

SALT LAKE COUNTY THIRD DISTRICT COURT

VETERANS COURT



Policy & Procedures Manual

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Introduction

Veterans Treatment Courts are a cooperative effort between the Veterans Administration, local government and community organizations. Veterans Treatment Courts provide veterans charged or convicted of crimes with an alternative to incarceration—in a structured environment requiring the veteran’s accountability for his or her decisions and actions. The Veterans Treatment Court provides substance abuse treatment, behavioral health treatment, transitional housing opportunities, peer-to-peer/vet-to-vet mentoring, vocational training and educational opportunities. The court also offers veteran participants an opportunity to change their behavior and thinking, rebuild their lives, reconnect with their communities, and rebuild bonds with their families.

The purpose of this manual is to provide a general framework of principles, policies and procedures governing the Salt Lake County Third District Court Veterans Court. These policies and procedures were developed through a consensus of involved agencies to include all of the elements that are considered essential to the operation of an effective Veterans Court.

Mission Statement

The mission of the Salt Lake County Veterans Court is to provide an inter-agency, collaborative, non-adversarial treatment strategy for veterans in the criminal justice system.

The goals of the Veterans Court are to:

- Protect the public
- Reduce veteran contacts with the criminal justice system
- Reduce costs associated with criminal case processing and re-arrest
- Work with veterans to create an individualized treatment plan for long term stabilization and success in the community.
- Introduce veterans to an ongoing process of recovery designed to help them become stable, employed and substance free while continuing mental health care through the Veterans Health Administration and community/peer counseling groups

This will be achieved through the diversion of qualifying offenders to a program of comprehensive treatment and education, offender accountability, and intensive court supervision designed to help veterans gain control of their lives.

The program is characterized by:

- Collaboration among the courts, prosecutors, public defenders, law enforcement, treatment providers, case managers, social service agencies and community-based treatment organizations.
- A system of graduated incentives and sanctions to encourage treatment goals and hold offenders accountable for non-compliant behaviors.
- A standardized assessment process used to identify eligible offenders.
- Continuing training and education on a state and national level for Veterans Court professionals.
- On-going program evaluation and implementation of improvements as warranted.

Program Overview

The Salt Lake County Veterans Court program is strongly influenced by the Ten Key Components identified by the National Association of Drug Court Professionals (NADCP).

1. Integrate alcohol, drug treatment and mental health services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the Veterans Court program.
4. Provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs the Veterans Court response to participants' compliance.
7. Ongoing judicial interaction with each participant is essential
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among Veterans Court, Veterans Administration, public agencies and community-based organizations generates local support and enhances Veterans Court program effectiveness.

Veterans Court will provide a model for a courtroom environment where the judge is actively involved in the progress of individual participants. Participants undergo treatment and counseling, make regular appearances before the judge, submit to frequent and random drug testing, and are monitored closely by treatment staff and compliance officers assigned to Veterans Court through the Unified Police Department and Adult Probation and Parole. Graduated sanctions, including jail time, are imposed for program non-compliance

Pleas can be addressed in two ways in Veterans Court, at the discretion of the State:

- Plea in Abeyance: Participants enter a guilty plea which is held in abeyance until successful completion of the program. Upon graduation, the guilty plea is withdrawn and the criminal charges are dismissed.

- Condition of Probation: Participants enter a guilty plea and work towards successful completion of the program. Upon graduation, the criminal charges are reduced, pursuant to 402.

Regardless of entry status, participants usually complete at least 18 months in the program and advance through five phases of treatment. Certain requirements must be met in each phase before moving on to the next phase.

Team Members

Veterans Court Team

The Veterans Court Team is comprised of the Veterans Court Judge, assigned prosecutor, assigned public defender, assigned Veterans Administration outreach specialist, assigned probation officer, the mentor coordinator and the assigned Unified Police Department Officer. While the ultimate decision-making authority--after a participant has entered the Veterans Court program--resides with the Judge, the Veterans Court Team works in collaboration with the Judge toward the common goal of the rehabilitation of each participant. The team meets prior to the regularly scheduled Veterans Court calendar to review cases.

Veterans Court Judge

The Judge supervises compliance with Veterans Court by reviewing the progress of each participant and using various incentives, both positive and punitive, to encourage compliance with the program. The Judge establishes a rehabilitative relationship with the participant through intensive interaction during court sessions. The Judge stresses the Court's desire that each participant successfully complete the program while making it clear the consequences of noncompliance. Frequent interaction with the Judge has proven to be the most effective tool of problem solving courts.

