

THIRD JUDICIAL DISTRICT VETERANS TREATMENT COURT

Participant Handbook



Canyon County, Idaho

2024

Honorable Matthew Bever

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**I learned that good judgment comes from experience
and that experience grows out of mistakes.
— General Omar N. Bradley, 1893-1981**

There are no secrets to success. It is the result of preparation, hard work, learning from failure." -
Colin Powell

Introduction

Welcome to the Canyon County Veterans Treatment Court program, in the Idaho Third Judicial District. This handbook is designed to answer questions, address concerns and provide overall information about the program. As a participant, you will be expected to follow the instructions given to you by the judge and probation officer, and comply with the treatment plan developed for you by the approved treatment team. This handbook will detail what is expected of you as a Veterans Treatment Court participant. It will review general program information. It is intended to be a standard guideline to Veterans Treatment Court participants. However, some guidelines may vary at the discretion of the Veterans Treatment Court team, due to the variations in each participants needs. We are confident that Veterans Treatment Court will help you restore honor and resolve the problems that led you to the program.

What is Veterans Treatment Court?

The Canyon County Veterans Treatment Court is an alternative court program that was developed using a broad base of veteran and community partners to address the local needs, relationships and circumstances of the justice involved veteran. The Canyon County Veterans Treatment Court is patterned after a successful model and is consistent with veteran's courts throughout the nation.

The Veterans Treatment Court is a special court given the responsibility to handle cases involving the veteran offender. These programs include, judicial and probation supervision, individualized substance abuse treatment, mental health treatment, linkage with veterans benefits, mentoring and the use of incentives and sanctions. The Judge will be highly involved in the supervising of the veteran's court offenders than just placing them on probation. The Veterans Treatment Court removes the defendant from the traditional criminal justice system, and placing them in a more informal courtroom environment where they undergo treatment and counseling, make regular appearances before the judge and are monitored closely for program compliance.

About the Canyon County Veterans Treatment Court Program

The Canyon County Veterans Treatment Court is a voluntary post-conviction program for veterans who have a pending criminal charge in Canyon County, whereby that criminal behavior may/may not be related to a substance abuse and/or a mental health disorder. The judge, with the agreement of your attorney and the prosecuting attorney has the option to sentence you to the Veterans Treatment Court as a condition of your probation. Keep in mind that at any time during your participation, you could be terminated from the program for not complying with the rules or treatment plan. Should this happen, a probation violation will be filed and your original suspended sentence could be re-imposed by the sentencing judge.

The Veterans Treatment Court is a five (5) phase program consisting of intensive supervision, treatment and monitoring by an interdisciplinary team. You will be required to make frequent appearances before the Veterans Treatment Court judge, follow an intensive, individualized treatment plan and meet with your probation officer regularly. You will be tested randomly for drugs and alcohol as required by your plan.

The program is a minimum of fifteen (15) months and includes an aftercare treatment plan. You will advance from one phase to the next based on your progress and your ability to comply with your treatment and probation regimen. Keep in mind that some participants may advance faster than others.

By successfully completing the Veterans Treatment Court program your charge may be reduced and/or dismissed, this is not a guarantee upon completion. This decision will be made by the Veterans Treatment Court Judge.

Eligibility Criteria

The eligible participant of the Canyon County Veterans Treatment Court must be at least eighteen (18) years of age, have his or her veteran status confirmed by the Department of Veterans Affairs, have a diagnosed substance abuse or mental health problem and have the capacity and willingness to participate in the court as evidenced by voluntary acceptance of the plea negotiation leading to entrance.

All veterans who are currently enlisted or discharged and are eligible for treatment may be accepted. If the veteran has separated from military service due to a dishonorable or bad conduct discharge and can verify their status with the Department of Veterans Affairs, they may be eligible as a participant pending a review by the Core Team. Canyon County residents are preferred for this program.

ELIGIBILITY REQUIREMENTS

- A) The potential participant **must** qualify under the guidelines as defined in Idaho Code 19-5604 for drug & mental health courts along with Title 38 USCS 101 (2) “Veterans Benefits” with the following local conditions outlined:
1. The term ‘Veteran’ means a person who served in the active military, naval or air services, and who was discharged, or released there from Title 38 USCS 101 (2), or otherwise defined by Idaho Code 65-502 (17) which states “Veteran” means any person who has been discharged or released from active duty in the armed forces under honorable conditions and has:
 - (a) Served on active duty in the U.S. armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized.
 - (b) Served on active duty as defined in 38 U.S.C. section 101(21) at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days.
 2. Be an adult, eighteen (18) years or older, with Canyon County criminal charges
 3. Must reside in Canyon County, Idaho at the time of opt in and remain a legal resident throughout the duration of the program. Participants will be given 90 days from program start date to get moved to Canyon County if they do not already live here. Unless they are actively enrolled in in-patient treatment, participants will be suspended from VTC and a Probation Violation will be filed with the courts if they do not comply with this requirement.
 4. Have a DSM-IV, Axis I primary diagnosis for a substance abuse and/or a mental health disorder
 5. The alleged criminal behavior in the pending offense may be related to the individual’s diagnosis as supported by the suitability screen and/or evaluation

