

**State of Michigan  
Washtenaw County  
Veterans Treatment Court**

15<sup>th</sup> District Court Local Administrative Order 2014- 03 J  
14A District Court Local Administrative Order 2014- 02 J  
14B District Court Local Administrative Order 2014- 3 J  
22<sup>nd</sup> Circuit Court Local Administrative Order 2014 - 02 J

This order rescinds 15<sup>th</sup> District Court Local Administrative Order 2013-3.

**IT IS ORDERED:**

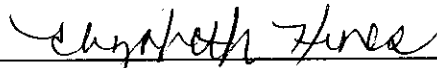
This administrative order is issued in accordance with MCL 600.1200 et seq. The purpose of this order is to establish an expanded Washtenaw Veterans Treatment Court (hereinafter "Court") in the 15<sup>th</sup> Judicial District Court to serving the 15<sup>th</sup> District Court, the 14A District Court, the 14B District Court, and 22<sup>nd</sup> Circuit Court upon approval by the State Court Administrative Office (hereinafter "SCAO"). All policies and procedures comply with the statute and are consistent with the ten key components for a Veterans' Treatment Court (see attachment A) promulgated by previous veterans treatment courts, as required by MCL 600.1200 (1).

1. The Court has entered into a Memorandum of Understanding with each participating prosecuting attorney in the circuit or district court area, a representative of the criminal defense bar, a representative of the Ann Arbor VA Medical Center, and other key parties stated in MCL 600.1201(2). The Memorandum of Understanding will describe the role of each party. The Memorandum of Understanding is attached (see attachment B).
2. The Court has established eligibility criteria consistent with MCL 600.1200 et seq. as a part of Attachment B. Under MCL 15.231 to 15.246, any statement or other information obtained as a result of participating in a substance abuse or mental health assessment will be deemed confidential and will not be used in any criminal prosecution against the veteran.
3. In compliance with MCL 600.1206, a designee of the 15<sup>th</sup> District Court will administer a complete pre-admission screening to each defendant prior to admittance.
4. All participants will sign a voluntary written consent to participate in the program in conformance with MCL 600.1205(1) (d).
5. Each participating court will 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 Veterans' Treatment Court records as required by law.

6. The Court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1206 and 600.1208.
7. Under MCL 600.1210, the Court will provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the Veterans' Treatment Court Program, as well as any funds received and expended as required by MCL 600.1211(3).
8. The Court will use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO while receiving grant money from the SCAO.


Date: 4-22-14

  
\_\_\_\_\_  
Hon. Elizabeth Hines, P27711  
15<sup>th</sup> District Court Chief Judge


Date: 5/9/14

  
\_\_\_\_\_  
Hon. Richard Conlin,  
14A District Court Chief Judge

Date: 5-9-14

  
\_\_\_\_\_  
Hon. Charles Pope,  
14B District Court Chief Judge

Date: APR 28 2014

  
\_\_\_\_\_  
Hon. David S. Swartz,  
22<sup>nd</sup> Circuit Court Chief Judge

## ATTACHMENT A

### Washtenaw County Veterans' Treatment Court Ten Key Components

**Key Component One:** Veterans' Treatment Court integrates alcohol, drug treatment and mental health services with the justice system case processing.

Veterans' Treatment Court promotes sobriety, recovery and stability through a coordinated response to veterans' dependency on alcohol, drugs and management of their mental illnesses. Realization of these goals requires a team-centered approach. This approach involves 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 Health Care Network, Veterans Benefits Administration Health Care Network, Veterans Benefits Administration, veterans, veterans' family support organizations and veteran volunteer mentors.

**Key Component Two:** 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 shed their traditional adversarial courtroom relationship and 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 Three:** Eligible participants are identified early and promptly placed in the Veterans' Treatment Court program.

Early identification of veterans entering the criminal justice system is an integral part of the process of placement in the Veterans' Treatment Court program. An arrest can be a traumatic event in a person's life. It creates an immediate crisis and can compel recognition of inappropriate behavior into the open, making denial for the need of treatment difficult for the veteran.

**Key Component Four:** 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 (AOD) use, and mental illness, the Veterans' Treatment Court team also considers co-occurring problems such as primary medical problems, transmittable diseases, homelessness, basic education deficits, unemployment and poor job preparation, spouse and family troubles, and the ongoing effects of war-time trauma.

