

*Memorandum of Understanding  
Hennepin County Veterans' Court*

AGREEMENT between the, Hennepin County Attorney's Office, Minneapolis City Attorney's Office, Hennepin County Public Defender's Office, Hennepin County Community Corrections and Rehabilitation Department, Hennepin County Human Services- Public Health Department- Veterans' Service Office, Battered Women's Justice Project, National Alliance on Mental Illness Minnesota, Metropolitan Center for Independent Living, Minneapolis VA Medical Center, and the Fourth Judicial District Court.

The parties to this Agreement endorse the mission and goals of the Hennepin County Veterans' Court program in order for participants to eliminate future criminal offenses, thus enhancing public safety. By addressing mental health and chemical dependency issues, the participants will realize improved quality of life. The parties recognize that for the Veterans' Court mission to be successful, cooperation and collaboration must occur within the Veterans' Court program. Changes in the eligibility and disqualification criteria must be made by the Hennepin County Veterans' Court Steering Committee.

The parties are acting pursuant to existing legal authority. This MOU does not create any new authority to act.

This MOU sets forth the intentions of the parties to act pursuant to their individual missions. The parties are not bound by law to this MOU.

**Mission Statement**

The mission of the Hennepin County Veterans' Court is to promote public safety and assist and support veterans and their families by creating a coordinated response through collaboration with the veterans' service delivery system, community-based services, and the criminal justice system.

**Program Goals**

The goals of the Hennepin County Veterans' court are:

- Reduce criminal recidivism
- Reduce illegal drug usage by facilitating offender sobriety
- Increase compliance with treatment and other court ordered conditions
- Improve access to VA benefits and services
- Improve family relationships and social support connections
- Improve life stability

The parties agree that there are ten principles under which the respective agencies will work cooperatively. They are:

1. The Veterans' Court integrates alcohol and other drug treatment services with criminal justice system processing.
2. Using a non-adversarial approach in which participants and parties retain all their rights and responsibilities.<sup>1</sup>
3. Eligible participants are identified early and promptly placed in Veterans' Court.
4. Drug Court provides access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Frequent alcohol and other drug testing, monitors abstinence.
6. A coordinated strategy governs the Veterans' Court responses to participant compliance.
7. There is on-going judicial interaction with each Veterans' Court participant.
8. A monitoring and evaluation plan measures the achievement of the program goals and gauges effectiveness.
9. Continuing interdisciplinary education promotes effective Veterans' Court planning, implementation, and operations.
10. Forging partnerships among Veterans' Court, the Minneapolis VA Medical Center, other problem solving courts, public agencies and community-based organizations generates local support and enhances Veterans' Court effectiveness.

The parties also agree to adhere to the Essential Elements of a Mental Health Court and Minnesota Drug Court Standards.

### **Definitions**

1. Veterans Court Team - A working group of people to carry out the daily tasks involved in operating the Veterans' Court program.
2. Veterans Court Planning Committee - Operated under the direction of Hennepin County Administration and the Fourth Judicial District Court. The committee was multi-disciplinary in composition, charged with responsibility for laying framework for the Court. The committee met from November 2009 through April 2010.
3. Veterans Court Implementation Committee - Operated for the period of April 2010 through July 2010. The committee was comprised of key personnel from multiple agencies, programs and organizations. The Committee was charged with responsibility for refining plans and preparing the Veterans' Court for implementation on July 12, 2010.

4. Veterans Court Steering Committee - Key personnel from multiple agencies, programs, and organizations to facilitate the Veterans Court process, to expeditiously resolve issues, and to provide community support and buy-in.

5. Veteran - Any person who has or is serving in the United States Armed Forces.

### **Individual Agency Responsibilities and Staff Commitments**

#### **Fourth Judicial District, Court Administration**

1. The Court Administrator, or designee, provides oversight to the Veterans' Court program and the responsibilities of the Problem Solving Courts Coordinator.

2. The Court Administrator, or designee, assists the Veterans' Court Team with monitoring and evaluation of the program when necessary.

3. The Court Administrator, or designee, assists in seeking funding sources, responds to grant solicitations, implements and monitors grant funds and provides fiscal, narrative and statistical information as required by the funding source to facilitate the on-going operation of the program.

4. The Court Administrator, or designee, provides or seeks on-going training of judicial officers and other Team members.

5. The Court Administrator, or designee, is responsible for the preparation and annual updating of the Policy & Procedure Manual and for the preparation of the annual report setting forth the incidence of recidivism among graduates.

6. The Court Administrator, or designee, provides leadership and direction under the supervision of the MN Judicial Council to ensure compliance with Minnesota Drug Court Standards.

