

THE 17TH JUDICIAL DISTRICT COURT OF THE STATE OF MICHIGAN
15111 Beech Daly Road, Redford, Michigan 48239
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Karen Khalil
District Judge

Charlotte L. Wirth
District Judge



Judith A. Timpner
Court Administrator

STATE OF MICHIGAN
IN THE DISTRICT COURT SEVENTEENTH DISTRICT COURT

LOCAL ADMINISTRATIVE ORDER
2012-01

ORDER FOR THE ESTABLISHMENT OF A VETERANS' COURT

IT IS ORDERED:

The purpose of this order is to establish a Veterans Court in the Seventeenth District Court in Redford Township, Michigan upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with ten key components for a veterans treatment court encouraged through the National Association of Drug Court Professionals as set forth in the U.S. Department of Justice Publication entitled Defining Drug Courts: The Key Components, a copy of which is attached as Attachment "A". The Honorable Karen Khalil will be designated the Presiding Judge for the Redford Veterans Court.

1. The court has entered into a Memorandum of Understanding with the Department of Veteran's Affairs and also has the support of each participating prosecuting official in the district court, a representative of the criminal defense bar, a representative of the Veterans Administration treatment providers and other key parties, including local veteran's organizations.
2. The court has established eligibility criteria as part of Attachment B.
3. No defendant shall be admitted until a complete preadmission screening has been completed. This may also require a substance abuse and/or mental health assessment. Veterans who are identified as eligible may be admitted into the Veterans Court once all requirements have been met.
4. All defendants shall sign a voluntary written consent to participate in the program.

5. The court shall maintain case files 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 drug treatment court records.

Effective Date: November 10, 2011

3-6-12

Date

Karen Khalil

Chief Judge Karen Khalil

ATTACHMENT "A"

Ten Key Components of the Seventeenth Judicial District Veterans' Court

Key Component #1: The Seventeenth Judicial District Veterans' Court integrates alcohol and drug treatment, mental health services along with justice system case processing.

The Seventeenth Judicial District Veterans' Court promotes sobriety, recovery and stability through a coordinated response to veteran's dependency on alcohol, drugs, and/or management of 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 Detroit and Ann Arbor VAMC, 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 defendants' due process rights.

To facilitate a 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 defendants are identified early and promptly placed in the Seventeenth Judicial District Veterans' Court program.

Early identification of veterans entering the criminal justice system is a vital part of the process of placement in the Seventeenth Judicial District Veterans Court. 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 Seventeenth Judicial District Veterans' 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, other drug use, and mental illness, the Seventeenth Judicial District Veterans 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 are 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 the Seventeenth Judicial District Veterans' Court responses to defendants' compliance.

A veteran's progress through the treatment court is measured by his or her compliance with the treatment regimen. The Seventeenth Judicial District Veterans Court rewards cooperation as well as responds to noncompliance. The Seventeenth Judicial District Veterans Court 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 Honorable Karen Khalil is the leader of the Seventeenth Judicial District Veterans Court team. Her 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 Seventeenth Judicial District Veterans Court planning, implementation, and operations.

All Seventeenth Judicial District Veterans Court staff should be involved in education and training. Interdisciplinary education exposes criminal justice officials to veteran treatment issues. In addition, Detroit and Ann Arbor VA Medical Centers, 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 Detroit and Ann Arbor VA Medical Centers, 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 criminal justice, Detroit and Ann Arbor VA Medical Centers, veteran volunteer mentors, and treatment personnel. A spirit of commitment and collaboration is also promoted.

Key Component #10: Forging partnerships among the Seventeenth Judicial District Veterans Court, Detroit and Ann Arbor VA Medical Centers, public agencies, and community-based organizations generates local support and enhances the Seventeenth Judicial District Veterans Court program effectiveness.

Because of its unique position in the criminal justice system, the Seventeenth Judicial District Veterans Court is well suited to develop collaborations among other Wayne County District Courts, the Wayne County Circuit Court as well as community-based organizations, criminal justice agencies, the Detroit and Ann Arbor VA Medical Centers, support organizations for the veterans and their families, and alcohol and mental health treatment delivery systems. Forming such collaborations expands the continuum of services available to the Seventeenth Judicial District Veterans Court defendants and informs the community about veteran treatment court concepts.