Veteran peer mentors are essential to the Veterans' Treatment Court team. Their ongoing interaction with the Veterans' Treatment Court participants is essential. Active support from a veteran peer mentor throughout treatment increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior in the future.

**Key Component Five:** Abstinence is monitored by frequent alcohol and other drug testing.

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

**Key Component Six:** A coordinated strategy governs Veterans' Treatment Court responses to participant's compliance.

A veteran's progress through the treatment court experience is measured by his or her compliance with the treatment regimen. Veterans' Treatment Court establishes a coordinated strategy, including a continuum of graduated responses to continuing drug use and other noncompliant behavior.

**Key Component Seven:** Ongoing judicial interaction with each veteran is essential.

The judge is the leader of the Veterans' Treatment Court team. This active, supervising relationship, maintained throughout treatment 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 with authority cares about them and is closely monitoring them.

**Key Component Eight:** Monitoring and evaluation measures the achievement of program goals and gauges effectiveness.

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

**Key Component Nine:** Continuing interdisciplinary education promotes effective Veterans' Treatment Court planning, implementation and operation.

All Veterans' Treatment Court staff should be involved in education and training. Interdisciplinary education exposes criminal justice officials to veteran treatment

issues, the Department of Veterans Affairs (VA), veteran volunteer mentors, and it exposes treatment staff to criminal justice issues. It also develops a shared understanding of the values, goals, and operating procedures of the VA, treatment, and the justice system.

**Key Component Ten:** Forging partnerships among the Veterans' Treatment Court, the VA, public agencies, and community-based organizations generates local support and enhances the Veterans' Treatment Court's effectiveness.

The Veterans' Treatment Court's unique position in the criminal justice system makes it well-suited to develop coalitions among private community-based organizations, public criminal justice agencies, the VA, veterans and veterans' families support organizations, and AOD and mental health treatment delivery systems. Forming such coalitions expands the continuum of services available to Veterans' Treatment Court participants and informs the community about the Veterans' Treatment Court concepts. The Veterans' Treatment Court fosters system-wide involvement through its commitment to shared responsibility and participation of program partners.

## **ATTACHMENT B**

### **WASHTENAW COUNTY VETERANS TREATMENT COURT MEMORANDUM OF UNDERSTANDING (REFERENCE ONLY)**

This memorandum officially acknowledges the agreement, affiliation, relationship, and understanding between Ann Arbor 15<sup>th</sup> District Court, the 14-A District Court, 14-B District Court, and the 22<sup>nd</sup> Circuit Court. We agree to the following in the furtherance of the Washtenaw County Veterans Treatment Court (hereinafter "WCVTC").

#### **A. Mission Statement and Program Goals**

##### **1. Mission Statement**

WCVTC's mission is to serve veterans in the justice system through a specialized court that focuses on the treatment of substance abuse and mental health while providing them with an environment that encourages law-abiding behavior.

##### **2. Program Goals**

WCVTC's program goals are:

- A. Treat criminal defendants suffering from serious mental illness with treatment services;
- B. Find appropriate dispositions to criminal charges by taking into consideration the diagnosed mental illness, degree of substance abuse, nature of military service, the severity of the criminal charge, and any prior criminal history;
- C. Reduce recidivism for individuals who participate in the WCVTC program; and
- D. Reduce jail and inpatient stays.

#### **B. Program Description**

##### **1. Vision**

To further enhance a specialty court that will identify those defendants who have served or are serving in the United States Armed Forces and to:

1. Coordinate services between the various courts, probation departments, the U.S. Department of Veterans Affairs medical system, and any services providers;
2. Provide veteran mentors to participants;
3. Provide intensive probation monitoring and court supervision;
4. Coordinate feedback between the court, probation, the U.S. Department of Veterans Affairs, and any other service providers; and
5. Treat the needs of the participant promptly and professionally.

## **2. Structure of the Veterans Treatment Court**

The WCVTC will conduct review hearings and coordinate treatment on misdemeanor and felony cases from the Ann Arbor 15<sup>th</sup> District Court, 14-A District Court, 14-B District Courts, and the 22<sup>nd</sup> Circuit Court concerning defendants who have served or are serving in the United States Armed Forces. The presiding judge and key team members of the WCVTC will meet for a full WCVTC meeting twice per month. The 15<sup>th</sup> District Court will coordinate all activities on behalf of the participating courts.