Veterans Court Prosecutor

The Prosecutor's primary role is to ensure community safety concerns are addressed by maintaining appropriate eligibility standards while participating in a non-adversarial environment. The Prosecutor also advocates, when appropriate, for the removal from Veterans Court of non-compliant participants.

Veterans Court Defense Attorney

The assigned attorney to Veterans Court from Salt Lake Legal Defender Association, or the defendant's attorney, evaluates the participant's legal situation and ensures that the participant's legal rights are protected. He or she effectively advises defendants on their legal rights, legal options, program conditions and sentencing outcomes and monitors participant progress to ensure appropriate program participation. In the case where a participant's attorney is unable to attend the Veterans Court staff meetings and review hearings, the participant will be appointed to the public defender who sits on the Veterans Court team to represent the participant as co-counsel for Veterans Court hearings only. The participant's defense attorney for their criminal case will remain in place for representation of the participant.

Veterans Court Adult Probation and Parole Officer

The Adult Probation and Parole Officer assigned to Veterans Court monitors the compliance of participants who are on probation with Adult Probation and Parole (AP&P). For those participants, the assigned probation officer is responsible for providing primary case management services and provides general probation supervision at a level determined by the Level of Service Inventory (LSI) and AP&P. The Probation Officer may also monitor participant compliance with court ordered treatment by providing random alcohol and drug testing and conducting random house checks. When appropriate, the officer may enforce court and probation orders through search, seizure and arrest.

Salt Lake County Criminal Justice Services

Salt Lake County Criminal Justice Services (“CJS”) administers a Risk and Needs Triage (RANT) assessment to assist in determining the eligibility of participants. The results of the assessment tools are provided to the Veterans Court Prosecutor, Defense Attorney and Veterans Outreach Specialist in order to determine program eligibility. CJS also provides a Case Manager to coordinate, monitor and report drug testing. The Case Manager also tracks participant’s progress through the Veterans Court phases and makes recommendations regarding phase advancement to the Veterans Court treatment team.

Veterans Outreach Specialist

The Veterans Court Veterans Outreach Specialist (“VJO”) determines potential participants’ eligibility for VA services, obtains medical releases from potential participants, and facilitates referrals to VA and other treatment resources for participants. The VJO evaluates the appropriate service needs of each participant, coordinates the reporting process from treatment providers to the Court and reports each participant’s compliance with the Court’s orders so the Court has sufficient and timely information to implement incentives and sanctions.

VTC Mentor Coordinator

The Mentor Coordinator recruits, trains, supervises, assigns, and coordinates mentor volunteers. The Mentor Coordinator develops training standards and procedures for volunteer mentors. The Mentor Coordinator acts as a liaison between the volunteer mentors and the Team. The Mentor Coordinator works with local community veteran organizations to develop interest in the volunteer mentor program. Most importantly, the Mentor Coordinator assures that each participant has an appropriate volunteer mentor during his or her tenure in the Veterans Court.

Unified Police Department Compliance Officer

The United Police Department Compliance Officer provides sworn law enforcement capability for enforcement of the Veterans Court orders when needed. The officer provides and enforces the use of GPS ankle monitoring when required by the Veterans Court Judge. The Officer may also arrest non-compliant participants when ordered by the Veterans Court Judge. When appropriate, the officer may search the person, property, cell phone, vehicle or residence of a participant to ensure compliance with Veterans Court orders. The officer conducts house checks of participants' residence upon entry into the program and randomly as required.

Court Clerk

The Judge will assign a court clerk who will attend Veterans Court staffing and Veterans Court hearings. The Court Clerk is a non-voting member of the team. The Court Clerk is responsible for the day to day administration of Veterans Court including recording all court sessions and taking court minutes, preparing and distributing all official documents, recording staff meeting notes prior to court to aid in preparation of official court minutes, and coordinating all administrative meetings.

PURPOSE

Eligibility requirements assist Veterans Court professionals to identify qualified candidates for Veterans Court Services.

