

Warren County Common Pleas

VETERANS HONOR COURT

PROGRAM DESCRIPTION



WARREN COUNTY COMMON PLEAS COURT

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PREAMBLE

The following is a *Program Description* of the Warren County Common Pleas Veterans Honor Court Program (hereinafter WCVHC), a specialized docket adopted and administered by the General Division of the Warren County Common Pleas Court and its WCVHC Coordinator under authority of Sup. R. 36.20-36.29, Specialized Docket Standards, Appendix I Rules of Superintendence, and Local Rule 9.02. WCVHC Judge, hereinafter Judge, shall preside over this specialized docket.

CHAPTER 1: POLICIES AND PROCEDURES

Advisory Committee

Partnerships are an essential component of the specialized docket court model as they enhance credibility, bolster support, and broaden available resources. The specialized docket model is designed and dependent upon a strong team approach. The cooperation of multiple agencies and community organizations, otherwise known as the relevant parties, have come together to develop an agreement setting forth the terms of the specialty court docket known as WCVHC. This document is the result of collaboration, development, and review of WCVHC by the Advisory Committee members.

Role of the Advisory Committee

In order to have a comprehensive and collaborative program, the Judge formed an Advisory Committee. The Advisory Committee provides input into WCVHC policies and operations. The Advisory Committee is comprised of key community stakeholders who are representatives of local agencies or persons whose participation in the effort is essential. The Advisory Committee also serves as the policy-making authority for WCVHC.

Responsibilities of the Advisory Committee

In 2018, key officials and policymakers came together to develop a specialized docket which would be known as WCVHC. Following a comprehensive planning process, the group collaboratively developed, reviewed, and agreed upon the following items:

- Policies and procedures which define goals, objectives, target population, program entry and case flow
- Roles and responsibilities of treatment team members
- A *Participation Agreement* detailing the rights and responsibilities of the participant
- Legal and clinical eligibility
- Successful, unsuccessful, and neutral discharge criteria

The Advisory Committee, chaired and attended by the Judge, annually reviews the aforementioned items to evaluate the functionality of WCVHC. The Advisory Committee also reviews any financial expenditures, a sustainability plan, and community outreach for further advancement of WCVHC.

Membership

The Advisory Committee shall consist of, but is not limited to, the following:

- WCVHC Judge
- Director of Court Services (Chief Probation Officer)
- Magistrate
- WCVHC Program Coordinator
- Representatives from the Warren County Mental Health and Recovery Services Board
- Representatives from the Veterans Justice Outreach
- Representatives from the Warren County Veterans Service Commission
- Representative from the Warren County Prosecutor's Office
- Defense Counsel
- Representatives from Law Enforcement Agencies
- Representatives from Talbert House Warren Outpatient and Solutions
- Court Administrator

The Advisory Committee may also consist of the following:

- Probation Officers
- Employment Specialist Officer
- Representatives from Ohio Means Jobs
- Licensed Treatment Providers from Solutions and Talbert House
- Representatives from Warren County Child Support Enforcement Agency
- Representatives from VA Medical Center
- Representatives from Forensic Services Center

Mission Statement

The mission of WCVHC is to enhance public safety by preventing recidivism, while assisting participants in securing resources, but also taking responsibility for their behavioral health issues. WCVHC shall use effective, evidence-based interventions and treatments in a holistic, accountability-based, community-supported approach.

Goals and Objectives

Goal: Assist participants to lead a clean, sober and law-abiding lifestyle.

Objective: Participants shall abstain from abusing illegal drugs and prescription medications, which shall be monitored through random/observed drug testing. Participants will receive treatment for mental health, post-traumatic stress disorder and criminal thinking.

Goal: Enhance the community and public safety by reducing recidivism.

Objective: Participants shall be supervised by Warren County Adult Probation Department to ensure additional crimes are not committed.

Goal: Improve living circumstances of participants involved in the program.

Objective: Participants will become connected with appropriate veterans services, obtain stable employment, stable housing, and establish pro-social relationships while in WCVHC.

Participation Agreement

A *Participation Agreement* has been created detailing the rights and responsibilities of the participants in WCVHC. The participant has a right to the detailed, written *Participation Agreement* outlining the requirements and processes of WCVHC. The *Participation Agreement* includes the participant's right to request the attendance of defense counsel during the portion of the treatment team meeting concerning the participant.

Participant Handbook

A *Participant Handbook* has been created detailing WCVHC requirements, rules, phases, incentives, sanctions, and termination criteria. The participant shall receive a written copy of the *Participant Handbook*.

Courthouse Closure Procedure

In the event the courthouse closes or restricts public access due to fire, flood, tornado, pandemic, or other catastrophic event, each participant will be given instructions on how to continue satisfying his/her Veterans Honor Court requirements. These instructions may include drug testing at a different location, completing online sober support meetings, and attending treatment sessions, office visits, classes, or status review hearings electronically. The participants will receive 48 hours' notice of any modifications to their Veterans Honor Court requirements due to courthouse closure before those modifications go into effect. After 48 hours, the failure to comply with any of the modified Veterans Honor Court requirements shall result in sanctions.

CHAPTER 2: TARGET POPULATION

Target Population

WCVHC serves veterans of the United States Armed Forces charged with a felony or felony amended to a misdemeanor through the Warren County Court of Common Pleas, and for whom court-monitored treatment and other services would enhance their ability to become productive, law-abiding citizens. A person interested in participating in WCVHC must meet the legal and clinical criteria before admission into WCVHC.

Legal Criteria

Written legal eligibility criteria are collaboratively developed, reviewed, and agreed upon by the Advisory Committee. In order to participate in WCVHC, the applicant must meet the following criteria:

- The applicant must be a veteran or active duty service member of the United States Military including: Army, Marines, Navy, Air Force, Coast Guard, Space Force and Reserves;
- The applicant must have a pending criminal case in the Warren County Common Pleas Court General Division;

- The applicant must be eligible for community control or the applicant is currently under community control sanction for which the applicant is under the supervision of Warren County Adult Probation Department; or applicant must be eligible for Intervention in Lieu of Conviction under the eligibility requirements set forth in R.C. 2951.041; and

The court will also take the following into consideration:

- Prior criminal/supervision history
- Circumstances of the instant offense
- A veteran who receives a sentence of probation for a sexually oriented offense or a gang-related offense, or who has a criminal record of such crimes, must present compelling circumstances to warrant acceptance by the WCVHC Judge.

