Visitor Confidentiality Agreement and obtaining consent from participants.

The overall goal of team discussions is to reach a consensus on the best course of action for each participant, guided by best practices and evidence-based principles. If a team consensus cannot be reached, the judge shall be the final decision maker.

REVIEW HEARINGS

Treatment court review hearings will take place immediately after the team meeting. Review hearings must remain team members in attendance at review hearings shall include the Judge, Prosecutor, Defense Attorney, Probation. Participants attend review hearings at the frequency specified by the phase requirements. The Judge checks in with each participant in attendance to provide support, encouragement, and acknowledgement of their progress. Review hearings also provide the opportunity to administer incentives and sanctions.

When sanctions are administered during review hearings, participants are treated respectfully and given the opportunity to be heard. Participants facing sanctions that do not involve a liberty interest may request the assistance of legal representation in expressing their dispute or, or mitigating factors surrounding a program violation. Participants are entitled to a hearing to contest alleged program violations if there is a factual challenge to the violation and liberty interest is at stake or termination from the program may occur. Participants facing these sanctions are notified of, and provided, their procedural protections under due process and MCR 6.445, as specified in the Incentives, Sanctions, and Therapeutic Adjustments Policy.

Case Management Appointments

The participants will be scheduled for supervision contacts, depending on their phase placement and Court Order. The participant is responsible for providing the following documentation at those meetings:

1. Recovery-related activity verification;

2. Employment verification and/or school enrollment verification, if applicable,
3. Restitution/financial obligation payments; and
4. Other proof of Program compliance.

Participant progress will be discussed at these meetings as well. Participants are to inform their Probation Officer immediately of any changes in their status such as: address, phone number, work place, living arrangements or school attendance/enrollment, if they have had police contact, etc. If any participant information has changed, the Probation Officer will enter this information into the DCCMIS. Staffing reports for each participant will be printed from the information in the DCCMIS and the Probation Officer's personal notes.

Staffing

The Team will meet regularly to discuss the progress of each participant. It is during these meetings that an individual's treatment plan, phase movement, level of supervision, imposition of sanctions or incentives, and program graduation or termination are discussed. The general team approach is strength-based, non-adversarial and driven by practice that is research informed.

These meetings will occur prior to each regular review hearing before the Judge. Those attending the staffing may include: the Judge, Prosecutor, Defense Attorney, Treatment Provider(s), Probation Officer(s), representative from the testing facility, Peer Recovery Coaches, and others as approved by the Judge. These staffing occur every other week usually, depending on the phase that the participant is in and the Court Order.

A progress report is prepared for each participant by the Probation Officer. The progress report addresses attendance at recovery-related activities, attendance/progress at treatment, drug/alcohol screen results, employment/school update, compliance with Program requirements and Court Orders, etc. The progress report is provided to the Team at the time of staffing. The progress report recommends discussions about evidence-based incentives and/or sanctions appropriate to the individual. It is the goal of the Program to identify all targeted behavior and provide appropriate support or escalating sanctions; to support recovery efforts.

The determinations of evidence-based incentives, sanctions, or changes to treatment plans are guided by treatment; although the Judge is the final decision maker. Through the consensus building process, the Team strives to reach a final decision; however, if consensus cannot be reached, the Judge will make the final decision.

Hearings

Participants appear before the Judge to review their progress. The frequency of those hearings is based on the participant's phase placement or needs, being weekly, bi-weekly or monthly. Team members attending review hearings can include the Prosecutor, Defense Attorney(s), Treatment Provider(s), Probation Officer(s), representative from the testing facility, Peer Recovery Coaches, and others as approved by the Judge. These review hearings are recorded but are not a matter of public record.

At the hearing, the Judge will call on each participant individually. A team member will briefly inform the Judge of the participant's progress since the last review hearing. The participant's progress will be discussed, successes will be recognized, suggestions for improvement may be made, and sanctions will be implemented if appropriate. This is done in an informal manner.

