



# MINNESOTA JUDICIAL BRANCH

## FIFTH JUDICIAL DISTRICT

## Multi-County Veterans Court

### (MCVC)

## Policy Manual

May 31, 2013

### INTRODUCTION

The Minnesota Fifth Judicial District Multi-County Veterans Court is a collaborative effort between the counties of Blue Earth, Brown, Faribault, Jackson, Martin, Nicollet and Watonwan counties and the Veterans Affairs Administration. Pre-court staffing and judicial status review hearings are held on a monthly basis at the Blue Earth County Justice Center in Mankato, MN and broadcast to the partnering counties via ITV technology.

### HISTORY

In 2012, the Blue Earth County Attorney's Office, under the leadership of Asst. County Attorney Pat McDermott, partnered with the Veterans Affairs Department to implement a Veterans Program. Mr. McDermott assembled a team of county agency and community representatives that began meeting on a monthly basis to discuss defendants in Blue Earth County who were facing criminal charges or were struggling to meet their probation requirements. Judge Bradley C. Walker, who is also a retired USMC Colonel, began attending these meetings, (which had many of the components of a traditional Veterans Court program but lacked the judicial leadership) and saw first-hand how partnering with the VA and the community resources was able to break down barriers and improve the identification and needs of veterans. He agreed to lead the development of a court for veterans following the nationally recognized 10 key components of veterans courts (see Appendix A). Grant funding provided by the Minnesota Department of Human Services – Alcohol and Other Drug Abuse Division to fully implement the Veterans Court begins on July 1, 2013.

### MISSION STATEMENT

*The Mission of the Fifth Judicial District Veterans Court is to promote public safety and assist and support veterans and their families through a coordinated effort among the veteran services delivery system, community-based services, and the court – thereby leaving no veteran behind.*

***Key Component #1: Veterans Court integrate alcohol, drug treatment, and mental health services with justice system case processing***

***Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting the due process rights of the participants.***

### **FIFTH JUDICIAL DISTRICT MULTI-COUNTY VETERANS COURT TEAM**

Veterans Court Judge:	Hon. Bradley C. Walker
Prosecutor:	Pat McDermott
Defense Counsel:	Chris Rosengren
Veterans Justice Outreach Specialist:	David Holewinski
Licensed Alcohol/Drug Counselor:	Chad Curran, LADC
Case Manager:	Case Manager TBD
Law Enforcement:	Scott Wolfe
County Veteran's Service Officer:	Multi-county representatives
Community Outreach (Mentor):	Luke Weinandt
Veterans Court Coordinator:	Kevin Mettler
Court Administrator:	Kelly Iverson

### **ROLES AND RESPONSIBILITIES OF THE VETERANS COURT TEAM**

#### **Judge:**

The Judge leads the collaborative team at pre-court staffing to review each participant's progress and compliance with the court requirements. During court appearances the Judge establishes a rehabilitative relationship with each participant through intensive interaction during court appearances. The Judge administers, provides encouragement, and motivation to the participants, which includes using a system of graduated rewards and sanctions to increase participant accountability and to enhance the likelihood of recovery.

#### **Prosecutor:**

The Prosecutor reviews new cases, determines which are appropriate and creates plea offers. As a member of the collaborative team, s/he monitors the veteran's progress, and makes recommendations regarding sanctions and incentives. If the veteran is re-arrested, the prosecutor investigates the new case and assesses the appropriateness of continued participation.

#### **Defense Counsel:**

Provides information regarding the nature and purpose of Veterans Court and the consequences of abiding or failing to abide by the rules; explains all the rights that the defendant will temporarily or permanently relinquish. Advocates for client's access to and continued participation in Veterans Court, assists in determining eligibility; and assures confidentiality requirements are met. Attends all staffing and provides ongoing legal representation in the judicial supervision process.

#### **Veterans Justice Outreach Specialist (VJO):**

Attends staffing and serves as the liaison to the VA Medical Centers, facilities, VA linkages for services, coordinates reporting from the VA, checks and assists with eligibility for services and provides case management.

#### **Licensed Alcohol & Drug Counselor (LADC):**

Conduct assessments, provide group and individual sessions for participants and provide regular updates to the Veterans Court Team. Providers of behavioral and mental health services may attend monthly staff meetings held before each Veterans Court session to update team members about the veteran's progress in treatment and to provide recommendations regarding appropriate treatment strategies and modalities.

**Veterans Court Case Manager:** Working in collaboration with the Veterans Court Team, the Case Manager will meet at least weekly with each Veterans Court participant and report his/her status at the Veterans Court Team meeting. A designated agent from Probation/Parole will monitor each participant's employment, living environment, monthly court appearances and any new criminal charges. All members of the team will keep the Case Manager informed of any conditions that might impact the capacity or ability of the Veterans Court program to successfully monitor and supervise participants in community-based programs.

**Law Enforcement:** Attend staffing and provides eligibility feedback during the initial screening process. Provides a law enforcement presence during home visits, and follow-up on warrants issued by the court.

**County Veterans Service Officer:**

Assists in determining eligibility for VA benefits, makes referrals to the VA medical Center, attends staffing and provides information and perspectives regarding community adjustment.

**Community Outreach (Mentor Coordinator):** Attends staffing and serves as the liaison to the Veterans Court. Responsible for recruiting, screening, training and supervising mentors and updating the team regarding mentor contacts with participants.

**Veterans Court Coordinator:**

Attends staffing and judicial status review proceedings. Responsible for the day to day operation of the Veterans Court program. S/he will monitor whether or not the program is meeting its short and long term objectives relative to the participants, community and local criminal justice system.

