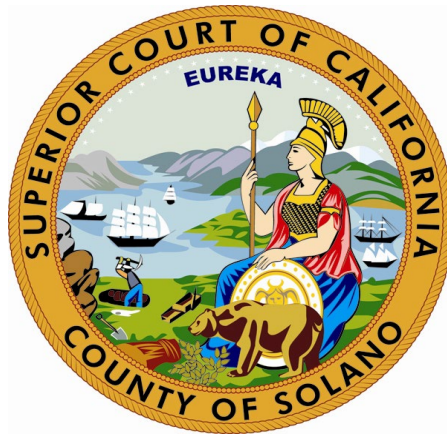


VETERANS TREATMENT COURT

POLICIES AND PROCEDURES MANUAL



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO

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Mission Statement

The mission of the Solano County Veterans Treatment Court is to promote public safety by helping Veterans obtain the treatment they need to reconnect to the community and to honor Veterans service to our country.

Introduction

The Veterans Treatment Court is a voluntary program that offers veterans, active duty service members, reservists, or members of the National Guard who are involved in the criminal justice system an opportunity to participate in treatment and rehabilitation in a judicially monitored setting.

The program is dependent upon the collaborative efforts of the Court, District Attorney, Public Defender, Alternate Public Defender, Probation, Solano County's Veterans Service Offices & County Veteran Services Officers CVSO's, Dept. of Veteran Affairs Healthcare System Nor Cal & VA Veteran Justice Outreach Specialist VJO Nor Cal, and other community service providers. All partners agree to create a collaborative, non-adversarial legal environment that promotes rehabilitation and recovery. These entities form the "team" that supports participants through the program. The eligible clients of privately retained or appointed counsel may also participate in the Court.

Participants are offered services, support, and strategies that promote treatment efforts.

The goals of the Veterans Treatment Court are to:

- ◆ Address the trauma experienced by participants during military service by providing treatment and rehabilitation;
- ◆ Increase public safety by reducing the recidivism of participants;
- ◆ Reduce costs associated with criminal recidivism; and,
- ◆ Improve the quality of life for participants and their families by helping participants obtain employment and/or work towards vocational/educational goals and obtain housing.

Solano County's Veterans Treatment Court uses the National Association of Drug Court Professionals' *Ten Key Components of Veterans Treatment Court* as the foundation for its program.

Eligibility

Solano County residents who are veterans, active duty service members, reservists, or members of the National Guard are eligible for referral to Veterans Treatment Court if they have a criminal case and suffer from one or more of the enumerated conditions in Penal Code section 1170.9 (a) that stems from or is the result of their military service, regardless of whether or not they allege that said condition(s) had a causal relationship to the crime or crimes currently charged. Any relationship between the condition(s) and the crime or crimes currently charged will be a factor for the judge to consider in deciding whether or not the person is admitted to Veterans Treatment Court, but the lack of such a relationship in and of itself will not be cause for exclusion. In order to participate in Veterans Treatment Court the person must be admitted to formal probation after having been convicted, by plea or after trial, of one or more criminal offenses.

Potential participants who are screened as “high risk” and/or “high needs” will receive priority consideration. The Court will also consider accepting participants who are screened as medium risk and/or needs. Among other tools, the Court relies on the Level of Service/Case Management Inventory (LS/CMI) risk assessment tool as part of its assessment process.

Identifying Potential Participants

A potential participant’s military status may be verified during the referral process by Solano County’s Veteran Service Officer or Veterans Justice Outreach (VJO) Specialist. However, ultimately participants and/or their attorneys are responsible for providing that verification. Once verified, the potential participant’s military status information will be shared with defense counsel, whether public or private.

Potential participants will be referred to the program as soon as possible and may be referred prior to a plea of nolo contendere, guilt or finding of guilt. Once identified, the potential participant will be referred to the court to determine eligibility.

Potential participants can also be referred to the program by a defense attorney if the attorney believes that the client may fit the criteria for Veteran’s Treatment Court admission.

