

**MARION COUNTY
VETERANS TREATMENT
COURT**

POLICIES AND PROCEDURES

MANUAL

12/1/15

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DEFINITIONS

The following definitions will be used throughout this Manual [**bold** indicates a term defined in these “Definitions”]:

- “Clerk”** means the Clerk of the **Marion County Court** and of the **Marion Circuit Court**;
- “County Probation”** means the Salvation Army Correctional Services agency which has a contract with **Marion County** to supervise misdemeanor offenders in **Marion County**;
- “Defendant”** means a person arrested for, charged with and/or sentenced on one or more alleged crimes;
- “Eligible Veteran”** means a **Veteran OR Service Member** suffering from a military-related mental illness, **TBI**, substance abuse disorder or psychological problem which condition may include **PTSD**;
- “EVD”** means a **Defendant** who is an **Eligible Veteran**;
- “Felony Defendant”** means a **Defendant** with one or more cases involving felony crimes or felony and misdemeanor crimes provided the felony crimes are not on the list of excluded felonies set forth in Section 948.06 (8) (c) of the Florida Statutes;
- “Fla.R.Crim.P.”** means the Florida Rules of Criminal Procedure;
- “Marion County”** means Marion County, Florida;

“Marion County Court”	means the County Court of the 5 th Judicial Circuit of the State of Florida in and for Marion County ;
“Marion Circuit Court”	means the Circuit Court of the 5 th Judicial Circuit of the State of Florida in and for Marion County ;
“Misdemeanor Defendant”	means a Defendant with one or more cases involving only misdemeanor crimes;
“NAMI”	means the Marion County affiliate of the National Alliance on Mental Illness;
“PCP”	means Personalized Case Plan and is the “coordinated strategy” put into writing after having been developed by the VTC Team and modeled after the therapeutic jurisprudence principles and key components set forth in Section 397.334(4) of the Florida Statutes with treatment specific to the needs of the EVD as directed by Section 948.08(7)(b) of the Florida Statutes regarding a Felony Defendant and Section 948.16(2)(b) of the Florida Statutes regarding a Misdemeanor Defendant which PCP may be in the format of a “Veterans Treatment Court Contract”;
“PDO”	means the 5 th Circuit Public Defender or an Assistant Public Defender designated by that Public Defender OR a private attorney retained to represent a EVD in matters pertaining to the VTC ;
“PTSD”	means Post-Traumatic Stress Disorder which is an anxiety disorder with formal diagnostic criteria set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders including

Criteria A [Traumatic Stressor], Criteria B [Intrusive Recollection], Criteria C [Avoidant/Numbing], Criteria D [Hyper-Arousal], Criteria E [Duration] and Criteria F [Functional Significance];

“SAO”

means the 5th Circuit State Attorney or an Assistant State Attorney designated by that State Attorney to represent the State of Florida in matters pertaining to the **VTC**;

“Service Member”

means any person who is serving in any branch of the United States Military - including the Reserve and National Guard - on active duty or state active duty which definition is set forth in Section 250.01(19) of the Florida Statutes;

“State Probation”

means the Department of Corrections of the State of Florida which supervises felony offenders;

“TBI”

means Traumatic Brain Injury which is defined as traumatically induced physiologic disruption of brain function due to abnormal intracranial pressure resulting from external mechanical force - such as rapid acceleration or deceleration, impact, blast waves or penetration by a projectile;

“Transfer case”

means any case transferred into or out of the **Marion County VTC** pursuant to Section 910.035(5) of the Florida Statutes;

“Treatment Provider”

means a psychiatrist or psychologist licensed by the State of Florida or a duly qualified and authorized member of the staff of a mental health services provider like the Centers or the Vines in **Marion County** which staff member is subject to the

supervision of a psychiatrist or psychologist licensed by the State of Florida;

“VA” means the United States Department of Veterans Affairs and its various subsidiaries;

“Veteran” means any person who has served in any branch of the United States Military which definition is meant to be broader than the definition for “Veteran” set forth in Section 1.01(14) of the Florida Statutes;

“Veteran Mentor” means a **Veteran** who has volunteered to serve as a resource – but not counselor – to a **EVD** while in the **VTC** and who has been approved by the **VTC Judge** to provide this service helping the **EVD** navigate the **VTC**, the **VA** and the various social service systems in **Marion County**;

“VJO” means the Veterans Justice Outreach Coordinator of the **VA** responsible for **Marion County**;

“VOP” means Violation of Probation;

