

DISTRICT COURT



STATE OF MICHIGAN

29th JUDICIAL DISTRICT of MICHIGAN

LAURA R. MACK  
District Judge

LINDA GABLE  
Court Administrator

- 29<sup>th</sup> District Court: Administrative Order 2019 - 025 This order rescinds 2016-01J
- 16<sup>th</sup> District Court: Administrative Order 2019 - 025 This order rescinds 2016-01J
- 17<sup>th</sup> District Court: Administrative Order 2019 - 025 This order rescinds 2016-01J
- 18<sup>th</sup> District Court: Administrative Order 2019 - 015 This order rescinds 2016-01J
- 20<sup>th</sup> District Court: Administrative Order 2019 - 035 This order rescinds 2016-01J
- 21<sup>st</sup> District Court: Administrative Order 2019 - 015 This order rescinds 2016-01J
- 22<sup>nd</sup> District Court: Administrative Order 2019 - 025 This order rescinds 2016-01J
- 23<sup>rd</sup> District Court: Administrative Order 2019 - 025 This order rescinds 2016-01J
- 24<sup>th</sup> District Court: Administrative Order 2019 - 035 This order rescinds 2016-01J
- 34<sup>th</sup> District Court: Administrative Order 2019 - 025 This order rescinds 2016-01J
- 35<sup>th</sup> District Court: Administrative Order 2019 - 035

**ORDER FOR THE ESTABLISHMENT OF A REGIONAL MENTAL HEALTH COURT PROGRAM**

**IT IS ORDERED:**

This administrative order is issued in accordance with MCL 600.1090, *et seq.* The purpose of this order is to establish a regional mental health court program (RBTC), in the 29th District Court to service 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 29<sup>th</sup>, 34<sup>th</sup> and 35<sup>th</sup> District Courts upon approval by the State Court Administrative Office (SCAO). This program will be called Western Wayne County Regional Behavioral Treatment Court ("RBTC"). All policies and procedures comply with the statute and are consistent with the *10 Essential Elements of a Mental Health Court* promulgated by the Bureau of Justice Assistance (see attachment A).

1. The courts have entered into a memorandum of understanding with each participating prosecuting attorney in the district court, a representative or representatives of the community mental health services programs, a representative of the criminal defense bar, and a representative or representatives of community treatment providers and other key parties pursuant to MCL 600.1091. The memorandum of understanding describes the role of each party and is attached.

2. 29<sup>th</sup> District Court is the coordinating court for funding and program management and is responsible for program operations. The coordinating court shall submit all required financial documentation to the SCAO in accordance with MCL 600.1099a(2).
3. Policies and procedures of the RBTC shall be established by its planning committee and monitored and maintained by the coordinating court.
4. The RBTC contractual personnel shall be managed and monitored by the coordinating court. Court employees assigned to work in the RBTC shall be managed and monitored by the 29<sup>th</sup> District Court.
5. The RBTC has established eligibility criteria that are consistent with MCL 600.1093 through MCL 600.1095. Criteria, both legal and clinical, are clearly defined for admission.
6. In compliance with MCL 600.1093(3), no participant shall be admitted until a complete preadmission screening and an evaluation assessment are completed. Policies that facilitate timely participant identification, referral, and admission into the mental health court have been developed.
7. All participants shall sign a written agreement to participate in the program in conformance with MCL 600.1094(1)(c). Policies and procedures describing the program length, level of supervision, treatment plan development, requirements for successful completion, expulsion criteria, case disposition (whether successful or unsuccessful completion of the program), sanctions, incentives, and other key program components are developed and will be explained to eligible participants as part of the terms of participation.
8. The RBTC shall provide consistent and close monitoring of the participant as required by MCL 600.1096. Policies and procedures on the methods and frequency in which the responsible individuals will monitor participant compliance with the program requirements have been developed.
9. Cases transferred to the RBTC are transferred only for purposes of supervision; the transferring court retains jurisdiction over the individual until the final disposition of the case, but not longer than the probation period established under MCL 771.2.
10. The presiding judge of the RBTC, assigned as a judge of the transferring court, is authorized to make all decisions associated with the individual's participation in the program including, but not limited to, an award of incentives, jail and non-jail sanctions, phase changes, and participation fees. Jail sanctions shall be served in the Wayne County Jail.
11. The RBTC shall ensure participants are complying with the requirements of MCL 600.1097 by complying with all court orders, paying all fines, costs, restitution, and assessments to the transferring court as ordered in the judgment of sentence, order delaying sentence, or probation order deferring judgment, and paying any fee imposed by the mental health court program as allowed under MCL 600.1095(3).



