



62-B District Court
4740 WALMA AVE SE
KENTWOOD MICHIGAN 49512
Phone (616) 698-9310/Fax (616) 698-8199
MONDAY - FRIDAY
8:00 AM - 5:00 PM

PROBATION SERVICES DIRECTOR
LYNN SMITH
616-554-0721

PROBATION OFFICER
JIM BASTIAANSE
616-554-0719

PROBATION OFFICER
LINDA CASTILLO
616-554-0778

SOBRIETY COURT CASE MANAGER
ANDREA M. ZUFELT, CADC
616-554-0722

WILLIAM G KELLY
DISTRICT JUDGE

MICHELE WHITE
COURT ADMINISTRATOR
616-554-0715

62B District Court Administrative Order 2015 - 2J
62A District Court Administrative Order 2015 - 1J
63rd District Court Administrative Order 2015 - 5J
59th District Court Administrative Order 2015 - 2J
17th Circuit Court Administrative Order 2015 - 4J

**ORDER FOR ESTABLISHMENT OF A REGIONAL DRIVING WHILE
IMPAIRED/INTOXICATED 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 regional driving while impaired/intoxicated treatment court (RDWI) in the 62B, 62A, 63rd, and 59th District Courts as well as the 17th Circuit Court. This will service the cities of Kentwood, Wyoming, Grandville, Walker, as well as townships and villages within Grand Rapids. This will also service any other cities within Kent County and any courts within outlying counties, if approved and cleared 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 Court Promulgated by the National Drug Court Institute, a division of the National Association of Drug Court Professionals.

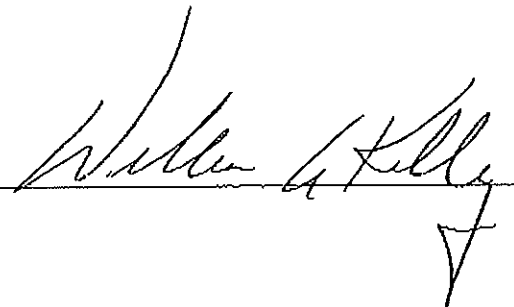
1. The courts have entered into a Memorandum of Understanding with each participating prosecuting attorney in the circuit court or district court, a representative of the criminal defense bar, a representative of community treatment providers and other key parties pursuant to MCL 600.1062. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached.
2. District Court 62-B Kentwood is the coordinating court for funding and program management and is responsible for program operations. The coordinating court shall submit required financial documentation to the SCAO in accordance to MCL 600.1080.
3. Policies and procedures of the RDWI shall be established by its steering committee and monitored and maintained by the coordinating court.
4. The RDWI contractual personnel shall be managed and monitored by the coordinating court.

5. The RDWI court has established its eligibility criterion which is consistent with MCL 600.1064 and MCL 600.1068.
6. In compliance with MCL 600.1064(3), no participant shall be admitted until a complete preadmission screening and substance abuse assessment by an individual or agency on the State Court Administrative Office approved treatment agency list are completed.
7. All participants shall sign a voluntary written participant agreement to participate in the program in conformance with MCL 600.1068(1)(d).
8. The RDWI court shall provide drug monitoring, testing and assessments as required by MCL 600.1072.
9. The RDWI court shall ensure participants are paying court ordered fines and costs in compliance with MCL 600.1074.
10. Cases transferred to the RDWI court 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.
11. The presiding judge of the RDWI, 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 Kent County Correctional Facility.
12. The individual shall comply with the requirements of MCL 600.1074(1) by: (1) complying with all court orders, (2) 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 (3) paying any fee imposed by the drug treatment court program and allowed under MCL 600.1070(4).
13. The transferring court shall document any bench warrants issued by the RDWI court judge during the individual's participation in the RDWI court by entering them into the transferring court's case management system.
14. The transferring court shall collect payment on an order for fines, fees, restitution and assessments.
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 participant agreement made with the individual for final disposition of the case upon successful completion of the RDWI court program.
17. The transferring court shall send a copy of the transfer order (form MC 394) to the RDWI court. 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 RDWI court.

