

# **VETERANS TREATMENT DOCKET POLICIES AND PROCEDURES MANUAL**

## **I. INTRODUCTION**

This policy and procedures manual provides an overview of the Vermont Veterans Treatment Docket (VTD), a pilot veterans treatment program in Windsor County, Vermont. The VTD combines substance abuse intervention, enhanced probation supervision, treatment of service connected disabilities, access to veterans benefits, and regular judicial oversight of veterans whose crimes are associated with their respective service connected disability. The VTD is a voluntary, post-conviction accountability program. The charge(s) will not be dismissed against the veteran upon successful completion of the VTD curriculum.

## **II. MISSION STATEMENT**

The mission of VTD is to increase public safety and reduce recidivism rates amongst the veteran population by “bringing them all the way home” through providing coordinated, holistic, comprehensive and intensive treatment, supervision, and judicial oversight of offending veterans.

## **III. GOALS**

The goals of VTD are: 1) participant sobriety and recovery from substance dependence and addiction; 2) reduction in recidivism rates amongst the veteran population; 3) enhance public safety; and 4) to give veterans access to the care that is necessary to complete their transition to civilian life (to “bring them all the way home”).

## **IV. DEFINITIONS**

The Treatment Team: The Treatment Team and policy team consists of the following individuals: Judge, docket coordinator, case manager, the State’s attorney, a defense attorney, and probation and parole.

Case Manager: The Case Manager role is filled by the VA Justice Outreach Liaison, and oversees treatment and other services to the participating veteran.

Docket Coordinator: The Docket Coordinator is responsible for the general administration and ongoing development of VTD.

Phases: Phases are treatment steps through which the veteran must pass in order to graduate from the program.

Orientation Period – the initial time frame after a referral is made, but before sentencing, when a participant learns about and participates in VTD, and the Treatment Team evaluates the eligibility of the veteran in VTD.

Releases – forms signed by the veteran waiving confidentiality among team members and treatment providers to allow communication about the veteran’s treatment and progress in VTD.

Incentives – Benefits or rewards given to a veteran by the Judge to encourage positive and progressive behavior by the veteran.

Treatment Response – A change in the course of treatment that is necessary to address a participant’s behavior. An example of a treatment response is increase testing or counseling sessions. Treatment responses are not considered a sanction.

Sanctions – Judicially ordered consequences for non-compliant behavior by VTD participants. Examples include: verbal or written reprimand, spending a day observing court, essays explaining non-compliant behavior. Sanctions may also include small fines (based on veteran’s ability to pay) or short periods of incarceration.

Participant Contract – The document signed by the veteran, with the plea agreement and probation order, that sets forth the expectations for participation in VTD.

Treatment Provider – the clinician providing physical and/or mental health treatment services to a veteran in VTD. In this context, this will usually be the VA Hospital, or referred from the VA to a private provider.

Legal Eligibility – An initial determination made jointly by the State’s Attorney and the Defense Counsel finding a participant is eligible based on the charges pending, service connected disability, military discharge classification, and any other information that is known and relevant to eligibility criteria. The final eligibility is determined by the Treatment Team.

Clinical Eligibility – A determination based upon clinical screening and assessment made by the Case Manager demonstrating that a participant is clinically appropriate to enter VTD.

Supervisory Eligibility – A determination made by or through DOC that a participant’s housing is appropriate for DOC supervision while the veteran is in VTD, and a determination by the Treatment Team that a veteran possesses the necessary skills to be able to adhere to the strict requirements and demands of the program.

ISR Form – This form is an “Intermediate Sanctions Report” and is used by DOC to report on the suitability of the veteran’s housing.

Sparrow – Windsor County’s Pre-Trial Services program for people with either a history of or current issues with substance abuse and/or mental health issues, or veterans. Participation in Sparrow may precede participation in VTD, but it is not a prerequisite for VTD participation.

Continuing Care – A component of reporting and/or services required or available to a graduate of VTD.