“VTC” means **Marion County** Veterans Treatment Court;

“VTC Coordinator” means a staff person with the Court Administrator’s Office for the 5th Judicial Circuit who provides coordination for the **VTC Team** members, facilitates meetings of the **VTC Team**, facilitates the intake process, manages the court docket for the **VTC**, manages the process involving **Transfer Cases** and develops procedures for collaboration among community agencies and the **VTC Team**;

“VTC Judge”

means the Judge presiding over the **VTC**;
and

“VTC Team”

means the **VTC Judge**, **Veteran Mentor** representative, **SAO** representative, **PDO** representative, **VJO**, **VTC Coordinator**, **Treatment Provider** representative, law enforcement representative, **County Probation** representative, **State Probation** representative, **NAMI** representative, and others appointed by the **VTC Judge** with **the VTC Judge** designating which members of **VTC Team** will be voting members.

MISSION

The Mission of the VTC is

to promote public safety

while supporting eligible veterans and their families

through a coordinated effort among veterans services, community services and the Court

to leave no eligible veteran behind.

NOTE: this mission is in furtherance of implementing in Marion County the provisions of the “T. Patt Maney Veterans’ Treatment Intervention Act” passed by the Florida Legislature as Section 16 of Chapter 2012-159 of the Laws of Florida and signed into law by Florida’s Governor to take effect on July 1, 2012.

GOALS

- Protect public safety, health and property.
- Facilitate intensive supervision of appropriate EVDs with a focus on their performance and accountability.
- Direct appropriate EVDs to appropriate VA or, as applicable, non-VA mental health and/or substance abuse services and treatment - including counseling, therapy and support group meetings - while motivating them to engage in those services and treatment.
- Help appropriate EVDs to maximize the utilization of the VA services they are entitled to.
- Help appropriate EVDs to establish stable housing and residency.
- Help appropriate EVDs to establish a structured daily routine.
- Help appropriate EVDs to identify and address primary health care needs.
- Help appropriate EVDs to establish financial stability.
- Help appropriate EVDs to establish a pro-social support system.
- Help appropriate EVDs to lead a productive and law abiding lifestyle.
- Ensure that mentally ill and/or substance addicted EVDs do not languish in the Marion County Jail without the opportunity for treatment.
- Reduce recidivism among mentally ill and/or substance addicted EVDs and thereby improve their quality of life and the general quality of life in Marion County.

- Provide judges, prosecutors and defense attorneys with the best available information to make the best possible decisions about balancing public safety issues with the individual assessment of needs and treatment of appropriate EVDs.
- Enhance effectiveness and efficiency by facilitating coordination between the criminal justice system and the system for veteran care in Marion County while improving the accountability of both.

FEATURES

General:

- Public safety is the highest priority.
- An EVD must have an attorney representing the EVD and that attorney has the primary responsibility of making certain that all of the EVD's legal rights are respected in all matters pertaining to the VTC.
- The VTC Judge is in charge of the VTC including all related supervision activities.
- The VTC is a problem-solving and hybrid court meaning it will handle misdemeanor cases, felony cases, cases in pre-trial diversion and cases in which sentences have been imposed.
- If the VTC Judge is a judge of the Marion County Court, then provision will be made through an Administrative Order to authorize that Judge to serve as an Acting Judge of the Marion Circuit Court to exercise jurisdiction over Felony Defendants in the VTC.

Screening and assessment: The VJO and Treatment Provider working with a EVD will perform a screening [to help determine eligibility] and detailed psychosocial assessment [to help determine which services are needed] of the EVD and design an individualized treatment plan that matches the EVD to the appropriate and available mental health, housing and social services which plan will be considered by the VTC Team in making a PCP for each EVD in the VTC.

Judicial monitoring: Each EVD will be required to regularly meet with a probation officer and to appear before the VTC Judge to report on his or her progress in treatment. This feature keeps the VTC Judge engaged with the EVD and emphasizes to the EVD the seriousness of the process.

Accountability: The VTC will use an array of graduated rewards and sanctions to respond to each EVD's compliance or noncompliance with that EVD's PCP to hold each EVD accountable for his or her progress. Regular

monitoring by the VTC Team of each EVD's progress with treatment will also hold service providers accountable to the VTC Judge.

Coordinated services: The VTC will work with a broad network of government and other service providers to address interrelated problems that mentally ill and/or substance addicted EVDs face including: substance abuse, homelessness, joblessness and physical and mental health problems.

