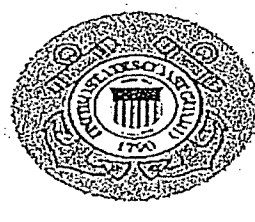
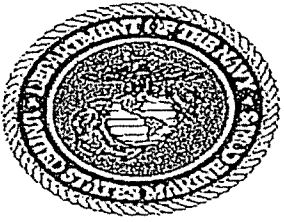
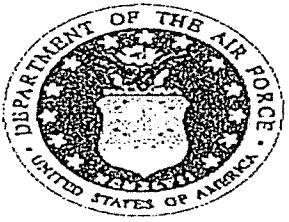
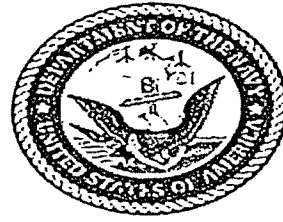




VETERANS TREATMENT COURT PARTICIPATION MANUAL



FOURTEENTH JUDICIAL CIRCUIT
BAY, CALHOUN, GULF, HOLMES, JACKSON
AND WASHINGTON COUNTIES FLORIDA

Mission

The mission of the Fourteenth Judicial Circuit Veterans Court (VTC) is to provide an interagency collaborative non-adversarial treatment strategy for veterans defendants in the criminal justice system within our circuit.

Vision

The Veterans Treatment Court seeks to promote public safety by treating and providing close supervision and monitoring of veteran defendants with qualifying criminal charges, substance abuse issues and mental health diagnoses.

Program Goals

- ❖ **Reduce substance abuse and related criminal activity among veterans defendants**
- ❖ **Reduce criminal recidivism of veteran defendants**
- ❖ **Hold veterans defendants accountable for their actions**
- ❖ **Integrate substance abuse and mental health treatment with criminal justice case processing**
- ❖ **Reduce the impact of drug and mental health disorder related cases on criminal justice resources**
- ❖ **Provide resources and support to assist veterans defendants in the acquisition of skills necessary to maintain a sober lifestyle**
- ❖ **Collaborate with community partners to increase veteran access to treatment, healthcare, housing, education, benefits and employment**
- ❖ **Reward positive life changes while maintaining accountability for negative conduct**

10 Key Components of Veterans Treatment Court

Though every Veterans Treatment Court functions differently, most operate under ten guiding principles.

1. Integrate alcohol and drug treatment and mental health services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Identify eligible participants early and promptly place them in the Veterans Treatment Court program.
4. The Veterans Court provides access to a continuum of alcohol, drug, behavioral health and other related treatment and rehabilitation services.
5. Frequent alcohol and other drug testing to monitor abstinence.
6. A coordinated strategy governs the Veterans Court responses to participants' compliance.
7. Ongoing judicial interaction with each veteran is essential.
8. Monitoring and evaluation measures the achievement of program goals and gauges effectiveness.
9. Continuing interdisciplinary education promotes effective planning, implementation and operation.
10. Forging partnership among the Veterans Court, the Veterans Affairs (VA), public agencies and community based organizations generates local support and enhances the Veterans Treatment Court's effectiveness.

Veterans Treatment Court Team Members/Roles

Judge: The VTC Judge is the primary spokesperson for the VTC. The VTC Judge is also the final arbitrator for any disagreement among the members of the VTC Team. The VTC Judge will be responsible for maintaining a non-adversarial atmosphere within the court. The VTC Judge interacts directly with each VTC Defendant in a formal court setting to establish rapport while using the VTC Judge's authority to provide affirmation, acknowledgment of progress and accountability.

Veterans Treatment Court Coordinator (VTCC): The VTC Coordinator provides coordination for the VTC Team members, facilitates meeting of the VTC Team, manages the docket for the VTC and develops procedures for collaboration among community agencies and the VTC Team. The VTC Coordinator will provide one on one case management to all active duty VTC participants and will provide routine updates on progress or lack thereof to the court and VTC Team. In conjunction with other VTC team member, develops individualized treatment plans for each VTC participant.

State Attorney (SA): The SA is primarily responsible for ensuring public safety. The SA determines legal eligibility for the VTC. The SA screen all referrals from the VTC for legal eligibility. The SA is tasked with protecting and enforcing public safety and accountability.