6. The defendant has the mental capacity and ability to appreciate the consequences of the legal proceedings and fully understand the expectations and conditions of the veterans court contract
7. The veteran must plead guilty to the pending offense and/or admit to the pending probation violation at the time of acceptance into the program
8. The defendant must not have any outstanding warrants

B) Disqualifying factor(s): Pursuant to Idaho Code 19-5604, the potential participant for the Veterans Treatment Court **will be** disqualified if he/she:

1. is currently charged with, has pled or has been adjudicated or found guilty of, a felony crime of violence or a felony crime in which the person used either a firearm or a deadly weapon or instrument, the crime of murder, the crimes of drug trafficking, and if the applicant has any gang membership or affiliation with a gang
 - a. The Court may, after consultation with the Core Team and with the consent of the prosecuting attorney, allow a person to participate in the court who would otherwise be ineligible based on this disqualifier
2. is currently charged with, or has pled or been found guilty of, a felony in which the person committed attempted to commit, conspired to commit, or intended to commit a sex offense.

Drug Testing and Program Fees

As a participant you will be required to pay \$100 per month towards treatment court program fees. This fee will be assessed on your criminal case number in the Clerk's Office. You will be required to pay a monthly amount on any outstanding court fines, fees and restitution, payment plans for this amount can be set up in the Clerk's Office. In addition, you will be assessed a Cost of Supervision fee by your probation officer. You may also be responsible for some of your treatment fees if they are not covered by the VA. Payment records will be reported to the judge as part of your regular progress report.

Medical Assisted Treatment

There are some drugs used by physicians to treat the biological aspects of addiction to other drugs, such as opiates. This may, or may not, be allowed in Veterans Treatment Court, depending on the individual needs of the participant. However, any administration of such drugs must be closely coordinated between the Veterans Court Coordinator and a trusted and qualified health care provider, and approval of such drugs must be obtained in advance from the Court.

Veterans Treatment Court does not accept that all addicts must be administered drugs in order to succeed in recovery or that all health care providers prescribing these drugs are appropriate to work with Veteran Court participants. Moreover, all rules, policies and requirements of Veterans Court apply to all participants, regardless of whether they are receiving any form of medication from any health care provider. The Veterans Court Judge and will be the ultimate authority in deciding whether any participant is succeeding in the Program, whether or not the participant is prescribed medication assisted treatment.

When allowed, only those drugs considered to be genuinely used for medication assisted addiction treatment will be allowed. If you think you need to go on an MAT drug, such as Suboxone, you must communicate this to your coordinator who will guide you through the process of gathering the releases of information and approval from the Veterans Court Team. If you go on a MAT drug without going through the correct process it will result in sanctions.

Requirements

1. **OBEY LAWS:** I will obey all laws and report any police contact and/or new arrest or criminal proceedings to the court, my probation officer and/or attorney within 24 hours.
2. **COURT ORDERS:** I agree to abide by all court orders including but not limited to Sanction Orders, Orders to enter and complete treatment and/or No Contact Orders and comply with all terms of conditions as ordered under probation.
3. **HEARINGS/APPOINTMENTS:** I will appear at all hearings, appointments and other Veterans Treatment Court obligations as ordered by the Judge and/or Veterans Treatment Court team. I understand that if I miss a court appearance a warrant may be issued for my arrest.

4. VETERANS TREATMENT COURT PROGRAM: I understand that the Veterans Treatment Court program may be completed in a minimum of 15-18 months, depending on personal progress. I agree to participate in the program until I successfully graduate or until I am discharged, terminated or voluntarily opt out, which could result in a probation violation charge.

5. DRUGS/ALCOHOL: I will not possess or use alcohol or non-prescribed drugs. I will provide copies of the legal prescription and the physical prescription within 24 hours to my treatment provider or next scheduled Veterans Treatment Court hearing (whichever is first). I will present a copy of a signed physician's letter to my prescribing doctor, psychiatrist or medical and/or dental and seek non-narcotic, non-addictive alternatives whenever possible. I will also provide a copy of the physician's letter to the Veterans Treatment Court Coordinator. I am aware that any use of prescription drugs may impact my clean time, movement through the phases, length of time in the program, and eligibility to graduate and/or complete the program.

6. RESIDENCE: I must reside in a court approved Canyon County residence that cannot contain illegal drugs or alcohol. I must ask permission from the probation officer prior to a change in residence and will inform the probation officer of any changes in my address and phone number at the next scheduled Veterans Treatment Court review hearing or within 24 hours, whichever occurs first. I will not spend the night at any address other than the address approved by the probation officer. I will inform the Veterans Treatment Court Coordinator and/or probation officer with the full names of all people with whom I live.

7. RELEASES: I will sign all Releases of Information as deemed necessary by the Veterans Treatment Court; I also waive confidentiality of my medical records and authorize all agencies to discuss my case with the Veterans Treatment Court team and the court. I understand that the failure to sign a release of information may result in my termination from the program. Further, if at any time I revoke or withdraw a release, this too may be a basis for termination.

8. VICTIMS: I understand that any victims in this case may be contacted and informed of my participation in this program. I agree to pay restitution and understand a payment plan may be established while I am in the program.

9. HONESTY: I must be truthful in all my dealings with the Veterans Treatment Court.

10. TREATMENT: I will enter and successfully complete treatment deemed necessary by the Veterans Treatment Court team. I will abide by the rules of the treatment agencies. Within 24 hours of discharge of treatment, I will report to the Veterans Treatment Court Coordinator, Probation Officer and/or treatment provider and abide by all conditions and requirements of the Veterans Treatment Court. I will report to the Veterans Treatment Court the first time it holds court following my release from treatment. Further, I understand if I fail to return to Court as directed, a warrant may be issued and/or new criminal charges may be filed against me.

11. DRUG TESTING: I will submit to observed urine, breath or other drug and alcohol screening/test whenever requested to do so by the treatment program staff or the judge. I further agree to call the UA testing color line daily, and upon any positive drug test, regardless of my schedule, I will appear at the next Veterans Treatment Court hearing. All participants are responsible for getting themselves to the drug testing office during the allotted testing times, if you are late you could be turned away. All participants are responsible for providing an adequate urine sample each and every time you test. If you miss a u/a test you must contact your Coordinator and/or Probation Officer and test at the next available testing time and the testing office. If you provide a dilute sample, stall, or no show for testing it may result in a sanction, including but not limited to:

- Essay assignment
- Two- week food/beverage journal
- Community service
- Sheriffs Inmate Labor Detail
- Increased drug testing and/or increased daily check-in's
- Curfew adjustments
- Period of incarceration
- Other sanctions may be imposed as determined by the Veterans Treatment Court team

12. ASSOCIATIONS: I will not associate with or be near any people who are under the influence of, possessing or using alcohol or any illegal drugs. I will not associate with anyone participating in any criminal activity.

13. VETERANS TREATMENT COURT TEAMS: I understand and agree that there will be discussions about my case, my treatment program and my condition which may take place out of my presence or the presence of my attorney.

14. HOME VISITS: I waive my rights under Article I Section 17 of the Idaho Constitution and the 4th amendment of the US Constitution to permit the inspection of my home, person, or vehicle and any contents thereof at any time, without notice, and without probable cause or warrant by the probation officer and/or any law enforcement official.

15. EMPLOYMENT: If applicable, I shall seek and maintain gainful, verifiable full-time employment. I must inform my probation officer and treatment provider immediately, if I become unemployed, through termination or change of employment.

16. TRAVEL: Travel requests will be reviewed on a case by case basis. Travel will be restricted to the Third Judicial District of Idaho while in phase one, the State of Idaho while in phase two and three, and country wide while in phase four and five. No out of country travel will be allowed within the program. All travel pass permissions must be approved from my probation officer and/or the Veterans Treatment Court team. If I am arrested in another jurisdiction I agree to waive any challenges to my extradition.

17. VETERANS TREATMENT PROGRAM FEES: I agree to pay a monthly treatment court program fee of \$100.00. This fee will be assessed monthly by the Clerk's Office on your criminal case and added to any fines and fees balance on that case. In addition, I agree to pay any ordered fees, restitution and assessments.

18. TEMPORARY RESTRICTED DRIVER'S LICENSE POLICY: Participants may apply for a temporary restricted driver's license after a minimum of 45 days in the program for either misdemeanor or felony cases in addition to all other program requirements being met. The application must be submitted in full and approval is at the Veterans Treatment Court Judge's discretion.

