



SHEBOYGAN AREA VETERANS TREATMENT COURT POLICY AND PROCEDURES MANUAL

SECTION 1: SHEBOYGAN AREA VETERANS TREATMENT COURT

1.1 MISSION STATEMENT OF THE SHEBOYGAN AREA VETERANS TREATMENT COURT (SAVTC)

To promote public safety while assisting and supporting veterans and their families through a coordinated response based upon collaboration with the veteran's service delivery system, community based services, and the court system.

1.2 GOALS OF THE SAVTC

- a. Reinvigorate the core values of the military into the Veteran participants' daily routine.
- b. Reduce veteran participants' criminal recidivism and other court contacts.
- c. Facilitate veteran participants' sobriety, abstinence and improved behavioral health.
- d. Increase veteran participants' compliance with treatment and other court ordered conditions.
- e. Work to alleviate issues surrounding veteran participants' service-related behavioral health issues.
- f. Assure available VA benefits and services are accessed by veteran participants.
- g. Integrate community based treatment options and services for veteran participants as appropriate.
- h. Improve veteran participants' family relationships and social support connections.
- i. Improve veteran participants' economic stability.

1.3 TARGET POPULATION

U.S. Military Veterans suffering from a diagnosable and treatable behavioral health issue that has contributed to the commission of a criminal offense and who are in need of the structure and support available through the SAVTC.



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1.4 ELIGIBILITY CRITERIA

A prospective veteran participant must be:

- Service in the United States Armed Forces (all military discharges except dishonorable discharge).
- Diagnosed with a treatable behavioral issue which is substantially related to the offense.
- A resident of Sheboygan, Calumet, Fond du Lac, Manitowoc, Ozaukee, Washington or Winnebago County **OR** with a conviction or case pending in one of these counties.
- Able to travel to all required sessions of the SAVTC Program and to meet with an assigned mentor.
- Willing to comply with any requested alcohol and/or drug tests/screens, including transportation for such testing.
- Reviewed and approved by the Veterans Court Team to determine appropriateness for participation in the SAVTC.

1.5 KEY COMPONENTS OF THE SAVTC

Like many treatment courts, the SAVTC has adopted, with slight modifications, the essential tenets of the ten key components as described in the U.S. Department of Justice Publication entitled *Defining Drug Courts: The Key Components*. Brief descriptions of these modifications are listed in the ten key components that follow this introduction. Although there are differences between drug courts, behavioral health courts, and the SAVTC, the *Key Components* provide the foundation in format and content for the essential elements of each of these courts. The SAVTC is a hybrid of substance abuse and behavioral health treatment courts, with the goal of servicing veterans with addiction, serious behavioral health issues, and co-occurring disorders.

1.5.1.1. Key Component One: The SAVTC integrates alcohol, drug treatment, and behavioral health services with justice system case processing.

1.5.1.2. Key Component Two: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.



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1.5.1.3. Key Component Three: Eligible participants are identified early and promptly placed in the SAVTC program.

1.5.1.4. Key Component Four: The SAVTC provides access to a continuum of alcohol, drug, behavioral health and other related treatment and rehabilitation services.

1.5.1.5. Key Component Five: Abstinence is monitored by frequent alcohol and other drug testing.

1.5.1.6. Key Component Six: A coordinated strategy governs the SAVTC responses to participants' compliance.

1.5.1.7. Key Component Seven: Ongoing judicial interaction with each veteran is essential.

1.5.1.8. Key Component Eight: Monitoring and evaluation measures the achievement of program goals and gauges effectiveness.

1.5.1.9. Key Component Nine: Continuing interdisciplinary education promotes effective SAVTC planning, implementation, and operation.

1.5.1.10. Key Component Ten: Forging partnerships among the SAVTC, the VA, public agencies, and community-based organizations generates local support and enhances the SAVTC's effectiveness.



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SECTION 2: ENTRY AND REFERRAL PROCESS

The entry and referral process utilized by the SAVTC to accept offenders following disposition of charges is as follows:

2.1 DETERMINATION OF VA BENEFITS

Prior to being considered for a disposition to the SAVTC, a veteran must have met with the County Veterans Service Officer in their county of residence to have VA benefits eligibility determined, and if eligible for VA benefits, have completed the screening process at the VA Medical Center.