Public Defender (PD): The PD is primarily responsible for making certain that all of the legal rights of VTC Defendants are fully respected. The PD meets with the VTC Defendants and explains the VTC process. The PD helps to guide each Defendant through the VTC process and also provides input on legal issues. When a VTC Defendants has private defense attorney representing them in a case referred to the VTC, then that private attorney is released from the case (usually following the Plea agreement), the PD remains present to ensure all the legal rights of the VTC Defendant are fully respected.

Veterans Justice Outreach Specialist (VJO): The VJO facilitates the coordination of all services provided by the VA for each VTC Defendant. The VJO interviews most potential VTC participants for eligibility for VA healthcare and identification of possible treatment needs. Coordinates initial screening and follow-up for VTC participants who may need residential treatment. The VJO will provide one on one case management to all veterans' participants and will provide routine updates on progress or lack thereof to the court and VTC Team.

Probation Officer (PO): The Probation Officer monitors and supervises each VTC Misdemeanor/Felony defendant who is on diversion or probation so long as that VTC Misdemeanor/Felony Defendant remains in the VTC. The PO reports to the VTC on all Defendants compliance with the requirements of the program and oversee the drug/alcohol testing of all VTC Defendants. PO also coordinates with Court Alternatives for sanction such as continuous alcohol monitoring, GPS, Substance Abuse monitoring.

Jail Liaison (JL): The Jail Liaison identifies all veterans that are booked into the County Jail. The Jail Liaison then prepares a referral form and submits to VTCC.

Veterans Treatment Court Mentor (VTCM): VTCM are veterans of the armed services willing to Volunteer time to the VTC program. Mentors are expected to maintain contact, provide support and

encouragement, guidance, and recommendations to the participants in the VTC program. Mentors will also attend court hearing when necessary.

County Sheriff Office (CSO): (Covers Bay, Calhoun, Gulf, Holmes, Jackson and Washington Counties) Deputies to screen all arrestees to determine if they are a veteran and forwards veterans to the VTCC for action. Deputies will provide transportation to and from court for participants in custody; assists with locating and arresting participants who are AWOL from the program; Reviews docket information to check for warrants on program applicants and current participants of Veterans Treatment Court, educates fellow law enforcement officers on identification and recommendation of potential program participants.

Eligibility

T. Patt Maney Veterans Treatment Act

921.00241, 948.16 (2)(a,b)

Passed 2012 - Amended 2015

Initial eligibility for 14th Circuit Veterans Treatment Court is outlined in the Florida Statute 394.47897 which states that military veterans and service members with honorable or general under honorable conditions discharge “who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. Entry into any Military Veterans and Service member Court program must be based upon the sentencing court’s assessment of the defendant criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the state attorney and the victim, if any, and the defendant’s agreement to enter the program.

Referrals

Referrals for 14th Circuit Veterans Treatment Court can originate from a variety of locations; to include the represent attorneys or designee (Public Defender’s Office, Regional Conflict Counsel (RCC), or private attorney, Sheriff Office, County Jail and self- referral. Veterans who express an interest in VTC are then referred to the VTCC, ASA and VJO for eligibility determination.

Screening

The VTCC interviews the participant in a formal interview at that time the VTCC fills out all Veterans Court screening forms (**Appendix A-E**). Then submits a referral to the VJO to screen each referral for eligibility of VA healthcare and identification of treatment need(s). Once the VTCC and VJO have determined eligibility, the ASA/VTCC will screen each referral for appropriateness for VTC based on several criteria to include but not limited to the presenting charge(s), criminal history and if applicable, victim feedback. The form also provides insight into any other possible barriers facing the veteran including housing, education, employment, healthcare and benefits. Each veterans is evaluated on an individual basis for treatment related needs as identified in Florida Statue 394.47891

Program Participation

Participation in Veterans Treatment Court is completely voluntary. No participant is promised anything aside from what is outlined in there signed Plea Agreement. Because it is a treatment Court, each

participant agrees to participate and engage in any and all recommended treatment to include, but not limited to, substance treatment(residential or intensive outpatient), mental health (residential, psychiatric, group, or individual), and anger management. Program participant will be encouraged, but are not required, to utilize the VA or designated community provider. If a participant chooses not to utilize the VA or designated community provider, they may be responsible for the cost of treatment. Participants will be required to sign a Release of information for the new provider to all the Court and VTC team to have access to treatment information

Staffing

Prior to every Veterans Treatment Court, a formal staffing is held in a designated location. All available members of the VTC team are present. The Judge will lead the team through discussions of every participant on the docket referencing the Status Report generated by the VJO and VTCC based on contact with the veterans, County Veterans' Service Officer, Probation Officer and any other designated member of the VTC team. All veterans entering VTC will sign a Waiver of Consent of Disclosure of Confidential Information (acknowledging cases will be discussed with the Judge without the veteran being present). Though each case is thoroughly staffed and input is provided, the Judge makes the final decision based on feedback and the judicial process.

