

Marion County Veterans Treatment Court



Policies and Procedures Manual

Marion County Circuit Court
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INTRODUCTION

Introduction and Mission Statement

The mission of the Marion County Veterans Treatment Court (MCVTC) is to identify veterans within the criminal justice system and honor their sacrifice and service by providing a collaborative, judicially supervised, mentor oriented, treatment regime with the goal of enhancing public safety by stabilizing, habilitating and reintegrating dependence-free veterans back into our community utilizing federal and community resources.

MCVTC offers eligible veterans the chance to enter an alternative treatment and sentencing program for defendants having an underlying substance use and/or mental health concern who are facing criminal charges. This collaborative team approach is utilized to assist veteran-defendants willing to make changes in their life using best-practice and evidenced-based approaches. The defendant must voluntarily agree to enter and abide by the conditions set forth in the program, one condition being they must enter a plea of guilty. Referrals are encouraged upon early identification of a veteran offender facing eligible charges, who does not need to plead before being referred.

Goals of MCVTC

1. Promote public safety while protecting participant due process rights.
2. Reduce criminal recidivism by providing assessment, education and treatment for veteran criminal offenders.
3. Monitor treatment compliance through frequent court contact and supervision.
4. Engage and retain participants in appropriate treatment resources.
5. Require strict accountability from program participants and impose immediate
6. Sanctions for unacceptable behaviors and rewards for positive choices.
7. Reallocate resources to provide an effective alternative to traditional prosecution and incarceration of non-violent/non-sex offenders.
8. Reduce costs within the County's criminal justice system and jail through early identification practices, expediting cases connecting and re-routing eligible veteran participants to treatment at the Veterans Administration and other community resources in lieu of incarceration.

TARGET POPULATION, ELIGIBILITY, AND ADMISSION

Eligibility Requirements

To be eligible for MCVTC, a potential participant must:

1. For purposes of the MCVTC, the term 'Veteran' means a person who meets one or more of the following requirements:
 - a. A person who served in the active military, naval, or air services, and who was discharged under honorable conditions;
 - b. A person who has received a service-connected disability rating from the US Department of Veterans' Affairs.
 - c. A person who currently serves or formerly served in the Reserves or National Guard and accomplished the following:
 - i. Completed basic military training under honorable conditions and accomplished the following:
 1. Met basic technical training requirements for awarding their AFSC, MOS or Rate;
 2. Completed at least 12 months of their obligated military service in either the Reserves or National Guard;
2. Be an adult with qualifying charges filed in Marion County Circuit Court;
3. Reside in Marion County or in a residence approved by the Marion County Parole and Probation Department;
4. Have a substance use and/or mental health concerns that can be addressed through the court;
5. Have the mental capacity and ability to appreciate the consequences of the legal proceedings and fully understand the expectations and conditions of the court contract;
6. Clear any outstanding warrants; and
7. Have a willingness to participate.

INTAKE PROCESS

A potential participant is referred to the MCVTC. Referrals can be made by: Judge, Defense Counsel, Marion County District Attorney's Office, and/or Probation Officer. Program referrals can also be made by the Federal VA, jail, law enforcement personnel or any other affiliated individuals or organizations. A referral does not indicate eligibility.

Veteran must complete an application, which includes:

- Basic information on Veteran

- Releases of information
- An application questionnaire
- Veteran shall provide verifiable information regarding all military service including: combat service and discharge status, such as a DD214 and/or NGB Form 22, 256 or 257

Upon receipt of completed application by VTC Coordinator the following will happen:

- Eligibility determination will occur*, if met then:
 - Veteran shall observe one Veterans Treatment Court hearing followed by attendance at an orientation with coordinator and PO at the Marion County Courthouse
 - Veteran will complete a substance use and/or mental health assessment with VA or other approved treatment provider and provide results to coordinator for acceptance into program

Upon acceptance into the VTC the following will happen:

- Court will notify the veteran participant and/or his or her counsel of the time and place for entry of plea and sentencing
- Veteran will attend an orientation with the VJO, if applicable
- Veteran will process an intake with Marion County Parole and Probation Department

NOTATION: Any preliminary hearing or other motion shall be heard in front of the assigned judge and not placed on the MCVTC calendar until the defendant has been determined to meet the initial eligibility criteria.

*If eligibility requirements not met, the Court will notify counsel and the case will proceed in the regular course.

TREATMENT COURT PHASES AND REQUIREMENTS

Defining Veterans Treatment Court Phases and Court Requirements

MCVTC program is a minimum of 12 months.

Court sessions will be attended by:

- Judge
- Prosecutor
- Defense attorneys (MCAD and PD)
- Coordinator
- Parole and Probation Officer
- Sheriff Deputy
- VA Veterans Justice Outreach (VJO)
- Accredited Veteran Service Officer (VSO)

- Veteran Mentors
- All MCVTC participants as ordered by court

Phases

Duration of all phases in the program is subject to the discretion of the Court. Participants must have a minimum number of “Green” (compliant) weeks. Those with Substance Use Disorders will need to maintain sobriety. Participants may be allowed to advance more rapidly or may be ordered to remain in or repeat phases, depending upon compliance.

