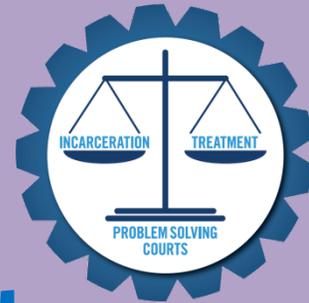


State Court Administrative Office
Trial Court Services
Problem-Solving Courts

Michigan Association of Treatment
Court Professionals



Veterans Treatment Court Standards, Best Practices, and Promising Practices

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Veterans Treatment Courts: Standards, Best Practices, and Promising Practices

Purpose

This manual, an extension of the adult drug court manual written by staff from the State Court Administrative Office and board members of the Michigan Association of Treatment Court Professionals, is designed to assist Michigan's veterans treatment courts in adhering to the model promulgated by statute, research, and the [10 Key Components of Veterans Treatment Courts](#). Where applicable, information regarding the Department of Veterans Affairs (VA) is included.

Veterans treatment courts are based on the drug court model, so much of the research in this manual is from studies of drug courts; relevant information and practices have been applied to the veterans treatment court concept. Research suggests that veterans treatment court outcomes are at least as favorable as those of other treatment courts.¹ Though the content comes from many sources, it leans most heavily on the National Association of Drug Court Professionals [Adult Drug Court Best Practice Standards, Volumes I and II](#). The manual pulls important pieces from all of these sources in order to best represent Michigan practices, and provide a guide for Michigan courts. This manual is intended for any veterans treatment court team member, but judges and program coordinators should pay particular attention in order to ensure their programs are implementing best practices. Subject-matter experts, such as probation officers, or treatment providers, may find individual chapters to be most helpful.

It is important to note that this manual is not intended to replace the [Michigan veterans treatment court statute, MCL 600.1200 through 600.1212](#). The statute is the primary, guiding authority for all veterans treatment courts in the state. The excerpts from the statute included in this manual have not been altered or interpreted.

Definitions

The chapters in this manual include three types of information

- **Standard:** Courts must adhere to the standards presented in this manual. Standards are pulled directly from the veterans treatment court statute, *The 10 Key Components*, or case law and precedent that are binding on Michigan courts. Standards are requirements. State grant funds are tied to a court's adherence to standards.
- **Best Practice:** Courts should adhere to the best practices presented in this manual. Best practices are supported by scientific research and data or nonbinding case law, and are proven methods to follow. Although best practices are not required by law, they have

¹ See *Veterans Courts: Early Outcomes and Key Indicators for Success*, written by Justin Holbrook and Sara Anderson of the Widener University School of Law, available at <http://ssrn.com/abstract=1912655>. This research paper collects data from multiple sources, including a survey. Because the survey had a small number of respondents, the results should be qualified, but all indications are that veterans treatment courts enjoy favorable comparisons to drug court outcomes.

been shown by empirical research to produce better outcomes than other practices and their use results in higher-quality programs. Therefore, state grant funds are tied to the implementation of best practices in addition to standards. Best practices are strong suggestions.

- **Promising Practice:** Courts should consider the promising practices presented in this manual. Promising practices are not yet supported by scientific research or data, but anecdotal evidence and experience suggest they are helpful in adhering to the model. Promising practices are suggestions to the courts that will aid in building higher-quality programs.

How to Use This Manual

Each chapter is divided into relevant topics. Included for each topic are the standards, best practices, and promising practices, as well as the supporting authority or research. Not all topics have all three subdivisions; some topics have only best practices while some do not have promising practices. There are footnotes throughout the manual that refer to further reading or research. The three appendices are referenced in the chapters. Please contact the State Court Administrative Office if you have questions or need technical assistance.

Contents

<i>Chapter 1: Roles and Responsibilities of the Veterans Treatment Court Judge</i>	6
1. GENERAL.....	6
2. STAFFING MEETINGS AND REVIEW HEARINGS.....	7
WORKS CITED.....	9
<i>Chapter 2: Participant Supervision and Compliance</i>	11
1. CASELOAD.....	11
2. FREQUENCY.....	11
3. SERVICES TO PARTICIPANTS	12
4. INCENTIVES & SANCTIONS.....	14
5. PHASE PROMOTION AND GRADUATION	16
6. TERMINATION	17
WORKS CITED.....	18
<i>Chapter 3: Confidentiality</i>	20
1. CONFIDENTIALITY.....	20
WORKS CITED.....	23
<i>Chapter 4: Due Process</i>	24
1. GENERAL.....	24
2. WAIVER OF RIGHTS.....	24
3. 1ST AMENDMENT	25
4. 4TH AMENDMENT.....	25
5. 14TH AMENDMENT.....	26
6. SANCTIONS AND TERMINATION	26
WORKS CITED.....	28
<i>Chapter 5: The Veterans Treatment Court Team</i>	29
1. TEAM COMPOSITION	29
2. STAFFING MEETINGS AND REVIEW HEARINGS	31
3. COMMUNICATION AND DECISION MAKING	32
WORKS CITED.....	34
<i>Chapter 6: Veterans Treatment Court Population and Admission</i>	35
1. SCREENING.....	35
2. ELIGIBLE OFFENSES	36
3. CLINICAL SUBSTANCE USE AND MENTAL HEALTH ASSESSMENTS.....	38
4. RISK AND NEED ASSESSMENT	39
5. LEGAL OUTCOME.....	40
6. ADMISSION FACTORS	41

7. FINDINGS ON THE RECORD OR IN THE COURT FILE	42
8. PROGRAM ENTRY	42
9. TRANSFERRING SUPERVISION	43
WORKS CITED.....	43
<i>Chapter 7: Drug and Alcohol Testing.....</i>	<i>46</i>
1. GENERAL.....	46
2. RANDOMIZATION	46
3. FREQUENCY AND BREADTH OF TESTING	47
4. SCIENTIFICALLY VALID DRUG TESTING METHODS.....	48
5. WITNESSED COLLECTION.....	50
6. CHAIN OF CUSTODY AND RESULTS.....	51
WORKS CITED.....	52
<i>Chapter 8: Treatment.....</i>	<i>54</i>
1. GENERAL & DEFINITION OF DRUG TREATMENT COURTS	54
2. TREATMENT ENTRY	55
3. TREATMENT SERVICES.....	56
4. EVIDENCE-BASED MODELS OF TREATMENT	57
5. TREATMENT DURATION	58
6. MEDICATION-ASSISTED TREATMENT (MAT).....	58
WORKS CITED.....	59
<i>Chapter 9: Education.....</i>	<i>61</i>
1. GENERAL.....	61
WORKS CITED.....	62
<i>Chapter 10: Program Evaluation</i>	<i>63</i>
1. COLLECTION AND MAINTENANCE OF INFORMATION	63
2. EVALUATION AND PROGRAM MODIFICATION	63
WORKS CITED.....	64
<i>Chapter 11: Veteran Peer Mentors.....</i>	<i>65</i>
1. GENERAL & THE ROLE OF MENTORS	65
WORKS CITED.....	67
<i>Appendix A: The Ten Principles of a Good Testing Program</i>	<i>68</i>
<i>Appendix B: Minimum Standard Data.....</i>	<i>69</i>
<i>Appendix C: Michigan Veterans Treatment Court Statute</i>	<i>85</i>

Chapter 1: Roles and Responsibilities of the Veterans Treatment Court Judge

This chapter discusses the judge's role on a veterans treatment court team. The judge, who serves as the leader of the team, plays an important part in guiding participants through the program. Specific topics include the term as a veterans treatment court judge, staffing meetings, and review hearings. Confidentiality is mentioned, but discussed in further detail in Chapter 3. The judge is also very important in ensuring participants' due process rights are protected; best practices regarding due process are discussed in Chapter 4.

1. GENERAL

a. Standards

- i. A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:
 - Integration of alcohol, drug treatment, and mental health services with justice system case processing (MCL 600.1201(1)(a))
 - Ongoing close judicial interaction with each veteran is essential (MCL 600.1201(1)(g))
 - Continuing interdisciplinary education promotes effective veterans treatment court planning, implementation, and operations. (MCL 600.1201(1)(i))
- ii. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. A judge should always be aware that the judicial system is for the benefit of the litigant and the public, not the judiciary. (Michigan Code of Judicial Conduct, Canon 1)

b. Best Practices

- i. The judge presides over the veterans treatment court for no less than two consecutive years.
 - When judges preside over drug courts for at least two years, those programs have significant cost savings and significantly lower recidivism. (Carey, Pukstas, Waller, Mackin, & Finigan, 2008) (Carey, Mackin, & Finigan, 2012)
 - Even greater reductions in recidivism were found in courts where the judges oversaw the drug court on a voluntary basis and the term was indefinite. (Carey, Mackin, & Finigan, 2012)

- ii. Participants ordinarily appear before the same judge throughout their enrollment in the veterans treatment court.
 - Drug courts that rotated the judicial assignment or where participants appeared before alternating judges had the poorest outcomes in several research studies. (Finigan, Carey, & Cox, 2007) (National Institute of Justice, 2006)
- iii. The judge attends current training events on legal and constitutional issues in veterans treatment courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.
 - Because judges have such a substantial impact on outcomes in treatment court, continued training is especially important. (Carey, Mackin, & Finigan, 2012)
- iv. The judge bases interaction with participants on the four principles of procedural fairness: voice, neutrality, respectful treatment, and trustworthy authorities.
 - Drug use, probation violations, and recidivism rates were all reduced in drug courts that applied the four principles of procedural fairness. (MacKenzie, 2016)

2. STAFFING MEETINGS AND REVIEW HEARINGS

a. Standards

- i. The judge is the final arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.
 - In order to continue to participate in and successfully complete a veterans treatment court program, an individual shall make all payments ordered pursuant to MCL 600.1208(1)(a-d) and comply with all court orders, violations of which may be sanctioned at the court's discretion. (MCL 600.1208(1)(e) and (f))
 - The veterans treatment court shall be notified if the veterans treatment court participant is accused of a new crime, and the judge shall consider whether to terminate the participant's participation in the veterans treatment program in conformity with the memorandum of understanding under section 1201(2). If the participant is convicted of a felony for an offense that occurred after the defendant is admitted to the veterans treatment court, the judge shall terminate the participant's participation in the veterans treatment court. (MCL 600.1208(2))
- ii. In the performance of judicial duties, the following standards apply:
 - A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests,

public clamor, or fear of criticism. (Michigan Code of Judicial Conduct, Canon 3(A)(1))

- A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers and of staff, court officials, and others subject to the judge's direction and control. (Michigan Code of Judicial Conduct, Canon 3(A)(3))
- Without regard to a person's race, gender, or other protected personal characteristic, a judge should treat every person fairly, with courtesy, and respect. (Michigan Code of Judicial Conduct, Canon 3(A)(10))

b. Best Practices

- i. The judge regularly attends staffing meetings during which the veterans treatment court team reviews each participant's progress and discusses potential consequences for performance.
 - Research has consistently shown that when the judge regularly attends staffing meetings, cost savings increase and recidivism is reduced. (Carey, Pukstas, Waller, Mackin, & Finigan, 2008) (Carey, Mackin, & Finigan, 2012)
- ii. The judge considers the perspectives of all team members before making final decisions that affect participants' welfare or liberty interests. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.
 - The collaborative nature of treatment courts brings together experts from various disciplines. Their expertise and shared information allow the judge to make better-informed decisions. (National Association of Drug Court Professionals, 2013) (Hora & Stalcup, 2008)
- iii. Participants appear before the judge for status hearings at least once every two weeks during the first phase of the program. The frequency of status review hearings may be reduced gradually after participants have initiated abstinence from alcohol and illicit drugs and are regularly engaged in treatment. Status review hearings are scheduled at least once every four weeks until participants are in the last phase of the program.
 - A substantial body of research demonstrates the importance of scheduling status hearings no less frequently than every two weeks during the first phase of a drug court. Participants had significantly better treatment attendance, substance use abstinence, and graduation rates when they were required to appear before the judge every two weeks. (National Association of Drug Court Professionals, 2013) (Festinger, Marlowe, Lee, Kirby, Bovasso, & McLellan, 2002)

- iv. The judge spends sufficient time during status review hearings reviewing each participant's progress in the program. Evidence suggests judges should spend a minimum of three minutes interacting with each participant in court.
 - Recidivism was significantly reduced, by as much as 153 percent, in drug courts where the judge spent at least three minutes interacting with each participant. The same study showed that cost savings were also improved when the judge spent the minimum three minutes with each participant. (Carey, Mackin, & Finigan, 2012)
- v. The judge offers supportive comments to participants, stresses the importance of their commitment to treatment and other program requirements, and expresses optimism about their ability to improve their health and behavior. The judge does not humiliate participants or subject them to foul or abusive language. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.
 - Research has consistently shown that the perceived quality of interactions between participants and the drug court judge is among the most influential factors for success in the program. (National Association of Drug Court Professionals, 2013)
 - Significantly greater reductions in crime and substance abuse resulted when the judges were independently rated as being more fair, attentive, caring, and enthusiastic. (Zweig, Lindquist, Downey, Roman, & Rossman, 2012)

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Chapter 2: Participant Supervision and Compliance

This chapter discusses participant supervision and compliance with program requirements – often the role of probation officers or case managers. Specific topics include the veterans treatment court supervision caseload, frequency of monitoring events, services provided to participants, incentives and sanctions, phase promotion and graduation from veterans treatment court, and termination from the program. Several topics are addressed in more detail in other chapters.

1. CASELOAD

a. Best Practices

- i. The number of individuals participating in the program as a cohort or a track should be fewer than 125.
 - Programs that have fewer than 125 individual participants at one time have statistically significant reductions in recidivism. (Carey, Mackin, & Finigan, 2012)
- ii. Supervision caseloads should not exceed 50 active participants per supervision officer (most commonly a probation officer).
 - Probationers on 50:1 caseloads received significantly more probation office sessions, field visits, employer contacts, telephone check-ins, and substance abuse and mental health treatment. As a consequence of receiving more services, they also had significantly better probation outcomes, including fewer positive drugs tests and other technical violations. (Jalbert & Rhodes, 2012)

2. FREQUENCY

a. Standards

- i. A veterans treatment court shall provide an individual admitted to the court with all of the following:
 - Consistent, continual, and close monitoring and interaction with the court, treatment providers, probation, and the participant. (MCL 600.1207 (1)(a))
 - Periodic evaluation assessments of the participant’s circumstances and progress in the program. (MCL 600.1207(1)(d))

b. Best Practices

- i. Participants meet individually with a clinical case manager or comparable treatment professional at least weekly during the first phase of veterans treatment court.

- Studies consistently find that drug courts reduce recidivism and are more cost-effective when participants meet individually with a clinical case manager or comparable treatment professional at least weekly during the first phase of the program. (Carey, Mackin, & Finigan, 2012) (Cissner, et al., 2013)
- ii. Participants appear before the judge for status hearings at least once every two weeks during the first phase of the program. The frequency of status review hearings may be reduced gradually after participants have initiated abstinence from alcohol and illicit drugs and are regularly engaged in treatment. Status review hearings are scheduled at least once every four weeks until participants are in the last phase of the program.
 - A substantial body of research demonstrates the importance of scheduling status hearings no less frequently than every two weeks during the first phase of a drug court. Participants had significantly better treatment attendance, substance use abstinence, and graduation rates when they were required to appear before the judge every two weeks. (National Association of Drug Court Professionals, 2013) (Festinger, Marlowe, Lee, Kirby, Bovasso, & McLellan, 2002)
 - iii. The judge spends sufficient time during status review hearings reviewing each participant's progress in the program. Evidence suggests judges should spend a minimum of three minutes interacting with each participant in court.
 - Recidivism was significantly reduced, by as much as 153 percent, in drug courts where the judge spent at least three minutes interacting with each participant. The same study showed that cost savings were also improved when the judge spent the minimum three minutes with each participant. (Carey, Mackin, & Finigan, 2012)
- c. Promising Practices
- i. Participants meet with a supervision officer (most commonly a probation officer) at least twice per month in the early phases of the program. Many courts require weekly meetings in early phases.
 - While there is no specific research available on this topic, research on frequency of review hearings and meetings with clinical case managers is relevant. More frequent meetings allow for closer supervision.

3. SERVICES TO PARTICIPANTS

a. Standards

- i. A veterans treatment court shall provide an individual admitted to the court with all of the following:
 - A mentorship relationship with another veteran who can offer the participant support, guidance, and advice. It is the intent of the

legislature that, where practicable, the assigned mentor should be as similar to the individual as possible in terms of age, gender, branch of service, military rank, and period of military service. (MCL 600.1207 (b))

- Substance abuse treatment services, relapse prevention services, education, and vocational opportunities as appropriate and practicable. It is the intent of the legislature that, where practicable, these services shall be provided by the VA. (MCL 600.1207(1)(f))
- Mental health treatment services as appropriate and practicable. It is the intent of the legislature that, where practicable, these services shall be provided by the VA. (MCL 600.1207(1)(g))

- ii. A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:
 - Integration of alcohol, drug treatment, and mental health services with justice system case processing. (MCL 600.1201(1)(a))

b. Best Practices

- i. Participants regularly attend self-help or peer-support groups in addition to professional counseling. The peer-support groups follow a structured model or curriculum such as 12-step or Smart Recovery and offer non-faith-based options.
 - Participation in self-help or peer-support groups is consistently associated with better long-term outcomes, including greater abstinence and lower mortality rates, when used in conjunction with substance abuse treatment. (Kelly, Stout, Zywiak, & Schneider, 2006) (Moos & Timko, 2008)
- ii. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of veterans treatment court.
 - At least two studies of drug courts have reported improved program retention, graduation rates, and treatment retention when unemployed or underemployed participants received a manualized, cognitive-behavioral vocational intervention. (Deschenes, Ireland, & Kleinpeter, 2009) (Leukefeld, Webster, Staton-Tindall, & Duvall, 2007)
- iii. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of veterans treatment court and continuing as necessary throughout their enrollment in the program.
 - Participants are unlikely to succeed in treatment if they do not have a safe, stable, and drug-free place to live. (Quirouette, Hannah-Moffat, & Maurutto, 2015)

- iv. Ignition interlock devices and restricted driver licenses are made available to eligible participants. Veterans treatment courts should utilize the National Center for DWI Courts ignition interlock device guidelines when incorporating the use of these devices into their programs².
 - An evaluation of Michigan’s Ignition Interlock Pilot Program showed that, compared to non-interlock offenders in DWI/Sobriety Court and to standard probationers, interlock program participants have the lowest recidivism rates after one, two, three, and four years of follow up. This is true for both drunk driving-related reoffending and for general criminal reoffending. (Kierkus & Johnson, 2016)

4. INCENTIVES & SANCTIONS

a. Standards

- i. A veterans treatment court shall provide an individual admitted to the court with all of the following:
 - A regimen or strategy of appropriate and graduated but immediate rewards for compliance and sanctions for noncompliance, including, but not limited to, the possibility of incarceration or confinement. (MCL 600.1207(1)(e))
- ii. A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:
 - A coordinated strategy that governs veterans treatment court responses to participants’ compliance. (MCL 600.1201(1)(f))

b. Best Practices

- i. The veterans treatment court places as much emphasis on incentivizing productive behaviors as it does on reducing crime, substance abuse, and other infractions.
 - Drug courts are able to reduce substance use and better prevent criminal behavior when they focus as much on incentivizing productive behaviors as they do on reducing noncompliant or undesirable behaviors. (Zweig, Lindquist, Downey, Roman, & Rossman, 2012)
- ii. The veterans treatment court has a range of sanctions of varying magnitudes that may be administered in response to program infractions. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude of successive infractions. For goals that are relatively easy for

² The Michigan Secretary of State has interpreted veterans treatment courts to be within the Drug/DWI court model for purposes of ignition interlock requirements. Veterans treatment courts can offer ignition interlock restricted licenses to their participants.

participants to accomplish, such as being truthful or attending counseling sessions, higher-magnitude sanctions may be administered after only a few infractions.

