

STATE OF MICHIGAN



DISTRICT JUDGES
Hon. L. Eugene Hunt, Jr.
Hon. Sam A. Salamey
Hon. Mark W. Somers

NINETEENTH DISTRICT COURT

16077 MICHIGAN AVENUE
DEARBORN, MICHIGAN 48126

Eric F. Cyman
Court Administrator
(313) 943-2070
Court Information
(313) 943-2060

Administrative Order 2018-01

ORDER FOR THE ESTABLISHMENT OF A VETERANS' TREATMENT COURT

IT IS ORDERED:

The purpose of this order is to establish a veterans' treatment court in the 19th District Court upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with 10 Key Components for a veterans' treatment court, a copy of which is attached (Attachment A).

1. The court has entered into a Memorandum of Understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative of community treatment providers, and other key parties. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached (Attachment B).
2. The court has established eligibility criteria as part of Attachment B. Any statement or other information obtained as a result of participating in a substance abuse or mental health assessment shall be deemed confidential and shall not be used in any criminal prosecution against the veteran.
3. No participant shall be admitted until a complete preadmission screening, and substance abuse and/or mental health assessment are completed.
4. All participants shall sign a voluntary written consent to participate in the program.
5. The court shall maintain case files in compliance with General Records Retention and Disposal Schedule #16 – Michigan Trial Courts, the Michigan Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of drug treatment court records.
6. The court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1201 through MCL 600.1209.

7. Pursuant to MCL 600.1210 the court shall provide the State Court Administrative Office with the minimum standard data established by the State Court Administrative Office for each individual applicant and participating of the veterans' treatment court program.
8. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the State Court Administrative Office.

Effective Date: Upon of Approval of the State Court Administrative Office

01/02/2018
Date


Sam Salamey, Chief District Judge

ATTACHMENT A

The 10 Key Components of Veterans' Treatment Courts

Key Component #1: Veterans' treatment courts integrate alcohol and drug treatment, and mental services with justice system case processing.

Veterans' Treatment Court promotes sobriety, recovery, and stability through a coordinated response to a veteran's dependency on alcohol, drugs, and/or management of his/her mental illness. Realization of these goals requires a team approach. This approach includes the cooperation and collaboration of the traditional partners found in drug treatment courts and mental health treatment courts with the addition of the Veterans Administration, support organizations for veterans and their families, as well as volunteer veteran mentors.

Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

To facilitate the veteran's progress in treatment, the prosecutor and defense counsel work together as a team. Once a veteran is accepted into the treatment court program, the team's focus is on the veteran's recovery and law-abiding behavior, not on the merits of the pending case.

Key Component #3: Eligible participants are identified early and promptly placed in the veterans' court program.

Early identification of veterans entering the criminal justice system is a vital part of the process of placement in the ICTVC. Arrest can be a traumatic event in a person's life. It creates an immediate crisis and can force recognition of inappropriate behavior out into the open. This assists the veteran in realizing there is a need for treatment.

Key Component #4: The veterans' treatment court provides access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services.

While primarily concerned with criminal activity, alcohol and other drug use, and mental illness, the treatment court team also considers co-occurring problems such as medical problems, transmittable diseases, homelessness, basic educational deficits, unemployment, poor job preparation, spouse and family troubles, and the ongoing effects of war-time trauma.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Frequent court-ordered alcohol and other drug testing is essential. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each defendant's progress.

Key Component #6: A coordinated strategy governs veterans' treatment court responses to participants' compliance.

A veteran's progress through the treatment court is measured by his or her compliance with the treatment regimen. The program rewards cooperation as well as responds to noncompliance.

The program establishes a coordinated strategy, including a continuum of graduated responses, to continuing drug use and other noncompliant behavior.

Key Component #7: Ongoing judicial interaction with each veteran is essential.

The judge is the leader of the veterans' treatment court team. This active, supervising relationship increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to veterans that someone in authority cares about them and is closely watching what they do.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Management and monitoring systems provide timely and accurate information about program progress. Program monitoring provides oversight and measurements of the program's performance against its stated goals and objectives. Information and conclusions developed from periodic monitoring reports, process evaluation activities, and longitudinal evaluation studies may be used to modify the program.

Key Component #9: Continuing interdisciplinary education promotes effective veterans' treatment court planning, implementation, and operations.

All veterans' treatment court staff should be involved in education and training. Interdisciplinary education exposes criminal justice officials to veteran treatment issues. In addition, VA employees, veteran volunteer mentors, and treatment staff are exposed to criminal justice issues. It also develops shared understandings of the values, goals, and operating procedures of the VA, treatment, and the justice system components.

