

NORTHAMPTON COUNTY COURT OF COMMON PLEAS



VETERANS' COURT POLICY AND PROCEDURE MANUAL

GUIDING PRINCIPLES AND OVERVIEW

Mission Statement

It is the mission of the Northampton County Veterans' Court to provide veterans, who have dedicated themselves to serving our country and are intersected with the criminal justice system, the opportunity to address their criminal conduct and their treatment needs in a court-supervised, community-based setting. The Veterans' Court is designed to promote public safety, health, and welfare, strengthen our community, and to reduce the burden on the county's prison system. By the providing treatment, intensive supervision, case management, mentoring and access to community services, the Northampton County Veterans' Court is designed to help participants address their needs, develop the skills necessary to achieving and maintaining wellness and stability, and eliminate or reduce recidivism.

Program Structure

A team of professionals across the disciplines of law, social services, and treatment, including the Presiding Judge, the District Attorney's Office, the Public Defender's Office, Northampton County Adult Probation, the Northampton County Prison, treatment and service providers, mentors, the United States Veterans' Administration Veterans' Justice Outreach Program, and a Coordinator will work together to determine participant needs, tailor program requirements to address those needs, and, through a system of judicially applied incentives and sanctions, strive to promote positive behaviors and outcomes to ensure participants' completion of the program and their long-term success.

Goals of the Program

- Connect all veteran participants with eligible VA benefits, treatment, and veteran-specific support services
- Reduce the use of incarceration to address the criminal conduct of veterans by diverting all participants from prison to the community
- Reduce post-program recidivism by not less than 50%
- Ensure all participants access to treatment and services to meet their individual needs
- Assist all veterans in the program in reestablishing themselves as productive members of their communities

Target Population

The target population of the Northampton County Veterans' Court is people who: have served in a branch of the United States Military; have pending new charges, a violation on a prior charge, or both in Northampton County; have a mental health and/or substance use disorder(s); and are voluntarily willing to participate in the Veterans' Court program and meet program requirements.

General Definitions

Eligible Offenses: All offenses not listed under "Disqualifying Offenses."

Review Hearing: Court appearance by a participant before the Veterans' Court Judge, attended by all members of the Veterans' Court Team, during which the participant's progress will be reviewed, changes may be made to the treatment plan, and the Judge may issue incentives or sanctions. The frequency of Review Hearings is established by the Veterans' Court Team.

Veterans' Court Team Meeting: A meeting of the members of the Veterans' Court Team to discuss the progress of program participants, the need for any changes in their program plans, and the appropriateness of any incentives or sanctions.

Veterans' Court Team Definitions

Veterans' Court Judge: The Veterans' Court Judge is a member of the Veterans' Court Team. The Judge presides over all Review Hearings, monitors participant progress, applies incentives and sanctions, enforces the program rules, protects the legal rights of participants ensures compliance with applicable laws and regulations, and works together with the other team members to determine each participant's successful completion of the program. The Judge shall be vested with decision-making authority with respect to incentivization, sanctioning, and the unsuccessful discharge of program participants.

District Attorney: The District Attorney and/or his designee ("the prosecutor") is a member of the Veterans' Court Team. The prosecutor will determine, at their discretion, whether diversion will be offered to an applicant seeking admission on new charges. As to applicants seeking admission on a parole or probation violation, the prosecutor may make a recommendation with respect to the disposition of the case, or lodge an objection to an admission. As a member of the team, the prosecutor will attend all team meetings and Review Hearings, monitor participant progress, and make recommendations for incentives and sanctions, as applicable. The prosecutor shall advise the Veterans' Court Team of any new criminal charges lodged against a participant and in such cases, may make a recommendation as to the appropriateness of the participant's continuation in the program. The prosecutor shall represent the interests of the Commonwealth at all hearings.

Public Defender: The Public Defender (“defense attorney”) is a member of the Veterans’ Court Team. The defense attorney shall represent and advise the participant in all court proceedings, with a focus on protecting the participant’s constitutional and civil rights. The defense attorney shall use a non-adversarial approach to advocate for the individual’s admission into and successful completion of the program. To this end, the defense attorney shall counsel and encourage the individual with regard to program compliance, and may make recommendations to the Court with regard to program progress, incentives, or sanctions. The defense attorney shall attend all Team Meetings and Review Hearings and may make recommendations to the Court with regard to program progress, incentives, or sanctions. The defense attorney shall represent the interests of the participant at all hearings unless the participant has chosen to engage private counsel.

