

# ***Multnomah County Veterans Docket and Justice Outreach Project Memorandum of Understanding***

The parties to this Memorandum of Understanding (MOU) endorse the mission, goals and objectives set forth below through the creation of the Veterans Docket and Justice Outreach Project for Multnomah County Veterans encountering the criminal justice system:

- To create a coordinated approach within the local criminal justice system for identifying military veterans, recognizing and assessing their unique needs, and systematically referring them to specialized services currently available in the community;
- To reduce future criminal behavior by better addressing the criminal risk factors and sources of instability for military veterans involved in the criminal justice system;
- To take into consideration the services provided to a veteran through the Veterans Health Administration, as well as other treatment or rehabilitative services available in the community, in determining the appropriate sentence if guilt is established for an eligible offense. (The available services may also be a factor in determining the length of a prison sentence for an eligible offense where probation is not an option);
- To provide better access to care for military veterans living in our community.

## Eligibility Criteria

For a veteran to be deemed an “Eligible Veteran” for inclusion in this program, the veteran must:

- Qualify for Veterans Health Administration (VHA) services, and
- Be charged with an “Eligible Offense” as defined below.

“Eligibility for VHA services” shall be determined through the Veterans Health Administration, facilitated by the Justice Outreach staff, consistent with information provided in the DD Form 214.

“Eligible offense:” The Multnomah County Veterans Docket and Justice Outreach Project includes all felony crimes on the list below. This Veterans Docket and Outreach Project is also intended for individuals who are on felony probation following a

downward dispositional departure on an eligible felony crime, and are exposed to revocation and a prison sentence based upon an arrest, charge or conviction for a new, eligible offense.

The following offenses are excluded from participation in the Multnomah County Veterans Docket and Justice Outreach Project:

- Aggravated Murder and Murder
- Attempted Aggravated Murder and Attempted Murder
- Manslaughter in the First and Second Degree
- Criminally Negligent Homicide
- Aggravated Vehicular Homicide
- Failure to Perform the Duties of a Driver (death involved)
- Any other death-involved offense (including Len Bias-type cases)
- Arson in the First Degree
- Assault in the First Degree
- Kidnapping in the First Degree
- Robbery in the First Degree
- Domestic Violence-involved offenses
- Child victim under age 14 offenses
- Sex Crimes/Offenses (including FRSO charges)

Identification as a Veteran: May occur at the time of booking through information known to the District Attorney's office, as a result of information provided through the LSCMI, and/or from information the defendant authorizes be released.

- If the eligibility criteria is met, the veteran may only be considered for inclusion in the Multnomah County Veterans Docket and Justice Outreach Project if the veteran signs a Release of Information (ROI) after consultation with counsel, if represented.
- A copy of the information provided in response to the ROI shall be provided to the District Attorney's office upon receipt by the defense attorney.
- The information provided in response to the ROI shall only be used for purposes of settlement negotiations (and not at trial by the State, unless introduced by the defense after timely notice of the intent to use this information at trial is provided to the State), mitigation and presentation of relevant factors at sentencing, and for ongoing supervision on that case.
- If guilt is established by a conviction at trial, rather than by entry of a plea of guilty or no contest, the veteran must sign a ROI to be considered for the Veterans Docket.

### **Duties and Responsibilities of the Individual Partners to this MOU:**

#### The Multnomah County Sheriff's Office will:

- Identify veterans at the time of booking.
- Work collaboratively with the Veterans Justice Outreach staff, and when possible, arrange with the Veterans Justice Outreach staff to assess needs and eligibility for services.

#### The District Attorney's Office will:

- Identify cases in which the defendants are veterans when known to the District Attorney's Office, and so advise defense counsel.
- Consider the services available to veterans through VHA and the community when engaging in plea negotiations and in making sentence recommendations.
- Consult with the named victim(s) to obtain their input regarding disposition of the offenses alleged, and ensure the named victims are advised of all critical proceeding stages (e.g., release hearings, plea dates, sentencing hearings, probation violation hearings, etc.)
- For those placed on probation, consider the information provided through the VHA and Outreach Services when determining what recommendation to make to the court if the defendant is found in willful violation of probation by the Court.

