

VETERANS COURT PARTICIPANT HANDBOOK



**CALHOUN & CLEBURNE COUNTY
VETERANS COURT
SEVENTH JUDICIAL CIRCUIT
STATE OF ALABAMA
25 WEST 11TH STREET, ANNISTON, AL. 36201**

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Mission Statement

We all recognize the tremendous service that members of our Armed Forces provide to our country. The Calhoun/Cleburne County Veterans Court was founded to address the growing number of veterans involved in the criminal justice system. The Veterans court is a problem solving court working in conjunction with the District Attorney's Office, defense counsel, the Veterans Administration, volunteer Veteran Mentors, and numerous agencies to give participating veterans the necessary support and services needed. The program assist veterans involved in the criminal justice system with drug rehabilitation, housing, mental health, education, and employment. Participating veterans agree to show up for court sessions and participate in treatment which the coordinator reports the attendance and progress to the judge. Veterans are also assigned a veteran mentor to encourage and motivate the veteran to stay on track and complete the program. Successful completion of the Veteran Court program will often result in resolution of the criminal case and change the veteran's life choices to avoid future contact with the justice system. It is our mission to help veterans acknowledge the skills, support, service, and spirit needed to regain control of their life and have a positive impact on our communities.

Why a Veteran's Court?

Many wonder why create a treatment court specific to veterans? Why not work with these individuals within the established drug and mental health treatment courts? There are many answers to this question; perhaps the most significant is that veterans are a niche population with unique needs. Service members have many shared experiences. Many of these experiences are not common among their non-military peers. Members of the military and veterans are a unique population, which calls for tailored care. Traditional community services may not be adequately suited to meet their needs. Service members and their families experience unique stressors as part of the military experience, thus the delivery of high quality care for psychological health, including prevention, early intervention, and treatment requires providers who are knowledgeable about and able to empathize with military experience. This type of court links individuals with service providers who either share or understand the unique experience of military service, military life, and the distinctive needs that may arise from that experience.

Introduction

Welcome to the Calhoun and Cleburne County Veterans Court. This handbook is designed to answer questions and give you information about the Veterans Court. As a participant of the program, you will be expected to follow the instructions given to you by the Honorable Judge Brian Howell and the Veterans Court Team. You will also be expected to follow all supervision and program rules and complete the treatment plan developed by you and your assigned treatment agency. This handbook will explain what is expected of you and it will help you move through the program to successful completion. It will also provide general program information. We encourage you to share this handbook with your family, significant other, and friends who are all an important part of this process. This handbook provides you with a basic outline of the program. It gives you a clear understanding of what is expected of you during your participation in the Veterans Court. If you have any additional questions, please ask your treatment provider or coordinator for more details.

The Veterans Court is a court supervised program coupled with intensive treatment and supervision for non-violent criminal offenders. The program is designed specifically for persons with felony charges closely related to their substance abuse or mental illness. It involves regular court appearances, drug treatment, random drug testing, mental health treatment, support group meetings, vocational or job counseling, educational classes, and supervision. You must complete the entire program to successfully graduate.

Eligibility

The Veterans Court program is only for veterans of the Armed Forces of the United States as defined by federal law. This program is a privilege, not a right. It is a voluntary program. Your criminal history will be closely reviewed by the District Attorney's office. Only "honorable" and "honorable with general" status discharges will be reviewed. If approved, your application will then be reviewed by the Veterans Court team and Veterans Administration to determine acceptance and if you qualify for the necessary Veterans Benefits. If so, you will then be allowed to enter a plea in Veterans Court. You will then be scheduled a meeting with the Veterans Court Coordinator to discuss an appropriate treatment plan and a brief overview of program rules and requirements. In most cases, you will not be accepted by the Veterans court if you have any violent charges, gun charges, or if gang related; however, acceptance is done on a case-by-case determination.

Program Description

The Calhoun County Veterans program was developed to help you achieve total abstinence from drugs or alcohol, be diverted from prison or jail, and to have a more satisfying, law abiding life. The program is designed to reduce re-arrest, promote self-sufficiency through employment and education, and to assist you with remaining in the community as a productive and responsible member of society. The judge, court staff, treatment agencies, and other team members will guide and assist you, but the final responsibility is yours. You must be motivated to make these changes and commit to a totally crime and drug free life.

The program involves working with the court, coordinator, treatment providers, Veterans Health Administration, Veterans Benefits Administration, Veterans Employment representatives, Veterans service organizations, and other team members for a minimum of a year. However, the Judge will make the final decision of completion. Our team will be working with you towards successful completion of the program, but the choice and effort to become drug and crime free comes from you. You will not be sent to prison or back to jail if you comply with the conditions of the program and graduate. It is important that you understand the long-term commitment involved in this program. You may become involved with community support groups, attend substance abuse treatment, participate in mental health treatment, strict supervision, submit to random drug testing, and make regular court appearances.