In the event the Judge is not available, a Judge trained in the BJA Ten Key Components will preside

TREATMENT COURT PROGRAM RULES

As a Treatment Court participant, I understand that I am required to abide by the following rules:

1. NO USE ANY ALCOHOL OR DRUGS

Treatment Court participants are randomly tested for drugs and alcohol as a program requirement. Participants must comply with the policies of the testing agency. If a test is diluted, it will be considered a positive test and a sanction will be imposed. Additionally, missed tests and positive tests are cause for sanctions. If a positive test is contested, the fee for the confirmatory test will be at the participant's request and paid for by the participant. Testing is a way to keep participants accountable and is a very important part of the program. The Program utilizes a certified lab that adheres to the SAMHSA recommended standards for confirmation cut off levels. If a specimen is found to contain a drug or drug metabolite in an amount above the established cut off level, the corresponding result will be positive. The Court has the discretion to test the participant for any substance of their choosing and testing is ordered on a case by case basis.

It is the participant's responsibility to limit exposure to the below list of products. The participant is responsible to read labels and inquire about a product before consuming it, if there are any doubts. Use of the products below will NOT be allowed as an excuse for a positive drug test. If you are in doubt, do not use or consume:

***Cough or other liquid medications:** Alcohol containing cough medication such as Nyquil contain alcohol. You can consult with a pharmacist or your doctor about medications that do not contain alcohol.

*** Non alcohol beer/wine:** Although legally considered non-alcohol, NA beers (O'Doul's, etc.) contain a trace amount of alcohol that may result in a positive test.

*** Poppy seeds:** There is a slight possibility you can test positive after consuming large quantities of poppy seeds. Poppy seeds contain a trace amount of opium, which, like heroin, is derived from the poppy plant. It is unclear how many poppy seeds it takes to result in a positive test result, which is why poppy seeds must be avoided.

*** Food and Other ingestible Products:** There are many consumable products that contain ethyl alcohol. Flavoring extracts, liquid herbal extracts, etc. could result in a positive screen for alcohol. Communion wine, food cooked in wine, salad dressings containing wine, must be avoided.

*** Hygiene Products:** Cologne, perfume, aftershave, hair spray, mousse, bug spray, astringents, etc. contain ethyl alcohol. While it is unlikely that limited use will result in a positive test, excessive use may affect test results. Use sparingly to avoid positive test results.

*** Solvents and Lacquers:** Solvents, lacquers and surface preparation products contain ethyl

alcohol. Both excessive inhalation of vapors and topical exposure may cause a positive test result. If you are employed where contact with such products cannot be avoided, you must provide proof to the drug court team and it will be looked at on a case by case basis.

2. NO CASINOS, RACE TRACKS, BARS, OR RESTURANTS IN WHICH THEIR MAIN EMPHASSIS IS TO PRIMARILY SERVE ALCOHOL BEVERAGES.

You must stay away from environments which might trigger relapse. It is best not to go to establishments that serve any alcohol. Alcoholic beverages are a known trigger. Your presence in establishments that serve alcohol puts your program completion at risk.

3. Report on time as directed.

You must be on time for appointments and Drug Court sessions. If you are late or miss appointments or sessions, you will be considered non-compliant. You must contact your case manager in advance if there is a possibility you may be late or absent.

4. Attend all ordered treatment sessions.

This includes individual and group counseling, educational sessions, Alumni Group, and 12-step meetings. If you are unable to attend a scheduled session, you must notify the provider or Probation Officer prior to the appointment.

5. Do not make threats toward other participants or staff or behave in a violent manner. Violent or inappropriate behavior will not be tolerated, will be reported to the Court, and will result in program termination.

6. While in the Drug Court Program, cohabitation or intimate relationships with other Drug Court participants is discouraged.

7. Do not associate with anyone on Bond, Probation, Parole, any known felons or anyone engaging in any behavior which constitutes a violation of any criminal law. (Association with these individuals is only permitted in an appropriate setting such as with a Drug Court participant, group outpatient counseling, or your support group).