- 18. The RDWI court shall maintain RDWI case files separate from legal files and separate from standard probation files. RDWI case files shall be housed in the coordinating court 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 RDWI court records.
- 19. Pursuant to MCL 600.1078, the coordinating court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the RDWI court program.
- 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 collect payment of RDWI court program fees and receipt payment using the court's case management/accounting system without opening a new case.
- 22. The coordinating court shall notify the transferring court when the RDWI court judge issues a bench warrant or sanctions the participant to jail.
- 23. The coordinating court shall enter an order, on SCAO-approved form MC 394a when the individual's participation in the RDWI court is successfully completed or unsuccessfully terminated and shall send a copy of the order to the transferring court.
- 24. Before a participant is terminated from the RDWI program, the RDWI court judge shall hold a hearing and, if the judge determines that the participant should be discharged from the program, then the RDWI court judge shall enter an order discharging the defendant from the program and immediately notify the transferring court. If the participant fails to appear for the hearing, a bench warrant may be issued.
- 25. After receiving the MC 394a from the RDWI court, the transferring court shall file the order and enter the final disposition of the case in the court's case management system.
- 26. Each signatory court acknowledges that the case disposition information regarding RDWI court participation is unavailable from the Department of State driving record and criminal history record, and failure to enter data into the DCCMIS will result in the absence of a complete record of drug treatment court participation in Michigan courts.

Effective Date: March 1, 2015

Date: 3-10-15 Chief Judge Signature:



Handwritten signature of William A. Kelly in black ink, written over a horizontal line.

Court: 62B District Court



WILLIAM G KELLY
DISTRICT JUDGE

MICHELE WHITE
COURT ADMINISTRATOR
616-554-0715

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MEMORANDUM OF UNDERSTANDING

62-B DISTRICT REGIONAL DRIVING WHILE INTOXICATED/IMPAIRED TREATMENT COURT PROGRAM

This is an understanding among the 62-B (Kentwood); 62-A (Wyoming); 63rd (Kent County); 59G (Grandville); 59W (Walker); and 17th Circuit (Kent County) Courts and participating Prosecuting Attorneys, Kentwood Police Department, Probation Departments of the above mentioned courts, Defense Counsel Representatives, Reality Counseling Services; New Life Counseling Services and the Program Coordinator.

1. The aforementioned parties agree to share the following vision for the 62-B District Regional DWI (RDWI) Court:
 - A. Enhance the quality of life throughout Kent County;
 - B. Provide leadership through innovative services;
 - C. Continuously improve services;
 - D. Achieve program goals through teamwork;
 - E. Break the generational cycle of criminality and substance abuse.
2. We endorse the goals and mission of the 62-B District Regional DWI Court Program in order for participants to eliminate 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 62-B District Regional DWI Court;
3. We agree that the mission of the RDWI court program shall be to successfully rehabilitate substance abusing individuals while maintaining public safety;
4. There are ten principles under which the respective agencies work cooperatively:
 - A. Drug and alcohol addiction is a chronic relapsing disease that is treatable and substance abuse is reversible behavior, but which, if unaddressed, may lead to continuing and increasing criminal behavior and other personal, family, and societal problems.
 - B. RDWI court programs offer an opportunity to direct those in crisis with addictions and abuse to begin a rehabilitation process, which may ultimately lead to a reduction or elimination of addiction and abuse 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 DWI court program.
 - E. Participants with drug and alcohol abuse issues cannot maximize their treatment potential without appropriate treatment intervention that includes their families.
 - F. Participant accountability is foremost in the program, with written program agreements and Court monitoring of behavior on a biweekly basis. Court monitoring will include incremental sanctioning for negative behaviors and positive rewards for improved behaviors.
 - G. RDWI 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. Pre-adjudication participant entry in to the RDWI court program shall be governed by written eligibility criteria with the concurrence of the prosecuting attorney.
- I. Information about participant progress, participant family progress, and the functioning of the RDWI court program shall be made available to all parties.
- J. Effective evaluation of the RDWI court program shall be sought with appropriate responses being made relative to these evaluations.