#### **Fourth Judicial District, Court Administration (Veteran' Court Judge)**

1. The Judge is assigned to the Veterans' Court Program on a minimum one-year assignment to ensure consistency.

2. The Judge assumes the primary role to motivate and monitor the participants of the Veterans' Court program.

3. The Judge ensures a cooperative atmosphere for attorneys, probation officers, victim advocate, social service, and treatment providers to stay focused on the task of providing mentally ill and chemically dependent offenders with treatment opportunities.

4. The Judge provides the necessary reinforcers when deemed appropriate while maintaining the integrity of the court.

5. The Judge participates as an active member and chair of the Veterans' Court Team and chairs both the Veterans' Court Implementation Committee and the Steering Committee.

6. The Judge provides training to new or replacement judges.
7. The Judge acts as a mediator to develop resources and improve interagency linkages.
8. The Judge acts as a spokesperson to educate the community and peers about the Veterans' Court program and appear before governmental agencies, public commissions, legislative hearings, public forums and the media.

**Hennepin County Community Corrections & Rehabilitation (Veterans' Court Operational Coordinator)**

1. The Coordinator provides general oversight to the Veterans' Court program to include systems coordination, probation staff supervision, program support, quality control and community outreach. The responsibilities exist for the term of this Agreement, as funding permits.
2. The Coordinator participates as an active member of the Veterans' Court Team and Veterans' Court Implementation Committee and Steering Committee.
3. The Coordinator, during staffing, advocates for appropriate therapeutic responses and effective sanctions and incentives for program compliance or lack thereof.
4. The Coordinator organizes events and meetings, compiles supporting materials to disseminate to stakeholders and providers of services to maintain linkages.
5. The Coordinator maintains program records. In addition, the Coordinator assists in the evaluation of the program.
6. The Coordinator provides or seeks continuing training for the Veterans' Court team.
7. The Coordinator provides leadership and direction to ensure compliance with the Minnesota Drug Court Standards.
8. The Coordinator contributes to the team's efforts in community education and local resource acquisition.
9. The Coordinator provides training to a new or replacement coordinator.

**Hennepin County Attorney's Office**

1. A Hennepin County Attorney is assigned to the Veterans' Court program for the term of this Agreement, as funding permits, and participates as an active member of the Veterans' Court Team, veterans' Court Implementation Committee and Steering Committee.
2. The Hennepin County Attorney assists in identifying veterans arrested for eligible offenses.
3. The Hennepin County Attorney agrees that a positive drug test or open court admission of drug possession or use alone will not result in the filing of additional charges based on that admission.

4. The Hennepin County Attorney makes decisions regarding the participant's continued enrollment in the program based on performance in treatment and in the program rather than on legal aspects of the case, barring additional criminal behavior.
5. The Hennepin County Attorney participates as a team member, operating in a non-adversarial manner during court, to promote a sense of a unified team presence.
6. The Hennepin County Attorney, during staffing, advocates for effective sanctions and incentives for program compliance or lack thereof.
7. The Hennepin County Attorney contributes to the team's efforts in community education and local resource acquisition.
8. The Hennepin County Attorney contributes to the education of peers, colleagues, and judiciary in the efficacy of problem-solving courts.
9. The Hennepin County Attorney provides training to new or replacement prosecutors.

#### **Hennepin County Public Defender's Office**

1. A Hennepin County Public Defender is assigned to the Veterans' Court program for the term of this Agreement, as funding permits, and participates as an active member of the Veterans' Court Team, Veterans' Court Implementation Committee and Steering Committee.
2. The Hennepin County Public Defender assists in identifying veterans charged with eligible offenses.
3. The Hennepin County Public Defender participates as a team member, operating in a non-adversarial manner during court, to promote a sense of a unified team presence.
4. The Hennepin County Public Defender advises the defendant as to the nature and purpose of the Veterans' Court, the rules governing participation, the consequences of abiding or failing to abide by the rules and how participating or not participating in Veteran' Court will affect his/her interests.
5. The Public Defender explains all of the rights that the defendant will temporarily or permanently relinquish.
6. The Public Defender explains that because criminal prosecution for admitting to alcohol or other drug use in open court will not be invoked, the defendant is encouraged to be truthful.
7. The Public Defender reviews the participant's progress in the program and advocates appropriately for effective sanctions and incentives for program compliance or lack thereof.
8. The Public Defender contributes to the team's efforts in community education and local resources acquisition.

9. The Public Defender contributes to the education of peers, colleagues, and judiciary in the efficacy of problem-solving courts.