12. The transferring court shall document any bench warrants issued by the RBTC judge during the individual's participation in the RBTC by entering the warrants into the transferring court's case management system.
13. The transferring court shall collect and retain payment on an order for fines, fees, restitution, and assessments associated with the case.
14. The coordinating court shall collect and retain payment of RBTC program fees and receipt payment using the court's case management/accounting system without opening a new case. The coordinating court shall utilize any program fees collected for operations of the program.
15. The transferring court shall amend the judgment of sentence, order delaying sentence, or order of probation as necessary.
16. The transferring court shall comply with the agreement made by the coordinating court with the individual for final disposition of the case upon successful completion of the RBTC program.
17. The transferring court shall send a copy of the transfer order (form MC 394) to the RBTC. Upon request by the RBTC, the transferring court shall send any other documents from either the case file maintained by the clerk of the court or from the probation file to the RBTC.
18. RBTC case files shall be housed in the coordinating court in compliance with the General Records Retention and Disposal Schedule #16 – Michigan Trial Courts, the Michigan Case File Management Standards, Part 2 of Title 42 of the Code of Federal Regulations, the Health Insurance Portability and Accountability Act (HIPAA), and all applicable Michigan state laws to assure confidentiality of RBTC program records.
19. Pursuant to MCL 600.1099, the coordinating court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the RBTC.
20. The coordinating court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO. The coordinating court shall not enter the case into the court's case management system as a new filing.
21. The coordinating court shall notify the transferring court when the RBTC judge issues a bench warrant or sanctions the participant by ordering the participant to jail.
22. If an individual fails to appear for any hearing scheduled with the RBTC, a bench warrant may be issued by the RBTC judge. If the RBTC judge issues a warrant, the judge shall hold a hearing on the failure to appear and, if the judge determines that the participant should be discharged from the program, then the RBTC judge shall enter an order discharging the defendant from the program and immediately notify the transferring court.

23. The coordinating court shall enter an order on SCAO-approved form MC 394a when the individual's participation in the RBTC is successfully completed or unsuccessfully terminated, and shall send a copy of the order to the transferring court.
24. After receiving form MC 394a from the RBTC, the transferring court shall file the order and enter the final disposition of the case in the court's case management system.

Effective Date: Upon Approval

Signatures of Authorized Representatives: - SEE FOLLOWING PAGES

29<sup>th</sup> District Court

By: Laura R. Mack  
Laura R. Mack, Chief Judge

5-21-19  
Date

16<sup>th</sup> District Court

By: \_\_\_\_\_  
Kathleen J. McCann, Chief Judge

\_\_\_\_\_  
Date

17<sup>th</sup> District Court

By: \_\_\_\_\_  
Karen Khalil, Chief Judge

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By: \_\_\_\_\_  
Sandra Cicirelli, Chief Judge

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By: \_\_\_\_\_  
David Turfe, Chief Judge

\_\_\_\_\_  
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By: \_\_\_\_\_  
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By: \_\_\_\_\_  
Geno Salomone, Chief Judge

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By: \_\_\_\_\_  
John T. Courtright, Chief Judge

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34<sup>th</sup> District Court

By: \_\_\_\_\_  
Tina Brooks Green, Chief Judge

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Date

35<sup>th</sup> District Court

By: \_\_\_\_\_  
James A. Plakas, Chief Judge

\_\_\_\_\_  
Date

29<sup>th</sup> District Court

By: Laura R. Mack  
Laura R. Mack, Chief Judge

5-21-19  
Date

16<sup>th</sup> District Court

By: Kathleen J. McCann  
Kathleen J. McCann, Chief Judge

6/20/19  
Date

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By: \_\_\_\_\_  
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17<sup>th</sup> District Court

By: Karen Khalil  
Karen Khalil, Chief Judge

6/10/19  
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Sandra Cicirelli, Chief Judge

5-23-19  
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By: Sabrina L. Johnson  
Sabrina L. Johnson, Chief Judge

6/6/19  
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6/16/19  
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By: *Tina Brooks Green*  
Tina Brooks Green, Chief Judge

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By: \_\_\_\_\_  
James A. Plakas, Chief Judge