- Programs are able to reduce substance use and recidivism when the sanctions for failing to meet difficult goals increase progressively in magnitude over successive infractions. This gives treatment a chance to take effect, and prepares participants to meet steadily increasing responsibilities in the program. (National Association of Drug Court Professionals, 2013)
 - Sanctions that are weak in magnitude can cause habituation in which the individual becomes accustomed, and thus less responsive, to punishment. Imposing high-magnitude sanctions when a participant fails to meet an easy goal helps to avoid habituation. (National Association of Drug Court Professionals, 2013)
- iii. Sanctions are imposed as quickly as possible after noncompliant behavior. Veterans treatment courts do not wait for the next review hearing to impose a sanction if the behavior can be addressed more immediately.
- The value of having sanctions imposed immediately after noncompliant behavior is a central tenet of behavior modification. Study results show that recidivism and cost-savings do not improve when drug courts wait until the next scheduled court appearance for noncompliant participants instead of bringing them in earlier. (Carey, Mackin, & Finigan, 2012)
- iv. Jail sanctions are definite in duration and typically last no longer than five days. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed as a liberty interest is at stake.
- Drug courts significantly lower recidivism and improve cost savings when they use jail sanctions sparingly. (Carey, Pukstas, Waller, Mackin, & Finigan, 2008)
 - Research indicates that jail sanctions produce diminishing returns after approximately three to five days. (Carey, Mackin, & Finigan, 2012)
- v. Participants do not receive punitive sanctions if they are otherwise compliant with their treatment and supervision requirements but are not responding to the treatment interventions. The appropriate course of action may be to reassess the individual and adjust the treatment plan accordingly.
- If a drug court imposes substantial sanctions for substance use early in treatment, the team is likely to run out of sanctions and reach a ceiling effect before treatment has taken effect. Therefore, drug courts should ordinarily adjust participants' treatment requirements in response to

positive drug tests early in the program. (Chandler, Fletcher, & Volkow, 2009)

- vi. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.
 - Relying on in-custody substance abuse treatment can reduce the cost-effectiveness of a drug court by as much as 45 percent. (Carey, Mackin, & Finigan, 2012)
 - vii. Programs have a written schedule of sanctions for infractions that is shared with participants, but the team retains discretion to overrule the sanctions if there is good reason to do so.
 - Multistate research showed the most effective programs with regard to recidivism included greater predictability of sanctions. (Rossman & Zweig, 2012)
- c. Promising Practices
- i. Immediate and tangible rewards help a veterans treatment court demonstrate the benefits of abstinence and treatment. Courts should seek to include tangible or token rewards, such as coins, gifts, certificates, or entry into a drawing in an incentives program.
 - Frequently, the benefits of abstinence, such as better health and lifestyle, are abstract and distant to the abuser. The point of motivational incentives is to bring the benefits of abstinence forward in less time. Both voucher- and prize-based reinforcement systems have been repeatedly shown to be effective interventions among substance abusers. (Stitzer, 2008) These tangible rewards can be used in veterans treatment court to more quickly improve behaviors.

5. PHASE PROMOTION AND GRADUATION

a. Standards

- i. In order to continue to participate in and successfully complete a veterans treatment court program, an individual shall do all of the following:
 - Pay all court-ordered fines and costs, including minimum state costs. (MCL 600.1208(1)(a))
 - Pay the veterans treatment court fee allowed under section 1206(4). (MCL 600.1208(1)(b))
 - Pay all court-ordered restitution. (MCL 600.1208(1)(c))
 - Pay all crime victims' rights assessments under section 5 of 1989 PA 196, MCL 780.905. (MCL 600.1208(1)(d))
 - Comply with all court orders. Violations of a court order may be sanctioned within the court's discretion. (MCL 600.1074(1)(e))

- Meet with a member of a veteran service organization or a county veteran counselor to discuss available veteran benefit programs for which the individual may qualify. (MCL 600.1074)(1)(f))
 - ii. The court shall not sentence a defendant to a term of incarceration, nor revoke probation, for failure to comply with an order to pay money unless the court finds, on the record, that the defendant is able to comply with the order without manifest hardship and that the defendant has not made a good-faith effort to comply with the order. (MCR 6.425(3)(a))
 - iii. If the court finds that the defendant is unable to comply with an order to pay money without manifest hardship, the court may impose a payment alternative, such as a payment plan, modification of any existing payment plan, or waiver of part or all of the amount of money owed to the extent permitted by law. (MCR 6.425(3)(b))
- b. Best Practices
 - i. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specific period of time.
 - Drug courts have significantly better outcomes when they have a clearly defined phase structure and concrete behavioral requirements for advancement. (Carey, Mackin, & Finigan, 2012)
 - Phase advancement should not be based simply on the amount of time that participants have been enrolled in the program. (National Association of Drug Court Professionals, 2013)
 - ii. In order to graduate, participants who are able to join the labor force must have a job or be in school, in instances where health insurance and other social benefits such as VA benefits are not at risk.
 - Both having a job and being in school are connected to cost savings and reduced recidivism after the participant leaves the program. (Carey, Mackin, & Finigan, 2012)
 - iii. A period of greater than 90 continuous days of negative drug test results is required before a participant is eligible to graduate.
 - Drug courts where participants were expected to have greater than 90 days clean (demonstrated by negative drug tests) before graduation had 164 percent greater reductions in recidivism compared with programs that expected less clean time. (Carey, Mackin, & Finigan, 2012)

6. TERMINATION

a. Standards

- i. The veterans treatment court shall be notified if the veterans treatment court participant is accused of a new crime, and the judge shall consider whether to

terminate the participant's participation in the veterans treatment program in conformity with the memorandum of understanding under section 1201(2). If the participant is convicted of a felony for an offense that occurred after the defendant is admitted to veterans treatment court, the judge shall terminate the participant's participation in the veterans treatment court. (MCL 600.1208(2))

b. Best Practices

- i. Participants are terminated from the veterans treatment court if they can no longer be managed safely in the community or if they fail repeatedly to comply with treatment or supervision requirements.
 - Drug courts have significantly poorer outcomes and are considerably less cost-effective when they terminate participants based only on drug or alcohol use. Drug courts that had a policy of terminating participants for positive drug tests or new arrests for drug possession offenses had 50 percent higher criminal recidivism and 48 percent lower cost savings than drug courts that responded to new use by increasing treatment or applying sanctions of lower severity. (Carey, Mackin, & Finigan, 2012)
- ii. Participants are not terminated from the veterans treatment court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are nonamenable to the treatments that are reasonably available in their community. If a participant is terminated from the program because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.
 - Drug courts that terminated participants merely for drug or alcohol use have significantly poorer recidivism rates and are less cost-effective. (Carey, Mackin, & Finigan, 2012)

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Chapter 3: Confidentiality

This chapter addresses confidentiality issues in veterans treatment court and shares some information with Chapter 4 (Due Process), so readers should read and consider chapters 3 and 4 together. Specific information in this chapter includes the Health Insurance Portability and Accountability Act (HIPAA), 42 CFR Part 2, redisclosure, records management, and staff training.

Courts should also review the [Patient Rights & Responsibilities](#) information and [VA Privacy Practices](#) available at <https://www.va.gov/health/>. Specific VA regulations and directives are available from the VA's Office of Regulation Policy and Management at <https://www.va.gov/orpm/>.

1. CONFIDENTIALITY

a. Standards

- i. Title 42 of the United States Code, Section 290dd-2, is the federal law that protects the confidentiality of the identity, diagnosis, prognosis, or treatment of any patient records that are maintained in connection with the performance of any federally assisted program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research. 42 CFR, Part 2, contains the regulations implementing the alcohol and substance abuse confidentiality law. Full text of the law is available [here](#).
 - A veterans treatment court's performance of, or request for, an assessment of chemical dependency of a participant, or a referral to treatment, places the veterans treatment court within the parameters of 42 CFR, Part 2, section 2.11.
- ii. The Health Insurance Portability and Accountability Act (HIPAA) is a federal law that protects confidentiality and the security of protected health information. While it does not directly apply to treatment courts, HIPAA does apply to the treatment agencies partnering with treatment courts, so veterans treatment courts must also comply with HIPAA. Full text of the HIPAA privacy law is available [here](#).
- iii. Except as otherwise permitted in the [veterans treatment court statute](#), any statement or other information obtained as a result of an individual's participation in a preadmission screening and evaluation assessment under subsection (3) is confidential, is exempt from disclosure from the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be used in a criminal prosecution, except for a statement or information that reveals criminal acts other than personal drug use. (MCL 600.1203(4))
- iv. Any statement or other information obtained as a result of participating in assessment, treatment, or testing while in a veterans treatment court is confidential and is exempt from disclosure under the freedom of information

act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be used in a criminal prosecution, except for a statement or information reveals criminal acts other than, or inconsistent with, personal drug use. (MCL 600.1207(2))

- v. Confidential treatment court information and records may not be used to initiate or to substantiate any criminal charges against a participant or to conduct any investigation of a participant. (42 CFR, Section 2.35(d))
- vi. State law may neither authorize nor compel any disclosure prohibited by the federal regulations, but where state law prohibits disclosure that would be permissible under the federal regulations, the stricter standard applies. (42 CFR, Section 2.20)
- vii. Treatment courts may receive or release information or records of participants only with the specific knowing, voluntary, and written consent of the participant, or under certain very limited exceptions. (42 CFR, Sections 2.22 and 2.31(a)) (Veterans Health Administration Notice of Privacy Practices)
 - Waiver is the “voluntary relinquishment of a known right.” (Kelly v Allegan Circuit Judge, 1969)
 - Consent must include (42 CFR, Sections 2.14-2.35):
 - The specific name or general designation of the program or person permitted to make the disclosure.
 - The name of the participant permitting disclosure.
 - The name or title of the individual(s), or the name of the organization, to which (re)disclosure is to be made.
 - The purpose of the (re)disclosure.
 - How much and what kind of information is to be disclosed.
 - The participant’s signature and the signature of a person authorized to give consent for a minor.
 - The date on which consent is signed.
 - A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it. Acting in reliance includes the provision of treatment services in reliance on a valid consent to disclose information to a third-party payer. (Note: this element, concerning the revocation of consent, should not be included in consent forms in criminal treatment courts.)
 - Date, event, or condition upon which the consent will expire. The date, event, or condition must insure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.
 - Federal regulations require that the scope of the disclosures be limited to the information necessary to carry out the purpose of the disclosures. (42 CFR, 2.13(a))

- viii. The participant must be advised, orally and in writing, that federal law protects the confidentiality of treatment records. The notice must cite Section 290dd-2 and the implementing regulations (Sections 2.1 through 2.67 of Title 42 of the code of Federal Regulations), and must state the following:
 - Treatment information is ordinarily kept confidential;
 - It is a crime to violate this confidentiality requirement, which the participant may report to appropriate authorities;
 - Notwithstanding this confidentiality requirement, covered information may be released under specified circumstances (which should be listed for the participant); and
 - Federal law does not protect information relating to crimes committed on the premises of the program, crimes against program personnel, or the abuse or neglect of a child.
 - ix. Any documented treatment information distributed on the basis of the treatment participant's consent should be accompanied by a Notice of Prohibition Against Redisclosure. (42 CFR, Section 2.32)
 - x. Treatment courts may not disclose protected health information in response to a subpoena or a search warrant or any other form of request, even if signed by a judge, unless that client signs a consent form authorizing such disclosure, or a court of competent jurisdiction enters an authorizing order under the standards set forth in the Federal regulations. (42 CFR, Section 2.61)
 - xi. Confidential records should be kept in a secure room and locked container. Access to confidential records must be limited to authorized individuals. (42 CFR, Section 2.16)
- b. Best Practices
- i. Veterans treatment court planning teams are familiar with relevant federal and state laws and regulations in order to develop appropriate policies and procedures.
 - Because court programs are integrally involved with supervising the participation of drug offenders in substance abuse treatment, the programs must take into account federal requirements as well as applicable state laws. (Holland, 1999)
 - ii. Treatment courts receive training on federal confidentiality requirements and how they affect treatment court practitioners and contractors. (Meyer, 2011)
 - iii. Confidential records are protected after consent expires or is revoked.
 - All file storage systems include procedures for limiting access to records after the participant's consent expires or is revoked. Thus, paper records that can be accessed by all treatment court personnel during the duration of the participant's consent are transferred to a more restricted storage facility as soon as the consent is terminated. Records on computers are sealed by changing the password or other access. (Tauber, Weinstein, & Taube, 1999)

- iv. Treatment courts adopt written procedures and/or policies to regulate and control access to and use of written and electronic confidential records. Written procedures include requests for access to confidential information by the public, attorneys, or those outside the treatment court team. (Meyer, 2011)
 - v. Treatment courts establish a memorandum of understanding (MOU) on confidentiality and have all team members and replacement team members sign and agree to follow confidentiality procedures. (Tauber, Weinstein, & Taube, 1999)
 - vi. Electronic data that is subject to confidentiality standards is protected by security walls and password-protected. Access is limited, and disclosure/re-disclosure is subject to approval by the treatment court judge and team. (Tauber, Weinstein, & Taube, 1999)
 - vii. Pre-court staffing meetings may be closed to participants and the public. (State of Washington v. Sykes, 2014) If open, compliance with consent requirements must be obtained.
 - viii. Treatment courts designate a team member as their confidentiality compliance officer. The confidentiality compliance officer should be aware of, and consulted about, all third-party inquiries pertaining to mandated disclosures and permitted disclosures the federal regulations. (Meyer, 2011)
- c. Promising Practices
- i. Each team considers instituting video permission for consent.
 - ii. Treatment courts receive training on federal confidentiality requirements and how they affect treatment court practitioners and contractors.
 - iii. Review hearings are indicated on dockets as judicial review hearings and not as treatment court hearings. This should apply to all printed versions of the docket.
 - iv. Treatment courts do not require a written consent and notice form for treatment court visitors and observers.
 - v. Non-treatment court staff are advised as to treatment court confidentiality requirements.

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Chapter 4: Due Process

This chapter addresses procedural due process in veterans treatment court. Some information in this chapter can also be found in Chapter 3 (Confidentiality); chapters 3 and 4 should be read and considered together. Specific information in this chapter includes the participant waiver of rights, the 1st Amendment, 4th Amendment, and 14th Amendment, as well as sanctions and termination. Additionally, links to individual sections of the Michigan veterans treatment court statute can be found [here](#). Please also see the [Michigan Court Rules](#) and [Code of Judicial Conduct](#).

1. GENERAL

a. Standards

- i. A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:
 - Use of a nonadversarial approach; prosecution and defense counsel promote public safety while protecting any participant's due process rights. (MCL 600.1201(1)(b))
- ii. The veterans treatment court may require an individual admitted into the court to pay a veterans treatment court fee that is reasonably related to the cost to the court for administering the veterans treatment court program as provided in the memorandum of understanding under section 1201(2). (MCL 600.1206(4))
 - Courts can use the [SCAO Problem-Solving Court Fee Calculator](#) to help determine what a reasonable fee would be. This calculator should be used only as a guide to help determine a program fee; it is not intended to determine an exact or required amount. Courts can determine the amount of the fee as it is reasonably related to the cost for administering the veterans treatment court program.