10. The Public Defender provides training to new or replacement public defenders.

**Hennepin County Community Corrections & Rehabilitation (Probation Officers)**

1. Probation Officers are assigned to provide offender assessment and field supervision of Veterans' Court participants for the term of this Agreement, as funding permits, and participate as active members of the Veterans' Court Team. Additional Community Corrections representatives participate on the Veterans' court Implementation Committee and Steering Committee.

2. The Probation Officers provide coordinated and comprehensive supervision and case management to include telephone contact, office/home/employment visits as well as random field visits to participant's home.

3. The Probation Officers administer assessments and coordinate the gathering of background information for the admission process.

4. The Probation Officers oversee compliance of all program requirements and provide the Veterans' Court Team with sufficient and timely information to implement sanctions and incentive systems.

5. The Probation Officers facilitate frequent drug and breathalyzer testing on a random basis.

6. The Probation Officers coordinate the utilization of community-based services such as health and mental health services, victims' services, housing, entitlements, transportation, education, vocational training, job skills training and placement to provide a strong foundation for recovery.

7. The Probation Officers contribute to the team's efforts in community education and local resource acquisition.

8. The Probation Officers contribute to the education of peers, colleagues, and judiciary in the efficacy of drug courts.

9. The Probation Officers provide training to new or replacement probation officers.

**Minnesota Center for Independent Living and National Alliance on Mental Illness-Minnesota (Mentor Program)**

1. The Mentor Program participates fully as a Veterans' Court team member, for the term of this Agreement, as funding permits, and participates as an active member of the Veterans' Court Team, Veterans' Court Implementation Committee, and Steering Committee.

2. The Mentor Program assists in recruiting and training mentors and provides direct supervision for the mentors.

3. The Mentor Program liaison advocates for effective sanctions and incentives during staffing.
4. The Mentor Program liaison provides information to the team regarding the mentees adjustment in the mentor program.
5. The Mentor Program contributes to the team's efforts in community education and local resource acquisition.
6. The Mentor Program contributes to the education of peers, colleagues, and judiciary in the efficacy of veterans' courts.

#### **Battered Women's Justice Project (Victim Advocate)**

1. The Battered Women's Justice Project participates on the Veterans' Court Implementation Committee, and Steering Committee.
2. The Battered Women's Justice Project provides subject matter expertise and input on appropriate services for the Veteran's Court program.
3. The Battered Women's Justice Project acts as liaison between the Veterans' Court Team and the broader domestic violence community.
4. The Victim Advocate contributes to the education of other domestic abuse professionals about the veterans' court model and best practices for responding to the co-occurrence of domestic violence and military trauma.

#### **Hennepin County Human Services Public Health Department (Court Screener/Social Worker)**

1. The Court Screener/Social Worker is assigned to the Veterans Court program for the term of this Agreement, as funding permits, and participates as an active member of the Veterans' Court Team. Additional Human Services- Public Health Department representatives serve on the Drug Court Implementation Committee and Steering Committee.
2. The Court Screener/Social Worker conducts an initial mental health screening on all participants to assist in determining eligibility for the Veterans' Court program, and makes referrals for further assessments/evaluations and other services.
3. The Court Screener/Social Worker advocates for effective sanctions and incentives during staffing.
4. The Court Screener/Social Worker contributes to the team's efforts in community education and local resource acquisition.
5. The Court Screener/Social Worker contributes to the education of the treatment community, peers, colleagues, and judiciary in the efficacy of problem-solving courts.
6. The Court Screener/Social Worker provides training to new or replacement assessors.

### **Minneapolis City Attorney's Office**

1. A Minneapolis City Attorney is assigned to the Veterans' Court program for the term of this Agreement, as funding permits, and participates as an active member of the Veterans' Court Team, Veterans' Court Implementation Committee and Steering Committee.
2. The Minneapolis City Attorney assists in identifying veterans arrested for eligible offenses.
3. The Minneapolis City Attorney agrees that a positive drug test or open court admission of drug possession or use alone will not result in the filing of additional charges based on that admission.
4. The Minneapolis City Attorney makes decisions regarding the participant's continued enrollment in the program. In making this decision, the City Attorney considers the participant's performance in treatment, in the overall program, the legal aspects of the case, and the goals and purposes of the court.
5. The Minneapolis City Attorney participates as a team member, operating in a non-adversarial manner during court, to promote a sense of a unified team presence unless an adversarial proceeding is necessary to address criminal behavior, probation violations, threats to public safety or other matters in the interests of justice.
6. The Minneapolis City Attorney, during staffing, advocates for effective sanctions and incentives for program compliance or lack thereof.
7. The Minneapolis City Attorney contributes to the team's efforts in community education and local resource acquisition.
8. The Minneapolis City Attorney contributes to the education of peers, colleagues, and judiciary in the efficacy of problem-solving courts.
9. The Minneapolis City Attorney provides training to new or replacement prosecutors.