5. The roles of the parties are as follows:

- A. **Prosecuting Officials**: Represent the interests of the prosecutor and law enforcement. Attend bi-weekly meetings and bi-weekly court sessions as desired. Provide feedback, ideas and suggestions as needed.
- B. **Kentwood Police Department**: Attend bi-weekly team meetings and court sessions as desired. Provide advice and feedback on sanctions, when appropriate.
- C. **Case Manager/RDWI Court Coordinator**: Schedule and attend team meetings and bi-weekly court sessions. Arrange for additional screening of persons referred by the prosecutor. Answer inquires from defense attorneys on possible eligibility. Oversee data entry into the DCCMIS system. Establish community resource connections for services. Act as a liaison with treatment providers and contractors where applicable. Provide probation oversight for all RDWI court participants. Work with the RDWI Court in supervising and monitoring the individuals in the program. Prepare pre-sentence reports and perform drug tests as needed. Schedule show cause hearings for participants who have violated the program rules and are subject to dismissal.
- D. **Regional DWI Court Judge**: Chair meetings, preside in court, and coordinate team activities, evaluations and planning.
- E. **Defense Counsel Representative(s)***: Attend team meetings and bi-weekly court sessions as desired. Ensure that the defendant's procedural and due process rights are followed. Provide feedback, suggestions, and ideas on the operation of the court.
- F. **Substance Abuse Agencies/Treatment Providers***: Attend team meetings and court sessions, report on the progress of participants, and offer insights and suggestions on the treatment plans of individuals in the program.

Effective Date: March 1, 2015


End Date: March 1 2018

Signatures of Authorized Representatives*:



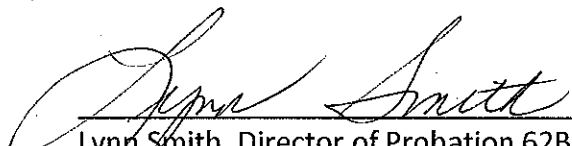
William G. Kelly, RDWI Court Judge, 62B District Court

Jan 23, 2015
Date



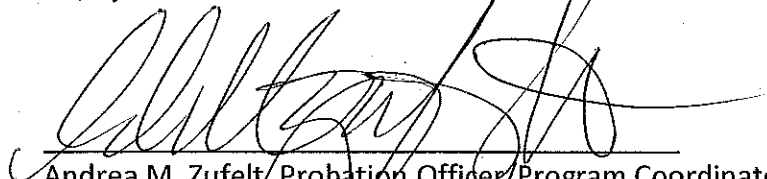
Don Tuuri, Deputy Chief, Kentwood Police Department

1-23-15
Date



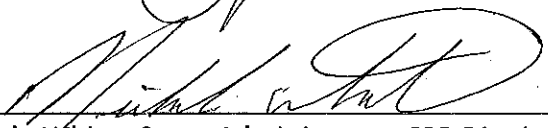
Lynn Smith, Director of Probation 62B District Court

1-23-15
Date



Andrea M. Zufelt, Probation Officer/Program Coordinator

1-23-15
Date

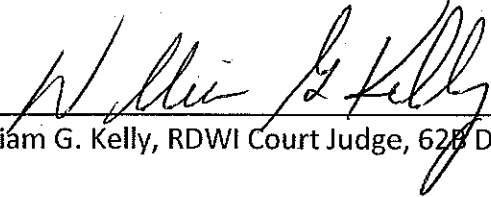


Michele White, Court Administrator 62B District Court

1-23-15
Date

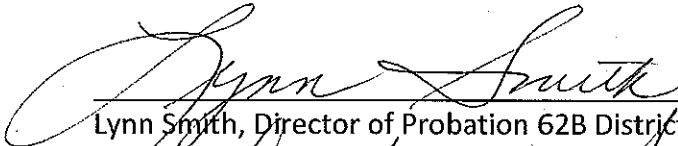
* Please note that all other coresponding signatures will be added to the MOU within the next 90 days and submitted to SCAO.