8. Dress appropriately for Court and treatment sessions.

- NO baggy pants
- Clothing bearing drug or alcohol related theme or promoting or advertising alcohol or drug use is considered inappropriate
- NO Sunglasses
- No Provocative Clothing

9. Comply with all conditions of probation as detailed by your Probation Officer and in the Participant Agreement and Probation Orders.

10. Comply with all Federal, State, and Local Laws

PRESCRIPTION MEDICATIONS

Treatment Court is a zero-tolerance program. Some medications are considered inherently

unsafe for those recovering from drug/alcohol abuse. Therefore, use of these medications is **PROHIBITED** in this program.

- Benzodiazepines and Tranquilizers-Including but not limited to Valium, Librium, Xanax, and Klonopin
 - Barbiturates and other Sedatives-Including but not limited to Ambien, Soma, and Benadryl.
 - Narcotics-Including but not limited to Morphine, Oxycontin, Codeine, Darvocet, Percocet, Ultram, Demerol, etc.
 - Amphetamines and other stimulants- Including but not limited to Ephedrine, Ritalin, Adderall, and Meridia.
 - Decongestants or weight control medications that contain ephedrine or pseudoephedrine.
 - Medical Marijuana
 - Gabapentin/Neurontin.
- It is the participant's on-going duty to disclose exposure to these medications. Further, participant must complete the Medical/Dental Medication Form, which includes all current medications.
 - It is the participant's responsibility to inform Drug Court personnel of new medications prescribed during their participation in the program immediately upon receiving the medication.
 - It is the participant's responsibility to inform their physicians and care providers that they may not take the prohibited medications.
 - By signing, you understand that you are **PROHIBITED** from taking **ANY** Medications without the approval of your Case Manager or Drug Court Team.

Failure to comply with these provisions may result in a sanction, including program termination.

Medication Assisted Treatment

The 38th Treatment Court Team uses Medication Assisted Treatment in the form of Vivitrol, Suboxone, and Methadone. If you elect this form of treatment, you will be referred to a medical doctor where you will receive a physical to determine if this is an appropriate medication for you. The treatment court will pay for this treatment as long as funding is available. Medication Assisted Treatment must be used in conjunction with therapy, community-based support group meetings such as AA and random, observed drug and alcohol testing. We follow the Best Standard Practices for medically assisted treatment. Using Person-Centered Practices of recovery, we individualize each person's needs according to their recovery plans/goals. Using the concept of "open-mindedness," medically assisted recovery allows us to capture much of the population. Today there are many passages to recovery. Allowing individuals to become engaged sooner, with a greater sense of clarity, allows for better absorption of what is being taught. Having greater clarity will create better outcomes. Moreover, functioning more successfully in society. Giving the participants personal direction while being taught coping

skills and life skills, all while strengthening their abilities to succeed in recovery. We are highly committed in making sure those participating in this program will receive the highest standard of care available. We are also committed to providing our participants with the tools necessary for long-term sobriety.

PARTICIPANT OBLIGATIONS

1. I agree to abide by the requirements of the Treatment Court Program as outlined in this Handbook, the Participant Agreement, and my Individual Treatment Plan as they may change from time to time.
2. I UNDERSTAND THAT THE REQUIREMENTS OF THE PROGRAM CAN AND WILL CHANGE FROM TIME TO TIME. I AGREE I WILL COMPLY WITH ANY AND ALL CHANGES.
3. I understand that, upon graduation of the program, I am free to voluntarily share any information and evaluation of this program that may help its success.
4. I agree not to leave the State of Michigan without specific approval of the Drug Court Judge, while on probation. I will keep Treatment Court staff, my case manager, and my treatment provider(s) advised of any telephone number or address changes.
5. I will notify any doctor or dentist I seek treatment from that I must have non-narcotic medication for any condition I have or following any dental or medical procedures. Furthermore, I will notify the Treatment Court of any current prescriptions I am taking; as well as, any new medications prescribed and receive approval to take those medications BEFORE I use them.
6. I will participate fully in the Program of substance abuse and dependence treatment counseling which the Treatment Court Team determines necessary for me.
7. I agree to the terms and conditions of my initial individual Treatment Plan. I understand my Individual Treatment Plan can and will be modified from time to time during my participation in the Treatment Court. I agree to abide by any modifications to my Individual Treatment Plan during my participation in Treatment Court. I also agree to be bound by my Aftercare Plan.
8. I will report to my Probation Officer, submit to drug testing, and report for Treatment Court sessions as required by my Individual Treatment Plan and/or Treatment Court staff or case manager(s).
9. I understand that I will be subject to progressive sanctions, i.e. court responses at the discretion of the Treatment Court judge for failure to comply with my obligations, Treatment Court Rules, my Individual Treatment Plan, or directions of the Judge or Treatment Court Team. I understand that any sanction imposed is determined by the Judge, with the input of the Team, according to the unique circumstances of each individual participant. Sanctions will not be the same for each of the participants.
10. I agree that Treatment Court may take photographs of me upon entry into the Program and periodically to show progress.
11. I understand as a participant that I will be required to pay the cost of supervision, attorney fees, drug and alcohol testing, confirmation tests, and other potential costs related to the Treatment Court Program.

