

# **Fifth Judicial District Veterans Treatment Court**

## Participant Handbook



Twin Falls County, Idaho

2018

Honorable Eric Wildman

**I learned that good judgment comes from experience  
and that experience grows out of mistakes.  
— General Omar N. Bradley, 1893-1981**

## **Introduction**

Welcome to the Fifth Judicial District Veterans Treatment Court program. This handbook is designed to answer questions, address concerns and provide overall information about the program. As a participant, you will be expected to follow the instructions given to you by the judge and probation officer, and comply with the treatment plan developed for you by the approved treatment team. This handbook will detail what is expected of you as a Veterans Treatment Court participant. It will review general program information. It is intended to be a standard guideline to Veterans Treatment Court participants. However, some guidelines may vary at the discretion of the Veterans Treatment Court team, due to the variations in each participants needs. We are confident that Veterans Treatment Court will help you restore honor and teach you how to resolve or effectively manage the problems that led you to the program.

## **What is Veterans Treatment Court?**

The Veterans Treatment Court is a problem solving court program that was developed using a broad base of veteran and community partners to address the local needs, relationships and circumstances of the justice involved veteran. The Veterans Treatment Court is patterned after a successful model and is consistent with veteran's courts throughout the nation.

The Veterans Treatment Court is a court given the responsibility to handle cases involving qualified veteran offenders. This program include, judicial and probation supervision, individualized substance abuse treatment, mental health treatment, linkage with veterans benefits, mentoring and the use of incentives and sanctions. The Judge will be highly involved in the supervising of the veteran's court Participants rather than just placing them on probation. The Veterans Treatment Court removes the defendant from the traditional criminal justice system, and places them in a more informal courtroom environment where they undergo treatment and counseling, make regular appearances before the judge and are monitored closely for program compliance.

## **About the 5<sup>th</sup> District Veterans Treatment Court Program**

The 5<sup>th</sup> District Veterans Treatment Court is a voluntary post-conviction program for veterans who have a pending criminal charge that are also afflicted with a substance abuse and/or a mental health disorders. If you are determined to be eligible for participation in the

Veterans Treatment Court, the judge has the option to sentence you to the Veterans Treatment Court as a condition of your probation. Keep in mind that at any time during your participation, you could be terminated from the program for not complying with the rules or treatment plan. Should this happen, a probation violation will be filed and your original suspended sentence could be re-imposed by the sentencing judge.

The Veterans Treatment Court is a four (4) phase program consisting of intensive supervision, treatment and monitoring by an interdisciplinary team. You will be required to make frequent appearances before the Veterans Treatment Court judge, follow an intensive, individualized treatment plan and meet with your probation officer regularly. You will be tested randomly for drugs and alcohol as required by your plan.

The program is a minimum of eighteen (18) to twenty four (24) months. You will advance from one phase to the next based on your progress and your ability to comply with your treatment and probation regimen. Based upon program compliance and participation, some participants may advance faster than others. Following graduation from the Veterans Treatment Court you will be required to complete approximately 6 months of a standard probation before becoming eligible to have your charges reduced or dismissed.

### **Eligibility Criteria**

The eligible participant Veterans Treatment Court must be at least eighteen (18) years of age, have his or her veteran status confirmed by the Department of Veterans Affairs, have a diagnosed substance abuse or mental health disorder and have the capacity and willingness to participate in the court as evidenced by voluntary entrance of a guilty plea prior to entrance.

All veterans who are currently enlisted, commissioned, or discharged and are eligible for treatment may be accepted. If the veteran has separated from military service due to a dishonorable or bad conduct discharge and can verify their status with the Department of Veterans Affairs, they may be eligible as a participant pending a review by the Core Team.

### **ELIGIBILITY REQUIREMENTS**

- A) The potential participant **must** qualify under the guidelines as defined in Idaho Code 19-5604 for drug & mental health courts along with Title 38 USCS 101 (2) "Veterans Benefits" with the following local conditions outlined:

1. The term 'Veteran' means a person who served in the active military, naval or air services, and who was discharged , or released there from Title 38 USCS 101 (2), or otherwise defined by Idaho Code 65-502 (17) which states "Veteran" means any person who has been discharged or released from active duty in the armed forces under honorable conditions and has:
  - (a) Served on active duty in the U.S. armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized.
  - (b) Served on active duty as defined in 38 U.S.C. section 101(21) at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days.
2. Be an adult, eighteen (18) years or older, with current criminal charges or probation violations.
3. It is preferable that you reside in Twin Falls, Idaho at the time of opt in and remain a legal resident throughout the duration of the program as court is held only in Twin Falls each week and the clinical treatment facility is also in Twin Falls which could require daily trips to and from court and treatment.
4. Have a DSM-IV, Axis I primary diagnosis for a substance abuse and/or a mental health disorder.
5. The defendant has the mental capacity and ability to appreciate the consequences of the legal proceedings and fully understand the expectations and conditions of the veterans court contract.
6. The veteran must plead guilty to the pending offense and/or admit to the pending probation violation at the time of acceptance into the program.