GENERAL REQUIREMENTS

A person can only be accepted or placed into the VTC as follows:

- The person must be a EVD;
- The person has the burden of proof to establish their EVD status to the satisfaction of the SAO;
- EVD status may be established by a DD-214 Form;
- Both misdemeanor and felony VOP cases are eligible for acceptance or placement into the VTC provided the sentencing judge on a pending VOP case affirmatively authorizes the transfer of the VOP case into the VTC;
- Both misdemeanor and felony cases are eligible for admission into the VTC by a motion pursuant to Fla.R.Crim.P. 3.800(c) [“Reduction and Modification” of Sentences] upon agreement of the sentencing judge, the SAO and the EVD;
- The EVD must be represented by an attorney; and
- The EVD must be accepted or placed into the VTC according to one of the methods specified in this Manual.

Other requirements of the VTC include:

- **Law Abiding Lifestyle:** Each EVD participating in the VTC will be required at all times to maintain a law abiding lifestyle as such is determined by the SAO in its sole discretion.
- **Records:** The policy of the VTC is to keep all records pertaining to each EVD participating in the VTC in the regular court file for that EVD’s case in the VTC as kept by the Clerk. The VTC Coordinator may keep personal handwritten notes pertaining to individual EVDs separate from the regular court file but those notes shall be intended and kept only for use by the VTC Coordinator and must be destroyed by the VTC Coordinator when the EVD is no longer a participant in the VTC. Treatment Provider records of a confidential or privileged

nature may be shared with the VTC Team at its weekly meetings but those records will generally not be copied and kept by VTC Team members and therefore will not become filed with the Clerk. The general policy of the VTC is to minimize the amount of confidential or privileged material filed in a EVD's court file to maximize the transparency of the VTC. When confidential or privileged material does get filed in a EVD's court file, then the Clerk shall maintain those items in sealed envelopes while making a note on the outside of each envelope to generally identify what type of item is contained in the envelope.

MISDEMEANORS

REQUIREMENTS

ALL MISDEMEANOR DEFENDANTS are eligible for the VTC, however, cases involving a Driving Under the Influence [DUI] charge will only be allowed into the VTC through sentencing [See: Misdemeanor Sentence Method at page 18].

MISDEMEANOR DEFENDANTS must enter the VTC through one of the following 3 methods:

1. placed by Order of the Marion County Court upon approval by that Court of a Deferred Prosecution Agreement entered into by the SAO and the Misdemeanor Defendant which Agreement requires graduation from the VTC [**MISDEMEANOR DIVERSION METHOD** (page 16)];
2. placed by Order of the Marion County Court through sentencing which imposed sentence requires graduation from the VTC [**MISDEMEANOR SENTENCE METHOD** (page 18)]; OR
3. placed by a Transfer Order as such is authorized by Section 910.035(5) of the Florida Statutes upon approval of the **VTC Judge** in consultation with the **SAO** [**TRANSFER METHOD** (page 25)].

MISDEMEANORS

DIVERSION CASES [MISDEMEANOR DIVERSION METHOD]

NOTE: this method is meant to implement Section 948.16 of the Florida Statutes pertaining to a misdemeanor pretrial veterans' treatment intervention program for Marion County.

1. A Misdemeanor Defendant may be placed into the VTC by the MISDEMEANOR DIVERSION METHOD only by Order of the Marion County Court upon approval by that Court of a Veterans Treatment Court Contract entered into by the SAO and the Misdemeanor Defendant which Contract requires graduation from VTC.
2. Once a Misdemeanor Defendant is placed into the VTC pursuant to the MISDEMEANOR DIVERSION METHOD, then that Misdemeanor Defendant's pending case in the Marion County Court is considered to be in diversion and active criminal prosecution in that case is suspended pending the Misdemeanor Defendant either being graduated or otherwise discharged from the VTC.
3. Participation in the VTC by the MISDEMEANOR DIVERSION METHOD is voluntary.
4. A Misdemeanor Defendant must enter a guilty or no contest plea to each charge pending - with sentencing deferred - to be placed into the VTC by the MISDEMEANOR DIVERSION METHOD.
5. A Misdemeanor Defendant must consent in writing to fully participate in the VTC - including accepting whatever rewards and sanctions the VTC Judge may impose on that Defendant while in the VTC - to be placed into the VTC by the MISDEMEANOR DIVERSION METHOD.
6. A Misdemeanor Defendant has no right to opt out of the VTC once that Defendant's pleas have been accepted by the Marion County Court and that Defendant has been placed into the VTC by the MISDEMEANOR DIVERSION METHOD.