By design, the WCVTC will provide participants with the necessary treatment and feedback to minimize the likelihood of future criminal court involvement, substance abuse, and the reoccurrence of mental health related issues. The WCVTC's highly interactive structure is what distinguishes it from a traditional court. It ensures that all parties involved in the treatment process continually communicate and share information to ensure each participant's success.

The participant's role in this process is crucial to his or her individual success. The WCVTC's overriding goal is to provide a supportive environment in order for each participant to successfully complete his or her individual treatment. The WCVTC encourages the participant's own investment and commitment to this program.

## **3. Identification of Veterans**

The various Washtenaw County law enforcement agencies, and courts will assist in identifying participants, whenever possible, upon initial contact with their agency. Citing officers are asked to indicate veteran status on the citation itself. Participating judges and magistrates are asked to identify veterans during arraignments. Collectively, this approach will allow for a veteran's earliest possible entry into the WCVTC program.

## **4. Entry into the WCVTC**

There is not a single specified means of entry into the WCVTC program. Any judge from the 14-A District Court, 14-B District Court, 15<sup>th</sup> District Court, and the 22<sup>nd</sup> Circuit Court may refer participants to WCVTC as either transfers or program assignees. At any time, a participating judge, who determines that a defendant is a possible candidate, must first determine if the individual is eligible according to the statute (MCL 600.1200 et seq.). Upon notification of a possible eligible participant, the WCVTC will require the participant to obtain a presentencing interview with WCVTC's probation officer, a substance abuse assessment, and a mental health assessment preferably through the U.S. Department of Veterans Affairs medical system.

In all cases, veterans should be referred at the earliest possible point in their court process. In the event of a trial and a guilty disposition, the referring judge may sentence an eligible participant into the WCVTC program.

Once the referring court, the WCVTC, the prosecuting attorney (when required by law), and the participant agree that the participant is eligible to enter the WCVTC program; the referring court will note the case as "assigned to the WCVTC." While procedures can vary on each case, once the participant has been fully screened, the WCVTC will schedule a participant for the next available WCVTC review hearing, pretrial hearing, or sentencing into the WCVTC program. The WCVTC will send appropriate notices to all necessary parties and schedule all remaining review hearing dates.

Some veterans may appear in court simply seeking information or assistance with no case pending. The policy of the WCVTC is to make every effort to accommodate and assist these veterans with the appropriate information and referrals, if possible.

## **5. WCVTC Team Meetings and Court Review Hearings**

Prior to commencement of a court review hearing, team meetings will be held to address any issues related to the participants coming before the court at the next review hearing. Present for each staff meeting will be the presiding judge, veterans treatment court coordinator; probation officer(s), veteran mentor coordinator, veterans justice outreach coordinator, a prosecutor, city attorney, defense attorney representatives, and such other staff as may be advisable from time to time. Written progress reports and recommendations on each participant will be available before each team meeting and form the basis for the team's discussions and decisions.

WCVTC's court review hearings will be held alternating Wednesdays of each month, with additional court review hearing scheduled as the number of participants grows in number. Initially, each participant will attend a court review hearing not less than once each month, while also reporting to his or her probation officer in person or by mail/e-mail as may be ordered, unless excused by the presiding judge. Frequency of reporting may be altered depending on the participant's progress or lack thereof.

In the court review hearings, the court will call each participant so that the presiding judge can review both positive and negative developments since the participant's last court date. Once the review is completed and a new court date set, each participant will meet privately with his or her mentor. These meetings will be a significant part of the veteran mentoring process.

The WCVTC will schedule graduation commencements as part of its court review hearings when appropriate. The participant's probation officer, veteran mentor, key



services provider(s), and family will all be invited to attend. Along with a certificate attesting the completion of all requirements of the WCVTC program, each participant will be presented with a challenge coin, or other memento, to commemorate his or her success.

In the event that a veteran, who does not have open cases in the participating courts, approaches the WCVTC seeking assistance with substance abuse, mental health issues, VA benefits, or other resources involved with the WCVTC, the team will make every effort to assist the veteran with the appropriate information and referrals.

