

Montgomery County
VETERANS TREATMENT COURT PROGRAM

Montgomery County

VETERANS TREATMENT COURT

MISSION STATEMENT

The mission of the Montgomery County Veterans Treatment Court is to assist Veterans and their families to become integral and productive members of the community through a collaborative effort, and to honor them and restore their dignity for their selfless services to our country; we shall leave no veteran behind.

PURPOSE

The Montgomery County Veterans Treatment Court Program aims to serve veterans and active service members who suffer from mental illness, mental disorders, and substance use disorder due to military service, which was a contributing factor in their misdemeanor or felony criminal offense. Montgomery County Veterans Treatment Court aims to achieve positive veteran behavior by providing a holistic integrated set of support services including the following:

- Diverting veterans from the traditional criminal justice system into an alternative to incarceration program that addresses their specific needs;
- Improving access to medical, mental health, and substance abuse treatment;
- Assisting with other debilitating factors such as unemployment and homelessness;
- Improving long-term mental health recovery and community reintegration through involvement in structured, comprehensive treatment.

STEERING COMMITTEE

The following agency and department representatives provide continuing guidance on the development and operations of the Veterans Treatment Court.

- *Office of Court Administration, Director*
- *Presiding District and County Court at Law Administrative Judges*
- *Criminal Defense Bar Representative*
- *Commissioners' Court Representative*
- *Community Supervision and Corrections Department Representative*
- *Elected Veterans Treatment Court Judge*
- *District Attorney Office Representative*
- *Citizen Veteran Representative*

The Steering Committee is comprised of executive level personnel from participating agencies who developed and continue to assist with the implementation of the following:

- Members of the Veterans Treatment Court Team;
- Mission statement for the Veterans Treatment Court Program;
- Goals and objectives of the Veterans Treatment Court Program;
- Structure of the Program;
- Target population;
- Eligibility and disqualification criteria;
- Phases of the Veterans Treatment Court Program;
- Sanctions and incentives;
- Protocols for supervision, counseling, and drug testing;
- Evaluation methods.

The ongoing functions of the Steering Committee shall be to continuously update and improve program policies and procedures, resolve both internal and external disputes affecting the Veterans Treatment Court Program, appoint new members to the Veterans Treatment Court Team, and promoting the Veterans Treatment Court Program concept within the community.

The Steering Committee shall meet on at least a semi-annual basis.

The Steering Committee shall designate the type of Veterans Treatment Court Model to be followed and adopt guidelines regarding the target population, eligibility criteria, disqualification criteria, and the entry process in order to achieve the goal.

COOPERATIVE WORKING AGREEMENT

In order to operate in an efficient, coordinated, and consistent manner, the Veterans Treatment Court Steering Committee, shall obtain Cooperative Working Agreements (CWA) or Memorandum of Understanding (MOU) from all agencies and organizations involved with the court. The CWA/MOU shall signal an agency's commitment to the Veterans Treatment Court Program and a willingness to expend resources to maximize the probability of the success of the Program and its participants.

The Steering Committee shall require a CWA/MOU from the following agencies and organizations:

- Montgomery County Criminal District Courts;
- Montgomery County Courts at Law;
- Montgomery County Criminal District Attorney;
- Montgomery County Community Supervision and Corrections Department;
- The Michael E. DeBakey VA Medical Center;
- Department of Veterans Affairs, Veteran Justice Outreach Office; and
- Any other agency or organization involved in Veterans Treatment Court.

VETERANS TREATMENT COURT TEAM

The Veterans Treatment Court Team shall be comprised of representatives from each agency involved with carrying out daily casework tasks specific to court participants. The Veterans Court Team shall be led by the Veterans Court Judge(s), who shall be chosen by a majority vote of the Montgomery County Board of Judges. The Team shall meet on a regular basis to formulate effective recommendations to assist the Veterans Treatment Court Judge in effectively addressing issues relating to each individual Veterans Treatment Court participant.

- Veterans Treatment Court Judge
- Veterans Treatment Court Administrator
- Veterans Treatment Court Prosecutor
- Veterans Treatment Court Defense Counsel
- Treatment Provider
- Veterans Justice Outreach (VJO)
- Veterans Mentor Court Coordinator
- Any other agency representative involved in the daily casework of Veterans Treatment Court participants and approved by the Steering Committee or its designee.

