

COOK COUNTY FELONY VETERANS TREATMENT COURT (VTC)

(IDENTIFICATION THROUGH ADMISSION TO THE COURT)

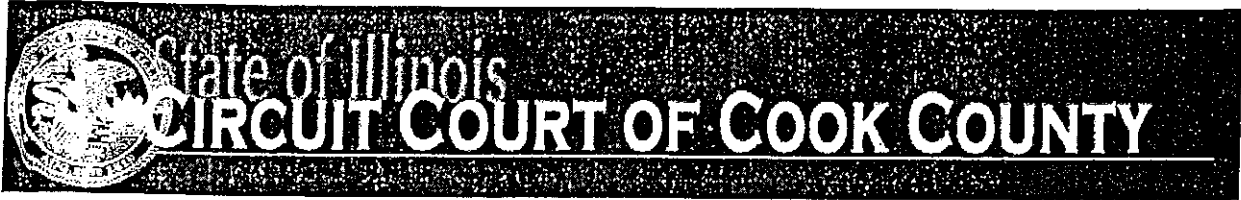
CENTRAL BOND COURT	BEFORE PRELIM. HEARING	ASSIGNMENT	POST-ASSIGNMENT
<ul style="list-style-type: none"> - APD Pre-Trial Services Officer asks detainees about any history of US Military Service - If the response to the above is positive, the PTS Officer completes the VTC referral form (Attachment 1) - The self-identified veteran is encouraged to speak with his/her defense attorney about options related to participation in VTC 	<ul style="list-style-type: none"> - The VTC referral form is sent to the Program Coordinator who verifies eligibility for VTC, in relation to: <ul style="list-style-type: none"> - criminal background (CCSAO Supervisor) and - veteran status and benefit level eligibility status (US DVA Staff) 	<ul style="list-style-type: none"> - If there is a FPC and the veteran is eligible, the assignment ASAs in CR 101 will assign the case to CR 204 for VTC 	<ul style="list-style-type: none"> - When the case comes to CR 204 for arraignment, it will be continued to the next scheduled VTC court date - A 402 Conference is held to further explain the nature and expectations of VTC to ensure the informed consent of the veteran to participate in VTC - The defendant/veteran pleads guilty to the presenting charges and is sentenced to 24 months VTC Probation with conditions including consistent compliance with the service plan developed by the VTC team, mental health and substance abuse assessments/ recommendations, routine drug testing, and regular court appearances - The new VTC participant is immediately introduced to all involved VTC personnel, including US DVA, IDVA, and APD Staff and the assessment/referral process continues

** Since VTC is a voluntary Program, the defendant/veteran may choose to decline the offer or opt-out of VTC at any time and the case will be transferred to the Regular CR 204 Court Call or returned to CR 101 for re-assignment.

COOK COUNTY FELONY VETERANS TREATMENT COURT (VTC)

(ADMISSION THROUGH TERMINATION FROM THE COURT)

ORIENTATION PERIOD	SERVICE PLAN DEVELOPMENT	ON-GOING TREATMENT PARTICIPATION	PROGRAM COMPLETION
	(PARTICIPANT EXPECTATIONS)		
<ul style="list-style-type: none"> - Report to designated VA staff and Probation Officer (PO) as assigned - Routine Substance Abuse Testing as directed - Compliance with all VA and APD recommendations - Attend all court appearances 	<ul style="list-style-type: none"> - Report to VA and PO staff as assigned - Routine Substance Abuse Testing as directed - Participate in development of the Service Plan - Participate in all recommended assessments - Attend all court appearances - Connect with Mentor, as assigned 	<ul style="list-style-type: none"> - Report to VA and PO as assigned - Routine Substance Abuse Testing - Comply with all aspects of the Service Plan - Develop and implement an Ed/Voc Plan - Address all Medical Issues - Meet with Mentor, regularly - Attend all court appearances 	<ul style="list-style-type: none"> - Report to VA and PO staff as assigned - Routine Substance Abuse Testing as directed - Participate in development of a transition plan - Implement an on-going service system plan - Implement a plan for on-going productive activity - Prepare for graduation
	(VTC TEAM EXPECTATIONS)		
<ul style="list-style-type: none"> - Gather additional records to finalize program acceptance - Schedule appointments for initial assessments - Schedule first, post-admission appointment with VA and PO staff 	<ul style="list-style-type: none"> - Develop initial Service Plan - Case presentation at semi-monthly service planning meeting - Develop goals in all areas of Service Plan - Connect participant with Mentor - Facilitate assessment appointments 	<ul style="list-style-type: none"> - Regular meetings with participant, to assess and update, as needed, participant service plan - Update case status at semi-monthly service planning meeting - Present case and Service Plan Summary at each court date - Explore/implement Ed/Voc plans 	<ul style="list-style-type: none"> - Assess participant's readiness for graduation - Develop/implement a post-completion service plan - Present post-completion plan to court - Verify successful engagement in aftercare service plan



**COOK COUNTY
VETERAN'S COURT**

**Presented by:
Judge John P. Kirby**

**Cook County Veteran's Court
Circuit Court of Cook County
Honorable John P. Kirby**

I. Introduction

- The Cook County Veteran's Court ("Veteran's Court") and its treatment program was created based on the model adopted by the Cook County Mental Health Court and the Repeat Offender's Program (RAP). A centralized court call was designed for all eligible veterans to receive coordinated benefits and services through the collaborative efforts of: the Circuit Court of Cook County, the Cook County State's Attorney's Office, the Law Offices of the Cook County Public Defender, the Cook County Department of Probation and Mental Health, and the Veteran's Administration at federal, state, and local levels. By using a team approach we are able to address the unique needs and concerns of veterans. The Veteran's Court hopes to help veterans who have become involved in the criminal justice system by providing them with services in an environment tailored to overcome the issues of drug dependence, homelessness, mental illness, and unemployment. (When we refer to the Veteran's Court in the following document we are referencing the entire interdisciplinary team of court personnel, attorneys, federal, state and community agencies that provide the treatment and services to the veteran.)