**Court Administration:**

Court Administration will keep the Veterans Court Judge aware of administrative procedures that affect Veterans Court operations, and ensure that Veterans Court cases are processed within the established timelines and guidelines. Court Administration support includes the timely preparation of court files, courtroom calendars, making required entries into the automated data collection system and establishing connections for interactive television court hearings as needed.

***Key Component #9: Continuing interdisciplinary education promotes effective Veterans Court planning, implementation, and operations***

**Team Member Training:** Any proposed team member who has not completed Veterans Court training will receive an orientation to the program from the Veterans Court coordinator. They will also be encouraged to visit an operational Veterans Court within the first two months of becoming a team member. Annual team member training/retreats will be conducted. Treatment providers will provide training to the teams on addiction, recovery, relapse, treatment services, etc. on at least a bi-annual basis. Opportunities to attend state and national trainings will be attended as funding and resources allow. Trainings attended and dates of completion will be recorded and compiled by the Veterans Court coordinator.

**STRUCTURE/MODEL**

The Fifth Judicial District Multi-County Veterans Court is created to serve residents in Blue Earth, Brown, Faribault, Jackson, Martin, Nicollet and Watonwan Counties. This court is a multi-county, single location model which means that referrals may be accepted from any of the participating counties, but there will be only one pre-court staffing team, and court is held in a single location (Blue Earth County). Entry into the Veterans Court is voluntary. Veterans Court hearings and team meetings are held on a semi monthly basis, on the 2<sup>nd</sup>, and 4th Fridays of each month at the Blue Earth County Justice Center.

The program length is 12-18 months based on individual case needs and there are two program tracks. The low-risk track is for participants who meet the low-risk criteria (as established by an objective assessment) will generally complete the program in 12 months. The high risk track is expected to last 12-18 months. There are four phases and advancement from phase to phase is based on meeting clearly outlined criteria.

Following the 10 Key Components of Veterans Courts (Appendix A) the presiding judge and multi-disciplinary team of professionals work collaboratively to address the offense behavior and treat the existing mental health, chemical health or behavioral problems; and to facilitate access to eligible services through the Veterans Affairs (VA) system. Defendants, who voluntarily agree to participate, may enter the Veterans Court pre-adjudication (acceptance after charging, but prior to a plea or finding of guilt) or post sentence (acceptance after a plea or finding of guilt) program.

Services include: intensive supervision by probation, referral and case management services provided by the Veterans Service Office, frequent appearance before the Veterans Court Judge, mandatory chemical health and/or mental health treatment, regular attendance at self-help/support groups, and frequent random drug and alcohol testing.

**Fiscal Agent:** The Fifth Judicial District will serve as the primary fiscal agent for any multi-county expenses reimbursable through multi-county problem solving courts grants. Upon review and approval by the multi-county steering committee, all participating counties agree to allow the Fifth Judicial District to serve as the signatory on any multi-county Veterans Court contracts made with outside vendors.

### **VETERANS COURT TEAM MEETINGS PRIOR TO JUDICIAL STATUS REVIEW HEARING**

The Fifth Judicial District Multi-County Veterans Court Team will meet on the 2<sup>nd</sup>, and 4<sup>th</sup> Fridays of each month at 11:00am at the Blue Earth County Justice Center with ITV available for team members from other counties. The core team members are the Judge, who provides leadership, focus and direction to the team members who include: the prosecutor; defense attorney; Veterans Justice Outreach Worker (VJO); Veterans Court Coordinator; Veterans Court Case Manager; County Veterans Services Officer (VSO); Licensed Alcohol and Drug Counselor (LADC); law enforcement representative; and community representative. The primary responsibility of the team is to facilitate the participant rehabilitation.

### ***Key Component #7: Ongoing judicial interaction with each Veteran is essential***

### **JUDICIAL STATUS REVIEW HEARINGS**

The Judicial Status Review Hearings follows the team meeting at 12:00 noon in the Blue Earth County Justice Center, Courtroom B on a monthly basis. This docket is dedicated solely to Veterans Court participants. All participants are required to attend their first judicial status review hearing in person where they will be formally accepted into the veteran's court.

**ITV Hearings.** After the initial in-person appearance, veteran participants may appear in court by ITV in their home county. A county representative is required to attend ITV hearings with veteran participants. The Judge may ask the veteran participants to attend court hearings in person if a face to face meeting is suggested. The frequency of status review hearings are based upon the needs of the individual participant as outlined in the treatment plan. Research indicates that low-risk offenders are successful with fewer reviews than high-risk offenders; and that when a judge spends at least 3 minutes with each participant it results in better outcomes for the participant and the program. Apprehension and Detention Orders regarding Veterans Court participants will be scheduled and heard in Veterans Court. Probation revocation proceedings, including formal Morrissey hearings, will be conducted in Veterans Court by the Veterans Court Judge, or by his/her designee.

## **TARGET POPULATION**

U.S. military veterans suffering from a diagnosable and treatable behavioral health issue and charged with misdemeanor, gross misdemeanor or felony offenses. Presumptive prison commitment cases are excluded from participation unless approved by the prosecuting authority and accepted by the team. Individuals who do not meet the aforementioned criteria but who have prior or current military service will be considered on a case by case basis.

**Early Identification:** In order to affect an early intervention, it is preferred that candidates be identified as soon as possible after arrest. Information regarding the Veterans Court may be given to the offender by law enforcement at arrest or by the City or County Attorney, the defense attorney, probation & parole or the sentencing Judge. A strategy for early identification is to have jail personnel, court administration personnel, and/or probation personnel note veteran status upon booking and/or intake and make this information available to the Court, the city or county attorneys' offices and defense counsel.

**Target Capacity:** The estimated targeted capacity for start-up is 20-25 participants. However, as the participants become more staggered throughout the program phases, the capacity could increase to 40-45.