7. If a Misdemeanor Defendant placed into the VTC by the MISDEMEANOR DIVERSION METHOD ultimately graduates from the VTC, then the SAO will file a *nolle prosequi* or an “Announcement of No Information” as to all charges before the VTC and that Misdemeanor Defendant’s case will be dismissed.
8. If a Misdemeanor Defendant placed into the VTC by the MISDEMEANOR DIVERSION METHOD is not graduated from the VTC but is otherwise discharged from the VTC, then that Misdemeanor Defendant’s case will revert to being an active criminal prosecution for sentencing on the regular docket of the Marion County Court and the VTC Judge may move *sua sponte* to be recused from further handling of the case previously in the VTC.
9. The SAO will review each VTC application and recommend whether or not a Misdemeanor Defendant is eligible for and can be placed into the VTC by the MISDEMEANOR DIVERSION METHOD and enter into a diversion agreement such as a Veterans Treatment Court Contract. If the SAO recommends that a Misdemeanor Defendant be denied admission into the VTC by the MISDEMEANOR DIVERSION METHOD, then the SAO shall promptly file with the VTC Judge a written statement explaining the reason for such recommendation and the VTC Judge will review the matter, hold a hearing and make a final decision in accordance with Section 948.16(2)(a) of the Florida Statutes.
10. No case involving a Driving Under the Influence charge [DUI] will be allowed into the VTC by the MISDEMEANOR DIVERSION METHOD.

MISDEMEANORS

SENTENCE CASES [MISDEMEANOR SENTENCE METHOD]

NOTE: this method is meant to implement Sections 394.47891 and 948.21 of the Florida Statutes pertaining to veterans being sentenced.

1. A Misdemeanor Defendant may be placed into the VTC by the MISDEMEANOR SENTENCE METHOD only by Order of the Marion County Court upon sentencing with a sentence imposed which requires graduation from VTC.
2. A Misdemeanor Defendant must enter a guilty or no contest plea to each charge pending and be sentenced on each charge to be placed into the VTC by the MISDEMEANOR SENTENCE METHOD.
3. Once a Misdemeanor Defendant is placed by the Marion County Court into the VTC as a part of a sentence imposed on that Defendant, then that Misdemeanor Defendant's case in the Marion County Court will be transferred to the VTC for the VTC Judge to oversee the supervision of that Misdemeanor Defendant while serving the sentence imposed.
4. If the Misdemeanor Defendant graduates from the VTC and the SAO agrees, then that Misdemeanor Defendant's case may be dismissed by the VTC granting a joint motion to set aside plea and sentence and to dismiss the case.
5. If the Misdemeanor Defendant was sentenced to probation and graduates from the VTC with the SAO not agreeing to dismissal, then that Misdemeanor Defendant will be found to have successfully completed their probation and the case will be closed without dismissal.
6. If the Misdemeanor Defendant was sentenced to probation and fails in the VTC, then the VTC will impose a sentence on that Misdemeanor Defendant for any Violation of Probation.
7. If the Misdemeanor Defendant had been sentenced to a suspended sentence and fails in the VTC, then the VTC will enter a Commit Order for the Misdemeanor Defendant to be made to serve the suspended portion of their previously imposed jail sentence.

8. A Misdemeanor Defendant has no right to opt out of the VTC when that Misdemeanor Defendant has been placed into the VTC by the MISDEMEANOR SENTENCE METHOD.

9. The SAO will have the ultimate and final say in determining whether or not a Misdemeanor Defendant can be placed into the VTC by the MISDEMEANOR SENTENCE METHOD as the SAO is the exclusive entity with the authority to bring charges or not.

10. A case involving a Driving Under the Influence [DUI] charge will only be allowed into the VTC by the MISDEMEANOR SENTENCE METHOD and VTC participation will still include a reporting obligation to County Probation.

FELONIES

REQUIREMENTS

FELONY DEFENDANTS may be eligible for the VTC with the following exclusions:

- a. the felony charge cannot be on the list set forth in Section 948.06(8)(c) of the Florida Statutes; and
- b. no felony Driving Under the Influence [DUI] charge is eligible for VTC.

FELONY DEFENDANTS must enter the VTC through one of the following 3 methods:

1. placed by Order of the Marion Circuit Court upon approval by that Court of a Felony Pre-Trial Intervention Agreement or Veterans Treatment Court Contract entered into by the SAO and the Felony Defendant which Agreement or Contract requires graduation from VTC [**FELONY DIVERSION METHOD** (page 21)];
2. placed by Order of the Marion Circuit Court through sentencing which imposed sentence requires graduation from VTC [**FELONY SENTENCE METHOD** (page 23)]; OR
3. placed by a Transfer Order as such is authorized by Section 910.035(5) upon approval of the SAO [**TRANSFER METHOD** (page 25)].