## **6. Eligibility – Participant**

Any non-violent and non-dishonorably discharged veteran suffering from a substance abuse or mental health condition that is generally related to their military service is eligible for the WCVTC program. The participant is required to live or attend college in Washtenaw County or within thirty miles of any Washtenaw County Boundary. Each candidate for WCVTC participation will be reviewed by the team prior to enrollment in the program. A candidate may be offered entry into the WCVTC program if admission of the candidate to the WCVTC program, in the discretion of the presiding judge, is shown to meet the goals and objectives of the WCVTC program; however, entry into the WCVTC program will only be with the consent of the prosecutor and the candidate, where applicable.

## **7. Eligibility – Charge(s)**

A person who pleads guilty to or is convicted of any charge, which is non-violent as defined by MCL 600.1200(k), see Attachment B, and not excluded on Attachment A, is eligible for entry into the WCVTC program.

## **8. Plea Bargaining Policies**

Plea-bargains, in contemplation of entry into the WCVTC program, will be governed by the traditional roles of the prosecutor and defense. A typical plea bargain would involve a plea being taken under advisement or to a special probationary status, e.g., 333.7411, with a Cobbs agreement of no upfront jail time and with the requirement that the participant access all available and appropriate VA benefits. Upon successful completion of the requirements, charges may be reduced or dismissed with the consent of the prosecutor, on a case-by-case basis.

## **9. Probation Overview**

Participants may be placed on probation for up to two years. They will be assigned a probation officer and a veteran mentor. The participant will be required to follow standard probation conditions. The standard probation conditions include, but are not limited to, the following. The participant will:

- A. Not commit any criminal offenses;
- B. Not leave the state without prior permission of the court;
- C. Report to the probation officer as directed by the court;
- D. Inform the probation officer of all changes of address and changes of employment;
- E. Not purchase, possess, or consume any alcohol or illegal drugs;
- F. Complete alcohol/drug testing as may be ordered by the court;
- G. Be required to attend counseling as directed by the Ann Arbor VA Medical Center or a local agency designated by the Ann Arbor VA Medical Center. The counseling could be substance abuse and/or mental health counseling. The defendant will comply with all requirements of the counseling programs; and
- H. Comply with any other order of the court to meet the goals of the WCVTC program.

## **10. Key WCVTC Roles**

### **Veterans Treatment Court Presiding Judge (Presiding Judge)**

The presiding judge is the judicial authority of the court. The presiding judge leads the treatment team and provides strategic plans and guidance.

### **Veterans Treatment Court Coordinator (VTCC)**

The VTCC is tasked with running the day-to-day tactical operations of the Veterans Treatment Court. The VTCC ensures compliance with all applicable law, administers the state reporting database, screens applicants, ensures grant compliance, musters resources, coordinates all team efforts, and makes recommendations to the presiding judge.

### **Veterans Court Probation Officer (VCPO)**

The VCPO is a primary point of contact for a participant. The VCPO ensures the participant's compliance with all court orders, monitors drug and alcohol screening, and makes recommendations to the presiding judge.

### **Veterans Justice Outreach Coordinator (VJO)**

The VJO is an employee of the VA. The VJO is responsible to the Court for scheduling and referring participants for VA services and programs. In addition, the VJO monitors the mental and physical health of the participants on an individual basis and makes recommendations to the Court as needed and required.

### **Volunteer Veteran Mentor Coordinator**

The Volunteer Veteran Mentor Coordinator recruits, trains, and supervises mentors and coordinates with the Veterans Court through the VTCC.

### **Veteran Mentors**

Veteran Mentors act as coaches, guides, role models, advocates, and support systems for the participants.

## **11. Probation, Treatment, and Program Violations**

The WCVTC presiding judge will retain traditional jurisdiction to sanction, remand, and sentence participants for all probation, treatment, and program violations. For felonies assigned from the 22<sup>nd</sup> Circuit Court, the participant will plead before a circuit court judge and be sentenced to the WCVTC program for treatment supervision. The 22<sup>nd</sup> Circuit Court consents and delegates to the Veterans Treatment Court presiding judge the authority to sanction an assigned participant to the full extent of a district court judge's authority for any probation violation (i.e., no more than one year in jail). In the event of a probation violation warranting felony sanction, the WCVTC presiding judge will terminate the participant from the WCVTC program and return probation supervision to the referring circuit court judge for appropriate sanction.

The prosecuting authority will have the right to request that a felony participant, referred to WCVTC by a circuit court, be transferred back to the referring circuit court judge.