5.22.19  
Date

## ATTACHMENT A

### The 10 Essential Element of a Mental Health Court

**Essential Element #1** – Planning and Administration

**Essential Element #2** – Target Population

**Essential Element #3** – Timely Participant Identification and Linkage to Services

**Essential Element #4** – Terms of Participation

**Essential Element #5** – Informed Choice

**Essential Element #6** – Treatment Supports and Services

**Essential Element #7** – Confidentiality

**Essential Element #8** – Court Team

**Essential Element #9** – Monitoring Participant Progress

**Essential Element #10** – Sustainability



DISTRICT COURT



STATE OF MICHIGAN

29th JUDICIAL DISTRICT of MICHIGAN

LAURA R. MACK  
District Judge

LINDA GABLE  
Court Administrator

MEMORANDUM OF UNDERSTANDING

WESTERN WAYNE COUNTY REGIONAL BEHAVIORIAL TREATMENT PROGRAM

This is an understanding among the 29<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 34<sup>th</sup>, and 35<sup>th</sup> District Courts and participating prosecuting attorneys, Wayne County Sheriff's Department, court probation department, defense counsel representative(s), community mental health services provider(s), treatment provider(s), substance abuse services provider, and the regional mental health court program coordinator.

1. The above parties agree to share the following vision for the Western Wayne County Regional Misdemeanor Behavioral Treatment Program (RMHC):
  - A. Provide leadership through innovative services.
  - B. Continuously improve services.
  - C. Achieve program goals through teamwork.
  - D. Enhance the quality of life for participants throughout associated regional district court jurisdictions.
  - E. Reduce criminal behavior and decrease incarceration of the mentally ill.
2. We endorse the goals and mission of the RMHC in order for participants to reduce future criminal behavior and improve the quality of their lives. For these programs to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission and vision of the RMHC program.
3. We agree that the mission of the RMHC program is to successfully link serious mentally ill individuals convicted in our courts to the appropriate treatment services while maintaining public safety and reducing recidivism.

Revised 9/7/2016

4. There are ten elements under which the respective agencies work cooperatively:
  - A. Develop a broad-based group of stakeholders to guide the administration of the program.
  - B. Target individuals whose mental illness is related to their crime and meet both clinical and legal criteria for admission.
  - C. Identify and link participants in a timely manner to the appropriate treatment services.
  - D. Promote positive legal outcomes by well-defined terms of participation that facilitate engagement in treatment that corresponds to the level of risk to the community.
  - E. Address competency issues in a timely fashion when they arise and provide legal counsel to assist with admission and program requirements.
  - F. Provide comprehensive and individualized treatment while striving to utilize evidence-based services.
  - G. Protect participants' health and legal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and Part 2 of 42 CFR and applicable state laws while making information available to the court team.
  - H. Maintain a team that is comprised of court and mental health staff, along with treatment and service providers who maintain ongoing specialized training. The team is responsible for assisting participants in achieving their goals.
  - I. Collaboratively monitor program requirements while offering graduated incentives and sanctions to modify behavior.
  - J. Periodically review data that is collected to evaluate the program's functioning and effectiveness to sustain local support.
5. The roles of the parties are:
  - A. Community Mental Health Services Provider(s). Attend team meetings and court sessions; conduct assessments; provide mental health treatment services to participants; assist in monitoring compliance of program requirements; report on progress of participants; and offer insights and suggestions on participants.
  - B. Prosecuting Attorney(s). Provide referral and initial screening of eligible participants; participate in team meetings, court sessions and planning committee (when possible); participate in dismissal and discharge decisions for participants who have successfully completed the program pursuant to MCL 600.1098 and other applicable deferred and delayed sentencing statutes; provide feedback, ideas, and suggestions as needed; represent the interests of the prosecutor, any victims and law enforcement.

