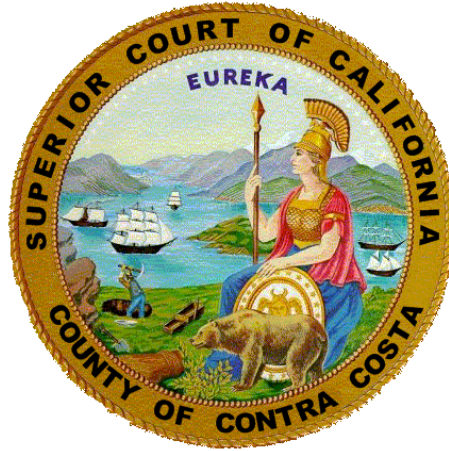


Superior Court of California Contra Costa County



Veterans Treatment Court Policies and Procedures Manual



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Mission Statement

The mission of the Contra Costa 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 their 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, Criminal Conflicts Panel, Probation, Contra Costa County's Veterans Services, 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 and mental health issues (PTSD, TBI, sexual trauma, etc.) experienced by participants during and after 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.

Contra Costa 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

Contra Costa 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 that might qualify for admission under California Penal Code Section 1170.9.¹

Potential participants who are screened as "high risk" and "high needs" will receive priority consideration.

Identifying Potential Participants

A potential participant's military status will be verified during the referral process by Contra Costa County's Veteran Service Officer or the Veterans Justice Outreach (VJO) Specialist. Once verified, the potential participant's military status information will be shared with defense counsel and the District Attorney, whether public or private.

¹ Exceptions may be made for active duty service members.

Potential participants will be referred to the program as soon as possible and may be referred prior to a plea of nolo contendere, a guilty plea, a finding of guilt or post plea. 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, probation officer, prosecuting attorney or any judicial officer if they believe that the client may fit the criteria for Veterans Treatment Court admission.

Assessment and Suitability

At least one week prior to the hearing date, counsel must file documents outlining the defendant's eligibility and suitability for the program. Those documents must contain the following information:

1. Brief description of the defendant's background regarding military service
2. Explanation of the nexus between the defendant's eligible condition and the military service.
3. Explanation of the nexus between the defendant's service-connected condition and the offense(s) charged. P.C. § 1170.9.(a).
4. If necessary, a request for the court to seal any confidential health information from the public record.
5. DD-214 (Certificate of Release or Discharge from Active Duty) unless the defendant has already established Veteran's Administration (VA) healthcare eligibility.

The VJO Specialist and/or County Veteran Services Officer will interview the participant and provide a suitability assessment for the team. If necessary, additional assessments will be performed by the probation officer or others as requested.

Prior to each calendar, the team will meet privately to review the suitability assessments. At that time, the team may request additional information and/or suitability assessments.

The team will consider a number of factors in determining whether a participant is suitable 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
- ◆ willingness to commit to treatment and the program
- ◆ current prescribed medications that may impact testing results and supervision
- ◆ 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 presiding over Veterans Treatment Court.

Program Components

Terms and Conditions of Veterans Treatment Court

This program is a post-plea program. If accepted into the program, participants must accept all the terms and conditions of the program (see Appendix B). 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 a minimum of 18 months. Terms and conditions will include, but not be limited to:

- ◆ Full participation in the treatment plan
- ◆ Frequent alcohol and other drug (AOD) testing, as necessary
- ◆ Mental Health counseling, as necessary
- ◆ Attendance at all court hearings, as ordered by the Court. Attendance will only be excused on a case-by-case basis. Attorneys are not to assume that they can appear pursuant to Penal Code section 977 without prior court approval
- ◆ Meeting with case manager, probation officer, mentor and other program team members, as ordered by the Court

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:

- ◆ Individual and/or group substance abuse counseling
- ◆ Individual and/or group mental health counseling
- ◆ Taking medication, as directed by a physician
- ◆ Residential treatment
- ◆ Maintaining employment and/or progressing with vocational/ educational goals
- ◆ Housing assistance

Support

At times, participants may be assigned a veteran mentor and a probation officer. In addition, the VJO specialist will assist every participant with access to VA services and community resources.

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

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.

Window Period – 30 Days

The window period is a thirty-day period during which the participant will decide whether Veterans Treatment Court is right for him/her. At the same time, the Veterans Treatment Court team will evaluate the participant's appropriateness for the program. The participant will be active in the program and subject to all VTCP and Probation rules during the window period. If the rules are violated, the participant can be subject to sanctions.