Clinical Criteria

After determination of legal eligibility, clinical eligibility is considered. Written clinical eligibility criteria are collaboratively developed, reviewed, and agreed upon by the Advisory Committee. WCVHC is an intensive program reserved for those who require more services than traditional community control or Intervention in Lieu of Conviction can provide. Each case is reviewed individually, and potential participants are assessed as to the risk they pose to the safety of the community. In order to participate in WCVHC, the participant must meet the following criteria:

- The applicant shall demonstrate a sincere willingness to participate in a long-term treatment process;
- The applicant has demonstrated a willingness not to take any medication that is determined by the Veterans Honor Court treatment team as being addictive, including but not limited to benzodiazepines, opiate-based medications, or marijuana (including medical marijuana);
- If the applicant has been identified as having a mental illness and/or substance abuse addiction, then he/she must be willing to participate in treatment, and take medication as prescribed.
- The applicant does not have needs that are beyond the scope of what Veterans Honor Court can reasonably accommodate.

Capacity

WCVHC can effectively monitor and treat up to thirty (30) participants at any given time. Should the number of participants go over thirty (30), a co-facilitator would be needed.

CHAPTER 3: PROGRAM ENTRY AND CASE FLOW

STAGE 1: Identification / Referral Process

Identification of potential participants for WCVHC is the first step for a person to enter WCVHC. The identification procedure may be informal and could come from probation officers, pretrial officers, pre-sentence investigators, defense counsel, the prosecutor, or the Judge. Once the person has been charged with a felony or felony amended to a misdemeanor through the Warren County Common Pleas Court, a referral may be done at any time throughout the court proceedings.

STAGE 2: Triage and Preliminary Eligibility

Once the referral has been made, an application shall be completed either by, or on behalf of, the applicant and forwarded to the WCVHC Coordinator. The application may be acquired through the WCVHC Coordinator, online through the Warren County Common Pleas Court website, or from the Judge or his/her bailiff. The WCVHC Coordinator reviews the application for compliance with legal criteria. If deemed appropriate, they will then be referred to WCVHC triage team for a triage prescreening/orientation to the program. The prescreening shall serve as preliminary identification as to whether the applicant meets the program criteria. The WCVHC triage team shall provide a report to the assigned Judge that the applicant is or is not preliminarily eligible for WCVHC in writing.

STAGE 3: Resolution of Pending Criminal Proceedings

An applicant may be admitted into WCVHC through one (1) or more of the following four (4) methods:

- Condition of Intervention in Lieu of Conviction
- Condition of probation following sentencing
- Condition of probation following a probation violation
- Condition of probation following judicial release

If the applicant is preliminarily eligible to enter into WCVHC, the assigned Judge shall dispose of the pending criminal proceedings involving the applicant.

INTERVENTION IN LIEU OF CONVICTION. The assigned Judge shall accept the applicant's plea of guilty, grant the Motion for Intervention in Lieu of Conviction and establish a treatment plan for the applicant. The treatment plan shall include a provision which requires the applicant, if accepted, to enter into and successfully complete WCVHC. The matter shall be referred for a Screening and Assessment.

TERM OF PROBATION. The assigned Judge shall sentence the applicant, modify the terms of the applicant's probation following a probation violation or grant a motion for judicial release. The terms of probation shall require the applicant, if accepted, to enter into and successfully complete WCVHC. The matter shall be referred for a screening and assessment.

STAGE 4: Screening and Assessment

Once the applicant has been referred by the assigned Judge, he or she will be referred for a clinical assessment by the court assessor or other designated licensed and trained professional to determine an appropriate level of care. This assessment will include chemical dependency, mental health, and/or other programming assessments. The licensed staff member shall use the Solutions for Ohio Quality Improvement and Compliance (SOQIC) form, the Intake Review, and Clinical Assessment to make said determination. All chemical dependency, mental health, and other programming assessments shall include available collateral information to ensure the accuracy of the assessment. This information will form the basis of a diagnosis consistent with standards contained in the most current version of the *Diagnostic and Statistical Manual* of the American Psychiatric Association.

The WCVHC team shall review the case (using the PSI and clinical assessment/recommendation) to

determine if the applicant is appropriate for WCVHC. WCVHC Judge shall have discretion to decide admission into the program in accordance with the WCVHC written eligibility criteria. The written legal, clinical eligibility, and termination criteria as identified in Chapter 2 (Target Population) do not create a mandatory right to participate in WCVHC.

The applicant shall sign an authorization for release of information form to provide for communication of confidential information, participation/progress in treatment, and compliance with the provision of relevant law, including the “Health Insurance Portability and Accountability Act of 1996.” 42 U.S.C. 300gg-42, as amended, and sections 2151.421 and 2152.99 of the Revised Code.

STAGE 5: Acceptance and Program Admission

If the WCVHC Judge finds the applicant is appropriate for WCVHC, he shall transfer the case pursuant to Local Rule 9.02 and set the matter for a review hearing. At the review hearing, the applicant, with counsel, shall review and sign the *Participation Agreement*. The applicant shall be given a copy of the *Participant Handbook*.

If accepted, the applicant shall be notified at the review hearing as to his or her acceptance into WCVHC and shall be placed as soon as possible in appropriate treatment services and programs. If the WCVHC Judge finds the applicant is not appropriate for WCVHC, he shall report this to the assigned Judge and the case shall be returned to traditional, non-WCVHC supervision docket.

By entering WCVHC, each participant will be required to waive some of his/her constitutionally guaranteed rights to which he/she would otherwise be entitled. This includes:

- The right to remain silent and to not incriminate themselves regarding violations of the rules of the Veterans Honor Court program. However, the court does not require the waiver of those rights in regard to pending criminal charges and statements made by participants cannot be used as evidence in any criminal prosecution.

The WCVHC program shall comply with all constitutional and statutory rights of their participants. Any such rights that are permitted to be waived by said participants are to be done in a manner ensuring the substantive due process rights of the participant.

Non-Discriminatory Practices

No applicant shall be denied admission to WCVHC based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran’s status, financial ability, or any disability.