2.2 CHARGE/CASE DISPOSITION

As must be documented in the SAVTC Contract to the Court, the prosecutor, defense attorney (if any), defendant and originating court judge must agree to one of the following charge/case dispositions:

Straight Diversion: The case or specific charge(s) is/are continued for the length of participation in the SAVTC and then dismissed if the veteran participant successfully graduates from the SAVTC. These are often Deferred Conviction Agreements or Deferred Prosecution Agreements. Unsuccessful completion of the SAVTC will result in the case being returned to the originating court.

For a veteran participant subject to only straight diversion, s/he will continue to be subject to a bond conditions from the originating court during the time the veteran is in the SAVTC.

Partial Diversion: A single or multiple counts may be placed merely on diversion with the SAVTC while a participant is to comply with probation that does not include the SAVTC on other counts or sentenced to jail a fine or some other resolution on other counts. The diverted charge(s) is/are continued for the length of participation in the SAVTC and then, if the veteran participant successfully graduates from the SAVTC is/are resolved in accordance with the terms of the Veterans Treatment Court Contract. Unsuccessful completion of the SAVTC will result in the case being returned to the originating court.



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For a veteran participant subject to diversion, s/he will continue to be subject to a bond conditions from the originating court during the time the veteran is in the SAVTC.

Probation: A participant may be accepted into the SAVTC with SAVTC compliance as a condition of probation. The length of probation must be at least 24 months. If a participant does not successfully complete the SAVTC, then s/he will be terminated from the court with notice to the originating circuit court judge.

Alternative To Revocation Of Probation Or Extended Supervision: A veteran participant may be admitted to the SAVTC Program as an Alternative to Revocation. The matter will be continued for a period of time deemed appropriate by the probation or extended supervision officer and the Veterans Court Team. There must be enough time remaining on the participants supervision to allow successfully completion of the SAVTC.

Program Compliance: All veteran participants will be subject to conditional confinement, other traditional sanctions, and appropriate incentives to promote compliance with the SAVTC Program.

2.3 REFERRAL

Anyone may refer cases involving veterans to the SAVTC Coordinator, to include, but not limited to, the attorneys, the veteran, probation or extended supervision agents, family members, and the sentencing judge.

2.4 PARTICIPANT APPLICATION PROCESS

Any person wanting admission into the SAVTC must do the following:

- 2.4.1 Review eligibility criteria to ensure s/he meets all qualifications of the Court.
- 2.4.2 Contact the county veterans service officer in her/his county to determine eligibility for Veterans Administration services



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2.4.3 Access the following website to obtain all necessary application documents:

<http://www.sheboygancounty.com/government/departments-r-z/veterans-services/veterans-treatment-court>

2.4.4 Fill out and submit the following documents (all available on the above website):

- 1) SAVTC Referral
- 2) Veterans Treatment Court Contract – which MUST be signed by
 - 1) The prosecutor,
 - 2) Defense attorney (if retained) and defendant, AND
 - 3) Originating circuit court judge (unless ATR)
- 3) SAVTC Release of Confidential Information
- 4) Prior Record
- 5) Participation Agreement
- 6) VJO Release

2.5 COURT ELIGIBILITY PROCESS

After all application documents have been submitted, the Veterans Court Team will review the documents, request any additional assessments, if necessary, and vote on admission into the Court. Notice will be provided to the Defense Attorney or Defendant.

If the veteran is not deemed appropriate for the SAVTC Program, the case will remain in the originating circuit court.

2.6 RELEASES

The veteran will execute all appropriate releases to accomplish the goals and requirements of the SAVTC Program.

2.7 USE OF VA BENEFITS

The veteran accepted into the SAVTC Program should already be enrolled into the VA medical system and receiving benefits for service-related behavioral health issues OR has appropriate access to community-based treatment.



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2.8 POST GRADUATES

A veteran may continue to participate in the SAVTC Program and stay in contact with members of the SAVTC staff after graduation, if it helps to maintain the veteran's stability.



