

The following guidelines were established based on Memorandum 2013-01, issued by the State Court Administrative Office (SCAO) regarding transfers for Drug Treatment Court Program supervision. Acceptance into the STP program may be denied if the conditions set forth in this memorandum are not met by the defendant or by the transferring court.

1. Upon contact from the transferring court, a case manager shall fill out the STP application form and send it to the assigned Ottawa County prosecutor for legal eligibility. The assigned Ottawa County prosecutor shall notify a STP case manager of acceptance or denial into the program based on legal eligibility.
2. The defendant
  - a. Must agree to cooperate with and complete a preadmissions screening and evaluation process as determined by the 58<sup>th</sup> District Court.
  - b. Must be an Ottawa County resident, or within the court's jurisdiction.
  - c. May not have a violent criminal history or a felony weapon conviction.
  - d. Must enter a guilty plea to a one year misdemeanor with the transferring court prior to program entry. Preference is given to OWI 2<sup>nd</sup> cases.
  - e. Must sign a written agreement to participate in the Sobriety Treatment Program.
3. A STP case manager shall schedule a screening with the defendant as soon as possible. The case manager shall notify the defendant, and/or the defendant's attorney, of acceptance or denial into the program in the form of a letter and/or phone call. A copy of the acceptance letter shall also be sent to the transferring court.
4. The transferring court must obtain a judicial assignment form from SCAO assigning a STP Judge into the transferring Court. The cross assignment of Judges is done on a one time basis, and not per individual transfer.
5. If the defendant is accepted into the program, the transferring Court must enter an order, on SCAO-approved form MC394 (Order of Transferring Supervision to Drug Treatment Court Program), transferring supervision of the case to the 58<sup>th</sup> District Court.
  - a. The order provides that the transferring court maintains jurisdiction over the individual until final disposition of the case but no longer than the probation period established under MCL 771.2.
  - b. The presiding Judge of the STP program is authorized to make all decisions associated with the defendant's participation in the program including, but not limited to, an award of incentives, jail and non-jail sanctions, phase changes, participation fees, counseling fees, and restricted license privileges pursuant to the Ignition Interlock Project, MCL 257.304.
  - c. The transferring court shall send a copy of the transfer order (form MC394) to the STP case manager. Upon request by the STP Judge, 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 58<sup>th</sup> District Court.

6. **The following conditions shall be imposed by the transferring court at the time of sentence.**
  - a. **24 months of probation.**
  - b. **365 days jail suspended on the condition of successful completion of the 58<sup>th</sup> District Court Sobriety Treatment Program.**
  - c. **Defendant must abide by all 58<sup>th</sup> District Court Sobriety Treatment Program conditions.**
  - d. **Defendant must pay program fees in the amount of \$1,440, drug testing fees in the amount of \$120, and an assessment fee in the amount of \$75, directly to the 58<sup>th</sup> District Court as directed.**
  - e. **Fine/Costs are to be paid directly to the transferring court.**
  - f. **Defendant must report to the 58<sup>th</sup> District Court Probation Department within 24 hours of sentence or release from jail.**
7. If the defendant is sentenced to a jail term by the transferring court, that sentence shall be served in the transferring court's jurisdiction.
8. The transferring court shall impose the sentence, amend the judgment of sentence, and order of probation as necessary.
  - a. The STP Judge is acting as a Judge of the transferring court. As a result, bench warrants shall be issued by the transferring court.
  - b. The STP case manager will request necessary amendments or requests for warrants from the transferring court.
  - c. A hearing shall be scheduled with the STP judge to determine a participant's termination from the program if deemed appropriate. If the defendant is terminated from the STP, the defendant will return to the transferring court for sentencing.
9. Jail sentences during program participation are to be served at the Ottawa County jail. Jail sentences imposed as a result of termination from the STP shall be imposed in the county of transfer.
10. A STP case manager, shall enter an order, on SCAO-approved form MC394a (order of Discharge From Drug Treatment Court Program), when the defendant successfully, or unsuccessfully, completes the program. A copy shall be sent to SCAO and to the transferring Court.
11. Upon completion of the STP program, defendants shall remain under the supervision of the 58<sup>th</sup> District Court Probation Department. Violations during this time period shall be handled by the transferring Court. The transferring Court shall be contacted when the probation period has expired.