FELONIES

DIVERSION CASES [FELONY DIVERSION METHOD]

NOTE: this method is meant to implement Section 948.08(7)(a) of the Florida Statutes pertaining to a felony pretrial veterans' treatment intervention program for Marion County.

1. A Felony Defendant may be placed into the VTC by the FELONY DIVERSION METHOD only by Order of the Marion Circuit Court upon approval by that Court of a Veterans Treatment Court Contract entered into by the SAO and the Felony Defendant which Contract requires graduation from VTC.
2. The Marion Circuit Court may upon its own motion or upon motion by the PDO or SAO request the SAO to consider whether a Felony Defendant should be admitted into the VTC by the FELONY DIVERSION METHOD.
3. Once a Felony Defendant is placed into the VTC pursuant to the FELONY DIVERSION METHOD, then that Felony Defendant's pending case in the Marion Circuit Court is considered to be in diversion and active criminal prosecution in that case is suspended pending the Felony Defendant either being graduated or otherwise discharged from the VTC.
4. Participation in the VTC by the FELONY DIVERSION METHOD is voluntary.
5. A Felony Defendant must enter a guilty or no contest plea to each charge pending - with sentencing deferred - to be placed into the VTC by the FELONY DIVERSION METHOD.
6. A Felony Defendant must consent in writing to fully participate in the VTC - which consent must include accepting whatever rewards and sanctions the VTC Judge may impose on that Felony Defendant while in the VTC - to be placed into the VTC by the FELONY DIVERSION METHOD.
7. A Felony Defendant has no right to opt out of VTC once that Felony Defendant's pleas have been accepted by the Marion Circuit Court and that Felony Defendant has been placed into the VTC by the FELONY DIVERSION METHOD.

8. If a Felony Defendant placed into the VTC by the FELONY DIVERSION METHOD ultimately graduates from the VTC, then that Felony Defendant's case may be dismissed by the VTC granting a joint motion to set aside pleas and sentences and to dismiss the case.

9. If a Felony Defendant placed into the VTC by the FELONY DIVERSION METHOD is not graduated from the VTC but is otherwise discharged from the VTC, then the VTC Judge will enter an Order transferring the Felony Defendant's case back to the Marion Circuit Court for a judge of the Marion Circuit Court to conduct all further sentencing proceedings in that Felony Defendant's case as the case will revert to being an active criminal prosecution for the purpose of sentencing on the regular docket of the Marion Circuit Court.

10. The SAO will review each VTC application and recommend whether or not a Felony Defendant is eligible for and can be placed into the VTC by the FELONY DIVERSION METHOD and enter into a diversion agreement such as a Veterans Treatment Court Contract. If the SAO recommends that a Felony Defendant be denied admission into the VTC by the FELONY DIVERSION METHOD, then the SAO shall promptly file with the VTC Judge a written statement explaining the reason for such recommendation and the VTC Judge will review the matter, hold a hearing and make a final decision in accordance with Section 948.08(7)(a) of the Florida Statutes.

FELONIES

SENTENCE CASES [FELONY SENTENCE METHOD]

NOTE: this method is meant to implement Sections 394.47891 and 948.21 of the Florida Statutes pertaining to veterans being sentenced.

1. A Felony Defendant may be placed into the VTC by the FELONY SENTENCE METHOD only by Order of the Marion Circuit Court upon sentencing with a sentence imposed which requires graduation from VTC.
2. A Felony Defendant must enter a guilty or no contest plea to each charge pending and be sentenced on each charge to be placed into the VTC by the FELONY SENTENCE METHOD.
3. Once a Felony Defendant is placed by the Marion Circuit Court into the VTC as a part of a sentence imposed on that Felony Defendant, then that Felony Defendant's case in the Marion Circuit Court will be transferred to the VTC for the VTC Judge to oversee the supervision of that Felony Defendant while serving the sentence imposed.
4. If the Felony Defendant graduates from the VTC and the SAO agrees, then that Felony Defendant's case may be dismissed by the VTC granting a joint motion to set aside plea and sentence and to dismiss the case.
5. If the Felony Defendant was sentenced to probation and graduates from the VTC with the SAO not agreeing to dismissal, then that Felony Defendant will be found to have successfully completed their probation and the case will be closed without dismissal.
6. If the Felony Defendant has been sentenced to participate in the VTC and fails, then the VTC Judge will enter an Order transferring the Felony Defendant's case back to the Marion Circuit Court for a judge of the Marion Circuit Court to conduct further proceedings including possibly imposing a sentence for Violation of Probation or possibly entering a Commit Order for the Felony Defendant to be made to serve the deferred portion of their previously imposed jail sentence.