Joint Referral Form - The form signed by the State’s Attorney and Defense Counsel recommending the veteran for participation in VTD, which triggers clinical, supervisory, and housing assessments needed for determining eligibility.

VA – Department of Veterans Affairs

VA Benefits – any veteran benefit that derives from the Department of Veterans Affairs, including educational, medical, vocational, burial, and other benefits.

## V. VETERANS TREATMENT DOCKET DESCRIPTION

A. Eligibility. VTD is not intended for all veterans. It is geared towards those veterans who have a mental health condition, traumatic brain injury (TBI), or a substance abuse disorder; and whose charged crimes correlate to such condition. Participants must have the capacity and desire to address substance abuse dependence and/or service-connected disability, and the necessary skills to be able to adhere to the strict requirements and demands of VTD. VA/TRICARE benefits or private health insurance is required. Those who are eligible for VA/TRICARE benefits but have not applied must apply within the first 30 days of enrollment in VTD.

(1) *Legal Eligibility:* Offenses that qualify for consideration for VTD are:

- a. DUI
- b. Domestic violence
- c. Assault
- d. Drug possession/substance abuse related offense; or
- e. In the interest of justice and to the benefit of the veteran and the community

Offenses that involve death or serious bodily injury ordinarily will not be eligible for participation in VTD. Participants with unresolved charges or with a history of violent behavior may be precluded from enrollment in the program, however, PTSD must be considered a mitigating factor in determining whether to preclude enrollment.

Individuals who meet the criteria above and who live in Vermont may seek to enroll in VTD. Program participation is voluntary.

- a.) Victims of Domestic Violence.

If a victim or an alleged victim of a domestic violence offense that serves as the basis for the veteran’s participation in VTD can reasonably be located, the victim or alleged victim must be offered:

- i.) referrals to services of domestic violence providers;

ii.) information on how to report an allegation of an offense committed by the veteran or a violation of the participant agreement.

b.) The veteran's participation in VTD does not alter the rights of a victim or alleged victim of domestic violence under Vermont law.

(2) *Clinical Eligibility*: Participants must have a service-connected disability and be within the reach of treatment. The Case Manager will use the following screening and assessment tools in Orientation to determine clinical eligibility:

- a. VA physical and mental evaluation
- b. MAST, or VA equivalent
- c. VA PTSD screening
- d. CAGE, or VA equivalent

In addition, the Coordinator or Case Manager will conduct the ORAS CSST and a VA eligibility review as a risk/needs screening tool. Persons scoring low-medium/medium-high are eligible for VTD. High risk of recidivism veterans may be considered for referral on a case by case basis, giving heavy weight towards the nature of their crime and consideration of whether the veteran will disrupt the treatment process for other veterans. All others are ineligible for participation in VTD.

(3) *Supervisor Eligibility*: Participants must have their residence approved by their Probation Officer in their jurisdiction during Orientation. An ISR form is completed by the Probation Officer and his/her Supervising Probation Officer to approve/disapprove a person's housing. Disapproval does not render a referral ineligible; reasonable time will be given for a person to relocate to a residence suitable for participation.

B. Sentence Structure. VTD is a post-conviction program for offenders placed on probation. The suspended portion of the sentence should have a minimum sentence of 6 months. The imposed portion of the sentence must comply with the statutory requirements but cannot exceed 60 days. Any remaining portion of a sentence will be suspended, and shall be removed upon graduation from VTD. The duration of probation supervision must be at least 18 months.

C. Initial Intake. Upon Receipt of the joint referral form, the Case Manager will conduct an intake of the individual referred and identify any immediate needs the veteran faces. This process will involve collecting biographical, contact, employment, family, housing, transportation and military service information.