The WCVHC Judge shall have final discretion to decide admission into WCVHC. No applicant may be transferred to WCVHC without the consent of the assigned Judge. Once the applicant is admitted into WCVHC, he or she shall be directed to the Warren County Adult Probation Department to review the Conditions of Supervision and placed as soon as possible under reporting supervision to monitor compliance with court requirements.

Specialized Docket File Maintenance

The WCVHC Coordinator shall maintain WCVHC files. WCVHC files are to be stored in a locked filing cabinet in the office of the WCVHC Coordinator so that only WCVHC staff members have access to the files. Files shall contain the signed Release of Information, the *Participation Agreement*, weekly status reports, drug testing results, and journal entries issued by the court.

Any files and/or information provided by the United States Department of Veterans Affairs (VA) shall be maintained by the Veterans Justice Outreach Specialist. Said information shall be made available to the WCVHC team prior to weekly reviews.

All treatment team members are required to comply with Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient records. Recipients of any disclosures may only re-disclose within the scope of the signed Release of Information. The Release of Information authorized disclosure of protected health information pursuant to the “Health Insurance Portability and Accountability Act of 1996.” 42 U.S.C. 300gg-42, as amended, and sections 2151.421 and 2152.99 of the Revised Code.

CHAPTER 4: TREATMENT TEAM

Duties of Treatment Team Members

1. The treatment team is responsible for the daily operation of WCVHC.
2. Treatment team members agree to serve on the treatment team for a minimum of one (1) year.
3. Treatment team members agree to work with local community leaders to ensure the best interests of the community are considered.
4. Treatment team members should engage in community outreach activities to build partnerships that will improve outcomes and support WCVHC sustainability.
5. WCVHC incorporates a non-adversarial approach while recognizing the distinct role of the prosecutor and defense counsel.
6. Treatment team members engage in on-going communication including frequent exchanges of timely and accurate information regarding participant overall performance. WCVHC maintains on-going communications with treatment team members through e-mail, phone calls, faxes, weekly status reports and weekly team meetings.
7. Mechanisms for decision-making and resolving conflicts among treatment team members have been established and are utilized. The Judge serves as the final decision maker and shall resolve all conflicts.
8. Treatment team members shall maintain professional integrity, confidentiality and accountability.
9. Treatment team members should make reasonable efforts to observe WCVHC provider programs in order to have confidence in the services provided and to better understand the treatment and programming process.
10. The treatment team works with the Advisory Committee to assess the team functionality, review all policies and procedures, and assess the overall functionality of WCVHC.

Specific Roles and Responsibilities

The treatment team consists of WCVHC Judge, magistrate, assistant prosecuting attorney, defense counsel, Veterans Justice Outreach specialist, Warren County Veterans Service Commission representative, probation officers, Employment Specialist Officer, job developer, vocational rehabilitation counselor, licensed treatment providers, peer mentor coordinator, law enforcement, and WCVHC Coordinator.

Below is a list of treatment team members and their responsibilities.

Judge

- Discretion to decide the admission into or termination from WCVHC in accordance with the written legal and clinical criteria for WCVHC.
- Knowledgeable about treatment and programming methods and limitations.
- Leader of the treatment team, the Judge chairs and attends treatment team meetings, monitors treatment progress, directs court orders at status review hearings, issues incentives and sanctions, grants phase advancement, and approves participant's successful completion of, neutral discharge, or unsuccessful termination from WCVHC.
- Decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination.
- Final decision-maker and resolves conflicts among treatment team members.
- Discusses progress with the participant at status review hearing.

The Judge assigned to WCVHC Docket is Judge Timothy N. Tepe.

Magistrate

- Knowledgeable about treatment and programming methods and limitations.
- Attends treatment team meetings and monitors treatment progress.
- In the absence of the WCVHC Judge (i.e., vacation, illness, leave of absence, etc.), magistrate becomes the final decision-maker and resolves conflicts among treatment team members and directs court orders at status review hearings, issues incentives and sanctions.
- Discusses progress with the participant at status review hearings.
- Probation violations will not be heard by the magistrate, but will be held over for the WCVHC Judge.
- The magistrate will not impose a jail sanction.
- Magistrate will not perform any actions not otherwise authorized under all rules limiting magistrate authority.

Veterans Justice Outreach Specialist

- Provides screening, assessments, and/or treatment for WCVHC and is appropriately licensed and trained to deliver services.
- Conducts an assessment to determine the veteran's eligibility for services through the United States Department of Veterans Affairs (VA).
- Assists in the development of the individualized plan/goals for each participant.

- Provides documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance.
- Monitors the participant's medication compliance.
- Provides status reports for the treatment team meetings and status review hearings.
- Attends WCVHC program team meetings and status review hearings.
- During WCVHC program team meetings, provides participant updates and makes recommendations regarding criminogenic needs.
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

Peer Mentor Coordinator

- Responsible for recruiting prospective peer mentors.
- Screens and selects candidates.
- Educates selected candidates about WCVHC.
- Conducts semi-annual evaluation of each veteran peer mentor.
- Is responsible for scheduling mentors to be present during court proceedings.
- Coordinates all activities with the court team's staff and the Judge.
- Develops specialized training projects.
- Sustains and evolves the WCVHC Peer Mentoring Program.

Warren County Veterans Service Commission Representative

- Meets with the veteran with a scheduled appointment.
- Assists the veteran in understanding and obtaining benefits available to him/her through the VA, state and local veteran agencies.
- Assists with transportation to VA medical appointments, housing, education, employment, obtaining medical care, training, and applying for government assistance.
- Attends WCVHC program team meetings and status review hearings.
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

Assistant Prosecuting Attorney

WCVHC incorporates a non-adversarial approach while recognizing the distinct role of the prosecutor in pursuing justice and protecting public safety and victim's rights. The prosecutor plays an active role in identifying eligible participants for WCVHC in accordance with WCVHC written criteria. The assistant prosecutor is required to attend Wednesday team meetings.

Employment Specialist Officer/Job Developer/Vocational Rehabilitation Counselor

Veterans Honor Court offers the assistance of an Employment Specialist Officer (ESO), Job Developer and Vocational Rehabilitation Counselor to assist in obtaining employment. They provide assistance with résumés, interviews, job applications, finding job opportunities that fit the participant's life, and building a career. They also assist in verifying employment once a job has been secured.