Potential participants bear the burden of persuading the Court that they have, or may be suffering from, one or more of the conditions specified in Penal Code **SECTION** 1170.9 (Post Traumatic Stress Disorder, Traumatic

Brain Injury, Substance Use Disorder, Military Sexual Trauma, or mental health problems). They are expected to fully cooperate in the Court's assessment process—failure to do so in a timely fashion may result in denial of admission to the program.

Referral

Attorneys, working with their clients, will complete and submit a Vet Court referral packet to the home court, requesting a screening of the client for eligibility for Vet Court. The Vet Court referral packet includes a one-page referral form and two Releases of Information, one for the Court team and one for VA Healthcare. If the home court judge feels the person is a suitable candidate for Vet Court, s/he will calendar the person for the next Vet Court date that is at least two weeks out to give the team adequate time to screen and assess the candidate. The completed referral form will be faxed or emailed to the Vet Court Case Manager who will begin the screening process.

Intake and Assessment

The Case Manager will receive the referral packet and notify team members of a potential candidate. The VJO Specialist and/or County Veteran Services Officer will look up data in the VA and County systems to confirm the candidate's military status and if they are enrolled in VA Healthcare. They may interview the candidate if they need additional data. If necessary, additional assessments will be performed by the case manager, probation officer or others as requested.

No later than two weeks after the assessments are performed, the team will meet privately (in staffing) to review the assessments. At that time, the team may request additional assessments.

The team will consider a number of factors in determining whether a participant is eligible for the program. Those factors may include, but are not limited to:

- ◆ the nature of the offense(s) charged
- ◆ participant's criminal history
- ◆ treatment assessment and prior efforts at treatment

- ◆ Eligibility for probation
- ◆ willingness to commit to treatment and the program
- ◆ ability to comply with the terms and conditions of probation and treatment.

The final decision to accept or reject a participant shall be made by the judicial officer.

Program Components

Terms and Conditions of Veterans Treatment Court

This program is generally a post-plea program.¹ Potential participants will be referred to the program as soon as possible and may be referred prior to a plea of nolo contendere, guilt or finding of guilt. Once identified, the potential participant will be referred to the court to determine eligibility. If accepted into the program, participants must accept all the terms and conditions of the program. Defense counsel will be responsible for explaining the terms and conditions of the program to the participant and any rights that the participant must relinquish to participate in the program. The length of the program is approximately 12 months; however completion is dependent on the progress of the participant and can be shorter or longer, up to 18 months or more.

Terms and conditions may include, but not be limited to:

- ◆ Abstention from alcohol, marijuana and illegal drugs including unlawful use of prescribed drugs
- ◆ Full participation in the treatment plan
- ◆ Frequent alcohol and other drug (AOD) testing
- ◆ Mental Health counseling and medication compliance
- ◆ Attendance at all court hearings, as ordered by the Court

¹ Exceptions may be made for active duty service members.

- ◆ Meeting with case manager, probation officer, mentor and other program team members, as ordered by the Court
- ◆ Participation in VA and Vet Center treatment and services or other providers

Treatment and Rehabilitation Services

Once accepted into the program, the team will work with service providers to provide a treatment and rehabilitation plan for the participant.

Treatment and rehabilitation may include but not limited to:

- ◆ Individual and/or group counseling specific to the participant's assessed treatment needs and conditions (e.g. substance use, PTSD, mental health, and so on.)
- ◆ Taking medication, as directed by a physician
- ◆ Residential or outpatient treatment
- ◆ Community-based support meetings (e.g. AA, NA, Celebrate Recovery, Life Ring, Circle of Friends)
- ◆ Maintaining employment and/or progressing with vocational/ educational goals

Support and Court Expectations

Every participant will be assigned a case manager, veteran mentor, and probation officer. In addition, the VJO specialist will assist every participant with access to VA services and community resources.

Participants will be required to meet regularly with their case manager. The case manager's role is to assist participants in successfully completing the program. The case manager will help each participant identify resources, assist in coordinating services, and work with each participant in developing a life skills plan, and other plans necessary to maintain an improved quality of life and establish a continuum of care.