Education and training programs help maintain a high level of professionalism and provide a forum for solidifying relationships among the veterans' treatment court stakeholders. A spirit of collaboration and commitment is also promoted.

Key Component #10: Forging partnerships among the court, VA, public agencies, and community-based organizations generates local support and enhances program effectiveness.

Because of its unique position in the criminal justice system, a veterans' treatment court is well-suited to develop collaborations among community-based organizations, criminal justice agencies, the VA, support organizations for veterans and their families, and treatment delivery systems. Forming such collaborations expands the continuum of services available to defendants and informs the community about veterans' treatment court concepts.

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19th District Court Veterans' Treatment Court Memorandum of Understanding

This memorandum of understanding acknowledges the affiliation, relationship and understanding among the 19th District Court and participating Prosecuting Attorneys, Probation Department, Defense Counsel Representative, Treatment Providers, and the Program Coordinator.

Mission

To successfully rehabilitate veterans with substance abuse issues as well as other mental disorders caused by their services in the United States Armed Services.

Vision

Establish a problem solving court that will identify those defendants who served in the United States Armed Forces to:

- Identify and refer eligible veterans to 19th District Court Veterans Court.
- Enhance the quality of life of our veterans through specialized probationary programs.
- Provide leadership through innovative services.
- Continuously improve services.
- Achieve program goals through teamwork.

The parties endorse the goals and mission of the 19th District Court Veterans' Treatment 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 19th District Court Veterans' Treatment Court.

There are 10 Key Components under which the respective agencies will work cooperatively:

1. Veterans' treatment courts integrate alcohol and drug treatment, and mental services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the veterans' court program.
4. The veterans' treatment court provides access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs veterans' treatment court responses to participants' compliance.
7. Ongoing judicial interaction with each veteran is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective veterans' treatment court planning, implementation, and operations.
10. Forging partnerships among the court, VA, public agencies, and community-based organizations generates local support and enhances program effectiveness.

Structure of the Veterans' Treatment Court

The Court will have a specialized Veterans' Treatment Court docket on specified days of the month. Participation in the veterans' court is voluntary. The 19th District Court Veterans' Treatment Court cases will be with defendants who have served in the United States Armed Forces charged with an ordinance misdemeanor offense if approved by the Veterans' Treatment Court team.

By design, this specialty court will provide defendants with a structure within which to obtain the necessary treatment and feedback to minimize the likelihood of future criminal court involvement. And important note is that the structure of this court is highly interactive. This ensures that all those invested in the process have access to each other and share information and treatment goals toward one end: help the veteran succeed.

The person with the key role in this entire process is the veteran. His or her individual success is the overriding goal of this problem-solving court. The veteran's investment and partnership in this process is vital to his or her success.

Identification of Veterans

Potential participants are identified as part of the arraignment process, which allows for early determination of eligibility for the program.

Entry into the Veterans' Treatment Court

Any participating judge who determines he or she has a possible candidate must first determine if the individual is an eligible veteran. A preadmission screening and evaluation assessment will be completed. Upon a determination of eligibility the judge will initially refer the veteran to obtain a substance abuse assessment and mental health assessment through the VA Ann Arbor Healthcare System or affiliated agency.

Before an individual is admitted into the program the court shall find on the record or place a statement in the court file pursuant to MCL 600.1204. If an individual is charged in a criminal case, his or her admission is subject to the conditions pursuant to MCL 600.1205.

The Veterans' Treatment Court Team will meet with the qualified candidate. Ideally a candidate should be scheduled for the next available session.

Logistics of Veterans' Treatment Court Sessions

Sessions will be held twice a month.

Team members will attend pre-court staff meetings.

The Mentor for the Veteran shall attend the court hearings as well as the members of the Veterans' Treatment Court Team.

The 19th District Court Veterans' Treatment Court Team consists of the following members:

- Presiding Judge assigned to Veterans' Court
 - The presiding judge will chair meetings, preside in court, and coordinate team activities, evaluations and planning.

