

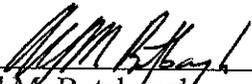
**Order for the establishment of a drug treatment court**

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 Berrien County Trial Court (BCTC) 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, as required by MCL 600.1060(c), Attachment A.

1. The BCTC has entered into a Memorandum of Understanding with the Berrien County Prosecuting Attorney, 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. The Memorandum of Understanding is Attachment B.
2. The BCTC has established eligibility criteria consistent with MCL 600.1064 and 600.1068.
3. In compliance with MCL 600.1064(3), admission is contingent upon performance of a complete preadmission screening and substance abuse assessment.
4. All participants shall sign a voluntary written consent to participate in the program, pursuant to MCL 600.1068(1)d.
5. The BCTC 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 BCTC 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 BCTC shall provide SCAO with the minimum standard data established by SCAO for each individual applicant and participant of the drug treatment court program.
8. The BCTC shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data, as determined by SCAO, while receiving grant money from SCAO.

9. The BCTC acknowledges that case disposition information regarding drug treatment court participants is unavailable from the Department of State driving record and criminal history record, and failure to use the DCCMIS will result in the absence of a complete record of drug treatment court participants in Michigan courts.
10. The BCTC acknowledges that it has made application to complete the federal Drug Court Planning Initiative (DCPI) training sponsored by the Bureau of Justice Assistance (BJA), in compliance with MCL 600.1062(3).

Dated July 9, 2010

  
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Alfred M. Butzbaugh  
Chief Judge

## Attachment A

### **Ten Key Components National Association of Drug Court Professionals**

1. Integration of alcohol and other drug treatment services with justice systems case processing.
2. Use of a non-adversarial approach by prosecution and defense that promotes public safety while protecting any participant's due process rights.
3. Identification of eligible participants early with prompt placement in the program.
4. Access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Monitoring of participants effectively by frequent alcohol and drug testing to ensure abstinence from drugs or alcohol.
6. Use of a coordinated strategy with a regime of graduated sanctions and rewards to govern the courts responses to participants' compliance.
7. Ongoing close judicial interaction with each participant and supervision of progress for each participant.
8. Monitoring and evaluation of the achievement of program goals and program effectiveness.
9. Continued interdisciplinary education in order to promote effective drug court planning, implementations and operations.
10. The forging of partnerships among other drug courts, public agencies and community-based organizations to generate local support.

**MEMORANDUM OF UNDERSTANDING  
BERRIEN COUNTY TRIAL COURT  
BERRIEN COUNTY DRUG TREATMENT COURT**

The following enter into the memorandum of understanding to document the roles and responsibilities in the planning and operation of the Berrien County Drug Treatment Court:

Berrien County Trial Court  
Berrien County Prosecutor  
Berrien County Sheriff  
Berrien County Health Department  
Michigan Department of Corrections—Berrien County  
Berrien County Trial Court Misdemeanor Probation  
Defense Counsel Representative.

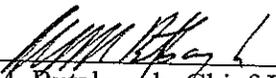
1. Each of the parties agrees
  - A. To work cooperatively to implement the Drug Treatment Court to:
    - improve public safety by more effective treatment, monitoring and sentencing of defendants with substance abuse history in the criminal justice system
    - reduce the number of defendants with substance abuse history incarcerated in the Berrien County jail
    - enhance the quality of life of defendants with a substance abuse history
    - coordinate the delivery of substance abuse services with the Court's response to criminal defendants with substance abuse history.
  - B. With the goal of establishing the Drug Treatment Court in order for participants to reduce their criminal behavior and improve the quality of their lives. The parties acknowledge that, for the Drug Treatment Court docket to be successful, there must be cooperation with a network of system providers to facilitate and achieve the mission, challenge and vision of the Drug Treatment Court, using the criteria set forth in MCL 600.1060 *et seq.*
  - C. With the mission of the Drug Treatment Court to successfully provide services and monitoring to defendants with a substance abuse history, and to reduce the burdens on the criminal justice system, including the jail.
  - D. That defendants with a substance abuse who are approved for this program must have supervision and a coordinated probation with substance abuse services; the program should provide appropriate interventions, programming, reinforcement, and monitoring.
2. Each of the parties adopts the Ten Key Components established by the National Association of Drug Court Professionals, Appendix A.

3. The role of each party is as follows.
- A. The Berrien County Trial Court shall
    - designate and train
      - a judge to preside over the Drug Treatment Court program and docket
      - a manager to oversee the Drug Treatment Court program
      - a case manager to screen and monitor Drug Treatment Court participants
    - chair meetings
    - establish and participate in a planning committee to develop policies and procedures and provide oversight and direction
    - participate in training as required by the Michigan State Court Administrative Office and the United States Department of Justice, Bureau of Justice Assistance.
    - promote the Drug Treatment Court in the community.
  - B. The Berrien County prosecuting attorney's office shall
    - participate in the planning committee
    - identify potential participants
    - attend scheduled court sessions.
  - C. The Berrien County Sheriff's Department shall
    - participate in the planning committee
    - cooperate with the identification of in-custody defendants for participation in the program
    - provide feedback on any community corrections sanctions ordered for the participants.
  - D. The Berrien County Health Department shall
    - participate in the planning committee
    - provide treatment services.
  - E. Defense Counsel Representative shall
    - participate in the planning committee
    - participate in preparing procedures to assure defendants' procedural and due process rights are followed.
  - F. Department of Corrections and Misdemeanor Probation shall
    - participate in the planning committee
    - provide supervision and treatment services.
4. The Drug Treatment Court judge shall determine whether to admit a defendant to the Drug Treatment Court, using the criteria set forth in MCL 600.1064 and MCL 600.1066.

5. Eligible offenses for the Drug Treatment Court are misdemeanors and felonies related to the abuse, illegal use, or possession of a controlled substance or alcohol. MCL 600.1068(1) (a).

July 9, 2010

**Berrien County Trial Court**

By   
Alfred M. Butzbaugh, Chief Judge

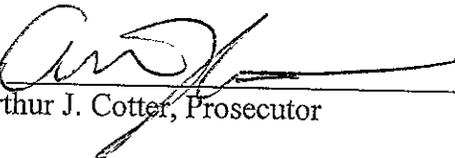
July 9, 2010

**Berrien County Health Department**

By   
Michael A. Mortimore

July 14, 2010

**Berrien County Prosecutor**

By   
Arthur J. Cotter, Prosecutor

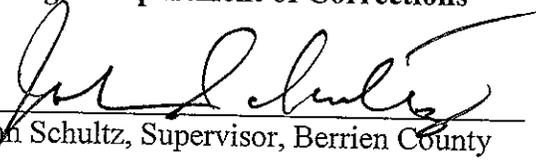
July 14, 2010

**Berrien County Sheriff**

By   
L. Paul Bailey, Sheriff

July 16, 2010

**Michigan Department of Corrections**

By   
John Schultz, Supervisor, Berrien County

July 14, 2010

**Berrien County Trial Court Misdemeanor Probation**

By   
Jason Hunt, Acting Chief Probation Officer

July 15, 2010

**Defense Counsel Representative**

By   
Brian Berger, Esq.

## Appendix A

### **Ten Key Components National Association of Drug Court Professionals**

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