Phases

Phase I: Initial Stabilization **Length: 1 month**

In Phase I, the participant will be assigned (or hire) a lawyer, Probation Officer and, if applicable, Veteran Mentor. The participant's needs will be assessed by the team and/or treatment providers. The judicial officer and team will closely monitor the participant's treatment efforts to help the participant stabilize.

Participant may be required to complete the following during Phase I:

- ◆ Participate in provisional assessments to determine treatment needs
- ◆ Participate in all forms of treatment as directed by treatment provider(s) and team
- ◆ Frequent alcohol and other drug testing, if required
- ◆ Attend recovery support/self-help meetings as ordered by the Court or directed by treatment provider
- ◆ Meet with/report to Probation Officer as directed
- ◆ Attend court appearances as determined by the Judge
- ◆ Meet with the Mentor Coordinator to establish assigned mentor

Phase II: Establishing Treatment and Recovery Plan **Length: 3 months**

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.

- ◆ Participant may be required to complete the following during Phase II:

- ◆ Participate in treatment plan, as directed by the team and/or treatment providers
- ◆ Participate in mental health treatment as directed
- ◆ Frequent alcohol and other drug testing, if required
- ◆ Meet with/report to Probation Officer as directed
- ◆ Meet with assigned mentor
- ◆ Attend recovery/mental health support groups as directed
- ◆ Attend court hearings, as ordered by the Court
- ◆ Identify personal goals

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
Length: 6 months

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 goal.

Participant may be required to complete the following during Phase III:

- ◆ Participate in treatment plan, as directed by the team and/or treatment providers
- ◆ Participate in mental health treatment as directed
- ◆ Attend domestic violence, anger management or other classes, as required or ordered by the Court
- ◆ Frequent alcohol and other drug testing, if required
- ◆ Meet with/report to Probation Officer as directed
- ◆ Contact and meet with mentor as directed and work with him/her to develop life skills and pro-social activity plan
- ◆ Attend recovery/mental health support groups as directed
- ◆ Attend court hearings, as ordered by the Court
- ◆ Obtain employment, volunteer work and/or work towards vocational/educational goal(s)
- ◆ Obtain stable housing

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
Length: 4 months

Participant may be required to complete the following during Phase IV:

- ◆ Participate in treatment plan, as directed by the team and/or treatment providers
- ◆ Participate in mental health treatment as directed
- ◆ Attend domestic violence, anger management or other class, if required
- ◆ Frequent alcohol and other drug testing, if required
- ◆ Meet with/report to Probation Officer as directed
- ◆ Meet with assigned mentor
- ◆ Attend recovery/mental health support groups as directed
- ◆ 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

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
Length: 4 months

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

Participant may be required to complete the following during Phase V:

- ◆ Participate in treatment plan, as directed by the team and/or treatment providers
- ◆ Alcohol and other drug testing, if required
- ◆ Contact clinical provider and/or VJO Specialist as required and work with them to develop an aftercare plan including a relapse prevention plan
- ◆ Meet with/report to Probation Officer as directed
- ◆ Attend recovery/mental health support groups as directed
- ◆ Meet with assigned mentor
- ◆ Attend court hearings, as ordered by the Court

- ◆ Maintain employment, volunteer work and/or progress towards vocational/educational goal(s)
- ◆ Complete community project
- ◆ Complete an aftercare plan including a relapse prevention plan with the assistance of Probation, Veteran Mentor and defense counsel

Graduation

A participant may be eligible for graduation when he/she:

- ◆ Completes all phases of the program (minimum of 18 months in the program)
- ◆ Has had negative test results for a minimum of three months in all required drug and alcohol tests
- ◆ Completes all terms and conditions of probation
- ◆ Achieved stable living arrangements and healthy interpersonal relationships
- ◆ Has made substantial achievements in personal goals, including maintaining employment and/or progressing in vocational/education goals
- ◆ Submits an aftercare plan which includes a relapse prevention plan

The final decision regarding advancement from each phase and graduation is determined solely by the Judge presiding over Veterans Treatment Court, assisted by input from the team.