Court Hearing

All participants scheduled to appear in court are required to arrive at the courthouse at the designated time. All participant must pay attention to the scheduled notices they will receive. Participants are expected to dress appropriate for court and conduct themselves in a proper manner. Once the Judge has entered the courtroom, the Judge will direct a veteran to lead the courtroom in the Pledge of Allegiance. Each participant is called individually to provide the Court with any updates. The participants will interact directly with the Judge. Other team member includes the attorneys, VJO, PO, Vet Center and VTCC may ask to provide clarification or assistance during the hearing. Once the Judge has finished with a participant, they are asked to returned to their seat and remain in the courtroom until all cases have been heard. The format allows the participant to function in a fashion consistent with military decorum. After court has been adjourned, all participants will depart the courtroom.

Case Plans

Case plans are developed based on therapeutic, pro-social, and case specific needs. Each plan will be individually tailored to support positive outcomes. The participant agrees to actively abide by and follow their case plan. In some instances, case plan modification could occur to address previously unidentified risks or expansion of goals. The participant must understand that the court may order additional conditions and or treatment based on the need for modification. Case plans are typically completed prior to their first court appearance.

Program Length

The expected length of participation in the Veterans Treatment Court Program is based on the charge committed by the veteran. Misdemeanor cases generally follow the 12 month program, felony case generally follow the 12-24 months program. However, this will depend on the participant's ability to remain drug-free, comply with recommendations, achieve goals, and jurisdiction limitations. Some participants will complete the program in 12 months, while other will exceed 24 months. The Treatment Team reserves the right to review anyone's case that exceeds 24 months and decide if the participant remains appropriate for the program.

Incentives

Veterans Treatment Court provides incentives to encourage participant's progress. Incentives may be received for excellent participation, completion of conditions of probations and case plan, new job, college attendance, driver's license reinstatement, etc.

Sanctions

Sanctions will be imposed for violation of any of the Veterans Court Rules, as well as violation of any other failure to comply with an Order of the Veterans Court Judge. Sanctions are progressives and become more severe for repeat violation. In higher phase, the exception is the participant will not have any sanctions. Sanctions are individualized to each situation and should not be compared against sanction given to someone else. The same violation may not result in the same sanction for two different Veterans Court participants. An order to treatment is to help the participant, and is not a sanction. The following is a partial list of sanctions that may be imposed for non-compliance. The Judge may impose different or additional sanctions that may be appropriate for the non-compliant conduct:

- ❖ Admonishment by the Veterans Court Judge
- ❖ Weekly contact with Coordinator
- ❖ Increased drug testing
- ❖ Written essays
- ❖ Increased support group meetings
- ❖ More frequent attendance (regardless of phase)
- ❖ Assignment of community service hours
- ❖ Electronic monitoring
- ❖ Delay in graduation date
- ❖ Incarceration in the jail (depending on county)
- ❖ Other sanctions, as determined by the Judge and VTC Team
- ❖ Termination from the Veterans Court Program

Travel Permission Request

All participants are required to submit a travel permission request to the Judge for approval before leaving 14th judicial circuit. The participant should submit information with all the facts, date, time, location, and return information to include all flight information if travelling by airplane. All travel request(s) should be turned in no later than 7 days before scheduled travel date to the VTCC for Judges approval. A travel pass will be provided by the PO. No VTC participant shall leave the county without the written consent of the Judge.

Programs Phases

Fourteenth Circuit Veterans Treatment Court consist of four to five phases. Each phase has clearly defined benchmark's which must be achieved in order to be promoted to the next phase. During Phase 1 of the program, the program is focused on determining treatment needs and treatment engagement. Participants are required to have more frequent contact with the Judge and the VJO and VTCC. Participants are required to report to court two times a month or directed otherwise by the Judge. The participants will also be required to schedule to meet with the VTCC before court

appearances. During the initial meeting with the VTCC, meeting will focus on discussing treatment and Case plans updates, problem solving sessions and program progression. The VTC Team will discuss participants' progress during staffing meeting and the Judge will make the determination on when the participants' may progress to the next phase.