7. A Felony Defendant has no right to opt out of the VTC when that Felony Defendant has been placed into the VTC by the FELONY SENTENCE METHOD.

8. The SAO will have the ultimate and final say in determining whether or not a Felony Defendant can be placed into the VTC by the FELONY SENTENCE METHOD as the SAO is the exclusive entity with the authority to bring charges or not.

TRANSFER CASES

MISDEMEANOR AND FELONY TRANSFER CASES [TRANSFER METHOD]

1. Misdemeanor Defendants and Felony Defendants whose cases have arisen in counties other than Marion County may be placed into the Marion County VTC by the TRANSFER METHOD according to the requirements set forth in Section 910.035(5), Florida Statutes, which include the following:

- a. the defendant must agree to the transfer and must have signed a written consent to abide by the rules and procedures of the Marion County VTC;
- b. the authorized representative of the sending VTC and the authorized representative of the Marion County VTC must have consulted with each other and both must agree to the transfer; and
- c. the presiding Judge of the sending VTC must enter a transfer Order directing the Clerk of the sending VTC to transfer the case to the Clerk of the Marion County VTC with a copy of the sending VTC's file being sent to the Clerk of the Marion County VTC which file shall include a copy of the following:
 - (a) probable cause affidavit;
 - (b) any charging documents in the case;
 - (c) all reports, witness statements, test results, evidence lists and other documents in the case;
 - (d) the defendant's mailing address and telephone number; and
 - (e) the defendant's written consent to abide by the rules and procedures of the Marion County VTC.

2. Misdemeanor Defendants and Felony Defendants in the Marion County VTC who do not reside in Marion County or who desire to relocate to someplace not in Marion County may be placed into the Veterans Treatment Court or similar problem solving court of another county – if such a court exists in that other county - by the TRANSFER METHOD according to the requirements set forth in Section 910.035(5), Florida Statutes.

3. All transfer cases placed into the Marion County VTC will be disposed of by all by the Marion County VTC regardless of whether the defendant has successfully or unsuccessfully completed the VTC program as such is provided for by Section 910.035(5)(f), Florida Statutes.

4. The authorized representative of the Marion County VTC in matters pertaining to transfer cases and the Transfer Method shall be designated by the VTC Judge.

VTC TEAM

- **VTC Judge:** The VTC Judge is the primary spokesperson for the VTC. The VTC Judge is also the final arbitrator of any disagreement among the members of the VTC Team. The VTC Judge interacts directly with each VTC Defendant in a formal court setting to establish rapport while using the VTC Judge's authority to provide affirmation, acknowledgment of progress, accountability and discipline when necessary.
- **SAO:** The SAO is primarily responsible to ensure public safety. The SAO determines eligibility for the VTC. The SAO shall always be a voting member of the VTC Team.
- **PDO:** The PDO is primarily responsible to make certain that all of the legal rights of a VTC Defendant are fully respected. The PDO meets with the VTC Defendant and explains the VTC process. The PDO assists appropriate EVDs with establishing eligibility for the VTC. The PDO helps to guide each VTC Defendant through the VTC process. The PDO also provides input on legal issues. When a VTC Defendant has a private defense attorney representing them in a case referred to the VTC, then that private attorney will be considered part of the VTC Team for that VTC Defendant's case only. The PDO shall always be a voting member of the VTC Team.
- **VTC Coordinator:** The VTC Coordinator provides coordination for the VTC Team members, facilitates meetings of the VTC Team, manages the court docket for the VTC, facilitates the VTC intake process and develops procedures for collaboration among community agencies and the VTC Team.
- **County Probation Officer:** The County Probation Officer monitors and supervises each VTC Misdemeanor Defendant who is on diversion or probation so long as that VTC Misdemeanor Defendant remains in the VTC. The County Probation Officer reports to the VTC Team on that VTC Misdemeanor Defendant's compliance with the requirements of the program and of treatment and makes other recommendations.