2. WAIVER OF RIGHTS

a. Standards

- i. If the individual being considered for admission to a veterans treatment court is charged in a criminal case, his or her admission is subject to all of the following conditions:
 - The individual waives in writing the right to a speedy trial, the right to representation by an attorney at veterans treatment court review hearings, and, with the agreement of the prosecutor, the right to a preliminary examination. (MCL 600.1205(1)(c))
 - The individual signs a written agreement to participate in the veterans treatment court. (MCL 600.1205(1)(d))

- ii. The surrendering of any rights by the participant must be done knowingly, voluntarily, and intelligently. (Kelly v Allegan Circuit Judge, 1969)

3. 1ST AMENDMENT

a. Standards

- i. The mandating of an individual to attend Alcoholics Anonymous/Narcotics Anonymous (AA/NA) is a violation of the 1st Amendment Establishment Clause prohibitions. The 1st Amendment applies to the states via the 14th Amendment of the U.S. Constitution. (Hanas v Inner City Christian Outreach, 2008)
- ii. Veterans treatment court review hearings must be held open to the public.
 - Although the 6th Amendment right “is the right of the accused,” a member of the public can invoke the right to a public trial under the 1st Amendment. (United States Constitution, 1st Amendment and 6th Amendment)
 - The sittings of every court within this state shall be public except that a court may, for good cause shown, exclude from the courtroom other witnesses in the case when they are not testifying and may, in actions involving scandal or immorality, exclude all minors from the courtroom unless the minor is a party or witness. This section shall not apply to cases involving national security. (MCL 600.1420)
 - The party seeking to close the hearing must advance an overriding interest that is likely to be prejudiced, the closure must be no broader than necessary to protect that interest, the trial court must consider reasonable alternatives to closing the proceeding, and it must make findings adequate to support the closure. (People v Vaughn, 2012)
- ii. Veterans treatment court conditions of participation, such as area and association restrictions, must be reasonable and must be narrowly drawn.
 - Analogizing to probation conditions in MCL 771.3(3)), “...a sentencing court must be guided by factors that are lawfully and logically related to the defendant’s rehabilitation.” (People v Johnson (Larry), 1995)

b. Best Practices

- i. It is appropriate and beneficial to order 12-step, self-help programs. Offenders who object to the deity-based 12-step programs cannot be ordered to attend them. In those instances, secular alternatives should be made available. (Meyer, 2011)

4. 4TH AMENDMENT

a. Best Practices

- i. The veterans treatment court conducts home visits on participants, without reasonable suspicion, as part of a standard monitoring program.
 - Home visits are a critical function of community supervision. (Harberts, 2011)

- Home visits as a condition of probation in the absence of reasonable suspicion are justified. (*United States vs Reyes*, 2002)
 - “[A] home visit is not a search, even though a visit may result in seizure of contraband in plain view.” (*United States v Newton*, 2002)³
- ii. A waiver against unreasonable searches and seizures may be made as a condition of probation.
- Analogizing to probation law, “a waiver of one’s constitutional protections against unreasonable searches and seizures may properly be made a condition of a probation order where the waiver is reasonably tailored to a defendant’s rehabilitation.” (*People v Hellenthal*, 1990) (MCL 791.236(19))
 - A warrantless search of a probationer’s home by a probation officer who had reasonable suspicion was upheld based on a ‘special needs’ balancing test. (*Griffin v Wisconsin*, 1987)

5. 14TH AMENDMENT

a. Standards

- i. There are objective standards that require recusal when “the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable.” (*Withrow v Larkin*, 1975)
- ii. Disqualification of a judge is warranted for reasons that include, but are not limited to, the following:
- The judge is biased or prejudiced for or against a party or attorney. (MCR 2.003(C)(1)(a))
 - The judge, based on objective and reasonable perceptions, has either (i) a serious risk of actual bias impacting the due process rights of a party as enunciated in *Caperton v Massey*, [556 US 868]; 129 S Ct 2252; 173 L Ed 2d 1208 (2009), or (ii) has failed to adhere to the appearance of impropriety standard set forth in Canon 2 of the Michigan Code of Judicial Conduct. (MCR 2.003(C)(1)(b))
 - The judge has personal knowledge of disputed evidentiary facts concerning the proceeding. (MCR 2.003(C)(1)(c))
- iii. A veterans treatment court shall determine whether an individual may be admitted to the veterans treatment court. No individual has a right to be admitted into a veterans treatment court. (MCL 600.1203(1))
- iv. Participation in a drug court (the model for veterans treatment court) is not a fundamental right, and drug offenders are not part of any suspect or semi-suspect class. (*Lamont v State*, 2006)⁴

6. SANCTIONS AND TERMINATION

a. Best Practices

³ See also *United States v Tessier*, U.S. Court of Appeals, Sixth Circuit (02/18/16), citing with favor *Reyes*, supra; *United States v LeBlanc*, 490 F3d 361, 370 (5th Cir. 2007) cases upholding less invasive “home visits” where there was no reasonable suspicion.

⁴ Analysis is under a rational basis equal protection test, see *State v Harner*, 103 P3d 738 (Wash 2004).

- i. By analogy to due process requirements in termination from probation, as supported by several state supreme courts that have ruled on drug court terminations, and in compliance with the probation violation rulings of Gagnon v Scarpelli, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed.2d 656 (1973); and People v Belanger, 227 Mich App 637 (1998), a veterans treatment court should meet the requirements under MCR 6.445 Probation Revocation.
- ii. A sanction that implicates a liberty interest requires procedural protections under due process. This complies with Michigan law that indicates a jail sentence affects a participant's liberty interest (People v Jackson, 168 Mich App 280 (1988)) and Michigan probation case law, which holds that an ex parte order that adds a condition of probation that implicates a liberty interest requires, at the least, certain procedural protections under the due process clause (People v Jackson, supra; Vitek v Jones, 445 U.S. 480 (1980)).
- iii. By analogy to Michigan probation case law, treatment court termination hearings and sanction hearings involving a 'liberty interest' may be summary and informal, MCL 771.4; People v Pillar, 233 Mich App 267 (1998).
- iv. Therefore, due process would require that, like a probation violation hearing, rudimentary due process rights are provided.⁵
 - Written copy of charges.
 - Appointment of interpreters.
 - A hearing equivalent to an arraignment to advise of the allegations.
 - An opportunity to admit or deny the allegations.
 - Admission (plea) meets the due process requirements for termination from the program as long as the respondent was advised of termination from the program as a consequence.
- v. In the absence of an admission, a hearing with the following procedural rights:
 - The moving party has the burden to prove by a preponderance of evidence that one or more allegations in the charging document are true.
 - A record of the hearing should be made.
 - Like probation revocation, the respondent shall be afforded the opportunity to have an attorney.
 - The respondent shall have a right to be heard, present evidence, and cross examine.

⁵ For a detailed analyses of due process rights for probationers, see *In Re: Leroy Jackson*, 63 Mich App 241 (1975), *Gagnon v Scarpelli*, 411 US 778 (1973). The respondent would not be entitled like a probationer to the entire realm of due process such as jury trial or proof beyond a reasonable doubt. *Samson v Calif*, 547 US 843 (2006).

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- Withrow v Larkin, 421 U.S. 35, 47, 95 S.Ct. 1456, 43 L.Ed.2d 712 (United States Supreme Court 1975).

Chapter 5: The Veterans Treatment Court Team

This chapter discusses the various members on a veterans treatment court team and the importance of collaboration among those members. Specific topics include team composition, roles of team members, participation in staffing meetings and review hearings, and communication and decision-making. The role of the judge, specifically, is the topic of Chapter 1 of this manual. Confidentiality is mentioned briefly here, but discussed in detail in Chapter 3. Various members of the team work to ensure participants' due process rights are protected; best practices regarding due process are discussed in Chapter 4. Teams should also engage in training as a team; training and education are discussed in Chapter 9.

1. TEAM COMPOSITION

a. Standards

- i. A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:
 - Use of a nonadversarial approach; prosecution and defense counsel promote public safety while protecting any participant's due process rights. (MCL 600.1201(1)(b))
 - Continuing interdisciplinary education promotes effective veterans treatment court planning, implementation, and operations. (MCL 600.1201(1)(i))
 - Forging of partnerships among veterans treatment court, veterans administration, public agencies, and community-based organizations generates local support and enhances veteran treatment court effectiveness. (MCL 600.1201(1)(j))
- ii. The circuit court in any judicial circuit or the district court in any judicial district may adopt or institute a veterans treatment court by statute or court rule if the circuit or district enters into a memorandum of understanding with each participating prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative or representatives of community treatment providers, a representative or representative of veterans service organizations in the circuit or district court district, and a representative or representatives of the United States department of veterans affairs. However, the memorandum of understanding will only be required to include the prosecuting attorney if the veterans treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, a delayed sentence, deferred entry of judgment, or a sentence

involving deviation from the sentencing guidelines. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit or district, the local substance abuse coordinating agency for that circuit or district, a domestic violence service provider program that receives funding from the state domestic violence prevention and treatment board, a representative or representatives of the local court funding unit, and community corrections agencies in that circuit or district. The memorandum of understanding shall describe the role of each party, and the conditions for which the memorandum of understanding must be renewed and amended. (MCL 600.1201(2))

- iii. The veterans treatment court shall cooperate with, and act in a collaborative manner with, the prosecutor, defense counsel, treatment providers, the local substance abuse coordinating agency for that circuit or district, probation departments, the United States department of veterans affairs, local VSOs in that circuit or district, and, to the extent possible, local law enforcement, the department of corrections, and community corrections agencies. (MCL 600.1206(3))

b. Best Practices

- i. A dedicated multidisciplinary team of professionals manages the day-to-day operations of the veterans treatment court, including reviewing participant progress during pre-court staff meetings and status hearings, contributing observations and recommendations within the team members' respective areas of expertise, and overseeing the delivery of legal, treatment, and supervision services.
- ii. The team comprises representatives from all partner agencies involved in creating the program, including but not limited to a judge or judicial officer, program coordinator, prosecutor, defense counsel representative, treatment representative, community supervision officer, veterans justice outreach specialist, and law enforcement officer.
 - Drug courts enjoy significantly greater reductions in recidivism and significantly higher cost savings when all team members regularly participate in staffing meetings and review hearings. (Carey, Mackin, & Finigan, 2012) (Cissner, et al., 2013)
 - When law enforcement is a member of the drug court team, drug courts can reduce recidivism by 87 percent and increase cost savings by 44 percent. (Carey, Mackin, & Finigan, 2012)

c. Promising Practices

- i. An independent evaluator serves as a member of the veterans treatment court team.

- The evaluator is responsible for developing reliable and valid methodologies to study the effectiveness of the treatment court. It is necessary for all treatment courts to regularly evaluate program effectiveness. This is primarily done through three evaluations: process, outcome, and cost-benefit. While an evaluator is an essential team member of any treatment court, it is not necessarily a position for a full-time employee in every program. Instead, the role can be filled at the regional or local level. The evaluator, while generally considered a part of the team, does not participate in team reviews as it compromises the objectivity of the evaluator and the integrity of the evaluation process. (Minnesota Supreme Court, 2006)
- Courts should consider partnering with local colleges or universities to find a qualified evaluator.

2. STAFFING MEETINGS AND REVIEW HEARINGS

a. Standards

- i. A veterans treatment court shall provide an individual admitted to the court with all of the following:
 - Consistent, continual, and close monitoring and interaction with the court, treatment providers, probation, and the participant. (MCL 600.1207(1)(a))
 - Periodic evaluation assessments of the participant’s circumstances and progress in the program. (MCL 600.1207(1)(d))

b. Best Practices

- i. Team members consistently attend pre-court staff meetings to review participant progress, determine appropriate actions to improve outcomes, and prepare for status hearings in court.
 - When all team members consistently attend staffing meetings, drug courts can lower recidivism by 50 percent, and are nearly twice as cost-effective as those programs where not all team members attend. (Carey, Mackin, & Finigan, 2012)
 - When a representative from treatment attended staffing meetings, recidivism was reduced by 105 percent. (Carey, Mackin, & Finigan, 2012)
- ii. Pre-court staffing meetings are closed to participants and the public.
 - Treatment court staffing meetings are analogous to pre-court conferences between attorneys and judges where the parties discuss practical matters, such as discovery orders or scheduling witnesses. (State of Washington v. Sykes, 2014)
- iii. Team members attend status hearings on a consistent basis. During the status hearings, team members contribute relevant information or recommendations

when requested by the judge or as necessary to improve outcomes or protect participants' legal rights.

- Drug courts were able to significantly reduce recidivism and improve cost-savings when the judge, attorneys, treatment, probation, and coordinator all attended status review hearings. (Carey, Mackin, & Finigan, 2012)
- When a representative from treatment attended status review hearings, recidivism was reduced 100 percent over drug courts that did not have a treatment representative attend. (Carey, Mackin, & Finigan, 2012)
- When a law enforcement officer attended status review hearings, recidivism was reduced 83 percent over drug courts that did not have a law enforcement officer attend. (Carey, Mackin, & Finigan, 2012)

c. Promising Practices

- i. When pre-court staffing meetings are closed to the participant and the public, the participant should be notified in the veterans treatment court agreement and waiver.

3. COMMUNICATION AND DECISION MAKING

a. Standards

- i. The judge is the final arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.
 - The judicial power of the state is vested exclusively in one court of justice, which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction. (Michigan Constitution, Article VI, Section 1)
 - In order to continue to participate in and successfully complete a veterans treatment court program, an individual shall make all payments ordered pursuant to MCL 600.1208 (1)(a-d) and comply with all court orders, violations of which may be sanctioned within the court's discretion. (MCL 600.1208(1)(e))
 - The veterans treatment court shall be notified if the veterans treatment court participant is accused of a new crime, and the judge shall consider whether to terminate the participant's participation in the veterans treatment program in conformity with the memorandum of understanding under section 1201(2). If the participant is convicted of a felony for an offense that occurred after the defendant is admitted to veterans treatment court, the judge shall terminate the participant's participation in the veterans treatment court. (MCL 600.1208(2))

- ii. If the court determines that scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise if (1) the testimony is based on sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case. (Michigan Rules of Evidence, Rule 702)
 - Information relating to addiction, mental health treatment, and substance abuse treatment is typically beyond the knowledge of laypersons, so this information must usually be introduced by a qualified expert. (National Association of Drug Court Professionals, 2015)

b. Best Practices

- i. Team members share information as necessary to appraise participants' progress in treatment and compliance with the conditions of veterans treatment court. Partner agencies execute memoranda of understanding specifying what information will be shared among team members.
 - Several studies have indicated that participants and staff alike rate communication among team members as one of the most important factors for success in drug court. (National Association of Drug Court Professionals, 2015)
 - Please also see Chapter 3, Confidentiality for information on appropriate scope for information sharing.
- ii. Team members contribute relevant insights, observations, and recommendations based on their professional knowledge, training, and experience. The judge should consider all team members' perspectives before making decisions that affect participants' welfare or liberty interests, and should explain the rationale for such decisions to team members and participants.
 - Studies in more than 10 drug courts found that implementing a model designed to improve team communication skills increased job satisfaction and improved program measures such as admission rates, wait times for treatment, and no-show rates.⁶ (National Association of Drug Court Professionals, 2015)

⁶ For more information on the suggested model, the Network for the Improvement of Addiction Treatment's Organizational Improvement Model, please see page 45 of *Adult Drug Court Best Practice Standards Volume 2*, published by the National Association of Drug Court Professionals. The model seeks to create an environment where all team members are able to share differing views in a way that is likely to be heeded by others on the team.

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Chapter 6: Veterans Treatment Court Population and Admission

This chapter discusses screening and eligibility criteria for veterans treatment courts. It can be used to ensure that programs are targeting the proper population among offenders. Specific topics include screening, eligible offenses, assessments, admission to the program and legal outcomes, and transferring supervision. Veterans treatment courts can use this chapter to address their target population, screening and assessment practices, program eligibility requirements, and admission practices.

1. SCREENING

a. Standards

- i. To be eligible for admission to a veterans treatment court, an individual shall cooperate with and complete a preadmissions screening and evaluation assessment and shall agree to cooperate with any future evaluation assessment as directed by the veterans treatment court. A preadmission screening and evaluation assessment shall include all of the following:
 - A determination of the individual's veteran status. A review of the DD Form 214 "certificate of release or discharge from active duty" satisfies the requirement of this subdivision. (MCL 600.1203(3)(a))
 - A complete review of the individual's criminal history, and whether the individual has been admitted to, has participated in, or is currently participating in a veterans treatment court, drug treatment court, or other specialty court, whether admitted under this act or a law listed under subsection (2), and the results of the individual's participation. A review of the L.E.I.N. satisfies the requirements of this subdivision unless a further review is warranted. The court may accept other verifiable and reliable information from the prosecution or defense to complete its review and may require the individual to submit a statement as to whether or not he or she has previously been admitted to a veterans treatment court, drug treatment court, or other specialty court, and the results of his or her participation in the prior program or programs. (MCL 600.1203(3)(b))
 - An assessment of the risk of danger or harm to the individual, others, or the community. (MCL 600.1203(3)(c))
 - A review of the individual's history regarding the use or abuse of any controlled substance or alcohol and an assessment of whether the individual abuses controlled substances or alcohol or is drug or alcohol dependent. It is the intent of the legislature that, to the extent

practicable, an assessment under this subdivision shall be a clinical assessment completed by the VA. (MCL 600.1203(3)(d))

- A review of the individual’s mental health history. It is the intent of the legislature that, to the extent practicable, this assessment shall be a clinical assessment completed by the VA. (MCL 600.1203(3)(e))
 - A review of any special needs or circumstances of the individual that may potentially affect the individual’s ability to receive substance abuse treatment and follow the court’s orders. (MCL 600.1203(3)(f))
- ii. The court may request that the department of state police provide to the court information contained in the L.E.I.N. pertaining to an individual applicant's criminal history for the purposes of determining an individual's admission into the veterans treatment court and general criminal history review, including whether the individual has previously been admitted to and participated in a veterans treatment court, drug treatment court, or other specialty court under this act or a statute listed under subsection (2), and the results of the individual's participation. The department of state police shall provide the information requested by a veterans treatment court under this subsection. (MCL 600.1203(5))

b. Best Practices

- i. Use clinical assessments instead of screening tools to determine diagnoses.
- Substance abuse screening tools do not accurately identify diagnoses. (Greenfield & Hennessy, 2008).

c. Promising Practices

- i. The veterans treatment court gives careful consideration when deciding whether to accept a defendant who is still active in the National Guard or Reserves.
- Those serving in the National Guard or Reserves can be called to training, called to active duty, or deployed for extended periods of time. These assignments may keep a participant away from the veterans treatment court, unable to participate in hearings, treatment, or testing. Such an interruption in services can affect the ability to complete the program, so courts should consider a guardsman’s or reservist’s ability to participate.