Signatures of Authorized Representatives:



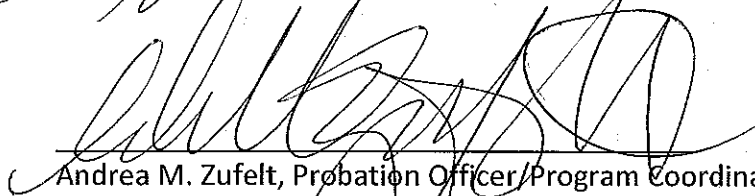
William G. Kelly, RDWI Court Judge, 62B District Court

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Lynn Smith, Director of Probation 62B District Court

1-23-15
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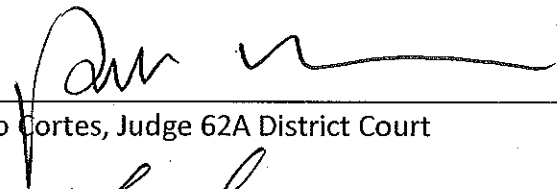
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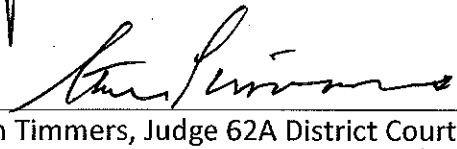
Michele White, Court Administrator 62B District Court

1-23-15
Date



Pablo Cortes, Judge 62A District Court

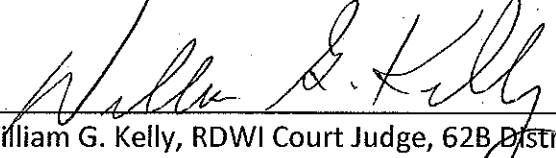
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Steven Timmers, Judge 62A District Court

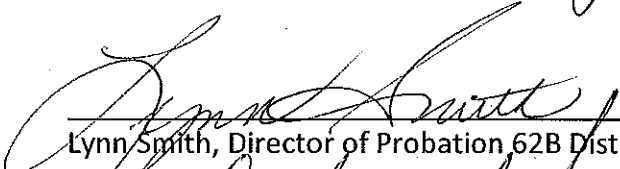
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Signatures of Authorized Representatives:



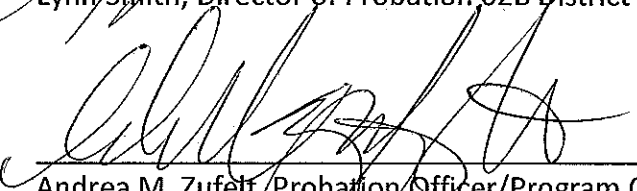
William G. Kelly, RDWI Court Judge, 62B District Court

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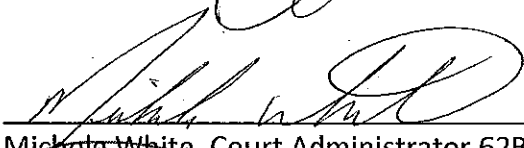
Lynn Smith, Director of Probation 62B District Court

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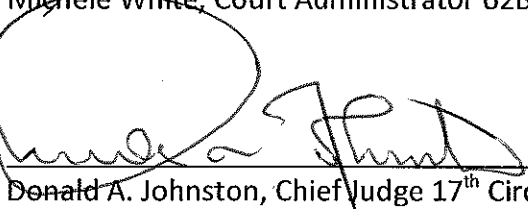
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1-23-15
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Michele White, Court Administrator 62B District Court

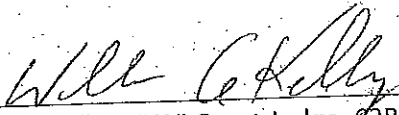
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Donald A. Johnston, Chief Judge 17th Circuit Court