### **Hennepin County Human Services Public Health Department - Veterans' Service Office**

1. A Veterans' Service Officer is assigned to the Veterans' Court program for the term of this Agreement, as funding permits, and participates as an active member of the Veterans' Court Team, Veterans' Court Implementation Committee and Steering Committee.
2. The Veterans' Service Officer assists in identifying veterans charged with eligible offenses.
3. The Veterans' Service Officer determines eligibility for VA benefits and assists in making referrals to the VA Medical Center and other community based programs for services.
4. The Veterans' Service Officer serves as a point of contact to the sponsoring organizations providing mentor services to the Veterans' Court.



5. The Veterans' Service Officer, during staffing, advocates for effective sanctions and incentives for program compliance or lack thereof.
6. The Veterans' Service Officer contributes to the team's efforts in community education and local resource acquisition.
8. The Veterans' Service Officer contributes to the education of peers, colleagues, and judiciary in the efficacy of problem-solving courts.
9. The Veterans' Service Officer provides training to new or replacement prosecutors.
10. The Veteran's Service Officer will determine eligibility.

### **Minneapolis Veterans Affairs Medical Center**

1. A VA Behavioral Health Social Worker or a designated assignee, from the Minneapolis VA Medical Center, is assigned to the Veterans' Court program for the term of this Agreement, as funding permits, and participates as an active member of the Veterans' Court Team, Veterans' Court Implementation Committee and Steering Committee.
2. The VA Behavioral Health Social Worker or the designated assignee assists in obtaining and checking on presence of VA Releases of Information (ROI) between the Veterans' Court and the Minneapolis VA Medical Center.
3. The VA Behavioral Health Social Worker or the designated assignee serves as the primary liaison to the Minneapolis VA Medical Center and facilitates VA linkages for services.
4. The VA Behavioral Health Social Worker or the designated assignee assists in verifying and making appointments for Substance Abuse Treatment Services and Mental Health Clinics.
5. The VA Behavioral Health Social Worker or the designated assignee coordinates VA Treatment Status Reports to the Court.
6. The VA Behavioral Health Social Worker or the designated assignee assists with VA eligibility for services.
7. The VA Behavioral Health Social Worker or the designated assignee contributes to the team's efforts in community education.
8. The VA Behavioral Health Social Worker or the designated assignee contributes to the education of peers, colleagues, and judiciary in the efficacy of problem-solving courts.

In creating this partnership and uniting around the goal of improving public safety, we are pledged to enhance communication and cooperation between the courts, VA Medical Centers, law enforcement, corrections, human services, and community based treatment programs. Through this linkage of services, we expect improved outcomes and effectiveness in addressing the unique risk and needs of veterans involved in the criminal justice system.

All parties agree to be represented on the Veterans' Court Team, Veterans' Court Implementation Committee and Veterans' Court Steering Committee. The Veterans' Court Team is responsible for day-to-day operations of the program. The Veterans' Court Implementation Committee was comprised of key personnel from multiple agencies, programs and organizations and was charged with responsibility for refining plans and preparing the Veterans' Court for implementation on July 12, 2010. Post implementation, The Hennepin County Veterans' Court Steering Committee is responsible for to facilitate the Veterans Court process, to expeditiously resolve issues, and to provide community support and buy-in.

**Conflict Resolution**

When conflicts arise relative to planning or programmatic issues, the Veterans' Court Team will attempt to resolve conflict by consensus. If unsuccessful, conflict will be referred to the Veterans' Court Steering Committee for resolution.

**Agreement Modifications**

Any individual agency or organization wishing to amend and/or modify this Agreement will notify the Hennepin County Veterans' Court Steering Committee. The Steering Committee will address the issue(s) for the purpose of modifying and/or amending the Agreement. The issue will be decided by consensus (if possible) or by simple majority, if not.

**Termination of Agreement**

Individual agencies or organizations contemplating termination of their participation in this Agreement shall first notify the Hennepin County Veterans' Court Steering Committee of their concern(s). The Steering Committee shall attempt to resolve the problem to ensure continuation of the Veterans' Court program. If unable to resolve the problem, the individual agency or department can exercise its right to terminate this Agreement by notifying all other agencies in writing a minimum of sixty (60) days prior to such termination.

This MOU is effective when it is assigned by all the parties. It will terminate one year from its effective date.

