

MICHIGAN'S JUDICIARY: PROBLEM-SOLVING COURT AND SWIFT & SURE PROGRAMS

SWIFT & SURE SANCTIONS PROBATION PROGRAM ELIGIBILITY CHANGE

The Probation Swift and Sure Sanctions Act was amended in 2017. Previously, program eligibility was determined by the State Court Administrative Office through the grant. Now, program eligibility is in statute.

Felony probationers are eligible for the program if they have a risk score other than low on a validated risk assessment and are not charged with one of the listed crimes that exclude them from the program.

Also, the amendments provided statutory authority for transfers of supervision to a Swift and Sure program.

Finally, the amendments added language that will likely improve consistency of program sanctions administered statewide.

IMPLEMENTING PROBLEM-SOLVING COURT CERTIFICATION

Effective February 11, all problem-solving courts must be certified by the State Court Administrative Office (SCAO) in order to perform any of the functions of a problem-solving court. Accordingly, we have **provisionally certified 116 drug courts, 32 mental health courts, and 25 veterans treatment courts**, and began site visits to establish full certification. We plan to fully certify all programs within four years.

If a program does not initially achieve certification, SCAO staff will provide technical assistance to revise the program's practices. If the

program chooses not to implement changes, SCAO staff will assist the program in transferring their participants to other programs and concluding operations.



We anticipate that certification will lead to stronger programs and implementation of more national best practices that have been shown to improve participant outcomes.

IMPACT OF OTHER STATUTORY CHANGES

The definition of a violent offender for purposes of admission to a drug treatment court was revised in 2017. Previously, individuals who had a weapon at the time of arrest, whether or not the weapon was a part of their offense, were excluded from participation. Now, possession of a weapon does not exclude an individual from participating in drug court.

This change is supported by national research that violent offenders do equally well in problem-solving courts as nonviolent offenders and by the fact that Michigan has allowed individuals who possessed weapons into its veterans treatment courts for years without incident.

We anticipate that the statutory change will increase eligibility and participation in drug court programs throughout the state.

Repeat drunk drivers who are participating in a drug, sobriety, hybrid, or veterans treatment court are eligible to regain restricted driving privileges if they are compliant with the program and install an ignition interlock device on all vehicles that they own or operate.



Previously, the restrictions on where a participant could drive excluded their minor child's daycare or school. The statute was revised to include these locations to ensure that when a parent is transporting his or her child, he or she is doing so while sober.



SCAO GRANTS MONEY FOR MEDICATION ASSISTED TREATMENT PROGRAMS

Other Supporters of MAT:

- American Society of Addiction Medicine
- Centers for Disease Control and Prevention (CDC)
- Drug Enforcement Administration (DEA)
- Drug Treatment at National Institute of Justice (NIJ)
- Federal Bureau of Prisons (BOP)
- National Institute on Alcohol Abuse and Alcoholism



In fiscal year 2017, SCAO began to grant funds for medication assisted treatment (MAT) for those with opioid disorders. Nineteen courts received a total of \$513,400 in funding to support participants who have been prescribed methadone, buprenorphine, or naltrexone for the treatment of their addiction. Funds were available for FDA-approved medications, physicians' assessments for MAT, follow-up doctor appointments, physician consultations to the drug court team, and MAT services. Eighteen of the courts used a portion of the funds awarded to them for MAT and one court returned its funds unspent. The underutilization can be attributed to courts

overestimating their financial need and participants' insurance benefits covering the costs of medication.

There were 1,322 participants in the 18 remaining pilot courts in FY 2017:

- **371 of the participants had an opioid disorder**
- **132 of those received MAT**
- **34 of those 132 participants engaging in MAT had at least some of the MAT services funded by the SCAO pilot project**

Due to the limited number of participants and the infancy of the pilot, we cannot draw conclusions about the effect of MAT on program completion or later recidivism. However, currently it appears that participants using MAT for opioid disorders had better success rates than opioid users in the pilot courts who did not use MAT.

JUVENILE DRUG COURTS STUDIED BY NATIONAL CENTER

In 2016, the SCAO contracted with the National Center for State Courts (NCSC) to conduct a 5-year study of our juvenile drug courts.

The goal of the study is to identify the strengths and weaknesses of our juvenile drug courts, the quality of their national juvenile drug court model implementation, and to improve their operations in targeted areas when necessary.

NCSC conducted site visits to all juvenile drug courts and then produced a baseline evaluation of their strengths, weaknesses, and current outcome measures.



In 2017, NCSC held a required 3-day training for the juvenile drug court teams to train them in areas in which many courts could improve and conducted individual training for two programs that needed additional technical assistance.

Also in 2017, SCAO staff selected a risk assessment that has been validated on juvenile populations to make available to juvenile drug courts. In April 2018, courts will receive free

training and free access to the risk assessment. The risk assessment will assist juvenile drug courts in accepting appropriate participants into their programs.

In May 2018, phase two of the 5-year study begins with NCSC tracking a new cohort of participants who will experience the revisions the courts have made.

All participants accepted between May 1, 2018, and April 30, 2019, will be followed for two years post-entry and compared to the baseline (pre-revision) cohort. The results of the study will assist the SCAO in determining the future of juvenile drug courts in Michigan.