Signatures of Authorized Representatives: - SEE FOLLOWING PAGES

Effective Date: 10-1-16

End Date: until terminated

- C. Wayne County Sheriff's Department. Transport participants sanctioned to jail directly from courthouse to jail, participate in team meetings, court sessions, and planning committee (when possible); supervise in-custody participants and provide advice and suggestions on alternatives to jail, when appropriate; and provide feedback to the court on the RMHC participants' follow-up on all ordered sanctions.
- D. RMHC and/or Case Managers. Attend team meetings and court sessions; provide probation oversight for all RMHC participants; work with the regional MHC coordinator in supervising and monitoring the individuals in the program; prepare presentence reports and perform drug tests as needed; schedule show cause hearings for participants who have violated the program rules; establish community resource connections for services; and act as a liaison with treatment providers, drug testing contractor (if applicable), and probation.
- E. Regional Mental Health Court Program Judge(s). Chair meetings; preside in court; and coordinate team activities, evaluations, and planning; and promote the RMHC to the community.
- F. Defense Counsel Representative(s). Attend team meetings and court sessions (when possible); ensure that defendants' procedural and due process rights are followed; and provide feedback, suggestions, and ideas on the operation of the RMHC.
- G. Regional Mental Health Court Program Coordinator. Prepare files; schedule and attend meetings; arrange for additional screenings of persons referred by the prosecutor; answer inquiries from defense attorneys on possible eligibility; oversee data entry into DCCMIS system.
- H. Substance Abuse Service Provider(s). Provide substance abuse and relapse prevention services; attend team meetings and court sessions; report on progress of participants; offer insights and suggestions on the treatment plans of individuals in the program.
- I. Probation Officer(s) From Transferring Court. Provide referrals and initial screening from transferring court of eligible participants; act as liaison between transferring court and 29<sup>th</sup> District Court; prepare all transfer paperwork; and issue warrants when necessary.



# DISTRICT COURT



STATE OF MICHIGAN

## 29th JUDICIAL DISTRICT of MICHIGAN

LAURA R. MACK  
*District Judge*

LINDA GABLE  
*Court Administrator*

### MEMORANDUM OF UNDERSTANDING

#### WESTERN WAYNE COUNTY REGIONAL BEHAVIORIAL TREATMENT PROGRAM

This is an understanding among the 29<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 34<sup>th</sup>, and 35<sup>th</sup> District Courts and participating prosecuting attorneys, Wayne County Sheriff's Department, court probation department, defense counsel representative(s), community mental health services provider(s), treatment provider(s), substance abuse services provider, and the regional mental health court program coordinator.

1. The above parties agree to share the following vision for the Western Wayne County Regional Misdemeanor Behavioral Treatment Program (RMHC):
  - A. Provide leadership through innovative services.
  - B. Continuously improve services.
  - C. Achieve program goals through teamwork.
  - D. Enhance the quality of life for participants throughout associated regional district court jurisdictions.
  - E. Reduce criminal behavior and decrease incarceration of the mentally ill.
2. We endorse the goals and mission of the RMHC in order for participants to reduce future criminal behavior and improve the quality of their lives. For these programs to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission and vision of the RMHC program.
3. We agree that the mission of the RMHC program is to successfully link serious mentally ill individuals convicted in our courts to the appropriate treatment services while maintaining public safety and reducing recidivism.



5. The roles of the parties are:
- A. Community Mental Health Services Provider(s). Attend team meetings and court sessions; conduct assessments; provide mental health treatment services to participants; assist in monitoring compliance of program requirements; report on progress of participants; and offer insights and suggestions on participants.
  - B. Prosecuting Attorney(s). Provide referral and initial screening of eligible participants; participate in team meetings, court sessions and planning committee (when possible); participate in dismissal and discharge decisions for participants who have successfully completed the program pursuant to MCL 600.1098 and other applicable deferred and delayed sentencing statutes; provide feedback, ideas, and suggestions as needed; represent the interests of the prosecutor, any victims and law enforcement.

4. There are ten elements under which the respective agencies work cooperatively:
- A. Develop a broad-based group of stakeholders to guide the administration of the program.
  - B. Target individuals whose mental illness is related to their crime and meet both clinical and legal criteria for admission.
  - C. Identify and link participants in a timely manner to the appropriate treatment services.
  - D. Promote positive legal outcomes by well-defined terms of participation that facilitate engagement in treatment that corresponds to the level of risk to the community.
  - E. Address competency issues in a timely fashion when they arise and provide legal counsel to assist with admission and program requirements.
  - F. Provide comprehensive and individualized treatment while striving to utilize evidence-based services.
  - G. Protect participants' health and legal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and Part 2 of 42 CFR and applicable state laws while making information available to the court team.
  - H. Maintain a team that is comprised of court and mental health staff, along with treatment and service providers who maintain ongoing specialized training. The team is responsible for assisting participants in achieving their goals.
  - I. Collaboratively monitor program requirements while offering graduated incentives and sanctions to modify behavior.
  - J. Periodically review data that is collected to evaluate the program's functioning and effectiveness to sustain local support.

