DISTRICT JUDGES
ANNEMARIE M. LEPORE
STEPHEN S. SIERAWSKI
KIMBERLEY A. WIEGAND

The District Court
for the
41-A District of Michigan

The Cities of Sterling Heights and Utica
and the Townships of Shelby and Macomb

STERLING HTS DIVISION
40111 Dodge Park Road
Sterling Heights, Michigan
48313

COURT ADMINISTRATOR
Stacey Rautio

CLERK OF THE COURT
Charlisse Smith

Administrative Order No. 2022-01

ORDER FOR THE ESTABLISHMENT OF A DRIVING WHILE IMPAIRED 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 driving while impaired treatment court in 41-A 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 Guiding Principles for DWI Courts promulgated by the National Drug Court Institute, a division of the National Association of Drug Court Professionals (see attachment A) 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 A).

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 agreement to participate in the program in conformance with MCL 600.1068(1)(d).

5. The court will maintain case files in compliance with Retention and Disposal Schedule General Schedule #13 – District Court, the Michigan Trial Court Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of DWI 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 DWI 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 DWI treatment court, the 41-A District Court will become certified by the State Court Administrative Office under MCL 600.1084.

Date: 5-16-2022 Chief Judge Signature: _____

ATTACHMENT A

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 ability 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.

Memorandum of Understanding

41-A District Court Sobriety Court Treatment Court Program

I. Parties

This agreement is made and entered into as of the date set forth below, by and between the following parties whose representatives have signed the agreement:

1. 41-A District Court Sobriety Court Specialty Court Program
2. 41-A District Court
3. 41-A District Court Probation Department
4. Macomb County Prosecutor's Office
5. Class A Training, treatment provider
6. Sterling Heights Police Department
7. Attorney for the City of Sterling Heights, O'Reilly Rancilio PLC
8. Sherman Abdo, defense attorney
9. Sherriee Detzler, defense attorney

II. Purpose

The purpose of this Memorandum of Understanding (MOU) is to describe duties and allocate responsibilities for team members of the **41-A District Court Sobriety Court** Team. The MOU also establishes team member responsibilities and requirements for maintaining compliance with the Michigan Drug Court Statute (MCL 600.1060-600.1088).

III. Terms/Definitions

a. Ex parte communication: Any communication, relevant to a legal proceeding, between a judge and a party to the proceeding or any other person about the case, outside of the presence of the opposing party or the opposing party's attorney, that is not on the record.
b. Participant: Any person referred to the **41-A District Court Sobriety Court**, currently being screened as a candidate for **41-A District Court Sobriety Court** (including those who are ultimately denied entry to the program), currently participating in **41-A District Court Sobriety Court** or someone who has been discharged from the **41-A District Court Sobriety Court** program.
c. Policies and Procedures Manual: A manual that documents 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. Staffing meetings: Team meetings where participants' progress is discussed and options for incentives, sanctions, treatment, and phase changes are evaluated.
e. Stakeholders: A person, group or organization that has interest or concern in an organization.
f. Treatment services: Any services provided by a licensed clinician or by an employee of an agency providing therapeutic services for substance use disorder, mental health, or developmental disabilities.

IV. Mission of the 41-A District Court Sobriety Court

We agree that the mission of the **41-A District Court Sobriety Court** program shall be to successfully rehabilitate substance using individuals while maintaining public safety.

We endorse the goals and mission of the **41-A District Court Sobriety Court** in order for participants to eliminate future criminal behavior and improve the quality of their lives. For this program to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission, challenges, and vision of the **41-A District Court Sobriety Court.**

V. Guiding Principles of the 41-A District Court Sobriety Court

a. 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.

b. Sobriety 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.

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

d. Thorough assessment and evaluation is a critical component of the Sobriety Court program.

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

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

g. Sobriety 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.

h. Participant entry into the Sobriety Court program shall be governed by written eligibility criteria as established by the Sobriety Court team.

i. Information about participant progress, participant family progress, and the functioning of the Sobriety Court program shall be made available to all team members in compliance with federal and state confidentiality laws.

j. Effective evaluation of the Sobriety Court program shall be sought with appropriate responses being made relative to these evaluations.