The Veterans Treatment Court Team shall develop guidelines to ensure Veterans Treatment Court efficiently utilizes its resources on those participants with the highest need while avoiding placing participants into the Program who have needs the Court is unable to effectively address.

The Veterans Treatment Court Team, using a non-adversarial staffing process, shall address:

- Positive and negative participants' behaviors;
- Progress in treatment;
- Personal and interpersonal stressors;
- Sanctions and rewards;
- Participants' sobriety dates;
- Participants' graduation dates; and
- Any other action deemed important by team members.

Each member of the Veterans Treatment Court Team shall be responsible for providing input on all Veterans Treatment Court participants in order to help create effective decisions regarding participants' performances.

VETERANS TREATMENT COURT PROGRAM PERSONNEL

The Montgomery County Veterans Court Judge's Court Administrator shall act as the Veterans Treatment Court Administrator. The Veterans Treatment Court Administrator monitors the operation of Veterans Treatment Court, participates in court judicial staff meetings; prepares and oversees Veterans Treatment Court Program contracts with service providers, maintains data on Veterans Treatment Court; communicates with legal staff, government officials, social service agencies, and the public regarding matters of Veterans Treatment Court; coordinates with Court Coordinators in management of Veterans Treatment Court dockets; coordinates with the Director of Court Administration, the Grants Administrator and others in seeking and securing grant funding for the Montgomery County Veterans Treatment Court Program; and other duties required by the Veterans Court Judge.

Montgomery County Community Supervision and Corrections Department shall select a Veterans Treatment Court Supervision Officer who will supervise Veterans Treatment Court offenders on Community Supervision and pre-trial diversion per department procedures and Community Justice Assistance Division Standards.

VTC ELIGIBILITY REQUIREMENTS

The Texas Legislature established eligibility guidelines for the Veterans Treatment Court (VTC) in Title 2, Chapter 124 of the Texas Government Code. The Montgomery County VTC complies with these guidelines. Veterans Treatment Court is designed as a pre- and post-conviction program, designed for veterans, and, as such, defendants must meet the following requirements:

- be a Veteran of or Active Duty Service Member in the US Armed Forces (Regular, Reserve, State/National Guard);
- have a history of service in a combat zone or other similar hazardous duty;
- sustained a brain injury, mental illness, or mental disorder during service in a combat zone or during other similarly hazardous duty while on Active Duty;
- this injury or illness materially impacted the Veteran's criminal conduct at issue in the pending case;
- have a pending misdemeanor or felony or be on probation or deferred adjudication;
- be willing to plead guilty or admit guilt related to current charges;
- be willing to comply with all recommended medical, mental health and substance abuse treatment as determined by the VTC Treatment Team; and
- be approved by the Veterans Treatment Court team.

VTC DISQUALIFICATION FACTORS

The following criteria shall disqualify offenders from entry into the VTC, if they:

- have prior convictions, deferred adjudications or pending charges for sex offenses, including but not limited to those offenses enumerated in Article 42.12 Sec. 13B(b) of the Texas Code of Criminal Procedure;
- have pending charges of manufacture or delivery of controlled substances or dangerous drugs or pending clandestine lab charges or convictions for operating clandestine labs;
- are cognitively unable to commit to or complete required treatment; or
- have been previously terminated from the Program.

PROGRAM FEES AND TREATMENT COSTS

Pre-trial Diversion participants may pay a Veterans Treatment Court Fee of up to $1000.00 over the period of the term of the program. Costs of drug testing will be paid by the participant.

Post conviction participants on community supervision will pay fees ordered as conditions of supervision.

Any variation in the program fees and costs associated with VTC will be determined by the VTC Judge with input from the VTC team.

PHASE SYSTEM

The VTC will encompass four phases. Movement from one phase to the next is not automatic and will be determined by Veterans Treatment Court Team members after review of the participant's progress in the Program.

Time In Phase and Advancement

Phase advancement is considered an incentive and should be awarded to participants when they deserve such an incentive. Phase advancements will be awarded based upon the listed phase advancement criteria. The decision on advancement rests with the Veterans Treatment Court Team based on input from the participant's treatment providers.

As used herein "abstinence" means to abstain from the use of alcoholic beverages, prohibited controlled substance, and prescription medication that has not been prescribed to the participant by a physician.

PHASE ONE

Assessment, Orientation, and Stabilization

GOALS

A. Assess the needs of participants and determine treatment needs
B. Develop case plans with participants that address identified risks and set treatment goals
C. Ensure participants enter and stabilize in treatment as recommended by their treatment providers

Orientation

- Orientation shall be conducted by the MCVTC CSO (Community Supervision Officer) and the VA Veterans Justice Outreach (VJO) Specialist.
- Participants will review treatment expectations, guidelines, rules and regulations of the MCVTC.
- Participants will receive and review a list of all potential sanctions and incentives of the MCVTC.
- Participants will agree to and sign a performance contract.
- Participants will receive and review instructions for all four program phases.

Assessment

- Treatment providers will provide an assessment and treatment plan to the VJO to determine the appropriate level of care and the treatment course.
- MCVTC CSO will complete the TDCJ-CJAD Case Classification instrument and supervision plans within 15 working days of placement into the program.
- VA VJO Specialist will complete an orientation to the VTC and appropriate VA assessments within 14 working days of Veteran entering the court.

Treatment

- The veteran's medical and mental health providers will make a treatment recommendation.
- The participant will follow the orders of their treatment providers.

Court Attendance

- Participants will attend all court sessions, unless previously excused by the VTC team. Court is held two times per month.

Supervision

- Participants will report to their MCVTC CSO as directed based on assessed risk level (minimum of 1 time a month for all phases).
- The CSO will conduct home visits at their discretion, based on assessed risk level.

Urine Samples

- Participants entering the Program will submit a urine sample up to twice a month and/or wear a SCRAM. A SCRAM device is a tool used by courts, probation departments, and sometimes defense attorneys to monitor a client's blood alcohol content level. It is worn around one's ankle and takes samples of perspiration every 30 minutes to monitor and report blood alcohol levels. Data from the device is transmitted to the SCRAM company at least once a day. If alcohol consumption is indicated, the data is forwarded to SCRAM technicians who verify the drinking event before alerting court officials.

Services

- Establish contact with the Veterans Service Officer.

Court-Ordered Financial Obligations

- Participants will be advised of their financial obligations as related to the VTC and establish a payment schedule. Repayment will begin in Phase 2.

Time In Phase 1 (2 months)

- Participants will spend a minimum of 60 days in Phase 1.

Advancement Criteria to Phase 2

- Participants must be participating in the recommended treatment.
- Participants must have a period of abstinence equal to 20 consecutive days.
- Phase advancement must be approved by the Veterans Treatment Court Team.

PHASE TWO

Treatment and Education

GOALS

A. Review participant's continued progress in prescribed courses of treatment.
B. Measure participant's achievements, risk and treatment plans through reassessment by VA VJO Specialist, MCVTC CSO and treatment providers.
C. Assist in development of educational tools that supplement skills learned through participation in treatment and the recovery process.

Supervision

- Participants must report to the Veterans Treatment Court CSO as directed, as needed.
- Participants will communicate to the MCVTC CSO any perceived problems with treatment plans.

Court Appearances

- Participants must attend all court sessions, unless previously excused by the CCVTC CSO.

Treatment

- The participant will follow the orders of their medical and mental health treatment providers.
- Participants must attend all counseling sessions unless excused by MCVTC CSO. Veterans must reschedule any missed appointments within five business days of the original appointment date.
- Establish a sober support network through attendance of sober support groups.
- Complete a relapse prevention plan with treatment provider.
- Begin completion of community service requirement.

Urine Samples

- Random urine samples will be collected randomly, but at least once a month.

Court-Ordered Financial Obligations

- Participants will begin to pay VTC cost according to prearranged plan.

Time In Phase 2 (4 months)

- Participants will spend a minimum of 120 days in Phase II.

Advancement Criteria to Phase 3

- Participants must be progressing in the recommended courses of treatment.
- Participants must have a period of abstinence equal to 60 consecutive days.
- Phase advancement must be approved by the Veterans Treatment Court Team.

PHASE THREE

Education and Transition

Goals

A. Evaluate participant's utilization of skills developed through participation in treatment and the recovery process.
B. Review participant's progress toward completion of the developed treatment plan through the use of VA VJO Specialist assessment, MCVTC CSO risk assessment and treatment provider input.
C. Develop transitional plans for participants that support long-term abstinence and sobriety using skills developed while participating in the Veterans Treatment Court treatment program.

Reporting

- Participants must report as directed to MCVTC CSO, at least a minimum of one time per month.

Court Appearances

- Participants must report to Veterans Treatment Court one time per month.

Treatment

- Participants will follow treatment plan as ordered by all medical and mental health providers.
- Maintain engagement with sober support groups.
- Continue to complete community service as required.
- Begin to build a sober support network.
- Begin to develop a future plan in conjunction with treatment provider and MCVTC CSO to include educational and vocational goals or other post-VTC goals.

Urine Samples

- Samples should be collected up to twice a month.

- Participants will have 90 days of continuous sobriety before progressing to Phase 4.

Court-Ordered Financial Obligations

- Continue to repay fees according to prearranged schedule.

Time In Phase 3 (4 months)

- Participants must remain in Phase 3 for 120 days.

Advancement Criteria to Phase 4

- Participants must be progressing in the recommended courses of treatment.
- Participants must have a period of abstinence equal to 90 consecutive days.
- Phase advancement must be approved by the Veterans Treatment Court Team.

PHASE FOUR

Transition and Graduation

Phase 4 is the final evaluation and graduation phase of the Veterans Treatment Court program. It is intended to evaluate the ability of the participant to remain offense free without future supervision and shall require the following of the participants:

Supervision

- Participants will report to the MCVTC CSO as directed.
- Complete all remaining court ordered community service hours.

Court Attendance

- Participants will attend court once per month.

Urine Samples

- Participants will provide a random drug screen at least once per month.

Treatment

- Follow the orders of all medical and Mental Health treatment providers.
- Maintain a sober support group.
- Maintain a social support system.

Graduation

Participants will qualify for graduation from the Program by completing the following:

- No positive urine sample results for at least 90 consecutive days before graduation.
- Pay in full all Veterans Treatment Court Program fees.
- Complete a written speech discussing lessons learned, court experience and future plans to be verbally delivered to the court prior to graduation.
- Fulfill treatment plan goals based on input from treatment providers.

INCENTIVES AND SANCTIONS

INCENTIVES

Incentives are given to participants who are deserving of special recognition for achievements and/or progress while in the VTC. Incentives are used to reward positive behavior and progress toward goals. The Veterans Treatment Court team will make recommendations for incentives.

Examples of potential incentives (other incentives may also be used based on participant needs and/or recommendations of VTC team):

- verbal praise from the Judge;
- verbal encouragement from the Veterans Treatment Court Judge and Veterans Treatment Court Team;
- Certificate of Completion;
- graduation gift;
- transfer to a regular community supervision caseload and lesser contact standards;
- waiver of all or part of any program fees;
- gift certificates, tickets, passes to local events;
- waiver of community service hours;
- decreased supervision;
- travel permission;
- overnight permission;
- phase advancement; and/or
- gift card/certificate.

SANCTIONS

Responses should be both punitive and therapeutic in nature as well as providing incentives for positive behaviors. Veterans Treatment Court includes plans for graduated sanctions which are applied as immediate and direct consequences of program failures. Veterans Treatment Court employs judicial responses, responses related to supervision, and therapeutic responses.

Program non-compliance should be addressed in a timely manner using judicial responses or supervision responses in conjunction with therapeutic responses addressing the identified behaviors. Other sanctions may also be considered based on participant needs and/or recommendations of VTC team. Termination of the participant from the VTC program will be a last resort following repeated program failures and graduated sanctions.

Examples of Judicial Responses:

- increased court appearances
- court admonishment
- jail time
- change in phase
- electronic monitoring
- community service hours

Examples of Supervision Responses

- increased reporting
- increased drug testing

Examples of Therapeutic Responses

- writing assignments designed to address the identified problem
- required to attend 90 support group meetings in 90 days.

SUPERVISION PROTOCOL

Participants in Veterans Treatment Court will be supervised by the Veterans Treatment Court Team. The Veterans Treatment Court CSO will provide the Veterans Treatment Court Judge accurate information regarding the progress of participants in the Program as well as address any public safety issues that arise while participants are in the Program. Pro-active supervision will enhance public safety as well as address treatment issues of participants in a timely manner.

General Policies Governing Case Management

Screening for Acceptance into Program

There are two options for entry into Veterans Treatment Court: Pre-conviction or Post-conviction Community Supervision cases.