CONFIDENTIALITY AND PRIVACY

Programs that specialize in providing treatment, counseling, assessment, and referral services who are suffering from drug and/or alcohol related problems must comply with the State and Federal confidentiality regulations being 42 USC Section 2990dd-2, Code of Federal Regulations, Part 2 and MCL 600.1060-1082.

Federal and State laws guarantee confidentiality of information about people, including specialty court participants, who have applied for or are receiving any alcohol or drug-related services from a program that is covered under the law. These services can include assessment, treatment, referral, individual, group and intensive outpatient counseling and diagnosis. The restrictions on disclosure apply to any information that would identify the offender as dependent upon drugs and/or alcohol, either directly or by implication, including identifying the individual as a specialty court ordered treatment program participant.

These confidentiality rules generally apply from the time the person is referred for a clinical assessment. They also apply to those who are mandated into treatment, as well as those who enter treatment voluntarily. The rules apply to active and former participants.

CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION:

Protected information may be disclosed after the participant has signed a consent to release form. Disclosure is permitted without the offender's consent in some situations, including medical emergencies, program evaluations and communications among staff. Participants who refuse to sign consent forms permitting essential communication will be excluded from the program.

VISITOR CONFIDENTIALITY POLICY:

Visitors with an interest in the Program (other courts, community stakeholders, etc.) may attend a staffing or hearing for informational educational and/or evaluative purposes. To protect participant confidentiality, visitors shall comply with the following:

1. Sign the visitor confidentiality statement
2. Any discussion, report or information that the visitor is privy to from staffing, is completely confidential and may not be disclosed.
3. If the visitor is provided a copy of progress reports for the staffing, the report shall be returned to the Program Coordinator in its entirety at the end of the staffing or hearing, and will be shredded.

New Employee Training and Protocol

Turnover within Treatment Court is very rare and limited; however, in the event that new team members or employees are added to the Treatment Court Team, the following things would need to be completed before they would be made a vital member of the team.

1. Attend the Fundamental of Problem-Solving Courts Training.
2. Attend Training (if applicable) and obtain access to DCCMI
3. Sign Confidentiality Agreement
4. Review the 38th District Treatment Court Policy Manual

5. Review the 38th District Treatment Court Participant Handbook
6. Reviewed the Revised Judicature Act 236 of 1961 Chapter 10A, Drug Treatment Courts
7. Reviewed the following Adult Drug Court Lessons at Treatment Courts Online:
8. Attend Adult Drug Court Standards, Best Standards and Promising Practices
9. Attend Defining Drug Courts: The Key Components
10. Have Participants sign a new Multi-Party Release Confidentiality Form.
11. Attend the MATCP Conference if applicable

We hope this handbook has been helpful to you and answered most of your questions. If you have any questions or concerns about the Treatment Court Program, please feel free to ask your treatment team any questions.

Participants attend review hearings at the frequency specified by the phase requirements. The Judge checks in with each participant in attendance to provide support, encouragement, and acknowledgement of their progress. Review hearings also provide the opportunity to administer incentives and sanctions.