VI. Roles of the Parties of the 41-A District Court Sobriety Court [1]

a. All parties shall:

   a. Participate as a team member, operating in a non-adversarial manner.

   b. On an annual basis, attend current training events on legal and constitutional issues in drug treatment courts, evidence-based substance abuse and mental health treatment, behavior modification, and/or community supervision.

   c. Help to identify potential and eligible Sobriety treatment court participants.

   d. Provide feedback, suggestions, and ideas on the operation of the Sobriety Court.

[1] Per MCL 600.1062(1) "The memorandum of understanding shall describe the role of each party."

e. Attend staffing meetings, and provide input on incentives and sanctions for participants.

f. Share information as necessary, and in compliance with 42 CFR and HIPAA, to appraise participants' progress in, and compliance with, the conditions of drug treatment court.

g. Ensure that they, all 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, HIPAA, and 290dd-2.

b. The roles of the individual parties are as follows:
   a. Sobriety Court judge:
      i. Serve as the leader of the team.
      ii. Preside over status review hearings.
      iii. Engage the community to generate local support for the Sobriety Court.
      iv. Communicate with the participants in a positive manner and make final decisions regarding incentives, sanctions, and program continuation.
      v. Consider the perspective of all team members before making final decisions that affect participants' welfare or liberty interests, and explain the rationale for such decisions to team members and participants.
      vi. Rely on the expert input of duly trained treatment professionals when imposing treatment related conditions on the participants.
      vii. Provide program oversight and ensure communication and partnership with treatment.
      viii. Shall consider whether to terminate a participant's participation in the Sobriety 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 the Sobriety treatment court, the judge must terminate the participant from the program.[2]

   b. Prosecuting attorney:
      i. Provide legal screening of eligible participants.
      ii. Attend 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. If a plea agreement is made based on completion of the program, complete appropriate court documents for resultant modification(s) upon participant's successful completion of the program (reduced charge, nolle prosequi, etc.).
      viii. May help resolve other pending legal cases that impact participants' legal status or eligibility.

   c. Program coordinator:
      i. Arrange for additional screenings of persons aside from the prosecutor's legal screening.
      ii. Attend review hearings.
      iii. Answer inquiries from defense attorneys on possible eligibility.
      iv. Enter data into DCCMIS system.
      v. Liaison with non-treatment agencies that are providing services to the participants.

[2] Per MCL 600.1074(2) "The drug treatment court must be notified if the participant is accused of a new crime, and the judge shall consider whether to terminate the participant's participation in the drug treatment program in conformity with the memorandum of understanding…"

vi. Ensure that new team members are provided with a formal training within three months of joining the team on the topics of confidentiality, and his or her role on the team, and that the new team member is provided with copies of all program policy and procedure manuals, the participant handbook, and a copy of all current memoranda of understanding.

d. Probation officers and court case managers:
   i. Administer a validated criminogenic risk/needs assessment tool to participants during the referral process to ensure the drug treatment court is serving the appropriate target population.
   ii. Attend review hearings.
   iii. Work with the program coordinator in supervising and monitoring the individuals in the program.
   iv. Prepare presentence reports, and perform drug and alcohol tests as needed.
   v. Schedule probation violations or show cause hearings for participants who have violated the program rules and are subject to termination from the program, or if a liberty interest is at stake.
   vi. Enter data into the DCCMIS system.

e. Defense counsel representative:
   i. Ensure that defendants' procedural and due process rights are followed.
   ii. Ensure that a defense counsel representative is present at all staffing meetings to avoid ex parte communication.
   iii. Attend review hearings.
   iv. Ensure that the participant is treated fairly and that the drug treatment court team follows its own rules.
   v. When appropriate, and without breaching attorney-client privilege, encourage clients to be forthcoming and honest regarding their recovery process.