- Phase 1: **Engagement**
 - Lasts a minimum of 2 months. Minimum of 4 green weeks in a row, 30 days sober.
- Phase 2: **Action**
 - Lasts a minimum of 4 months. Minimum of 8 green weeks in a row, 60 days sober.
- Phase 3: **Skill Development**
 - Lasts a minimum of 4 months. Minimum of 8 green weeks in a row, 120 days sober.
- Phase 4: **Maintenance**
 - Lasts a minimum of 2 months. Minimum of 8 green weeks in a row, 180 days sober.

Assignment of “Colors”

The Veterans Treatment Court team will meet prior to each court appearance to discuss participant progress and compliance with program expectations. The team will determine each participant’s “color” for the week - **GREEN** or **RED**.

When a participant is designated **GREEN**, the team has determined the participant is engaged in the program and there are no concerns. The participant is attending appointments, remaining sober or taking prescribed medications appropriately, working on recovery, and working to make changes in their life, even if that means changing friends and exploring past trauma in their own life that may be in the way of moving forward. If a participant is **GREEN**, the participant will receive an incentive at court. Incentives are designed to call attention to progress and to celebrate success.

When a participant is designated **RED**, the team has determined there is a concern with the participant’s performance. The team will determine whether the concern is an intervention related or a sanctionable event. If the concern is deemed to be a sanction, they will determine how each participant will be sanctioned based on the issue(s) or violation(s). Sanctions will increase in severity if a participant is not able to address the concern in a timely and appropriate manner. If a participant is **RED** for **five** weeks on one

level, the team will convene a Contract for Success Meeting. The participant will be asked to sign the Last Chance Contract for Success or be immediately terminated from VTC. If the participant signs the Last Chance Contract for Success, the participant will have to resolve the situation or concerns to reach the next phase or be terminated from VTC. Any time a participant is **RED** the participant will appear at the next scheduled court session, regardless of what phase the participant is in. If a participant is **RED** for any reason, your number of **GREEN** weeks will start over for your current phase.

TREATMENT AND CONTINUING CARE

Treatment Resources

Veterans will be assessed and referred to court approved treatment services based on individual needs. These may include substance abuse treatment, mental health treatment, and medical services. Substance abuse and mental health treatment range from general outpatient, most often consisting of individual sessions and groups, to intensive inpatient treatment, depending on the current needs of the veteran. These may include: Housing, job placement, vocational training, counseling for family and help with transportation.

COMMUNITY SUPERVISION AND DRUG TESTING

Community Supervision

- Risk Assessments
- Home visits
- Drug testing/Random Observed UA's
- Frequent face to face contact
 - Varies based on risk need, but generally:
 - Phase I:..... 1x week
 - Phase II:..... 2x per month
 - Phase III: 1x per month
 - Phase IV:as needed

Drug Testing

All drug testing will be random. Diluted or Invalid samples will be treated as positive. Inability to provide a sample will be treated as positive. The MCVTC uses the following for testing:

- **MCVTC Contracted Site:** The VTC may contract with a UA provider and laboratory to conduct drug testing that meets the standards of the National Association of Drug Court Professionals (NADCP). All participants with identified alcohol or drug issues will be assigned a color to participate in a randomized drug testing system while in the MCVTC at no cost to veteran.

- **VA:** You will be required to submit to a UA while involved with in or out patient treatment, groups, therapy, or sessions. Also at no cost to veteran.
- **PO Office:** May be performed on a random calendar basis or as determined by PO.
- A court approved testing site, if away from the area. This would incur a cost to veteran.

SANCTIONS AND INCENTIVES

Policy for Incentives and Sanctions

MCVTC will include a plan for incentives as well as progressive sanctions, which may be applied as an immediate and direct consequence or reward of a defendant's progress or compliance level with program requirements.

Incentives

Incentives for veteran participants may include, but is not limited to, the following:

- Social recognition (verbal or applause)
- Certificates of recognition and/or completion
- Advancement to next phase
- Diminishing restrictions (fewer court or PO appearances)
- Congratulations cards signed by the team
- Early dismissal from court appearance
- Reduction to community service hours
- Gift card

Sanctions

Sanctions for veteran participants may include, but is not limited to, the following:

- Increase recovery meetings
- Essay read to the court
- Community service work
- Court watch
- More time in phase
- Increased restrictions (more court or PO appearances)
- GPS
- SCRAM electronic monitoring \$12/day
- Jail

Criteria for Immediate Termination

Criteria to be considered in termination may include but is not limited to the following:

- Participant is deemed to be a danger to the community.
- Failure to sign a Contract for Success or comply.
- Participant is on abscond status in the VTC Program for more than 60 consecutive days.