POLICY

A. ELIGIBILITY

The following requirements must be met for acceptance into the Veterans Court Program:

1. Participant must be a veteran, eligible for services at the Veterans Health Administration, and have been convicted of a Felony or Class A misdemeanor under the jurisdiction of the State of Utah, Third District Court.
2. Participant must live close enough to be able to attend all court dates, probation appointments and fulfill treatment requirements and has reliable transportation to do so.
3. Participant voluntarily agrees to participate in Veterans Court and is in the contemplative/pre-contemplative stage to address problems, seek treatment, and progress towards change.
4. Participant's behavioral health treatment issues do not exceed the capability of the Veterans Court program and participant does not exhibit serious, persistent mental health issues that cannot be stabilized through mental health treatment and appropriate use of psychotropic medications. If the participant exhibits serious persistent mental health issues, participant may be referred for mental health or psychological evaluation and if appropriate transferred to the Mental Health Court. These cases will be screened by the Veterans Court treatment team on a case by case basis.
5. Participant must be willing to abstain from the use of all illicit substances, alcohol, and non-approved medication. Participants already prescribed certain controlled medications may be required to work with their physicians to shift to a medication with a reduced potential for abuse. Medically Assisted Treatment must be coordinated through the Veterans Health Administration.
6. Participants must demonstrate high risk/high needs as determined by a standardized risk/need assessment (RANT) completed prior to admission into the program.

B. EXCLUSIONS

Defendants may be excluded from Veterans Court for the following reasons:

1. Defendant has a history of sex offenses or has pending offenses that would make them a registered sex offender if convicted.
2. Defendant has a history of serious crimes of violence which would cause a substantial risk to treatment staff or others.
3. Defendant has pending charges for distribution and clandestine lab charges or a conviction for operating a clandestine lab or child abuse. Defendants with any of the above charges will be reviewed by the District Attorney's Office for a determination of eligibility.

In conjunction with input from the Veterans Court Team, the District Attorney's office may elect to grant an exception after review of the facts of these offenses and all decisions will be made with the safety of the Veterans Court staff and participants of the program in mind.

C. LENGTH OF PROGRAM

1. Veterans Court is generally 18 months in duration. Usually, the 18 months begins at the time of entering a plea agreement or when the Veterans Court agreement is signed.
2. Time in jail (exclusive of jail treatment programs), time on bench warrant, or when a participant is unable to engage in treatment, are not counted in time toward Veterans Court graduation. Exceptions will be considered on a case-by-case basis.
3. If a defendant does not complete the Veterans Court program requirements during the term of the plea-in-abeyance or probation, the court may extend the term of the plea-in-abeyance or probation through an Order to Show Cause hearing. The participant may waive the Order to Show Cause hearing and consent to the extension.

PURPOSE

To define the rights that are waived by participants and outline the basic expectations of the program.

POLICY

Veterans Court requires that certain rights and privileges be waived in order to allow for full program participation and communication within the Veterans Court team.

Participants agree to the following prior to entering the program:

A. Waiver of Search and Seizure Rights

I acknowledge and agree in writing to be subject to search and seizure of my person, property, cell phone, vehicle, or residence by Veterans Court-assigned law enforcement personnel, or a court bailiff at the direction of the Veterans Court judge, at any time of the day or night, with or without a search warrant and with or without probable cause. I understand that this includes drug testing.

B. Defense Attorney Role

I understand that my defense attorney will advocate in conformity with the National Drug Court standards.

C. Guilty Plea

I understand that in Veterans Court I will be required to admit the crimes charged in this case.

D. Requirement to Follow Treatment Recommendations of Veterans Health Administration

I acknowledge that by choosing to participate in Veterans Court, I will be required to follow all treatment recommendations of the Veterans Health Administration treatment staff, to include: substance abuse treatment, mental health treatment, medication/prescription management, vocational rehabilitation and all other treatment requirements as ordered by the court.

E. Subject to Sanctions

From the moment I enter into Veterans Court, I understand that if I do not remain clean and sober or otherwise comply with Veterans Court rules, I may be sanctioned by the court without the court receiving an affidavit specifying the violation or without the court holding

a hearing. Sanctions may include revocation of pretrial or bond release, incarceration, fines, community service, and/or increased treatment requirements.

PURPOSE

To clarify the participant expectations while in each of the five phases of treatment in Veterans Court.

POLICY

Each participant will progress through five (5) phases of treatment. Successful completion of each of the five phases and any other requirements of the court, may qualify a participant for graduation from Veterans Court.

A. PHASE ONE – Acute Stabilization (approximately 60 days)

This phase begins at entry of plea and signing of Veterans Court agreement and requires two months to complete. Phase One allows the veteran to demonstrate some commitment to the program. Phase One has the following components which may be modified upon decision of the judge:

Legal

- In court, attend Legal Orientation provided by Legal Defenders.
- Meet with attorney to review facts and legal issues.
- Enter a guilty plea and/or sign a Veterans Court agreement.
- Attend court weekly

Treatment

- Follow orders of treatment
- Follow orders of supervision
- Regular office visits
- Monthly home visits
- Contact CJS case manager to set up drug testing
- Submit to random drug testing as required or upon request
- Engage with Veterans Justice Outreach Specialist (VJO)
- Engage with Mentor
- Verify residence/living arrangements with Veterans Court compliance officer.