ATTACHMENT B

THE SEVENTEENTH JUDICIAL DISTRICT VETERANS' COURT

INTRODUCTION

As the concept of drug treatment courts have grown and developed, there is a growing recognition that those in the treatment field will need to address the multiple needs of combat-exposed individuals and others who have served in the military. According to experts in the treatment of veterans, there is a lack of integration of services and a complete continuum for individuals with Post Traumatic Stress Disorder and addictions. Drug Courts generally developed according to Ten Key Components, the first advocating for the integration of treatment and court case processing. Now is the time to use the Drug Court model to create a specialized court to address the influx of returning veterans and the anticipated impacts on the communities to which they return. Similar to other drug courts, Veterans Court requires the collaboration of the Veterans Administration and community based veterans support groups.

According to recent research, substance abuse is a major issue effecting soldiers who have served in Iraq and Afghanistan as well as soldiers that have served in the National Guard and Reserves. Studies show that personnel who completed surveys before and after their military service and found that prevalence of heavy drinking and alcohol related problems were highest in individuals who had direct combat exposures during their service. Further, they found in the National Guard and Reserves, other risk factors for alcohol related problems included a younger age and PTSD diagnosis. As with the problems of addiction in the general population, the criminal justice system has become a common entry point for services. In response to this, courts such as the Tulsa County Drug Court and the Buffalo Veterans Court led the way by establishing treatment courts specifically for veterans. This effort has proven very successful, and Redford's Seventeenth Judicial District Veterans Court will be the fourth such specialty court in the State and the first in the suburbs of Wayne County.

GOALS

The mission of Redford's Veterans Seventeenth Judicial District Court is to have a coordinated community response to the problems of veterans. This mission involves the collaboration of the Veterans Administration, the local Vet Centers, Veterans support groups and the court system. The process provides the means to expedite veterans from the traditional criminal justice system and provide them the tools they need to lead a productive and law abiding life. This Court will ultimately become a model for other courts in the State and the Country by striving for excellence in the implementation of all programming, including identification, training, and providing services to other courts in the area.

PROGRAM

The purpose of the Redford Seventeenth Judicial District Veterans Court is to reduce recidivism by veterans over the entire crime spectrum through substance abuse treatment, mental health treatment, peer mentor groups and through intensive probation supervision. The unique partnership between the VA, the court system and other veterans' organizations hopes to provide

treatment and compassion to the men and women who served our country and are struggling in the criminal justice system. The primary goals are retaining alcohol/drug offenders in treatment, reducing criminal justice costs, reducing the use of incarceration for non-violent offenders and reducing alcohol/drug use in the entire target population. The criteria which deny eligibility are similar to other drug courts and include: no felony drug delivery charges, no crimes of aggravated assault and no offenses involving possession of a firearm.

MENTORING PROGRAM

The Redford Seventeenth Judicial District Veterans Court will work towards implementing a Mentoring Component as part of its program. Veteran Courts have recognized that veterans are likely to respond more favorably to another veteran than with others who did not have similar experiences. The veterans assist participants with enrollment into treatment programs, transportation, educational benefits and job placement. This connection with another veteran is what sets this program apart from other drug court programs. The specific purpose of the mentor is to help navigate the VA system and assist those in the program to meet with qualified counselors. The success of this component in the Veterans Court is based on a sense of pride, discipline and structure that characterizes the military and is not a factor in the general population. Mentors in this court will be identified, screened, and trained prior to being allowed to work with defendants in the program. The goal will also be for graduating veterans to continue in mentoring and leadership roles in the program.

TARGET POPULATION

The Redford Seventeenth Judicial District Veterans Court is a specialized docket that addresses former military service members who have broken the law because they suffer from combat-related stress, substance abuse, financial instability or other difficulties adjusting to life after wartime deployment. In the veteran group, the high incidence of PTSD, traumatic brain injuries and other conditions are given as reasons for their offenses. The goal is to get the veteran back to self sufficiency and help them with the individual problems acclimating back into society.

ELIGIBILITY

The eligibility requirements for services include individuals who have served in the United States military and are deemed eligible for military benefits, including Veterans with an honorable discharge, and may include Veterans with a general or less than honorable discharge. Veterans with a dishonorable discharge are not eligible. Eligibility is determined at the time of sentencing when the judge reviews the presentence investigation or alcohol assessment. All sentencing reports submitted by the Court's investigative unit and probation officers indicate candidacy for Veterans Court. The Needs assessment is administered to all veterans and provides ASAM criteria for supervision and treatment placement.