Northampton County Probation Department: A Specialized Probation Officer (“SPO”) is a member of the Veterans’ Court Team. Supervision shall include field and office visits to monitor program compliance. The SPO shall update the team and the Court database with relevant participant data, which may include but may not be limited to demographic data, supervision contacts, treatment services, treatment occurrences, medication changes, ancillary services, ancillary service occurrences and recommendations. The SPO shall attend and participate in all Team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions. The SPO shall participate in hearings as directed by the Court.

Coordinator: The Coordinator is a member of the Veterans’ Court Team. The Program Coordinator will administer the program for the Court and serve as a liaison to the Administrative Office of Pennsylvania Courts. They shall document participants’ application to and enrollment in the program, manage the Review Hearing docket, compile and oversee the compilation and entry of all Court database information, conduct all necessary statistical analysis, coordinate and participate in grant solicitations, and coordinate meetings, trainings, and ceremonies. The Coordinator shall attend and participate in all Team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions. The Coordinator shall participate in hearings as directed by the Court.

Treatment and Service Providers: Treatment and Service Providers shall be members of the Veterans’ Court Team. They shall provide treatment services to program participants, update the Court database with relevant participant data, which may include but not be limited to treatment services, treatment occurrences, medication changes, ancillary services, ancillary service occurrences, recommendations, and demographic data. Treatment and Service Providers shall participate in Veterans’ Court Team Meetings. During such meetings, Treatment and Service Providers shall offer insight into participants’ progress and may make recommendations for appropriate changes in treatment, program progress, incentives, or sanctions. Treatment and Service Providers shall participate in hearings as directed by the Court. Veteran Mentors and Veterans’ Justice Outreach (VJO) representatives are within the scope of treatment and service providers.

All Team Members shall attain not less than six (6) Problem-Solving Court related continuing education credits per year.

Data Collection

The Veterans' Court program's primary source of data collection is Pennsylvania's Problem-Solving Adult and Juvenile Courts Information System (PAJCIS). The coordinator will ensure that all data is being entered and collected properly. The coordinator will work with the state's PAJCIS representative to coordinate any training necessary for team members. The coordinator will be responsible for accepting/rejecting participants, discharging participants, drug testing results, participant initial eligibility, as well as what happens in court, i.e., sanctions, incentives, therapeutic responses, supervision responses, and scheduled court appearances. Probation officers will be responsible for entering participant contacts and any new criminal history information. Case managers/treatment providers will be responsible for entering all treatment information, as well as any ancillary services. On a continuous basis, the team will meet to review the collected data to ensure program goals and objectives are being met and to look for any other issues that may be present.

Ethics and Confidentiality

Due to the interdisciplinary nature of the Problem Solving Courts, the traditional separation and independence of member roles yields, in some ways, to collaboration focused on the recovery and stabilization of participants. The transition from these traditional roles requires the team members to maintain care and awareness of their ethical and confidentiality responsibilities. Regardless of their role and affiliation, all team members share responsibility for protecting the confidentiality and the rights of applicants and participants actively involved in substance use disorder and/or mental health treatment. Involvement in substance use disorder or mental health treatment includes all aspects thereof, such as assessment, diagnosis, referral for treatment, and treatment itself. Any disclosures made to the Veterans' Court team with respect to such services shall only be made only after the applicant or participant's written authorization in the form of a signed release, and such disclosures shall comply with all governing federal and state regulations.

Sustainability

The Veterans' Court is supported primarily through the budget of the participating departments, without reliance on grant funding. Though, grant opportunities will be actively pursued. The Court will also actively and continuously pursue community support and engagement by presentations to community groups, and may establish funding relationships with community groups and businesses.

PROGRAM ADMISSION

Eligibility Requirements

At the time of application, the applicant must meet the following requirements:

- The applicant is 18 years or older;
- The applicant has been discharged from a branch of the United States Military;
- The applicant is applying on charges or a violation pending in Northampton County;
- The applicant's criminal history is devoid of any disqualifying offense;
- The applicant is seeking entry into the program voluntarily;
- The applicant is competent and willing to engage with treatment and supervision.