- **City Prosecutor**
 - The prosecutor will provide initial screening for eligible participants. Provide feedback, ideas, and suggestions as needed.
- **Veteran Mentor Coordinator**
 - The coordinator provides a broad and diverse group of volunteer veteran mentors. Recruit, train and provide oversight of mentors. Assign the participant with a mentor as similar to the participant as possible in terms of age, gender, branch of service, military rank, and period of military service.
- **Defense Attorney**
 - The defense attorney representative will ensure that defendant's procedural and due process rights are followed. Provide feedback, ideas, and suggestions as needed.
- **Probation Officer**
 - The probation officer will provide probation oversight for participants. Work with the program coordinator in supervising and monitoring the individual in the program. Prepare presentence reports and perform drug tests as needed. Schedule show causes for participants who have violated the program rules and are subject to dismissal.
- **Veterans' Outreach Officer**
 - The officer will report on progress of participants, and offer insights and suggestions on those participants who have mental health issues in addition to substance abuse problems.
- **Program Coordinator**
 - The coordinator will schedule and attend meetings, arrange for additional screenings of persons referred by the prosecutor. Answer inquiries from defense attorneys on possible eligibility. Establish community resources for services. Act as a liaison with treatment providers and drug testing contractor (if applicable), probation and residential treatment facilities.

Written progress reports and recommendations for each veteran will be available at least one day before each session and will form the basis for the staffing discussions. Initially each veteran will attend a court session no less than once each month, with another report to his or her probation officer in person or as may be ordered.

The 19th District Court Veterans' Treatment Court will hold commencements as needed. The Veterans' Treatment Court Team, key services providers, and individuals the veteran wishes to invite, e.g., family, will be invited to attend.

Eligibility – Personal

The 19th District Court Veterans' Treatment Court will serve honorably and generally discharged veterans residing in the City of Dearborn or in a neighboring community within Wayne County. Each candidate will be reviewed for eligibility.

Eligibility – Charge(s)

All ordinance misdemeanor offenses are eligible. Ultimate eligibility is at the discretion of the presiding judge.

Plea Bargaining and Case Processing Policies

Plea bargains shall be governed by the traditional roles of the prosecution and defense. Additional policies will be determined by the Veterans' Treatment Court Team upon agreement by the prosecutor.

Probation Overview

Defendants may be placed on probation for up to two years. They will be assigned a probation officer. The probation officer will meet regularly with participants as agreed to. As part of probation, there will be a standard probation conditions that the defendant is required to follow.

Reviews

Case management and court reviews will be discussed and analyzed at Team meetings. Defendants will attend at least one court review per month unless excused by the court.

Funding

The 19th District Court will initially utilize existing personnel and resources to coordinate the program and will be responsible for costs that may be associated with holding sessions at the 19th District Court. Additional funding and resources is provided by the Veterans Affairs pursuant to a memorandum of understanding, and grants as available.

Evaluation of Data Collection

The court shall maintain case files in compliance with the Trial Court General Schedule 16, the Michigan Case File Management Standards, and confidentiality pursuant to Title 42 of the United States Code, part 2 and HIPAA.

The court shall use the Drug Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the State Court Administrative Office.

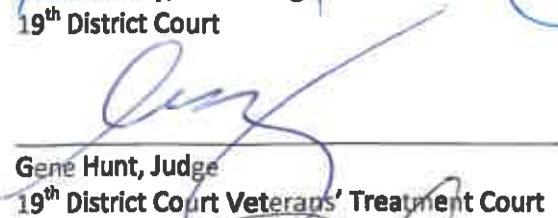
Veterans Affairs

It is understood by all parties that the VA will have a separate memorandum of understanding with the 19th District Court, and therefore is not included in the signing of this memorandum.

**19th District Court Veterans' Treatment Court
Memorandum of Understanding Signatures**


Sam Salamey, Chief Judge
19th District Court

11/27/2017
Date


Gene Hunt, Judge
19th District Court Veterans' Treatment Court

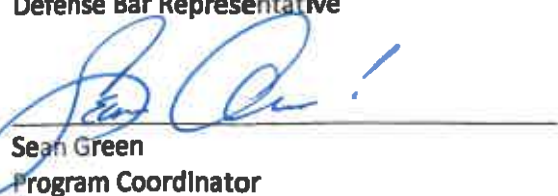
11-21-17
Date


Bradley Mendelsohn
Prosecutor, City of Dearborn

11/20/17
Date


Jamil Khuja,
Defense Bar Representative

11-20-2017
Date


Sean Green
Program Coordinator

11-16-2017
Date


Bill Bazzi
Veterans Mentor Coordinator

11-20-2017
Date


Zena Simmons
19th District Court Probation Officer

11/20/17
Date

MEMORANDUM OF UNDERSTANDING
between the
Department of Veterans Affairs VA Ann Arbor Health Care System, Ann Arbor, Michigan
And
19th District Court, Dearborn, Michigan

Background: Each year hundreds of veterans are charged with misdemeanor crimes or ordinance violations within the jurisdiction of the 19th District Court in Dearborn, Michigan. Many of these Veterans have medical conditions, including those related to their military service. Veterans who are charged with eligible misdemeanor and/or felony crimes often need interventions/rehabilitative services that are not otherwise available to them except through the Department of Veterans Affairs (hereinafter "VA"). The 19th District Court has agreed to establish a Veterans Treatment Court in Dearborn, Michigan (hereinafter "VTC") to work with VA to divert eligible members of this veteran population who are charged with eligible misdemeanors or felony crimes away from jail and into appropriate rehabilitative programs.