Once the defendant is accepted into the Veterans Court, the probation officer will coordinate efforts to determine eligibility for services from the Veterans Administration and Vet Centers. The Vet Center services are free to eligible veterans and their family members. Eligibility is verified through individual DD-214 or other military or VA record.

The program is voluntary for veterans charged with non-violent crimes who are in need of mental health or substance abuse treatment. Veterans agree to enter the program and sign a contract at the time of sentencing. They also must provide written consent to allow the Veterans Administration to communicate with the court about their treatment.

The judge determines the length of Veterans Court based on the recommendation in the presentence investigation. However, the program length is flexible based on treatment compliance and the lack of recidivism. The intensive phase of the program is nine months long.

During that time, the defendant meets bi-monthly with the probation officer and one time monthly with the judge. Based on compliance with the treatment and program requirements, and attendance at required meetings, the conditions of the intensive phase may be reduced. After graduation at twelve months, the defendant is supervised on regular probation for the balance of the probation term. If the defendant fails to comply with the program rules, sanctions will be imposed. The sanctions may include an extension of the probation term, an increase in the intensity of treatment and also may include jail.

The VA treatment team, the peer mentors and the probation officer work closely together to help the veteran maintain a structured recovery program. When an infraction of program rules occurs, the defendant appears before the court at a review hearing and is sanctioned for the non-compliant behavior. If the defendant fails to abide by the rules and demonstrates a continued pattern of non-compliance, participation in the Veterans Treatment Court will be terminated and more punitive sanctions may be imposed.

The Veterans Court is designed to be flexible, based on the needs of the participant. After graduation from the intensive phase at twelve months, the defendant will be formally sentenced. There are multiple options available to the court based on the defendant's compliance. Sentencing options are the following: early discharge from the program, dismissal of the charge, non-reporting probation following the intensive phase and reduction of court ordered monies.

Court Process

1. Eligibility for Veterans Court may be determined at pretrial or at the presentence investigation.
2. Determination for Veterans Court is made at the time of sentencing.
3. If defendant enters Veterans Court, sentencing is deferred for a period of twelve months, the Intensive Phase of the program. The program length for each defendant is based on a needs/risk evaluation.

ADMISSION INTO VETERANS COURT

Admission into Veterans Court occurs at the time of sentencing. The defendant will be evaluated by the Probation Department to determine eligibility/compatibility with the objectives of the specialty court.

RISK/NEEDS CRITERIA

The determination of risk is based on the following factors:

Prior criminal history
Delinquent onset (age)
Substance abuse onset (age)
Prior rehabilitation failures
Familial history of crime or addiction
Criminal associations
Instability (unemployment or homelessness)

In the Veteran population, risk factors of addiction and instability have significance. The returning veteran, particularly following service in a combat zone, may struggle with addiction, serious mental health disorders or a combat related mental health disorder. The research of the veteran population also suggests risk factors for alcohol related problems included younger age and a PTSD diagnosis. The same study suggested the prevalence of heavy drinking and alcohol related problems were generally highest in individuals who had direct combat exposures during their service. When looking at stability, the investigator is required to make some evaluation regarding daily living skills and the potential for violence.

PLEA BARGAINING POLICIES

Plea bargains, in contemplation of entry into the Redford Veterans Court, shall be governed by the traditional roles of the prosecutor and defense. A typical plea bargain would involve a plea be taken under advisement or to a special probationary status, e.g., 333.7411, with a Killebrew recommendation of no upfront jail time and with the requirement the veteran access all available and appropriate VA benefits. Upon successful completion, on a case-by-case, charges may either be reduced or dismissed.

PROBATION OVERVIEW

Defendants may be placed on probation for up to two years. They will be assigned a probation officer as well as a veteran mentor. As part of the probation, there will be standard probation conditions that the defendant is required to follow. Those conditions are as follows:

1. The defendant shall not commit any criminal offenses.
2. The defendant shall not leave the state without prior permission.
3. The defendant shall report to the probation officer as directed by the court.
4. The defendant shall inform the probation officer of all changes of addresses and changes of employment.
5. The defendant shall not purchase, possess or consume any alcohol or illegal drugs.
6. The defendant will also be required to attend counseling as directed by the VA Medical Center or a local agency designated by the VA Medical Center. The counseling could be substance abuse and/or mental health counseling. The defendant shall comply with all requirements of the counseling programs.
7. The defendant shall complete substance abuse testing as may be ordered by the court.