- C. Wayne County Sheriff's Department. Transport participants sanctioned to jail directly from courthouse to jail, participate in team meetings, court sessions, and planning committee (when possible); supervise in-custody participants and provide advice and suggestions on alternatives to jail, when appropriate; and provide feedback to the court on the RMHC participants' follow-up on all ordered sanctions.
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Effective Date: 10-1-16

End Date: until terminated

Signatures of Authorized Representatives: - SEE FOLLOWING PAGES

29<sup>th</sup> District Court

By: Laura R. Mack

Laura R. Mack, Chief Judge

11-9-16

Date

16<sup>th</sup> District Court

By: Sean P. Kavanagh

Sean P. Kavanagh, Chief Judge

11-9-16

Date

17<sup>th</sup> District Court

By: \_\_\_\_\_

Karen Khalil, Chief Judge

\_\_\_\_\_

Date

18<sup>th</sup> District Court

By: \_\_\_\_\_

Sandra Cicirelli, Chief Judge

\_\_\_\_\_

Date

20<sup>th</sup> District Court

By: \_\_\_\_\_

Mark Plawecki, Chief Judge

\_\_\_\_\_

Date

21<sup>th</sup> District Court

By: \_\_\_\_\_

Richard L. Hammer, Jr, Chief Judge

\_\_\_\_\_

Date

22<sup>th</sup> District Court

By: \_\_\_\_\_

Sabrina L. Johnson, Chief Judge

\_\_\_\_\_

Date

23<sup>rd</sup> District Court

By: \_\_\_\_\_

Geno Salomone, Chief Judge

\_\_\_\_\_

Date

24<sup>th</sup> District Court

By: \_\_\_\_\_

John T. Courtright, Chief Judge

\_\_\_\_\_

Date

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By: \_\_\_\_\_

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Sean P. Kavanagh, Chief Judge

\_\_\_\_\_

Date

17<sup>th</sup> District Court

By: *Karen Khalil*

Karen Khalil, Chief Judge

9/12/16

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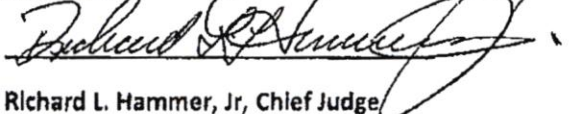
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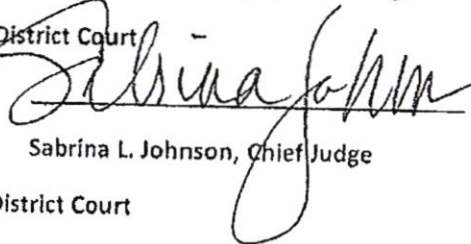
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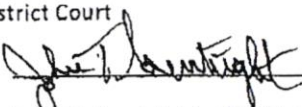
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Date



11/9/14

35<sup>th</sup> District Court

By: \_\_\_\_\_

Michael Gerou, Chief Judge

Date

WAYNE COUNTY JAIL

By: \_\_\_\_\_

Benny Napoleon, Wayne County Sheriff

Date

DETROIT WAYNE MENTAL HEALTH AUTHORITY

By: \_\_\_\_\_

Jeffery DeLay

Date

HEGIRA PROGRAMS INC.

By: \_\_\_\_\_

Carol DiGiuseppe

Date

CITY ATTORNEY FOR THE CITY OF WAYNE

By: \_\_\_\_\_

Paul Bohn

Date

DEFENSE ATTORNEY

By: \_\_\_\_\_

Charles Clos

Date

34<sup>th</sup> District Court

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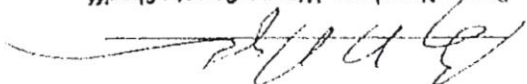
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~~April 17, 2018~~

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DETROIT WAYNE MENTAL HEALTH AUTHORITY

By: *[Signature]*  
~~Jeffery DeLay~~ William S. Ward, Chief of Staff

9-13-16

Date

HEGIRA PROGRAMS INC.

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HEGIRA PROGRAMS INC.

By: Carol DiGiuseppe  
Carol DiGiuseppe

12/19/16  
Date

CITY ATTORNEY FOR THE CITY OF WAYNE

By: \_\_\_\_\_  
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