In Order to Advance

- In compliance with above
- Clean time minimum of 14 consecutive days

- Attend four consecutive court hearings without absence prior to advancement
- Complete the requirements of Phase One

B. PHASE TWO – Clinical Stabilization (approximately 120 Days)

This phase requires a minimum of four months to complete. Each participant’s treatment plan will be individualized according to the participant’s needs. Phase Two has the following components which may be modified upon decision of the judge.

- Successful completion of Phase One.
- Comply with individualized treatment plan.
- Submit to random drug testing as required or upon request
- Pay for all drug tests.
- Continue to engage with VJO
- Continue to engage with Mentor
- Continue to engage with CJS case manager
- Establish positive support network
- Establish restitution payment plan, if applicable.
- Regular office visits
- Monthly home visits
- Attend court bi-weekly

In Order to Advance

- Complete requirements of Phase Two
- Compliance with treatment and supervision
- Maintain engagement with VJO, CJS case manager and Mentor
- Clean time minimum of 30 consecutive days

C. PHASE THREE - Personal Enhancement (approximately 180 days)

This phase requires a minimum of six months to complete. During this phase, participants complete an elective activity or community service project or hours while continuing treatment.

Phase Three requirements include:

- Successful completion of Phase Two
- Continue to comply with individualize treatment plan
- Regular office visits
- Monthly home visits
- Submit to random drug testing as required or upon request
- Maintain engagement with VJO, CJS case manager and Mentor
- Maintain positive support network

- Complete elective activity or community service project or hours, reporting progress to CJS case manager
- Make progress on restitution payment plan, if applicable
- Attend court monthly

In Order to Advance

- Complete requirements of Phase Three
- Maintain compliance with treatment and supervision
- Maintain engagement with VJO, CJS case manager and Mentor
- Complete elective activity or community service project or hours
- Clean time minimum of 60 consecutive days

D. PHASE FOUR- Community Re-Engagement (approximately 90 days)

This phase requires a minimum of three months to complete. The purpose of this phase is to help participants prepare to maintain a crime-free, stable lifestyle without the structure and support of Veterans Court. Phase Four requirements include:

- Successful completion of Phase Three
- Continue to comply with individualized treatment plan.
- Regular office visits
- Monthly home visits
- Submit to random drug testing as required or upon request
- Maintain engagement with VJO, CJS case manager and Mentor
- Meet with VJO to develop a re-integration plan
- Maintain positive support network
- Establish, as needed, based upon assessment:
 - Job training
 - Parenting/family support
 - Vocational training
- Attend court monthly

In Order to Advance

- Complete requirements of Phase Four
- Maintain compliance with treatment and supervision
- Maintain engagement with VJO, CJS case manager and Mentor
- Present re-integration plan to the Court
- Begin/maintain reintegration plan

- Clean time minimum of 90 consecutive days

E. PHASE FIVE- Continuing Care (approximately 90 days)

This phase requires a minimum of three months to complete. The purpose of this phase is to demonstrate an ability to maintain a crime-free, stable lifestyle without the structure and support of Veterans Court. Phase Five requirements include:

- Successful completion of Phase Four
- Continue to comply with individualized treatment plan
- Regular office visits
- Monthly home visits
- Submit to random drug testing as required or upon request
- Maintain engagement with VJO, CJS case manager and Mentor
- Demonstrate adherence to reintegration plan
- Maintain positive support network
- Maintain as needed, based upon assessment:
 - Job training
 - Parenting/family support
 - Vocational training
- Complete all restitution payments, if applicable.
- Attend court monthly

In Order to Graduate

Potential graduates must meet all program requirements and receive approval from the Veterans Court team, in order to qualify for graduation. Exceptions may be granted on a case-by-case basis in the interest of justice.

- Complete requirements of Phase Five
- Maintain engagement with VJO, CJS case manager and Mentor
- Maintain positive support network
- Maintain as needed, based upon assessment:
 - Job training
 - Parenting/family support
 - Vocational training
- Clean time minimum of 180 consecutive days
- Complete restitution as ordered by the Court
- Schedule and complete an exit interview with Veterans Court Team.

PURPOSE

Incentives and sanctions are used to promote compliance with the program by rewarding positive behavior and discouraging non-compliance with the goal of long-term behavior change and abstinence.

POLICY

Veterans Court utilizes incentives and sanctions throughout the program as recognized and endorsed by the National Drug Court Institute (NDCI). While recognizing that incentives have been shown to have a greater effect on behavior modification, sanctions may be imposed for program violations.

A. INCENTIVES

Veterans Court participants are rewarded for progress in the program during weekly court sessions. Incentives may include, but are not limited to the following:

1. Recognition of accomplishments (good list, clean days, employment, education, etc.)
2. Weekly drawings for participants on the good list (gift certificates, UA waivers, inspirational messages, etc.).

B. SANCTIONS

For any Veterans Court program violation that does not result in removal from the program, sanctions may be imposed at the discretion of the judge, with input from the Veterans Court team. Graduated sanctions will be imposed in accordance with evidence-based principles in order to encourage program compliance. Sanctions may include incarceration, electronic monitoring and other less restrictive consequences.

PURPOSE

To ensure that intensive monitoring of program requirement occurs in order to closely track the progress of each participant in the program.

POLICY

Law Enforcement, Veterans Justice Outreach Specialist, and Case Managers are responsible for ensuring that all relevant participant activities are monitored, documented, and reported to the Veterans Court team. Relevant activity includes phone contact, face-to-face contact, house checks, correspondence, referrals, collaboration with other criminal justice and social service agencies.

A. LAW ENFORCEMENT

1. Track each Veterans Court participant's engagement in the Veterans Court program. This includes, but is not limited to, entering the participant's vital statistics in the Records Management System flagging program, conducting portable urinalysis testing in court or in the field and serving arrest warrants issued by Veterans Court.
2. Conduct random house visits for participating Veterans Court participants. The house check ensures the residence is a safe, drug-free place for the participant and other individuals living there. If participant is on probation with Adult Probation and Parole, the house check will ensure that the participant is in compliance with all conditions of Adult Probation and Parole.
3. Verify addresses given by new and existing Veterans Court participants to ensure safe and appropriate housing for continued participation in the program.
4. Investigate violations of the Veterans Court agreement or other matters affecting the integrity of the Veterans Court program.
5. Monitor and supervise any participant who is required to be supervised through the electronic monitoring program.

B. VETERANS JUSTICE OUTREACH SPECIALIST

1. Monitor participants' compliance, progress with their individualized treatment plans, and meeting individual treatment goals.

2. Ensure that all participant's treatment activity has been documented and reported to the court treatment team.
3. Review Veterans Court compliance and follow-up with appropriate action to ensure participant's timely completion of treatment conditions within each phase of the program.
4. Coordinates referrals for all appropriate and recommended treatment. Ensure that treatment updates are provided to the Veterans Court treatment team in a timely manner.

C. CASE MANAGEMENT

1. Coordinate and monitor drug testing for Veterans Court participants.
2. Manage reporting of all drug testing outcomes to the Veterans Court treatment team.
3. Case management will contact Veterans Court participant regarding positive or questionable drug testing results and request participant's attendance at next scheduled court calendar. Case Management will alert the Veterans Court treatment team and initiate placement of veteran on the next court calendar.
4. Monitor and track participants' progress through court phases. Case Management will make recommendations regarding phase advancement to the Veterans Court treatment team.
5. Monitor sanctions and incentives.

PURPOSE

To clarify the standards of drug testing in the program and the expectations of the participants.

POLICY

All drug tests will be reported to Criminal Justice Services (CJS) by the contracted vendor through established protocols. CJS will communicate test results to the Veterans Court team.

A. PARTICIPANT EXPECTATIONS

1. Participants will submit to random drug testing while in Veterans Court.
2. Participants must test at the contracted CJS vendor site unless otherwise approved by the Veterans Court team.
3. Participants are responsible to be aware of drug testing procedures and avoid substances that will compromise the drug testing results.

B. TESTING FEES

1. Participants are expected to pay for all drug testing fees and associated costs for re-tests, contested results, etc.
2. Participants in need of financial assistance with testing fees may apply for assistance through their case manager.

C. MISSED TESTS, DILUTES, AND TAMPERING

1. Missed tests, for any reason, may subject the participant to sanctions.
2. Dilute urine samples may subject the participant to sanctions.
3. Tampering with, or the adulteration of, drug tests may result in an Order to Show Cause leading to possible termination from Veterans Court.