Competency Evaluations

- It is critical that a participant be able to understand and comply with programming requirements
- It is critical that a participant engage in the program voluntarily
- An applicant may be required to undergo a competency evaluation at the direction of the Court

Disqualifying Offenses

Applicants whose current charges or prior record includes the following will not be eligible for enrollment:

- Murder or Manslaughter
- Felony sex offenses
- Unresolved out-of-county charges
- Violent offenses committed with a firearm
- Other charges deemed by the Court to present an unreasonable risk to society

Referral Process

- Individuals may seek admission into the Veterans' Court by self-referral, or referral by their attorney, a family member or friend, law enforcement, their supervising probation or parole officer, a judge, the Public Defender's Office, the District Attorney's Office, or another source.
- Application packets are available in the District Attorney's Office, in the Public Defender's Office, and online at: <https://www.nccpa.org/forms/criminal>
- Applications shall be submitted to Administrative Judge Jennifer R. Sletvold, either by hand-delivery to Court Administration, or electronically to Judicial Secretary Sandra Pascoe at spascoe@norcopa.gov.
- All applications will be screened for legal eligibility and VA eligibility.
 - If seeking diversion on new charges, the District Attorney shall determine eligibility for diversion. If the application is for diversion on a probation or parole violation it shall be forwarded to the Program Coordinator for distribution to the Veterans' Court Team.
 - Upon review of diversion on new charges, the District Attorney shall advise the Program Coordinator and counsel of the decision in writing. If an application is approved for diversion, the Program Coordinator shall distribute it to the Veterans' Court Team.
- If an applicant is legally eligible, the Court may order any evaluations deemed necessary to ascertaining an applicant's clinical needs, and a criminal screening (ORAS) will be done to assess criminal risk and need.
- Upon receipt of all assessments, the Court shall then consider the application. During consideration, the applicant may be invited to observe a Review Hearing and have an opportunity to speak to the Judge in Court.
- The applicant will be advised of denial of an application by Order of Court.
- The applicant will be advised of acceptance by notice to their attorney or, if unrepresented, by notice directly.
- Accepted applicants will then be scheduled either for admission on diversion, or for admission upon entry of a guilty plea of sentencing.

PROGRAM PARTICIPATION

Program Orientation: Upon acceptance into the program, the SPO will conduct an orientation to familiarize the participant with the requirements and the policies of the program, complete and provide copies of program paperwork, and provide the participant the opportunity to ask questions about the program.

Program Philosophy and Phases

General Overview

The core of the Veterans' Court program is engagement. Participants will engage with the Court, with treatment and service providers, and with their SPO, who will work together to provide guidance, supervision, and support. The Court will deliver incentives and therapeutic responses to foster positive engagement and apply sanctions only as necessary to address compliance issues.

Length of Program

Participants will generally complete the program within eighteen (18) to twenty-four (24) months. However, the length of phases and an individual's progression through the phases will be at the discretion of the Court and based on the needs and progress of the individual.

Engagement with Veteran Mentors

Upon admission to the program, each participant will be matched with a Veteran Mentor. A Veteran Mentor is community volunteer who is a veteran themselves. The Veteran Mentor relationship is designed to foster in the participant a positive veteran identity, and to provide them a sounding board and someone to offer practical advice and support.

Treatment and Service Protocol

- The participant will be assessed by the VJO to determine their suitability for VA programs, including but not limited to treatment (substances, mental health, medical), housing, and job training.
- A participant's need for treatment and level of care will be determined by clinical staff based on validated assessment and not by the Veterans' Court. Treatment needs shall be determined during the clinical assessment of each applicant prior to admission to the program and as needed throughout the program. The Court will have no role in determining need for treatment or level of care. With respect to substance abuse treatment, the American Society of Addiction Medicine ("ASAM") criteria shall be used to determine level of care, and the full continuum of treatment modalities shall be available, including detoxification, inpatient treatment, halfway house or other step-down housing options, outpatient at varying levels, and medically assisted treatment.