Defense Counsel

WCVHC incorporates a non-adversarial approach while recognizing the distinct role of defense counsel in preserving the constitutional rights of WCVHC participants. Defense counsel plays an active role in identifying eligible participants for WCVHC in accordance with WCVHC written criteria. The participant does maintain the right to request the attendance of defense counsel during the portion of the treatment team meeting concerning the participant. As part of the attorney-client relationship, the defense counsel is required to keep conversations with participant confidential unless participant provides defense counsel permission to share said information with the WCVHC Treatment Team.

Defense counsel's role includes:

- Assists with decision-making regarding participation in WCVHC.
- Explains to the participant what rights are waived by entering the program.
- Explains the possible sanctions that may be imposed.
- Explains the circumstances that may lead to termination.
- Explains the effect that termination from WCVHC may have on the participant's case.

Probation Officers

- Meets with participants regularly to discuss individualized program goals and progress through WCVHC.
- Attends treatment team meetings and status review hearings.
- Conducts office, home and field visits.
- Monitors compliance with court orders, community control or Intervention in Lieu of Conviction rules, sanctions and individualized treatment plans.
- Informs the treatment team whether court orders, rules, sanctions and treatment plans are followed.
- Conducts or coordinates random alcohol/drug tests and reports the results to the treatment team.
- Participates in discussion about incentives, sanctions, phase advancement, successful completion and termination.
- Provides written documentation to the Judge for a possible termination.

Licensed Treatment Providers as Needed

- Anyone providing screening, assessments, and/or treatment for WCVHC must be appropriately licensed and trained to deliver such services according to the standards of the profession.
- Conducts diagnostic/medical assessments, provides the clinical diagnosis, and develops the treatment plan.
- Provides documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug tests.
- Attends treatment team meetings and status review hearings.
- During treatment team meetings, provides treatment updates and makes recommendations regarding treatment needs.
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

- Monitors service provider agreements and contracts.

Law Enforcement Officer

- Observes participant behavior and interacts with participants in the community.
- May also assist with home and employment visits and serves as a liaison between Veterans Honor Court and the police department, sheriff's office, jail, and correctional system.

WCVHC Coordinator

- Assists with identifying potential participants.
- Coordinates referrals and assessments as identified in Chapter 3 (Program Entry and Case Flow).
- Assists with decision-making regarding participation in WCVHC.
- Maintains the daily operations of WCVHC program.
- Collects and maintains statistical information for WCVHC.
- Participates in discussion about incentives, sanctions, phase advancement, successful completion and termination.
- Creates reports for review and submission to funding sources.
- Ensures that treatment team members follow program policies and procedures.
- Monitors service provider agreements and contracts.
- Coordinates WCVHC treatment team professional education.
- Develops incentives and sanctions.
- Measures outcome goals.

Treatment Team Meetings

Treatment team meetings shall take place twice per month, prior to the status review hearing, on Wednesday, commencing at 9:00 AM. Meetings shall be held at the Warren County Common Pleas Court, 500 Justice Drive, Lebanon, Ohio.

Required attendees for Wednesday include: WCVHC Judge, magistrate, assistant prosecuting attorney, defense counsel, probation officers, licensed treatment providers, Veterans Service Outreach Specialist, Peer Mentor Coordinator, Employment Specialist Officer, job coach, vocational rehabilitation counselor, law enforcement officer and the WCVHC Coordinator. Private defense counsel may attend if attendance is requested by WCVHC participant.

Prior to the treatment team meetings, the WCVHC Judge's bailiff and/or assignment commissioner shall distribute (through e-mail) the WCVHC docket. Additionally, the assignment commissioner is responsible for preparing and distributing the status reports to the treatment team members.

CHAPTER 5: PARTICIPANT MONITORING

Summary of the Veterans Honor Court Program

Participants can expect to be in WCVHC for up to seventeen (17) months. If a participant is determined to be low risk, they will be entered into the WCVHC Low Risk Docket and shall complete a minimum program

length of 12 months (4 phases instead of 5) for successful completion. However, this does not guarantee the participant will complete the entire program in that time frame. WCVHC participants shall receive a case plan and services based on their individualized needs. All provided services shall incorporate evidence-based strategies. The WCVHC program assesses participants promptly and refers them to appropriate services. Participants shall have prompt access to a continuum of approved treatment and rehabilitation services upon admission into WCVHC. WCVHC maintains a current treatment plan and a record of activities for each participant. Treatment plans continue to develop throughout WCVHC to reflect the participants' changing needs based on program progress. All required treatment and programming shall be provided by program or persons appropriately licensed and trained to deliver such services according to the standards of their profession. WCVHC treatment plans take into consideration services that are gender responsive, culturally appropriate, and effectively address co-occurring disorders. All provided services including case plans are appropriate and clinically necessary to the degree that available resources allow.

WCVHC has currently partnered with the following agencies to provide services to participants: Talbert House, USA, Solutions, United States Department of Veterans Affairs (VA), Warren County Veterans Service Commission, Joseph House, and the Mental Health Recovery Service Board. Many of these provide registration/intake, baseline alcohol and drug testing, assessment, development of treatment plans, case management, group therapy, individual treatment sessions, relapse prevention plans, aftercare plans, gender specific programming, programming to address those who have been diagnosed with co-occurring disorders, supportive housing, family therapy and medication monitoring. These agencies shall collaborate with other community agencies to provide educational and vocational training, employment, substance abuse programming, transportation, housing, domestic violence programming, parenting classes and mental health services.

Taking Prescribed Medication

Veterans Honor Court requires that you report all your prescribed medication to your probation officer, and treatment provider when you enter the program and at any time when you are prescribed a new medication.

You must agree to provide verification of any prescriptions from your doctor, including signing a release for the Veterans Honor Court Team to contact your doctor(s) and anyone who prescribes you a medication.

You must agree to take all approved medications strictly as prescribed.

You must agree to confer with a pharmacist or medical professional to ensure that any medication you want to take, whether prescribed or over-the-counter, is not mood altering or addictive, and that it does not contain alcohol.

