



Denis LeDuc
District Judge

Richard D. McLean
Magistrate

Administrative Order 2015 -06

ORDER FOR THE ESTABLISHMENT OF A DRUG TREATMENT COURT

IT IS ORDERED:

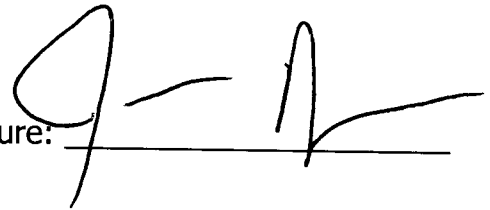
This administrative order is issued in accordance with MCL 600.1060 et seq. The purpose of this order is to establish a drug treatment court in the 42nd District Court upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 10 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).

1. The court has entered into a Memorandum of Understanding with the participating county prosecuting attorney in the district court district, a representative of the criminal defense bar, a representative of community treatment providers and other key parties pursuant to MCL 600.1062. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached.
2. The court has established eligibility criteria consistent with MCL 600.1064 and 600.1068.
3. In compliance with MCL 600.1064(3), no participant shall be admitted until a complete preadmission screening and substance abuse assessment are completed.
4. All participants shall sign a voluntary written consent to participate in the program in conformance with MCL 600.1068(1) d.
5. The court shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of drug treatment court records.

6. The court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1072 and 600.1074.
7. Pursuant to MCL 600.1078, the court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the drug treatment court program.
8. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO while receiving grant money from the SCAO.

Date: 5-29-15

Chief Judge Signature: _____

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a horizontal line and a vertical stroke that curves to the right, ending in a horizontal line.

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 no adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

MEMORANDUM OF UNDERSTANDING BETWEEN
42nd DISTRICT COURT AND
MACOMB COUNTY PROSECUTOR ERIC SMITH
ADULT DRUG COURT

The 42nd District Court enters into this Memorandum of Understanding (MOU) with Macomb County Prosecutor Eric Smith pursuant to MCL 600.1062(1) to implement an Adult Drug Court in Macomb County, Michigan.

I. Scope of Agreement

MCL 600.1062(1) requires that a District Court wishing to implement a Drug Court enter into a memorandum of understanding with its participating prosecuting attorney, which is to describe the role of each party. The memorandum may include other parties considered necessary.

II. Role of the Court

Judge Denis LeDuc will be the Drug Court Judge. Drug Court will only be held at the 42-1 District Court in Romeo. The Court will provide a Drug Court Case Manager and other support. The Drug Court Case Manager will screen and assess candidates for Drug Court through a process developed in cooperation with the Drug Court Planning Team. Following admission, the Drug Court staff will provide case management of Drug Court participants. Other staff will assist as needed.

III. The Role of the Prosecutor

The Prosecutor is a key member of the Drug Court Team. Assistant Prosecutors will identify potential candidates for referral to the Drug Court; make recommendations on potential candidates to the Drug Court Judge; negotiate appropriate conditions with defense counsel for referral to the Drug Court; attend Drug Court sessions as staffing allows; represent the interests of the People of the State of Michigan in Drug Court proceedings; make recommendations to the Drug Court Team or Judge on the appropriateness of treatment modalities, incentives or sanctions; request sanctions, when appropriate; attend program completion ceremonies; and request that the Judge take

appropriate dispositive action regarding underlying case(s) following successful completion of the Drug Court Program.

IV. Target Population and Eligibility Criteria

The Drug Court and the Macomb County Prosecutor agree to collaborate on a definition of the Drug Target Population and Eligibility Criteria. In light of the likely evolutionary nature of these items, they are defined in Attachment A, as it may be changed from time to time upon the mutual agreement of the parties to this MOU.

V. Amendments

Any changes to this agreement will be valid only if made in writing and accepted by all parties to this agreement.

VI. Compliance with Mandatory Grant Contract Provisions

A. In compliance with grant contract(s) between the Michigan Supreme Court Administrative Office and County of Macomb, 42nd District Court, the parties agree that Drug Court activities will comply with all applicable terms and conditions of the grant contract(s).

B. The parties agree that Drug Court activities will not discriminate in employment, service delivery or access, pursuant to the Elliot-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2201 et seq., and the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101, et seq. Additionally, discrimination against minority owned and women owned businesses and businesses owned by handicapped persons in Drug Court activities is prohibited.

C. Pursuant to Public Law 103-227, the parties assure that any service or activity funded in whole or in part through the grant contract(s) will be delivered in a smoke-free facility or environment. Smoking shall not be permitted anywhere in the facility, or those parts of the facility under the control of subcontractor. If activities or services are delivered in facilities or areas that are not under the control of the Drug Court (e.g. a mall, restaurant or private work site), the activities or services shall be smoke free.

Hon. John C. Foster,
Chief Judge

Date

Hon. Denis LeDuc, Judge

Date

ES/SA

Hon. Eric Smith,
Macomb County Prosecuting Attorney

7/28/14

Date

ATTACHMENT A

TARGET POPULATION/ELIGIBILITY CRITERIA

In order to be eligible for the Macomb County Circuit Court Adult 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 an alcohol / drug-motivated or alcohol / drug-related probation violation or new misdemeanor for which he or she is likely to be incarcerated.