2. ELIGIBLE OFFENSES

a. Standards

- i. “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 an offense that is criminal sexual conduct in any degree. (MCL 600.1200(k))

- ii. A veterans treatment court shall determine whether an individual may be admitted to the veterans treatment court. No individual has a right to be admitted into a veterans treatment court. However, an individual is not eligible for admission into a veterans treatment court if he or she is a violent offender. An individual is eligible for admission into a veterans treatment court if he or she has previously had an offense discharged or dismissed as a result of participation in a veterans treatment court, drug treatment court, or other specialty court, but he or she shall not have a subsequent offense discharged or dismissed as a result of participating in the veterans treatment court. (MCL 600.1203(1))
- iii. In addition to admission to a veterans treatment court under this act, an individual who is eligible for admission under this act may also be admitted to a veterans treatment court under any of the following circumstances:
 - The individual has been assigned the status of youthful trainee under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11. (MCL 600.1203(2)(a))
 - The individual has had criminal proceedings against him or her deferred and has been placed on probation under any of the following:
 - a. Section 7411 of the public health code, 1978 PA 368, MCL 333.7411 or a local ordinance or another law of this state, another state, or the United States that is substantially similar to that section. (MCL 600.1203 (2)(b)(i))
 - b. Section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a. (MCL 600.1203 (2)(b)(ii))
 - c. Section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430 or a local ordinance or another law of this state, another state, or the United States that is substantially similar to that section. (MCL 600.1203(2)(b)(iii))
 - d. Section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a and 750.430, or a local ordinance of another law of this state, another state, or the United States that is substantially similar to those sections. (MCL 600.1203(2)(b)(iv))
- iv. Ignition Interlock Restricted Driver License: In order to be considered for placement in the pilot project or program, an individual must have been convicted of either of the following:
 - Two or more convictions for violating section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local ordinance of this state substantially corresponding to section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625. (MCL 600.1084(3)(a))

- One conviction for violating section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local ordinance of this state substantially corresponding to section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, preceded by 1 or more convictions for violating a local ordinance or law of another state substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a law of the United States substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625. (MCL 600.1084(3)(b))

3. CLINICAL SUBSTANCE USE AND MENTAL HEALTH ASSESSMENTS

a. Standards

- i. To be eligible for admission to a veterans treatment court, an individual shall cooperate with and complete a preadmissions screening and evaluation assessment and shall agree to cooperate with any future evaluation assessment as directed by the veterans treatment court. A preadmission screening and evaluation assessment shall include all of the following:
 - An assessment of the risk of danger or harm to the individual, others, or the community. (MCL 600.1203(3)(c))
 - A review of the individual’s history regarding the use or abuse of any controlled substance or alcohol and an assessment of whether the individual abuses controlled substances or alcohol or is drug or alcohol dependent. It is the intent of the legislature that, to the extent practicable, an assessment under this subdivision shall be a clinical assessment completed by the VA. (MCL 600.1203(3)(d))
 - A review of the individual’s mental health history. It is the intent of the legislature that, to the extent possible, this assessment shall be a clinical assessment completed by the VA. (MCL 600.1203(3)(e))
 - A review of any special needs or circumstances of the individual that may potentially affect the individual’s ability to receive substance abuse treatment and follow the court’s orders. (MCL 600.1203(3)(f))
- ii. A veterans treatment court may hire or contract with licensed or accredited treatment providers, in consultation and cooperation with the local substance abuse coordinating agency, and other appropriate persons to assist the veterans treatment court in fulfilling its requirements under this chapter, including, but not limited to, an investigation of an individual's background or circumstances, or a clinical evaluation of an individual, before the individual is admitted or permitted to participate in a veterans treatment court. It is the intent of the legislature that, services, including, but not limited to, clinical

evaluations, drug and alcohol treatment, and mental health services, shall be provided by the VA to the extent that is practical. (MCL 600.1202)

b. Best Practices

i. Clinical assessments use standardized tools.

- The predictive criterion validity of actuarial assessments of major risk and/or need factors greatly exceeds the validity of unstructured clinical judgment. (Andrews, Bonta, & Wormith, 2006).
- Drug courts that use better assessment practices have better outcomes (Shaffer, 2010).

4. RISK AND NEED ASSESSMENT

a. Best Practices

i. The veterans treatment court program accepts participants that are both high risk and high need.

- Drug courts that focus on high-risk and high-need participants reduce crime nearly twice as much as those focusing on less serious participants. (Lowenkamp, Holsinger, & Latessa, 2005)

ii. Use a standardized risk and needs assessment to identify the expected likelihood of a particular outcome (e.g., recidivism) over a specified period of time (e.g., one year) for an individual.

- Standardized assessment tools are reliable and valid with regard to identifying those who are likely to succeed on probation. (Miller & Shutt, 2001)
- Providing substance abuse treatment to low-risk offenders can lead to higher rates of recidivism. (Lowenkamp & Latessa, 2004)
- Exposing low-risk or low-need participants to high-risk or high-need offenders in residential facilities or treatment groups can make their outcomes worse by introducing them to antisocial peers and disrupting their prosocial activities, such as work. (Lowenkamp & Latessa, 2004)

iii. Ensure that the validation sample of the risk and needs assessment is similar to the veterans treatment court's population.

- Different racial or ethnic groups interpret the same assessment questions differently. (Carle, 2009)
- Males and females show differences in the prediction of substance use dependence. (Perez & Wish, 2011)
- DWI offenders require different assessments than drug offenders. (Vlavianos, Floerke, Harrison, & Carey, 2015)

iv. Reexamine dynamic risk factors after program admission.

- Assessments completed within the month preceding the participant's failure have greater accuracy than ones done much earlier. (Lloyd, Hanson, & Serin, 2015)
- b. Promising Practices
- i. The National Drug Court Institute published a [Drug Court Practitioner Fact Sheet](#) that provides recommended tools regarding selecting and using risk and need assessments.

5. LEGAL OUTCOME

a. Standards

- i. The circuit court in any judicial circuit or the district court in any judicial district may adopt or institute a veterans treatment court by statute or court rule if the circuit or district enters into a memorandum of understanding with each participating prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative or representatives of community treatment providers, a representative or representative of veterans service organizations in the circuit or district court district, and a representative or representatives of the United States department of veterans affairs. However, the memorandum will only be required to include the prosecuting attorney if the veterans treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, a delayed sentence, deferred entry of judgment, or a sentence involving deviation from the sentencing guidelines. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit or district, the local substance abuse coordinating agency for that circuit or district, a domestic violence service provider program that receives funding from the state domestic violence prevention and treatment board, a representative or representatives of the local court funding unit, and community corrections agencies in that circuit or district. The memorandum of understanding shall describe the role of each party, and the conditions for which the memorandum of understanding must be renewed and amended. (MCL 600.1201(2))
- ii. An individual who may be eligible for discharge and dismissal of an offense, delayed sentence, deferred entry of judgment, or deviation from the sentencing guidelines shall not be admitted to a veterans treatment court unless the prosecutor first approves the admission of the individual into the

veterans treatment court in conformity with the memorandum of understanding under section 1201(2). (MCL 600.1205(2))

- iii. An individual shall not be admitted to, or remain in, a veterans treatment court under an agreement that would permit the discharge or dismissal of a traffic offense upon successful completion of the veterans treatment court program. (MCL 600.1205(3))

6. ADMISSION FACTORS

a. Standards

- i. If the individual being considered for admission to a veterans treatment court is charged in a criminal case, his or her admission is subject to all of the following conditions:
 - The offense or offenses allegedly committed by the individual are generally related to the military service of the individual, including the abuse, illegal use, or possession of a controlled substance or alcohol, or mental illness that arises as a result of service. (MCL 600.1205(1)(a))
 - The individual pleads guilty to the charge or charges on the record. (MCL 600.1205(1)(b))
 - The individual waives in writing the right to a speedy trial, the right to representation by an attorney at veterans treatment court review hearings, and, with the agreement of the prosecutor, the right to a preliminary examination. (MCL 600.1205(1)(c))
 - The individual signs a written agreement to participate in the veterans treatment court. (MCL 600.1205(1)(d))
- ii. In addition to rights accorded a victim under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, the veterans treatment court shall permit any victim of the offense or offenses of which the individual is charged, any victim of a prior offense of which that individual was convicted, and members of the community in which the offenses were committed or in which the defendant resides to submit a written statement to the court regarding the advisability of admitting the individual into the veterans treatment court. (MCL 600.1205(4))
- iii. An individual who has waived his or her right to a preliminary examination and has pled guilty as part of his or her application to a veterans treatment court and who is not admitted to a veterans treatment court shall be permitted to withdraw his or her plea and is entitled to a preliminary examination. (MCL 600.1205(5))

b. Best Practices

- i. Avoid subjective screenings for motivation to change or preparedness for treatment when determining suitability for veterans treatment court.

- Subjective screenings after determining legal and clinical eligibility for the drug court program have no beneficial impact on drug court graduation rates or post-program recidivism. (Carey & Perkins, 2008)
- Eliminating subjective screening results in cost savings. (Bhati, Roman, & Chalfin, 2008)

7. FINDINGS ON THE RECORD OR IN THE COURT FILE

a. Standards

- i. Before an individual is admitted into a veterans treatment court, the court shall find on the record or place a statement in the court file establishing all of the following:
 - That the individual is a veteran. (MCL 600.1204(a))
 - That the individual is dependent upon or abusing drugs or alcohol, or suffers from a mental illness, and is an appropriate candidate for participation in the veterans treatment court. (MCL 600.1204(b))
 - That the individual understands the consequences of entering the veterans treatment court and agrees to comply with all court orders and requirements of the court's program and treatment providers. (MCL 600.1204(c))
 - That the individual is not an unwarranted or substantial risk to the safety of the public or any individual, based upon the screening and assessment or other information presented to the court. (MCL 600.1204(d))
 - That the individual is not a violent offender. (MCL 600.1204(e))
 - That the individual has completed a preadmission screening and evaluation assessment under section 1203(3) and has agreed to cooperate with any future evaluation assessment as directed by the veterans treatment court. (MCL 600.1204(f))
 - The individual meets the requirements, if applicable, of a statute listed under section 1203(2). (MCL 600.1204(g))
 - The terms, conditions, and duration of the agreement between the parties, and the outcome for the participant of the veterans treatment court upon successful completion by the participant or termination of participation. (MCL 600.1204(h))

8. PROGRAM ENTRY

a. Best Practices

- i. Expedite the court process to quickly accept participants into the veterans treatment court.
 - When the time between arrest and program entry is 50 days or less, programs see reductions in recidivism. (Carey, Mackin, & Finigan, 2012).

9. TRANSFERRING SUPERVISION

a. Standards

- i. A court that has adopted a veterans treatment court under this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged. The transfer can occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes. A transfer under this subsection is not valid unless it is agreed to by all of the following:
 - The defendant or respondent. (MCL 600.1201(4)(a))
 - The attorney representing the defendant or respondent. (MCL 600.1201(4)(b))
 - The judge of the transferring court and the prosecutor of the case. (MCL 600.1201(4)(c))
 - The judge of the receiving veterans treatment court and the prosecutor of a court funding unit of the veterans treatment court. (MCL 600.1201(4)(d))

b. Promising Practices

- i. Use the State Court Administrative Office's recommended procedure to transfer supervision.
 - [Administrative Memorandum 2015-01](#) identifies step-by-step procedures for transferring supervision to a problem-solving court (Administrative Memoranda, 2015).
 - The SCAO provides a [Frequently Asked Questions](#) document to assist courts in dealing with transfers.

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Chapter 7: Drug and Alcohol Testing

This chapter discusses the standards, best practices, and promising practices involved in operating a strong drug and alcohol testing program in veterans treatment court. Specific topics include randomization, frequency, methods for collection and testing, the use of scientific information, and chain of custody. Though veterans treatment courts may accept participants who are diagnosed with a mental illness and not substance abuse, statute requires that all participants be tested. As such, a veterans treatment court should carefully consider the program's testing requirements.

In addition to following these standards and best practices, courts should consult the *Ten Principles of a Good Testing Program*, promulgated by the National Drug Court Institute and available in Appendix A of this manual. The Michigan Association of Treatment Court Professionals published [*Drug Testing for Criminal Justice Involved Individuals in Michigan*](#) as a reference for treatment courts. It was developed and authored by a statewide committee on drug testing standards.

1. GENERAL

a. Standards

- i. A veterans treatment court shall provide an individual admitted to the court with all of the following:
 - Consistent, continual, and close monitoring and interaction with the court, treatment providers, probation, and the participant. (MCL 600.1207(1)(a))
 - Mandatory periodic and random testing for the presence of any controlled substance or alcohol in a participant's blood, urine, or breath, using, to the extent practicable, the best available, accepted, and scientifically valid methods. (MCL 600.1207(1)(c))
 - Periodic evaluation assessments of the participant's circumstances and progress in the program. (MCL 600.1207 (1)(d))
- ii. Any statement or other information obtained as a result of participating in assessment, treatment, or testing while in a veterans treatment court is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be used in a criminal prosecution, except for a statement or information that reveals criminal acts other than, or inconsistent with, personal drug use. (MCL 600.1207(2))

2. RANDOMIZATION

a. Standards

- i. A veterans treatment court shall provide an individual admitted to the court with all of the following:

- Mandatory periodic and *random* testing for the presence of any controlled substance or alcohol in a participant’s blood, urine, or breath, using, to the extent practicable, the best available, accepted, and scientifically valid methods. (MCL 600.1207(1)(c)) (Emphasis added.)

b. Best Practices

- i. The probability of being tested on weekends and holidays is the same as other days.
 - Weekends and holidays are high-risk times for drug and alcohol use. Providing a respite from detection during these high-risk times reduces the randomness of testing and undermines the central aims of a drug-testing program. (Kirby, Lamb, Iguchi, Husband, & Platt, 1995) (Marlatt & Gordon, 1985) (American Society of Addiction Medicine, 2013)
- ii. Urine tests are delivered no more than eight hours after a participant is notified that a test has been scheduled. (National Association of Drug Court Professionals, 2015) (Auerbach, 2007)
- iii. Tests with short detection window such as oral fluid tests should be delivered no more than four hours after being notified that a test was scheduled. (National Association of Drug Court Professionals, 2015)

3. FREQUENCY AND BREADTH OF TESTING

a. Standards

- i. A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:
 - Monitoring of abstinence by *frequent* alcohol and other drug testing. (MCL 600.1201(1)(e)) (Emphasis Added)

b. Best Practices

- i. Urine testing is performed at least twice per week until participants are in the last phase of the program and preparing for graduation.
 - In a multisite study of approximately 70 drug courts, programs performing urine testing at least twice per week in the first phase lowered recidivism by 38 percent and were 61 percent more cost-effective than programs testing less frequently. (Carey, Mackin, & Finigan, 2012)
 - The most effective drug courts perform urine drug testing at least twice per week for the first several months of the program. (Carey & Perkins, 2008)

- ii. Tests that measure substance use over extended periods of time, such as ankle monitors, are applied for at least 90 consecutive days followed by urine or other intermittent test methods.
 - Research indicates that use of an alcohol tether device may deter alcohol consumption and alcohol-impaired drivers among recidivist DWI offenders if it is worn for at least 90 days. (Flango & Cheeseman, 2009) (Tison, Nichols, Casanova-Powell, & Chaudhary, 2015)
- iii. Test specimens are examined for all unauthorized substances of abuse that are suspected to be used by participants. Randomly selected specimens are tested periodically for a broader range of substances to detect new substances of abuse that might be emerging in the population.
 - Participants can easily evade detection of their substance use by switching to drugs that have similar effects but are not detected by the test. (American Society of Addiction Medicine, 2013)
 - Because new drugs of abuse are constantly being sought out by offenders to cheat drug tests, treatment courts should frequently and randomly examine samples for a wide range of potential substances of abuse. (American Society of Addiction Medicine, 2013)
- c. Promising Practices
 - i. Drug and alcohol testing continues uninterrupted to determine whether relapse occurs as other treatment and supervision services are adjusted.
 - Although research has not occurred on this issue, logic dictates that continued testing provides the greatest assurance that participants remain abstinent. (National Association of Drug Court Professionals, 2015)

4. SCIENTIFICALLY VALID DRUG TESTING METHODS

- a. Standards
 - i. A treatment veterans court shall provide an individual admitted to the court with all of the following:
 - Mandatory periodic and random testing for the presence of any controlled substance or alcohol in a participant's blood, urine, or breath, *using, to the extent practicable, the best available, accepted, and scientifically valid methods.* (MCL 600.1207(1)(c))(Emphasis Added)
 - ii. If the court determines that scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise if (1) the testimony is based on sufficient facts or data, (2) the

testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case. (Michigan Rules of Evidence, Rule 702. Adopted from the Federal Rules of Evidence, Rule 702. Based on *Daubert v. Merrell Dow Pharmaceuticals*)

b. Best Practices

- i. A veterans treatment court uses scientifically valid and reliable testing procedures.
 - To be admissible as evidence in a legal proceeding, drug and alcohol test results must be derived from scientifically valid and reliable methods. (Meyer, 2011)
 - Appellate courts have recognized the scientific validity of several commonly used methods for analyzing urine, including gas chromatography/mass spectrometry (GC/MS); liquid chromatography/tandem mass spectrometry (LC/MS/MS); the enzyme multiple immunoassay technique (EMIT); and some sweat, oral fluid, hair, and ankle-monitor tests. (Meyer, 2011)
 - Appellate courts have recognized the scientific validity of ethyl glucuronide (ETG) testing. (Lawrence)
- ii. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as GC/MS or LC/MS. Unless a participant admits to using the drug identified by the screening procedure, confirmation of presumptive positive tests should be mandatory.
 - Gas chromatography-mass spectrometry (GC-MS) provides chemical fingerprint identification of drugs and is recognized as the definitive confirmation technology. (Cary, 2011)
 - Confirmation with an instrumented test virtually eliminates the odds of a false positive result, assuming the sample was collected and stored properly. (Auerbach, 2007)
 - It is necessary to validate positive screening results in order to rule out the potential of a false positive by performing a confirmation procedure. (Cary, 2011)
- iii. Confirmatory tests are not withheld due to the participant's inability to pay.
 - Courts commonly require participants to pay the cost of confirmation tests if the initial screening result is confirmed. (Cary, 2011) (Meyer, 2011)
- iv. Cutoff levels are not interpreted as evidence of new substance use or changes in participants' substance use patterns.