The Phases

The Veterans Treatment Court Advancement Criteria consists of 5 distinct phases that must be successfully completed. Each phase has judicial oversight, individual requirements, random drug and alcohol testing, rewards and sanctions. Movement between these phases is based on status in treatment, probation, employment/furthering education, sobriety time, compliance level, and meeting financial obligations. Phases are designed to build upon the skills acquired in the previous phase and allow the participant to more effectively learn to identify and manage their substance abuse and/or mental health/symptoms and foster stable and independent living.

The length of each phase is determined by your ability to comply and progress through the treatment plan. Remember some participants may move through the program faster than others. Each person has a plan that is individualized to them. Sanctions for continued

noncompliance with Veterans Treatment Court requirements may include, but are not limited to, community service, jail time and termination from the Veterans Treatment Court.

PHASE I: Approximate length is 3 months

While in Phase 1, Veterans Treatment Court participants are required to:

1. Attend court weekly and have contact with assigned mentor weekly
2. Attend all scheduled treatment and probation appointments and obligations
3. Complete all random drug/alcohol screenings
4. Complete all assessments and comply with the assessments
5. Comply with medication regimen, if applicable, (may require keeping a daily medication journal)
6. Secure stable living environment or working closely with case manager to seek housing
7. Seek reliable transportation
8. Identify schooling or employment needs if applicable
9. If applicable, make minimum \$25/ month payments on fines fees and/or restitution obligations
10. Make \$100 monthly payments towards treatment court program fees

Promotion criteria for Phase II:

- No unexcused absences from scheduled services for 60 consecutive days (court, treatment, meetings, drug tests, 1:1's, community service, etc.)
- Provide clean drug/alcohol screens for a minimum of 30 days
- No new law violations
- Comply with treatment plan objectives and be on task
- Make application for Phase II and obtain approval from the Veterans Treatment Court team

Phase II: Approximate length is 3 months

While in Phase II, Veterans Treatment Court participants are required to:

1. Attend court weekly and have contact with assigned mentor weekly
2. Attend all scheduled treatment and probation appointments and obligations
3. Complete all random drug/alcohol screenings
4. Engage in treatment regimen and comply with treatment plan tasks
5. Comply with medication regimen, if applicable, (may require keeping a daily medication journal)
6. Secure stable living environment or working closely with case manager to seek housing
7. Seek reliable transportation if applicable
8. Identify schooling or employment needs if applicable
9. If applicable, make minimum \$25/ month payments on fines fees and/or restitution obligations
10. Make \$100 monthly payments towards treatment court program fees
11. Create a budget/financial plan if applicable

Promotion criteria for Phase III:

- No unexcused absences from scheduled services for 75 consecutive days (court, treatment, meetings, drug screens, 1:1's, community service, etc.)
- Provide clean drug/alcohol screens for a minimum of 60 days
- No new law violations
- Comply with treatment plan objectives and be on task
- Make application for Phase III and get approval from the Veterans Treatment Court team
- Submit a budget/financial plan to the Veterans Treatment Court team for review if applicable

Phase III: Approximate length is 3 months

While in Phase III, Veterans Treatment Court participants are required to:

1. Attend court on the first and third Mondays of each month
2. Attend all scheduled treatment and probation appointments and obligations
3. Complete all random drug/alcohol screenings
4. Engage in treatment regimen and comply with treatment plan tasks
5. Comply with medication regimen, if applicable, (may require keeping a daily medication journal)
6. Develop means to meet basic needs and/or independent living (stable, safe housing, income, employment or schooling, transportation, etc.)
7. If applicable, make minimum \$25/ month payments on fines fees and/or restitution obligations
8. Make \$100 monthly payments towards treatment court program fees
9. Begin to develop a 20- hour community service project and present plan in Phase 4
10. Engage in pro-social activities
11. Write a letter of apology to the victim if applies to current charge(s) in the Veterans Treatment Court, if the victim does not want contact then will need to present the written letter to the Veterans Treatment Court team

Promotion criteria for Phase IV:

- No unexcused absences from scheduled services for 75 consecutive days (court, treatment, meetings, drug tests, 1:1's, community service, etc)
- Complete any treatment services that are not ongoing
- Provide clean drug/alcohol screens for a minimum of 60 days
- Comply with treatment plan objectives and be on task
- No new law violations
- Make application for Phase IV and get approval from the Veterans Treatment Court team