During Phase 2 of the program, the focus of the program is treatment. By this point, the participant will be fully engaged in their treatment. Participants are still required to report to court two times a month and still see the VTCC prior to court dates. Phase 3 of the program is usually the halfway point for many participants. Many participants have completed the majority of their treatment and are focused in stabilization. Participants are required to report to court on a monthly basis and meet with the VTCC prior to court dates. Phase 4 is the final phase for most misdemeanor cases and typically ends with successfully graduating the VTC program. Phase 5 is the final phase for felony case and typically ends with successful graduation from the VTC program. The phases are designed to prepare the participant to be successful without court intervention.

Drug Testing

Participants will be randomly tested for the presence of drugs and or alcohol throughout VTC participation. Participants may also be directed to provide a sample at anytime (to include during court) during participation in VTC by any team member.

❖ General Information:

- Testing will mainly be conducted using urinalysis screening panel dip test. All positive tests will be addressed immediately in VTC. Additional testing may be imposed as fees against the participant or in some case where the participant does not have the monetary means. The cost will be covered by VTC.
- Observation: Will be same gender when available; observation will be utilized when collecting urine specimens. This method will be used to prevent adulteration of the use of "clean" urine. If same-sex observation is not available, Probation Officers (staff) will make every attempt to ensure that the collected specimen is not altered in any way. Temperature strips will also be utilized to ensure that the collected specimen has not been altered. Any person(s) caught trying to alter, deceive, or use an unapproved device to provide a "Clean" urine sample may be charged under this F.S. Statute:
 - F.S. Statute: 817.565 Urine testing, fraudulent practices; penalties.—
 - (1) It is unlawful for any person:
 - (a) Willfully to defraud or attempt to defraud any lawfully administered urine test designed to detect the presence of chemical substances or controlled substances.
 - (b) Willfully to manufacture, advertise, sell, or distribute any substance or device which is intended to defraud or attempt to defraud any lawfully administered urine test designed to detect the presence of chemical substances or controlled substances.

- (2) Any person who violates the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

❖ Drug/Alcohol Testing

- ❖ Negative Test: Negative does not mean “no drugs” and negative tests do not indicate that a participant is “clean” only that a participant is not positive for drugs or alcohol at that time. It is the responsibility of the participant to keep up with the “clean time” he or she may have by actively working a recovery/ treatment program (if applicable). Negative test are documented appropriately.
- ❖ Positive Test: Positive test are defined as tests whose results indicate a positive result for drugs, alcohol and or specimen adulteration/dilution. When a participant’s test appears as positive, the participant case is address at the next VTC hearing date. Participants have the opportunity to admit use prior to testing, at time of testing, or at VTC hearing. Participants admitting use may face less server sanctions than participants who deny use. If participants denies use and is found to be lying or later admits to using, a greater sanction may be imposed.
- ❖ Diluted (flushed, Abnormal) or Altered Specimens: When a participant’s urine specimen is diluted or “flushed”, aka “Abnormal Creatinine”; it is considered a positive test as the specimen is not valid for testing. Dilute positive test are considered intentional as a way to “mask” or “cheat” the testing process. VTC program participants are sanctioned accordingly or as stated earlier may be charge under F.S. Statue: 817.565.

Data Collection/Reporting

VTC data collection will be conducted to manage all client information from initial intake to the program completion. It is designed to store client level data as well as to produce summary information needed by the judge and other court and treatment staff to facilitate decision making regarding client progress within the program.

An internal Microsoft Excel Spreadsheet will be utilized to track all referrals for Veterans Treatment Court. The spreadsheet provides real time data on the number of referral, referral sources, benchmark time intervals and conversion rates of applicants to participants. Monthly reports are generated to identify areas of program improvements.

Transferring Cases

All transfer cases, to and from, are coordinated through the State Attorney’s office. The ASA may seek feedback on incoming cases, similar to the process identified in the Screening section. The State Attorney’s office and representing attorney will coordinate the case from one jurisdiction to

another. This coordination will include notification of the Clerk of Court. Transfers are evaluated on a case by case basis.