II. Mission Statement

- The mission of the Veteran's Court of Cook County is to provide a coordinated response through the collaborative efforts of all of the service providers from arrest through successful graduation from the program. The Court provides veterans who wish to affect a meaningful transformation in their lives by utilizing programs and services that are designed to overcome their personal issues with judicial monitoring in order to become productive, law-abiding citizens.
- To accomplish this mission, Veteran's Court will assess each veteran's particular needs and issues by developing an individualized service plan. These individuals have previously proven themselves through their service in the armed forces, and based upon that success and this court's collaborative efforts we aspire to assist them in addressing their individual needs rather than see them continue in a cycle of behavior that is detrimental to the individual and the community.

III. Preliminary Research and Discussions

- In August 2008, this court was asked by Presiding Criminal Court Judge Paul Biebel to examine the possibility of starting a Veteran's Court in Cook County. Upon being assigned this task, the court began to research the existing Veteran's Courts across the country and to examine their model and procedures. At that time there was only three Veteran's Court in existence: Buffalo, New York

administered by Judge Robert Russell was the first such court, then Tulsa, Oklahoma and Orange County, Florida. This court spoke with Judge Russell and his court coordinator Jack O'Connor while they were in Chicago. The participants in the early discussions were: Judge John Kirby, Peter Coolsen, Criminal Court Administrator, Mark Kammerer, Director of Treatment Programs and Veteran Courts Coordinator for the Cook County State's Attorney, Assistant Public Defenders Mike Morrissey, Robin Haynes and David Will and employees of the Veteran's Administration from their administration and social services division. These individuals formed a committee to research the viability of a Veteran's Court in Cook County.

- From this small nucleus we began to invite other potential necessary parties that the Veterans Court would need to operate. Over the period of 4 to 5 months we were able to meet with representatives from the following organizations:
 - Cook County States Attorney
 - Cook County Public Defender
 - Cook County Pre-trial Service
 - Cook County Probation Department
 - Mental Health Unit
 - Cook County Sheriff's Department
 - H.R.D.I. Treatment Program (now Gateway Treatment Program)
 - Cook County Woman's Justice Program
 - John Marshall Law School Veterans Legal Support Clinic
 - United States Department of Veterans Affairs
 - Jesse Brown V.A. Medical Center
 - Homeless Veterans Coordinator
 - Illinois Department of Veterans Affairs
 - Illinois Department of Human Services
 - City of Chicago Veterans Affairs Department
 - City of Chicago Department of Police Crisis Intervention Team
 - T.A.S.C – Treatment Alternatives for Safe Communities
 - Volunteer Services Organization
 - Volunteers of America
 - The Inner Voice
 - A Safe Haven
 - Featherfist
 - Vet. to Vet.
 - Wounded Warrior Project
- During these meetings we attempted to address all the issues that would be unique to the Veteran's Court and to the veterans it was designed to serve. We were able to create a procedure for our Court that would address the needs of the veterans. Copies of the committee's notes are attached as Tab 1.

IV. Statutory Eligibility

- To be eligible for the Veteran's Court, one must first establish he is a Veteran who upon being discharged from the service was granted an honorable, general or medical discharge. A dishonorable discharge would make the participant ineligible for participation in the Veteran's Court. The participant must also be eligible for probation. Lastly, the participant must voluntarily enter into the intensive probation program that would be developed based on that person's needs.
- Both State and Federal legislation has either been proposed or enacted creating veteran's court that would be based on a rehabilitative diversionary model. The Illinois Legislature has proposed legislation creating a veteran's court. This proposal is contained in House Bill 5214 Illinois Veteran's and Servicemen's Court Treatment Act. In 2008 the United States Senate and the House of Representatives both passed legislation creating the Service, Education and Rehabilitation Act (SERV). Copies of this legislation are attached as Tab 2.

V. Cook County Veteran's Court

A. Veteran's Administration

- The creation and successful operation of the Cook County Veteran's Court is due in large part to the hard work and dedication of the United States Veteran's Administration. From the inception the Veteran's Administration sent dedicated individuals to assist the court. The following Veteran's Administration employees that assisted with the creation of the program were:

Renee Oshanki – Deputy Network Division/VISN 12

James Brenner – Jesse Brown VA Medical Center

Eugene Hershovic – VISN 12 Network Homeless Coordinator

Michael Gates – Homeless Veteran's Coordinator/HUD VASH Coordinator

- From the inception of our program the Veteran's Administration has worked diligently with this Court to address the needs of the Veteran population. We have a Veteran's Administration employee, Ms. Pat Moore, assigned to the courtroom. Ms. Moore plays an instrumental role in the preliminary interview and assessment of each participant. Ms. Moore performs the following functions for the court:
 - Obtains Veteran's Administration Release of Information
 - Facilitates placement into Veteran's Administration services
 - Provides Case Management and status reports
 - Assists in securing and processing the Veteran's DD214 forms

- The Veteran's Administration will also send employees assigned to specific issues such as homelessness, mental health, and other specialized treatments. The Veteran's Administration has opened its doors to the court and the court looks forward to continuing collaboration with the Veteran's Administration.

B. Statutes and programs utilized by the Veteran's Court

- The Veteran's Court working in conjunction with the Cook County State's Attorney's Office and the Office of the Cook County Public Defender addresses the needs of the veteran by offering one or more of the following dispositions:
 - Cook County Drug School which is a complete diversion program that is completed while the case is pending in the Preliminary Hearing Courtroom. Upon successful completion of the classes the State's Attorney will dismiss the charges.
 - A First Time Offender Program under the TASC Statute 20 ILCS 301/40-10. This Program would be completed in the Veteran's Court. A successful completion of this probation would result in vacating the judgment of conviction and dismissing the offense.
 - Based on the nature of the charge and past criminal history the veteran can be offered probation under Illinois Statute 720 ILCS 555/10 or 720 ILCS 1410. Upon successful completion the veteran will be able to expunge the conviction pursuant to statutory timelines.