Court Appearances

If you choose to participate in the program after you are approved for admission, you will be instructed to appear in the court to enter your plea of guilty to your charge(s). Prior to your appearance, your attorney will advise you of your rights and discuss the program with you. After you enter your plea, your attorney's job is concluded and unless you retain an attorney to do so, your attorney will no longer represent you in the case(s) to which you have entered a plea. During the program, you will be required to attend court every two weeks on the **first and third Tuesday of the month at 8:30am** unless instructed otherwise. You will enter the program in phase I requiring you to appear in court every two weeks. Upon successful progress through the program, the Veteran Court team may move you into phase II where only one court appearance is required.

Supervision

Following your acceptance into the Veterans Court, you will report to your coordinator for orientation. The coordinator will provide a general overview and discuss the rules and requirements. You will be scheduled a date and time to report monthly to see the coordinator. The coordinator will assess your medical, housing, transportation, drug history, mental health history, and fines to determine an appropriate treatment plan.

Treatment

Substance abuse and mental health treatment is provided by state funded treatment agencies or the federally funded Veterans Health Administration. The treatment agency that you are assigned to will coordinate your treatment and may refer you to additional treatment or mental health services if needed. After entry you will develop a treatment plan with the coordinator. The schedule will be determined by the treatment agency, but attendance is required. Each treatment plan is individualized to meet participant's needs. You are responsible for attending all scheduled appointments. Missing appointments will result in sanctions and have to be made up later. Substance abuse counseling is comprised of different formats such as individual session, group session, and case management. Your attendance and level of participation at counseling sessions will be reported to the team as part of your progress report. Attendance may be required at support group meetings such as AA or NA. The number of required meetings will vary upon need. You will have to provide signed attendance that you are attending these meetings.

Sanctions

If you fail to comply with the program rules, you may be sanctioned. Sanctions are progressive and become stiffer for repeat violations. As you progress through the program, the expectation is that you will not have any sanctions; therefore, the sanctions imposed may be stiffer than in earlier months of participation. Sanctions are individualized to each situation and should not be viewed to have a set guideline. Failure to appear on the date and time scheduled may result in a warrant being issued. If you cannot appear in court or make an appointment, you must notify your coordinator prior to the miss. If you have emergency, you must notify the coordinator immediately. Warrants, new charges, or non-compliance could result in termination from the program and sentenced on your pending charges.

Program Fees

You will be responsible for paying all fines owed during your participation in the program. The amount owed will be provided during orientation and a payment plan will be established. Payment information will be provided to the judge as part of the progress report and non-payment may result in delayed graduation or sanctions.

Drug Testing

As you progress through the program, drug testing will be required on a random basis. The Veteran Court team will have access to all drug test results, including failures to test. Results that indicate a sample was diluted will be subject to the same sanction as if the result were positive. You may be placed on a color code. The goal of the program is to help you achieve complete abstinence from drugs.

Graduation

The Veterans Court is a highly structured and supervised program. Treatment is designed to last for a minimum of 12 months. Your progress through the court phases will depend upon your completion of treatment goals and compliance with drug testing and program rules. Fewer sanctions often mean faster completion. Participants must also make significant progress in treatment and other program requirements to complete the program. At each appearance, the judge will be given a progress report prepared by the coordinator regarding drug test results, employment status, attendance and participation in treatment, and monthly reporting. Eligibility for graduation is determined by the judge, the court team, and treatment providers. You must have no miss or positive drug test for four months. You must have some means of income or attending school. You must satisfy all your financial obligations to the court and be compliant with planned treatment.

Confidentiality

All participants records are protected by federal and state laws regarding confidentiality. We cannot release written or verbal information without written, signed consent. However, you cannot participate in Veterans Court without a Release of Information which allows the Veterans Court team to discuss your case and progress. Persons outside the program will not be provided information about you. There may be additional emergency or legal circumstances that require release of information such as court order, medical emergency, threats, child abuse, etc. Please refer to the form titled **42 C.F.R. § 2.22** under “Forms” for more information on protected information.



10 Components of Veterans Court

The National Clearinghouse for Veterans Treatment Courts at the
National Association of Drug Court Professionals

In 2008, The Buffalo Veterans Treatment Court adopted with slight modifications the essential tenements of the U.S. Department of Justice Publication entitled “*Defining Drug Courts: The Key Components*”, (Jan.1997). There are key differences between Drug Courts, Mental Health Courts, and Veterans Treatment Courts. These *Key Components* provide the foundation for the successful operation of a Veterans Treatment Court.