- Quantitative metabolite levels can vary considerably based on a number of factors, including the total fluid content in urine or blood. (Cary, 2004)
 - Numeric results do not accurately discriminate between whether a participant's overall drug level is increasing or decreasing even if compared to previous urine drug concentrations from the same client and for the same drug. (Cary, 2004)
 - The routine use of urine drug levels by court personnel in an effort to define substance abuse behavior and formulate appropriately measured sanctions is a practice that can result in inappropriate, factually unsupported conclusions and a decision-making process that lacks a sound scientific foundation. (Cary, 2011)
- v. Test specimens are examined routinely for evidence of dilution and adulteration.
- The temperature of each urine specimen should be examined immediately upon collection. An unusual temperature might suggest adulteration or tampering. (National Association of Drug Court Professionals, 2015)
 - Under normal conditions, urine specimens should be between 90 and 100 degrees Fahrenheit within four minutes of collection; a lower or higher temperature likely indicates a deliberate attempt at deception. (American Society of Addiction Medicine, 2013)
 - Specimens should be tested for creatinine and specific gravity. A creatinine level below 20 mg/dL is rare and is a reliable indicator of an intentional effort at dilution or excessive fluid consumption. (American Society of Addiction Medicine, 2013)

5. WITNESSED COLLECTION

a. Standards

- i. The person taking the sample shall be of the same sex as the offender providing the sample, unless an emergency condition requires otherwise. (Michigan Department of Corrections Policy Directive 03.03.115)
- ii. Breathalyzers must be calibrated according to certification standards established by the U.S. Departments of Transportation (DOT) and Health and Human Services (HHS) and/or the State toxicologist. The test must be administered by breath alcohol technicians who are trained in the use and interpretation of breath alcohol results. (U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office & American University, 2000)

b. Best Practices

- i. Collection of test specimens is witnessed directly by a staff person who has been trained to prevent tampering and substitution of fraudulent specimens.

- The most effective way to ensure that the sample collection is valid and to avoid tampering is to ensure the collection is witnessed directly by someone who has been properly trained. (American Society of Addiction Medicine, 2013) (Cary, 2011)
- c. Promising Practices
- i. Barring exigent circumstances, participants are not permitted to undergo independent drug or alcohol testing in lieu of being tested by trained personnel assigned to or authorized by the veterans treatment court.
 - In an effort to refute court-mandated drug-testing results, on occasion, clients may attempt to obtain testing from alternative sources not under the court's control or supervision. (Cary, 2011)
 - The success of any treatment court will depend, in part, on the reliable monitoring of substance use. (National Association of Drug Court Professionals, 2015)

6. CHAIN OF CUSTODY AND RESULTS

- a. Standards
 - i. If the court determines that scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise if (1) the testimony is based on sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case. (Michigan Rules of Evidence, Rule 702. Adopted from the Federal Rules of Evidence, Rule 702. Based on *Daubert v. Merrell Dow Pharmaceuticals*)
 - ii. Under Rule 702, veterans treatment courts are required to follow generally accepted chain-of-custody procedures when handling test specimens. (Meyer, 2011)
- b. Best Practices
 - i. A chain of custody form is completed once a urine sample has been collected. This form ensures the identity and integrity of the sample through transport, testing, and reporting of results. (Kadehjian, 2010)
 - ii. Test results, including the results of confirmation testing, are available to the veterans treatment court within 48 hours of sample collection.
 - A study of approximately 70 drug courts reported significantly greater reductions in recidivism and significantly greater cost benefits when the teams received drug and alcohol test results within 48 hours of sample collection. (Carey, Mackin, & Finigan, 2012)
- c. Promising Practices

- i. In order to comply with the 48-hour results best practice, veterans treatment courts that use tethers or in-home units should require download at least three times per week.

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Chapter 8: Treatment

This chapter discusses the standards, best practices, and promising practices regarding substance abuse and mental health treatment in a veterans treatment court. Specific topics include treatment entry, services, treatment duration, and medication-assisted treatment.

Some of the topics in this chapter are also addressed in the chapters on Population and Supervision and Compliance. However, this chapter focuses most closely on the standards and best practices a veterans treatment court should follow with regard to substance abuse and mental health treatment.

1. GENERAL & DEFINITION OF DRUG TREATMENT COURTS

a. Standards

- i. "Veterans treatment court" or "veterans court" means a court adopted or instituted under section 1201 that provides a supervised treatment program for individuals who are veterans and who abuse or are dependent upon any controlled substance or alcohol or suffer from a mental illness. (MCL 600.1200(j))
- ii. "Mental illness" means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life, including, but not limited to, post-traumatic stress disorder and psychiatric symptoms associated with traumatic brain injury. (MCL 600.1200(d))
- iii. Before an individual is admitted into a veterans treatment court, the court shall find on the record or place a statement in the court file establishing all of the following:
 - That the individual is dependent upon or abusing drugs or alcohol, or suffers from a mental illness, and is an appropriate candidate for participation in the veterans treatment court. (MCL 600.1204(b))
- iv. If the individual being considered for admission to a veterans treatment court is charged in a criminal case, his or her admission is subject to all of the following conditions:
 - The offense or offenses allegedly committed by the individual are generally related to the military service or individual, including the abuse, illegal use, or possession of a controlled substance or alcohol, or mental illness that arises as a result of service. (MCL 600.1205(1)(a))
- v. A veterans treatment court shall provide an individual admitted to the court with all of the following:

- Substance abuse treatment service, relapse prevention services, education, and vocational opportunities as appropriate and practicable. It is the intent of the legislature that, where practicable, these services shall be provided by the VA. (MCL 600.1207(1)(f))
 - Mental health treatment services as appropriate and practicable. It is the intent of the legislature that, where practicable, these services shall be provided by the VA. (MCL 600.1207(1)(g))
- b. Best Practices
- i. Treatment should address major criminogenic needs. Eight major criminogenic needs have been identified that contribute to the risk for recidivism among offenders and that are dynamic or changeable via programmatic interventions.
 - Reductions in recidivism are proportional to the number of criminogenic needs addressed within offender treatment programs. (Peters, 2011)
 - ii. A veterans justice outreach specialist (VJO) from the VA is a member of the veterans treatment court team.
 - VA has developed the veterans justice outreach initiative to provide direct services to veterans in the criminal justice system. VJO staff work with courts to help justice-involved veterans get mental health assessment, treatment planning, and referrals to VA services. (United States Department of Veterans Affairs, 2017)
 - iii. One or two treatment agencies, including the VA, are primarily responsible for managing the delivery of treatment services for veterans court participants.
 - In studies surveying veterans treatment courts, 92 percent of respondents listed the Department of Veterans Affairs as essential for their courts' success. (Holbrook & Anderson, 2011)
 - Drug courts that worked with two or fewer treatment agencies were able to reduce recidivism by 74 percent over drug courts that used more agencies. (Carey, Mackin, & Finigan, 2012)
 - iv. Clinically trained representatives from these agencies are core members of the veterans court team and regularly attend team meetings and status hearings, including a veterans justice outreach specialist.
 - Recidivism may be reduced twofold when representatives from the treatment court's primary treatment agencies regularly attend staffing meetings and status review hearings. (Carey, Mackin, & Finigan, 2012)

2. TREATMENT ENTRY

a. Best Practices

- i. Veterans treatment courts link participants to treatment as soon as possible.

- People mandated to treatment by the criminal justice system experience similar outcomes related to substance abuse and recidivism as those seeking treatment voluntarily. Retention in treatment is often higher among those coerced into treatment. Such participants perform as well as voluntary participants across a range of in-treatment indicators of progress (e.g., self-efficacy, coping skills, clinical symptoms, 12-step involvement). (Peters, 2011)
- Participants who enter drug court quickly tend to enter treatment more quickly. (Worcel, Furrer, Green, & Rhodes, 2006)
- ii. Veterans treatment courts consider using the Risk Needs Responsivity (RNR) Model.
 - The RNR model has led to better risk assessment instruments to predict criminal behavior and better treatment programs that match services to the level of risk and needs. As a result, the RNR model, when properly applied, has led to a reduction in recidivism. (Bonta & Andrews, 2007)

3. TREATMENT SERVICES

a. Standards

- i. A veterans treatment court shall provide an individual admitted to the court with all of the following:
 - Substance abuse treatment service, relapse prevention services, education, and vocational opportunities as appropriate and practicable. It is the intent of the legislature that, where practicable, these services shall be provided by the VA. (MCL 600.1207(1)(f))
 - Mental health treatment services as appropriate and practicable. It is the intent of the legislature that, where practicable, these services shall be provided by the VA. (MCL 600.1207(1)(g))
- ii. A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:
 - Integration of alcohol, drug treatment, and mental health services with justice system case processing. (MCL 600.1201(1)(a))
 - Provision of access to a continuum of alcohol, drug, mental health, and related treatment and rehabilitation services. (MCL 600.1201(1)(d))

b. Best Practices

- i. The veterans treatment court offers a continuum of care for substance abuse treatment, including detoxification, residential, sober living, day treatment, intensive outpatient, and outpatient services.
 - Outcomes, including graduation rates and recidivism, are significantly better in drug courts that offer a continuum of care for substance abuse

- treatment, which includes residential treatment and recovery housing in addition to outpatient treatment. (Carey, Mackin, & Finigan, 2012) (Koob, Brocato, & Kleinpeter, 2011)
- Community aftercare treatment for offenders can significantly reduce rates of substance use and recidivism. (Peters, 2011)
- ii. The veterans treatment court offers a full spectrum of mental health treatment and PTSD services.
 - The first studies to evaluate the efficacy of veterans treatment courts have found that involvement in veterans treatment court produces sustainable improvements in recovery and PTSD for participants. (Knudsen & Wingenfeld, 2015)
 - iii. The veterans court offers trauma-informed services.
 - In a study of the efficacy of veterans treatment courts, veterans improved in all study measures – including improvement in PTSD symptom severity and depression symptoms, and a decrease in self-harm – when they were provided with a combination of trauma-specific treatment, peer mentor services, and medication. (Knudsen & Wingenfeld, 2015)
 - The same study found trauma-specific treatment to be important for veterans with combat exposure. (Knudsen & Wingenfeld, 2015)
 - Please see Section F of Chapter VI in the [National Association of Drug Court Professionals Adult Drug Court Best Practice Standards, Volume II](#). (National Association of Drug Court Professionals, 2015)
 - iv. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.
 - Relying on in-custody substance abuse treatment can reduce the cost-effectiveness of a drug court by as much as 45 percent. (Carey, Mackin, & Finigan, 2012)
 - Some drug courts may place participants in jail as a means of providing detoxification services or to keep them “off the streets” when adequate treatment is unavailable in the community. This practice is inconsistent with best practices, unduly costly, and unlikely to produce lasting benefits. (National Association of Drug Court Professionals, 2013)

4. EVIDENCE-BASED MODELS OF TREATMENT

a. Best Practices

- i. Treatment providers use evidence-based models and administer treatments that are documented in manuals and have been demonstrated to improve outcomes for persons involved in the criminal justice system.

- Outcomes from correctional rehabilitation are significantly better when evidence-based models are used, and fidelity to the model is maintained through continuous supervision of the treatment providers. (National Association of Drug Court Professionals, 2013)
- Examples of manualized CBT curricula that have been proven to reduce criminal recidivism among offenders include Moral Reconation Therapy (MRT), Reasoning and Rehabilitation (R&R), Thinking for a Change (T4C), Relapse Prevention Therapy (RPT), and the Matrix Model. (National Association of Drug Court Professionals, 2013)

5. TREATMENT DURATION

a. Best Practices

- i. Participants receive a sufficient dosage and duration of substance abuse and/or mental health treatment to achieve long-term sobriety and recovery from addiction and mental illness.⁷
 - Providing continuous treatment for at least one year is associated with reduced recidivism. (Warren, 2007)
 - The longer participants remain in treatment and the more sessions they attend, the better their outcomes. (National Association of Drug Court Professionals, 2013)

6. MEDICATION-ASSISTED TREATMENT (MAT)

a. Best Practices

- i. Veterans treatment courts allow the use of medication-assisted treatment (MAT) when appropriate, based on a case-specific determination and handle MAT very similarly to other kinds of treatment⁸.
 - Numerous controlled studies have reported significantly better outcomes when addicted offenders received medication-assisted treatments including opioid antagonist medications such as naltrexone, opioid agonist medications such as methadone, and partial agonist medications such as buprenorphine. (Chandler, Fletcher, & Volkow, 2009) (Finigan, Perkins, Zold-Kilbourn, Parks, & Stringer, 2011)
 - Buprenorphine or methadone maintenance administered prior to and immediately after release from jail or prison has been shown to significantly increase opiate-addicted inmates' engagement in treatment, reduce illicit opiate use, reduce rearrests, and reduce mortality and hepatitis C infections. (National Association of Drug Court Professionals, 2013)

⁷ The VA provides clinical practice guidelines for substance abuse and several mental health issues. These guidelines, available at <http://www.healthquality.va.gov/HEALTHQUALITY/guidelines/MH/index.asp>, can help to inform courts regarding treatment duration.

⁸ See the VA guidelines, *supra*, for information on the use of medication-assisted treatment for substance abuse and alcohol dependence.

- Courts repeatedly emphasize that they do not do things differently for MAT participants. (Friedman & Wagner-Goldstein, 2016)
- ii. Veterans treatment courts should engage in a fact-sensitive inquiry in each case to determine whether and under what circumstances to permit the use of medication-assisted treatments. This inquiry should be guided in large measure by input from physicians with expertise in addiction psychiatry or addiction medicine.
 - The basic purpose of probation is to provide an individualized program of rehabilitation. (Roberts v United States, 1943)
- iii. A valid prescription for such medications should not serve as the basis for a blanket exclusion from a veterans treatment court.
 - Because numerous studies have shown better outcomes when MAT is used, a valid prescription should not exclude a defendant from treatment court. (National Association of Drug Court Professionals, 2013)
 - Use of medication-assisted treatment is recommended by the VA in many cases.
- b. Promising Practices⁹
 - i. Courts monitor medication use to minimize misuse and diversion.
 - ii. Medically assisted treatment programs integrate behavior health treatment and wraparound services from a licensed treatment provider.
 - iii. Courts consider all clinically appropriate forms of treatment.
 - iv. Judges rely heavily on the clinical judgment of treatment providers as well as the court's own clinical staff.
 - v. Courts develop strong relationships with treatment programs and require regular communication regarding participant progress.
 - vi. Courts are selective about treatment programs and private prescribing physicians.

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Chapter 9: Education

Education and training are important components in any veterans treatment court. This chapter discusses standards, best practices, and promising practices regarding education of veterans treatment court team members.

1. GENERAL

a. Standards

- i. A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:
 - Continuing interdisciplinary education promotes effective veterans treatment court planning, implementation, and operations. (MCL 600.1201(1)(i))
- ii. A court that is adopting a veterans treatment court shall participate in training as required by the state court administrative office. (MCL 600.1201(3))

b. Best Practices

- i. Before starting a veterans treatment court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in treatment courts and develop fair and effective policies and procedures for the program.
 - In drug courts where the teams participated in formal training prior to implementation, cost savings increased by two and a half times, and the programs were 50 percent more effective at reducing recidivism. (Carey, Pukstas, Waller, Mackin, & Finigan, 2008) (Carey, Mackin, & Finigan, 2012)
 - Drug courts that did not receive pre-implementation training had outcomes that were only negligibly different from traditional criminal justice programming. (Carey, Pukstas, Waller, Mackin, & Finigan, 2008)
- ii. Team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on veterans treatment court topics.
 - A multisite study involving more than 60 drug courts found that participation in annual training conferences was the single greatest predictor of program effectiveness. (Shaffer, 2006) (Shaffer, 2010)
- iii. All new hires to the veterans treatment court complete a formal training or orientation as soon as practical after assuming their position.

- Drug courts where new hires complete a formal training or orientation program were able to reduce recidivism by 54 percent over those who did not engage in such practices. (Carey, Mackin, & Finigan, 2012)
- iv. The veterans treatment court judge attends current training events on legal and constitutional issues in treatment courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. Attendance at annual training conferences and workshops ensure contemporary knowledge about advances in the treatment court field.
 - Because judges have such a substantial impact on outcomes in treatment courts, continued training is especially important. (Carey, Mackin, & Finigan, 2012)
- c. Promising Practices
 - i. Veterans treatment court team members should attend the annual Michigan Association of Treatment Court Professionals conference.
 - ii. Veterans treatment court team members should attend appropriate trainings offered by the State Court Administrative Office.

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Chapter 10: Program Evaluation

This chapter discusses the standards, best practices, and promising practices regarding program evaluation of a veterans treatment court. Specific topics include collection and maintenance of information, evaluation, and program modification.

1. COLLECTION AND MAINTENANCE OF INFORMATION

a. Standards

- i. Each veterans treatment court shall collect and provide data on each individual applicant and participant and the entire program as required by the state court administrative office. (MCL 600.1210)

b. Best Practices

- i. Maintain program data for evaluation purposes in an electronic database rather than paper files.
 - Drug courts are 65 percent more cost effective when they enter data for evaluations into an electronic database rather than storing it in paper files. (Carey, Mackin, & Finigan, 2012).
 - Michigan's Drug Court Case Management Information System can be accessed at <https://dccmis.micourt.org/default.aspx>.

2. EVALUATION AND PROGRAM MODIFICATION

a. Best Practices

- i. Use data to monitor program operations on a consistent basis and make program changes where necessary.
 - In drug courts where staff monitored the internal operations of their program on a consistent basis and made necessary program modifications, the programs reduced recidivism 105 percent and were 131 percent more cost-effective than programs that did not. (Carey, Mackin, & Finigan, 2012).
- ii. Enlist the services of independent evaluators and implement appropriate recommended changes.
 - Programs that had external independent evaluators review their program and suggest changes, and then implemented those changes, were 100 percent more effective at reducing cost and 85 percent more effective in reducing recidivism than programs that did not. (Carey, Mackin, & Finigan, 2012).

b. Promising Practices

- i. Evaluate short-term outcomes frequently while participants are enrolled in the program.
 - The National Research Advisory Committee developed a [list of performance measures](#) that drug courts should use to measure their

efficiency, efficacy, and achievement of program goals. (National Association of Drug Court Professionals, 2015). Veterans treatment courts can use a similar methodology.

- ii. Independent evaluators should examine the program's three- to five-year performance outcomes at least once every five years.
 - External evaluators should examine recidivism three years to five years after participants' program admission. Program admission should be the latest start date for the evaluation because that is when the drug court becomes capable of influencing participant behavior. (National Association of Drug Court Professionals, 2015).
 - While no specific research exists with regard to how frequently a program should be evaluated, a new evaluation is warranted when a program significantly changes its operations or has staff turnover. (National Association of Drug Court Professionals, 2015).