C. Voluntary

- Entry into the Veteran's Court is of a voluntary nature. We will discuss the full details in another section.

D. Confidentiality

- The Court maintains compliance with Title 42 Code of Federal Regulations Confidentiality of Alcohol and Drug Abuse Patient Records and Health Insurance Portability and Accountability Act (HIPAA) requirements. The Veteran's Administration staff and treatment providers will ensure that consent forms are signed by each participant to authorize exchange of information. The consent forms will include all members of the treatment team. The probation officer will also make sure that all consent forms are completed. The treatment team is fully aware of the necessity of maintaining and monitoring confidentiality throughout the entire term of the program.

E. Mental Health Component

- A large number of veterans deal with the unique issues of Post-Traumatic Stress Disorder, Traumatic Brain Injury, Drug Addiction and Mental Health issues. The Veteran's Court has a probation officer from the Mental Health Unit assigned to

the court call. We also have an agreement with the Mental Health Court that we may use their facilities and team when necessary for veterans with mental health issues.

F. Staffing the Courtroom

- Staff that are specifically designated to work in the Veteran's Court include the following: an Assistant State's Attorney, two assistant Public Defenders, a Probation Officer, a Mental Health Probation Officer is available upon request and Veteran's Administration personnel.
- John Marshall Law School Veterans Legal Support Clinic is also a member of the Veteran's Court. The Clinic is available to assist veterans with legal matters pertaining to veteran benefits. If a veteran asks for a referral to the Clinic he is set up with an appointment.

G. Initial Identification and Assessment

- Our goal in creating a Veteran's Court, was to identify the veterans who come into the Criminal Court System, to verify their veteran status and their eligibility for program services and lastly to create a program that would address the unique needs of the veteran population. Our focus is the veteran and his or her individual needs, be it drug addiction, homelessness, joblessness or mental health requirements.

H. Bond Court

- Our first priority was the identification of veterans in the court system. The Probation Department through its Pre-trial Service Officers performs the initial interview of all detainees in bond court. They now ask each detainee if he/she has ever served in the United States Armed Forces, including the National Guard or Reserves. If the individual answers in the affirmative then the Pre-trial service officer would fill out the Cook County Veteran's Court Referral Form. (Copies of the Veteran's Court Forms are in Tab 3.) The officer would note that on the file and encourage the veteran to inform his attorney, public defender, states attorney and the Judge of his/her status.
- The second step in the procedure is to verify the veteran's status and to determine his/her eligibility for the program. Once the referral form is completed, then that form would be sent to Mark Kammerer, the Program Coordinator and he would contact Ms. Pat Moore of the Veteran's Administration to begin the process of determining the veteran's status and his/her eligibility for veteran's programs.

I. Preliminary Hearing Court

- By the time the Veteran reaches the preliminary hearing court, there should already be a determination of his/her eligibility. The 30 days between the bond hearing and the preliminary hearing is sufficient time to examine the charges, the person's past criminal history (if any) and the status of his service.
- However, at the preliminary hearing court a majority of the cases are dismissed, either through findings of no probable cause or cases that have been dismissed by the State. This leaves the veteran walking out of court without an assessment or any contact with veteran's programs that may be beneficial. Now at the preliminary hearing courts all veterans are informed of available services through the Veteran's Administration. They are given a series of brochures which explains the available programs. Even if the case is dismissed, it is the court's goal to encourage a meeting with a Veteran Administration representative for an assessment and potential referrals to available programs. A copy of these brochures is attached in Tab 12.

J. Felony Court

- The eligibility requirements for the program are twofold: first, the veteran must have one of the following types of discharge: honorable, medical or general discharge and receive benefits from either the United States Department of Veterans Affairs or the Illinois Department of Veterans Affairs; second, they must be eligible for probation. If a veteran does not qualify for Veteran's Administration Benefits he may qualify under the Illinois Department of Veteran's Affairs benefits and the Veteran's Court will create a program around these benefits. If the person meets the initial requirements, he will be offered the treatment program. This is a voluntary decision and if he/she decides they do not want to engage in treatment then the case would be assigned to the regular trial call.
- On the first date that the Veteran arrives in the Veteran's Court the court will appoint him an attorney from the Public Defender's Office if needed. The court would then explain the program to the veteran while in open court. The court would give the veteran an opportunity to be interviewed by the treatment team which would first include a representative from the Veteran's Administration. The initial issue is his eligibility to be placed in available programs. The veteran will be allowed to have his attorney with him during this initial interview. After completing the interview the court would then inquire whether the veteran wants to avail himself to the program. If he or she does accept the program then a plea of guilty will be taken and the treatment would begin. If the veteran requires more time to make his decision a continuance will be allowed.

- If the veteran decides not to plead guilty and to litigate the matter then as a condition of his bond he would be ordered to be assessed by the Veteran's Administration. After the assessment if the Veteran's Administration recommends a program then as a further condition of the bond he will be ordered to attend the program during the course of the litigation. This allows the court to assist the veteran immediately while the case is pending.
- Once an individual accepts the treatment program he will be assigned a Probation Officer. The Probation Officer would perform an in-depth interview and a follow-up home visit. The Probation Officer would also inquire as to employment, living status and any other issues that need to be addressed by the treatment program. All this information would then be brought to the attention of the treatment team and an individualized plan is developed. This may include other care providers that deal with the specific issues of homelessness, education, job training, substance abuse, mental health issues, etc. Once all this information is brought to the attention of the team we can then make appropriate referrals for these services.
- One of the options that the court has is for immediate placement in a drug rehabilitation program inside the Cook County Jail. There are two care providers within the jail. In Division 14 Gateway provides 30/60/90/120 day treatment programs. In Division 6 West Care also has a treatment program available. Upon completion of these inpatient programs we can then refer them to outpatient treatment at the Jesse Brown VA Medical Center. A brief summary of these services are attached as Tab 4.