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SECTION 3: OPERATION OF THE SHEBOYGAN AREA VETERANS TREATMENT COURT PROGRAM

3.1 PHASES

Phases are the steps identified by the SAVTC through which veteran participants must progress in order to graduate from the program. The expected length of the program is between 18 and 24 months. Mentoring is an essential component of the SAVTC that all participants must utilize throughout the program.

Termination criteria are the guidelines used to release non-compliant veteran participants from the SAVTC Program.

Graduation criteria are the guidelines used to identify how veteran participants are to successfully complete the SAVTC Program.

3.2 PHASE 1: COURAGE PHASE

The Courage Phase is for new participants. The veteran participant must remain in this phase for a minimum of 60 days prior to advancing to the next phase. The main goal of this phase is to develop treatment stability.

3.2.1 Requirements of the Courage Phase:

- Maintain contact with probation officer, if on probation, as directed.
- Maintain contact with Veterans Court Coordinator as directed.
- Attend all appointments with VA, including Veterans Justice Outreach Coordinator (VJO) and other service providers.
- Promptly submit to required drug and alcohol testing.
- Attend Veterans Court sessions and comply with all directives of the Judge.
- Remain law abiding.
- Meet and develop relationship with mentor.
- Comply with the initial treatment plan.
- Complete and submit weekly reports to the court by 5 PM on Mondays.
- Prepare and maintain a list of phone numbers for support, including your mentor and emergency contacts
- Provide the Court Coordinator with emergency contacts for the participant.



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- Provide the Court Coordinator with a signed acknowledgment of having read and understood the Participant Handbook.

3.2.2 Additional Advancement Criteria:

- No positive drug or alcohol tests (late tests or missed tests are deemed positive tests) for a minimum of 30 days before advancing to the next phase.

3.3 PHASE 2: SELF AWARENESS PHASE

The Self Awareness Phase requires the veteran participants to continue to work with the VA and any other treatment providers to develop an individualized treatment plan aimed at addressing their behavioral health and/or substance abuse needs and reducing their risk to reoffend in the future. This plan may need to be modified from time to time to address the veteran participant's ongoing and recovery needs.

The veteran participant must remain in this phase for a minimum of 90 days prior to advancing to the next phase.

3.3.1 Requirements of Individualized Treatment Plan Phase:

- Maintain contact with probation officer, if on probation, as directed.
- Maintain contact with Veterans Court Coordinator as directed.
- Attend all appointments with VA and any other service providers, including VJO.
- Promptly submit to required drug and alcohol testing.
- Attend Veterans Court sessions and comply with all directives of the Judge.
- Remain law abiding.
- Follow the individualized treatment plan.
- Continue relationship with mentor.
- Comply with any restitution requirements of the sentence or diversion contract.
- Complete and submit weekly reports to the court by 5 PM on Mondays.
- Complete community service work as ordered.

3.3.2 Additional Advancement Criteria:

- No positive drug or alcohol tests (late tests or missed tests are deemed positive tests) during the phase.



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- Petition Veterans Court Judge for advancement to next phase, showing progress on individualized treatment plan.

3.4 PHASE 3: TAKING CHARGE PHASE

The Taking Charge Phase requires the veteran participant to work with the VA and any other treatment providers to show compliance with his or her individualized treatment plan. Progress must be made with addressing behavioral health and/or substance abuse needs. Participants must also demonstrate an increased awareness of their mental health and/or substance abuse recovery needs and express a desire to remain a law abiding citizen. The individualized treatment plan may continue to be modified.

The veteran participant must remain in this phase for a minimum of 120 days prior to advancing to the next phase.

3.4.1 Requirements of the Taking Charge Phase:

- Maintain contact with probation officer, if on probation, as directed.
- Maintain contact with Veterans Court Coordinator as directed.
- Attend all appointments with VA and any other service providers.
- Promptly submit to required drug and alcohol testing.
- Attend Veterans Court sessions and comply with all directives of the Judge.
- Remain law abiding.
- Follow the individualized treatment plan, to be modified as necessary.
- Complete community service work as ordered.
- Continue on-going relationship with mentor.
- Obtain and maintain employment and/or pursue education, if required.
- Obtain and maintain stable and substance-free housing.
- Complete and submit weekly reports to the court by 5 PM on Mondays.