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

Veterans Treatment Courts promotes sobriety, recovery and stability through a coordinated response to veteran’s 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 veterans’ 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 treatment court program, the team’s 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 Treatment Court program

Early identification of veterans entering the criminal justice system is an integral part of the process of placement in the Veterans Treatment 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 Treatment 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 Treatment Court team also consider 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 Treatment Court team. Ongoing veteran peer mentors interaction with the Veterans Treatment 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 Treatment Court responses to participants' compliance

A veteran's progress through the treatment court experience is measured by his or her compliance with the treatment regimen. Veterans Treatment Court reward cooperation as well as respond to noncompliance. Veterans Treatment 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 Treatment 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 Treatment Court planning, implementation, and operations

All Veterans Treatment 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 understandings 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 Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness

Because of its unique position in the criminal justice system, Veterans Treatment 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 Treatment Court participants and informs the community about Veterans Treatment Court concepts. The Veterans Treatment Court fosters system wide involvement through its commitment to share responsibility and participation of program partners.

Veterans Court Sanctions

Sanctions will be imposed for violation of any of the Veterans Court Rules & Requirements, as well as violation or any other failure to comply with an order of the Veterans Court Judge. Sanctions will be imposed based on the specifics of the individual case. Additionally, treatment may be required which may include an outpatient or inpatient treatment program. Such a requirement is a therapeutic effort to address your substance abuse problem or mental health issue and is not designed to be a sanction or punishment for any rules or requirements violated. The same violation may not result in the same sanction for two different Veterans Court participants. The following is a partial list of sanctions that may be imposed for non-compliance. The Court or Veterans Court Coordinator may impose different or additional sanctions that may be appropriate for the non-compliant conduct:

- Incarceration in the County Jail
- Community service
- Electronic monitoring
- Increased frequency of court appearances
- Increased reporting to Coordinator
- Increased frequency of drug screens
- Delay in graduation date
- Termination from the Veterans Court Program – Imposition of Sentence or reinstatement of charges that were continued to be dismissed pursuant to Deferred Prosecution

Calhoun County Veterans Treatment Court Rules and Requirements

In order to graduate from Calhoun County Veterans Treatment Court I will abide by the following Rules and Requirements. I understand that failure to comply with any rule or requirement will result in a sanction, which may or may not terminate me from the VTC program and result in imposition of my jail and prison sentence. I will comply with all other Court orders and requirements of the Court, the VTC Coordinator, and treatment directors not specifically set forth in these Rules and Requirements

Name: _____ Date: _____

Initials

Rule

Meetings I understand that I am required to attend every Veteran court session as ordered and will arrive on time. The Judge will order a warrant for any client who misses an ordered court date. I will contact the coordinator immediately if I miss a court meeting. The court dates are generally the first and third Tuesday of each month. I understand that am also responsible to show up to meetings with other veteran court members when instructed.

Drug Testing I understand that I may be randomly drug screened and it is my responsibility to call color code everyday if placed on such system for drug screening. I understand that a missed, diluted, or refusal to submit a drug test will be treated as a positive drug test by the VTC and that I will be sanctioned by the VTC. I understand that even trace amounts of illegal drugs can be sanctioned on a case by case basis. I understand I will not use or possess any mind-altering substance during my participation in VTC if instructed. I will not use alcohol while in the VTC program if instructed not to do so. I will not consume any prescription medication without first obtaining a prescription from my doctor.

Fines I understand that I will provide proof of payment of all court cost payments, fines, restitutions, and child support payments to my coordinator. It is my responsibility to keep up with my payments and stay current on them.

Treatment I will comply with all terms of my treatment plan and I understand that it may be changed as needed during my participation in VTC. I understand the extent and seriousness of my drug use may be assessed at different times during my participation in the VTC program and I may be referred to intensive outpatient treatment, inpatient substance abuse treatment, or other treatment programs that will be appropriate for my condition(s). If I am referred to such a program, I understand that I am responsible for paying all cost for any treatment program.

Employment I will obtain and maintain full-time employment unless otherwise excused by the VTC. I understand I need to be honest with my employer about my participation in VTC. I will bring proof of employment to my coordinator when requested.

Transportation and Travel I understand that I am to have reliable transportation to all court meetings, treatment, drug screenings, or other meetings. I understand that I am not to leave the State of Alabama without the permission of the VTC. I will be at my home address every night if assigned a curfew time.

Dress Code and Acquaintances I understand that during the VTC program, I will not associate with people who have felony charges or known for criminal activity. I understand that when reporting to VTC, treatment, coordinator, or drug screenings, I will dress appropriately. I will not wear hats, short shorts, skirts, torn jeans, facial piercings, tongue piercings, gauged earrings, clothing of inappropriate material (drugs, alcohol, violence, gangs, or slang), baggy jeans, tank tops, etc. I will maintain appropriate appearance and personal hygiene.