Purpose: The purpose of this Memorandum of Understanding (hereinafter "MOU") between the VA Ann Arbor Healthcare System (hereinafter "VAAHS") and the VTC is to establish the responsibilities of VA and the VTC, which will provide interested veterans charged with eligible misdemeanor or felony crimes within the jurisdiction of the VTC with an opportunity to realize better outcomes in their contact with the criminal justice system through utilization of VA rehabilitative programs.

Authority: The VTC has the authority to operate the Veterans Treatment Court pursuant to its judicial powers and Michigan Public Act 335 of 2012. VA has the authority to administer programs and provide healthcare to eligible veterans pursuant to title 38 of the United States Code. This MOU is not intended to confer or create authority not already in existence. The parties to this MOU agree and understand that VA eligibility statutes and rules will dictate whether veteran-defendants who appear in the Veterans Treatment Court are authorized to receive medical treatment at the VA Ann Arbor Healthcare System in Ann Arbor, Michigan. The parties further agree that VA personnel have the sole authority to interpret the VA health care eligibility rules.

The Parties to this MOU agree as follows:

1. The Veterans Treatment Court will include representatives of the 19th District Court,

Who will assist in the planning, development and application of the Veterans Court,

2. Veterans charged with misdemeanor and felony crimes may be eligible to enter the Veterans Court Program.

3. The Veterans Treatment Court is a voluntary program, which requires veterans charged with certain crimes to agree in writing and on the record during a hearing to enter into the Veterans Treatment Court.
4. The VTC shall be responsible for having the veteran-defendant sign all necessary forms provided by the Court, including those allowing a release of the veteran-defendant's health information from VA to the VTC and the veteran-defendant's current charges from the VTC to VA. The parties understand and agree that if the authorization to release information is revoked by the veteran-defendant at any time, VA will be unable to provide any information to the VTC pursuant to Federal privacy and confidentiality laws, absent a valid order signed by a VTC Judge. Furthermore, the parties agree and understand that VA medical records and claims records of veteran-defendants are subject to the provisions in the "Confidentiality of Veterans Records" section below.
5. The parties will collaborate and cooperate for the purpose of developing and implementing necessary forms to be utilized to fulfill the requirements of the Veterans Treatment Court and to create a viable data collection process for a review of the efficacy of the Veterans Treatment Court at the conclusion of the one year trial period.
6. The VA shall provide one liaison to the Veterans Treatment Court whose responsibilities shall include:
 - a) Maintaining the authorizations signed by each veteran-defendant for release of information from the veteran-defendant's VA medical record to the VTC. The liaison will provide the authorization forms to the VTC.
 - b) Appearing at the Veterans Court in person, by telephone or video-conference, to respond to court inquiries and assist with scheduling of appointments at the VTC;
 - c) Providing status reports concerning the veteran-defendant's treatment to the VTC on a regular basis as requested;
 - d) Assisting in coordinating treatment planning for veteran-defendant; and
 - e) Providing assistance to veteran-defendants to enroll in VA health care and establish eligibility for the care.
7. Upon a determination by the VTC judge presiding over a veteran-defendant's case that VA health care for the veteran-defendant would be an appropriate judicial recommendation, the judge will refer the veteran-defendant to the VA to develop recommendations for a treatment plan for the eligible veteran-defendant. In

making the referral, the judge will consider an assessment by a representative of the VAAHS and VTC Independent evaluator. The VTC agrees that its referral for treatment shall be general and it is within the discretion of the VA to develop a specific treatment plan for eligible veteran-defendants. The treatment plan recommended by VA will be provided to the independent evaluator designated by the VTC for presentation to the judge presiding over the veteran-defendant's case. If the judge does not agree that the treatment plan will achieve judicial objectives, an attempt shall be made to reach an agreement for a mutually agreeable treatment plan; however, in the absence of such an agreement, the VTC shall seek alternative treatment options from other sources in the community.