- Appropriate non-clinical services will be determined by assessment, and provided as needed.
- An integrated case management plan will be developed in accordance with the assessment and provided to the Court, along with copies of any clinical evaluations and a summary containing the participant's treatment and service history. The participant will be involved in the development of their plans.
- Integrated case management plans shall take into account the participant's baseline functionality, their individual capabilities and interests, and their holistic (physical, mental and spiritual) needs.
- Integrated case management plans shall outline all services in which the participant has been enrolled or referred, including but not limited to:
 - Substance use disorder treatment
 - Mental health treatment
 - Peer support groups
 - Social engagement
 - Housing
 - Employment/education
 - Family needs
 - Financial needs/planning
 - Other individualized services
- Participants' compliance with their integrated case management plan will be monitored by the Court.
- The SPO shall review the integrated case management plan with the participant, ensure their understanding of the plan, and address any questions or concerns about the plan.

Participant Requirements

- Abide by the rules of the program
- Maintain valid consents and authorizations to enable communication between team members and treatment and service providers
- Meet with SPO as directed
- Comply with all aspects of the Integrated Case Management Plan
- Comply with the directives and policies of all treatment providers
- Comply with all aspects of supervision
- Attend Review Hearings as directed
- Meet programming objectives and phase requirements
- Pay court costs, fees, and fines as directed

Phase Structure

- The program consists of five (5) phases.
- Throughout the phases of the program, each participant's progress is subject to bi-weekly review by the Veterans' Court Team, and their Integrated Case Management Plan may be modified as necessary based to reflect their progress and meet their changing needs.
- Supervision contacts are frequent in the beginning of the program to help assess attitude, foster inclusion, provide support and encouragement, and to monitor compliance with program requirements. At the same time, the team maintains ongoing communication with treatment staff relative to participants' progress and struggles, within the confines of applicable confidentiality laws. This team approach is vital to maintaining a system of support and accountability. As the participant moves through the program, behavior becomes the chief indicator of the appropriate frequency of supervision.

PHASE 1:

- Weekly reporting to Probation Officer
- Bi-weekly reporting to Court
- Engagement in treatment and services
- Engagement with veteran mentor
- Compliance with supervision
- Minimum of 14 days of sobriety, as may be applicable
- Minimum of 60 days in phase

PHASE 2:

- Weekly reporting to Probation Officer
- Bi-weekly reporting to Court
- Engagement in treatment and services
- Engagement with veteran mentor
- Compliance with supervision
- Minimum of 30 days sobriety, as may be applicable
- Engagement in recovery network, as may be applicable
- Engagement in pro-social activities
- Minimum of 90 days in phase

PHASE 3:

- Biweekly reporting to Court and Probation Officer
- Engagement in treatment and services
- Engagement with veteran mentor
- Compliance with supervision

- Minimum of 60 days sobriety, as may be applicable
- Engagement in recovery network, as may be applicable
- Engagement in pro-social activities
- Minimum of 120 days in phase

PHASE 4:

- Biweekly reporting to Court and Probation Officer
- Engagement in treatment and services
- Engagement with veteran mentor
- Compliance with supervision
- Minimum of 75 days sobriety, as may be applicable
- Engagement in recovery network, as may be applicable
- Engagement in pro-social activities
- Engagement in treatment and services
- Obtain employment, education, job training, etc.
- Engage in ancillary services (i.e. parenting, family support)
- Minimum of 120 days in phase

PHASE 5:

- Bi-weekly reporting to Probation Officer
- Monthly reporting to Court
- Engagement in treatment and services
- Engagement with veteran mentor
- Compliance with supervision
- Minimum of 90 days sobriety, as may be applicable
- Engagement in pro-social activities
- Engagement in recovery network
- Maintain employment, education, job training as directed
- Continue engaging in ancillary services (i.e. parenting, family support)
- Minimum 150 days in phase

Unsuccessful Termination Criteria:

Enrollment and participation in the Veterans' Court is voluntary, and it is an opportunity for participants to lead more productive and stable lives through engagement in treatment, supports, and services; however, not all participants who enter the program are able to successfully complete it. Participants who fail to progress through the program can be scheduled for a termination hearing at the discretion of the Court. The following are examples of circumstances that may lead to a termination hearing and involuntary discharge from the program. This list is just for purposes of illustration and does not list every possible circumstance that may lead to a termination hearing and/or termination:

- A demonstrated unwillingness to engage in treatment or comply with program requirements
- Continued criminal activity while in the program
- Acts of violence while in the program, including threats of violence

Graduation Criteria:

Participants must meet the following minimum criteria to successfully complete the Veterans' Court program:

- Maintain engagement in treatment and services
- Maintain compliance with supervision
- Maintain engagement in pro-social activities
- Maintain engagement with recovery network, as applicable
- Maintain employment, education or job training as directed
- Continue engaging in ancillary services as directed
- Develop continuing care plan and submit to Court for review and approval

Supervision Monitoring:

All community supervision will be conducted by the SPOs. Community supervision will occur in both the office and the field, including places of employment.