K. Probation Monitoring, Violations and Sanctions

- On each court date the treatment team will meet before court. This team will include the Judge, State's Attorney, Public Defender, Veteran's Administration Representative, representative from Veteran's Service Organizations, Probation Officer, Mental Health Officer, and Gateway Representatives. For each veteran that is on the call that day the court will receive a status report and the team will discuss the progress of the veteran. The court will also be informed on whether or not there will be any violations filed and whether or not there will be any modifications in the treatment program. If a violation is filed then that will be addressed in open court and the court may set a bond and set the violation for hearing. It is the court's goal to address violations swiftly and to find sanctions that are appropriate for each violation.

L. Veteran Services Organizations

- As part of the Veteran's Court we have worked closely with Volunteers of America who has a representative in court on each date to help deal with the issues of homelessness and joblessness. It is this close relationship that allows the court to make immediate referrals to these care providers. Other care

providers that have been of assistance are A Safe Haven, Innervoice and Featherfist.

VI. Summary of First Year Progress

- In February of 2010 we completed our first full year of operation. At that time we had forty active participants in the program. Four individuals had already completed the program. With the help of John Marshall Law School Veteran's Clinic we sent invitations to all care providers, individuals and groups who had worked with the court and veterans and their family to attend a celebratory fair after court. Twelve agencies were present to explain the full range of services that are available to veterans from their various agencies. We have also compiled a statistical analysis of our first year participants. This is attached in Tab 5.
- In March of 2010, the Probation Department and TASC submitted a request for a grant to Substance Abuse and Mental Health Services Administration (SAMSHA). They were successful in securing an enhancement grant for both the Veteran's Court and the Youthful Offenders Program. As part of that grant the Judge, Assistant State's Attorney, Public Defender and Probation Officer will be attending a three day seminar in Boston concerning the rules and regulations of the grant. Documents concerning this grant have been attached as Tab 6.
- The State of Illinois was awarded a SAMSHA Jail Diversion and Trauma Recovery grant for veterans. Part of this grant assisted the Chicago Police Department in creating their crisis intervention program. Members of the Veteran's Court have attended their training programs and will continue to work with the Police Department in recognizing and treating veterans. Information concerning this initiative is attached in Tab 7.

VII. Future

- All of the veteran courts that are now in existence have a mentoring aspect to their program. The Veteran's Court has been discussing the possibility of developing a mentoring program with the Veteran's Administration. We have been invited to attend a mock Vet to Vet meeting to determine its applicability to our program. It is our goal to have a mentoring program that is conducted in a therapeutic setting with professional staff monitoring the participants. The John Marshall Veteran's Clinic has created a proposed mentoring manual. A copy of this manual is attached in Tab 8.
- The Department of Veteran's Affairs Education System is presenting a two day seminar in Chicago on June 10 and June 11. As part of their program they will be sending approximately 60 Veteran Justice Outreach Specialists to view our Veteran's Court during this seminar. These Specialists will be

trained to provide timely access to veteran services for eligible veterans to prevent further criminal activity and incarceration. We will be conducting an open forum between the Veteran's Court and the members of the seminar following the conclusion of the court. Again with the assistance of the John Marshall Law School Clinic we have invited the care providers to attend an afternoon session where they would explain their programs and their role in the Veteran's Court. A copy of the outline for this seminar will be attached as Tab 9.

- Also on June 11, 2010 we will be graduating approximately nine veterans who have successfully completed the program. We have invited back the four veterans from the February 2010 celebration. We will give all of the veterans a certificate of completion for graduating from the program in open court in front of their families and friends.
- On May 19, 2010 this court was informed of the possibility that Governor Quinn would be signing House Bill 5214 concerning Veteran's Courts at the Cook County Criminal Courts Building after completion of the above mentioned seminar. Governor Quinn would be using the Veteran's Court as a backdrop for the official signing of this legislation. A copy of the proposed June 11 court agenda is attached as Tab 10.
- During the course of our continued meetings with the Veteran's Court participants we have discussed the feasibility of Veteran's Courts and the Misdemeanor Branches. The Veteran's Court that will be opening in Skokie will be including misdemeanors so we would be able to monitor their progress.
- All parties that have been involved in the Veteran's Court have provided contact information and this attached as Tab 11.

**Veterans Court
Circuit Court of Cook County
Honorable John P. Kirby**

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www.chicagotribune.com/news/local/chi-veterans-courtjul15,0,5997411.story

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Cook County Veterans Court offers helping hand

Judge sets up a system of services and support for those in trouble after serving U.S.

By Matthew Walberg

Tribune reporter

July 15, 2009

For the first time in three decades, Army veteran Eric Myers says he is confronting his addiction to heroin, an addiction that sent him to federal prison, ruined his marriage, cost him many jobs and most recently led to his arrest for drug possession.

Now he meets daily with a social worker and attends classes on drug addiction and behavior modification, all mandated by Cook County Veterans Court, a newly formed court geared to military veterans charged with non-violent crimes, mostly drug offenses.

"This arrest saved my life," said Myers, 54. "If I hadn't got caught, I wouldn't have ever thought about getting clean."