Honesty I understand that I am required to be truthful in all of my interaction with the VTC staff. If it is discovered that I have been dishonest I will be sanctioned accordingly. It is my responsibility to communicate to the VTC if any of my information changes (address, phone, etc.). Failure to inform coordinator could result in sanctions. I understand that I must notify my Veterans Coordinator immediately of any contact that I have with law enforcement.

Sanctions I understand sanctions will be imposed for violation of any of the VTC Rules and Requirements. Sanctions will be imposed for failure to comply with the orders of the VTC Judge, Coordinator, or Treatment providers. The VTC may impose different or additional sanctions that may be appropriate for the non-compliant conduct. Sanctions include incarceration for a period determined by the VTC Judge, community service, increased drug testing, increased reporting or court meetings, delay in graduation and increase in graduation cost, termination from VTC program and imposition of sentence, mental or substance abuse treatment programs, etc.

I will comply with all other Court orders and requirements of the Court, the Veterans Court Coordinator, and the Treatment Director not specifically set forth in these Rules & Requirements.

Conclusion

We hope this handbook has been helpful to you and answered any of your questions. If you have any additional questions or concerns about the Veterans Court program, please feel free to contact the coordinator listed on the front page of your handbook. Good luck to you and thank you for your service to our country.

Forms

*Veterans court application can be found at calhouncleburnebar.org

The below forms must be completed and submitted with a Veterans Court application to the coordinator.

CONSENT FOR DISCLOSURE OF CONFIDENTIAL VETERANS COURT MENTAL HEALTH/ SUBSTANCE ABUSE INFORMATION

I, _____, have read or had explained to me the Notice to Patients Pursuant to 42 C.F.R. § 2.22 regarding the disclosure of my treatment information and hereby consent to the release of the approved treatment information between the following individuals and/or entities: The Veterans Court (including all Veterans Court team members); my retained or appointed defense counsel; the Community Corrections Facility; and any outpatient or inpatient substance abuse/mental health treatment program or facility to which I may be referred or in which I may participate during my participation in the Veterans Court Program. The purpose of, and need for, this disclosure is to inform the court and all other named parties of my eligibility and/or acceptability for treatment services and my treatment attendance, prognosis, compliance, and progress in accordance with the Veterans Court monitoring criteria. I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Veterans Court Program for the above referenced case(s), such as the discontinuation of all court supervision upon my successful completion of the Veterans Court Program requirements OR upon my discharge from the program or the imposition of my sentence following my termination from the Veterans Court Program for failure to comply with Program requirements.

I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of patient records and that recipients of this information may re-disclose it only in connection with official duties.

Date

Signature of Applicant/Participant

NOTICE TO PATIENTS PURSUANT TO 42 C.F.R. § 2.22

The confidentiality of mental health and alcohol and drug abuse patient records maintained by this Program is protected by federal law and regulations. Generally, the program may not say to a person outside the program that a patient attends the program, or disclose any information identifying a patient as having a mental illness or as a drug or alcohol abuser UNLESS:

1. The patient consents in writing;
2. The disclosure is allowed by a Court Order; or
3. The disclosure is made to medical personnel in a medical emergency or to a qualified person for research, audit or program evaluation.

Violation of federal law and regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with federal regulations. Federal laws and regulations do not protect any information about a crime committed by a patient either at the program or against any person who works for the program or about any threat to commit such a crime. Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

PERMISSION TO CONDUCT SEARCH AND TO SEIZE CERTAIN PROPERTY

I, _____, do hereby give my consent to any police officer, Sheriff, Deputy Sheriff, State Trooper, any agent or employee of the District Attorney’s Office, or any agent or employee of the Veterans Court Program to enter any premises under my control or to detain me or any vehicle under my control for the purpose of searching my person or the premises or vehicle under my control. I understand that the search may be performed at any time of the day or night for the purposes of searching for and seizing any controlled substances, paraphernalia, or any other evidence relative to the possession, distribution, manufacture or use of any controlled substance. I also understand that if any evidence is found, it will be used against me if it is evidence of a criminal offense, or if it is evidence that I have violated the conditions of my participation in the Veterans Court Program.

By my signature below, I affirm that I grant said consent for so long as I am participating in the Veterans Court Program.

APPLICANT DATE

WITNESS DATE



Receipt of Handbook

I, _____, acknowledge the receipt of the Calhoun County Participant Handbook for the Veterans Court. By my signature below, I attest that I have been provided with a copy of the handbook. I understand that it is my responsibility to read and become familiar with the handbook including any attachment(s).

Veteran Participant

9/8/16
Date