The probation officer will assess, supervise, actively monitor participant's compliance with probation terms and conditions, and maintain up-to-date records of participant performance. The probation officer will also help participants identify resources and assist in coordinating services.

The veteran mentor will provide peer support to assist participants in successfully completing the program. This can include helping participants problem solve and sharing personal related experiences. The volunteer mentors will act as a coach, guide, role model, advocate, and a support person for the individual veteran participants with whom they work.

A veteran mentor coordinator will be in charge of recruiting, training, supervising, and coordinating the schedules of volunteer veteran mentors.

Participants are required and expected to communicate with their VJO, case manager, mentor and probation officer and to keep each of those individuals apprised of their current contact information.

Participants are also expected to:

- Adhere to their treatment, service and case plans
- Comply with probation and conditions as directed by the probation officer
- Make all court appearances
- Be honest and committed to a genuine effort at progressing through the program phases, completing probation, and achieving a productive, meaningful and crime-free lifestyle
- Hold themselves accountable
- Be respectful to each other and team members

Program Phases and Progressive Strategies

The program is divided into five phases. Participants must complete all phases to be eligible for graduation. Actual phase lengths may vary from those described below. Advancement from each phase will be determined by the judicial officer, with recommendations from the team. Failure to make phase advancements may lead to probation extension.

Phase I: Initial Stabilization **Approximate Length: 60 Days**

In Phase I, the judicial officer and team will closely monitor the participant's treatment efforts to help the participant stabilize.

Phase I requirements:

- ◆ Participate in provisional assessments to determine treatment needs, including medical assessments if appropriate
- ◆ Participate in the determination and implementation of their treatment plan, as directed by the team and treatment providers including mental health treatment as necessary
- ◆ Frequent alcohol and other drug testing, if required (at least twice per week)
- ◆ Meet weekly with the case manager
- ◆ Meet with mentor coordinator to assess mentor needs and expectations
- ◆ Meet mentor at least twice, if assigned and available
- ◆ Meet with probation officer and comply with supervision directives and Court terms
- ◆ Address housing needs, if necessary
- ◆ Attend recovery/mental health support groups, as ordered by the Court or directed by the treatment provider or Probation

- ◆ Attend court hearings, as ordered by the Court, approximately two per month
- ◆ Obtain stable housing
- ◆ If participant has Substance Use Disorder, a minimum of 14 consecutive days of sobriety before advancement
- ◆ Enroll in any court-ordered classes or programs, such as a Batterers Intervention Program and DUI program.

Phase II: Establishing Treatment and Recovery Plan
Approximate Length: 60 Days

In Phase II, the team and providers will continue to monitor the participant's needs and goals. Treatment will continue, with the goal of focusing on areas of challenge for the participant.

Phase II requirements:

- ◆ Participate in treatment plan, as directed by the team and treatment providers
- ◆ Participate in mental health treatment, if necessary
- ◆ Frequent alcohol and other drug testing, if required
- ◆ Meet minimum of biweekly with the case manager
- ◆ Report to probation officer and comply with supervision directives and Court terms
- ◆ Meet with and otherwise communicate with assigned mentor
- ◆ Respond to inquiries by VJO and seek VJO's assistance with VA treatment as necessary
- ◆ Attend three recovery/mental health support groups per week, if required
- ◆ Attend court hearings, as ordered by the Court

- ◆ Find a sponsor, if necessary, and attend community-based recovery support groups
- ◆ Identify personal goals and financial challenges
- ◆ Enroll in and attend domestic violence, anger management or other class, as required or ordered by the Court.

To advance to Phase III, participants must be substantially compliant with Phase II requirements and maintain at least 30 consecutive days of sobriety, if required.

Phase III: Ongoing Treatment
Approximate Length: 120 Days

In Phase III, the participant will focus not only on recovery efforts, but the personal goals identified in Phase II. The team and treatment providers will assist the participant with establishing plans and learning life skills necessary to achieve identified personal goals, including maintaining employment and/or progressing towards vocational/educational goals. In Phase III, the Court may require the participant to appear only once per month.