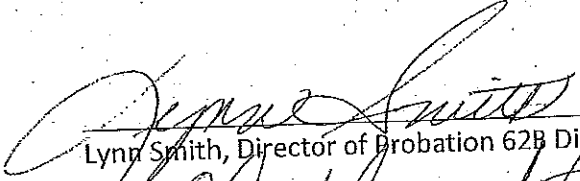
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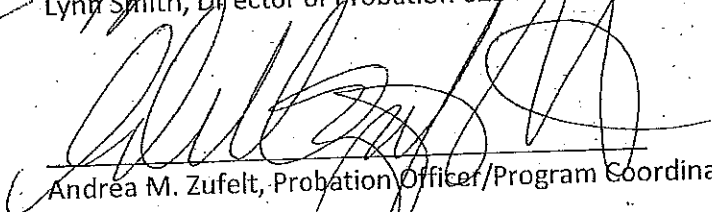
William G. Kelly, RDWI Court Judge, 62B District Court

Jan 23, 2015
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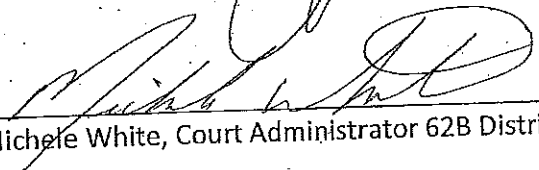
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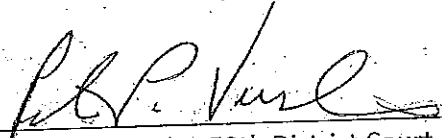
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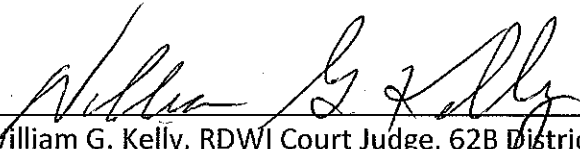
1-23-15
Date



Peter P. Versluis, Judge 59th District Court

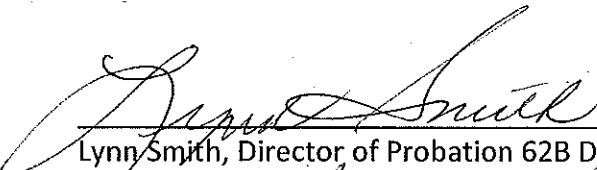
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Signatures of Authorized Representatives:



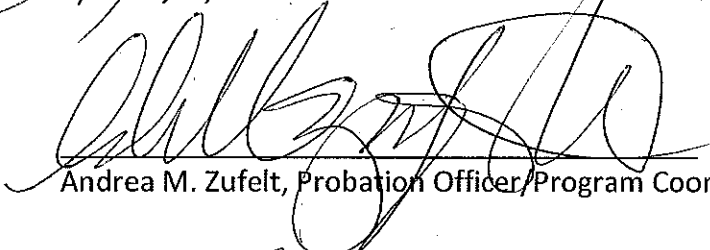
William G. Kelly, RDWI Court Judge, 62B District Court

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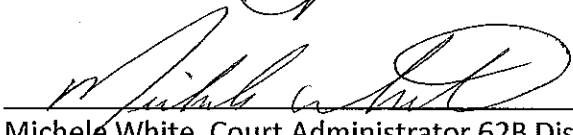
Lynn Smith, Director of Probation 62B District Court

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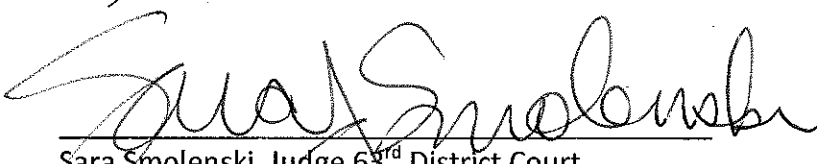
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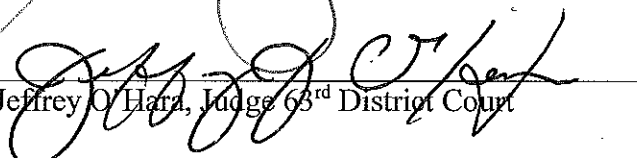
Michele White, Court Administrator 62B District Court

1-23-15
Date



Sara Smolenski, Judge 63rd District Court

1/23/2015
Date



Jeffrey O'Hara, Judge 63rd District Court

1-23-15
Date