Felony participants, assigned to the WCVTC program, will be supervised by the WCVTC probation officer, a member of the 15<sup>th</sup> Judicial District Probation Department, for program compliance. This may result in a participant having more than one probation officer. Probation officers will be expected to coordinate their efforts to minimize conflicting communications. In all cases, each respective probation department's participant files will remain confidential within their respective court and will not be open to review by outside parties unless by consent or court order.

## **12. Funding**

The WCVTC will involve current 15<sup>th</sup> District court employees and volunteers as well as utilize available space at the 15<sup>th</sup> District Court. Furthermore, the WCVTC will apply for and utilize federal, state, and local grant funds.

## **13. Evaluation and Data Collection**

The WCVTC will be evaluated annually. The State Court Administrative Office (SCAO) will assist in devising an appropriate form to be circulated to all partners.

The SCAO will also work with WCVTC to devise appropriate data collection protocols.

### **C. Provisions**

Each agency agrees to participate by coordinating and providing the following.

#### **The 15<sup>th</sup> Judicial District agrees to:**

- 1) Designate a judge to preside over the veterans treatment court program and docket;
- 2) Establish a team to develop written program policies and procedures;
- 3) Establish procedures to be used to determine that defendants have sufficient understanding to participate in the program;
- 4) Establish points of participant eligibility for veterans treatment court at post arraignment or later;
- 5) Designate primary court personnel responsible for answering questions, serving as liaison to agency personnel, and participating in treatment team meetings and status review hearings;
- 6) Indicate processes by which court personnel will identify prospective program participants, initially screen for legal and clinical eligibility, and refer prospective program participants to the U.S. Department of Veterans Affairs medical system or alternative treatment provider program for further assessment;
- 7) Identify the eligibility criteria for the designated target population;
- 8) Designate case manager roles, responsibilities, and caseloads;
- 9) List the procedures court personnel use to relay information regarding prospective participants to the treatment agency to enable them to conduct the psychiatric, physical, and substance abuse assessments to determine eligibility;
- 10) Develop preferred methods, forms, and timetables for exchanging information between court staff and agency personnel regarding court-related progress and compliance of program participants, including filing of new criminal charges or technical probation violations and reporting results of drug and alcohol tests;

- 11) Compile and submit any mandated financial or program progress reports to the appropriate agencies; and
- 12) Comply with all veteran treatment court policies and procedures that have been previously agreed upon by all parties.

**The 22<sup>nd</sup> Circuit Court agrees to:**

- 1) Refer eligible cases for review and acceptance into the WCVTC program as approved by the WCVTC team and presiding judge;
- 2) Delegate to the WCVTC presiding judge the authority to sentence participants who violate the terms of the WCVTC program with sanctions up to, and including, one year in jail; and
- 3) The referring circuit court judge will have the authority to recall any felony participant back to the referring court if, in the opinion of the referring circuit court judge, there exists circumstances that require such action.

**The veterans treatment court presiding judge agrees to:**

- 1) Chair meetings, preside over status review hearings, coordinate team meetings, participate in the development of policies and procedures, and assist with identifying funding sources to sustain the program;
- 2) Assist in the development of legal and clinical eligibility criteria;
- 3) Use incentives, sanctions and disciplines as deemed necessary for participant success;
- 4) Comply with all veteran treatment court policies and procedures that have been previously agreed upon by all parties;
- 5) Participate in training on how to screen for eligible participants; and
- 6) Provide participant data into the Drug Court Case Management Information System (DCCMIS) in a timely manner.

**The Washtenaw County Prosecutor agrees to:**

- 1) Assist in the development of legal and clinical eligibility criteria;
- 2) Participate on the planning committee and in the staffing of cases;

- 3) Designate someone to attend treatment team meetings and all scheduled court proceedings;
- 4) Interact with defense counsel in a non-adversarial manner to address pleas and the application of sanctions and incentives;
- 5) Screen all potential participants based upon established eligibility criteria;
- 6) Comply with all veterans treatment court policies and procedures that have been previously agreed upon by all parties;
- 7) Participate in training on how to screen for eligible participants; and
- 8) Provide participant data into DCCMIS in a timely manner.