#### The Defense Attorney will:

- Identify a defendant as a veteran at the time of assuming representation.
- Discuss with the defendant if he/she wishes to be identified as a veteran and access services available to veterans through the VHA if deemed eligible.
- Facilitate the Release of Information from the VHA to obtain the DD Form 214 and the veteran's records.
- Forward the DD Form 214 to the District Attorney's Office upon receipt if an eligible defendant elects to be identified as a veteran.
- Assemble all the information obtained in response to the ROI submitted to the VHA and forward the information to the District Attorney's office.
- Engage the Veterans Justice Outreach staff through the VHA to consult with the defendant and defense counsel re: available services and programs in the community for which the defendant is eligible.
- Where appropriate, provide a mitigation package containing the information obtained through the VHA, noting the available services and programs, to the District Attorney's Office and the Court for use in negotiations in an effort to resolve pending criminal charges or alleged probation violations.

The Veterans Justice Outreach staff will:

- Assist in eligibility determinations for VHA services and help facilitate enrollment of eligible veterans in such services.
  - Assist in obtaining the DD Form 214 document.
  - Provide the veteran's DD Form 214 to defense counsel, who shall forward a copy to the District Attorney's Office if the defendant meets VHA criteria for services.
- Verify the veteran meets the criteria to be declared a veteran eligible to receive VHA services.
- Assist with the scheduling of treatment appointments for eligible veterans and facilitate referrals for eligible VHA services.
- Provide support to the defendant to facilitate engagement in VHA services, and follow through with treatment and other services available through the VHA.
- Be available as a resource to coordinate VHA information, records, and assessment materials needed by the defense attorney, District Attorney's Office (upon consent of the defense) and the court throughout the pendency of individual veteran's case, pursuant to a court order or a ROI signed by the veteran.
- Attend the probation violation hearings on the Veterans Docket.
- Provide information to the Court upon the request to which the defense attorney and the District Attorney's office shall also have access.

The Multnomah County Circuit Court will:

- Create a Veterans Probation Docket and Procedures for Case Disposition:
  - Set a recurring day and time each month for the probation hearings, and
  - During the same block of time, the designated Veterans Court judge shall schedule judicial settlement conferences, pleas and sentencings;
    - (note: these will initially be scheduled on the third Thursday of each month at 9 am.;
- Designate, through the presiding judge, a circuit court judge to be the primary judge to oversee the Multnomah County Veterans Docket, and one or two other judges in the absence or unavailability of the primary judge, all of whom are knowledgeable about the specific needs of and services available in our community to veterans.
  - The designated judge(s), with the objective of establishing rapport with the veteran defendant and of guiding the negotiations, shall participate in the judicial settlement conferences, preside over the entry of plea and at sentencing, and hear any subsequent probation violations that appear on the Veterans Docket.

- The designated judge shall consider the information provided through the Veterans Justice Outreach Staff, along with that of the probation officer, the defense attorney, the District Attorney's Office and the victim, in determining the appropriate disposition if the defendant is found in willful violation of probation.

The Multnomah County Department of Community Justice will:

- Provide specialized probation/parole officers in each field office and within each specialty caseload who are knowledgeable about working with veterans and about the community resources available for VHA qualified veterans.
- Coordinate available services and programs with the designated VHA support person.
- Integrate the intense level of supervision (first 120 days) which shall be required in specified cases under the Multnomah County Justice Reinvestment Project with the supervision duties of the designated probation officer who is knowledgeable about the veteran's issues.
- Attend in person the probation violation hearings and be available by telephone for other status matters.

The Veterans Docket and Justice Outreach Project has been developed through a collaborative effort of the Multnomah County Department of Community Justice, the Multnomah County Circuit Court, the Veterans Administration, Office Multnomah County District Attorney's Office, the Criminal Defense Bar (through the involvement of the Executive Director of the Metropolitan Public Defender) and the Multnomah County Sheriff's Office. Each of these entities intends to remain actively engaged in planning, designing and facilitating these enhanced services. This Veterans Project has the support of the Multnomah County Board of Commissioners and the Local Public Safety Coordination Council.

This MOU is a non-binding collaborative effort to use the treatment modalities of the Veterans Health Administration and the resources of the local judicial system to promote public safety, reduce recidivism and substance abuse, promote mental health, encourage victim participation, and achieve long-term benefits for individual veterans and society at large.

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