**B) Disqualifying factor(s):** Pursuant to Idaho Code 19-5604, the potential participant for the Veterans Treatment Court **will be** disqualified if he/she:

Is currently charged with, or has pled or been found guilty of, a felony in which the person committed attempted to commit, conspired to commit, or intended to commit a sex offense. In the case of historical sexual offenses, the Idaho Department of Correction will be consulted to determine if the applicant should be supervised as a sexual offender and therefore excluded from participation.

## **Program Fees**

As a participant, you are required to pay a \$100 per month program participation fee. This fee may be adjusted based on income and financial status. You will be required to provide proof of financial status to the court coordinator in order to receive any reduction in fee. You will be required to pay a monthly amount on any outstanding court fines, fees and restitution, payment for this amount will be made with the court clerk. In addition, you may be assessed a Cost of Supervision fee by your probation officer. You may also be responsible for some of your treatment fees if they are not covered by the VA. Payment records will be reported to the judge as part of your regular progress report.

## **Requirements**

1. **OBEY LAWS:** I will obey all laws and report any police contact and/or new arrest or criminal proceedings to the court, my probation officer and/or attorney within 24 hours.
2. **COURT ORDERS:** I agree to abide by all court orders including but not limited to Sanction Orders, Orders to enter and complete treatment and/or No Contact Orders and comply with all terms of conditions as ordered under probation.
3. **HEARINGS/APPOINTMENTS:** I will appear at all hearings, appointments and other Veterans Treatment Court obligations as ordered by the Judge and/or Veterans Treatment Court team. I understand that if I miss a court appearance a warrant may be issued for my arrest.
4. **VETERANS TREATMENT COURT PROGRAM:** I understand that the Veterans Treatment Court program may be completed in a minimum of 18-24 months, depending on my performance. I agree to participate in the program until I successfully graduate or until I am discharged, or unsuccessfully terminated.
5. **DRUGS/ALCOHOL:** I will not possess or use alcohol or non-prescribed drugs. I will provide copies of the legal prescription and the physical prescription within 24 hours to my treatment provider or next scheduled Veterans Treatment Court hearing (whichever is first). I will present a copy of a signed physician's letter to my prescribing doctor, psychiatrist or medical and/or dental and seek non-narcotic, non-addictive alternatives whenever possible. I will also provide a copy of the physician's letter to the Veterans Treatment Court Coordinator. I am aware that any use of prescription drugs may impact my clean time, movement through the phases, length of time in the program, and eligibility to graduate and/or complete the program.

6. RESIDENCE: I must reside in a court and probation approved residence that cannot contain illegal drugs or alcohol. I must ask permission from the probation officer prior to a change in residence and will inform the probation officer of any changes in my address and phone number at the next scheduled Veterans Treatment Court review hearing or within 24 hours, whichever occurs first. I will not spend the night at any address other than the address approved by the probation officer. I will inform the Veterans Treatment Court Coordinator and/or probation officer with the full names of all people with whom I live.

7. RELEASES: I will sign all Releases of Information as deemed necessary by the Veterans Treatment Court; I also waive confidentiality of my medical records and authorize all agencies to discuss my case with the Veterans Treatment Court team and the court. I understand that the failure to sign a release of information may result in my termination from the program. Further, if at any time I revoke or withdraw a release, this too may be a basis for termination.

8. VICTIMS: I understand that any victims in this case may be contacted and informed of my participation in this program. I agree to pay restitution and understand a payment plan may be established while I am in the program.

9. HONESTY: I must be truthful in all my dealings with the Veterans Treatment Court.

10. TREATMENT: I will enter, participate in and successfully complete treatment deemed necessary by the Veterans Treatment Court team. I will abide by the rules of the treatment agencies. I will comply with all treatment and medication recommendations. This includes all recommendations covering your psychiatric care as well as following the directions and recommendations of doctors treating non-psychiatric medical issues. All medications MUST be taken as prescribed. If terminated from treatment, I will within 24 hours, report to the Veterans Treatment Court Coordinator and Probation Officer. I will report to the Veterans Treatment Court the first time it holds court following my release from treatment.