Program Termination

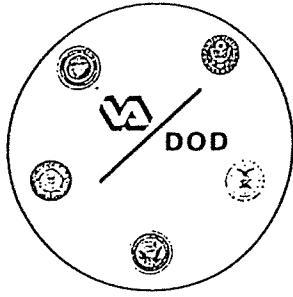
Warrants, new arrest, or a violation of any aspect of the Veterans Treatment Court Participant plea agreement, or Judge's Order may result in the VTCC filing a Letter of Termination from Veterans Treatment Court Program (**Appendix H**). Specific violations which could result in termination includes, but is not limited to, the following:

- ❖ Lack of progress due to failure to cooperate with treatment recommendation from the treatment team or treatment provider.
- ❖ Violence or threat of violence directed to the treatment team.
- ❖ Missed and or positive drug tests or tampering with a drug test.
- ❖ Absconding from residence/treatment facility

Graduation

The highlight of any Veteran Treatment Court is the successful graduation of a participant. Graduations will be scheduled for early springs, mid-summer and late fall. Because research has shown the holidays are difficult for many individuals, no graduation will be held after Thanksgiving. Increase in phases will be limited during this time as well.

Team members will recommend participants for graduation based of the completion of their treatment, fulfillment of probation requirements, have paid all outstanding court fees, completion of restitution payment and jurisdiction limitations. The Judge makes the final decision on when a person graduates the program and the status of their completion (successful, unsuccessful, and administrative).



FOURTEENTH CIRCUIT VETERANS TREATMENT COURT PHASES

PHASE I - ORIENTATION (2 MONTHS)

- Attend court sessions two times per month
- Monthly face-to-face contact with Probation Officer
- Call in daily & comply with random urine drug screen
- Contact with VJO & Court Coordinator two times per month outside of court hearing (on alternate weeks of court)
- Court Mentor appointed & contact twice per week
- Develop treatment plan with counselor & comply with requirements
- No new law violations

Must have 60 continuous days clean & sober and comply with ALL Phase I requirements to advance to Phase II

PHASE II - INDIVIDUALIZED TREATMENT PLAN (4 MONTHS)

- Attend court sessions two times per month
- Monthly face-to-face contact with Probation Officer
- Call in daily & comply with random urine drug screen
- Contact with VJO & Court Coordinator two times per month outside of court hearing (on alternate weeks of court)
- Contact Court Mentor, as agreed upon by mentor and participant
- Attend all VA & counseling appointments/comply with treatment plan requirements
- Attain an AA/NA sponsor, if assessed with a substance use disorder
- If not previously working, attending school, or volunteering in community work, must initiate at least 20 hours weekly involvement in one OR a combination of work/school/volunteering
- Work toward establishing housing & financial stability
- Establish a payment plan for all court costs
- No new law violations

Must have to advance to Phase III:

Comply with ALL Phase II requirements

90 continuous days clean & sober

Must be working, attending school, or volunteering in community work, OR a combination of Work/school/volunteering for a total of at least 20 hours per week

PHASE III - REINTEGRATION & STABILIZATION (3 MONTHS)

- Attend court session one time per month
- Monthly face-to-face contact with Probation Officer
- Call in daily & comply with random urine drug screen
- Contact with VJO & Court Coordinator one time per month outside of court hearing (on alternate weeks of court)
- Contact Court Mentor, as agreed upon by mentor and participant
- Attend all VA & counseling appointments/comply with treatment plan requirements
- Continue working with sponsor, if assessed with a substance use disorder

Comply with payment plan to pay all court costs
Maintain employment status/academic status if in school/volunteer work in community OR a combination of work/school/volunteering for a total of at least 20 hours per week
No new law violations

Must have 90 continuous days clean & sober and comply with ALL Phase III requirements to advance to Phase V

PHASE IV - LONG-TERM RECOVERY (3 MONTHS)

Attend court session one time per month
Meet with probation officer as directed
Call in daily & comply with random urine drug screen
Contact with VJO & Court Coordinator one time per month outside of court hearing (on alternate weeks of court)
Contact Court Mentor, as agreed upon by mentor and participant
Attend all VA & counseling appointments/comply with treatment plan requirements
Continue working with sponsor, if assessed with a substance use disorder
Demonstrate housing & financial stability
Finalize payment plan to pay all court costs
Maintain employment status/academic status if in school/volunteer work in community OR a combination of work/school/volunteering for a total of at least 20 hours per week
No new law violations