Graduating participants will be recognized in a formal ceremony. The participant's family will be invited to join. At the graduation ceremony, the following relief will be granted:

- ◆ Conviction will be expunged pursuant to Penal Code 1170.9, if not precluded by VTC contract
- ◆ Probation will be terminated unless victim restitution is owed or contract specifies another result
- ◆ In Violation of Probation cases, any period of incarceration ordered will be vacated and probation will be terminated unless victim restitution is owed or contract specifies another result

Progressive Strategies

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:

- ◆ Acknowledgement from the Court for hard work and best efforts
- ◆ Sobriety chips
- ◆ Gift cards



- ◆ Certificates of achievement
- ◆ Less restrictive treatment
- ◆ Reduced community restrictions
- ◆ Reduced frequency of court appearances
- ◆ Advancement to next phase
- ◆ Graduation
- ◆ Dismissal of charges upon successful completion of program

Sanctions are also used by the Court to assist participants in achieving treatment goals. The Court, with input from the team, will employ graduated sanctions to address program non-compliance. Participants will receive a clear justification as to why a sanction is being imposed. The Court will seek to impose a sanction that is logically related to the behavior being sanctioned.

Sanctions may include:

- ◆ Detained in holding cell during court proceeding
- ◆ Increased supervision by Probation Officer
- ◆ Increased community restrictions (e.g. curfew, restricted driving privileges)
- ◆ Letter of apology to program or person participant has negatively impacted
- ◆ Increased alcohol/drug testing
- ◆ Increased frequency of court appearances
- ◆ Community service
- ◆ Periods of incarceration, not to exceed seven days without a hearing

Termination

Participants may be terminated if it appears to the judicial officer that a participant is performing unsatisfactorily and/or is not amenable to treatment, or that the participant has engaged in criminal conduct that would make the participant unsuitable for continuation in the program.

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 presiding over Veterans Treatment Court.

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 and staffing meetings, 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.

Grievances

All parties participating in the VTCP have the right to express opinions, recommendations and grievances. In addition, all parties have the right to request and receive responses via a procedure of due process. Anyone who wishes to file a complaint may do so without fear of negative repercussions. Grievances should be submitted in writing to the Program Coordinator.

Roles and Responsibilities

Judicial Officer

The Veterans Treatment Court Judicial Officer will conduct regular 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 creating a non-adversarial atmosphere.

Prosecutor

The Prosecutor shall actively participate as a member of the Veterans Treatment 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 Treatment 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

The VJO Specialist will conduct a clinical assessment for each referred participant and will present findings to Veterans Treatment Court team. The VJO Specialist will 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 in order to monitor compliance or non-compliance. The Probation Officer will provide recommendations to the team regarding the participant's compliance or non-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.

Contra Costa County Veteran Service Officer

The County Veteran Service Officer (CVSO) will assist the VJO Specialist in assessing potential participants. 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.



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 non-adversarial 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 provides 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



Appendix B



Contra Costa Superior Court
Veteran's Treatment Court Program

PARTICIPANT CONTRACT

Terms

I _____ understand that by entering this contract and successfully
(Participant Name)
completing and graduating from Veteran's Treatment Court:

The suspended jail or prison sentence will be removed. My felony conviction may be reduced to a misdemeanor or may be expunged. My misdemeanor conviction may be expunged. All conditions of probation may be deemed satisfied including fines, fees, assessments and programs. My probation term may be terminated unless I owe victim restitution. If I owe victim restitution, upon full payment, I may have my probation period terminated.

If I graduate from Veteran's Treatment Court, then I am entitled to all of the Penal Code § 1170.9 remedies except: _____

If I choose to drop out from or I am deleted from Veteran's Treatment Court, then I will be sentenced to the agreed upon suspended term of: _____

Conditions

I agree to comply with all the conditions, agreements, regulations and rules of the following:

- 1. Probation: _____ (Initial). 2. Veteran's Treatment Court: _____ (Initial).

I have received, read and understood my conditions of probation and the Veteran's Treatment Court conditions. I further understand that short periods of flash incarcerations (jail commitments) are an integral part of the Veteran's Treatment Court program. I agree that I may immediately be returned to custody without notice or a formal hearing. However, I will be given a chance to address the court before any sanction including incarceration is imposed unless I have failed to appear in court and a warrant was issued for my arrest.

Participant Signature

Date

Participant Attorney (Printed)

Participant Attorney Signature as Witness

Date

Judge of the Superior Court

Date