Phase III requirements:

- ◆ Participate in treatment plan, as directed by treatment providers
- ◆ Participate in mental health treatment, if necessary
- ◆ Attend domestic violence, anger management or other classes, as required or ordered by the Court
- ◆ Frequent alcohol and other drug testing at least twice per week, if required
- ◆ Contact case manager bi-weekly and work with case manager to develop life skills and pro-social activity plan
- ◆ Report to probation officer and comply with supervision directives and Court terms

- ◆ Meet with mentor
- ◆ Attend three recovery/mental health support groups per week, if required
- ◆ Attend court hearings, as ordered by the Court. Participants assessed as high risk/high needs will be expected to attend court hearings at least once per month in Phase III; others less frequently.
- ◆ Obtain employment, volunteer work and/or work towards vocational/educational goal(s)
- ◆ Maintain stable housing
- ◆ Other activities that may be required by the Court (e.g. pro-social activity like playing on a sports team)

To advance to Phase IV, participants must be substantially compliant with Phase III requirements and maintain at least 60 consecutive days of sobriety, if required.

Phase IV: Stabilization/ Reconnecting with the Community
Approximate Length: 90 Days

- ◆ Participate in treatment plan, as directed by treatment providers
- ◆ Participate in mental health treatment, if necessary
- ◆ Attend domestic violence, anger management or other class, as required or ordered by the Court
- ◆ Frequent alcohol and other drug testing, if required
- ◆ Contact case manager bi-weekly, if required
- ◆ Report to probation officer and comply with supervision directives and Court terms
- ◆ Meet with mentor

- ◆ Attend recovery/mental health support groups, as ordered by the Court
- ◆ Attend court hearings, as ordered by the Court
- ◆ Establish recovery and support network
- ◆ Maintain employment, volunteer work and/or progress toward vocational/educational goal(s)
- ◆ Other activities that may be required by the Court
- ◆ Submit community project plan

To advance to Phase V, participants must be substantially compliant with Phase IV requirements and maintain at least 60 consecutive days of sobriety, if required.

Phase V: Establishing Aftercare and Graduation
Approximate Length: 60 Days

In Phase V, the team and providers will focus on providing the participant with the tools necessary to succeed after the program is completed.

Phase V requirements:

- ◆ Participate in treatment plan, as directed by the team and treatment providers
- ◆ Continue any mental health treatment, as necessary
- ◆ Attend domestic violence, anger management or other class, as required or ordered by the Court
- ◆ Frequent alcohol and other drug testing, if required
- ◆ Contact case manager regularly and work with case manager to develop aftercare plan
- ◆ Report to probation officer

- ◆ Attend recovery/mental health support groups, as ordered by the Court
- ◆ Attend court hearings, as ordered by the Court
- ◆ Maintain employment, volunteer work and/or progress towards vocational/educational goal(s)
- ◆ Complete community project
- ◆ Complete graduation essay
- ◆ Complete aftercare plan

To graduate, participants must be substantially compliant with Phase IV requirements and maintain at least 90 consecutive days of sobriety, if required.

Graduation, Commencement and Recognition

Participants may be eligible for graduation when they:

- ◆ Complete all phases of the program
- ◆ If drug or alcohol tests were required, have negative tests for a minimum of three months
- ◆ Complete all terms and conditions of probation
- ◆ Maintain stable living arrangements and healthy interpersonal relationships
- ◆ Made substantial achievements in personal goals, including maintaining employment and/or progressing in vocational/education goals
- ◆ Submit an aftercare plan and commencement essay

Graduating participants will be recognized in a formal ceremony. Upon graduation, the court may order relief pursuant to Penal Code § 1170.9.

Behavioral Modification Strategies

Incentives, Sanctions and Therapeutic Responses

Incentives and sanctions are used by the Court to motivate each participant's compliance with the recommended treatment plan. If the participant is treatment compliant or shows progress in recovery, he or she receives encouragement and incentives for continuing to do well. If the participant is not following the case plan, sanctions and therapeutic adjustments may be administered. The VTC team will meet and confer regarding the appropriate response designed to reward, address or penalize the identified behavior. Following input from the VTC team, the judicial officer assigned to VTC will make the final decision as to the appropriate sanction to impose.