Must have to GRADUATE from the program:

Comply with ALL Phase IV requirements
90 continuous days clean & sober
All court costs must be PAID IN FULL (for misdemeanor cases)

Must have 90 continuous days clean & sober and comply with ALL Phase IV requirements to advance to Phase V

PHASE V – GRADUATION PHASE - FOR FELONY CASES ONLY (6 MONTHS)

Attend court session one time per month
Meet with probation officer as directed
Call in daily & comply with random urine drug screen
Contact with VJO & Court Coordinator one time per month outside of court hearing (on alternate weeks of court)
Contact Court Mentor, as agreed upon by mentor and participant
Attend all VA & counseling appointments/comply with treatment plan requirements
Continue working with sponsor, if assessed with a substance use disorder
Demonstrate housing & financial stability
Finalize payment plan to pay all court costs
Maintain employment status/academic status if in school/volunteer work in community OR a combination of work/school/volunteering for a total of at least 20 hours per week
No new law violations

Must have to GRADUATE from the program:

Comply with ALL Phase V requirements
6 continuous months clean & sober
All court costs must be PAID IN FULL

PARTICIPANT'S SIGNATURE

DATE

VETERANS TREATMENT COURT WITNESS

DATE

REFERRAL PROCESS

Defendants/Veterans with open cases can be referred by any Assistant Public Defender, any Assistant State Attorney or private attorney as well as other agencies and/or professionals in the community. If the defendant/Veteran is referred by an agency or professional outside of the court system, the defendant's attorney of record will be notified. Once notified, the defendant's attorney has to agree on the referral before the defendant will be evaluated for Veterans Treatment Court (VTC).

The VTC referral packet must be completely filled out and submitted along with the release of information (ROI). On the top of the ROI where it says, "TO", please leave it blank. This allows VTC to request records from any agency, treatment center, hospital, ect. that has provided treatment to the veteran/defendant. As well as speak with the defendant's family, friends and other individuals as needed.

Once the referral is completed with the ROI, it should be sent to the VTC Coordinator for review. The Coordinator will then research the defendant's current charge/s, legal history, mental health treatment, substance usage and military status to determine if the defendant is appropriate for VTC. If the defendant is appropriate, the Coordinator will complete an assessment and send the referral to the state attorney assigned to VTC for approval. The defendant/veteran will also be staffed with the VTC Committee members and Judge Smiley before final approval.

If approved for VTC, the defendant's attorney will be notified and be responsible for pleading the defendant/veteran in the defendant's original court with orders to complete VTC as part of the plea. The defendant/veteran will then be placed on the docket for the next available VTC court date and the case will be transferred to Judge Smiley's court.

EXCLUSIONS

Veterans Court will not accept any defendant who has been incarcerated more than once within the Department of Corrections.

Veterans Court will not accept any defendant if the defendant is currently charged with or who has previously been convicted, regardless of adjudication of any offenses listed below:

Murder

Manslaughter

Attempted Murder

Aggravated Assault

Aggravated Battery/Attempted Aggravated Battery

Aggravated Stalking

Kidnapping/Attempted Kidnapping

False imprisonment of Child under 13

Luring or Enticing a Child

Unlawful Throwing/placing/Discharging Device/Bomb

Sexual Battery/Attempted Sexual Battery

Lewd or Lascivious Battery/Attempted Lewd or Lascivious Battery

Lewd or Lascivious Molestation

Lewd or Lascivious Conduct

Lewd or Lascivious Exhibition

Arson or Attempted Arson

Burglary or Attempted Burglary and is 1st or 2nd Degree Felony

Robbery or Attempted Robbery

Car Jacking or Attempted Carjacking

Home invasion Robbery/Attempted Home Invasion

Attempted or Lewd or Lascivious of Elderly/Disabled

Attempted or Sexual performance by a Child

Computer Pornography

Lewd or Lascivious Exhibition on a Computer

Transmission of Child pornography

Selling or Buying of Minors

Poisoning Food or Water

Aircraft piracy

Abuse of a Dead Human Body

Treason

Carried/Possessed/or used a firearm or dangerous weapon

**Some exclusions are subject to F.S. 948.08 (7)(a) relating to veterans and service members. These exclusions may be modified at the request of the ASA and approval by the court.