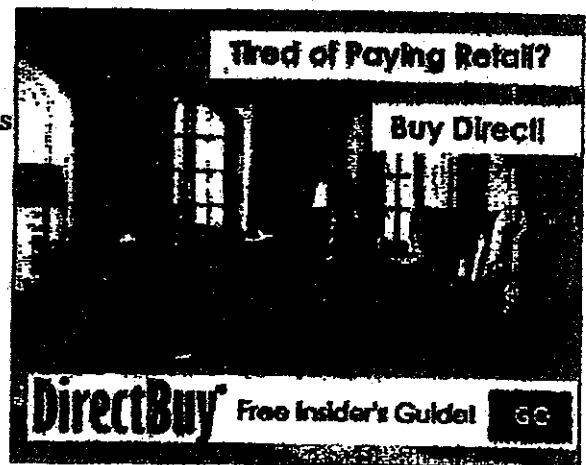
The court is part of a small but growing national trend to help veterans who sacrificed for their country. While the law treats the veterans no differently from other defendants, the court tries to deal with any ins with the law.

The court links them with representatives from state and federal veterans affairs departments and social and legal aid agencies who offer many services and help cut through red tape that stymies many veterans.

"There's no extra cost because what this really does is place people into services that are already out there," said Circuit Judge John Kirby, who started the court this spring.

"What we're trying to do is say, 'OK, you served your country, now let us help you. Can we help you past this problem and back on the straight and narrow?'"

The court is modeled after other "treatment courts" for mentally ill or drug-addicted defendants and comes in response in part to concerns that many new veterans from the wars in Iraq and Afghanistan could be caught in the legal system if they don't receive treatment.



Eugene Herskovic, who oversees the U.S. Department of Veteran Affairs' homeless program in the upper Midwest, said a handful of courts for veterans have opened across the country in the last two years.

"It's not just about helping veterans," Herskovic said. "It's about the judiciary looking for better ways to deal with people who have certain problems. Incarcerating people doesn't necessarily solve their issues."

In Illinois, the General Assembly passed legislation establishing a commission to set standards for courts for veterans. Other states have passed or are considering similar measures.

The American Civil Liberties Union said Nevada's recently enacted statute gives veterans an unfair advantage over average citizens. But Ed Yohnka, spokesman for the ACLU of Illinois, said Cook County's new court is fundamentally different.

"The concern expressed in Nevada was that individuals who served in the military were sort of automatically transferred into this special court and were provided some options for lower-level sentences," he said. "It was based on the [military] status rather than the crime."

The Cook County court, however, "seems to track the model of the drug and mental-health treatment courts that, frankly, seem to be working well," Yohnka said. "We really would like to see these types of programs extended to all sorts of people. Diversionary programs that provide services, training and health care are a very good thing."

Since April, veterans charged with less serious felonies for which probation is an option -- mostly drug-related offenses -- are identified on intake into Cook County Jail.

Once authorities determine they were honorably discharged from the military, they are offered the chance to have their cases heard in Veterans Court.

So far, about two dozen vets have signed on, said Kirby, who holds court once every two weeks. Most of them are older, but at Friday's court session, the first veteran of the Iraq War showed up to learn about the program.

Luis Ruiz, 27, of Palatine has been charged with felony theft. His lawyer, Julie Aimen, said Ruiz, a Marine veteran, has post-traumatic stress disorder.

"He doesn't sleep. His visual images of combat and dealing with the things that he saw -- and I don't know, maybe participated in -- have played heavily on how he structures his life," Aimen said.

Those who choose to participate in Veterans Court don't receive any special treatment under the law. But the court, working with prosecutors, public defenders, veterans and social service organizations, and the John Marshall School of Law, meet with the vets to determine their needs and offer assistance for drug treatment, housing, health care and job training.

Myers says his problem with heroin began during his military service in West Germany. It was a world away from his West Side upbringing.

"Before enlisting I was working in a restaurant, had a nice girlfriend, and five months later I was working with tanks, .50-caliber machine guns and eating C-rations," he said. "I never got used to it."

Myers said he was startled at the quick help he received from the Veterans Court for his heroin

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addiction.

"I wasn't getting any cooperation from anybody," said Myers, recalling earlier efforts to receive treatment from the VA. "They take you through this long process and then they don't do anything. When they brought me down here [to Veterans Court], this was the first time I felt like somebody was helping me."

Myers spent 90 days in a court-ordered drug addiction and behavior modification program before pleading guilty to possession of a controlled substance on June 12. Kirby sentenced him to 2 years of probation.

As part of his probation, Myers must attend classes at Jesse Brown VA Medical Center such as "Theories of Addiction" and "Long-Term Recovery." He also must meet with a social worker daily for three months.

But the program is not toothless.

On Friday, Kirby learned that Ronald Washington, a Navy veteran of the Vietnam War, tested positive for cocaine last month.

Washington pleaded guilty in May to a charge of drug possession and was sentenced to probation after a baggie of cocaine was found in his car during a traffic stop earlier this year.

But in a recent interview with the Tribune, Washington had denied guilt, claiming the drugs had been hidden by a previous owner between seats in a car he had just purchased. He said he pleaded guilty to gain access to veterans benefits and avoid prison.

Washington, 62, admitted he used drugs in Vietnam and on his return to the U.S. while working as a bus driver.

"In my life, I smoked a bit of weed, I smoked a bit of coke because I had a lot of problems," he said in the interview.

But upon learning of the positive drug test Friday, Kirby ordered Washington to jail for 30 days for violating his probation.

Washington protested, saying he "went back to the wrong area" and fell into his old addiction, but Kirby cut him off.

"Here's the thing: I gave you probation. I gave you treatment," he said. "You said you went back to the wrong area. You put [cocaine] in your system."

Washington then backtracked, saying that his failed test resulted from being with others who were using cocaine.

"How'd it get in your system?" Kirby asked.

"Because I inhaled it going by them," Washington said.

"That's an out and out lie," said Kirby, his voice rising in anger. "You can't get cocaine in your system from somebody else. You think I don't know this?"

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As the deputy started to lead Washington toward the lockup, the judge warned him that if he continued to get high, he was going to prison for a lengthier time.