D. EXCUSING TESTS

Drug tests may be excused and therefore not counted as a missed test with approval of the Veterans Court treatment team. Participants should obtain prior approval, whenever possible. Tests may be excused under the following circumstances:

1. *Hospitalization:* Participants must provide documentation to their VJO verifying the reason for the hospitalization, admission days, medication received, and other related information.
2. *Death of a Family Member:* Participants are expected to provide documentation of the funeral to their VJO.
3. *Vacation:* With prior approval from the Veterans Court treatment team, participants may take vacation.
4. *Unusual and extraordinary circumstances:* All other excusals will be reviewed and approved by the Veterans Court treatment team on a case-by-case basis.

E. TESTING SCHEDULE

1. Participants will be assigned a frequency of drug testing.

PURPOSE

To establish the rules governing participant behavior while being supervised on Unified Police Department electronic monitoring program.

POLICY

- A. While in Veterans Court, the team may recommend and the Judge may order that a participant shall be placed upon electronic monitoring and supervised by the Unified Police Department electronic monitoring program.
- B. While on electronic monitoring, the participant will be required to be at his or her approved residence by a 7:00 p.m. curfew and remain at home until 6:00 a.m. the following day. Exceptions for work and treatment must be pre-approved by the Court.
- C. If the participant's work schedule changes, he or she must provide a copy of the work schedule to the supervising officer in advance.
- D. A log of the participant's daily activities may be required by the supervising officer.
- E. While on electronic monitoring, the participant is responsible to ensure that the monitor is properly charged at all times. Letting the monitor run out of power may result in a sanction, including incarceration.
- F. While on electronic monitoring, the participant is required to respond to calls or text messages from the supervising detective as quickly as possible.
- G. Tampering with any part of the electronic monitor, including the strap, will result in a significant sanction, which may include a substantial period of incarceration, and the participant will be required to pay for the costs of repairing or replacing the monitor before he or she will be allowed to graduate.

PURPOSE

To establish a protocol for medical/dental treatment and prescription use in Veterans Court.

POLICY

A. MEDICALLY ASSISTED TREATMENT (MAT)

1. Certain medically assisted treatments have been proven to improve addicted offender's retention in counseling and reduce illicit substance use.
2. The decision on whether or not to allow the use of MAT is based on an assessment of the needs of the participant.
3. In cases where the participant, legal counsel, or a medical expert has requested the use of MAT, the judge articulates the rationale for allowing or disallowing the use of addiction medication.
4. If allowed, time on addiction medication will count towards graduation.

B. MEDICAL/ DENTAL/MENTAL HEALTH TREATMENT

Medical, dental and mental health treatment will be provided by the Veterans Health Administration and in consultation with participant's VJO.

C. OTHER PRESCRIPTION USE IN VETERANS COURT

1. Participants may take prescription medication while in the program. However, there are some medications that are not appropriate for Veterans Court. Participants may be asked to discuss other treatment options with their physician or may be prohibited from participation in the program.
2. Participants are required to provide prescription verification to their VJO upon admission to Veterans Court.
3. Medications must be taken as prescribed (dose and period of time). Participants must notify the VJO when they have completed taking the medication.
4. Participants may be required to obtain all prescriptions through Veterans Health Administration.

D. NEW PRESCRIPTIONS

1. All new medications must be reported to the VJO within 24 hours. Whenever medically practical, the VJO must be notified before the prescription(s) are filled. This information will be forwarded to the Veterans Court team for review.
2. Participants are required to provide prescription verification to their VJO.

E. PRESCRIPTION DISPOSAL

1. Unused medication must be disposed of properly by Law Enforcement in accordance with the Unified Police Department policy.
2. Participants are to bring unused medication to court for the Veterans Court compliance officers to collect and dispose of.
3. No other team members are allowed to accept or destroy prescription medications.

PURPOSE

To clarify participant responsibilities relating to new charges and police contact.

POLICY

- A. Misdemeanor cases will be handled in the court of original jurisdiction.
- B. Felony cases based on conduct occurring after entry of a plea in Veterans Court may be accepted into Veterans Court if approved by the Prosecutor pursuant to Policy #1 (Eligibility).
- C. Participants shall report to their VJO and compliance officer any police contact or new arrests/charges within 24 hours.
- D. VJO and Treatment Staff are expected, upon knowledge of the incident/charges, to report to the Veterans Court team.
- E. Any charge that does not result in removal from the program may result in a six (6) month extension from the date of adjudication.

PURPOSE

To establish the issuance and consistent treatment of bench warrants in Veterans Court and to establish the grounds for which a defendant may be removed from the program.