**The City of Ann Arbor Attorney's Office agrees to:**

- 1) Assist in the development of legal and clinical eligibility criteria;
- 2) Participate on the planning committee and in the staffing of cases;
- 3) Interact with defense counsel in a non-adversarial manner to address pleas and the application of sanctions and incentives;
- 4) Designate someone to attend treatment team meetings and all scheduled court proceedings;
- 5) Comply with all veterans treatment court policies and procedures that have been previously agreed upon by all parties;
- 6) Screen all potential participants based upon established eligibility criteria;
- 7) Participate in training on how to screen for eligible participants; and
- 8) Provide participant data into DCCMIS in a timely manner.

**The public defense attorney agrees to:**

- 1) Participate on the planning committee and in the staffing of cases;
- 2) Attend treatment team meetings;
- 3) Comply with all veterans treatment court policies and procedures that have been previously agreed upon by all parties;

- 4) Interact with the city attorney and/or county prosecutor in a non-adversarial manner to address pleas and the application of sanctions and incentives;
- 5) Assure that participant procedural and due process rights are protected;
- 6) Participate in training on how to screen for eligible participants; and
- 7) Provide participant data into DCCMIS in a timely manner,

**The Washtenaw County Sheriff and Ann Arbor Police Department agrees to:**

- 1) Participate on the planning committee;
- 2) Identify and screen in-custody offenders for referral to the veterans treatment court based upon eligibility criteria;
- 3) Designate an officer(s) who will complete specialized training on identifying individuals with mental illness and substance abuse. This officer(s) will be a member of the veterans treatment court team;
- 4) Comply with all veterans treatment court policies and procedures that have been previously agreed upon by all parties;
- 5) Participate in training on how to screen for eligible participants; and
- 6) Provide participant data into DCCMIS in a timely manner.

**The 15<sup>th</sup> Judicial District Probation Department:**

- 1) Participate on the planning committee;
- 2) Designate probation officer(s) to handle all presentence and supervision duties for the veterans treatment court caseload and to serve on the team;
- 3) Identify and recommend referrals;
- 4) Attend status review hearings and team meetings;
- 5) Comply with all veterans treatment court policies and procedures that have been previously agreed upon by all parties;
- 6) Participate in training on how to screen for eligible participants; and
- 7) Provide participant data into DCCMIS in a timely manner.

**The Veterans Treatment Court Coordinator agrees to:**

- 1) Coordinate the work and activities of all parties serving as members of the veterans treatment court team;
- 2) Serve as primary contact person for the veterans treatment court;
- 3) Screen all potential participants based upon established eligibility criteria;
- 4) Collaborate with the participant and other veteran treatment court team members when developing the treatment plan;
- 5) Comply with all veteran treatment court policies and procedures that have been previously agreed upon by all parties;
- 6) Coordinate activities with assigned probation staff without duplicating supervision activities;
- 7) Serve as the primary team member that brokers services for treatment, employment and/or education, and housing, and monitors participant compliance and progress with the treatment plan;
- 8) Participate in training on how to screen for eligible participants; and
- 9) Provide participant data into DCCMIS in a timely manner.

**D. Methods for Exchanging and Maintaining Confidential Information**

Each participating court will maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, HIPPA, Michigan Health Code, Michigan Public Health Code, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of Veterans Treatment Court records as required by law.

**E. Other Data Reporting Requirements**

The WCVTC will use DCCMIS to maintain and submit the minimum standard data as determined by the SCAO while receiving grant money from the SCAO.

**F. Mutual Indemnification**

The participating agencies agree to indemnify, defend, and hold harmless each other and their officers, agents, and employees from any and all claims, actions, or



proceedings arising solely out of the acts or omissions of the indemnifying agency in the performance of this memorandum of understanding.

The participating agencies agree that each is acting in an independent capacity and not as officers, employees, or agents of the other agencies.

#### **G. Terms of Agreement**

This agreement is effective on April 1, 2014 and may be renewed each year upon mutual agreement of all parties.

#### **H. Fiscal Terms**

This memorandum of understanding does not involve an exchange of funds. Any exchange of funds for services rendered as part of the veterans treatment court will be described in a separate contract.

#### **I. Terms and Conditions**

All terms and conditions of this agreement are subject to the continuation of veterans treatment court funding.

#### **J. Termination of Memorandum of Understanding**

Upon mutual consent of all parties, this memorandum of understanding is subject to further negotiation and revision as required to support the needs of the WCVTC program. Any changes will be in writing and signed by all parties herein or their duly appointed representatives authorized to act on their behalf. This memorandum of understanding may be terminated by any party for any reason by giving a 30-calendar-day written notice.