Incentives

Incentives are used as positive reinforcement to reward behavioral change that is consistent with achieving treatment goals. The Court, with input from the team, will reward the participant's success.

Incentives may include:

- ◆ Applause/praise from the judicial officer
- ◆ Sobriety chips
- ◆ Fishbowl draws for prizes, such as gift cards
- ◆ Reduced community restrictions
- ◆ Reduced frequency of court appearances
- ◆ Advancement to next phase
- ◆ Graduation/Commencement

Therapeutic Adjustments

Participants do not receive punitive sanctions if they are otherwise compliant with their treatment and supervision requirements but are not responding to the treatment

interventions. Under such circumstances, the appropriate course of action may be to reassess the individual and adjust the treatment plan accordingly. Adjustments to treatment plans are based on the recommendations of treatment professionals. Therapeutic responses can include increasing drug/alcohol testing and meeting with the case manager and/or probation officer more often.

Sanctions

The VTC Judicial Officer will impose sanctions to address behaviors associated with not following the case plans or court orders. However, participants are given an opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions or therapeutic adjustments. If participants have difficulty expressing themselves because of such factors as a language barrier, nervousness, or cognitive limitation, the participants' attorneys or legal representatives may assist in providing such explanations. Participants will receive a clear justification for why a particular consequence is being imposed.

Sanctionable behavior includes but is not limited to:

1. Failure to appear for a court hearing
2. Failure to attend treatment sessions (group and individual meetings)
3. Failure to report to your probation officer or case manager
4. Failure to drug test as directed by the Court, Probation, case manager, or the treatment provider
5. Forging proofs of treatment meetings or drug tests
6. Manipulating a urine test
7. Unruly or inappropriate behaviors at the VA offices

Sanctions may include:

- ◆ Admonishment from the Court

- ◆ Write an essay on a topic chosen by the Court
- ◆ Letter of apology to program/person participant has negatively impacted
- ◆ Increase frequency of court appearances
- ◆ Increased community restrictions (e.g. restricted driving privileges)
- ◆ Increased supervision by probation officer
- ◆ Use of continuous alcohol monitoring
- ◆ Jail time, not to exceed seven days without a hearing
- ◆ Extensions of probation

Termination

Participants may be terminated if it appears to the judicial officer that a participant is performing unsatisfactorily and is not responsive to treatment, or that the participant has engaged in criminal conduct that would make the participant unsuitable for continuation in the program. Examples of unsatisfactory performance include engaging in sanctionable conduct or behavior, refusing to work with VTC team members, and the use of sexually or racially derogatory terms when speaking with VTC team members or service providers.

Before termination, the participant shall be entitled to an evidentiary hearing. This evidentiary hearing will be subject to the legal standards of a probation violation hearing. A participant terminated from the program may be referred back to the sentencing court for disposition.

Termination shall be at the discretion of the judicial officer.

Confidentiality of Client Records and Admissibility of Statements During Assessment

Program team members and service providers will strictly comply with all state and federal laws related to confidentiality and admissibility of statements made during assessments, including the provisions contained in 42 United States Code (USC) Section 2990dd-2, and the regulations implementing these laws at 42 Code of Federal Regulations (CFR), Part 2.

Participants will be required to execute any and all necessary releases required by state or federal law for the disclosure of medical or treatment information to the team.

Data Collection

Program staff may collect information regarding individual participants to fulfill grant reporting requirement, obtain funding for the program and/or to improve the program. If collected, the information will not disclose confidential or personally identifiable information.

Roles and Responsibilities

Judicial Officer

The Veterans Court Judicial Officer will conduct regular and frequent court proceedings to monitor participants' progress in treatment. The Judicial Officer is responsible for leading the team in fulfilling the goals of the program and to create a non-adversarial atmosphere.

Prosecutor

The Prosecutor shall actively participate as a member of the Veterans Court Team by attending every staffing, court hearing, and regularly scheduled team meeting. The

Prosecutor will provide recommendations to the team regarding participant eligibility, compliance or non-compliance, and advancements in the program.