Medications that are generally **not** permitted in Veterans Honor Court include:

- Opiates (Lortabs, Vicodin, OxyContin, Oxycodone, Tylenol 3, Percocet, Darvon, Darvocet, etc.)
- Amphetamines (Adderall, Ritalin, etc.)
- Benzodiazepines (Klonopin, Xanax, Diazepam, Valium, etc.)
- Marijuana (including medical Marijuana)

If a doctor believes that it is absolutely necessary to prescribe you medications that will yield a positive drug or alcohol screen, you must submit a letter to the Veterans Honor Court Team from the doctor stating that he or she is aware of your status as a recovering person, that you are participating in Veterans Honor Court, and that you are subject to random, frequent, and observed drug and alcohol tests. The letter must also state why the need for you to take this medication outweighs the possible risks to your status as a recovering person. If you test positive and do not have a letter from your doctor, you will be subject to sanctions, including termination from Veterans Honor Court.

Phases

Phases are the steps in which a participant's performance and progress through WCVHC are monitored. These phases are used as guidelines that can be modified to meet a participant's specific needs. Participants are required to frequently report to WCVHC Judge and other treatment team members for compliance monitoring, assistance with treatments plans and random alcohol and drug testing.

At a minimum, the participant shall appear before WCVHC Judge at least twice per month in the initial phase. In subsequent phases the participant shall appear regularly, but no less than once a month to review participant progress through the WCVHC docket. Phase advancement is based on individual performance, on a case-by-case basis, and as recommended by the treatment team. Progression through WCVHC is based on the participant's performance in the treatment plan and compliance with requirements of the WCVHC phases. Phase advancement is not solely based on pre-set timelines. Time between status review hearings may be increased or decreased based upon compliance with treatment protocols, program rules, and overall observed progress. General criteria for phase advancement may include a participant's sobriety, mental health, progress in treatment, compliance with court orders, payment of court fees (unless deemed indigent) and team recommendation.

Phase I Basic Training **60 Days Minimum**

This phase introduces the participant to WCVHC and assures participant compliance with WCVHC requirements. This phase is the orientation phase. During this phase, the participant has the most contact with the court by attending a minimum of every status review hearing session twice per month. While length of stay is based on progression of the individual, the minimum length of stay is sixty (60) days.

Participant requirements for Phase I compliance include:

- Complete assessment and sign releases for treatment provider
- Weekly visits with PO
- Twice per month court appearances
- Curfew 8 PM (unless otherwise approved by PO)
- Comply with random home visits
- Drug testing minimum of two times weekly
- Complete case plan, safety plan and budget with probation officer
- Introduction to VJO and Veteran Peer Mentor
- Visit local Veteran Services building to determine services available and produce DD214
- No positive screens, dilutions or no shows for 14 days
- No pending sanctions or new criminal offenses
- Write letter to court to move to phase II

Phase II Technical Training/AIT**90 Days Minimum**

After the participant maintains compliance in Phase I, he/she shall begin to address the issues that brought him/her into WCVHC. During Phase II, the participant shall begin to develop skills to address identified criminogenic needs, improve family relationships and develop employment, vocation, or educational goals. During this phase, the participant shall attend a status review hearing once a month. While length of stay is based on participant's performance in the treatment plan and compliance of the phase itself, the minimum length of stay is ninety (90) days.

Participant requirements for Phase II compliance include:

- Regular attendance of Treatment (no unexcused absences for 30 days prior to phase up)
- BI-weekly visits with PO
- Once per month court appearances
- Curfew 9 PM (unless otherwise approved by PO)
- Comply with random home visits
- Drug testing minimum of two times weekly
- Complete at least two objectives on case plan
- Complete employment screening with Employment Services Officer, with treatment team approval
- Attend at least one peer support group and report back to PO
- No positive screens, dilutions or no shows for 30 days
- No pending sanctions or new criminal offenses
- Write letter to court to move to phase III

Phase III Active Duty Station**120 Days Minimum**

Once the participant develops stability in Phase II, he/she shall begin to utilize skills learned in treatment and programming to implement goals previously identified. The participant shall continue to improve family relationships and begin to develop long-term employment and housing plans. This phase is important as the participant puts into practice the ability to demonstrate on-going stability. During this phase, the participant shall attend every other status review hearing session once a month. While length of stay is based on the participant's performance in the treatment plan and compliance of the phase itself, the minimum length of stay is one hundred twenty (120) days.

Participant requirements for Phase III compliance include:

- Regular attendance at treatment (no unexcused absences for 30 days prior to phase up)
- Bi-weekly visits with PO
- Monthly court appearances
- Curfew 10 PM (unless otherwise approved by PO)
- Comply with random home visits
- Drug testing minimum of one time weekly
- Review case plan
- Schedule Plan for Life weekend retreat
- Begin making payments on fines and costs (unless participant is deemed indigent) or begin

community service

- No positive screens, dilutions or no shows for 45 days
- No pending sanctions or new criminal offenses
- Write letter to court to move to phase IV

Phase IV Excelling at Mission

120 Days Minimum

Phase IV is designed to assist the participant in maintaining structure and stability. The participant shall continue to improve family relationships and implement long-term employment and housing plans. This phase allows the participant the ability to demonstrate on-going stability and prepare for life after the WCVHC program. During this phase, the participant shall attend every other status review hearing session (once a month). While length of stay is based on the participant's performance in the treatment plan and compliance of the phase itself, the minimum length of stay is one hundred twenty (120) days.

Participant requirements for Phase IV compliance include:

- Regular attendance of treatment (no unexcused absences for 30 days prior to phase up)
- Meet with PO every 3-4 weeks
- Monthly court appearances
- Removal from curfew
- Comply with random home visits
- Drug testing minimum of one time weekly
- Review case plan and safety plan
- Continue making payments on fines and cost (unless participant is deemed indigent) or continue community service
- Create a plan for service project for graduation
- Complete Plan for Life weekend retreat (low risk docket)
- No positive screens, dilutions or no shows for 60 days
- No pending sanctions or new criminal offenses
- Write letter to court to move to phase V

PHASE V Continuum of Operation

120 days minimum

- Finish treatment
- Complete plan of sober support
- Monthly visits with PO
- Monthly court appearances
- Comply with random home visits
- Drug testing minimum of twice per month
- Review case plan for completion
- Complete Plan for Life weekend retreat
- Finish paying off court costs (unless participant is deemed indigent)
- No positive screens, dilutions or no shows for 90 days
- No pending sanctions or new criminal offenses
- Present service project for graduation to Judge and peers

Residential Treatment

Participants may be recommended for residential treatment at the time of assessment, sentencing, probation violation, judicial release or any other time during treatment. If deemed appropriate or necessary, treatment will be coordinated through the Cincinnati or Dayton VA Medical Centers. If not eligible for services through either VA medical center listed above, the following treatment facilities will be used: Women's Recovery, River City Correctional Center, MonDay program, Community Correctional Center (CCC) or Turtlecreek Halfway House. Other facilities may be recommended by the treatment team to the court with the approval of the Judge. Participants shall be given jail time credit for time served while in River City, MonDay or CCC.