POLICY

A. BENCH WARRANTS

Bench warrants may be issued to participant while in the program. The term “bench warrant” as used in this policy refers only to bench warrants issued on the case(s) in Veterans Court. Issuance of a bench warrant may include an order of commitment for 180 days jail at the Adult Detention Center.

1. One pre-plea bench warrant will be allowed. Upon issuance of the second warrant, the participant may be terminated from the program and referred back to the regular district court calendar.
2. Any Pre-plea bench warrant outstanding over six (6) months may result in removal from the program.
3. Two (2) post-plea bench warrants will be allowed. Upon issuance of the third warrant, the court may issue an Order to Show Cause as to why the defendant should not be removed from Veterans Court and sentenced.
 - i) Upon completion of six (6) months with no Veterans Court violations, a defendant will have one post-plea bench warrant excused.
 - ii) A defendant may only have one warrant excused under this section.
4. If any post-plea bench warrant is outstanding over six (6) months, the court may issue an Order to Show Cause as to why the defendant should not be removed from Veterans Court and sentenced.

B. REMOVAL

A participant may be removed from Veterans Court for failing to successfully complete the program. Normally, removal will occur after graduated sanctions have been imposed and the participant has continually disregarded the rules or orders of the Veterans Court Judge.

Termination from a program is a Team decision; however, the Judge makes the final decision of whether a participant should be terminated.

Each participant has the right to an Order to Show Cause hearing and the right to be represented by counsel at that hearing. The Order to Show Cause hearing will be held before the Veterans Court Judge. If the Judge finds the participant has failed to substantially comply with the conditions of probation or with the terms of the plea in abeyance, the Judge will terminate probation or the abeyance agreement and revoke probation or enter the participant's conviction to the underlying charge(s). The Judge will set the case for sentencing.

Removal may occur under these circumstances:

1. Participant has continuously disregarded the rules or orders of the Veterans Court Judge. Examples of the disregard of program rules include:
 - i) Absconding from any residential or inpatient treatment facility
 - ii) Failing to attend treatment or therapy
 - iii) Repeated positive alcohol or substance tests
 - iv) Failing to properly take prescribed medication
 - v) Continual disrespect or dishonesty to the Judge or members of the Team
2. Participant engages in violent, threatening or criminal behavior which endangers the welfare of co-participants, Veterans Court personnel, or threatens the integrity of the Veterans Court Program.
3. Any new conduct committed by the participant that would constitute a criminal violation if the new criminal violation would be:
 - i) A misdemeanor that would be grounds for exclusion from the Veterans Court program under Policy #1 (Eligibility); or
 - ii) A DUI or lesser included offense; or
 - iii) A felony.

PURPOSE

To clarify the process when transferring a case from one District Court to another.

POLICY

Veterans Court is able to accept transfers from other District Courts in Utah for felony cases that meet program eligibility criteria. Transfers may not be accepted unless defendant has a pending case in the Third District Court or resides in Salt Lake County.

PROCEDURE FOR TRANSFERRING CASES TO OTHER JURISDICTIONS

- A. The assigned prosecutor in the sending jurisdiction must approve the transfer of any court case to another jurisdiction.
- B. Once a transfer is approved by the sending jurisdiction, Defendant must comply with all screening requirements and be accepted by the receiving jurisdiction's drug court.
- C. Prior to any transfer, the defendant must be informed of and agree to comply with all rules and requirements of the accepting jurisdiction's drug court.
- D. If accepted, the defendant makes a Motion for Change of Jurisdiction which may then be stipulated to by the sending Prosecutor and signed by the sending Judge.
- E. The plea bargain is determined by the sending jurisdiction and the plea is entered prior to the transfer. The Court Clerk of the sending jurisdiction obtains a date for the defendant to appear in the receiving jurisdiction and gives the defendant notice of that date when he/she pleads.
- F. The court file is transferred from the sending to the receiving jurisdiction. The receiving jurisdiction then has jurisdiction over and is responsible for all proceedings in the case from that point forward, including any orders to show cause, terminations from probation, sentencings, dismissals, and/or graduation from Veterans Court.

PROCEDURE FOR ACCEPTING CASES FROM OTHER JURISDICTIONS

- A. The defendant must meet all eligibility requirements for the Salt Lake County Veterans Court program.
- B. The prosecutors in both the sending and receiving jurisdictions must both agree to the transfer.

- C. The defendant must be informed of and agree to comply with all rules and requirements of the Salt Lake County Veterans Court program.
- D. Once the court file is received from the transferred from the sending jurisdiction, the receiving jurisdiction then has jurisdiction over and is responsible for all proceedings in the case from that point forward, including any orders to show cause, terminations from probation, sentencings, dismissals, and/or graduation from Veterans Court.