Defense Attorney

The Defense Attorney shall actively participate as a member of the Veterans Court Team by attending every staffing, court hearing, and regularly scheduled team meeting. The Defense Attorney will provide recommendations to the team regarding participant eligibility, compliance or non-compliance, and advancements in the program.

Veterans Justice Outreach Specialist (VJO)

The VJO Specialist will conduct a clinical assessment for each referred participant enrolled in or eligible for VA Healthcare and will present findings to Veterans Treatment Court team. The VJO will have regular contact with each VA-eligible participant, monitor participant treatment progress, and link participants to appropriate VA treatment, when applicable. As a team member, the VJO Specialist will attend every staffing, court hearing, and regularly scheduled team meeting for Veterans Treatment Court.

Probation Officer

The probation officer shall complete necessary assessments, monitor the participant's compliance with probation terms and conditions, and make appropriate referrals to community resources. The probation officer will meet with the participant on a regular basis. The probation officer will provide recommendations to the team regarding the participant's compliance, and advancements in the program. As a team member, the probation officer will attend every staffing, court hearing, and regularly scheduled team meeting for Veterans Treatment Court. The probation officer may advise the Court of any non-compliance either verbally or by report submission.

Case Manager

The Case Manager will have individual contact with each participant as often as indicated by phase requirements and as ordered by the Court. The Case Manager will assist each participant to define goals and will ensure that he or she is linked to a comprehensive array of effective services. All service efforts and participant progress will be monitored, and participants will be assisted to overcome individual barriers. The Case Manager will ensure that all pertinent information will be provided to the entire Veterans Treatment Court team in a timely manner. As a team member, the Case Manager will attend every staffing, court hearing, and regularly scheduled team meeting for Veterans Treatment Court.

Mentor Coordinator

The Mentor Coordinator is responsible for recruiting, training, supervising, and coordinating the schedules of volunteer veteran mentors. The Mentor Coordinator may attend staffings, court hearings, and regularly scheduled team meetings. The coordinator's role during staffings is to gather information necessary to make appropriate mentor-mentee assignments and to report on whether participants are compliant with court-ordered contact with mentors. The coordinator will not disclose any information shared between the mentor and participant unless required to by law.

VTC Mentor

The veteran mentor will provide peer support to assist participants in successfully completing the program. This can include helping participants problem solve and sharing personal related experiences. The volunteer mentors will act as a coach, guide, role model, advocate, and a support person for the individual veteran participants with whom they work.

Solano County Veteran Service Officer

The County Veteran Service Officer (CVSO) will assist the VJO Specialist in assessing potential participants (the VJO is a federal Veterans Administration employee and the CVSO is a Solano County employee). The CVSO will connect veterans with available resources and services including inpatient and outpatient treatment, VA-sponsored housing, and assist in filing claims with the Veterans Administration to obtain benefits.

The CVSO oversees the Veteran mentor program and supervises the Mentor Coordinator. The CVSO may attend staffings, court hearings, and regularly scheduled team meetings.

Collaborative Courts Manager

The Collaborative Courts Manager (CCM) will assist the team in finding additional resources for participants and the program (e.g. grants, identifying potential partnerships with community entities). The CCM shall be responsible for completing grant reports, as required by the granting entity. The CCM will organize and attend regularly scheduled team meetings and Advisory Committee meetings, and may attend staffings and court hearings.

Appendix A

The Ten Key Components of Veterans Treatment Court

Key Component #1: Veterans Treatment Court integrates alcohol, drug treatment, and mental health services with justice system case processing

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights

Key Component #3: Eligible participants are identified early and promptly placed in the Veterans Treatment Court program and connected to an appropriate mentor

Key Component #4: Veterans Treatment Court provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing

Key Component #6: A coordinated strategy governs Veterans Treatment Court responses to participants' compliance

Key Component #7: Ongoing judicial interaction with each Veteran is essential

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

Key Component #9: Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations

Key Component #10: Forging partnerships among Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness