

# SEVENTH JUDICIAL CIRCUIT ST JOHNS AND PUTNAM COUNTY VETERANS TREATMENT COURT



## Policy and Procedure Manual



This Policy and Procedure Manual for the St. Johns and Putnam County Veterans Treatment Court is designed to structure, but not to eliminate, decision making for the Veterans Treatment Court program.

The court reserves the right, in each individual case, to make discretionary decisions consistent with the law and public policy. Nothing in this Manual shall be construed to create an enforceable right.

This Manual was reviewed in February 2024. It may be supplemented or revised at any time upon Order of the court.

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# **Veterans Treatment Court**

## **St. Johns and Putnam County**

### **Introduction**

The St. Johns and Putnam County Veterans Treatment Court (VTC) provides essential substance abuse and mental health services to current and former military service members, Department of Defense contractor personnel and former members of allied forces who become involved with the criminal justice system. VTC is an alternative to traditional judicial outcomes for appropriate participants.

This program is modeled after existing drug and mental health court programs. These programs feature multiple interventions, a collaborative approach to treatment and rehabilitation, including abstinence, frequent drug/alcohol testing, regular court appearances and educational opportunities. The program provides participants with the skills necessary to maintain a clean and sober lifestyle, replace destructive habits with productive ones while reconnecting with their families and the community.

VTC provides eligible participants the opportunity to receive specialized substance abuse and mental health treatment services, one-on-one veteran peer mentor support, and assistance in gaining access to veteran healthcare, housing and other benefits from the US Department of Veterans Affairs (VA). VTC includes community supervision with frequent court case reviews to ensure public safety and participant accountability. VTC, as with other problem-solving courts, features a non-adversarial courtroom atmosphere, in which dedicated multi-disciplinary teams work together toward the common goal of breaking the cycle of addiction, self-destructive and anti-social behavior, and criminal misconduct, by addressing the participant from a holistic perspective.

The Seventh Judicial Circuit has operated problem-solving courts for several years through collaboration among the State Attorney, Public Defender, Department of Corrections, St Johns and Putnam Sheriff's and local law enforcement agencies, and various substance abuse and mental health treatment providers. This collaboration includes the St. Johns County Veterans Service Officer, St. Johns County Legal Aid, and several veteran-oriented community organizations. These partnerships have proven effective in providing an opportunity to effectuate change within the community by following established best practices and utilizing evidence-based treatment initiatives. VTC is committed to improve outcomes for those who have served our country and allied nations.

## **Mission**

The St. Johns and Putnam County Veterans Treatment Court (VTC) provides an interagency, collaborative, non-adversarial, treatment-focused strategy for participating defendants in the criminal justice system. VTC serves a target population of veterans, former DoD Contractor personnel, and veterans of allied forces, further referred to as “participants”, who suffer from service-related conditions, including but not limited to, post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), other psychological conditions, sexual trauma, or substance use disorder. Service-related conditions include those which manifest themselves while the participant was in military service or as a result of military service.

This court provides intensive supervision and treatment services for participants, as well as a peer support/mentoring program designed specifically to enhance recovery and reduce recidivism rates for veteran offenders. VTC not only supports those who have served our country, but also benefits the community by enhancing public safety, reducing offender recidivism rate, and avoiding or reducing costs associated with incarceration and social services.

VTC strives to:

- Divert qualified participants from incarceration to court supervised, treatment-based programs and VA/community-based services;
- Maintain treatment, benefits, supervision, and community support;
- Promote public safety by treating and providing close supervision and monitoring of participants with qualifying criminal charges;
- Provide qualified peer mentors; and,
- Assist qualified participants in finding adequate housing, employment (where possible), and services to address collateral legal matters.

The goals of these services are to:

- Enhance community safety;
- Reduce reliance on incarceration;
- Hold participants accountable for their actions;
- Integrate substance abuse and mental health treatment with criminal justice case processing;
- Reward positive life changes;
- Reduce substance abuse and related criminal activity among participants;
- Provide resources and support to assist participants in the acquisition of skills necessary for the maintenance of sobriety; and,

- Reintegrate participants into their community.

## **The VTC Team**

The VTC team collaborates to provide services for program participants. The VTC team is made up of many members including, but not limited to, the VTC Coordinator, representatives of the State Attorney and Public Defender, private Defense Counsel, Civil Legal Services' attorney, local law enforcement agencies, Veteran Justice Outreach Coordinator and treatment providers from the US Department of Veterans Affairs, representatives of the Department of Corrections/Probation, Veteran Peer Mentors, and Community based Substance Abuse and Mental Health Treatment Professionals.

The VTC team makes recommendations regarding participant progress in the program, to include incentives, sanctions, phase changes, and graduation or termination to the VTC Judge. The VTC team (excluding the Veteran Mentor) meets with the VTC Judge prior to each scheduled court session to discuss and review participant progress since the last court appearance. The team will make recommendations to the judge concerning needed actions based on their own knowledge, experience or role. All recommendations are required to be in the best interest of the participant, regardless of personal or professional disagreements or challenges. Furthermore, each veteran participant must be afforded his/her right to a hearing on the issues. After the pre-hearing meeting, the judge will conduct VTC court hearings to address each participant, his/her attorney, and mentor. The judge will discuss participant and case progression, as well as such topics as housing, education, vocational training, and job placement.

### **Judge**

The Judge provides focus and direction of VTC through the effective leadership of the VTC. The judge is responsible for maintaining a non-adversarial atmosphere within the court. All team members must see their primary responsibility as the facilitation of the veteran participant's rehabilitation within the framework of maintaining community safety.

The Judge will conduct less formal and more frequent court appearances. This results in VTC participants benefitting by seeing how their peers progress while being held accountable.

The Judge also serves as a non-political, policy advocate who represents the program in the community and with other governmental/criminal justice/social service agencies. The Judge will lead a multi-disciplinary partnership among the courts, Department of Veterans Affairs, State Attorney's Office, Public Defender's Office, Legal Services, Department of Corrections/Probation, law enforcement and local government. The Judge is a key motivator in encouraging the veteran participant to engage in rehabilitation programs.

### **Coordinator**

VTC Coordinator provides one-on-one case management to VTC participants while keeping the VTC team informed on participant progress. The coordinator will also coordinate with treatment providers, veteran services, and other community partners to ensure necessary services are being provided. The coordinator will provide recommendations to the VTC team regarding participant needs, incentives and sanctions. The coordinator will keep the Judge apprised of administrative procedures affecting court operations, monitor the VTC budget, and report on team

and provider activities. The coordinator will also provide misdemeanor participants with community probation supervision under court supervision.

### **Treatment Providers**

The Department of Veterans Affairs and its community-based contractors are the primary treatment providers for eligible VTC participants. Other community-based care providers may be accessed through existing local programs where necessary to supplement the care provided by the Department of Veterans Affairs. Treatment providers will submit regular and frequent updates regarding participants' compliance with treatment. All participants must sign a release of information to allow their treatment providers to discuss their treatment with the Court and the members of the treatment team.

### **Veteran Mentors**

Veteran mentors are a unique feature of VTC. Veterans' organizations are the primary source for recruiting veteran mentors, also known as "battle buddies," "ship mates" and "wingman." These organizations assist in training volunteers to serve as positive reinforcement and support for participants. The mentors listen to participants, share common experiences, and provide guidance. The mentors also attend court to support the participants. The Veteran Mentor has a special confidential, but not legally privileged, relationship with the participant. Their function is to be a role model and support the veteran participant through encouragement and engagement with the greater veteran community.

To enhance continuity of care and program integrity, mentors are ideally gender specific and matched with participants from the same branch of military service or who have similar military service experience. Mentors include, but are not limited to, those who have served in Vietnam, Desert Storm/Shield, Operations Enduring Freedom and Iraqi Freedom and subsequent operations.

The Mentor Coordinator serves as the program lead and directs the assignment of mentors. The Mentor Coordinator also serves as a member of the program steering committee.

### **Veteran Service Organizations**

Veterans respond more favorably to treatment when provided the opportunity to interact with other veterans. While the burden of rehabilitation resides solely with the participant, mentors reinforce the core military attributes of personal responsibility and team accountability. The active and supportive relationship between the participant and veteran mentor is maintained throughout all phases of the program. This supportive relationship increases the likelihood the participant will successfully complete the program.

Veteran Service Organizations may offer participants opportunities for social integration and moral support. Within the framework of existing laws regulating support to court functions, the service organizations may participate in official court ceremonies and may offer community incentives to participants.



## **Probation Officer**

The Department of Corrections provides a dedicated probation officer to the VTC team. The role of the probation officer is to provide community supervision of the felony level participant to assure compliance with all court ordered conditions of VTC. As such, participants are subject to warrantless searches, home visits, frequent substance testing, and employer verifications throughout their participation in the program. Additionally, the probation officer will provide updates to the team on a regular basis. Participants entering VTC from a felony case will be supervised by the Department of Corrections regardless of disposition or pretrial diversion. Participants entering VTC with misdemeanor only charges will be supervised by the Program Coordinator. All costs of supervision are waived for VTC participants.

## **Law Enforcement**

Law enforcement is at the front line of VTC. Law enforcement will typically be the first entity to encounter and identify a veteran for participation in VTC. Once law enforcement identifies the veteran at the time of booking, law enforcement will notify designated team members. Team members will then screen the veteran for program eligibility. Additionally, law enforcement can advise the VTC team of the participant's behavior in the community as well as monitor participants serving a period of sanction in the County jail.

## **Attorneys**

The State Attorney's Office (SAO) and Public Defender's Office each believe in the benefits of problem-solving courts. Each office provides a dedicated staff member to the VTC team. Civil legal services are also integral to the team make up, along with coordinating assistance, when needed, with pro bono local bar attorneys. These attorneys maintain the integrity of the adversarial process, while lending their knowledge and skills to this specialty court. The State Attorney's Office is tasked with protecting and enforcing public safety. With public safety in mind, he State Attorney's Office will make recommendations about who should and should not nter the program. The Public Defender's Office or private defense counsel protects the participants' due process rights. After a participant has been accepted into the program, civil legal services' attorneys assist with issues of being a returning citizen (creditor/debt issues, consumer protection, public benefits and work issues, eviction and foreclosure prevention, family law, Durable Powers of Attorneys/Wills, community resources, etc.).

## **Team Member Rules**

A brief summary of the team member rules is set forth below. Nothing in these rules is intended to replace any statute, rule of procedure or Order of the court.

1. VTC team members are prohibited from accepting gifts from participants. Participants who want to assist others in the program are encouraged to donate items to veterans' service organizations for distribution.
2. VTC team members, except those required by their role or employer, are prohibited from transporting participants in their personal vehicles. This does not apply to veteran mentors.

3. VTC team members are prohibited from engaging in relationships with program participants. This includes participating in non-program related functions. This prohibition does not apply, however, to team members and participants attending a public or open program for which they are independently eligible. This exception means that both team members and participants may, in their own right, and on an individual basis, attend functions held by veterans' organizations, civic groups, and religious assemblies. Such coincidental and simultaneous attendance is not part of the VTC program. This also includes attendance at events such as a Veterans Day parade or Memorial Day ceremony. Team Members and participants who encounter one another at such function should generally refrain from any discussion of VTC at such function and conduct themselves in accordance with any other legal or ethical obligation governing their behavior and privileges that may apply to VTC.
4. VTC team members shall conduct themselves in a professional manner. Team members are expected to discourage unprofessional or unethical advances from participants and/or participant family members. Misconduct should be reported to the VTC Judge.

## **VTC Referral Procedure**

Referrals may be made by law enforcement, the State Attorney, the public defender, a private counsel, a probation officer or another judge or court. With the exception of referrals made by a St Johns or Putnam County Judge or court, all cases will first be reviewed by the State Attorney's Office with a simultaneous notice to the VTC Coordinator.

The State Attorney's Office will review the case and defendant for VTC eligibility and may submit a referral form to the Public Defender's Office or private counsel for further review. If deemed eligible, the referred defendant will be instructed to report to the next VTC court session for observation of VTC.

### **Eligibility Criteria**

Admissions are made on a pre-trial basis (diversion) or through a post-plea sentence (probation). Voluntary participation by a defendant is required. A referral may be made by any interested person who believes a defendant is appropriate for consideration. For certain offenses, such as assault, burglary, or domestic violence, victim consent shall be sought and the victim's opinions shall be taken into consideration when the Judge is considering admission in accordance with statutory and constitutional requirements.

The VTC program is geared toward high need Veterans. Factors such as public safety, circumstances of the offense, and victim input are considered by the Judge prior to acceptance into the program. A defendant must be eighteen years or older charged with an eligible offense, with an acceptable criminal history, and an active member of the military in good standing or have been discharged with a qualifying discharge. DoD Contractors, veterans of allied military, and veterans of the US Military with other than honorable discharges are unlikely to be eligible for treatment by the US Department of Veterans Affairs. In addition, certain National Guard members and former service members who received an uncharacterized discharge (entry level) may not be eligible for VA medical services. While lack of eligibility for VA Healthcare Services is a factor,

it does not determine eligibility by itself. Treatment of those participants may be conditioned upon eligibility for fee waivers, private health coverage, and the availability of community-based resources.

### **Misdemeanors- Entering VTC**

Defendants charged with misdemeanors may enter VTC through one of the following:

1. Deferred Prosecution Agreement (DPA) requiring graduation from VTC;
2. An imposition of court ordered sentence requiring graduation from VTC. In order to be eligible to participate, a Defendant, may, depending on the acuity of their personal physical or mental condition, be ordered into VTC for a period of time pending sentencing with a waiver of speedy trial;
3. Transfer Order authorized by Fla. Stat. § 910.035(5) and upon approval of VTC Judge in consultation with the SAO.

### **Misdemeanors- Deferred Prosecution Agreements (DPA) (Fla. Stat. § 948.16)**

1. A defendant charged with a misdemeanor voluntarily enters into an agreement with the State Attorney's Office. The agreement must require graduation from VTC. In the alternative, Defendant's may file a motion to be permitted to enter in a diversion program.
2. Once entering VTC via a DPA, the criminal prosecution of the participant's case is suspended pending the participant graduating from, or otherwise discharged from, VTC.
3. To enter into a DPA, the defendant must enter a guilty or no contest plea to each pending charge understanding sentencing is deferred and constitutes an open plea.
4. The defendant must consent in writing to fully participate in VTC which includes accepting all incentives and sanctions the VTC Judge may impose. The Defendant MUST waive their right to speedy trial for the duration of their participation in VTC.
5. The participant has no right to opt out of the VTC once the DPA has been accepted by the court. Failure to complete the DPA will subject the Defendant to a sentencing hearing as if they had entered an open plea to the charges.
6. If the participant graduates from VTC, the SAO will file a *nolle prosequi* or an "Announcement of No Information" as to all charges, and the case will be dismissed.
7. If the participant does not graduate from VTC, but is otherwise discharged, his/her case will revert to an active criminal prosecution for sentencing on a regular docket. The VTC Judge may move *sua sponte* to be recused from further handling of the case, but is not required to do so.

8. If the SAO denies admission into the program via DPA, the VTC team may discuss the matter. Final decisions will be in accordance with Fla. Stat. § 948.16(2)(a).

### **Misdemeanors- Sentenced Cases (Fla. Stat. §§ 394.47891 and 948.21)**

1. A misdemeanor defendant may be sentenced into VTC by the court. The terms of the probationary sentence will include successful graduation from VTC.
2. A defendant must enter a guilty or no contest plea to the pending charge(s) and be sentenced into VTC with the requirement of graduation from the program. Depending on the acuity of the Defendant's medical or psychological symptoms, the Defendant may be ordered to participate in VTC for up to 12 months before formal imposition of sentence, with a waiver of speedy trial.
3. Once ordered into VTC, the participant's case will be under the authority of the VTC Judge.
4. If the participant successfully graduates from VTC, the SAO reserves the right to dismiss or not dismiss the charges.
5. If the participant was sentenced to probation and fails to comply with VTC, then a sentence may be imposed for Violation of Probation.
6. If participant has been sentenced to a suspended sentence and fails to comply with VTC, then the suspended sentence may be imposed.
7. The participant has no right to opt out of VTC once ordered into the program. A Defendant who has not been sentenced, may file an appropriate motion and may be, in accordance with applicable law, permitted to rescind their plea agreement. The VTC Judge, at his or her discretion, may sentence the participant, or return him/her to the original trial court Judge for sentencing.

### **Felonies- Entering VTC**

Defendants charged with felonies may enter VTC through one of the following three methods:

1. By entering into a Pretrial Intervention (PTI) agreement with the SAO. The PTI should require graduation from VTC;
2. By sentencing of the court. The court shall require graduation from VTC;
3. By Transfer Order as authorized by Fla. Stat. § 910.035(5) in consultation with SAO.

### **Felonies- Pretrial Intervention Agreement (Fla. Stat. § 948.08)(7)(a))**

1. Participation in VTC by entering into a Pretrial Intervention Agreement (PTI) is voluntary.
2. A defendant charged with a felony may be placed in VTC upon the defendant entering into an agreement with the State Attorney's Office in which VTC graduation is required.
3. Once entering VTC via a PTI, the criminal prosecution of the participant's case is suspended pending the participant graduating from, or otherwise discharged from, VTC.
4. The defendant must consent in writing to fully participate in VTC which includes accepting all incentives and sanctions the VTC judge may impose.
5. The participant has no right to opt out of the VTC once the PTI has been accepted by the court.
6. If the defendant graduates from VTC, the SAO will file a *nolle prosequi* or an "Announcement of No Information" as to all charges, and the case will be dismissed.
7. If the defendant does not graduate from VTC, but is otherwise discharged, his/her case will revert to an active criminal prosecution for sentencing on a regular docket. The VTC Judge may move *sua sponte* to be recused from further handling of the case, but is not required or obligated to do so.
8. If the SAO denies admission into the program via PTI, the Court may grant admission on Motion of the Defendant under the provisions of section 948.08(7)(a) of the Florida Statutes.

### **Felonies- Sentenced Cases (394.47891 and 948.21 F.S.)**

1. A felony defendant may be sentenced into VTC by order of the court. Sentencing should require graduation from VTC.
2. A defendant must enter a guilty or no contest plea to the pending charge(s) and be sentenced into VTC with the requirement of graduation from the program.
3. Once ordered into VTC, the participant's case will be under the authority of the VTC judge.
4. If the participant successfully graduates from VTC, the SAO reserves the right to dismiss or not dismiss the charges.
5. If the participant was sentenced to probation and fails to comply with VTC, then a sentence may be imposed for Violation of Probation.

6. If participant has been sentenced to a suspended sentence and fails to comply with VTC, then the suspended sentence may be imposed.
7. The participant has no right to opt out of VTC once ordered into the program.
8. As the entity with exclusive authority to charge a defendant with a crime, the SAO will determine whether a defendant can be placed into VTC as a sentenced defendant.

## **Treatment Design**

The Department of Veterans Affairs (VA) will provide or arrange treatment services for participants and eligible family members. Treatment for persons not eligible for VA healthcare will be provided by private health insurance, self-pay, or through available community-based resources. Treatment for non-VA covered participants will be on a space and funds available basis. All treatment services are designed to work with participants to address needs and build upon strengths. The frequency of treatment will be based on the participant's individualized treatment plan in accordance with the participant's current phase within the program. Participant conduct will be defined in the *Participant Handbook*.

## **VTC Phases**

VTC is a five-phase, structured treatment program with an anticipated duration of eighteen to twenty-four months. However, those sentenced into the Court will generally include a sentence to 5 years probation with participation in VTC as a special condition. Program experience shows that most participants require at least 18 months in the program. Each participant will have a unique path designed to address their own specific treatment needs. Each phase consists of treatment objectives, therapeutic and rehabilitative activities, community engagement activities, and specific administrative requirements for advancement into the next phase. The core components for each phase are described below. See Appendix A for a visual depiction of VTC Phases.

### **Phase 1 Honor- Intake, Assessment, and Orientation**

In Phase 1, participants will be assigned to be supervised by the VTC Coordinator or a Department of Corrections Probation Officer. The Veteran Mentor Coordinator will assign a Veteran Mentor. The participant will attend a VTC orientation briefing to include the standard topics listed below. Participants will have an opportunity to ask questions as they move forward with obligations.

Program orientation will include further discussion of the following components of VTC:

1. Remaining free of illegal substances and abstaining from the use of alcohol. Participant will be subject to frequent random drug and alcohol screens. There are no exceptions. All participants will remain abstinent from both alcohol and non-prescribed drugs regardless of their underlying treatment needs. Alcohol is a legal substance for anyone over 21 years of age to purchase, possess and consume. However, alcohol is also a powerful depressant on the human nervous system. It has direct and indirect effects on mood, thinking and decision making. Many medications used to treat mental health

conditions carry warning labels warning against the use of both those medications and alcohol. For these and other reasons, the use of alcohol while in Veterans Treatment Court is **prohibited**.

2. Active Participation in ALL recommended treatment modalities. Treatment is the purpose of this Court. If a participant is NOT in active treatment, the program is failing them. Treatment is NOT the exception – it is the program’s reason for existence.
3. Remain arrest free (since time of admission into program). Commission of a new law violation may be grounds for dismissal from the program, or an initiation of Violation of Probation Proceedings. Participants will not be dismissed from the program for a relapse if they are complying with treatment requirements.
4. Report to VTC Coordinator and/or VTC Probation Officer as directed. Frequent interactions with supervising probation officers are the norm for VTC participants.
5. Attend all scheduled court events as directed. There are no regular exceptions. Participants must coordinate their work schedule around the VTC appearances, not vice versa.
6. Maintain routine contact, at least weekly, with their assigned VTC Mentor.
7. Pay Court fees in a timely fashion. Each phase has a required percentage of fees that must be paid in each phase. Being current of fees in accordance with that schedule is a prerequisite to phase advancement.
8. Participate in Community Service. Every participant will be sentenced to a minimum of 50 hours of community service. Each phase has a required percentage of service that must be performed in each phase. Being current of hourly service in accordance with that schedule is a prerequisite to phase advancement.
9. Cooperate with the VTC team. Participants will be respectful of all team and treatment providers. There is no excuse for rude, disrespectful or demeaning behavior.

In Phase I, participants should expect to appear in court every 2 weeks. The Court may award First Flight Status in phase I but will still require bi-weekly attendance.

Participants should display **honor** by showing up and being honest.

## **Phase 2 Courage- Stabilization, Assessment, and Treatment Planning**

Continue all Phase 1 requirements and,

The VTC team will have designed and begun to implement a treatment plan in Phase I. It will be fully implemented in Phase II. It will include scheduling of needed VA medical appointments, consultations with outside providers, continuation of any in-patient treatment and frequent interaction with the Court. The VTC team will develop a written plan for the participant specifying services to be utilized to meet each goal. In Phase 2 the participant will display **courage** by engaging in treatment. Phase 2 will conclude when the participant is dedicated to participating

in treatment, cooperating with treatment staff, and complying with VTC requirements. Rewards and sanctions during Phase 2 will be agreed upon by the VTC team.

Participants must complete no less than 15% of their community service hours and pay no less than 15% of their court costs and fees before being eligible for promotion to Phase 3. 15% of the minimum mandatory 50 hours community service obligation is 7.5 hours. If you have more hours as part of your sentence apply the 15% to those hours.

### **Phase 3 Dedication to Duty- Treatment**

Continue all prior Phase Requirements and,

At this stage, the participant demonstrates significant compliance with treatment and VTC requirements. Group and individual treatment sessions will help participants learn about triggers and how to appropriately respond to and handle them. Participants will continue to be fully engaged in VA medical services and mentor services in this phase. The participant will be required to report to the VTC Coordinator and/or VTC Probation Officer every 2 weeks. In Phase 3 the participant will demonstrate his/her **dedication to duty** by displaying stability and (re)integration into the community. Rewards and sanctions during Phase 3 will be agreed upon by the VTC team.

Participants must have completed no fewer than 40% of their total community service hours obligation and paid no less than 40% of their total court costs and fees before being eligible for promotion to Phase 4. (40% of 50 hours= 20 hours)

### **Phase 4 Integrity- Relapse Prevention/Treatment Completion**

Continue all prior Phase Requirements and,

Phase 4 will focus on relapse prevention and identifying ways of coping with stressful situations. Phase 4 is the final phase of intensive outpatient treatment program. Once completed, participants will transition into aftercare services as described in the next phase. This phase will begin to prepare participants for transition back into the community with the assistance of continued veteran mentor support, court supervision, drug and alcohol testing and active mental health services (if needed). The participant will be required to report to the VTC coordinator and/or probation officer every 3 or 4 weeks. Participant should have a strong sense of **integrity** while enjoying personal success. Rewards and sanctions during Phase 4 will be agreed upon by the VTC team.

Participants must have completed no fewer than 75% of their total community service hours' obligation and paid no less than 75% of their total court costs and fees before being eligible for promotion to Phase 4. (75% of 50 hours= 37.5 hours)

### **Phase 5 Commitment- Completion/Graduation Planning**

Continue all prior Phase Requirements and,

The participant in Phase 5 must demonstrate a commitment to treatment and positive community involvement. This commitment extends to personal responsibility and vocational activities. By Phase 5, the participant will typically report on a monthly basis to the VTC Coordinator and/or VTC Probation Officer. At this stage, the VTC Judge should see the



participant's **commitment** to the program and continued personal success. The successful completion of Phase 5 goals will result in graduation or completion of the VTC program.

All fees and community service hours must be completed to graduate.

### **Completion/Graduation**

If the participant is fully compliant, he/she will receive special graduation recognition. After graduating, the veteran will no longer be required to report to the VTC team or to court but is strongly encouraged to remain in contact with the team.

If a participant is unable to achieve full program compliance, the VTC team may consider closing the case with no further action, but without a formal graduation.

### **Discharge:**

If a participant is discharged from VTC for non-compliance, the VTC Judge may enter an order reactivating the criminal case for formal prosecution. If the case is post-adjudication, the VTC judge may hold a sentencing hearing and sentence the Defendant to any lawful sentence within the limits of the law.

## **Incentives and Sanctions**

### **Incentives:**

VTC recognizes the difficulties involved in modifying behaviors and making better choices. With that in mind, VTC recognizes all markers of success; even if in a small way. VTC is proud to support participant progress and do our part to keep spirits lifted as participants travel down the road to change. Examples of behaviors/achievements and incentives are listed below:

### **Behaviors/Achievements**

1. Assisting others (community service/volunteering over and above the requirements of the program)
2. Continuous compliance with instructions (3 First Flight in a Row eligible for prize bowl drawing (we should do this! And their sheet should state how many "first flights" they have in a row also, so we can acknowledge it.) Continuous compliance with instructions (achieving 3 First Flight in a Row eligible for prize bowl drawing)
3. 6 First Flights in a row will generally be awarded 10 CSH credit.
4. Obtaining new employment (Verified new W-2 employment held for a minimum of 6 weeks will generally be awarded 10 CSH credit)
5. Maintaining employment (Stable employment for 12 consecutive months will generally be awarded 10 CSH credit)
6. Obtaining driver's license (5 CSH Credit)

7. Successfully completing class or certification (1-5 CSH Credit)
8. Obtaining GED or degree (15 CSH Credit)
9. Exceptional Progress in completing program obligations
10. Advanced payment of fees
11. Exceptional progress towards Phase completion/advancement
12. Meritorious Progress in treatment

### **Possible Responses/Incentives**

1. Applause / Recognition by Judge
2. Fishbowl drawings
3. Dog Tags for phase progression
4. Community Service Hour Credit Award
5. Early phase advancement
6. Books
7. Food items
8. Curfew extensions/removal
9. Recognition certificate

### **Sanctions:**

If participants fail to comply with conditions of VTC the Judge may order a sanction. Examples of infractions and violations, and possible response and sanctions are listed below. The following table of alternate sanctions is applicable and is guidance in this program. Participants in the VTC waive their right to a violation of probation hearing and agree to the following sanction matrix:

LOW-RISK VIOLATIONS:	APPROVED LIST OF SANCTIONS FOR <u>FIRST</u> OR <u>SECOND</u> LOW-RISK VIOLATIONS:
<ul style="list-style-type: none"> <li>➤ Behavioral issues (poor attitude/being disruptive)</li> <li>➤ Failing to engage in services, or with mentor</li> <li>➤ Failing to submit AA/NA meeting slips</li> <li>➤ Failing to follow counselor/case manager instruction</li> <li>➤ Failing to follow court instructions</li> <li>➤ Failing to attend/tardiness for scheduled events--court/AA/treatment appointments, etc</li> <li>➤ A positive drug or alcohol test result.</li> <li>➤ Second dilute alcohol or drug test.</li> <li>➤ Failure to report to the probation office.</li> <li>➤ Failure to report a change in address or other required information.</li> <li>➤ Failure to attend a required class, treatment or counseling session, or meeting.</li> <li>➤ Failure to submit to a drug or alcohol test.</li> <li>➤ A violation of curfew.</li> <li>➤ Failure to meet a monthly quota on any required probation condition, including, but not limited to, making restitution payments, paying court costs, or completing community service hours.</li> <li>➤ Leaving the county without permission.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Essay / Public Apology</li> <li>➤ Mandatory attendance for 30 days of AA/NA meetings or other Support group attendance</li> <li>➤ Up to 5 days in the county jail.</li> <li>➤ Up to 50 additional community service hours.</li> <li>➤ Counseling or treatment.</li> <li>➤ Relapse Prevention Program</li> <li>➤ Residential Treatment Challenge or Residential Treatment</li> <li>➤ Loss of travel or other privileges.</li> <li>➤ Curfew for up to 30 days.</li> <li>➤ House arrest for up to 30 days.</li> </ul>

<p>LOW-RISK VIOLATIONS:</p>	<p>APPROVED LIST OF SANCTIONS FOR <u>FIRST</u> OR <u>SECOND</u> LOW-RISK VIOLATIONS:</p>
<ul style="list-style-type: none"> <li>➤ Failure to report a change in employment.</li> <li>➤ Associating with a person engaged in criminal activity.</li> </ul>	

<p>MODERATE-RISK VIOLATIONS:</p>	<p>APPROVED LIST OF SANCTIONS FOR <u>FIRST</u> MODERATE-RISK VIOLATION:</p>
<ul style="list-style-type: none"> <li>➤ A third low-risk violation within the current term of supervision.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Up to 21 days in the county jail.</li> <li>➤ Curfew for up to 90 days.</li> <li>➤ House arrest for up to 90 days.</li> <li>➤ Electronic monitoring for up to 90 days.</li> <li>➤ Residential treatment for up to 90 days.</li> <li>➤ Any low-risk violation sanction.</li> </ul>

HIGH RISK VIOLATION:	POSSIBLE SANCTION:
<ul style="list-style-type: none"> <li>➤ Engaging in a romantic/sexual relationship with other VTC participant</li> <li>➤ Possession and/or use of synthetic drugs</li> <li>➤ Violence or threats of violence</li> <li>➤ Tampering with drug screen</li> <li>➤ Submitting falsified documents</li> <li>➤ New criminal arrest/offense</li> </ul>	<ul style="list-style-type: none"> <li>➤ Revoke and Resentence to new period of probation.</li> <li>➤ Conversion of PTI to Plea of Guilt and imposition of probation/suspended sentence.</li> <li>➤ Termination from Program</li> </ul>

### **Court Schedule**

Court schedule for Division 27 (VTC) will be published on an annual basis and is subject to change.

### **Contact Information**

For more information about VTC, please contact:

St. Johns County Veterans Treatment Court  
c/o VTC Coordinator  
Court Administration, Seventh Judicial Circuit  
Richard O. Watson Judicial Center  
4010 Lewis Speedway, Suite 275  
St. Augustine, FL 32084  
(904)-827-5626

## Appendix A

### General Overview of Phases and Time Considerations – Misdemeanor

	<u>Phase I</u>  <i>Orientation/ Assessment Acute Stabilization</i>	<u>Phase II</u>  <i>Clinical Stabilization Ongoing Treatment</i>	<u>Phase III</u>  <i>Transition/ Graduation Prosocial Habilitation</i>	<u>Phase IV</u>  <i>Adaptive Habilitation Relapse Prevention/ Treatment Completion</i>	<u>Phase V</u>  <i>Continuing Care Program Completion Graduation Planning</i>
<b>Characteristics</b>	Full mental health & substance abuse assessment. Set individual program goals and treatment plan with VTC team.	Demonstration of active participation and compliance in the treatment program. Greater degree of oversight by program management and health professionals.	Full immersion in treatment and participation in supervision, with regular review of treatment plan and goals.	Move toward program completion, by starting a “master plan” to describe post-graduation goals and objectives, and to serve as the basis for a request to graduate.	Embrace return to community with clean, sober, productive lifestyle. Complete community service and court related financial obligations.
<b>Contact with: Judge/ Judicial Docket</b>	Bi-weekly	Bi-weekly	Monthly	Monthly	Monthly
<b>VTC Coordinator</b>	Weekly	Weekly	Weekly	Bi-weekly	Bi-weekly
<b>VJO/VA/VA Contract</b>	As Directed	As Directed	As Directed	As Directed	As Directed
<b>Mentor</b>	Weekly	Weekly	Weekly	Weekly	Weekly
<b>Substance testing: Alcohol/drugs</b>	2-3 times weekly	2-3 times weekly	2-3 times weekly	Bi-weekly/random	Bi-weekly/random
<b>Fees / Community Service Hours</b>		Complete 15% of total	Complete 45% of total	Complete 75% of total	All Completed and paid
<b>Months:</b>	<i>1-2</i>  <i>*14-days clean &amp; sober</i>	<i>2-4</i>  <i>*30-days clean &amp; sober</i>	<i>1-3</i>  <i>*90-days clean &amp; sober</i>	<i>1-2</i>  <i>*90-days clean &amp; sober</i>	<i>1</i>  <i>*90-days clean &amp; sober</i>

**General Overview of Phases and Time Considerations - Felony**

	<i><u>Phase I</u></i> <i>Orientation/ Assessment Acute Stabilization</i>	<i><u>Phase II</u></i> <i>Clinical Stabilization Ongoing Treatment</i>	<i><u>Phase III</u></i> <i>Transition/ Graduation Prosocial Habilitation</i>	<i><u>Phase IV</u></i> <i>Adaptive Habilitation Relapse Prevention/ Treatment Completion</i>	<i><u>Phase V</u></i> <i>Continuing Care Program Completion Graduation Planning</i>
<b>Characteristics</b>	Full mental health & substance abuse assessment. Set individual program goals and treatment plan with VTC team.	Demonstration of active participation and compliance in the treatment program. Greater degree of oversight by program management and health professionals.	Full immersion in treatment and participation in supervision, with regular review of treatment plan and goals.	Move toward program completion, by starting a “master plan” to describe post-graduation goals and objectives, and to serve as the basis for a request to	Embrace return to community with clean, sober, productive lifestyle. Complete community service and court related financial obligations.
<b>Contact with: Judge/Judicial Docket</b>	Bi-weekly	Bi-weekly	Monthly	Monthly	Monthly
<b>Probation</b>	Weekly	Weekly	Weekly	Bi-weekly	Monthly
<b>VJO/VA/VA</b>	As Directed	As Directed	As Directed	As Directed	As Directed
<b>Mentor</b>	Weekly	Weekly	Weekly	Weekly	Weekly
<b>Substance testing: Alcohol/drugs</b>	2-3 times weekly	2-3 times weekly	2-3 times weekly	Bi-weekly/random	Bi-weekly/random
<b>Fees / Community Service Hours</b>		Complete 15% of total	Complete 45% of total	Complete 75% of total	All Completed and paid
<b>Months:</b>	<i>2</i>	<i>4-5</i>	<i>5-6</i>	<i>2-3</i>	<i>2-3</i>
	<i>*14-days clean &amp; sober</i>	<i>*30-days clean &amp; sober</i>	<i>*60-days clean &amp; sober</i>	<i>*90-days clean &amp; sober</i>	<i>*90-days clean &amp; sober</i>

## Appendix B – Admission Flowchart