PURPOSE

Veterans Court graduations provide a venue for dismissal/reduction of the criminal charges as well as an opportunity to recognize the graduating participants and their families.

POLICY

Potential graduates must meet all program requirements and receive approval from the Veterans Court team, in order to qualify for graduation.

GRADUATION REQUIREMENTS

Prior to being approved for graduation, participants must comply with all conditions listed. Participant must not use any alcohol, illegal drugs or drugs outside prescribed medications for six months to graduation. All drug tests must be taken, be valid and drug free. Failure to qualify for graduation could result in a six month extension of the program. Exceptions may be granted on a case-by-case basis in the interest of justice.

1. May be required to complete a minimum of 18 months in the program.
2. Complete requirements in each phase and successfully complete the requirements of Phase Five.
3. Comply with all treatment recommendations.
4. Participant's overall progress in treatment must be satisfactory for the last six (6) months prior to graduation.
5. Participants cannot graduate with outstanding warrants. All criminal matters resulting from conduct occurring after the entry of the plea into Veterans Court must be adjudicated.
6. Complete payment of restitution or have a court ordered arrangement regarding restitution with which Veteran must comply.
7. Schedule and complete an exit interview with Veterans Court Team.

PURPOSE

To ensure the confidentiality of information provided through Veteran Court.

POLICY

A. CONFIDENTIALITY OF TREATMENT INFORMATION

The VTC and all Team members adhere to the confidentiality requirements for participants receiving substance abuse treatment as written in 42 U.S.C. 290dd-2 and 42 C.F.R. Part 2, and the confidentiality requirements of the Health Insurance Portability and Accountability Act (HIPAA).

Information sharing is an essential function of Veterans Court treatment and is accomplished in accordance with all applicable rules and laws. All team members are also provided with a copy of the confidentiality requirements of 42 U.S.C. 290dd-2 and 42 C.F.R. Part 2 and the Health Insurance Portability and Accountability Act (HIPAA). See Appendix B.

Participants in the Veterans Court sign the uniform consent for disclosure of confidential information upon application for entry into Veterans' Court. The release of information will be kept in the participants court file.

In an effort to prevent unauthorized disclosure of information regarding participants, progress reports, substance testing results and other medical information regarding the participant that is disseminated to the Team is NOT placed in a participant's court file that is open to the public.

Should Veterans Court have professional guests and/or evaluators observing confidential information pursuant to 42 U.S.C. 290dd-2 and 42 C.F.R. Part 2 or HIPAA, the guest must sign an appropriate confidentiality agreement.

B. MEDIA

In accordance to CJC Rule 4-401-01 media may be allowed in the courtroom at the Judge's discretion. All media requests should be submitted to the Public Information Officer. Veterans Court sessions are open to the public and all proceedings are public record. In an effort to protect the privacy of participants, prior to a court session where the media are present, the Judge informs participants that the media is present and why. If any participant is not comfortable with his or her case being heard in front of the media, he or she may request that the media leave when his or her case is heard.

If a member of the media wishes to speak with a participant or graduate, the media person will be required to first obtain permission from the participant. Speaking with the media is solely at the participant's discretion.

PURPOSE

To educate new and seasoned Veterans Court team members on the skills specific to working in an operational Veterans Court program.

POLICY

All members of the Veterans Court team will receive ongoing training on evidence-based practices, therapeutic issues, and all other issues relevant to drug court.

- A. Veterans Court will ensure that each team member has training requirements/opportunities and completes a minimum of eight (8) hours annual training specific to drug court.
- B. Veterans Court Team members are encouraged to attend annual statewide conferences and national conferences as resources allow.

PURPOSE

To ensure that participants of Salt Lake County Veterans Court provide beneficial services to our community while maintaining the safety and the integrity of all parties involved.

ELIGIBILITY CRITERIA

In order to be a community services partner with Salt Lake County Veterans Court, each organization must demonstrate the following:

- A. Be a Government entity, licensed social service provider or a non-profit organization, recognized by the IRS.
- B. Provide a benefit to the overall community of Salt Lake County.
- C. Maintain Workers Compensation insurance or utilize an adequate liability waiver.
- D. Provide verification to VJO of all services carried out by participants. Verification must be provided on organization letterhead or on a Community Service form.
- E. Community service provided by participants of Veterans Court shall not include activities that could allow for the possibility of victimization of vulnerable populations. For example, one-on-one time spent with youth or the elderly.