## **OFFENDER ELIGIBILITY CRITERIA**

- Resident in one of the participating counties (Blue Earth, Brown, Faribault, Jackson, Martin, Nicollet or Watonwan). The residency requirement may be waived by the Team if the defendant lives close enough to be able to comply with court conditions.
- 18 years of age or over.
- Charged with an offense listed in Target population.
- Must have served, or currently serving, in the U.S. Armed Forces and no disciplinary discharge.
- Eligibility for Veterans Court is not determined by eligibility for benefits from the Veterans Administration.
- A treatable behavioral issue substantially related to the offense.
- Consent of the prosecuting authority for pre-plea referral to the Veterans Court or post plea if a presumptive commit to prison.

## **OFFENDER SUITABILITY CRITERIA**

All Veterans Court candidates will be screened for suitability. Staff from probation, VA, treatment providers and/or local county chemical and mental health assessors may all be involved in the screening process to assist the Veterans Court Judge in determining the overall suitability of defendants for the program.

- Risk assessment factors considered in admission to the Veterans Court include, but are not limited to, family and community ties, gang affiliation, employment status, and a summary of the defendant's prior criminal history and other factors which may be helpful in determining suitability. Consideration of risk assessment factors is discretionary and is used by the Veterans Court Judge on a case by case basis.
- If screening fails to identify a treatment need, then the defendant is not eligible for the Veterans Court and the process for the defendant ends here. Defense counsel should handle the case in the standard manner, including sentencing as scheduled by the assigned judge.
- Eligible candidates must be willing and able to comply with the probation terms and conditions of Veterans Court.

### ***Key Component #3: Eligible participants are identified early and promptly placed in the Veterans Court program***

**Timeframe for Enrollment:** For defendants in custody, both prosecution and defense will relate their decisions regarding referral/entry within 7 days to ensure prompt program enrollment and participation. Defendants out of custody and/or referred by other courts/jurisdictions will be assessed for eligibility and suitability within 7-14 days of referral or as soon as reasonably possible. Upon agreement of the attorneys, the defendant and the referring judge,

a referral packet is submitted to the Veterans Court Coordinator, who schedules the candidate for Veterans Court screening. The referral packet includes the following documents:

- a. Completed Referral Form
- b. Releases of Confidential Information forms pursuant to Title 42 C.F.R. and HIPPA.
- c. Copy of the Complaint
- d. Copy of pre-sentence investigation

Acceptance into the Veterans Court will be determined at the next regularly scheduled Veterans Court hearing

## **DEFENDANT SCREENING**

1. The Veterans Court Coordinator or Veterans Case Manager will, within 5 days of referral:
  - a. Interviews the defendant and speaks with accompanying family members and/or case managers to determine the presence of substance abuse, mental illness and homelessness. Also explain the Veterans Court rules and requirements to the candidate.
  - b. Check the relevant information systems to determine if there is anything in their history that would make them ineligible for the program, or if they are currently receiving services from one of the participating counties.
  - c. The Veterans Services Office is notified of the need for VA eligibility determination and possible referral to the VA Medical Center.
  - d. Advise the judge and attorneys as to whether or not the defendant should be accepted. A decision may be postponed pending the completion of an updated psychological evaluation or other testing, or a review of existing medical records.
  - e. Notifies the referring agency if the defendant is accepted or denied.

## **DEFENDANT ENTRY**

Admission decisions are made in the best interest of the defendant and the best interest of the Veterans Court. Decisions are typically collaborative efforts involving the input of the presiding judge, case managers, VA staff, treatment providers, prosecuting and defense attorneys and others who are members of the Veterans Court Team. Final determination for the admission of a defendant to the Veterans Court will be made by the Veterans Court Judge. Once admission is granted, a participant is formally admitted at a Veterans Court Review Hearing.

Admitted participants must read and sign a participation agreement and must also agree in writing to waive healthcare confidentiality to facilitate communication regarding treatment among team members. VA form 10-10EZ – Application of Health Benefits must be completed and submitted to the VA with a copy of the participants DD214.

Participants will be given a participant handbook which includes information on sanctions and incentives, drug and alcohol testing, appropriate courtroom attire; a journal to communicate with the judge and an appointment book and/or important phone numbers.

Upon entry, the participant will be assigned a Veterans Court case manager who will coordinate with the probation agent of record or other service providers to ensure the participant is accessing and utilizing all needed services, and to report back to the Veterans Court Team on the progress of the participant.

Upon acceptance, the prosecution files necessary legal documents. The participant is placed on conditional release and is assigned to the supervising probation officer. The participant appears for a series of conditional release judicial reviews to monitor compliance until the attorneys and judge feel that the case is ready for disposition. The disposition of a case depends on the nature of the case and the performance of the participant. Other possible dispositions include:

1. Participants with less serious current offenses and minimal criminal histories may receive diversion. If diverted, the case is continued for at least a year and then dismissed if the participant complies with Veterans Court conditions and has no additional criminal charges.
2. Less compliant participants with greater criminal histories plead guilty. The plea may be vacated and the charge dismissed after at least one year of the Veterans Court conditions have been followed and there have been no additional criminal charges.
3. Participants with serious current offense(s), serious behavioral problems and lengthy criminal histories plead guilty and are placed on supervised probation and other traditional correctional sanctions are used to gain compliance with Veterans Court conditions.
4. Post-conviction participants continue to appear in court for judicial reviews to monitor compliance with Veterans court conditions until they graduate.
5. Once a participant graduates from the Veterans Court, s/he may be placed on standard probation for the duration of his/her probationary term and/or term of conditional release(parole).