11. DRUG TESTING: I will submit to observed urine, breath or other drug and alcohol screening/test whenever requested to do so by the treatment program staff or the judge. I further agree to call the UA testing line daily, including weekends and holidays and report for testing as indicated by phase. Upon any positive drug test, I will report immediately to the court coordinator or probation officer and appear at the next Veterans Treatment Court hearing regardless of my schedule. Testing is done at the Twin Falls Treatment and Recovery Clinic (TARC) Testing Center by the Phase that you are in, so if Phase 1 is called then Phase 1 tests and so on through the phases. A missed test is presumed positive and a sanction may be given for missing testing.

12. ASSOCIATIONS: I will not associate with or be near any people who are under the influence of, possessing or using alcohol or any illegal drugs. I will not associate with

anyone participating in any criminal activity. I will provide the first and last names of all associates to my probation officer for approval and shall not associate with anyone not approved by my probation officer.

13. VETERANS TREATMENT COURT TEAMS: I understand and agree that there will be discussions about my case, my treatment program and my condition which may take place out of my presence or the presence of my attorney.

14. HOME VISITS: I waive my rights under Article I Section 17 of the Idaho Constitution and the 4<sup>th</sup> amendment of the US Constitution to permit the inspection of my home, person, or vehicle and any contents thereof at any time, without notice, and without probable cause or warrant by the probation officer and/or any law enforcement official.

15. EMPLOYMENT: If applicable, I shall seek and maintain gainful, verifiable full-time employment. I must inform my probation officer and treatment provider immediately, if I become unemployed, through termination or change of employment.

16. TRAVEL: My travel is restricted to the Fifth Judicial District of Idaho unless I get prior permission from my probation officer and/or the Veterans Treatment Court team to travel outside of this area. If I am arrested in another jurisdiction I agree to waive any challenges to my extradition.

17. VETERANS TREATMENT COURT FEES/COURT FEES: I agree to pay a \$100 per month Veterans Treatment Court fee upon acceptance into the program. In addition I agree to pay any ordered fees, restitution and assessments.

18. VIOLENCE OR THREATS: Do not make threats towards other participants or staff or behave in a violent manner. Violent or aggressive behavior will not be tolerated and will be reported to the Court. This behavior may result in a sanction or termination from the Veterans Treatment Court.

## **The Phases**

The Veterans Treatment Court Advancement Criteria consists of 4 distinct phases that must be successfully completed. Each phase has judicial oversight, individual requirements, random drug and alcohol testing, rewards and sanctions. Movement between these phases is based on status in treatment, probation, employment/furthering education, sobriety time, compliance level, and meeting financial obligations. Phases are designed to build upon the skills acquired in the previous phase and allow the participant to more effectively learn to identify and manage their substance abuse and/or mental health/symptoms and foster stable and independent living.

The length of each phase is determined by your ability to comply and progress through the treatment plan. Remember some participants may move through the program faster than others. Each person has a plan that is individualized to them. Sanctions for continued noncompliance with Veterans Treatment Court requirements may include, but are not limited to, community service, jail time and termination from the Veterans Treatment Court.

### **PHASE 1: minimum length is 16 weeks**

While in Phase 1, Veterans Treatment Court participants are required to:

1. Attend court weekly and meet with assigned mentor weekly, if no mentor is assigned, you must attend the weekly Veterans Court support group.
2. Attend all scheduled treatment and probation appointments and obligations
3. Complete all random drug/alcohol screenings
4. Complete all assessments and comply with the assessments
5. Comply with medication regimen, if applicable, (may require keeping a daily medication journal)
6. Secure stable living environment or working closely with case manager to seek housing
7. Seek reliable transportation
8. Identify schooling or employment needs
9. Make monthly payments towards court/program fees
10. Create a budget/financial plan

### **Promotion criteria for Phase II:**

- Compliance with all scheduled services for 8 consecutive weeks (court, treatment, meetings, drug tests, 1:1's, community service, etc.)
- Provide clean drug/alcohol screens for a minimum of 10 weeks
- No new law violations
- Comply with treatment plan objectives and be on task
- Make application for Phase II and obtain approval from the Veterans Treatment Court team



## **Phase II: Minimum length is 16 weeks**

While in Phase II, Veterans Treatment Court participants are required to:

1. Attend court at least 3 times per month and meet with assigned mentor weekly
2. Attend all scheduled treatment and probation appointments and obligations
3. Complete all random drug/alcohol screenings
4. Engage in treatment regimen and comply with treatment plan tasks
5. Comply with medication regimen, if applicable, (may require keeping a daily medication journal)
6. Secure stable living environment or working closely with case manager to seek housing
7. Seek reliable transportation
8. Identify schooling or employment needs
9. Make monthly payments towards court/program fees
10. Maintain budget/financial plan and develop financial goals.