Status Review Hearings

WCVHC incorporates ongoing judicial interaction with each participant as an essential component of the docket. Having a significant number of participants appear at a single court session provides the opportunity to educate all participants as to the benefits of program compliance and the consequences of noncompliance. Frequent status review hearings establish and reinforce WCVHC policies and ensure effective, efficient supervision of the participant. This allows the Judge to provide an explanation of responses to compliance and noncompliance, including the criteria for termination. Not all participants are required to appear at each status review hearing depending on their progress in WCVHC.

WCVHC treatment team meetings for possible new participants and current participant review shall be held twice per month on Wednesday at 9:00 AM. Status review hearings before the Judge shall commence at 10:00 AM twice per month on Wednesday at the Warren County Common Pleas Court, 500 Justice Drive, Lebanon, Ohio.

Required treatment team attendees include: WCVHC Judge, magistrate, assistant prosecuting attorney, defense counsel, probation officers, Veterans Justice Outreach specialist, veteran peer mentor coordinator, Employment Specialist Officer, job coach, vocational rehabilitation counselor, law enforcement officer, VA Service Commission representative, licensed treatment providers, and the WCVHC Coordinator.

Participants shall adhere to a dress code for all WCVHC appointments:

- No shorts
- No miniskirts
- No hats
- No spaghetti straps, tank tops, halter tops or strapless tops/dresses
- No tops or dresses with cleavage exposing any portion of the breast
- No skintight pants or skirts
- No baggy pants, and pants must be pulled up to waist
- No pajama pants
- No clothing that refers to drugs and/or alcohol
- No sexually suggestive clothing, including see through clothing

Incentives & Sanctions

WCVHC has written policies and procedures regarding responses to a participant's behavior that are predictable, fair, consistent, and administered in accordance with evidence-based principles of effective behavioral modification.

Incentives

Immediate, graduated and individualized incentives govern the responses of WCVHC to the participant's compliance. Incentives are individualized according to the specific treatment plan and directly related to the participant's achievements as certain milestones of WCVHC treatment plan are attained. Incentives are also tracked to ensure the participant is rewarded on a progressive basis.

The following are types of behaviors appropriate for incentives:

- Attending required status review hearings
- Attending required treatment assessments and/or appointments
- Maintaining close and productive contact with probation officer
- Reaching individual objectives
- Abstaining from alcohol and drugs, as evidenced by negative drug testing results
- Engaging in vocational or educational activities
- Complying with the rules of WCVHC, *WCVHC Participation Agreement*, community control or Intervention in Lieu of Conviction and the laws
- Securing stable housing
- Connecting with a veteran peer
- Obtaining driver's license or reinstatement
- Obtaining or working towards GED or completion of vocational classes
- Advancing in WCVHC phases
- Engaging in a sober support community
- Taking prescription medication as directed
- Accomplishing any other milestone identified by the treatment team

The following are types of incentives:

- Encouragement and praise from the Judge
- Gift cards, including gas cards or transit tickets
- Ceremonies and certificates of progress, including advancement in WCVHC phases
- Reducing supervision contacts
- Decreasing frequency of status review hearings
- Reducing, suspending, or dismissing fines
- Increasing or expanding privileges
- Encouragement to increase participation in positive activities the participant finds pleasurable
- Reducing jail days
- House arrest reduced to curfew and/or removal of GPS electronic monitoring
- Graduating from WCVHC
- Having the indictment against the participant dismissed (if the case is Intervention in Lieu of Conviction)

Sanctions

Immediate, graduated and individualized sanctions govern WCVHC responses to the participant's noncompliance. Graduated sanctions are used to help the participant conform behavior to program requirements. Sanctions are crafted in an individualized and creative manner, as well as in a progressive manner based on the infraction. Sanctions imposed will be centered on evidence-based principles of effective behavioral modification and will be predictable, fair and consistent. Sanctions are issued when there is noncompliance with program protocol, treatment plan or failure to comply with Electronic Monitoring. Sanctions shall be used as a deterrent to negative behavior and to encourage future compliance. An adjustment in treatment services as well as participation in community-based mutual support meetings is based solely on the clinically informed interests of the participant. Incremental adjustments to the case plan made at the discretion of the Judge and the treatment team are not to be considered sanctions. However, failure to comply with treatment plan adjustments shall subject the participant to sanctions.

Any change in the treatment plan and/or sanctions, when appropriate, are enforced and reinforced by the Judge. Participants are not sanctioned for use prior to entering the program. The use is addressed at the participant's initial status hearing and the Judge reinforces the timeline given to be clean.

A level of sanction is applied to each type of possible infraction. This type of planning ensures lesser infractions will be met with lesser, more commensurate sanctions. Infractions are also tracked, along with resulting sanctions, so that additional sanctions can be applied in a graduated manner.

A participant in jeopardy of receiving a jail sanction shall be provided with notice, a hearing, and the right to be represented by an attorney. Said participant may waive the right to a hearing, as long as participant had the right to consult with an attorney and the waiver is made knowingly, intelligently, and voluntarily.