### **DISCHARGE FROM THE VETERANS COURT PROGRAM**

Participants will be discharged from the Veterans Court for a variety of reasons including, but not limited to, successful completion (graduation), noncompliance with program rules and absconding. The Veterans Court judge will make the final decision on all graduations and terminations from the program after receiving input and recommendations from the Veterans Court Team members. In ordering a participant termination from the Veterans Court, the court should consider such factors as, but not limited to the following: the nature of the violation, the duration the participant has been in the program, the number of previous violations, the participant criminal history, whether the participant substance abuse can be abated within the time limitations set by the program, the participant desire to achieve sobriety as evidenced by the degree and quality of prior positive steps to maintain sobriety, whether the nature of the violation would have initially precluded the participant from being accepted into the program. A Veterans Court graduate may participate in court programming and stay in contact with court staff after graduation if it helps maintain stability.

Examples of noncompliance may include dishonesty, violence or threats directed at treatment staff or other clients, court personnel or other Veterans Court participants, absconding from any residential/inpatient treatment facility, failing to attend treatment/therapy, repeated positive drug/alcohol tests or tampering with tests, failure to remain law abiding or repeated failure to follow court conditions. Discharge is presumptive for absconders after 90 days. When a participant is terminated from the program, the Veterans Court Judge, or his/her designee, proceeds with a formal probation violation proceeding. The offender is provided all rights and opportunities as any other individual facing a formal probation violation, which includes a Morrissey hearing.

***Key Component #4: Veterans Court provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services***

### **TREATMENT PROTOCOL**

Resolving the veterans legal matters through reduction or dismissal of criminal charges or a commitment of non-incarceration is only one aspect of a Veterans Court. In large part, the success of the participant depends upon behavior modification and a strong support system.

***Individualized Treatment Plans:*** Treatment plans are flexible and adjusted based on a participant's individual risks, needs and goals. The plan takes into account the participant's baseline functioning, individual capabilities and holistic needs including physical, mental and spiritual interests. Treatment plans are altered to reflect the participant's progress, or lack thereof.

**Modification of the Individualized Treatment Plan:** If the treatment plan is inadequate to meet the participant's need (e.g., the participant exhibits symptoms of psychosis, suicidal ideation, self-injuring behavior, or continues to use drugs or alcohol) the Court may order additional assessments and the level of treatment may be intensified. The participant may move from an outpatient setting to a residential program.

**Utilization of VA Services:** Participants who qualify for services at the VA Medical Center will be required to participate in treatment services according to the VA assessment/evaluation and treatment plan established for them at the VA. Veteran participants who qualify for any level of VA benefits will also be required to utilize community-based services as deemed appropriate to their individual treatment needs.

**Utilization of Community-Based Services:** Non-qualifying participants will be required to participate in community-based programming based on assessments completed by their home county, Veterans Court staff and/or other mental and chemical health professionals.

**Monitored Medications:** Veteran participants who require monitored psychotropic medications or other monitored medications are referred to appropriate agencies capable of both monitoring the medications AND complying with reporting requirements of the Veterans Court to assure the veteran participant is medication compliant.

## **SUPERVISION PROTOCOL**

**Probation/Parole Agent:** Veteran participants on probation or parole will be supervised by the agent of record in their county of residence based on their level of risk and needs, supervision history and other factors as may be relevant to the individual. Recommended supervision contact guidelines for higher risk veteran participants is as follows, unless otherwise directed by the probation officer or the Veterans Court Judge:

**PHASE 1: Orientation Phase:** Weekly contact

**PHASE 2: Individualized Treatment Plan Phase:** Contact every other week

**PHASE 3: Treatment Compliance Phase:** Contact every 3 weeks

**PHASE 4: Transition to Graduation Phase:** Contact once a month, at a minimum

**Probation/Parole Agent Contacts:** The veteran participant will make contact with his or her probation/parole agent, as directed. The contacts will occur at the agent's office, the home of the participant, or; at the participant's treatment center, school or place of employment as determined by the agent. Contacts may be both scheduled and unscheduled and could include chemical testing during these visits. Veteran participants will be evaluated by the agent to assure that the participant is on track with probation/parole requirements and that risk and needs factors are being addressed. Probation or Veterans Court requirements may include referral to or assistance in accessing: skills testing and an educational assessment; Job training and job-readiness training; School or other educational services; Job placement services; Family counseling; Life skills classes; Public assistance/Medicaid.

**Texting Policy:** The veteran participant is not allowed to ask permission to do something (or not do something) by texting only. They must speak to the agent directly. At orientation, the veteran participant is instructed to call at least two hours before a scheduled appointment if they are going to be late or unable to attend. This includes all scheduled meetings with any Veterans Court Team member.

### **Probation Violations, Apprehension and Detention Orders & Warrants:**

A Veterans Court program violation/sanction is not the same as a probation violation. The participant Veterans Court agreement states: I understand that by participating in the MCVV program that I give up my right to a violation hearing if I am taken into custody for a period of time no longer than 72 hours (excluding weekends and holidays) for a violation of a condition of the MCVV, and this will NOT be considered a violation of the program.

The Veteran' Court Team is crucial in providing input when a technical probation violation has occurred. The probation agent, upon learning of a technical violation of probation/veteran's court rules should email the team and request input. The Team needs to remember that this information is time sensitive and should respond as quickly as possible to assist in providing the agent direction. Once the agent has determined a response, s/he shall let the Team know what action was taken. Whenever possible, the supervising probation agent of record should seek approval from the Veterans Court Team before filing a probation violation report.

The supervising agent has discretionary authority to request that law enforcement apprehend and detain defendants who pose a risk to public safety and do not need prior permission from the Veterans Court Team. If the probation officer believes the participant has absconded from the area, they shall proceed to request a warrant from the court.

**Termination from veteran's court.** If the team has determined the veteran participant should be terminated from the program, the probation agent will be notified of the termination and requested to follow the policies and procedures for submitting a probation violation report to the court.

**Veterans Court Case Manager Contacts:** The Veterans Court Case manager will maintain regular contact with the supervising probation/parole agent for the purpose of information sharing. The Case Manager will provide the veteran participant with necessary information to assure proper participation in the Veterans Court; that required testing is being completed by the veteran participant, and assistance is provided to help the veteran participant make progress toward Veterans Court phase requirements and graduation. Examples of information to be requested by the Veterans Court Case Manager from the supervising agent and/or veteran participant includes: copies of evaluations, assessments, treatment progress notes, evidence of attendance at groups, support groups or work; receipts for payments of court ordered restitution or fees, and proof of completion of community work service. The Veterans Court Case Manager will compile all information on the veteran participant and present the information to the Veterans Court Team during pre-court staffing sessions.

### ***Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing***

#### **DRUG AND ALCOHOL TEST RESULTS**

Drug and alcohol test results will be used to assist the court and treatment team in evaluating the participant's progress in the program. The results will be used to determine if the participant is progressing satisfactorily; if the treatment plan needs to be modified, and; if the participant will be terminated or graduated from the program.

1. Veterans Court participants will be drug and/or alcohol tested as phase requirements indicate or when there is a suspicion of drug and/or alcohol use. Random drug and alcohol testing will occur at the treatment program, by the probation agent and at the county jail.
2. Drug and/or alcohol testing will be completed by saliva or by urine. All positive screens will be confirmed by a urinalysis, unless there is an admission. Missed and adulterated tests are considered positive tests and will be sanctioned.
3. Policies and procedures for collecting and processing drug and/or alcohol tests will be followed according to the already established protocols of each participating county.
4. A testing call-in line (Testday Lite) will be established and participants will be assigned a code or color. Each participant will be required to call the testing line on a daily basis and if their code is named, they need to report to their designated testing location (jail, probation, treatment center, Sheriff's Office) during the hours specified by the facility for testing. If a participant tests positive, s/he will be held and brought before the Veterans Court Judge, or his/her designee, for a hearing.
5. Tests will be randomly sent to a lab (every 6-8 weeks) to test for other substances not included in the 3 or 5 panel field tests which will be normally be administered.
6. EtG testing will be suspended pending the resolution of energy drinks and related positive tests.

Acceptable nanogram levels to be used by the Veterans Court Team:

- Any level below the stated levels (below) is to be traced as negative results, unless the participant admits to substance abuse.
- Upon receiving results below nanogram levels, urine testing and additional patch use shall be enforced.
- The participant is not to be advised of nanogram number on positive patch results. If s/he inquires, advise that policy does not allow sharing that information.
- If the participant denies substance abuse after a positive result has been received by lab, no “possible” explanations are to be suggested by any team member.

**Policy pertaining to the use of prescribed addictive substances**

It is expected that participants in the Fifth Judicial District Veterans Court will remain abstinent from all non-prescribed mood altering substances while enrolled in the program. It is understood that there may be circumstances in which a defendant may need to take addictive substances for medical or psychiatric reasons. In order to ensure that participants remain in compliance with court and treatment expectations, it is required that participants who are taking a controlled substance do the following:

1. Inform their treatment provider and the Veterans Court case manager at their first opportunity;
2. Obtain a note(s) from their prescribing physician(s) verifying their knowledge that the participant has an active substance abuse or dependence diagnosis, is enrolled in an abstinence-based chemical dependency treatment program as well as Veterans Court;
3. Sign a consent form in accordance with the requirements of 42CFR, Part 2 which authorizes the release of patient identifying information between their case manager, treatment provider and the physician, physician assistant or nurse practitioner who prescribed the drug or substance to the patient.

**\* Should information be received from the physician which supports the participant’s continued use of a controlled substance, the case manager will consult with the prescribing professional to verify their knowledge and awareness of the individual history of chemical dependence, and if the prescribing professional is unaware of the individual history of chemical dependence, inform the prescribing professional accordingly and after the required information is received, if the prescribing professional believes that the individual should be permitted to continue to use the drug or substance prescribed, the individual must be permitted to continue to use the drug or substance. If there is insufficient information to support continued use, that participant must cease use of the substance(s) and seek alternative treatment options.**

**PROGRAM LENGTH**

The Fifth Judicial District Veterans Court shall consist of two tracks: Low-Risk Track (LRT) and High-Risk Track (HRT). Placement in LRT or HRT is based on the results of a structured risk and needs assessment score chemical use assessment and/or mental health assessment. After the assessments are completed, the team will determine which track is most suitable for to the participant. The LRT is an approximately 12 month program and HRT is a 12-18 month program. Advancement and successful completion based on continuous length of sobriety, participation in counseling, treatment and any other required programming.

## Low Risk Track

Structure	Court Requirements	Completion/Recognition Criteria
<p>Each participant in the Low Risk track will meet with the Court on the following schedule:</p> <p>Initial court appearance – must attend in person</p> <p>Court appearance at 30 days – in person or by ITV</p> <p>Court appearance at 90 days – in person or by ITV</p> <p>Court appearance at 180 days – in person or by ITV</p> <p>Court appearance at 240 days - in person final court review and recognition ceremony</p>	<p>Meet with court as directed</p> <p>Meet with Veterans Court Case Manager as directed</p> <p>Comply with all rules of probation supervision, comply with fine, and restitution payments</p> <p>Comply with all treatment plan conditions to include coordinated care for all services (medical, mental health, medication management)</p> <p>Develop a Budget Plan, and/or a Vocational/Educational Plan if required by Treatment Plan</p> <p>Regular and ongoing Mentor contact is required.</p>	<p>No missed or unexcused:</p> <ul style="list-style-type: none"> <li>• Drug tests</li> <li>• Appointments</li> <li>• Counseling sessions, and comply with recommendations</li> <li>• Community supervision appointments.</li> </ul> <p>Participation in the development of a treatment plan which includes:</p> <ul style="list-style-type: none"> <li>• Stable housing</li> <li>• Appropriate level of treatment &amp; medication management</li> <li>• Demonstrated support system (e.g., support group meeting attendance)</li> <li>• Establish contact with VSO</li> <li>• Written graduation essay</li> </ul>
<p>Progress is reviewed every 90 days to determine advancement levels, frequency of court and other meetings, and review of treatment plan</p>		

### High Risk Track

Structure	Court Requirements	Completion/Recognition Criteria
<p>Each participant in the High Risk Track shall meet with the court on the following schedule:</p> <p>Initial court appearance – must attend in person</p> <p>Court appearance at 30 days – in person or by ITV. Monthly attendance thereafter until advancement to Phase 3.</p> <p>Court appearance every 90 days in Phase 3 and Phase 4 until program completion and recognition ceremony.</p>	<p>Meet with court as directed.</p> <p>Meet with Veterans Court Case Manager as directed</p> <p>Comply with all rules of probation supervision, comply with fine, and restitution payments</p> <p>Comply with all treatment plan conditions to include coordinated care for all services (medical, mental health, medication management)</p> <p>Develop a Budget Plan, and/or a Vocational/Educational Plan if required by Treatment Plan</p> <p>Regular and ongoing Mentor contact is required.</p> <p>Participant must submit written phase advancement requests and graduation essay</p>	<p>Maintenance of a clean and sober lifestyle</p> <p>No illegal activity</p> <p>Maintain stable housing and demonstrate budget management skills</p> <p>No missed or unexcused:</p> <ul style="list-style-type: none"> <li>• Drug tests</li> <li>• Appointments</li> <li>• Counseling sessions, must comply with all recommendations</li> <li>• Community supervision appointments</li> </ul> <p>Establish and maintain a plan for:</p> <ul style="list-style-type: none"> <li>• Leisure structure</li> <li>• Support system</li> <li>• Financial stability</li> <li>• On-going treatment for mental health and physical health</li> <li>• Aftercare needs</li> </ul>
<p>Progress is reviewed every 90 days to determine advancement levels, frequency of court and other meetings, and review of treatment plan</p>		

## ***Key Component #6: A coordinated strategy governs Veterans Court responses to participant compliance***

### **SANCTIONS AND INCENTIVES**

In applying incentives and sanctions, the ultimate goal is not punishment; it is to change behavior. Because addiction is a chronic condition, it is recognized that relapse is common and is part of the recovery process, particularly in the first several months following a participant's admission into the program. The early stages of treatment will focus on strategies to identify situations that stimulate cravings and relapse and help the participant develop skills to cope with these situations. Although Veterans Courts recognize that addicts have a propensity to relapse, *continuing use is not condoned*. The Veterans Court will impose appropriate responses for continuing drug or alcohol use, and responses will increase in severity for continued failure to abstain.

A participant's progress is measured not only by abstinence and compliance with treatment, but also with overall compliance with court rules. Therefore, incremental progress, such as showing up at court, arriving at treatment on time, attending and participating in the treatment sessions, cooperating with staff, and submitting to regular drug testing will be recognized. Small rewards for incremental successes such as grocery or gas certificates have an important effect on a participant's sense of accomplishment.

***Sanctions must be predictable, controlled and consistent.*** Participant's ability to perceive fairness in sanctions and incentives is extremely important. Whether this matrix is absolute or flexible is at the discretion of the Veterans Court. If choosing a more flexible matrix, the judge should articulate why different people are receiving different responses. A list of possible incentives and sanctions is included in the participant handbook and will be explained to them during orientation.

***Sanctions should be imposed as close to the behavior as possible.*** Sanctions need not be painful, humiliating or injurious, but they must be of sufficient intensity, and they must be delivered as soon as possible after every infraction. Undesirable behavior must be reliably detected and sanctioned at every instance; otherwise the participant is effectively placed on an intermittent schedule and the perception of fairness is at risk. Confirmation drug/alcohol testing is an important tool in resolving discrepancies and helping disrupt the denial of the user.

***Separate Judicial and Treatment Responses.*** Participants should perceive a difference between treatment responses and judicial/program responses to avoid negative associations with treatment. For example, a relapsing participant might require residential treatment, but this should be described and understood as a treatment response and not a punishment. To maintain the distinction, the participant should simultaneously receive a program sanction, such as community service or increased court contacts.

***Gift card, donations and other incentives purchases and tracking:*** The Veterans Court Coordinator will, as funding allows, purchase a variety of incentives and maintain a tracking system of purchases and distribution of incentives. Monetary incentives will be kept in a file drawer at Blue Earth County Community Corrections. The coordinator will follow judicial branch policies and procedures to accept any gifts or donations to the Veterans Court.

