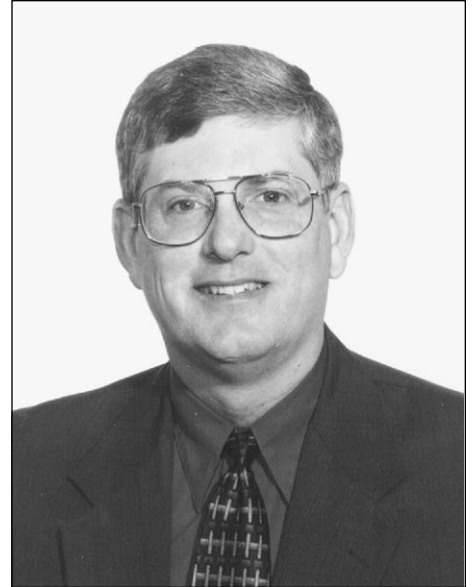


# Adult Drug Treatment Court

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**T**herapeutic jurisprudence is gaining acceptance as an effective means of dealing with evolving societal problems including substance abuse and chemical dependency. Studies consistently demonstrate a correlation between effective substance abuse treatment and a reduction in criminal behavior. Unless measures are taken to effectively treat chemical dependency, an alarmingly high percentage of the persons convicted of drug possession commit similar crimes within three years of the original offense.

For the past year a Drug Court Task Force labored to develop an effective intervention mechanism to provide non-violent offenders with structured substance abuse and chemical dependency treatment. From the Task Force's efforts, an adult drug treatment court was devised as an alternative to processing these offenders through the traditional criminal justice track. The circuit judges approved the plan and the Adult Drug Treatment Court is expected to become operational later this month.

The mission of the Adult Drug Treatment Court is to employ alternative judicial proceedings for chemically abusing or dependent, non-violent adult felony offenders in an effort to successfully reintegrate them into the community. A continuum of treatment services with graduated sanctions is central to the program to ensure community protection and safety.

Offenders must be charged with a non-violent offense for which community supervision is available under the provisions of Public Act 511 of 1988. Defendants must be presumptively placed in a sentence guidelines straddle cell likely to lead to incarceration. The prosecutor will screen offenses for potential eligibility. Defendants will be screened by Pre-Trial Services. Each defendant and his/her counsel will determine whether to proceed in the traditional adversarial manner or seek admission to the program.

Defendants provisionally admitted to the program will appear for arraignment before the circuit judge to whom the case was assigned (trial judge). The defendant must enter a guilty plea and, at the trial judge's discretion, be sentenced to the Adult Drug Treatment Court as a condition of probation. A guilty plea may be withdrawn if the defendant is not accepted into the program. Defendants removed from the program by the court (for any number of reasons including the defendant's refusal to participate in a substance abuse treatment program) will not retain the right to set aside the guilty plea. If an offender is removed from the program, his/her case will be returned to the

docket of the trial judge for sentencing or other proceedings.

Until the time an offender enters the Adult Drug Treatment Court program, he/she will be represented by defense counsel and have a customary attorney-client relationship. Defendants must be fully advised by legal counsel that they waive fundamental rights associated with adversarial criminal proceedings upon entering the program. Defense counsel will collaborate with a defense advisor to assist in the transition of the case to the program. The defense advisor will thereafter perform as an advisor to the program participants and the Adult Drug Treatment Court. The Defense Advisor will not have a confidential attorney-client relationship with the program participants.

A Drug Treatment Team will monitor the progress of program participants. All deliberations of the team will be confidential. The team will consist of the Adult Drug Treatment Court judge, prosecutor, defense advisor, case manager, and program coordinator. The case manager will be a Probation Agent from the Circuit Court Probation Department who will closely monitor each offender through every stage of the program. The case manager will explain the rights and obligations of each participant and develop a supervision plan for the offender that identifies what the offender must do to successfully complete each phase of the program.

Among other responsibilities, the program coordinator will schedule and attend pre-hearing conferences and status review hearings, compile and collect information pertaining to the offender's progress, and act as a liaison to treatment service providers. The coordinator will also develop a procedural manual for program operations, create a data collection system to monitor program compliance, and liaison with community stakeholders and potential funding sources.

Judicial supervision conferences will be held on the record in open court, generally every two to four weeks, to monitor each offender's progress and modify case management plans, if necessary. Graduated sanctions may be employed as a direct and immediate consequence of program failures. Sanctions may include increased drug

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testing, increased frequency of Adult Drug Treatment Court appearances, commitment to a community residential facility, and incarceration. The court may also employ incentives for accomplishments such as on-the-record acknowledgment and expedited calendaring.

A customized treatment and rehabilitative plan will be developed for each participant. Treatment will consist of four stages, each with specific treatment objectives, therapeutic and rehabilitative activities, and requirements for

graduation. Several criteria will be employed to measure the effectiveness of the program including whether the needs of participants are being met, whether participants are graduating, and whether the cycle of chemical dependency, substance abuse, and relapse of criminal behavior is being broken as demonstrated over time.

For general information regarding drug treatment courts, you are welcome to access the Circuit Court's website at **[www.co.oakland.mi.us/c\\_serv/ccourt](http://www.co.oakland.mi.us/c_serv/ccourt)**.

Until next month . . .