D. Program Expectations. VTD requires abstinence from alcohol and regulated drugs not prescribed by a doctor. The consumption of alcoholic beverages or the use of illegal drugs or other mind-altering substance creating impairment is not tolerated. Any prescription medication taken must be authorized by a medical doctor and reviewed with the treatment provider and Case Manager. Detail of the program's phases and requirements are included in the Participant Handbook, which is provided to the veteran prior to entering orientation phase. A participant is

required to acknowledge the program requirements by signing an acknowledgement in the Handbook, and the Participant Contract.

E. Right to Decline Enrollment. VTD Team reserves the right to decline eligibility and enrollment to any person, and specifically if the Team believes a person poses a risk to the program, the Team members, or to the public, or if the participant is found to not have the necessary skills to be able to adhere to VTD requirements.

F. Participant Contract. VTD participants will sign a Participant Contract, which includes the Notice of Plea Agreement Form and Probation Order. Satisfying the terms of the Participant Contract will be a condition of probation, a violation of the Participant Contract may result in a Violation of Probation.

G. Court Appearances. Participants in VTD appear in court every week or as directed by the Treatment Team for status conferences with the Judge. These status conferences provide judicial oversight of the program, and help support the participants. Prior to each court appearance the Treatment Team will meet to discuss the participant's progress in the program and the appropriateness of incentives or sanctions. Participants are responsible for securing transportation, and will contact their Case Manager if they are having difficulty doing so.

H. Incentives. The Treatment Team shall discuss when the participants deserve incentives, which are benefits and rewards. The Judge retains the sole discretion to present an incentive to the veteran. Incentives may include:

- Court room praise and applause
- Buttons, trinkets, coins
- Inspirational bracelets, small flags
- Certificates of Appreciation or Achievement
- Advancement in Phases
- Reduction in court appearances
- Gift cards

I. Sanctions. The Treatment Team shall discuss the need for sanctions for non-compliant behavior. The Judge retains the sole discretion to impose a sanction to the veteran. Sanctions may include:

- A verbal or written reprimand from the Judge
- Community service hours
- Increased reporting to probation and/or VTD office
- Home confinement
- Curfew
- Electronic monitoring
- Demotion in phase
- Increased court appearances
- Small fines (based on ability to pay)
- A short period of incarceration (increasing in length each time it is used)

Other sanction, as deemed appropriate

A filing of a violation of probation complaint for non-compliant behavior will trigger the regular court process consistent with Vermont law and the Rules of Criminal Procedure.

J. Treatment Response. Increased treatment is not a sanction, as treatment is not punitive. A treatment response is used to help a participant successfully navigate VTD.

K. Financial Considerations. Participants in VTD are required to meet their court-ordered financial obligations to include court fines and surcharges and participation costs. It is the participant's responsibility to meet with the Docket Coordinator to work out payment arrangements. Inability to pay is not an absolute barrier to participation. The Docket Coordinator and Case Manager will work to assist indigent defendant in meeting their financial obligations. Sanctions in the form of fines will be based on ability to pay, and will be applied to the continued operation of VTD.

L. Orientation Period. This phase lasts approximately 30 days. During this time, the Case Manager will determine the level of care and any immediate needs the participant may require. This period will also give the veteran time to understand the requirements of participation. At the end of this phase, the Treatment Team may determine that the veteran is not appropriate for VTD and decline enrollment. A participant may also voluntarily opt to decline participation. Information gathered about the veteran during screening and assessment processes prior to entering VTD is confidential and will not be used against the participant in any other court proceeding outside VTD or to initiate any new charges against the participant.

M. Treatment Phases. VTD has four phases with participants progressing through each phase based on their behavior and needs. VTD requires a minimum of one year and a maximum of two years to complete the program. Phase lengths may be adjusted as deemed necessary by the Treatment Team, and the participant may be demoted in phases depending on their compliance with the terms of VTD and probation. The approximate duration of each phase is:

Phase 1 – Red Phase - 4 weeks maximum – Clinical assessment; identification of other needs and address immediate needs such as housing, SSI benefits, food stamps, etc.; creation of individualized treatment plan and calendar. Veteran reports weekly.