- **State Probation Officer:** The State Probation Officer monitors and supervises each VTC Felony Defendant who is on diversion or probation so long as that VTC Felony Defendant remains in the VTC. The Felony Probation Officer reports to the VTC Team on that VTC Felony Defendant's compliance with the requirements of the program and of treatment and makes treatment and other recommendations. The County Probation Officer may also serve in the role of the State Probation Officer.
- **VJO:** means the Veterans Justice Outreach Coordinator of the Veterans Administration responsible for Marion County who facilitates the coordination of all services provided by the VA for each VTC Defendant.

Treatment Provider: means a psychiatrist or psychologist licensed by the State of Florida or a duly qualified and authorized member of the staff of a mental health and/or substance abuse services provider like the Centers or the Vines in Marion County which staff member is subject to the supervision of a psychiatrist or psychologist licensed by the State of Florida.

- **OTHERS:**
 - Other members of the VTC Team may include a **Law Enforcement Officer**, a veteran advocate from **NAMI** and a **Veteran Mentor** representative.
 - Additional members of the VTC Team may include representatives of other local agencies that provide services to veterans and/or people in Marion County who are mentally ill and/or substance addicted. To be eligible for consideration as an additional member of the VTC Team, the prospective member must commit to consistently participate in VTC Team meetings on a weekly basis for a period of at least 6 months and must be approved by the VTC Judge.

- **MEETINGS:**

- The VTC Team will meet regularly to review all matters pertaining to the VTC. Exceptions will be allowed by agreement of the VTC Team.
- All matters pertaining to VTC Defendants that are discussed at meetings of the VTC Team are to be considered confidential and handled by members of the VTC Team accordingly.
- The VTC Team does not provide treatment services but rather facilitates the provision of treatment services to VTC Defendants.
- All decisions pertaining to VTC acceptances, rewards and sanctions are to be made by the VTC Team during meetings of the VTC Team which meetings will usually be conducted in person but may be conducted by email exchanges or by phone.
- If an emergency situation involving obvious public safety issues arises which requires an immediate decision pertaining to a EVD participating in the VTC program, then the VTC Judge will make a decision and report the situation to the VTC Team at its next meeting.

PROGRAM PHASES

For a CVD or EVD to graduate from the VTC, that CVD or EVD must successfully complete the following program phases:

Phase 1: [Stabilization, Assessment and Treatment Planning]

The typical Phase 1 EVD will have been recently released from jail. The EVD will most likely not have a recent history of medication or treatment compliance and therefore will need regular appearances - **usually weekly** - before the VTC Judge to insure accountability. During Phase 1, the VTC Team will develop a PCP for the EVD which will include specific goals, specific services to be utilized and specific graduation or completion requirements. Phase 1 will last until the EVD is cooperating with any treatment and other requirements of the VTC and the EVD's PCP has been put into writing and approved by the VTC Team. Rewards and sanctions during Phase 1 will be agreed upon by the VTC Team.

Phase 1 GOALS:

1. Medication compliance as prescribed by Treatment Provider.
2. Illegal substance and alcohol free. EVD will be subject to random screens for alcohol and drugs.
3. No arrests since admission to the VTC.
4. Report weekly or as directed to the VTC Judge.
5. Daily or as directed contact with the EVD's Probation Officer, VTC Case Manager, VTC Mentor and/or other as directed by the VTC Judge.
6. Cooperation with the VTC Team in attending appointments as directed.

NOTE: Given the many variables in the treatment of mental illness and substance abuse additions, a specific attendance percentage is not predetermined for each EVD but instead will be set upon consideration of each EVD's attendance and progress in the VTC program.

Phase 2: [Treatment]

The Phase 2 CVD or EVD has improved significantly in compliance with the treatment and other requirements of the VTC. The EVD in Phase 2 will usually be required to **report every 2 or 3 weeks to the VTC Judge** in addition to reporting to their Probation Officer who will continue to monitor their treatment and other compliance. Phase 2 goals are the same as the Phase 1 goals but with less supervision from the VTC Judge. The objective of Phase 2 is continued stabilization and reintegration of the EVD into the community. Included as part of that objective is completing tasks set forth in the EVD's PCP. Rewards and sanctions during Phase 2 will be agreed upon by the VTC Team.

Phase 2 GOALS:

1. Completing tasks set forth in the EVD's PCP.
2. Illegal substance and alcohol free. EVD will be subject to random screens for alcohol and drugs.
3. Remain medication compliant as prescribed by physician.
4. No new arrests.
5. Report as directed to the VTC Judge.
6. Contact with the EVD's Probation Officer, VTC Case Coordinator, VTC Mentor and/or others as directed by the VTC Judge.