RESPONSES TO BEHAVIOR	
ACHIEVEMENTS	REWARDS
Attending court appearances Negative drug test results/Sobriety Milestones Attendance and participation in treatment Attendance and participation in support meetings Obtaining educational goals (GED, etc.) Job Promotion Compliance with treatment plan Assist other participants with transportation, child care, etc. so they can attend their drug court required meetings Obtain stable and appropriate housing Obtain and maintain employment Current with child support payments Complete parenting classes Positive community involvement	Recognition by the Judge Certificates of achievement Later curfew Accelerated Phase advancement Gift certificates-coupons to local establishments (gas, fast food, restaurants, grocery store, haircuts, car repairs, video rental, etc.) Lunch with the Judge or other team member Assistance in paying application fees for educational/vocational training Medical/dental assistance vouchers Transportation vouchers to treatment, probation and court Books Key chains or medallions
CHOICES	CONSEQUENCES
Dishonesty Missed court appearances Missed appointment with probation officer Missed support meetings Violation of court order Positive or missed drug test Tampered drug test Missed treatment Inappropriate behavior at treatment facility New arrest Failure to perform sanctions Noncompliance with treatment plan	Verbal reprimand from the Judge Increased court appearances Increased drug testing and self-help meeting attendance Phase demotion Essay presented to Judge Additional community work service hours Jail or holding cell Termination from the program Electronic monitoring Increase time in Phase Donation to local veterans service providers

## **Record Keeping and Confidentiality**

**Recordkeeping:** MCVC will follow the guidelines for program evaluation as required by any state or federal funding sources. The management information system to be utilized by the Veterans Court is MNCIS and CSTS. Veterans Court files will be maintained separate from traditional case files. Treatment information and progress reports will be kept separate from court files, by one or more of the methods described below:

- Maintained in a separate treatment file, located in the judge's office.
- Shredded after team meetings and/or Veterans Court sessions;
- Maintained in locked cabinets, separate from the court files.

**Ethics and Confidentiality:** There are two federal laws and a set of regulations that guarantee program participants will enjoy strict confidentiality of information about them when receiving alcohol and/or substance assessment and treatment services. See, 42 U.S.C. §§ 290dd-3 and ee-3 and 42 C.F.R. Part 2. Confidentiality of program participants is governed by 42 U.S.C. § 290dd, which encourages treatment and is applicable to most problem solving or specialty court programs. If the court orders screening, assessments, referrals, treatment, and/or diagnosis for a program participant, §290dd will be applicable.

Information that is protected by federal confidentiality regulations may always be disclosed after a program participant has signed a proper consent or waiver form. The regulations also permit disclosure without the program participant's consent in several situations, to include medical emergencies, program evaluations, and communications among program staff members.

**Refusal to sign consent for disclosure:** Veteran participants who refuse to sign consent or waiver forms permitting essential communications to occur can be excluded from treatment or provided treatment on a temporary basis in the hope that resistance to signing the consent or waiver forms will evaporate as treatment proceeds. Continue refusal to sign consent or waiver forms by the veteran participant will be a ground for termination from the specific treatment program and from the Veterans Court.

***Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness***

**EVALUATION**

Data will be gathered to determine the extent to which screening, assessment and treatment activities have resulted in a reduction in recidivism of the veteran offender population. Specific data collection elements listed in the grid below and are the measures used by Hennepin County. The Veterans Court Coordinator will be responsible to collect data related to grant funded performance measures as well as the Minnesota Judicial Branch statewide tracking sheet. An independent evaluator will develop and analyze performance and outcome measures and regularly report interim findings to the Veterans Court Team.

<b>Goal</b>	<b>Measurements</b>
<b><i>Reduce participant contacts with the criminal justice system</i></b>	Charges and convictions From MNCIS and Corrections data
<b><i>Decrease AOD abuse</i></b>	<ol style="list-style-type: none"> <li>1. EtG</li> <li>2. SCRAM</li> <li>3. Ignition Interlock (if applicable)</li> <li>4. Drug/alcohol testing (probation data)</li> <li>5. Breathalyzer results (probation and police data)</li> </ol>
<b><i>Increase compliance with treatment and other court ordered conditions</i></b>	<ol style="list-style-type: none"> <li>1. Treatment completion rates from case records (probation, treatment and/or court notes for the following:</li> <li>2. Retention rates (drop-outs vs. completers)</li> <li>3. Treatment and aftercare attendance</li> <li>4. Appearances at judicial reviews</li> <li>5. Attendance at probation appointments</li> <li>6. Attendance at self-help groups (if applicable)</li> <li>7. Medication compliance (if applicable)</li> </ol>
<b><i>Improve access to VA benefits and services</i></b>	VA benefit and service enrollments (e.g., scores on survey items that assess VA benefit enrollment, ease of access and understanding of eligibility requirements)
<b><i>Improve family relationships and social support connections</i></b>	Utilization of mentor program, completion of individual needs-based parenting, family, and/or relationship treatment programs. Data extracted from: <ol style="list-style-type: none"> <li>1. Scores on survey items that assess both satisfaction and individual impact from individual treatment programs (both internal and external).</li> <li>2. Results from participant prospective and retrospective interviews to examine Veterans Court impact on social relationships and community reintegration</li> </ol>
<b><i>Introduce participants to an ongoing process of recovery designed to help them achieve and maintain life stability</i></b>	Increase in stable housing, enrollment and/or completion of supportive employment programs, educational training, and social service programs

***Key Component #10: Forging partnerships among Veterans Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Court effectiveness***

**VETERAN MENTOR PROGRAM**

The community-based Wounded Warrior Guide Service (WWGS) is the sponsoring organization for the veteran's mentor program to serve Veteran's Court participants. WWGS is responsible to recruit, screen, train, supervise, and monitor mentors. The sponsoring organization will designate a coordinator to serve on the Veterans Court team.

A peer mentor will be assigned to Veterans Court participants. When the Veteran is accepted into the Veterans court he/she will be referred to the Veterans mentor program by the Veterans Court case manager. A mentor will be assigned by the mentor coordinator within one week of the referral. The Veterans service history will help the coordinator in assigning a mentor that is appropriate to fit his/her needs. If for some reason the mentor assigned is not appropriate for the Veteran, another mentor will be assigned.

All mentors that volunteer in the Veterans court will go through thorough training prior to being accepted into the mentoring program.