### **Promotion criteria for Phase III:**

- Compliance with all scheduled services.(court, treatment, meetings, drug screens, 1:1's, community service, etc.)
- Provide clean drug/alcohol screens.
- No new law violations
- Comply with treatment plan objectives and be on task
- Make application for Phase III and get approval from the Veterans Treatment Court team
- Submit a budget/financial plan to the Veterans Treatment Court team for review

## **Phase III: Approximate length is 20 weeks**

While in Phase III, Veterans Treatment Court participants are required to:

1. Attend court once every 2 weeks and meet with assigned mentor once every 2 weeks
2. Attend all scheduled treatment and probation appointments and obligations

3. Complete all random drug/alcohol screenings
4. Engage in treatment regimen and comply with treatment plan tasks
5. Comply with medication regimen, if applicable, (may require keeping a daily medication journal)
6. Develop means to meet basic needs and/or independent living (stable, safe housing, income, employment or schooling, transportation, etc.)
7. Make monthly payments towards program fees
8. Begin to develop a community service project and present plan in Phase 4
9. Engage in pro-social activities

#### **Promotion criteria for Phase IV:**

- No unexcused absences from scheduled services. (court, treatment, meetings, drug tests, 1:1's, community service, etc)
- Complete any treatment services that are not ongoing
- Provide clean drug/alcohol screens
- Comply with treatment plan objectives and be on task
- No new law violations
- Make application for Phase IV and get approval from the Veterans Treatment Court team

#### **Phase IV: Minimum length is 20 weeks**

While in Phase IV, Veterans Treatment Court participants are required to:

1. Attend court once a month and meet with assigned mentor at least once a month, if no mentor is assigned
2. Attend all scheduled treatment and probation appointments and obligations
3. Complete all random drug/alcohol screenings
4. Engage in treatment regimen and comply with treatment plan tasks if services are ongoing
5. Comply with medication regimen, if applicable, (may require keeping a daily medication journal)

6. Develop long term recovery plan addressing substance abuse, mental health and basic needs and/or independent living (stable, safe housing, income, employment or schooling, transportation, etc.)
7. Become or remain current on all fines, fees and/or restitution obligations
9. Present community service project in writing and obtain approval by the team
10. Continue pro-social activities

### **Graduation Requirements:**

1. Successfully completed all treatment plan tasks
2. Fulfilled all probation and court conditions in this and any other jurisdiction
3. Completed an approved community service project
4. Acceptable payment of financial obligations (program fees, court fines and fees, treatment fees, attorney fees and restitution)
5. Has demonstrated a minimum of 6 months of compliant and pro-social behavior (medication compliance, no new law violations or non-emergency contact with law enforcement)
6. Has demonstrated 3 months without a sanction
7. Has a written long term recovery plan and can articulate it to the team
8. Maintain mentor contact on a regular basis
9. Maintain steady employment, be a full-time student, or perform community service as determined by the team and within the limits of any documented disability
10. Has maintained six (6) months of sobriety
11. Approval for graduation by the Veterans Treatment Court Judge

### **Graduation:**

At graduation, your family and friends will be invited to join in as the judge congratulates you on successfully completing the program and achieving your goal of establishing a stable lifestyle enabling you to live as a member of your community. Graduation from the program will be followed by monitored probation.

## Special Considerations, Re-arrests and Sanctions.

Special consideration will be given to circumstances responsible for the participant not meeting the requirements for the week.

Sanctions may be implemented for not meeting the requirements each week. Ideally, sanctions will fit the nature of the violation and be applied in a graduated fashion. Some of the options available are community service, increased probation contact, increased treatment contact, inpatient treatment, medication monitoring, court observation and as a last resort, jail time.\*

**\*Least restrictive alternative.** – All persons participating in diversion programs should be treated in the least restrictive alternative manner available, and all unnecessary institutionalization should be avoided. Jails are generally an inappropriate place for persons waiting for diversion as jail experiences tend to exacerbate underlying symptoms of mental illness. Long jail stays should be avoided in all diversion cases.

## Veterans Treatment Court Termination:

Expulsion from the program will be determined by the Veterans Treatment Court Team.

### Reasons that participants may potentially be terminated from the Program:

- Commission of a crime making the participant ineligible
- Accumulating new charge with a finding of probable cause that establishes a new crime has been committed during participation in the Veterans Treatment Court
- Violent or threatening behavior
- Repeated violations of the program (i.e. ongoing non-compliance/attendance at treatment, drug tests, community service, numerous relapses, tampering with UA's)
- Unsuccessful discharge from treatment
- Willful failure to pay program fees/fines/restitution

## Conclusion:

The goal of the Veterans Treatment Court is for you to become well and restore your honor after violating the law. By accessing services you earned through your service to our country, cooperating with the court and committing yourself to a healthy positive life, you will gain self-respect and renewed respect from your community.

**“There are no secrets to success. It is the result of preparation, hard work, learning from failure.” - Colin Powell**