Phase 3: [Graduation Planning]

The Phase 3 EVD should demonstrate an increasing ability to remain in treatment and maintain stability within the community while being responsible for their own treatment and vocational activities. A Phase 3

EVD will usually **report monthly to the VTC Judge** in addition to reporting to their probation officer who will continue to monitor their treatment and other compliance. The successful completion of Phase 3 goals will result in a EVD's graduation or completion of the VTC program.

Phase 3 GOALS:

1. The EVD has completed their PCP.
2. The EVD is engaged in ongoing vocational, educational and/or volunteer service programs.
3. The EVD has demonstrated responsibility for his/her own treatment plan.
4. The EVD has written and understands the importance of an aftercare plan to remain stable.
5. The EVD has continued to have contact with their Probation Office and others as ordered by the VTC Judge.

Graduation:

Upon graduation, the EVD will no longer be required to report to the VTC and the VTC Team will recommend to the SAO and to the VTC that the graduate's case be promptly dismissed.

Discharge:

Should a EVD be discharged from the VTC for any reason other than graduation, then the VTC Judge will enter an Order reactivating that EVD's criminal case to an active criminal prosecution status and referring the case to the appropriate Court and Judge for further proceedings to be held according to the provisions of this Manual and depending on the method by which the case was placed into the VTC.

REWARDS

The VTC Judge will acknowledge a EVD's effort and progress in treatment and in the VTC by granting rewards. Potential rewards include:

- Recognition by the VTC Court;
- Certificates or other mementos of progress;
- Reduced frequency of required appointments with the EVD's Probation Officer;
- Reduced frequency of required appearances before the VTC Judge;
- Transfer to less restrictive housing or treatment program;
- Reduced frequency of alcohol and drug testing requirements;
and
- Program Phase advancement and Graduation.

VIOLATIONS

The VTC Judge will treat the following non-inclusive list of inappropriate behaviors as violations of the VTC program:

- New criminal offense;
- Missed treatment appointment;
- Missed appointment with Probation Officer;
- Missed VTC appearance;
- Failure or refusal to take medications;
- Refusal to give sample for drug and/or alcohol testing;
- Violation of treatment rules;
- Violation of housing rules including curfew;
- Any verbal threat;
- Any act of violence;
- Noncompliance with treatment plans;
- Noncompliance with any directive of the VTC Team;
- Any use of illegal drugs and substances including prescription medications for which the EVD does not have a valid prescription;
- Any unauthorized use of alcohol;
- Positive illegal drug screen;
- Positive alcohol screen; and
- Absconding from a treatment program or supervised housing.

SANCTIONS

The VTC Judge will respond to all violations of all conditions of the VTC by imposing a sanction and/or by requiring participation in additional treatment related activities. The VTC Judge may also mandate a change in the EVD's PCP. The duration of the EVD's participation in the VTC may also be lengthened when a sanction is imposed. Examples of sanctions include – but are not limited to - the following:

- Jail;
- Reprimand;
- Demotion to a prior VTC Program Phase;
- Discharge from the VTC;
- Order to write an essay;
- Order to complete a specified number of community service hours;
- Increased frequency of appointments with Probation Officer;
- Increased frequency of appearances before the VTC Judge;
- Increased frequency of drug and alcohol testing;
- Increased NA, AA or other group therapy meetings;
- Mandatory attendance at a class (i.e. money management, anger management, family relations and other support groups and other classes that promote mental and physical health);
- Loss of privileges at treatment or housing program;
- Transfer to a more restrictive housing or treatment program;
- and
- Unannounced visits by Probation Officer.

SCHEDULE

Unless the VTC Judge and VTC Team have agreed to not hold a formal VTC session during a particular week, the VTC will proceed every week of the year as follows:

The VTC Team without EVDs will meet in Chambers each Wednesday beginning at 1:30 p.m.; and

VTC Proceedings with EVDs in open Court will begin each Wednesday at 2:30 p.m. or as soon as the VTC Team has finished its meeting.

NOTE: the date and time of VTC Team meetings and proceedings is subject to change in the discretion of the VTC Judge in consultation with the VTC Team.

CONTACT

For more information about the VTC, please contact:

Marion County Veteran's Court
c/o VTC Case Coordinator
Office of the Court Administrator, 5th Judicial Circuit
Marion County Judicial Center
110 N.W. 1st Ave.
Ocala, FL 34475
(352) 401-6728