**MCVC Steering Committee**

The steering committee includes executive-level personnel or policy makers from each of the MCVC counties. These are the administrators who can facilitate cooperation and resolve potential conflicts. The steering committee will meet at least semi-annually. Members of the steering committee include, at a minimum, the following individuals: Judges, Probation Directors, Defense Attorney's, Social Services 5<sup>th</sup> District Administration, law enforcement and community members. There will be at least one representative from each of the participating counties. The steering committee will meet at least semi-annually. A memorandum of agreement with the specific roles and responsibilities of the participating agencies is detailed in Appendix B.

## **APPENDIX A**

### **10 Key Components of Veterans Courts**

#### **Key Component #1: Veterans Court integrate alcohol, drug treatment, and mental health services with justice system case processing**

Veterans Court promotes sobriety, recovery and stability through a coordinated response to veteran dependency on alcohol, drugs, and/or management of their mental illness. Realization of these goals requires a team approach. This approach includes the cooperation and collaboration of the traditional partners found in drug treatment courts and mental health treatment courts with the addition of the Veteran Administration Health Care Network, veterans and veterans family support organizations, and veteran volunteer mentors.

#### **Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights**

To facilitate the veteran's progress in treatment, the prosecutor and defense counsel shed their traditional adversarial courtroom relationship and work together as a team. Once a veteran is accepted into the court program, the team focus is on the veteran's recovery and law-abiding behavior—not on the merits of the pending case.

#### **Key Component #3: Eligible participants are identified early and promptly placed in the Veterans Court program**

Early identification of veterans entering the criminal justice system is an integral part of the process of placement in the Veterans Court program. Arrest can be a traumatic event in a person's life. It creates an immediate crisis and can compel recognition of inappropriate behavior into the open, making denial by the veteran for the need for treatment difficult.

#### **Key Component #4: Veterans Court provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services**

While primarily concerned with criminal activity, AOD use, and mental illness, the Veterans Court Team also considers co-occurring problems such as primary medical problems, transmittable diseases, homelessness; basic educational deficits, unemployment and poor job preparation; spouse and family troubles—especially domestic violence—and the ongoing effects of war time trauma. Veteran peer mentors are essential to the Veterans Court Team. Ongoing veteran peer mentors interaction with the Veterans Court participants is essential. Their active, supportive relationship, maintained throughout treatment, increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior.

#### **Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing**

Frequent court-ordered AOD testing is essential. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each participant's progress.

#### **Key Component #6: A coordinated strategy governs Veterans Court responses to participant compliance**

A veteran's progress through the treatment court experience is measured by his or her compliance with the treatment regimen. Veterans Court reward cooperation as well as respond to noncompliance. Veterans Court establishes a coordinated strategy, including a continuum of graduated responses, to continuing drug use and other noncompliant behavior.

### **Key Component #7: Ongoing judicial interaction with each Veteran is essential**

The judge is the leader of the Veterans Court Team. This active, supervising relationship, maintained throughout treatment, increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to veterans that someone in authority cares about them and is closely watching what they do.

### **Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness**

Management and monitoring systems provide timely and accurate information about program progress. Program monitoring provides oversight and periodic measurements of the program's performance against its stated goals and objectives. Information and conclusions developed from periodic monitoring reports, process evaluation activities, and longitudinal evaluation studies may be used to modify program

### **Key Component #9: Continuing interdisciplinary education promotes effective Veterans Court planning, implementation, and operations**

All Veterans Court staff should be involved in education and training. Interdisciplinary education exposes criminal justice officials to veteran treatment issues, and Veteran Administration, veteran volunteer mentors, and treatment staff to criminal justice issues. It also develops shared understanding of the values, goals, and operating procedures of both the veteran administration, treatment and the justice system components.

Education and training programs help maintain a high level of professionalism, provide a forum for solidifying relationships among criminal justice, Veteran Administration, veteran volunteer mentors, and treatment personnel, and promote a spirit of commitment and collaboration.

### **Key Component #10: Forging partnerships among Veterans Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Court effectiveness**

Because of its unique position in the criminal justice system, Veterans Court is well suited to develop coalitions among private community-based organizations, public criminal justice agencies, the Veteran Administration, veterans and veterans families support organizations, and AOD and mental health treatment delivery systems. Forming such coalitions expands the continuum of services available to Veterans Court participants and informs the community about Veterans Court concepts. The Veterans Court fosters system wide involvement through its commitment to share responsibility and participation of program partners.

## APPENDIX B

### Memorandum of Agreement

#### **Duty of Agencies to Make Necessary Adjustments to Programs**

Participating agencies will support the Veterans Court by making appropriate adjustments to internal policies, practices and procedures to ensure successful day-to-day operations. The Court, County Attorney, Public Defender, Probation, Minnesota Veterans Affairs Healthcare Center (VA), County Veterans Service Officer and law enforcement agree, where appropriate, to:

- Provide administrative support for the development and compliance with uniform policies and procedures for all Veterans Court operations;
- Encourage communication and cooperation among dedicated Veterans Court personnel, and;
- Develop procedures to collect and maintain statistical and evaluation information based upon statewide standards;
- Strictly observe client rights to confidentiality in accordance with Title 42, CFR, Part 2 and M.S. Chapter 13 data privacy.
- Participating agencies will establish, as necessary, an Operational Agreement to ensure the continuity of legal policies, the integrity of the therapeutic intervention, and other standards necessary to the operation of the Veterans Court. The operational agreement will be updated every two years, or as needed.
- Participating agencies will, whenever feasible, make full or part-time staff assignments of interested, appropriate professionals to the Veterans Court for a minimum term of two years to ensure stability and continuity of day-to-day operations and to strengthen collaborative relationships between the key professionals
- Participating agencies will provide assigned staff with an orientation to the Veterans Court concept and training in the day-to-day Veterans Court operations.

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*This project does not prohibit participation on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference.*