#### **K. Review of the Memorandum of Understanding**

This memorandum of understanding will be reviewed on a yearly basis by the WCVTC team and revised as necessary upon mutual agreement of all parties.

#### **L. Signatures**

**Signatures of Authorized Representatives:** (Reference Only)

## Attachment A (MOU)

### Ineligible Felony Offense List

Accosting, Enticing, or Soliciting a Child for Immoral Purpose	750.145A
Assault with Intent to Commit Criminal Sexual Conduct	750.479a(6)
Assault with Intent to Commit Felony	750.520G
Assault with Intent to Commit Murder	750.87
Assault with Intent to Commit Great Bodily Harm	750.84
Assault with intent to Maim	750.86
Assault with Intent to Rob or Steal, Unarmed	750.88
Assault with Intent to Rob or Steal, Armed	750.89
Attempt to Murder	750.91
Bank, Safe, or Vault Robbery	750.531
Burn Dwelling House	750.72
Burning of Other Real Property	750.73
Burning of Personal Property over \$200	750.7(c) or (d)
Careless Use of a Firearm to Kill	752.861
Carjacking	752.529a
Child Abuse, 1st Degree	750.136b(2)
Child Abuse, 2nd Degree	750.136b(3)
Child Abuse, 3rd Degree	750.136b(4)
Child Abuse, 4th Degree	750.136b(5)
Criminal Sexual Conduct, 1st Degree	750.520B
Criminal Sexual Conduct, 2nd Degree	750.520C
Criminal Sexual Conduct, 3rd Degree	750.520D
Criminal Sexual Conduct, 4th Degree	750.520E
Criminal Sexual Conduct, 2nd or More Offenses	750.520F
Child Sexually Abusive Material/Activity-Distributing/Promoting	750.145C3
Child Sexually Abusive Materials - Possession	750.145C4
Domestic Assault - 3rd Offense	750.81(4)
Explosives, Sending with Intent to Injure	750.204
Explosives, Placing with Intent to Destroy or Injure	750.207
Explosives, Placing Offensive Substance with Intent	750.209
Explosives, Possession with Intent to use Unlawfully	750.21
Explosive Device, Construction, Use, Possession	750.211A
Extortion	750.213
Felonious Assault (when a firearm is involved)	750.82
Felonious Driving	752.191
Fleeing & Eluding, 4th Degree	750.497A(2)
Fleeing & Eluding, 3rd Degree	750.497A(3)
Fleeing & Eluding, 2nd Degree	750.497A(4)
Fleeing & Eluding, 1st Degree	750.497A(5)
Gross Indecency Between Males	750.338
Gross Indecency Between Females	750.338(a)

Gross Indecency Between Males and Females	750.338(b)
Home Invasion, 1st Degree	750.110A(2)
Home Invasion, 2nd Degree	750.110A(3)
Inciting a Riot	752.542
Jail Break - Armed	750.197
Kidnapping	750.349
Malicious Destruction of Police/Fire Dept Property	750.377B
Manslaughter	750.321
Mayhem	750.397
Murder, 1st Degree	750.316
Murder, 2nd Degree	750.317
Negligent Homicide	750.324
Offense by Sexually Delinquent	767.61A
OWI Causing Death	257.6254
OWI Causing Serious Injury	257.6259C
Riot	750.541
Robbery, Armed	750.529
Robbery, Unarmed	750.53
Sodomy	750.158
Stalking, Aggravated	750.411i
Use of Internet to Exploit or Solicit a Minor	750.145d

## Attachment B (MOU)

### Important Definitions

#### Veteran

MCL 600.1200

(j) "Veteran" means any of the following:

(i) A person who served on active duty in the armed forces for a period of more than 180 days and separated from the armed forces in a manner other than a dishonorable discharge.

(ii) A person discharged or released from active duty because of a service-related disability.

(iii) A member of a reserve branch of the armed forces at the time he or she was ordered to active duty during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from active duty in a manner other than a dishonorable discharge.

#### Violent Offender

MCL 600.1200

(m) "Violent offender" means an individual who is currently charged with or has pled guilty to an offense involving the death of, or a serious bodily injury to, any individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct in any degree.