"Don't play," Kirby said. "You can't take drugs in my program."

mwalberg@tribune.com

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Judges see school as path out of drug woes

By Jerry Crimmins
Law Bulletin staff writer

Cook County Circuit Judge John P. Kirby sits at a flood gate through which drug defendants pour into the state's prisons.

To rescue at least some of the young people caught in the flow, Kirby recently launched an experiment.

He sends some young felons with a drug conviction back to a Chicago high school as a part of their probation and requires them to graduate.

If a young man or woman is a first-time offender and completes this probation successfully, he or she could have the conviction vacated and get a fresh start.

"I see the courts today, with the massive drug problem we have, as a support

system," Kirby said in an interview at the Criminal Courts Building, 26th Street and California Avenue.

He acknowledged that others believe courts should focus only on guilt and innocence.

But Kirby said that, in his opinion, "we have to wear two hats, the social service hat and the courtroom-and-law hat.... That has become the courts' role."

Since February, Kirby has sentenced 100 or so young drug offenders to probation and drug treatment with the condition that they finish high school.

"Fifteen are back in high school now," he said. "We hope by September to have an additional 15" back in school.

"The other people are waiting to get back in. We have set up interviews for

their schools," Kirby said.

Kirby tries to send those defendants who qualify back to their neighborhood schools, if their neighborhood schools will take them.

Other times, Kirby said, he and the probation officers who work with him refer defendants who qualify to one of three special schools called Reenrollment Centers, Banner West at 5035 W. North Ave., Banner South at 2330 E. 99th St. and Aspira at 3121 N. Pulaski Rd.

Some young defendants may have to go to City Colleges instead to get a General Educational Development Certificate in place of a high school diploma.

According to Kirby, officials of the Chicago public school system are strongly cooperating with him.

A spokesperson for the public schools, Anitra Schulte, would say only that the "program is currently under review, and we are taking our time looking it over."

A second judge at Criminal Courts is not waiting for official blessing from the top of the public school system.

Circuit Judge Charles P. Burns said he saw what Kirby was doing for some convicted drug felons ages 17 to 19 and adopted the same practices six weeks ago.

"You get these young kids, 17, 18, 19, they're felons," Burns said. "What do we do, give them a piece of paper, probation, and hope they don't sin again, commit any new crimes? Or do we try to help them?"

"I'd like to see them choose a different path."

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ent profession besides crime," Burns said.

As to whether Chicago's schools are ready to receive a stream of convicted drug defendants from Criminal Courts, Burns said "they need to be. I think our community needs them back in school. I know their families need them back in school, and they need to be back in school."

Nine out of the 40 courtrooms in the Criminal Division of Cook County Circuit Court hear almost nothing but drug cases. Kirby estimated that 80 percent of the inmates in the County Jail are involved with illicit drugs in some way, often as the reason they are locked up.

Kirby said he does not believe that the solution is to legalize drug use.

"We have to enforce the drug laws," he said. "Look what [drug use] is doing to people. To me it's destroying a lot of families, a lot of loved ones. If you deal with cocaine and heroin, you sort of give up control.... People just change. They tell me, 'We lost years.'"

A felony conviction for possessing or selling drugs makes finding a job extremely difficult for the rest of an offender's life. So Kirby said the legislature passed Treatment Alternatives for Criminal Justice Clients, 20 ILCS 301/40-5, to make drug treatment a possible condition of felony probation. And under 20 ILCS 301/40-10(e), the law allows first-time felony drug offenders who successfully complete treatment to have their convictions vacated.

It is Kirby's and Burns' belief that these measure still may not be enough to save the young.

The presiding judge of Criminal Courts, Paul P. Biebel Jr., asked Kirby to look into starting a special court solely for 17- to 19-year-old drug offenders, Kirby said.

Biebel called Kirby "an excellent judge who is very innovative.... We hope to replicate his program in other courtrooms."

Kirby's idea of sending qualifying defendants back to high school came from his own life experience.

ily from Canaryville, a working-class neighborhood next to Bridgeport. Kirby still lives in Canaryville.

"I have 29 nieces and nephews," he said.

"We have to say to the public we have a program here available to young offenders, a collaborative effort of everybody in the criminal justice system and more, social agencies, too," to try to save the young, Kirby said.

"When you tell parents, 'We're going to put them back in school,' their eyes light up. They didn't think that's what the courts are about."

He conceded that only about 20 percent of youthful defendants have parents or aunts or uncles who come to court for them.

Kirby also acknowledged that some 17- to 19-year-olds do not have sufficient school background to finish high school in a two-year probationary period and that others refuse to go back to school. "We can't force them.... I'm not going to punish anybody for not going to school. I'm just trying to show them the error of their ways."

Kirby and Burns currently lean for help on two Chicago public school information officers assigned to Cook County Juvenile Court to get defendants evaluated for educational potential.

Kirby said he hopes to make a formal proposal soon for a continuing program of back-to-school felony drug probation. His proposal would ask for assignment of two public school information officers to the Cook County Jail to help him and other judges.

If Kirby gets approval from Chief Judge Timothy C. Evans, various other agencies and the school system, he would like to begin the formal program in September.

"We have to keep trying," Kirby said. "I think a large percentage [of young drug offenders] can be saved and turned into productive citizens."

suntimes

Veterans Court assists vets the rest of us forget

BY NEIL STEINBERG Sun-Times Columnist

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Cyril Hall isn't the kind of vet you'll probably have in mind when you put out the flag tomorrow for Veterans Day. He didn't fight in Iraq or Afghanistan -- he's 51, an Army combat engineer who did bridge repair.

Hall doesn't have a job -- he's on disability for a bad back. (The idea that vets as a group can't find jobs, or have trouble holding jobs, is a myth -- the unemployment rate for all veterans is 8.1 percent, better than the rate for the general population).