8. In order to initiate re-entry planning and to promote continuity of care for veteran-defendants, a VAAHS evaluator may perform a needs assessment of a veteran-defendant who is incarcerated only if the veteran-defendant is in a pre-release status (usually within six months of the release date.) VA will not furnish hospital or outpatient care to a veteran-defendant who is an inmate in an institution of another government agency if that agency has a duty to provide the care and services. 38 U.S.C. 1710(h); 38 C.F.R. 17.38 © (5).
9. The parties understand and agree that the VA shall only provide treatment through programs and services the VA Healthcare System has available and for which an enrolled veteran is eligible under Federal law, and that the VA may be limited in its treatment options due to budget and availability of providers. The parties also understand and agree that veteran-defendants participating in the VTC will not receive a priority for care from VA just because they are participating in the Veterans Court Treatment.
10. The VTC agrees to locate alternative treatment options existing within the community if:
 - a) the veteran-defendant is not eligible for VA care,
 - b) the VAAHS is unable to provide treatment within the time frame mandated by the Veterans Court,
 - c) the VAAHS is unable to provide treatment at the level mandated by the Veterans Court, or
 - d) the VAAHS is unable to provide treatment for any other reason,
11. The VA's authority to pay for a veteran-defendant's non-emergency care at non-VA facilities is generally limited to those specific situations set forth in 38 U.S.C. 1703.
12. In order to assist in treatment planning, the VTC agrees to provide the VA with a summary of the veteran-defendant's criminal history and current charges at the time of referral to VA.

13. The Veterans Court Mentor Program shall be the responsibility of the VTC.
14. The parties shall not make any statements, representations or commitments of any kind, to bind another party except as expressly provided herein or otherwise agreed to by the parties in writing.
15. Confidentiality of Veteran Records: VA medical and claims records are and shall remain the property of VA and shall not be removed or transferred from VA except in accordance with 5 U.S.C. 552a (Privacy Act), 38 U.S.C. 5705 (Confidentiality of Medical Quality Assurance Records), 38 U.S.C. 7332 (Confidentiality of Certain Medical Records). Public Law 104-191 enacted on August 21, 1996 (Health Insurance Portability and Privacy Act of 1996) and any other pertinent Federal laws, rules and regulations. Subject to applicable Federal confidentiality and privacy laws, veterans or their designated representative may have access to information from VA's records, upon request during normal business hours.
- All individually identifiable health information shall be treated as confidential by the parties to this MOU in accordance with all applicable Federal, state and local laws, rules and regulations governing the confidentiality and privacy of individually identifiable health information.
16. Independent Contractors: For the purposes of this MOU, the relationship of the parties shall not be construed or interpreted to be a partnership, association, joint venture, or agency. The relationship between the parties to this MOU is an independent contractor relationship and neither party will be an agent, representative, or employee of the other party. No party shall have the authority to make any statements, representations, or commitments of any kind or to take any action that shall be binding on another party, except as may be expressly provided for herein or authorized in writing with the agreement of the other parties.
17. Liability: Each party shall retain all the rights and remedies available under applicable Federal and state laws. Each party shall be responsible and liable for the errors and omissions of their employees to the extent provided by law. VA employees performing under this MOU are covered by the individual liability protections of the Federal Tort Claims Act (FTCA) (28 U.S.C. 2679 (b)-(d)) and do not carry separate insurance. VA contractors are not covered by the FTCA.
18. Notices: Any notices required or resulting from this MOU shall be in writing and made to the following:

VAAAAHS:


Brad Watkins, LMSW
VA Ann Arbor Healthcare Systems
Veteran Justice Outreach Coordinator
3800 Packard
Ann Arbor, MI 48108
(P): (734) 645-7950

VTC:

Hon. L. Eugene Hunt, JR
19th District Court
16077 Michigan Avenue
Dearborn, MI 48126
(313) 943-4223

19. Term of Agreement: The term of this MOU is one year commencing on its effective date. This MOU will become effective on the date that all parties have signed it. This MOU will automatically be renewed for consecutive one year terms unless amended or unless any party terminates its participation in this MOU by providing written notice to all other parties not less than thirty days prior to the effective date of such termination. If a party terminates participation in the MOU, the parties agree to honor any and all agreements entered into with participating veteran-defendants until the conclusion of their respective cases pending in the Veterans Court.

Accepted for the VA Ann Arbor Healthcare System:

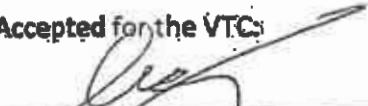


Medical Center Director

9/25/17

Date

Accepted for the VTC:



Honorable L. Eugene Hunt, JR
District Court Judge

9-13-17

Date

REVIEWED BY CHIEF/ASSOCIATE CHIEF, MENTAL HEALTH, VAAHS:



CHIEF/ASSOCIATE CHIEF, MHS