When sanctions are administered during review hearings, participants are treated respectfully and given the opportunity to be heard. Participants facing sanctions that do not involve a liberty interest may request the assistance of legal representation in expressing their dispute of, or mitigating factors surrounding, a program violation. Participants are entitled to a hearing to contest alleged program violations if there is a factual challenge to the violation and liberty interest is at stake or termination from the program may occur. Participants facing these sanctions are notified of, and provided, their procedural protections under due process and MCR 6.445, as specified in the Incentives, Sanctions, and Therapeutic Adjustments Policy.

Attachment 3

38th DISTRICT TREATMENT COURT
Multiple-Party Consent for Release of Information

Participant's Full Name: _____ DOB: _____

I authorize the following parties:

1. 38th District Treatment Court,
 - a. Judge Kathleen G. Galen
 - b. Program coordinator Frank Valenti
2. 39th District Court probation department
 - a. Probation officer James Messina
3. Macomb prosecutor's office
 - a. Assistant prosecuting attorney
4. Counselor (Treatment Provider)
5. CARE of Southeastern Michigan
6. (Defense Attorney)

To Communicate with and disclose to one another the following information:

INFORMATION TO BE SHARED

1. Name, address, and other personal identifying information of the participant.
2. 38th District Treatment Court program assessments (GAIN, COMPAS, risk and needs, etc.).
3. 38th District Treatment Court program behavior summaries and updates.
4. Treatment information, including assessments, attendance, progress and compliance reports, treatment plans, and discharge summaries.
5. Drug and alcohol screening, testing, confirmation results, and payment information.
6. Health information.
7. Reportable communicable disease information, including HIV, sexually transmitted infections, hepatitis, and tuberculosis.
8. Health plan or health benefits information.
9. Electronic monitoring information, including compliance and payment information.
10. Other (specify, if any): _____

Note: I authorize all of the foregoing information to be shared unless I indicate here, by number, one or more categories of information not to be shared: _____

PURPOSE AND USE OF DISCLOSURE

The purposes for the disclosures authorized by this form are:

1 | 2019

1. To assess the participant's need for substance use, mental health, or developmental disabilities services and treatment.
2. To provide, manage, and coordinate 38th District Sobriety Court program and substance use, mental health, and developmental disabilities services and treatment for the participant.
3. To develop a Person-Centered Plan, Service Plan, and/or Treatment Plan for the participant.
4. To make dispositional recommendations for a court-involved participant.
5. To monitor payment for services, and establish financial assistance if determined necessary.
6. To improve service and treatment outcomes for participants involved in the 39th District Sobriety Court program.
7. To monitor my participation in the 38th District Sobriety Court program and my compliance with the program rules.
8. Other (please specify): _____

REDISCLASURE AND CONFIDENTIALITY

Once health care information is disclosed pursuant to this signed authorization, I understand that the federal health privacy law (45 CFR, Parts 160 and 164) protecting health information may not apply to the recipient of the information and, therefore, may not prohibit the recipient from redisclosing information to others. However, substance abuse treatment information protected by federal law (42 CFR, Part 2), shall remain confidential and must not be redisclosed by the recipient except as authorized by those laws or this authorization. The federal rules restrict any use of this information to criminally investigate or prosecute any alcohol or drug abuse patient.

CONSENT EXPIRATION

The date, event, or condition upon which consent expires must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given. This consent for release of information shall expire upon my successful graduation from the problem-solving court program; or upon termination for violation of the 38th District Treatment Court terms or upon a date certain for other specified reasons.

REVOCATION

I understand that I may revoke this consent, orally or in writing, at any time except to the extent that action has been taken in reliance on it.

2 | 2 0 1 9

I also understand that if I refuse to consent to disclosure, or attempt to revoke my consent prior to the expiration of this consent such action is grounds for immediate termination from the 39th District Sobriety Court program.