Hall has battled drugs, and was arrested for possession of a controlled substance.

"It wasn't mine," he says of the bag of drugs that led to his arrest, which brought him here, to the Cook County Criminal Court Building at 26th and California. Blame was put on him "since it was closest to me."

But in one respect Hall represents a military elite -- he is among the 54 vets enrolled in Cook County's Veterans Court program, formed last year as a "specialty court."

"We have drug courts, mental health courts -- Veterans Court is an extension of that," said Criminal Division Presiding Judge Paul Biebel Jr., who heard about such courts in Buffalo and Tulsa and thought they were needed here. "A lot of people who come in here have issues." "He came back positive for cocaine"

We are a nation that just went through a mid-term election and barely talked about the two, count 'em, two wars we are currently fighting. We can hardly force ourselves to pause from fretting about the economy to pay attention to soldiers fighting and dying on our behalf every day, never mind those who fought in previous wars, particularly vets who get in trouble like Hall. That's what this court does; it gives vets not a legal break, but support they are entitled to.

The real work of Veterans Court does not take place when Circuit Court Judge John P. Kirby enters his courtroom and all rise; rather, the heavy lifting of helping these vets get back on track goes on an hour beforehand, at a pre-court meeting, in a room so crowded with staff -- I count 19 people -- there isn't room for them to sit around the table. Representatives from the state attorney, public defender and sheriff's offices are here, along with those from the U.S., Illinois and Chicago offices of veterans affairs, plus probation officers, drug counselors, homeless coordinators, legal clinics.

"Everybody was already up and running," says Kirby. "Every program here was in existence. We just put everybody in the same room and said, 'How can we work with veterans the best that we know how-'"

One by one, Kirby reads the names of the vets on today's court docket, and the caseworkers involved report regarding drug tests and program participation.

"Looks like he's been attending all his meetings . . ."

"He came back positive for cocaine . . ."

"We're just waiting for the results so we can fax them over."

Kirby occasionally asks pointed questions: "Have we reached a member of his family- There was one there, early on . . ."

To qualify for Veterans Court, an accused vet has to be charged with a crime the law doesn't require jail time for if convicted.

"We don't take violent crimes or sex crimes," says Kirby. "We are looking for people who commit probational offenses."

Afterward, the vets whose progress -- or lack of progress -- has been reviewed appear in court. Some are in custody, brought in wearing sand-colored DOC scrubs. Some are in street clothes -- untucked button-down shirts mostly. Some are appearing for the first time.

"I've been informed you are a veteran," Kirby tells a young woman.

"I was in Iraq," she says.

"What I am going to do is have you interviewed by our veteran's team," says Kirby.

Veterans are a special class for two reasons. First, their service to the country implies that -- at least at one point -- they had more on the ball than the average street criminal. And second, as vets, they qualify for services that aren't available to non-veterans. Help is available to them, and Veterans Court tries to make sure they get it.

"A veteran comes in, we want to treat that person as a whole, not just a case before us," says Kirby. "If he needs treatment, if he needs housing, we have Volunteers of America, Featherfist, for housing. If other issues, we send him to the John Marshall clinic."

Not only is Veterans Court the right thing to do, but it works, as a crime-fighting tool.

"The year prior, the individuals entering our program had 278 felony arrests total," says Kirby. "A year later they were four -- that's a decrease of 98.6 percent."

There are three other Veterans Courts in Cook County besides Kirby's, with another set to open in Bridgeview next month -- that's where Hall's case was, before an alert assistant public defender suggested he transfer to Kirby's courtroom.

"I wish they had this years ago," Hall says. "It is working. I'm not doing any drugs anymore because of it."

None of this laborious attention is patriotic bluster. It's not what people have in mind when they stick a

yellow ribbon magnet on their cars -- and fewer even bother to do that anymore. But as the needs of vets grow, merely "remembering" them rings hollow, something we do more for our benefit than for theirs. All the unheralded people working to make Veterans Court happen actually help real vets to get their lives back. More of us should do the same.

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'Veterans Court' Gives Non-Violent Offenders Place To Turn Their Lives Around

Reporting

Rob Johnson, CHICAGO (CBS)

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Eric Myers, a Vietnam-era veteran, has had problems with substance abuse, but thanks to support in veterans court, he's getting drug treatment and feels he has the help he needs to get his life on track.

They could be your sons, your daughters, your neighbors – veterans returning home scarred by the realities of war.

Some come home and run afoul of the law, whether it's drug abuse or petty theft. But now there is a place they can turn, to start turning things around.

CBS 2's Rob Johnson asks, is this special treatment, or is it just the right thing to do?

The haunting memories of war are a heartache many former combat soldier live with day and night. Some ease their pain with alcohol and drugs and wind up behind the barbed wires at Cook County Jail.

But right next door at the courthouse, dozens of Cook County veterans are finding salvation in the courtroom of Judge John Kirby. Every two weeks a team of social workers, lawyers, employment and other advisors come together in veterans' court to help non-violent offenders like Eric Myers stay out of jail.

"I volunteered for the military when I was 19 years old," Myers said.

And now he's turning his life around. He served overseas during the Vietnam era. Since then, he's struggled with drug abuse. A possession charge landed him in Kirby's courtroom – and a strict treatment program.

"It was the first time I felt I had somebody to support me to do what I had to do.," Myers said.

"Let's give them the opportunity to turn their lives around and get on that path," Judge Kirby said.

The results have been so encouraging that this spring the General Assembly approved a bill to establish a veterans court task force statewide.

State Rep. Mike Tryon sponsored the bill.

"The least we could do is make sure the judicial system accommodates the uniqueness of PTSD or afflictions common among veterans," Tyrone said.

While this court is showing signs of progress by addressing the veterans unique needs, there are critics who say it's unfair to give veterans special treatment.

Programs already exist in New York, Minnesota, California, and Nevada, where the American Civil Liberties Union there says it's unfair.