The Veterans Treatment Court CSO and VA VJO will conduct screening interviews with defendants referred to the VTC and will review all conditions and requirements to ensure defendants understand the expectations of the Program. Upon defendant's agreement to participate in the Program, the Veterans Treatment Court CSO and VA VJO will conduct necessary screenings.

Contact Standards

Participants will report to the Veterans Treatment Court CSO according to the phase system. Subsequent contact requirements will be determined by the Veterans Treatment Court Team. Contacts may be increased or decreased depending on participant's compliance and progress. Increased or decreased contact standards are part of the progressive sanctions utilized in this program.

All contacts with participants or other parties with information about participants should be documented in case files so that the members of the Veterans Treatment Court Team will have accurate accounts of participant progress. Contacts will be classified as either face-to-face or collateral.

- Face-to-face contacts are made by a member of the Veterans Treatment Court Team either at participant's employment, home, program office, or elsewhere in the community.

- Collateral contacts are made with people other than Program participants by members of the Veterans Treatment Court Team. These contacts can be for surveillance purposes in order to obtain information from people in the community who may have knowledge of participant's progress and conduct.

Assessment and Reassessment

Within 15 days of entry into Veterans Treatment Court, standard case classification assessment of participants' risks and needs will be administered and case supervision plans developed for all participants.

All assessments or reassessments will be reviewed by the Veterans Treatment Court CSO every six months to determine if reassessment and supervision plan modifications are necessary. Reassessment will be completed at least annually.

Treatment

The VA VJO will make the appropriate referrals to address any treatment needs identified for participants. Participation in substance abuse treatment and/or mental health treatment is mandatory. The CSO, supported by the VA VJO, will monitor treatment attendance and progress on all participants.

Substance Abuse Testing

Urinalysis testing will be utilized to determine participant's compliance with program conditions and substance abuse treatment goals. Initially, all participants will be randomly tested up to twice a week. Subsequent testing frequency will be determined by the Veterans Treatment Court Team. Testing can be increased or decreased depending on participant's compliance and progress. Increased or decreased testing is a part of the progressive sanctions utilized in this program. Participants are subject to testing at any time and at any appropriate location.

Reporting

Reporting is the single most important aspect of the Program. Within 24 hours of missed reports, an attempt should be made to contact participants. When participants fail to respond to the Veterans Treatment Court CSO's efforts, the Veterans Treatment Court Team should be notified at the next staffing of the missed report (s) with recommended courses of action.

Attempts to contact include phone calls to participant's last known phone numbers, phone calls to the participant's collateral contacts, and letters mailed to participants.

Court Appearances

Court sessions will be held as directed by the Veteran's Court Judge two times per month. Participants are required to report for court sessions according to Phase requirements. Participants who report late for court or who fail to report to court will be subject to the sanctions of the Court. Participants are required to notify their Veterans Treatment Court CSO within seven days of a religious holiday to request any modifications in court attendance. The notification also includes any changes in reporting or treatment attendance. The Veterans Treatment Court CSO is required to place the request on the dockets as information.

Travel

Participants may not travel outside participant's home county or a county adjacent thereto, except to fulfill Veterans Treatment Court requirements, without obtaining permission to travel. Participants must submit a travel request to the Veterans Treatment Court CSO listing dates of travel, destination(s), and reason for travel.

Participants may not travel while in Phase 1 of the Program, except for emergencies.

Emergency travel may be approved by the Veterans Treatment Court CSO and the Veterans Treatment Court Administrator.

EVALUATION METHODS

The Veterans Treatment Court Administrator shall provide an annual review at the end of each fiscal year (September 1 through August 31) to the Veterans Treatment Court Steering Committee, including information regarding the retention rate, the graduation rate and the in-program recidivism rate. The Veterans Treatment Court Administrator shall also track the recidivism rate of all Veterans Treatment Court graduates at one year, two years, and three years from the date of their graduation. The recidivism rates will be determined by obtaining a criminal history on all graduates and determining if any new offenses have been committed. The performance measures listed above will be communicated to the Veterans Treatment Court Steering Committee on a regular basis. The Veterans Treatment Court Administrator shall continuously review the evaluation methods to determine more efficient means to measure program efficiency. The Veterans Treatment Court Administrator may utilize the Montgomery County Office of Court Administration for assistance in gathering data related to the evaluation of the Montgomery Veterans Treatment Court.

The Department of Veterans Affairs will also track participants in order to evaluate effectiveness. Other research may be implemented as needed in order to fully monitor program success.