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Chapter 11: Veteran Peer Mentors

This chapter discusses the standards, best practices, and promising practices regarding veteran mentors as part of the veterans treatment court. Specific topics include the role of mentors and mentor coordinators, recruitment, and training.

Courts can use the webinar [How to Build a Mentor Program](#), provided by Justice For Vets. The online training course includes a webinar and sample forms courts can use to develop a mentor corps.

1. GENERAL AND THE ROLE OF MENTORS

a. Standards

- i. A veterans treatment court shall provide an individual admitted to the court with all of the following:
 - A mentorship relationship with another veteran who can offer the participant support, guidance, and advice. It is the intent of the legislature that, where practicable, the assigned mentor should be as similar to the individual as possible in terms of age, gender, branch of service, military rank, and period of military service. (MCL 600.1207(1)(b))

b. Best Practices

- i. The veterans treatment court maintains a broad and diverse corps of volunteer mentors.
 - The presence of a diverse and qualified veterans mentor program was identified as a key factor in the success of the Buffalo Veterans Treatment Court. (Washousky, et. al., 2012)
- ii. Mentors play an active role in helping veterans both in the courtroom and in the community.
 - In a study of the Buffalo Veterans Treatment Court, 100 percent of participants reported that the mentors helped them stay focused and be successful in the program. (Washousky, et. al., 2012)

c. Promising Practices

- i. The veterans treatment court retains a mentor coordinator who is responsible for recruitment, training, and some oversight of mentors.
 - The mentor coordinator manages interaction between the mentors and the veterans treatment court team, and also schedules mentors to be present during court hearings.
- ii. Veteran mentors attend court sessions when scheduled.
 - Having a mentor attend a court session with the veteran participant provides support for the participant, especially when he or she may be feeling isolated.

- iii. The court develops an assignment policy. Each participant is assigned a mentor and meets with that same mentor throughout the program, unless a concern arises that requires a change in mentors.
 - Building a consistent relationship allows the participant to trust the mentor. Experience has shown that veterans responded more favorably to other veterans in treatment court settings, increasing comfort with the court process. (Russell, 2009)
- iv. The court develops a confidentiality policy for mentors.
 - Confidentiality is essential in a mentoring relationship. Veteran participants will be more comfortable with a mentor when they know their discussions are confidential. (Buffalo, 2009)

2. RECRUITMENT AND SCREENING

a. Promising Practices

- i. The veterans treatment court adopts a recruitment and screening policy for new mentors.
 - It is important to recruit and retain respectable veterans to serve as mentors. A screening policy may include a requirement that mentors are in good current standing with the law, willing to commit to the program for a minimum length of time, and willing participate in training before beginning to work with a participant.
- ii. The veterans treatment court gives careful consideration to whether law enforcement officers or other government employees can serve as mentors.
 - Law enforcement officers and other government employees, such as court staff, have certain duties with regard to reporting violations of the law. If a police officer who is serving as a mentor becomes aware of a participant's illegal drug use or other program violation, that officer is put in a difficult situation between his or her job duties and role as a mentor. The court should carefully consider this balance when establishing a mentor recruitment policy.
- iii. The veterans treatment court partners with local Veterans Service Organizations to recruit mentors.
 - Organizations such as the Veterans of Foreign Wars (VFW), Vietnam Veterans of America (VVA), and AMVETS can provide access to veterans who are active in their communities and willing to volunteer.
- iv. The veterans court accepts qualified program graduates as mentors.
 - Many courts have reported positive results when using program graduates as mentors. Most courts require a graduate to wait a minimum amount of time, usually six months, before beginning to volunteer as a mentor.

3. EDUCATION & TRAINING

a. Promising Practices

- i. All prospective mentors complete required initial training.
 - Training is crucial for new mentors. Training can include observing court sessions, learning the fundamentals of the court system and criminal justice case processing, basic information on substance abuse and mental health, and staying current on veterans' issues and resources in the community.
- ii. Initial training includes a confidentiality workshop.
 - The court should provide confidentiality training to all mentors, in accordance with the confidentiality policy. Mentors will be more comfortable knowing what they can share and what they must share with the court.
- iii. The veterans treatment court provides regular training for all mentors.
 - Courts should offer training for all mentors, including experienced ones, on a regular basis. Many courts offer short topical training sessions once monthly or twice yearly to help mentors keep abreast of VA operations, substance abuse or mental health, or life skills.

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Appendix A:

The Ten Principles of a Good Testing Program

The ten most important principles of a successful drug-testing program can be summarized as follows:

1. Design an effective drug detection program, place the policies and procedures of that program into written form (drug court manual), and communicate the details of the drug detection program to the court staff and clients alike.
2. Develop a client contract that clearly enumerates the responsibilities and expectations associated with of the court's drug detection program.
3. Select a drug-testing specimen and testing methodology that provide results that are scientifically valid, forensically defensible, and therapeutically beneficial.
4. Ensure that the sample-collection process supports effective abstinence monitoring practices including random, unannounced selection of clients for sample collection and the use of witnessed/direct observation sample-collection procedures.
5. Confirm all positive screening results using alternative testing methods unless participant acknowledges use.
6. Determine the creatinine concentrations of all urine samples and sanction for creatinine levels that indicate tampering.
7. Eliminate the use of urine levels for the interpretation of client drug-use behavior.
8. Establish drug-testing result interpretation guidelines that have a sound scientific foundation and that meet a strong evidentiary standard.
9. In response to drug-testing results, develop therapeutic intervention strategies that promote behavioral change and support recovery.
10. Understand that drug detection represents only a single supervision strategy in an overall abstinence-monitoring program.

Source

National Drug Court Institute. (2011). The Fundamentals of Drug Testing. In P. Cary, *The Drug Court Judicial Benchbook* (p. 137). Alexandria: National Drug Court Institute.

Appendix B:

Minimum Standard Data

MCL 600.1210 states that each veterans treatment court shall collect and provide data on each individual applicant and participant and the entire program as required by the State Court Administrative Office. The information collected must include a minimum standard data set developed and specified by the State Court Administrative Office. In accordance with this act, the State Court Administrative Office has prepared the following minimum standard data sets. The minimum standard data sets include the minimum data that must be reported to the State Court Administrative Office on an annual basis.

Data must be collected and reported for all applicants screened for veterans treatment court, even if the applicant was not accepted into the veterans treatment court program. Therefore, the minimum standard data that follows is broken into two sets; one set for screening and one set for case management data relevant to accepted participants. This document provides descriptions and valid values for each of the variables in the minimum standard data sets. This information should be entered into the Drug Court Case Management Information System (DCCMIS).

Set 1: Screening

Minimum standard data set for all screened individuals, whether accepted or rejected.

VARIABLE	DESCRIPTION	VALID VALUES
1. Court Name	Name of the court	<ul style="list-style-type: none"> Alpha/Numeric
2. Court Type	Type of problem-solving court program	<ul style="list-style-type: none"> Veterans
3. Referral Source	Party that referred candidate to veterans treatment court	<ul style="list-style-type: none"> Court/judicial Defense attorney DHS Probation/Parole Prosecutor Self Other
4. Screening Date	Date candidate was screened for admission	<ul style="list-style-type: none"> mm/dd/yyyy
5. First Name	Candidate's legal first name	<ul style="list-style-type: none"> Alpha
6. Middle Name	Candidate's legal middle name	<ul style="list-style-type: none"> Alpha
7. Last Name	Candidate's legal last name	<ul style="list-style-type: none"> Alpha

8. Address	Candidate's street address at screening	<ul style="list-style-type: none"> Alpha
9. City	City associated with candidate's street address	<ul style="list-style-type: none"> Alpha
10. State	State associated with candidate's street address	<ul style="list-style-type: none"> Two letter abbreviation
11. Zip Code	Zip code associated with candidate's street address	<ul style="list-style-type: none"> Five number postal zip code
12. Race/Ethnicity	Race/ethnicity of the candidate	<ul style="list-style-type: none"> African American Alaskan native Asian/pacific islander Caucasian Hispanic/Latino Multi-racial Native American Other
13. Gender	Gender of the candidate	<ul style="list-style-type: none"> Male Female
14. DOB	Date the candidate was born	<ul style="list-style-type: none"> mm/dd/yyyy
15. Marital Status	Marital status of the candidate at screening	<ul style="list-style-type: none"> Single Married Widowed Separated Divorced
16. Phone Number	Phone number where candidate can be reached	<ul style="list-style-type: none"> (###) ### - ####
17. SID	Number assigned when candidate was fingerprinted	<ul style="list-style-type: none"> Alphanumeric
18. SSN last 4 digits	Last four digits of candidate's social security number	<ul style="list-style-type: none"> Numeric
19. Eligible Charge	Charge that made candidate eligible for veterans court	<ul style="list-style-type: none"> PACC code
20. Case/Docket Number	Candidate's case or docket number	<ul style="list-style-type: none"> Numeric
21. Offense Category	Offense category of the veterans court eligible charge	<ul style="list-style-type: none"> B&E/home invasion C.S. manufacturing/distribution C.S. use/possession DUI alcohol first DUI alcohol second DUI alcohol third Neglect and abuse civil Neglect and abuse criminal Non-violent sex offense Other alcohol offense Other drug offense Other criminal traffic offense Property offense Other

22. Charge Type	Level of the eligible charge	<ul style="list-style-type: none"> • Civil/petition • Felony • Misdemeanor • Other
If Charge Type is Felony, Prior Record Variable is required	Variable associated with previous offenses used to identify sentencing guidelines	<ul style="list-style-type: none"> • Numeric
If Charge Type is Felony, Cell Type is required	Cell type recommended from the sentencing guidelines	<ul style="list-style-type: none"> • Intermediate • Presumptive • Straddle
23. Incident Offense	Eligible offense type	<ul style="list-style-type: none"> • New criminal offense • New petition • Parole violation new criminal offense • Parole violation technical • Probation violation new criminal offense • Probation violation technical
24. Offense Date	Date that the eligible offense occurred	<ul style="list-style-type: none"> • mm/dd/yyyy
25. Drug Court Approach	Approach to sentencing that the veterans treatment court takes on the case at hand	<ul style="list-style-type: none"> • Deferred/delayed sentence • Post sentence
26. Prior Convictions	Any prior convictions the candidate had previous to screening	<ul style="list-style-type: none"> • Yes • No <ul style="list-style-type: none"> ○ If yes, how many felonies and misdemeanors
27. Prior Substance Abuse	Candidate's self-reported prior substance abuse	<ul style="list-style-type: none"> • Yes • No
28. Prior Substance Abuse Treatment	Has the candidate received substance abuse treatment before?	<ul style="list-style-type: none"> • Yes • No
29. Drug of Choice	Candidate's self-reported primary drug (if applicable)	<ul style="list-style-type: none"> • Alcohol • Amphetamines • Barbiturates • Benzodiazepine • Club drugs • Cocaine • Hallucinogens • Heroin • Inhalants • Marijuana • Methamphetamines • Opiates(other) • Poly drug • Sedative/hypnotic • Other (explain)

30. IV Drug User	Candidate's current use of IV drugs	<ul style="list-style-type: none"> • Currently IV drug user • Not currently IV drug user
31. History of IV Drug Use	Candidate's history of IV drug use	<ul style="list-style-type: none"> • No history of IV drug use • History of IV drug use
32. Primary DSM-IV Code	Primary Substance Use Disorder DSM-IV code as provided by a clinician during screening (if applicable)	290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 332, 333, 347, 607, 608, 625, 780, 787, 799, 995, v15, v61, v62, v65, v71 and more specific information if available
33. ASAM Placement Criteria	American Society of Addiction Medicine level of care	<ul style="list-style-type: none"> • Level 0.5 Early intervention • Level I Outpatient • Level II Intensive outpatient/partial hospitalization • Level III Residential/inpatient • Level IV Medically managed intensive inpatient
34. Recommended Treatment Modality/Service	Substance abuse treatment modality recommended	<ul style="list-style-type: none"> • S.A. outpatient detox • S.A. sub-acute detox • S.A. residential • S.A. intensive inpatient • S.A. outpatient • S.A. early intervention/education • Mental health • Other residential • Other outpatient
35. Age Began Using Drugs	Self-reported age of first drug use	<ul style="list-style-type: none"> • Numeric
36. Age Began Using Alcohol	Self-reported age of first alcohol use	<ul style="list-style-type: none"> • Numeric
37. Current Substance Abuse Treatment	Is the candidate currently is a SA treatment program?	<ul style="list-style-type: none"> • Yes • No
38. Current Medications	Medications candidate was taking at screening	<ul style="list-style-type: none"> • None • Physical and psychological • Physical, • Psychological
39. History of Mental Health Condition(s)	History of mental illness(es)	<ul style="list-style-type: none"> • Yes • No

40. Highest Education Level Completed	Highest level of education completed at screening	<ul style="list-style-type: none"> • ≤11th grade • GED • High school graduate • Some trade school • Trade school • Some college • College graduate 2 year program • College graduate 4 year program • Some post graduate • Advanced degree
41. Employment History	Employment at screening	<ul style="list-style-type: none"> • Unemployed • Employed part-time (less than 35 hours) • Employed full-time (35 hours or more) • Not in labor force (student, home maker, retired, etc.)
42. Number of Times Moved in the Last Three Years	Number of times candidate reports moving in last three years	<ul style="list-style-type: none"> • Numeric
43. Length of Time at Current Address	Time candidate has lived at current address	<ul style="list-style-type: none"> • Months and years
44. Has the defendant ever served in a branch of the U.S. Military?	Confirmation of prior service (should be “yes” for all Veterans Treatment Court candidates)	<ul style="list-style-type: none"> • Yes • No
45. Branch of Service	Branch of service in which the candidate served	<ul style="list-style-type: none"> • Air Force • Army • Coast Guard • Marines • National Guard • Navy • Reserve
46. Enlistment or Commissioning Date	Date the candidate entered service	<ul style="list-style-type: none"> • mm/dd/yyyy
47. Military Discharge Date	Date the candidate was discharged from service	<ul style="list-style-type: none"> • mm/dd/yyyy
48. Years of Service	Total years the candidate served	<ul style="list-style-type: none"> • Numeric
49. Military Discharge Reason	Reason the candidate was discharged from service	<ul style="list-style-type: none"> • Still serving, not yet discharged • Honorable • Entry-level separation • General (including medical) • Other than Honorable • Clemency • Bad Conduct • Dishonorable
50. Military Rank	Rank at time of discharge	E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, O-1, O-2, O-3, O-4, O-5, O-6, O-7, O-8, O-9, O-10, WO1, CW2, CW3, CW4, CW5

51. Criminal convictions prior to military service	Criminal convictions prior to military service	<ul style="list-style-type: none"> • Yes • No
52. Highest offense grading of conviction prior to military service	Level of conviction	<ul style="list-style-type: none"> • Felony • Misdemeanor • Summary
53. Awards and Decorations	Awards or Decorations earned during service	<ul style="list-style-type: none"> • Yes • No
54. Rank Reduction	Rank reduced during service	<ul style="list-style-type: none"> • Yes • No
55. Military Incarceration	Incarcerated during service	<ul style="list-style-type: none"> • Yes • No
56. Deployed Abroad	Deployment abroad during services	<ul style="list-style-type: none"> • Yes • No
If Yes – Total Months	Months Deployed	<ul style="list-style-type: none"> • Numeric
If yes – Location	Location Deployed	<ul style="list-style-type: none"> • Alpha
57. Has the defendant been exposed to military combat?	Exposure to combat during service	<ul style="list-style-type: none"> • Yes • No
If yes – number of deployments to combat zone	Number of deployments to combat zone	1, 2, 3, 4, 5, 6 or more
58. Conflict Eras of Service	Conflict at time of service	<ul style="list-style-type: none"> • World War II • Korea • Vietnam • Iraq/Kuwait ODS • Afghanistan OEF • Iraq OIF • Iraq OND
59. Witness or Involvement	Witness or involvement in military combat	<ul style="list-style-type: none"> • Yes • No
60. Military-Related Mental Illness or Behavioral Health Issues	Military-Related Mental Illness or Behavioral Health Issues	<ul style="list-style-type: none"> • Depression • Bipolar • Schizophrenia • Psychosis • Other
61. PTSD	Diagnosis of Post-Traumatic Stress Disorder	<ul style="list-style-type: none"> • Yes • No
If Yes	Details regarding PTSD	<ul style="list-style-type: none"> • Alpha
62. TBI	Diagnosis of Traumatic Brain Injury	<ul style="list-style-type: none"> • Yes • No
If Yes	Details regarding TBI	<ul style="list-style-type: none"> • Alpha
63. IED or HME	Exposure to Improvised Explosive Device or Homemade Explosive	<ul style="list-style-type: none"> • Yes • No
If Yes	Details regarding IED or HME	<ul style="list-style-type: none"> • Alpha

64. MST	History of military sexual trauma	<ul style="list-style-type: none"> • Yes • No
If Yes	Times and Locations of military sexual trauma	<ul style="list-style-type: none"> • Alpha
65. Date of Referral to VA/VJO	Date referred to Veterans Administration and/or Veterans Justice Outreach	<ul style="list-style-type: none"> • mm/dd/yyyy
66. Veteran eligible for benefits	Is the veteran eligible for veterans' benefits?	<ul style="list-style-type: none"> • Yes • No
67. Date Assessment Received from VA/VJO	Date assessment received from VA/VJO	<ul style="list-style-type: none"> • mm/dd/yyyy
68. Veterans Association or Group Membership	Membership in veterans association or group (example: VFW)	<ul style="list-style-type: none"> • Yes • No
69. Receiving Disability Compensation from the VA	Whether the veteran receives disability benefits	<ul style="list-style-type: none"> • Yes • No
If yes	Percent Disabled	<ul style="list-style-type: none"> • Numeric
70. Utilizing Services from the Vet Center	Whether the veteran receives services from the Vet Center	<ul style="list-style-type: none"> • Yes • No

If Accepted into Veterans Treatment Court

VARIABLE	DESCRIPTION	VALID VALUES
71. Date Accepted	Date the candidate was accepted to veterans treatment court	<ul style="list-style-type: none"> • mm/dd/yyyy
72. Judge	Name of judge candidate will see	<ul style="list-style-type: none"> • Alpha
73. Case Manager	Name of case manager candidate will see	<ul style="list-style-type: none"> • Alpha
74. Veteran Mentor	Is a volunteer Veteran Mentor assigned?	<ul style="list-style-type: none"> • Yes • No
If Yes	Date assigned	<ul style="list-style-type: none"> • mm/dd/yyyy
75. Jail Status of Defendant	Was the defendant in jail when accepted into veterans court?	<ul style="list-style-type: none"> • Yes • No <ul style="list-style-type: none"> ○ If yes, include admission date and end date

If Rejected From Veterans Treatment Court

76. Date Rejected	Date the candidate was rejected from veterans treatment court	<ul style="list-style-type: none"> • mm/dd/yyyy
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<p>77. Rejection Reason</p>	<p>Reason for candidate's rejection from veterans court</p>	<ul style="list-style-type: none"> • Program at capacity • Prosecuting attorney • Statutory ineligibility • Pending another case • Unable to locate • No SA diagnosis • Refusal • Mental health issue • Medical issues • History of violent offenses • Geographic/transportation issues • Judicial denial • Other • Eligible but randomized • Death • Non-target population
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Questions about this data set can be directed to Dana Graham, Problem-Solving Courts Management Analyst (517-373-2218 or grahamd@courts.mi.gov).