The following are common types of infractions:

- Failure to attend status review hearings
- Failure to attend treatment assessment and/or appointments
- Failure to follow WCVHC rules
- Failure to take prescription medication as directed
- Failure to keep scheduled appointments with the probation officers, or any other treatment team member
- Noncompliance with other requirements of the case/treatment plan
- Noncompliance with random alcohol and drug screens or testing positive for alcohol and/or drugs without a valid, approved prescription, or abuse of said prescription
- Failure to comply with WCVHC *Participation Agreement*
- Failure to comply with electronic monitoring curfew or house arrest as established by the treatment team
- Failure to maintain confidentiality in reference to information shared during status review hearings and /or outside treatment groups regarding other WCVHC program participants
- Failure to improve troublesome behavior
- Failure to complete community service hours
- Failure to meet employment or vocational goals as determined by the case/treatment plan
- Failure to keep other appointments as scheduled, such as those for public benefit aid, health

care benefits, housing assistance, etc.

The following are common types of sanctions:

- Warnings and admonishments from the Judge
- Increasing frequency of alcohol and drug testing
- More frequent status review hearings
- Refusing specific requests, such as permission to travel
- Denying additional or expanded privileges, or rescinding privileges previously granted
- Increasing supervision contacts and monitoring
- Issuing a no contact order with identified individuals
- Individualized sanctions such as writing essays, reading books, or performing other activities to reflect upon acceptable behavior
- Imposition of suspended fines
- Ordering community service
- Ordering corrective thinking classes
- Electronic Monitoring sanctions, including house arrest
- Escalating periods of jail time
- Filing of probation violation or Intervention in Lieu revocation
- Unsuccessful termination from WCVHC

CHAPTER 6: PROGRAM COMPLETION

Successful Completion

Written successful completion criteria have been collaboratively developed, reviewed and agreed upon by the Advisory Committee. Successful completion criteria serve as the guidelines used to identify how participants can successfully complete WCVHC. In order to successfully complete WCVHC, the participant shall demonstrate the compliant behavior and accomplishments listed below:

Compliant behavior may include:

- Complying with WCVHC rules, *WCVHC Participation Agreement*, and/or the rules of community control or Intervention in Lieu of Conviction
- Demonstrating a period of abstinence from alcohol and drugs evidenced by negative drug/alcohol screens for a minimum of ninety (90) consecutive days prior to completion of WCVHC
- Completing community service hours
- Attending sober support group meetings
- Active member in a sober support group
- Displaying a change in thinking, attitude, and beliefs
- Connecting with a veteran peer
- Taking prescription medication as directed
- Successfully completing treatment and programming
- Obtaining/maintaining consistent employment
- Completion of Plan for Life weekend retreat

- Demonstrating the ability to identify and eliminate criminal thinking patterns
- Paying towards court costs, supervision fees, and restitution (unless deemed indigent)
- If participant is deemed indigent the court will consider waiving fines and court costs or community service may be preformed
- Writing an essay on how WCVHC has affected participant's life.

Accomplishments may include:

- Demonstrated a period of abstinence from alcohol/drugs evidenced by negative drug/alcohol screens for a minimum of ninety (90) consecutive days prior to completion of WCVHC
- Relapse prevention plan established
- Regular sober support attendance
- Completed community service hours
- Completed any other WCVHC requirements
- Completed vocational or educational plans
- Connected with a veteran peer
- Maintained prescription medication as directed
- Paid towards court costs, supervision fees, and restitution (unless deemed indigent)
- Displayed responsibility for his or her behavior
- Demonstrated stability in the community
- Obtained/maintained consistent employment
- Obtained/maintained stable housing
- Successful completion of treatment

Upon review of the compliant behavior and review of the participant's accomplishments, the treatment team may recommend successful completion. The Judge has final discretion to determine when the participant shall successfully complete WCVHC in accordance with the WCVHC written criteria. Upon successful completion of WCVHC, the participant shall attend a graduation ceremony hosted by the court and receive a Certificate of Completion. If the case for the participant is that of Intervention in Lieu of Conviction and the participant has complied with all requirements under R.C. 2951.041, then the indictment against the participant may be dismissed.

Unsuccessful Termination

Written unsuccessful termination criteria have been collaboratively developed, reviewed and agreed upon by the Advisory Committee. Unsuccessful termination criteria serve as the guidelines used to identify how participants may be unsuccessfully terminated from WCVHC. WCVHC Judge has final discretion in deciding termination from the specialized docket in accordance with the WCVHC written criteria.

Criteria for unsuccessful termination from WCVHC include:

- On-going noncompliance with WCVHC rules, WCVHC *Participation Agreement*, or the rules of community control or Intervention in Lieu of Conviction
- Noncompliance with GPS monitoring
- On-going noncompliance with treatment
- Continued use of illegal substances
- A verified positive confirmation from a contested drug/alcohol screen

- Noncompliance with prescribed medications
- Noncompliance with confidentiality
- Noncompliance with veteran peer
- Absconding from community control or Intervention in Lieu of Conviction supervision
- New criminal convictions
- Continued WCVHC infractions resulting in graduated sanctions
- Probation violation or Intervention in Lieu revocation hearings

A participant that is in jeopardy of an Unsuccessful Termination shall be provided notice of intent to terminate, a hearing and the right to be represented by an attorney. Said participant may waive the right to a hearing, as long as participant had the right to consult with an attorney and the waiver is made knowingly, intelligently, and voluntarily.

Neutral Discharge

Written neutral discharge criteria have been collaboratively developed, reviewed and agreed upon by the Advisory Committee. Neutral discharge criteria serve as the guidelines used to identify how participants may be neutrally discharged from WCVHC. WCVHC Judge has final discretion in deciding termination from the specialized docket.

A participant may be neutrally discharged from WCVHC if the participant is no longer capable of completing WCVHC as a result of any of the following:

- A serious medical condition
- Death
- Other factors that may keep the participant from meeting the requirements for successful completion
- Discretion by WCVHC Judge to determine if the participant is no longer appropriate for WCVHC.

Upon neutral discharge from WCVHC, the level of community control or Intervention in Lieu of Conviction supervision shall be determined by the Judge.