Phase IV: Approximate length is 3 months

While in Phase IV, Veterans Treatment Court participants are required to:

1. Attend court on the first and third Monday of each month
2. Attend all scheduled treatment and probation appointments and obligations
3. Complete all random drug/alcohol screenings
4. Engage in treatment regimen and comply with treatment plan tasks if services are ongoing
5. Comply with medication regimen, if applicable, (may require keeping a daily medication journal)
6. Develop means to meet basic needs and/or independent living (stable, safe housing, income, employment or schooling, transportation, etc.)
7. If applicable, make minimum \$25/ month payments on fines fees and/or restitution obligations
8. Make \$100 monthly payments towards treatment court program fees
9. Develop and begin instituting an aftercare and wellness plan
10. Present 20- hour community service project in writing and obtain approval by the team
11. Continue pro-social activities

Promotion criteria for Phase V:

- Must have a written aftercare and wellness plan (This plan should be a written document that each participant creates as a way to demonstrate basic knowledge and skills to live a law-abiding and productive lifestyle. The plan should include tasks that need to be done on a daily basis to keep well, identify and understand events/triggers to unhealthy behaviors and ways to cope in a healthy manner, a list of known resources in the community, and an action plan for ongoing independent living (goals as well as current information on insurance, budgeting, income, job, school, etc.)

- Must have submitted/completed a 20- hour community service project in writing and obtained approval from the team
- Make application to the Veterans Treatment Court team for approval of the aftercare and wellness plan
- No new law violations
- No unexcused absences from scheduled services for 90 consecutive days (court, treatment, meetings, drug tests, 1:1's, community service, etc)
- Provide clean drug/alcohol screens for a minimum of 90 days

Phase V: Approximate length is 3 months

1. Attend court on the first Monday of each month
2. Attend all scheduled treatment and probation appointments and obligations
3. Complete all random drug/alcohol screenings
4. Engage in treatment regimen and comply with treatment plan tasks if services are ongoing
5. Comply with medication regimen, if applicable, (may require keeping a daily medication journal)
6. Complete a 20 hour approved community service project
7. Comply with the aftercare and wellness plan that has been written
8. Complete VTC mentor training. Must have successfully completed probation before being eligible to become a VTC mentor.

Graduation Requirements:

1. Successfully completed all treatment plan tasks
2. Fulfilled all probation and court conditions in this and any other jurisdiction
3. Completed a 20 hour approved community service project
4. Acceptable payment of financial obligations (treatment program fees, court fines and fees, attorney fees and restitution)

5. Has demonstrated a minimum of 6 months of compliant and pro-social behavior (medication compliance, no new law violations or non-emergency contact with law enforcement)
6. Has demonstrated 90 days without a sanction
7. Has a written aftercare and wellness plan and can articulate it to the team
8. Has a written graduation statement to present to the team at graduation
9. Maintain steady employment, be a full-time student, or perform community service as determined by the team if applicable
10. Has maintained six (6) months of sobriety
11. Approval for graduation by the Veterans Treatment Court Judge
12. Upon graduating from Veterans Treatment Court those graduates with felony charges will be required to continue on supervised probation for six months.

Graduation:

At graduation, your family and friends will be invited to join in as the judge congratulates you on successfully completing the program and achieving your goal of establishing a stable lifestyle enabling you to live as a member of your community. Graduation from the program will be followed by monitored probation.

Post-Graduation Review:

Each participant will be required to come back for one court appearance and review prior to the end of their probation period following their graduation. The purpose of this review is a final check in with the graduate and to remind the graduate that recovery is an ongoing process the team remains available to help with.

Veterans Treatment Court Termination:

Expulsion from the program will be determined by the Veterans Treatment Court Team.

Reasons that participants may potentially be terminated from the Program:

- Commission of a crime making the participant ineligible
- Accumulating new charge whereas a finding of probable cause establishing that a new crime has been committed during participation in the Veterans Treatment Court
- Continuous violations of the program (i.e. ongoing non-compliance/attendance at treatment, drug tests, community service, numerous relapses, tampering with UA's)
- Unsuccessful discharge from treatment
- Absconding
- Willful failure to pay program fees/fines/restitution

Conclusion:

The goal of the Canyon County Veterans Treatment Court is for you to become well and restore your honor after violating the law. By accessing services, you earned through your service to our country, cooperating with the court and committing yourself to a healthy positive life, you will gain self-respect and renewed respect from your community.

*Note: The table above lists the **minimum** requirements of each phase. Participants may be required to complete more than what is listed, as determined by the treatment team and the Judge.