**IN WITNESS THEREOF**, the parties have caused their duly authorized representative to execute this Agreement.

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Fourth Judicial District Court Administrator

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Dated

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Fourth Judicial District Chief Judge

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Fourth Judicial District Court Veterans' Court Judge

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Dated

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Hennepin County Human Services-Public Health Department

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Hennepin County Attorney's Office

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Hennepin County Public Defender's Office

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Hennepin County Community Corrections & Rehabilitation

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Minneapolis City Attorney's Office

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Veterans' Affairs Medical Center

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Battered Women's Justice Project

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Dated

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Metropolitan Center for Independent Living

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Dated

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National Alliance on Mental Illness

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Dated

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<sup>1</sup> 38 U.S.C. § 7332. Confidentiality of certain medical records

(a)

(1) Records of the identity, diagnosis, prognosis, or treatment of any patient or subject which are maintained in connection with the performance of any program or activity (including education, training, treatment, rehabilitation, or research) relating to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus, or sickle cell anemia which is carried out by or for the Department under this title shall, except as provided in subsections (e) and (f), be confidential, and (section 5701 of this title to the contrary notwithstanding) such records may be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b).

(2) Paragraph (1) prohibits the disclosure to any person or entity other than the patient or subject concerned of the fact that a special written consent is required in order for such records to be disclosed.

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(b)

(1) The content of any record referred to in subsection (a) may be disclosed by the Secretary in accordance with the prior written consent of the patient or subject with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed in regulations prescribed by the Secretary.

(2) Whether or not any patient or subject, with respect to whom any given record referred to in subsection (a) is maintained, gives written consent, the content of such record may be disclosed by the Secretary as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient or subject in any report of such research, audit, or evaluation, or otherwise disclose patient or subject identities in any manner.

(C)

(i) In the case of any record which is maintained in connection with the performance of any program or activity relating to infection with the human immunodeficiency virus, to a Federal, State, or local public-health authority charged under Federal or State law with the protection of the public health, and to which Federal or State law

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requires disclosure of such record, if a qualified representative of such authority has made a written request that such record be provided as required pursuant to such law for a purpose authorized by such law.

(ii) A person to whom a record is disclosed under this paragraph may not redisclose or use such record for a purpose other than that for which the disclosure was made.

(D) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient or subject, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(E) To an entity described in paragraph (1)(B) of section 5701 (k) of this title, but only to the extent authorized by such section.

(3) In the event that the patient or subject who is the subject of any record referred to in subsection (a) is deceased, the content of any such record may be disclosed by the Secretary only upon the prior written request of the next of kin, executor, administrator, or other personal representative of such patient or subject and only if the Secretary determines that such disclosure is necessary for such survivor to obtain benefits to which such survivor may be entitled, including the pursuit of legal action,

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but then only to the extent, under such circumstances, and for such purposes as may be allowed in regulations prescribed pursuant to section 7334 of this title.

(c) Except as authorized by a court order granted under subsection (b)(2)(D), no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against, or to conduct any investigation of, a patient or subject.

(d) The prohibitions of this section shall continue to apply to records concerning any person who has been a patient or subject, irrespective of whether or when such person ceases to be a patient.

(e) The prohibitions of this section shall not prevent any interchange of records—

(1) within and among those components of the Department furnishing health care to veterans, or determining eligibility for benefits under this title; or

(2) between such components furnishing health care to veterans and the Armed Forces.

(f)

(1) Notwithstanding subsection (a) but subject to paragraph (2), a physician or a professional counselor may disclose information or records indicating that a patient or subject is infected with the human immunodeficiency virus if the disclosure is made to

(A) the spouse of the patient or subject, or

(B) to an individual whom the patient or subject has, during the process of professional counseling or of testing to determine whether the patient or subject is infected with such virus, identified as being a sexual partner of such patient or subject.

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(2)

(A) A disclosure under paragraph (1) may be made only if the physician or counselor, after making reasonable efforts to counsel and encourage the patient or subject to provide the information to the spouse or sexual partner, reasonably believes that the patient or subject will not provide the information to the spouse or sexual partner and that the disclosure is necessary to protect the health of the spouse or sexual partner.

(B) A disclosure under such paragraph may be made by a physician or counselor other than the physician or counselor referred to in subparagraph (A) if such physician or counselor is unavailable by reason of absence or termination of employment to make the disclosure.

(g) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined, in the case of a first offense, up to the maximum amount provided under section 5701 (f) of this title for a first offense under that section and, in the case of a subsequent offense, up to the maximum amount provided under section 5701 (f) of this title for a subsequent offense, up to the maximum amount provided under section 5701 (f) of this title for a subsequent offense under this section.