Judicial Monitoring:

- Review Hearings are held on Thursdays at 11:00 a.m. in Courtroom #6 of the Northampton County Courthouse.
- Prior to each Review Hearing, the Veterans' Court Team shall meet to discuss the status of each participant listed for hearing to ascertain individual progress and to identify any accomplishments, treatment and service issues, or non-compliance. During this meeting, any member of the Veterans' Court Team may make recommendations to address these matters, including but not limited to the utilization of therapeutic responses, incentives, or sanctions. The Veterans' Court Judge shall direct individual members of the Veterans' Court Team to take steps to assist the participant with any issues related to treatment and services and shall also determine the appropriateness of any therapeutic responses, incentives, or sanctions and issue the same during the Review Hearing.
- During the Review Hearing, the Veterans' Court Judge shall engage in a discussion with each hearing participant regarding their progress in the program, individual accomplishments or non-compliance, and any outstanding concerns or problems the individual may have. Upon receipt of this information, the Veterans' Court Judge shall issue incentives, therapeutic responses, or sanctions as they deem appropriate.
- At the end of every Review Hearing, the participant shall receive written notice of their next scheduled Review Hearing, as well as any special instructions they may have received verbally during their Review Hearing.

THE FOLLOWING LIST OF THERAPEUTIC RESPONSES, INCENTIVES, AND SANCTIONS IS NOT A COMPLETE LIST AND IS ONLY INTENDED TO SERVE AS AN ILLUSTRATION OF THE RANGE OF RESPONSES THE COURT MAY HAVE TO AN INDIVIDUAL'S CHALLENGES AND SUCCESSES. THERAPEUTIC RESPONSES, INCENTIVES, AND SANCTIONS ARE TAILORED TO EACH INDIVIDUAL AS THE JUDGE DEEMS NECESSARY AND APPROPRIATE.

Therapeutic responses:

- Clinical assessment or reassessment
- Increased meetings with SPO
- Increased meetings with Veteran Mentor
- Increased self-help meetings
- Increased meetings with other supports
- Increased treatment participation
- Change in treatment and/or services

Incentives:

- Positive verbal feedback
- Applause
- A handshake from the Judge
- Decrease in required court appearances
- Decreased supervision
- Reduction in costs and fines
- Gift cards
- Candy bars, key chains, etc.
- Permission to travel
- Phase advancement certificates

Sanctions:

- Reprimand from the Judge
- Community service
- Jury box, last in review session
- Writing assignment
- Increased UDS testing
- Increase in required court appearances
- Curfew
- GPS monitoring
- Short-term incarceration
- Removal from program

Incentives, sanctions, and therapeutic responses are as individualized as possible, and sanctions in particular are progressive. Because these responses are individualized to the person, there is no matrix in use.

APPLICABLE POLICIES

Non-Discrimination Policy: The Veterans' Court program does not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, disability, or age in determining program eligibility, program planning, access to program services, or for any other purpose. Nor does it discriminate against anyone who complains about discrimination.

Participation: Veterans' Court participation is voluntary. If, during the program, a participant decides to dis-enroll, you may do so. However, the failure to successfully complete the program is a violation, and a participant who dis-enrolls does so subject to the full sentencing authority of the Court with respect to violations and any pending charges.

Violations and Removal: Even though participation is voluntary, a participant may be involuntarily removed from the program if they fail to progress through the phases and requirements of Veterans' Court. Participants facing removal will be scheduled for a Due Process Hearing, advised of the same, and given an opportunity to show why they should not be removed from the program at said hearing. The Veterans' Court Judge's ruling at said hearing will be final.