f. Treatment provider:
   i. Conduct assessments to determine program eligibility, appropriate treatment services, and progress in treatment.
   ii. Ensure that a treatment representative is present at all staffing meetings to ensure therapeutic input regarding any sanctions being considered.
   iii. Liaison with any treatment providers and/or treatment agencies that are providing services to the participants, and keep the team updated on treatment attendance and progress.
   iv. Attend review hearings.
   v. Manage delivery of treatment services.
   vi. Administer, or ensure administration of, behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes.
   vii. Provide clinical case management.
   viii. Offer insights and suggestions on the treatment plans of individuals in the program.
   ix. Enter data into the DCCMIS system.

g. Law enforcement agency:
   i. Provide officers to assist with home checks for participants

VII. Deferrals, Delays, and Deviation from Sentencing Guidelines[3]

Under MCL 600.1068(2)[4], the prosecutor must approve an individual's admission into the **41-A District Court Sobriety Court** if the individual will be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

VIII. Program Fee[5]

a. The program charges a fee of $1800.00 to each participant, to be paid either in a lump sum at the time of acceptance into Sobriety Court or in equal payments over the term, to be determined by the Court. In accordance with MCL 600.1070 the clerk of the Sobriety 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. These costs include typically include things such as program personnel, treatment, drug testing, supplies, travel costs, and training, but may also include any other costs incurred by the Sobriety Treatment Court to administer the program.

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 41-A District Court Sobriety Court local team, which consists of the following stakeholder agency representation:

1. 41-A District Court Sobriety Court, Sobriety Court Judge, Annemarie M. Lepore
2. 41-A District Court Sobriety Court, Court Administrator, Stacey Rautio, Court Administrator
3. 41-A District Court Sobriety Court, Sobriety Court program coordinator/probation officer, Elizabeth Gadioli
4. 41-A District Court Sobriety Court, probation officer, Megan Finkel
5. Macomb County Prosecutor's Office, rotating representative
6. City Attorney for the City of Sterling Heights / O'Reilly Rancilio P.C., Marc Kaszubski
7. Class A Training, treatment coordinator, Korrin Krieg
8. Class A Training, treatment provider [Andrea / Kathy / Christine/Stacie]
9. Sterling Heights Police Department, Lieutenant Mario Bastianelli
10. Defense attorney, Sherman Abdo
11. Defense attorney, Sherriee Detzler

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[3] Per MCL 600.1076(4) "...the court, with the agreement of the prosecutor and in conformity with the terms and conditions of the memorandum of understanding under section 1062, may discharge and dismiss the proceedings against an individual..." who meets the requirements of MCL 600.1076(4) a-e.

[4] Per MCL 600.1068(2) "In the case of an individual who will be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines, the prosecutor must approve of the admission of the individual into the drug treatment court in conformity with the memorandum of understanding..."

[5] Per MCL 600.1070(4) "The drug treatment court may require an individual admitted into the court to pay a reasonable drug court fee that is reasonably related to the cost to the court for administering the drug treatment court program as provided in the memorandum of understanding..."

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[6]

The parties have entered into this agreement as evidenced by their signatures below. A copy of the agreement shall be provided to each signatory to the agreement. The original agreement shall be filed with the clerk of 41-A Judicial District Court.

Honorable Kimberley A. Wiegand, Chief Judge, 41-A District Court

Signature _____ Date 5-16-2022

Honorable Annemarie M. Lepore, 41-A District Court Sobriety Court program Judge, 41-A District Court

Signature _____ Date 5-16-2022

Stacey Rautio, 41-A District Court Administrator, 41-A District Court Sobriety Court program

Signature _____ Date 5-16-2022

Elizabeth Gadioli, Program Coordinator/Probation Officer, 41-A District Court Sobriety Court program

Signature _____ Date 5/16/2022

Megan Finkel, Probation Officer, 41-A District Court Sobriety Court program

Signature _____ Date 5/16/2022

Peter J. Lucido, Macomb County Prosecutor or Representative, Assistant Prosecuting Attorney, Macomb County Prosecutor's Office

Signature _____ Date _____

[6] Per MCL 600.1062 "…if the drug treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines…" the court may not adopt or institute a drug treatment court unless the court enters into "…a memorandum of understanding with each participating prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, and a representative or representatives of community treatment providers."