CONFIDENTIALITY RIGHTS

Federal law protects the confidentiality of treatment records under 42 CFR, Section 2.1 through Section 2.67; and Section 290dd-2. This means that:

1. Treatment information is ordinarily kept confidential.
2. Review hearings are held in open and public courtrooms, and although the court attempts to minimize confidential information in court, it is possible that an observer could connect a participant's identity with the fact that he or she is in treatment as a condition of participation in the 38th District Treatment Court program or that confidential information may be revealed. I specifically consent to a potential disclosure to third persons.
3. Staffing meetings, which are held before review hearings, are typically closed to the public. Confidential information may be discussed by the 38th District Treatment Court team members at a staffing meeting. I understand that if a non-team member is invited to participate in a staffing meeting, they must receive my consent prior to observation.
4. It is a crime to violate confidentiality requirements, and the participant may report such violations to Michigan's attorney general at 517-373-1110.
5. Notwithstanding this confidentiality requirement, covered information may be released under specified circumstances and may include communication with administration and qualified service organizations working with the 38th District Treatment Court program, outside auditors, central registries and researchers.
6. The restrictions on disclosure and use in the regulations in 42 CFR part 2 do not apply to:
 - i. Communication with law enforcement agencies or officials regarding a crime committed on program premises or against program personnel
 - ii. The reporting under state law of incidents of suspected child abuse and neglect to the appropriate state or local authorities. However, the restrictions continue to apply to the original substance use disorder patient records maintained by the part 2 program including their disclosure and use for civil or criminal proceedings which may arise out of the report of suspected child abuse and neglect
 - iii. Court orders signed pursuant to 42 CFR part 2 for release of specific information
 - iv. Disclosure to medical personnel if there is a determination that a medical emergency exists, i.e., there is a situation that poses an immediate threat to the health of any individual and requires immediate medical intervention - Information disclosed to the medical personnel who are treating such a medical emergency may be redisclosed by such personnel for treatment purposes as needed
 - v. Reporting an immediate threat to the health or safety of an individual or the public to law enforcement if patient-identifying information is not disclosed

I acknowledge that I have been advised of my rights, have received a copy of the advisement, and have had the benefit of legal counsel or have voluntarily waived the right to an attorney. I am not under the influence of drugs or alcohol. I fully understand my rights and I am signing this Consent voluntarily.

SIGNATURE CONSENTING TO RELEASE OF INFORMATION

Participant signature

Date

Staff witness signature

Date

Staff witness printed name

SIGNATURE CONFIRMING PARTICIPANT WAS ADVISED OF CONFIDENTIALITY
RIGHTS BOTH VERBALLY AND IN WRITING

Participant signature

Date

Staff witness signature

Date

Staff witness printed name

Parts of this form were adapted from:

Mark R. Botts, L. B. (2015, April 7). <https://www.sog.unc.edu/publications/reports/north-carolina-juvenile-justice-%E2%80%93-behavioral-health-information-sharing-guide>.

Retrieved April 11, 2018, from <https://www.sog.unc.edu>:

<https://www.sog.unc.edu/sites/www.sog.unc.edu/files/Information%20Sharing%20Guide%20FINAL%20PDF%20to%20authors%202015-06-25.pdf>

¹ An individual within the criminal justice system who receives patient information under 42 CFR § 2.35 may re-disclose and use it only to carry out that individual's official duties with regard to the patient's conditional release or other action in connection with which the consent was given.

Attachment 4

38th DISTRICT TREATMENT COURT Program
Visitor Confidentiality Form

I, _____, as a guest of the 38th DISTRICT
TREATMENT COURT Program, recognize my responsibility to maintain the confidentiality
of the 38th DISTRICT TREATMENT COURT Program, and hereby agree that:

1. Any and all information discussed at the 38th DISTRICT TREATMENT COURT staffing
team meeting must remain confidential and shall not be revealed to anyone;
2. If I receive a copy of case reports for a staffing team meeting, I will return all reports in their
entirety to a team member at the end of the staffing team meeting.
3. I shall abide by the 38th DISTRICT TREATMENT COURT program's MOU regarding
confidentiality (attached).
4. I understand that alcohol and/or drug treatment records and mental health records are
protected under the federal regulations governing Confidentiality and Drug Abuse Patient
Records, 42 CFR, Part 2, and the Health Insurance Portability and Accountability Act of 1996
(HIPAA), 45 CFR, Parts 160 & 164, and I shall abide by the confidentiality provisions of the
law.
5. By signing this form, I confirm that I have read and agree to the above statements.