Set 2: Case Management

Minimum Standard Data Set for participants accepted into veterans treatment court.

VARIABLE	DESCRIPTION	VALID VALUES
1. Third Party Stable Contact for Participant	Identify an emergency contact for the participant	<ul style="list-style-type: none"> Name, address, phone number, and relationship to participant
2. Arrest Date	Date participant was arrested on the eligible charge	<ul style="list-style-type: none"> mm/dd/yyyy
3. Veterans Treatment Court Entry Date	Date participant entered veterans treatment court	<ul style="list-style-type: none"> mm/dd/yyyy
4. Sentencing Date	Date participant was sentenced on the eligible charge	<ul style="list-style-type: none"> mm/dd/yyyy
5. Sentencing Guidelines	Time range assigned to the eligible charge	<ul style="list-style-type: none"> Days or months
6. Drug/Alcohol Test Frequency	Dates of drug and/or alcohol tests	<ul style="list-style-type: none"> mm/dd/yyyy
7. Drug/Alcohol Test Results	Indicate whether each drug/alcohol test given was positive or negative	<ul style="list-style-type: none"> Positive Negative
8. Phase Progression or Demotion	Indicate dates participant progressed or was demoted through phases	<ul style="list-style-type: none"> mm/dd/yyyy
9. Sanction Date	Date participant received a sanction	<ul style="list-style-type: none"> mm/dd/yyyy
10. Sanction Type	Type of sanction the participant received	<ul style="list-style-type: none"> 3/4 Housing Alcohol testing increased Community service Court appearances increased Curfew imposed Detention Drug testing increased Jail Job club until employed Letter of apology MADD impact panel Probation reporting increased Removal of driving privileges Removal of social function privileges Residential facility Self-help sessions increased Tether-all types Tether or home detention Verbal warning Weekend program Writing assignment/essay Other <ul style="list-style-type: none"> If jail is given, state date in and date out

11. Sanction Reason	Reason the participant received a sanction	<ul style="list-style-type: none"> • Alpha
12. Incentive Date	Date participant received an incentive	<ul style="list-style-type: none"> • mm/dd/yyyy
13. Incentive Type	Type of incentive the participant received	<ul style="list-style-type: none"> • Applause • Books • Court appearances decreased • Court appearances ended • Curfew extension • Drug testing decreased • Entry into gift drawing • Gift certificate • Graduate early • Individualized awards • Judicial praise • Permission to travel granted • Phase advancement • Probation reporting reduced • Probation reporting ended • Other
14. Incentive Reason	Reason the participant received an incentive	<ul style="list-style-type: none"> • Alpha
15. Treatment provider	Name of treatment provider	<ul style="list-style-type: none"> • Alpha
16. Treatment Admit Date for Each Episode	Date the participant was admitted to a treatment modality	<ul style="list-style-type: none"> • mm/dd/yyyy
17. Treatment Discharge Date for Each Episode	Date the participant was discharged from a treatment modality	<ul style="list-style-type: none"> • mm/dd/yyyy
18. Number of Sessions/units of Treatment	Number of sessions a participant received in a treatment modality	<ul style="list-style-type: none"> • Numeric
19. Number of 12-step Program Meetings Attended	Number of 12-step meetings the participant attended during treatment	<ul style="list-style-type: none"> • Numeric
20. Treatment Discharge Reason	Reason the participant was discharged from a treatment modality	<ul style="list-style-type: none"> • Successfully completed • Not completed/unsuccessful • Death • Other
21. Treatment Modality/Service Category	Type of treatment modality the participant received	<ul style="list-style-type: none"> • S.A. Outpatient detox • S.A. Sub-acute detox • S.A. Residential • S.A. Intensive outpatient • S.A. Outpatient • S.A. Early intervention/education • Mental health • Other residential • Other outpatient

<p>If Receiving Mental Health Services, Mental Health Service Modality is required.</p>	<p>Type of mental health treatment modality the participant received</p>	<ul style="list-style-type: none"> • Assertive Community Treatment • Case Management/Support Coordination • Co-occurring Treatment Services • Community Based Services • Crisis Residential/Intensive Crisis Stabilization • Doctor/Medication Review • Employment Services • Inpatient Hospitalization/Partial Day Hospitalization • Residential • Therapy Services
<p>If Receiving Mental Health Services, Mental Health Axis I DSM-IV Code is required.</p>	<p>DSM-IV Code associated with the Axis I Mental Illness resulting in treatment</p>	<ul style="list-style-type: none"> • 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 332, 333, 347, 607, 608, 625, 780, 787, 799, 995, v15, v61, v62, v65, v71 and more specific information if available
<p>If Receiving Mental Health Services, Mental Health Treatment Discharge Reason is required</p>	<p>Reason the participant was discharged from a treatment modality</p>	<ul style="list-style-type: none"> • Successfully completed • Not completed/unsuccessful • Death • Other
<p>If Receiving Mental Health Services, Mental Health Treatment Admit and Discharge Dates are required</p>	<p>Admission and Discharge Date associated with the mental health treatment modality</p>	<ul style="list-style-type: none"> • mm/dd/yyyy
<p>22. Number of Scheduled Court Review Hearings</p>	<p>Number of court reviews the participant had</p>	<ul style="list-style-type: none"> • Numeric
<p>23. Ignition Interlock Pilot Program</p>	<p>Indicates participation in the Interlock Pilot Program</p>	<ul style="list-style-type: none"> • Yes • No

<p>If Participating in the Interlock Pilot Program, answering the question, "Was participant ordered to install Interlock device on vehicles" is required</p>	<p>Indicates order given to participant</p>	<ul style="list-style-type: none"> • Yes • No
<p>If Participating in the Interlock Pilot Program, and the Participant was Ordered to Install and Interlock Device on Vehicles, then answering the question, "Did participant install interlock device on vehicle as required" is required</p>	<p>Indicates if interlock was installed</p>	<ul style="list-style-type: none"> • Yes • No <ul style="list-style-type: none"> ○ If yes, date is required
<p>If Participating in the Interlock Pilot Program, and the Participant was Ordered to Install and Interlock Device on Vehicles, then answering the question, "Participant removed interlock device without court approval" is required</p>	<p>Indicates if the participant removed interlock device without permission</p>	<ul style="list-style-type: none"> • Yes • No <ul style="list-style-type: none"> ○ If yes, date and program sanction question are required
<p>If Participating in the Interlock Pilot Program, and the Participant was Ordered to Install and Interlock Device on Vehicles, then answering the question, "Did participant tamper with interlock device" is required</p>	<p>Indicates if the participant tampered with the interlock device without permission</p>	<ul style="list-style-type: none"> • Yes • No <ul style="list-style-type: none"> ○ If yes, date and program sanction question are required
<p>If Participating in the Interlock Pilot Program, and the Participant was Ordered to Install and Interlock Device on Vehicles, then answering the question, "Did participant operate vehicle not equipped with interlock" is required</p>	<p>Indicates if the participant operated a vehicle without an interlock device</p>	<ul style="list-style-type: none"> • Yes • No <ul style="list-style-type: none"> ○ If yes, date and program sanction question are required
<p>24. Veterans Association or Group Membership</p>	<p>Membership in veterans association or group while participating in veterans treatment court</p>	<ul style="list-style-type: none"> • Yes • No
<p>25. Veterans Benefits Utilized in the Program</p>	<p>Benefits utilized during participation in veterans treatment court</p>	<ul style="list-style-type: none"> • Compensation & Pension • Education • Housing Services • VA Health Insurance

		<ul style="list-style-type: none"> • Other Insurance • Vocational Services
26. Receiving disability compensation from the VA	Receiving disability compensation while in the veterans treatment court	<ul style="list-style-type: none"> • Yes • No
27. Utilizing services from the Vet Center	Receiving services from the Vet Center during participation in the veterans treatment court	<ul style="list-style-type: none"> • Yes • No
28. Program Discharge Date	Date the participant was discharged from veterans treatment court	<ul style="list-style-type: none"> • mm/dd/yyyy
29. Program Discharge Reason	Reason the participant was discharged from veterans treatment court	<ul style="list-style-type: none"> • Successfully completed • Unsuccessful/new offense • Unsuccessful/non-compliant • Unsuccessful/Absconded • Voluntarily withdrew • Transfer to another jurisdiction • Death • Other
30. Sentence/Disposition at Discharge	Participant's sentence or disposition upon discharge from program	<ul style="list-style-type: none"> • Jail = days • Probation = months • Prison = months
31. Supervision Status at Discharge	Participant's level of supervision upon discharge from program	<ul style="list-style-type: none"> • Completed probation • Continued probation • Not applicable
32. Education at Discharge	Educational level achieved by participant at discharge	<ul style="list-style-type: none"> • ≤ 11th grade • GED • High school graduate • Some trade school • Trade school graduate • Some college • College grad 2 Yr program • College grad 4 Yr program • Some post graduate • Advanced degree
33. Positive Change in Education	Subjective decision by case manager	<ul style="list-style-type: none"> • Yes • No
34. Employment at Discharge	Employment status of participant at discharge	<ul style="list-style-type: none"> • Unemployed • Employed part-time < 35 hours • Employed full-time ≥ 35 hours • Not in labor force (student, home maker, retired, etc.)
35. Positive Change in Employment	Subjective decision by case manager	<ul style="list-style-type: none"> • Yes • No

36. Custody Status at Discharge	Identify the type of child custody the participant had at discharge.	<ul style="list-style-type: none"> • Temporarily lost custody • Regained custody • Parental rights terminated • Never lost custody • N/A
37. Case Outcome at Discharge	Legal case disposition	<ul style="list-style-type: none"> • Case dismissed • Charge reduced • Charge & sentence reduced • No change in charge or sentence • Sentence reduced • Not applicable • Other
38. Number of Bench Warrants	Number of bench warrants participant received during program	<ul style="list-style-type: none"> • Numeric
39. In-program New Arrest- Date of Offense	Date of new offense that occurred during program participation	<ul style="list-style-type: none"> • mm/dd/yyyy
40. In-program New Arrest- Date of Arrest	Date of new arrest that occurred during program participation	<ul style="list-style-type: none"> • mm/dd/yyyy
41. In-program New Arrest- Offense Category	Offense category of new offense that occurred during program participation	<ul style="list-style-type: none"> • B&E/home invasion • C.S. manufacture/distribution • C.S. use/possession • DUI alcohol 1st • DUI alcohol 2nd • DUI alcohol 3rd • Neglect and abuse-civil • Neglect and abuse-criminal • Non-violent sex offense • Other drug offense • Other criminal traffic offense • Property offense • Other
42. In-program New Arrest - Charge Type	Charge type of new offense that occurred during program participation	<ul style="list-style-type: none"> • Felony • Misdemeanor • Civil/petition • Other
43. In-program New Conviction- Date of Conviction	Date of new conviction that occurred during program participation	<ul style="list-style-type: none"> • mm/dd/yyyy

44. In-program New Conviction- Offense Category	Offense category of new conviction that occurred during program participation	<ul style="list-style-type: none"> • B&E/home invasion • C.S. manufacture/distribution • C.S. use/possession • DUI alcohol 1st • DUI alcohol 2nd • DUI alcohol 3rd • Neglect and abuse-civil • Neglect and abuse-criminal • Non-violent sex offense • Other drug offense • Other criminal traffic offense • Property offense • Other
45. In-program New Conviction - Charge Type	Charge type of new conviction that occurred during program participation	<ul style="list-style-type: none"> • Felony • Misdemeanor • Civil/petition • Other
46. In-program New Conviction- Sentence Type	Sentence type of new conviction that occurred during program participation	<ul style="list-style-type: none"> • Jail • Probation • Split Jail/Probation • Prison • Other
47. In-program New Conviction- Length of Sentence	Length of sentence associated with new conviction that occurred during program participation	<ul style="list-style-type: none"> • Jail = days • Probation = months • Prison = months
48. Total Number of Jail Days Spent While in Program	Count any jail time associated with the eligible charge, including time served from arrest until release to veterans treatment court, in-program jail sanctions, and time for any new offenses	<ul style="list-style-type: none"> • Numeric
49. Recidivism New Arrest Post-program - Date of Arrest	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • mm/dd/yyyy
50. Recidivism New Arrest Post-program - Offense Category	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • B&E/home invasion • C.S. manufacture/distribution • C.S. use/possession • DUI alcohol 1st • DUI alcohol 2nd • DUI alcohol 3rd • Neglect and abuse-civil • Neglect and abuse-criminal • Non-violent sex offense • Other drug offense • Other criminal traffic offense • Property offense • Other

51. Recidivism New Arrest Post-program - Charge Type	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • Felony • Misdemeanor • Civil/petition • Other
52. Recidivism New Conviction Post-program – Date of Conviction	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • mm/dd/yyyy
53. Recidivism New Conviction Post-program - Offense Category	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • B&E/home invasion • C.S. manufacture/distribution • C.S. use/possession • DUI alcohol 1st • DUI alcohol 2nd • DUI alcohol 3rd • Neglect and abuse-civil • Neglect and abuse-criminal • Non-violent sex offense • Other drug offense • Other criminal traffic offense • Property offense • Other
54. Recidivism New Conviction Post-program - Charge Type	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • Felony • Misdemeanor • Civil/petition • Other
55. Recidivism Post-program Sentence Type	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • Jail • Probation • Split jail/probation • Prison • Other
56. Recidivism Post-program Length of Sentence	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • Jail = days • Probation = months • Prison = months
57. Current Sobriety Status Post-program	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • If relapse, give date mm/dd/yyyy
58. Current Employment Status Post-program	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • Unemployed • Employed part-time < 35 hours • Employed full-time ≥ 35 hours • Not in labor force (student, home maker, retired, etc.)
59. Current Employment Status Post-program Improvement	Since leaving veterans court, has employment status improved?	<ul style="list-style-type: none"> • Yes • No
60. Current Employment Status Post-program - Date	Date of change in employment status post-program	<ul style="list-style-type: none"> • mm/dd/yyyy

Questions about this data set can be directed to Dana Graham, Problem-Solving Courts Management Analyst (517-373-2218 or grahamd@courts.mi.gov).

Appendix C:

Michigan Veterans Treatment Court Statute

600.1200 Definitions.

As used in this chapter:

- (a) "Department of Veterans Affairs" or "VA" means the United States Department of Veterans Affairs.
- (b) "Domestic violence offense" means any crime alleged to have been committed by an individual against his or her spouse or former spouse, an individual with whom he or she has a child in common, an individual with whom he or she has had a dating relationship, or an individual who resides or has resided in the same household.
- (c) "L.E.I.N." means the law enforcement information network regulated under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.
- (d) "Mental illness" means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life, including, but not limited to, post-traumatic stress disorder and psychiatric symptoms associated with traumatic brain injury.
- (e) "Participant" means an individual who is admitted into a veterans treatment court.
- (f) "Prosecutor" means the prosecuting attorney of the county, the city attorney, the village attorney, or the township attorney.
- (g) "Traffic offense" means a violation of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of a local ordinance substantially corresponding to a violation of that act, that involves the operation of a vehicle and, at the time of the violation, is a felony or misdemeanor.
- (h) "Veteran" means an individual who meets both of the following:
 - (i) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.
 - (ii) Served at least 180 days of active duty in the armed forces of the United States.
- (i) "Veteran service organization" or "VSO" means an organization that is accredited by the United States Department of Veterans Affairs, as recognized under 38 CFR 14.628.
- (j) "Veterans treatment court" or "veterans court" means a court adopted or instituted under section 1201 that provides a supervised treatment program for individuals who are veterans and who abuse or are dependent upon any controlled substance or alcohol or suffer from a mental illness.
- (k) "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 an offense that is criminal sexual conduct in any degree.

600.1201 Veterans treatment court; compliance; characteristics; memorandum of understanding; training; participants from other jurisdiction; validity of transfer.

(1) A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:

- (a) Integration of alcohol, drug treatment, and mental health services with justice system case processing.
- (b) Use of a nonadversarial approach; prosecution and defense counsel promote public safety while protecting participants' due process rights.
- (c) Early and prompt identification and placement of eligible participants in the veterans treatment court program.
- (d) Provision of access to a continuum of alcohol, drug, mental health, and related treatment and rehabilitation services.
- (e) Monitoring of abstinence by frequent alcohol and other drug testing.

- (f) A coordinated strategy that governs veterans treatment court responses to participants' compliance.
- (g) Ongoing judicial interaction with each veteran is essential.
- (h) Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness.
- (i) Continuing interdisciplinary education promotes effective veterans treatment court planning, implementation, and operations.
- (j) Forging of partnerships among veterans treatment court, veterans administration, public agencies, and community-based organizations generates local support and enhances veteran treatment court effectiveness.

(2) The circuit court in any judicial circuit or the district court in any judicial district may adopt or institute a veterans treatment court by statute or court rule if the circuit or district court enters into a memorandum of understanding with each participating prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative or representatives of community treatment providers, a representative or representatives of veterans service organizations in the circuit or district court district, and a representative or representatives of the United States department of veterans affairs. However, the memorandum of understanding will only be required to include the prosecuting attorney if the veterans treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, a delayed sentence, deferred entry of judgment, or a sentence involving deviation from the sentencing guidelines. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit or district, the local substance abuse coordinating agency for that circuit or district, a domestic violence service provider program that receives funding from the state domestic violence prevention and treatment board, a representative or representatives of the local court funding unit, and community corrections agencies in that circuit or district. The memorandum of understanding shall describe the role of each party, and the conditions for which the memorandum of understanding must be renewed and amended.