"What about other people who are in dangerous traumatic professions? Firefighters, police, teachers in inner city schools... the list goes on," said Allen Lichtenstein of the Nevada ACLU.

But supporters say as long as 85 percent of today's veterans are seeing combat over two or three tours, there is a dire need to help them.

"I think they want to get back to a time in their lives where they wore their uniforms proudly, where their family was proud of them," Kirby said.

Myers will tell you that veterans' court is not easy. As part of his probation there's drug treatment, counseling, job interviews almost every day.

"It's fortunate someone thought about this, it's a lot of people who are going to need it," he said.

Gov. Pat Quinn, who is a veterans' advocate, still has yet to sign the veterans' court law. But if he does, a veterans court overseen by the chief judges in each county could be up and running in Illinois by this time next year.

The New York Times

CHICAGO NEWS COOPERATIVE

Judge Provides Impetus for Cook County Jail's 'Virtual School'

By DANIEL LIBIT

Published June 11, 2010

Long before he was assigned to the Cook County Court's criminal division six years ago, Judge John Kirby was all too familiar with the logjam of nonviolent drug cases on the court's docket — 14,000 annually according to a Justice Department study released last month.

Hundreds of defendants would come before him, plead guilty to a felony, be released for time served awaiting trial and return to their community — only to be arrested again for narcotics possession and repeat the process. Not infrequently, the offenders were in their late teens and early 20s and had not graduated from high school.

Convinced that education would help more than punishment, Judge Kirby began a one-man reform campaign. He researched the issues and used his courtroom to experiment with diverting nonviolent drug offenders out of the penal system and into drug treatment and educational programs.

His approach showed promise. A few offenders will receive high school diplomas through a Cook County Jail program this month. And now, despite some contention between them, Thomas J. Dart, the Cook County sheriff, and Timothy C. Evans, chief judge of Cook County Circuit Court, are exploring ways to expand the diversion program.

The process began when Judge Kirby finished a five-year stint at bond court and confronted the overwhelming flood of drug cases in criminal court.

"The most important issue I saw was education," he said in a recent interview. "How do we get young men and women back into the educational process?"

He set out to answer that question personally, despite the short supply of resources and know-how within the judiciary.

"He took it on himself," said Malcolm C. Rich, executive director of the Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers.

After Judge Kirby's court work was finished for the day and others were going home, he would drive to community groups and ask for their help.

"He would meet with the superintendent of Chicago Public Schools to get an education program going for defendants in his program," Mr. Rich said. "We consider it to be a fairly amazing effort on the part of one judge."

In 2007, the Appleseed Fund produced a report detailing what it said were inefficiencies and injustices in the Cook County Court system. Mr. Rich and his colleague Daniel T. Coyne, a lawyer and Kent College law professor, said there was a need for diversion courts, saying, "The criminal justice system is currently the de facto drug treatment and mental health system in Cook County."

At the end of June, seven one-time drug offenders ages 18 to 21 will receive their high school diplomas from a "virtual school" at Cook County Jail that Judge Kirby started in conjunction with the sheriff's department. They are the program's first graduating class.

Although the diversion plan is still in its experimental stage, some advocates of criminal justice reform view it as a possible model for programs elsewhere.

Mr. Rich, whose two nonprofit organizations advocate for improvements to the criminal justice system, said he thought the time was right for the court system to expand its experiment in sending nonviolent offenders into remedial programs. The judiciary should not wait for the legislature to mandate a program and finance it, he said.

Cook County has made strides with a jail school and the mental health court, and activists see an opportunity for progress in reforming the judicial system now.

But Paula Wolff, a senior executive at Chicago Metropolis 2020 and a leading champion of criminal justice reform, said judges might not feel they could exercise discretion in nonviolent drug cases without legislative support and financing from Springfield.

"It seems to be hard to do one without the other," Ms. Wolff said, "because sometimes the hesitancy of the judge to do diversion is based on the fact that he or she doesn't see the resources."

Mr. Rich and Mr. Coyne argue that the system could be greatly improved if it gave judges the information they needed to send nonviolent drug offenders out of the penal system. Last month, Chicago Appleseed began a project to inventory drug treatment facilities in the area to assure judges that there were enough places to put offenders.

Mr. Rich said he recognized that there was inertia in the court system that resisted reform.

"It is difficult for judges to change behavior that has gone on for many years," he said.

But Judge Kirby is optimistic, saying: "In the long run, what I think you'll see is the drug courts in Cook County will come up with a program that they all can follow. But we're not there yet."

Sheriff Dart, who previously was both a state prosecutor and a state representative, said he had grown impatient with what he considered to be Chief Judge Evans's sluggishness in backing diversion courts while the county jail's population was bloated with nonviolent drug criminals.

"I'm not sure what his exact motivation is," he said of the chief judge. "I have had numerous meetings with him, where we have tried to talk about things in different ways, and I never get this strong sense of urgency that I have, and that's where the testiness comes in."

In a recent interview, Chief Judge Evans said he agreed it was time to move ahead with reform, as well as with a Chicago Appleseed recommendation for creating five diversion courtrooms to serve as a trial run.

"We may very well be able to do much of that right away," he said in the interview.

Last year the chief judge convened a committee to study the topic. The panel, which meets every few months, is made up of more than 40 representatives from the Board of Education, the State's Attorney's Office and the Chicago Police Department, among others.

"Evans is hopeful," said Sheila Murphy, a reform-minded retired judge on Cook County Circuit Court. "He is married to a physician. He understands there are medical consequences to all these things that happen to children and adults. We are in an epidemic of addiction and depression."

Sheriff Dart noted that Mr. Rich and his reform group had "brought a lot of heat that I had not seen before."

"Based on that type of pressure," he said, "there is some stronger chance of a big move out of judiciary than we have had in the past."