Phase 2 – White Phase – 10 Weeks – Per treatment plan. Veteran reports bi-weekly at a minimum.

Phase 3 – Blue Phase – 18 weeks – Per treatment plan; Veteran reports monthly at a minimum.

Phase 4 – Gold Phase – 24 weeks or until completed – Per treatment plan; secure employment or enrollment in educational/vocational program (unless retired); create continuity plan; prepare veteran for graduation. Graduation ceremony, presentation of certificate and dismissal order from referring jurisdiction.

N. Graduation. A VTD participant who satisfactorily completes all four phases of the program will be eligible to graduate from VTD. Graduation marks an important milestone and accomplishment in the veteran's life. Graduation may coincide with a discharge from probation.

Graduation ceremonies will occur at court and may include family, friends, employers, and the arresting officer.

O. Discharge/Termination. There are several factors which can result in termination from VTD, including: unexplained absences; threats against other participants, staff, or Team members; new criminal charges; chronic non-compliance; refusal to complete curriculum/recommended treatment; dishonesty; and/or negative attitude impacting other participants. This list is not exclusive. A participant is entitled to a notice and a hearing prior to termination from VTD, unless the participant disappears for a period of 45 days.

P. Data Collecting and Reporting. VTD is a pilot program which will be evaluated, and substantial data will be collected about the program. No personal identifying information about VTD participants will be shared in reports generated from that data.

## **VI. PROGRAM REFERRAL PROCESS**

A. Referrals to VTD will be made jointly by the State's Attorney and Defense Counsel who will provide a signed referral form to the Docket Coordinator identifying the potential participant and his/her charges. The form requests that the Case Manager conduct a clinical screening and assessment of the veteran, and requests confirmation that the veteran's housing is suitable for DOC supervision. The Docket Coordinator will provide all necessary information about the new referral to the Treatment Team.

B. VTD is post-plea, pre-sentence docket; and referrals from treatment providers, counselors, therapists, and/or family or friends of the potential participant must be forwarded to the State's Attorney and Defense Counsel. Any referrals brought to VTD team member (not submitted jointly by the State's Attorney and Defense Counsel) will be forwarded to the State's Attorney and Defense Counsel for consideration and may be jointly referred to VTD.

C. Once a joint referral has been submitted, and clinical and supervisory eligibility determined, the referral will be considered by VTD at the next Team meeting. A referral is not final until it receives unanimous approval by the Treatment Team.

D. In order to maintain best practice standards, this referral process should be made as close to the time of arrest as possible, for maximum impact on the veteran.

## **VII. CONTINUING CARE COMPONENT**

A. A continuing care component is required of all graduating participants. Continuing care may include monthly check-ins with a case manager, adherence to a maintenance or relapse prevention plan, and/or mentoring new participants in the program.

B. Continuing care is intended to be a limited component to assist veterans as they transition into the community after graduating from the program.

## **VIII. EVALUATION/EVIDENCE BASED PROGRAM**

A. The Vermont Center for Justice Research (VCJR), in conjunction with the best practices for evaluating veterans treatment courts, will conduct an evaluation of VTD. The Evaluation will include a number of components, including:

- Process Evaluation
- Outcome Evaluation: In-Program
- Outcome Evaluation: Post-Program
- Recidivism Scale
- Self-Report Telephone Interview
- Cost-Benefit Analysis

B. The Docket Coordinator is responsible for collecting all data necessary to complete the evaluations identified above.

#### **IX. THE NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS (NADCP) BEST PRACTICE STANDARDS**

A. VTD will maintain ongoing periodic review and application of the best practice standards as set forth in ULC's *Model Veterans Treatment Court Act and Model Veterans Treatment Court Rules*, and NADCP's *Adult Drug Court Best Practice Standards*. The evidence based standards set forth in this NADCP establish the practice goals for all treatment courts, and the VTD Treatment Team recognizes the efficacy of these practice standards and the applicability of these standards to the VTD.