Policy on Confidentiality: Your protected health and legal information will be shared in a way that protects your rights to confidentiality and your constitutional rights as a participant in the criminal justice system. When applying to and participating in the Court, each person must, as a condition for consideration and participation, voluntarily authorize the disclosure of information to the Court and its agents regarding their diagnosis, nature and scope of treatment, compliance with treatment, and quality of participation. However, it is the duty of the Court to safeguard this information in accordance with all state and federal laws. Disclosures to the Court by treatment and service providers shall be in accordance with their legal obligations. Any legal violations committed by a person during their participation in the Court will not be used in any subsequent prosecution.

Policy on Reconsideration: The Northampton County Veterans' Court will consider all referrals on a case-by-case basis, taking into consideration all relevant factors, including but not limited to: the nature of the underlying offense and/or violation; the individual's prior record; the individual's substance abuse and/or mental health history and its relationship to the offense or violation; and a risk/needs analysis. If an individual is not accepted, they may make a written request for reconsideration, seeking a review of their eligibility for the program. The reconsideration request must comport with the timing requirements of P.A.R.CRIM.P. 720 and must set forth supportive reasoning for reconsideration, such as mitigating circumstances pertaining to the crime or the individual that were not available upon initial consideration, or any other relevant information. The ruling on any request for reconsideration will be final.

Policy on Restitution: A key component of the Veterans' Court is to assist participants in achieving stability, personal responsibility, and personal reliance. In keeping with these goals, all participants in the program are required to pay all restitution due and owing to crime victims before graduating from the program, or to have made payments and be on a payment plan.

Policy on Readmission – Unsuccessful Discharge: If a participant is unsuccessfully discharged from the program, they may submit a request for reconsideration of that decision. The reconsideration request must comport with the timing requirements of Pa.R.Crim.P. 720, and must set forth supportive reasoning for reconsideration, such as mitigating circumstances pertaining to the crime or the individual that were not available upon initial consideration, or any other relevant information. Nunc pro tunc requests for reconsideration will be considered on a case-by-case basis. The Court's ruling on any request will be final.

Policy on Readmission Following Successful Completion: Insofar as the Northampton County Veterans' Court offers diversion, those admitted on diversion will generally not be offered the opportunity to be readmitted on diversion. However, applicants will be considered on a case-by-case basis for readmission, which may include readmission by guilty plea and sentencing.

Policy on Prescription Medications and Medical Marijuana: The use of potentially addictive substances is closely scrutinized and to be avoided as clinically recommended. In order to encourage the thoughtful and responsible use of potentially addictive substances, inclusive of medications and medical marijuana, the Court has a multi-step procedure for the approval of such medications for use by program participants, which is strictly enforced. The participant shall also be subject to verification procedures, typically conducted by their SPO, but which may be conducted by any member of the Veterans' Court Team. As directed, participants must fill all of their prescription medications at one pharmacy and provide a quarterly printout from that pharmacy.

Participants must obtain their medical marijuana from one dispensary. The participant must provide a quarterly printout documenting medical marijuana purchases from that dispensary. Participants must consume and store medical marijuana in a manner provided by statute. Participants should expect compliance checks in accordance with this policy.

Urinalysis Policy: Program participants may be subject to random urinalysis as deemed necessary and appropriate attendant with their individual diagnoses. The Veterans' Court may also use SCRAM, PBT, sweat patches, oral swabs or any other approved method. The Veterans' Court has the discretion to direct the frequency and timing of all drug tests and to subject participants to immediate drug testing at any time. Participants required to participate in urinalysis will be required to read, review and sign rules relating to urinalysis

respect to the same. Unless covered by grant funding, participants are responsible for the costs of their drug testing. Participants required to participate in urinalysis shall contact Averhealth every day after 9:00 p.m. to determine if they are required to report for testing the following day. Unless directed otherwise, participants may report to Averhealth in Easton or Allentown and are expected to report to the site closest to their location. All samples are tested for dilution, specific gravity, and creatinine levels to detect tampering. If a participant tests positive on an initial test, the participant is immediately made aware of the results. The participant may admit use or contest their results by requesting a confirmation test. Participants who request confirmation will be responsible for all costs of retesting. Failure to appear for testing, failure to provide a sample, and submission of a dilute sample or a tampered sample are all considered positive test results.