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Honorable Kimberley A. Wiegand, Chief Judge, 41-A District Court

Signature — Date: 5-16-2022

Honorable Annemarie M. Lepore, 41-A District Court Sobriety Court program Judge, 41-A District Court

Signature — Date: 5-16-2022

Stacey Rautio, 41-A District Court Administrator, 41-A District Court Sobriety Court program

Signature — Date: 5-16-2022

Elizabeth Gadioli, Program Coordinator/Probation Officer, 41-A District Court Sobriety Court program

Signature — Date: 5/16/2022

Megan Finkel, Probation Officer, 41-A District Court Sobriety Court program

Signature — Date: 5/16/2022

Peter J. Lucido, Macomb County Prosecutor or Representative, Assistant Prosecuting Attorney, Macomb County Prosecutor's Office

Signature — Date: 5-24-2022

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[6] Per MCL 600.1062 "...if the drug treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines..." the court may not adopt or institute a drug treatment court unless the court enters into "...a memorandum of understanding with each participating prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, and a representative or representatives of community treatment providers."

Marc Kaszubski, O'Reilly Rancilio, Attorney for the City of Sterling Heights

5/29/22

Signature Date

Mario Bastianelli, Lieutenant, Sterling Heights Police Department

Signature Date

Sherman Abdo, defense attorney, Law Office of Sherman Abdo

Signature Date

Sherriee Detzler, defense attorney, Law Offices of Sherriee L. Detzler

Signature Date

Korrin Krieg, Director, Class A Training, provider of treatment services

Signature Date

Marc Kaszubski, O'Reilly Rancilio, Attorney for the City of Sterling Heights

Signature Date

Mario Bastianelli, Lieutenant, Sterling Heights Police Department

Signature 12741 Date 5/19/22

Sherman Abdo, defense attorney, Law Office of Sherman Abdo

Signature Date

Sherriee Detzler, defense attorney, Law Offices of Sherriee L. Detzler

Signature Date

Korrin Krieg, Director, Class A Training, provider of treatment services

Signature Date

Marc Kaszubski, O'Reilly Rancilio, Attorney for the City of Sterling Heights

_____ _____

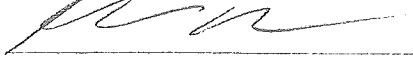
Signature Date

Mario Bastianelli, Lieutenant, Sterling Heights Police Department

_____ _____

Signature Date

Sherman Abdo, defense attorney, Law Office of Sherman Abdo

 5-24-22

Signature Date

Sherriee Detzler, defense attorney, Law Offices of Sherriee L. Detzler

_____ _____

Signature Date

Korrin Krieg, Director, Class A Training, provider of treatment services

_____ _____

Signature Date

Marc Kaszubski, O'Reilly Rancilio, Attorney for the City of Sterling Heights

Signature Date

Mario Bastianelli, Lieutenant, Sterling Heights Police Department

Signature Date

Sherman Abdo, defense attorney, Law Office of Sherman Abdo

Signature Date

Sherriee Detzler, defense attorney, Law Offices of Sherriee L. Detzler

Sherriee L. Detzler 05/27/2022

Signature Date

Korrin Krieg, Director, Class A Training, provider of treatment services

Signature Date

Marc Kaszubski, O'Reilly Rancilio, Attorney for the City of Sterling Heights

_____ _____

Signature Date

Mario Bastianelli, Lieutenant, Sterling Heights Police Department

_____ _____

Signature Date

Sherman Abdo, defense attorney, Law Office of Sherman Abdo

_____ _____

Signature Date

Sherriee Detzler, defense attorney, Law Offices of Sherriee L. Detzler

_____ _____

Signature Date

Korrin Krieg, Director, Class A Training, provider of treatment services

K. Krieg 5-31-22

Signature Date