

ATTACHMENT A

ADULT DRUG COURT TARGET POPULATION/ELIGIBILITY CRITERIA

In order to be eligible for the Macomb County Circuit Court Adult Felony Drug Court a person must be:

- (1) An Adult (18 years or older).
- (2) A resident of Macomb County, Michigan and a United States citizen.
- (3) No prior assaultive felonies with harm to an individual within the last 10 years. "Harm" being defined as either physical or emotional trauma.
- (4) Charged with a drug-motivated or drug-related probation violation or new felony for which the he or she is likely to be incarcerated. This is generally determined in relation to the person's sentence guideline scores for the Persons falling within the straddle cell category of the sentencing guidelines are generally considered to be within the target population.
- (5) A nonviolent offender, meaning not a 'violent offender' as defined by MCL 600.1060(g): Currently charged with or has pled guilty to an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or criminal conduct of any degree; or, has 1 or more prior convictions for a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.
- (6) Free of any current serious mental health illness that would preclude meaningful participation in the Drug Court Program. (A serious mental health illness means a diagnosable mental, behavioral, or emotional disorder affecting an adult that exists or has existed during the past year for a period of time sufficient to meet the diagnostic criteria specified in the most recent diagnostic and statistical manual of mental disorders published by the American Psychiatric Association and approved by the Michigan Department of Mental Health and that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities. Serious mental illness includes dementia with delusions, dementia with depressed mood, and dementia with behavioral disturbance. The key criteria to the Drug Court are whether, with or without medication, the person can meaningfully participate in

treatment and habilitation. The Drug Court Team may consider candidates as to whom there is a dispute as to their appropriateness for admission to the Program).

- (7) Either a felony probation violator with drug-related violations who is likely to be incarcerated due to the violation or be charged with a new offense that is not outside of the Drug Court guidelines. Persons charged with Delivery of Drugs or Possession with the Intent to Deliver, whose criminal activity appears to be motivated by monetary gain should not be considered for the Drug Court.
- (8) Criminal Sexual Conduct (CSC) is not eligible.
- (9) Operating-OWI or OUIL-3rd Offense is not eligible.
- (10) Physically and mentally stable and able to actively participate in the treatment, employment, education, and other services included in the Drug Court Program, with or without reasonable accommodation.
- (11) Willing to acknowledge a substance abuse or dependence problem and agrees to participate in the Drug Court intensive treatment program.
- (12) Willing to enter a plea of guilty, enter Drug Court as a condition of probation, and waive the right of independent counsel during Drug Court sessions.
- (13) Able to arrange transportation to and from treatment and Drug Court sessions.