Signature of guest

Date

Printed name of guest

**38th DISTRICT TREATMENT
COURT Consent for Release of
Information
Observation of Staffing Meeting**

Participant's Full Name: _____ DOB: _____

I authorize the team members of the 38th DISTRICT TREATMENT COURT, specifically:

1. 38th DISTRICT TREATMENT COURT program Judge and staff
2. 38th DISTRICT probation department
3. Macomb prosecutor's office
4. Eastpointe Police Department
5. (TREATMENT Provider)
6. (Defense attorney)
7. CARE of Southeastern Michigan

to release information to the following parties:

1. Name of PSC observer: _____ _____ Title: _____ Agency/program: _____ _____ 2. Name of PSC observer: _____ _____ Title: _____ Agency/program: _____ _____	3. Name of PSC observer: _____ _____ Title: _____ Agency/program: _____ _____ 4. Name of PSC observer: _____ _____ Title: _____ Agency/program: _____ _____
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To disclose information discussed at the staffing meeting, held on [date], which may include the following information:

INFORMATION TO BE SHARED

1. Name, address, and other personal identifying information of the participant
2. 38th DISTRICT TREATMENT COURT assessments (GAIN, COMPAS, risk and needs, etc.)
3. 38th DISTRICT TREATMENT COURT personal Data Sheet/Social History
4. 38th DISTRICT TREATMENT COURT Individualized Service Plans, Commitment Summaries, Behavior Summaries, and Updates
5. Substance abuse assessment and treatment information, including treatment plans and discharge summaries

6. Substance abuse treatment attendance, progress and compliance reports
7. Mental health assessment and treatment information, including treatment plans and discharge summaries
8. Mental health treatment progress and compliance reports
9. Drug screening and testing results.
10. Ignition Interlock and electronic monitoring information
11. Developmental disabilities assessment and service information, including service plans and discharge summaries
12. Health information.
13. Reportable communicable disease information, including HIV, sexually transmitted infections, hepatitis, and tuberculosis
14. Health plan or health benefits information
15. Service plan and treatment outcomes
16. Other (specify, if any): _____

Note: I authorize all of the foregoing information to be shared unless I indicate here, by number, one or more categories of information not to be shared: _____

PURPOSE OF USE AND DISCLOSURE

The purposes for the disclosures authorized by this form are:

1. To assist 38th DISTRICT TREATMENT COURT in planning, implementation, or enhancement of their drug treatment court.
2. For the evaluation of 38th DISTRICT TREATMENT COURT.
3. Other (please specify): _____

REDISCLASURE AND CONFIDENTIALITY

Once health care information is disclosed pursuant to this signed authorization, I understand that the federal health privacy law (45 CFR, Parts 160 and 164) protecting health information may not apply to the recipient of the information and, therefore, may not prohibit the recipient from redisclosing information to others. However, substance abuse treatment information protected by federal law (42 CFR, Part 2), shall remain confidential and must not be redisclosed by the recipient except as authorized by those laws or this authorization.

CONSENT EXPIRATION

The date, event, or condition upon which consent expires must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.

This consent for release of information shall expire on the date of the day following observed staffing.

SIGNATURE CONSENTING TO RELEASE OF INFORMATION

Participant signature

Date

Staff witness signature

Date

Staff witness printed name

Kathleen Galen

Subject: 36th District Court - Specialty Court Graduation Ceremony
Location: Wayne County Community College 8200 W. Outer Drive, Detroit, MI
Start: Thu 6/26/2025 10:30 AM
End: Thu 6/26/2025 12:30 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Heather Froias
Required Attendees: Kathleen Galen

Emailed Ronda.Yaczik@36thdistrictcourt.org on 5/28/2025