(3) A court that is adopting a veterans treatment court shall participate in training as required by the state court administrative office.

(4) A court that has adopted a veterans treatment court under this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged. The transfer can occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes. A transfer under this subsection is not valid unless it is agreed to by all of the following:

- (a) The defendant or respondent.
- (b) The attorney representing the defendant or respondent.
- (c) The judge of the transferring court and the prosecutor of the case.
- (d) The judge of the receiving veterans treatment court and the prosecutor of a court funding unit of the veterans treatment court.

600.1202 Hiring or contracting with treatment providers.

A veterans treatment court may hire or contract with licensed or accredited treatment providers, in consultation and cooperation with the local substance abuse coordinating agency, and other appropriate persons to assist the veterans treatment court in fulfilling its requirements under this chapter, including, but not limited to, an investigation of an individual's background or circumstances, or a clinical evaluation of an individual, before the individual is admitted or permitted to participate in a veterans treatment court. It is the intent of the legislature that, services, including, but not limited to, clinical evaluations, drug and alcohol treatment, and mental health services, shall be provided by the VA to the extent that is practical.

600.1203 Admission to veterans treatment court.

(1) A veterans treatment court shall determine whether an individual may be admitted to the veterans treatment court. No individual has a right to be admitted into a veterans treatment court. However, an individual is not eligible for admission into a veterans treatment court if he or she is a violent offender. An individual is eligible for admission into a veterans treatment court if he or she has previously had an offense discharged or dismissed as a result of participation in a veterans treatment court, drug treatment court, or other specialty court, but he or she shall not have a subsequent offense discharged or dismissed as a result of participating in the veterans treatment court.

(2) In addition to admission to a veterans treatment court under this act, an individual who is eligible for admission under this act may also be admitted to a veterans treatment court under any of the following circumstances:

(a) The individual has been assigned the status of youthful trainee under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11.

(b) The individual has had criminal proceedings against him or her deferred and has been placed on probation under any of the following:

(i) Section 7411 of the public health code, 1978 PA 368, MCL 333.7411, or a local ordinance or another law of this state, another state, or the United States that is substantially similar to that section.

(ii) Section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, or a local ordinance or another law of this state, another state, or the United States that is substantially similar to that section.

(iii) Section 350a or 430 of the Michigan penal code, 1931 PA 328, MCL 750.350a and 750.430, or a local ordinance or another law of this state, another state, or the United States that is substantially similar to those sections.

(3) To be eligible for admission to a veterans treatment court, an individual shall cooperate with and complete a preadmissions screening and evaluation assessment and shall agree to cooperate with any future evaluation assessment as directed by the veterans treatment court. A preadmission screening and evaluation assessment shall include all of the following:

(a) A determination of the individual's veteran status. A review of the DD Form 214 "certificate of release or discharge from active duty" satisfies the requirement of this subdivision.

(b) A complete review of the individual's criminal history and whether the individual has been admitted to, has participated in, or is currently participating in a veterans treatment court, drug treatment court, or other specialty court, whether admitted under this act or a law listed under subsection (2), and the results of the individual's participation. A review of the L.E.I.N. satisfies the requirements of this subdivision unless a further review is warranted. The court may accept other verifiable and reliable information from the prosecution or defense to complete its review and may require the individual to submit a statement as to whether or not he or she has previously been admitted to a veterans treatment court, drug treatment court, or other specialty court, and the results of his or her participation in the prior program or programs.

(c) An assessment of the risk of danger or harm to the individual, others, or the community.

(d) A review of the individual's history regarding the use or abuse of any controlled substance or alcohol and an assessment of whether the individual abuses controlled substances or alcohol or is drug or alcohol dependent. It is the intent of the legislature that, to the extent practicable, an assessment under this subdivision shall be a clinical assessment completed by the VA.

(e) A review of the individual's mental health history. It is the intent of the legislature that, to the extent practicable, this assessment shall be a clinical assessment completed by the VA.

(f) A review of any special needs or circumstances of the individual that may potentially affect the individual's ability to receive substance abuse treatment and follow the court's orders.

(4) Except as otherwise permitted in this act, any statement or other information obtained as a result of an individual's participation in a preadmission screening and evaluation assessment under subsection (3) is confidential, is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231

to 15.246, and shall not be used in a criminal prosecution, except for a statement or information that reveals criminal acts other than personal drug use.

(5) The court may request that the department of state police provide to the court information contained in the L.E.I.N. pertaining to an individual applicant's criminal history for the purposes of determining an individual's admission into the veterans treatment court and general criminal history review, including whether the individual has previously been admitted to and participated in a veterans treatment court, drug treatment court, or other specialty court under this act or under a statute listed under subsection (2), and the results of the individual's participation. The department of state police shall provide the information requested by a veterans treatment court under this subsection.

600.1204 Findings or statement.

Before an individual is admitted into a veterans treatment court, the court shall find on the record or place a statement in the court file establishing all of the following:

- (a) That the individual is a veteran.
- (b) That the individual is dependent upon or abusing drugs or alcohol, or suffers from a mental illness, and is an appropriate candidate for participation in the veterans treatment court.
- (c) That the individual understands the consequences of entering the veterans treatment court and agrees to comply with all court orders and requirements of the court's program and treatment providers.
- (d) That the individual is not an unwarranted or substantial risk to the safety of the public or any individual, based upon the screening and assessment or other information presented to the court.
- (e) That the individual is not a violent offender.
- (f) That the individual has completed a preadmission screening and evaluation assessment under section 1203(3) and has agreed to cooperate with any future evaluation assessment as directed by the veterans treatment court.
- (g) That the individual meets the requirements, if applicable, of a statute listed under section 1203(2).
- (h) The terms, conditions, and duration of the agreement between the parties, and the outcome for the participant of the veterans treatment court upon successful completion by the participant or termination of participation.

600.1205 Admission of individual charged in criminal case; conditions.

(1) If the individual being considered for admission to a veterans treatment court is charged in a criminal case, his or her admission is subject to all of the following conditions:

- (a) The offense or offenses allegedly committed by the individual are generally related to the military service of the individual, including the abuse, illegal use, or possession of a controlled substance or alcohol, or mental illness that arises as a result of service.
 - (b) The individual pleads guilty to the charge or charges on the record.
 - (c) The individual waives in writing the right to a speedy trial, the right to representation by an attorney at veterans treatment court review hearings, and, with the agreement of the prosecutor, the right to a preliminary examination.
 - (d) The individual signs a written agreement to participate in the veterans treatment court.
- (2) An individual who may be eligible for discharge and dismissal of an offense, delayed sentence, deferred entry of judgment, or deviation from the sentencing guidelines shall not be admitted to a veterans treatment court unless the prosecutor first approves the admission of the individual into the veterans treatment court in conformity with the memorandum of understanding under section 1201(2).
- (3) An individual shall not be admitted to, or remain in, a veterans treatment court under an agreement that would permit the discharge or dismissal of a traffic offense upon successful completion of the veterans treatment court program.
- (4) In addition to rights accorded a victim under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, the veterans treatment court shall permit any victim of the offense

or offenses of which the individual is charged, any victim of a prior offense of which that individual was convicted, and members of the community in which the offenses were committed or in which the defendant resides to submit a written statement to the court regarding the advisability of admitting the individual into the veterans treatment court.

(5) An individual who has waived his or her right to a preliminary examination and has pled guilty as part of his or her application to a veterans treatment court and who is not admitted to a veterans treatment court shall be permitted to withdraw his or her plea and is entitled to a preliminary examination.

600.1206 Admission to veterans treatment court; conditions; length of jurisdiction; collaboration; fee; information contained in L.E.I.N. pertaining to criminal history.

(1) All of the following conditions apply to an individual admitted to a veterans treatment court:

(a) For an individual who is admitted to a veterans treatment court based upon having a criminal charge currently filed against him or her, the court shall accept the individual's plea of guilty.

(b) One of the following applies to an individual who pled guilty to a criminal charge for which he or she was admitted to a veterans treatment court, as applicable:

(i) If the individual pled guilty to an offense that is not a traffic offense and may be eligible for discharge and dismissal under the agreement with the court and prosecutor upon successful completion of the veterans treatment court program, the court shall not enter a judgment of guilt.

(ii) If the individual pled guilty to a traffic offense or another offense but is not eligible for discharge and dismissal under the agreement with the court and prosecutor upon successful completion of the veterans treatment court program, the court shall enter a judgment of guilt.

(c) Under the agreement with the individual and the prosecutor, the court may delay or defer further proceedings as provided in section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, or proceed to sentencing, as applicable in that case under that agreement, and place the individual on probation or other court supervision in the veterans treatment court program with terms and conditions according to the agreement and as considered necessary by the court.

(2) The court shall maintain jurisdiction over the veterans treatment court participant as provided in this act until final disposition of the case, but not longer than the probation period fixed under section 2 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.2.

(3) The veterans treatment court shall cooperate with, and act in a collaborative manner with, the prosecutor, defense counsel, treatment providers, the local substance abuse coordinating agency for that circuit or district, probation departments, the United States department of veterans affairs, local VSOs in that circuit or district, and, to the extent possible, local law enforcement, the department of corrections, and community corrections agencies.

(4) The veterans treatment court may require an individual admitted into the court to pay a veterans treatment court fee that is reasonably related to the cost to the court for administering the veterans treatment court program as provided in the memorandum of understanding under section 1201(2). The clerk of the veterans treatment court shall transmit the fees collected to the treasurer of the local funding unit at the end of each month.

(5) The veterans treatment court may request that the department of state police provide to the court information contained in the L.E.I.N. pertaining to an individual applicant's criminal history for purposes of determining the individual's compliance with all court orders. The department of state police shall provide the information requested by a veterans treatment court under this subsection.

600.1207 Veterans treatment court; responsibilities to individual.

(1) A veterans treatment court shall provide an individual admitted to the court with all of the following:

(a) Consistent, continual, and close monitoring and interaction with the court, treatment providers, probation, and the participant.

- (b) A mentorship relationship with another veteran who can offer the participant support, guidance, and advice. It is the intent of the legislature that, where practicable, the assigned mentor should be as similar to the individual as possible in terms of age, gender, branch of service, military rank, and period of military service.
 - (c) Mandatory periodic and random testing for the presence of any controlled substance or alcohol in a participant's blood, urine, or breath, using, to the extent practicable, the best available, accepted, and scientifically valid methods.
 - (d) Periodic evaluation assessments of the participant's circumstances and progress in the program.
 - (e) A regimen or strategy of appropriate and graduated but immediate rewards for compliance and sanctions for noncompliance, including, but not limited to, the possibility of incarceration or confinement.
 - (f) Substance abuse treatment services, relapse prevention services, education, and vocational opportunities as appropriate and practicable. It is the intent of the legislature that, where practicable, these services shall be provided by the VA.
 - (g) Mental health treatment services as appropriate and practicable. It is the intent of the legislature that, where practicable, these services shall be provided by the VA.
- (2) Any statement or other information obtained as a result of participating in assessment, treatment, or testing while in a veterans treatment court is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be used in a criminal prosecution, except for a statement or information that reveals criminal acts other than, or inconsistent with, personal drug use.

600.1208 Duties of individual; notification of new crime; payment of fines, fees, and costs.

- (1) In order to continue to participate in and successfully complete a veterans treatment court program, an individual shall do all of the following:
- (a) Pay all court-ordered fines and costs, including minimum state costs.
 - (b) Pay the veterans treatment court fee allowed under section 1206(4).
 - (c) Pay all court-ordered restitution.
 - (d) Pay all crime victims' rights assessments under section 5 of 1989 PA 196, MCL 780.905.
 - (e) Comply with all court orders. Violations of a court order may be sanctioned within the court's discretion.
 - (f) Meet with a member of a veteran service organization or a county veteran counselor to discuss available veterans benefit programs for which the individual may qualify.
- (2) The veterans treatment court shall be notified if the veterans treatment court participant is accused of a new crime, and the judge shall consider whether to terminate the participant's participation in the veterans treatment court program in conformity with the memorandum of understanding under section 1201(2). If the participant is convicted of a felony for an offense that occurred after the defendant is admitted to the veterans treatment court, the judge shall terminate the participant's participation in the veterans treatment court.
- (3) The court shall require that a participant pay all fines, costs, the fee, restitution, and assessments described in subsection (1)(a) to (d) and pay all, or make substantial contributions toward payment of, the costs of the treatment and the veterans treatment court program services provided to the participant, including, but not limited to, the costs of urinalysis and such testing or any counseling provided. However, if the court determines that the payment of fines, the fee, or costs of treatment under this subsection would be a substantial hardship for the individual or would interfere with the individual's substance abuse or mental health treatment, the court may waive all or part of those fines, the fee, or costs of treatment.

600.1209 Veterans treatment court program; finding or statement upon completion or termination of program; discharge or dismissal of proceedings; duties of court upon successful completion of

probation or court supervision; termination or failure to successfully complete program; duties of court.

(1) Upon completion or termination of the veterans treatment court program, the court shall find on the record or place a written statement in the court file as to whether the participant completed the program successfully or whether the individual's participation in the program was terminated and, if it was terminated, the reason for the termination.

(2) If a participant successfully completes probation or other court supervision and the participant's proceedings were deferred or the participant was sentenced under section 1206, the court shall comply with the agreement made with the participant upon admission into the veterans treatment court, or the agreement as it was altered after admission by the court with approval of the participant and the prosecutor for that jurisdiction as provided in subsections (3) to (8).

(3) If an individual is participating in a veterans treatment court under a statute listed in section 1203(2), the court shall proceed under the applicable section of law. There shall be not more than 1 discharge or dismissal under this subsection.

(4) Except as provided in subsection (5), the court, with the agreement of the prosecutor and in conformity with the terms and conditions of the memorandum of understanding under section 1201(2), may discharge and dismiss the proceedings against an individual who meets all of the following criteria:

(a) The individual has participated in a veterans treatment court for the first time.

(b) The individual has successfully completed the terms and conditions of the veterans treatment court program.

(c) The individual is not required by law to be sentenced to a correctional facility for the crimes to which he or she has pled guilty.

(d) The individual is not currently charged with and has not pled guilty to a traffic offense.

(e) The individual has not previously been subject to more than 1 of any of the following:

(i) Assignment to the status of youthful trainee under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11.

(ii) The dismissal of criminal proceedings against him or her under section 7411 of the public health code, 1978 PA 368, MCL 333.7411, section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, or section 350a or 430 of the Michigan penal code, 1931 PA 328, MCL 750.350a and 750.430.

(5) The court may grant a discharge and dismissal of a domestic violence offense only if all of the following circumstances apply:

(a) The individual has not previously had proceedings dismissed under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a.

(b) The domestic violence offense is eligible to be dismissed under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a.

(c) The individual fulfills the terms and conditions imposed under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, and the discharge and dismissal of proceedings are processed and reported under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a.

(6) A discharge and dismissal under subsection (4) shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. There shall be not more than 1 discharge and dismissal under subsection (4) for an individual. The court shall send a record of the discharge and dismissal to the criminal justice information center of the department of state police, and the department of state police shall enter that information into the L.E.I.N. with an indication of participation by the individual in a veterans treatment court. Unless the court enters a judgment of guilt, all records of the proceedings regarding the participation of the individual in the veterans treatment court under subsection (4) are closed to public inspection and are exempt from public disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, but shall be open to the courts of this state, another state, or the United States, the department of corrections, law enforcement personnel, and prosecutors only for use in the performance of

their duties or to determine whether an employee of the court, department, law enforcement agency, or prosecutor's office has violated his or her conditions of employment or whether an applicant meets criteria for employment with the court, department, law enforcement agency, or prosecutor's office. The records and identifications division of the department of state police shall retain a nonpublic record of an arrest and the discharge and dismissal under this subsection.

(7) Except as provided in subsection (3), (4), or (5), if an individual has successfully completed probation or other court supervision, the court shall do the following:

(a) If the court has not already entered an adjudication of guilt or responsibility, enter an adjudication of guilt.

(b) If the court has not already sentenced the individual, proceed to sentencing.

(c) Send a record of the conviction and sentence or the finding or adjudication of responsibility and disposition to the criminal justice information center of the department of state police. The department of state police shall enter that information into the L.E.I.N. with an indication of successful participation by the individual in a veterans treatment court.

(8) For a participant whose participation is terminated or who fails to successfully complete the veterans treatment court program, the court shall enter an adjudication of guilt if the entering of guilt was deferred or sentencing was delayed under section 1206 and shall then proceed to sentencing or disposition of the individual for the original charges to which the individual pled guilty prior to admission to the veterans treatment court. Upon sentencing or disposition of the individual, the court shall send a record of that sentence or disposition and the individual's unsuccessful participation in the veterans treatment court to the criminal justice information center of the department of state police, and the department of state police shall enter that information into the L.E.I.N., with an indication that the individual unsuccessfully participated in a veterans treatment court.

600.1210 Collection of data.

Each veterans treatment court shall collect and provide data on each individual applicant and participant and the entire program as required by the state court administrative office.

600.1211 Funds; report.

(1) Where practicable, the supreme court has authority to expend state funds for the establishment and operation of veterans treatment courts. Federal funds provided to the state for the operation of veterans treatment courts shall be distributed by the department of community health or the appropriate state agency as otherwise provided by law. Nothing in this subsection prevents a local unit of government or circuit or district court from expending funds for the establishment and operation of veterans treatment courts.

(2) The state treasurer may receive money or other assets from any source for deposit into the appropriate state fund or funds for the purposes described in subsection (1).

(3) Each veterans treatment court shall report quarterly to the state court administrative office on the funds received and expended by that veterans treatment court in a manner prescribed by the state court administrative office.

600.1212 State drug treatment court advisory committee; monitoring; recommendations.

The state drug treatment court advisory committee created under section 1082 shall monitor the effectiveness of veterans treatment courts and the availability of funding and present annual recommendations to the legislature and supreme court regarding statutory changes regarding veterans treatment courts.