(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 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.

**MEMORANDUM OF UNDERSTANDING BETWEEN 42ND DISTRICT COURT AND
DRUG COURT DEFENSE ADVISOR DENNIS RICKERT AND JENNIFER
ANDARY**

The 42ND District Court enters into this Memorandum of Understanding (MOU) with Defense Advisor Dennis Rickert and Jennifer Andary pursuant to MCL 600.1062(1) to implement the Adult Drug Court in 42nd District Court, located in Macomb County, Michigan.

I. Scope of Agreement

MCL 600.1062(1) requires that a District Court wishing to implement a Drug Court enter into a memorandum of understanding with its participating defense counsel which is to describe the role of each party.

II. Role of the Court; Appointment of Defense Advisors

Judge Denis LeDuc has volunteered to act as Drug Court Judge. The Court will provide a Drug Court Supervisor, Assessor Therapy Coordinator and other support. The Drug Court Supervisor and Drug Court Assessor Therapy Coordinator will screen and assess candidates for Drug Court through a process developed in cooperation with the Drug Court Planning Team. Following admission, the Drug Court staff will provide case management of Drug Court participants. Other staff will assist as needed.

The Defense Advisor will be appointed by the Judge on recommendation of the Drug Court Team and will serve until further order of the Court. The order(s) of appointment shall set the rate of compensation for the Defense Advisor.

III. The Role of Defense Advisor

The Defense Advisor is a key member of the Drug Court Team. The Defense Advisor will be a member of the Drug Court Planning Committee, will help identify potential candidates for referral to the Drug Court; make recommendations on potential candidates to the Drug Court judges as needed; attend Drug Court pre-session Team meetings as well as sessions; represent the interests of participants in Drug Court proceedings; make recommendations to the Drug Court Team or judges on the appropriateness of treatment modalities, incentives or sanctions; comment on appropriate sanctions, attend program completion ceremonies; and request that the judges take appropriate dispositive action regarding underlying case(s) following successful completion of the Drug Court Program.

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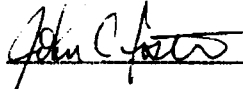
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A. In compliance with grant contract(s) between the Michigan Supreme Court Administrative Office and County of Macomb, 42nd District Court, the parties agree that Drug Court activities will comply with all applicable terms and conditions of the grant contract(s).

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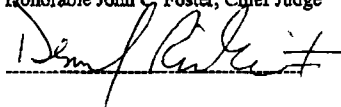
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Honorable John C. Foster, Chief Judge

7/22/14

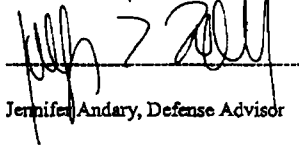
Date



Dennis Rickett, Defense Advisor

7-25-14

Date



Jennifer Andary, Defense Advisor

7-29-2014

Date

MEMORANDUM OF UNDERSTANDING BETWEEN
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MACOMB COUNTY PROSECUTOR ERIC SMITH
ADULT DRUG COURT

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III. The Role of the Prosecutor

The Prosecutor is a key member of the Drug Court Team. Assistant Prosecutors will identify potential candidates for referral to the Drug Court; make recommendations on potential candidates to the Drug Court Judge; negotiate appropriate conditions with defense counsel for referral to the Drug Court; attend Drug Court sessions as staffing allows; represent the interests of the People of the State of Michigan in Drug Court proceedings; make recommendations to the Drug Court Team or Judge on the appropriateness of treatment modalities, incentives or sanctions; request sanctions, when appropriate; attend program completion ceremonies; and request that the Judge take

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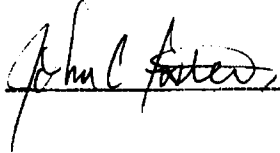
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Hon. John C. Foster,
Chief Judge

Hon. Eric Smith,
Macomb County Prosecuting Attorney

7/22/14

Date

Date

Hon. Denis LeDuc, Judge

Date

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(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.

STATE OF MICHIGAN



42-1 DISTRICT COURT

Denis LeDuc
District Judge

Richard D. McLean
Magistrate

Administrative Order 2014 -

ORDER FOR THE ESTABLISHMENT OF A 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 drug treatment court in the 42nd District Court upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 10 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).

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14713 33 Mile Road, PO Box 6, Romeo, MI 48065
(586) 752-9679 Fax (586) 752-1906

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7. Pursuant to MCL 600.1078, the court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the drug treatment court program.
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Effective Date: 10/1/15

Chief Judge Signature: 

Date: _____

Judge Signature: 

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.

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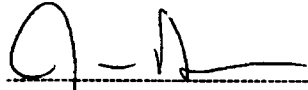
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5/15/15

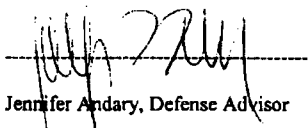
Date



Dennis Rickert, Defense Advisor

5-14-15

Date



Jennifer Andary, Defense Advisor

5/12/2015

Date

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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)

Neither a 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.

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Hon. James Biernat,
Chief Judge

[Signature]

Hon. Eric Smith,
Macomb County Prosecuting Attorney

MAY 15 2015

Date

5/19/15

Date

[Signature]

Hon. Denis LeDuc, Judge

5/12/15

Date