Inactive Status

WCVHC has an inactive status for participants who meet any of the following:

- Placed in a residential facility (Community Based Correctional Facility) and cannot be transported for status review hearings
- Serving time in a local or state jail facility for another county/jurisdiction
- Absconded from community control or Intervention in Lieu of Conviction supervision
- Hospitalization for accident or illness

CHAPTER 7: SUBSTANCE MONITORING

WCVHC monitors participants' substance use by random, frequent and observed alcohol and other drug testing protocols. Substance monitoring shall be part of the individualized treatment that includes an alcohol/drug testing plan. WCVHC uses the Ohio Community Supervision System (OCSS) program to

randomize substance testing for the program. Participants must call the Substance Test Check in System at 937-870-3422 between 6:00 am and 2:00 pm on a daily basis. If the participant is selected, they must test that day, and they will be required to report to the Warren County Court Services Department at 520 Justice Drive, Lebanon, Ohio 45036, between the hours of 8:00 am and 3:30 pm. The court has clearly established plans for addressing a participant who tests positive at intake or relapses while in the program. The plans include treatment guidelines and sanctions, when appropriate, that are enforced and reinforced by the WCVHC Judge. Failure to submit to testing, tampering with urine screens, submitting an adulterated sample, submitting the sample of another individual, submitting a positive sample, failure to produce a sufficient quantity of urine needed for analysis, or diluting the sample is treated as a positive test and the court is immediately notified and the participant is immediately sanctioned.

Testing may include instant urinalysis screens, portable breathalyzers, hair testing, and use of scientifically validated technology for ethyl alcohol or other devices that are deemed reliable. Testing includes participant's primary substance of dependence, as well as a sufficient range of other common substances. All testing shall be recorded and maintained for each participant for the duration the participant is in WCVHC.

WCVHC utilizes instant urine screens and other types of testing that allow for laboratory confirmation testing. Upon a positive test result, the participant shall be confronted with the result and given the opportunity to either sign an admission form or contest the positive test. If contested, the test shall be sent to a certified laboratory for confirmation. While waiting for the laboratory results, sanctions may not be issued. However, if the test returns a positive confirmation from laboratory, then a more severe sanction, which could result in a probation violation, Intervention in Lieu revocation and/or termination from WCVHC, will be issued based on deception and the use of substances. The laboratory fee for a confirmed positive test may be applied to the participant's court costs.

The results of substance monitoring tests shall be provided to the appropriate treatment team members. The Judge and appropriate treatment team members shall be immediately notified when a participant fails to submit to a test, tests positive, submits an adulterated sample, submits the sample of another individual or dilutes the sample. The participant shall be ordered to appear before the Judge on the next available status review hearing docket so that sanctions can be immediately issued.

Any Court Service staff and/or member of the treatment team who conducts a urine screen shall comply with the Warren County Common Pleas Court Drug Testing Policy and Procedures Manual. The Warren County Drug Testing Policy and Procedures Manual (written policies and procedures for sample collection, sample analysis and result reporting) addresses elements that contribute to the reliability and validity of the testing process and provide stringent guidelines for sample collection, sample analysis and result reporting. The treatment team member shall immediately notify the probation officer of the outcome of any and all tests as they are conducted. The Judge shall be immediately notified when a participant fails to submit to a test, submits an adulterated sample, submits the sample of another individual or dilutes the sample. The participant shall be ordered to appear before the Judge on the next available status review hearing docket so that sanctions can be immediately issued.

All participants in the WCVHC program must undergo random, frequent and observed drug testing throughout their entire enrollment in the docket. Each participant will undergo a minimum of testing twice per week in Phase I and II, weekly in Phase III and IV, and twice per month in Phase V. Frequency will also take into account the testing methods used and how long the primary substance of use can be detected using those methods. Participants that are not diagnosed with a substance use disorder and do

not have a history of substance use must still undergo random and observed drug testing. Barring exigent circumstances, participants are not permitted to undergo independent drug or alcohol testing in lieu of being tested by trained personnel assigned to or authorized by the Veterans Honor Court.

CHAPTER 8: PROFESSIONAL EDUCATION

WCVHC assures continuing interdisciplinary education of treatment team members to promote effective specialized docket planning, implementation, and operations.

An interdisciplinary, continuing education plan includes training on a variety of topics such as:

- The specialized docket model
- Specialized docket processes
- Best practices in substance abuse and mental health services
- Drug trends, and alcohol/drug testing
- The non-adversarial approach of the specialized docket model for counsel
- Training on community resources

Supreme Court of Ohio Specialized Docket Practitioner Network

All treatment team members shall have the opportunity to attend the Supreme Court of Ohio's Specialized Dockets Annual Conference. All treatment team members shall receive the Specialized Dockets Newsletter. In addition to the Specialized Dockets Annual Conference the Specialized Dockets Section offers several training opportunities throughout the year that include free continuing education accreditation in several disciplines.

New Treatment Team Members

The WCVHC Coordinator shall meet with each new treatment team member and provide a brief overview of WCVHC. In addition, new treatment team members shall receive a copy of the *Program Description*, the *Participant Handbook* and the *Participation Agreement*. New treatment team members shall also receive training from the agency they serve regarding the role of that agency in WCVHC. Whenever possible, new treatment team members shall have an opportunity to observe the weekly treatment team meetings and status review hearings with the person they are replacing. WCVHC Coordinator shall arrange any additional training that is deemed necessary for the new treatment team member.

Program Operations Review

The Advisory Committee shall review the overall functionality of WCVHC every two (2) years. During the review, the Advisory Committee shall review all policies and procedures of WCVHC. The WCVHC Coordinator shall provide the Advisory Committee with the data necessary to conduct the review.

CHAPTER 9: EFFECTIVENESS EVALUATION

Supreme Court Reporting Data

WCVHC shall comply with reporting data as required by the Supreme Court of Ohio. This information may be used to assess compliance with the Standards as set forth in Standard 12 of Sup. R. 36.20-36.29, Appendix I (Specialized Docket Standards).

On-going Data Collection/Exit Survey

WCVHC shall engage in on-going data collection in order to evaluate whether or not WCVHC continues meeting its goals and objectives.

Data collection is an on-going process. Data shall be collected by the WCVHC Program Coordinator and by providing agencies. WCVHC Coordinator shall maintain data as directed by the Judge including, but not limited to:

- Number of applicants not qualifying for entrance in WCVHC
- Number of participants terminated successfully, unsuccessfully, or neutrally discharged
- Current number of participants active in WCVHC

Providing agencies shall also maintain data as required by funding sources.

Upon completion of WCVHC, each participant shall complete an anonymous exit survey. As data and surveys are collected, all identities shall remain anonymous and not be included in the data collection. The Advisory Committee, as part of the functionality review, shall utilize the data collected.

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