3.4.2 Additional Advancement Criteria:

- No positive drug or alcohol tests (late tests or missed tests are deemed positive tests) during the phase.
- Petition Veterans Court Judge for advancement to next phase.



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3.5 PHASE 4: TRANSITION TO COMMITMENT PHASE

The Transition to Commitment Phase requires the veteran participant to work with the VA and any other treatment providers to show stabilization with his or her individualized treatment plan. Significant progress must be made with addressing behavioral health and/or substance abuse needs. Participants must also demonstrate genuine awareness of their mental health and/or substance abuse recovery needs and express a desire to remain a law abiding citizen. The individualized treatment plan may continue to be modified from time to time.

The veteran participant must remain in this phase for a minimum of 60 days prior to graduating.

3.5.1 Requirements of Transition to Commitment Phase:

- Maintain contact with probation officer, if on probation, as directed.
- Maintain contact with Veterans Court Coordinator as directed.
- Attend all appointments with VA and any other service providers.
- Promptly submit to required drug and alcohol testing.
- Attend Veterans Court sessions and comply with all directives of the Judge.
- Remain law abiding.
- Be employed and/or in a course of education, if required.
- Continue to maintain stable and substance-free housing.
- Complete and submit weekly reports to the court by 5 PM on Mondays.
- Continue an ongoing relationship with assigned mentor.
- Continue compliance with the treatment plan.

3.5.2 Additional Advancement Criteria:

- No positive drug or alcohol tests (late tests or missed tests are deemed positive tests) (***The veteran participant must be substance-free for a minimum of five consecutive months prior to graduation***).
- Speak with a Veterans Mentor to determine suitability and interest in becoming a mentor. The veteran participant must be aware that the Veterans Court Team will, upon request, make a recommendation to the Veterans mentor Program as to suitability of the veteran participant to perform the duties of a Veterans Mentor. If the veteran participant will remain on probation following graduation from the SAVTC Program he or she will be ineligible to become a Veterans Mentor and should not submit an application until that status is changed. The



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Veterans Mentor Program Mentor Coordinators retain the right to accept or reject the veteran participant's application based upon the program's recruitment criteria.

- Petition Veterans Court Judge for graduation.

3.6 GRADUATION

3.6.1 Graduation Criteria: The veteran participant must successfully complete all four phases of the SAVTC Program and be in the program for the requisite minimum period of time in order to be eligible for graduation from the program.

3.7 GENERAL COURT REQUIREMENTS FOR ALL VETERAN PARTICIPANTS

- Remain law abiding.
- Report any law enforcement contacts to the Court Coordinator within 24 hours.
- Comply with any and all terms of any open bail bonds as well as terms of probation.
- No use of any drugs or controlled substances or illicit substances not prescribed by a physician and only if the prescription is shared with the Veterans Court Coordinator or VJO and probation officer, if any.
- Should a relapse occur, participant must notify the Court Coordinator or VJO within 24 hours.
- Submit timely to all required alcohol and/or substance testing as ordered by the Veteran Court Judge.
- Promptly attend all court appearances.
- Comply with individual treatment plan as established by the VA, community based service providers, if any, the probation officer, if any, the Veteran Court Coordinator, and the Veteran Court Team.
- Cooperate with unscheduled home visits by probation officers, law enforcement officers, and Veterans Court Team members.
- Utilize one prescribing physician for all medications if required by the Veteran Court judge.



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- Pay all fines, court fees, probation fees, and restitution as ordered by the referring judge and/or the Veterans Court Judge.
- Do not function in any capacity as a police informant while a veteran participant of the Veterans Court Program.
- Reside in Sheboygan, Calumet, Fond du Lac, Manitowoc, Ozaukee, Washington or Winnebago counties with accessibility to the SAVTC, the assigned probation officer, the SAVTC Coordinator, VA services, and community based services, as appropriate.
- Have the means by which to appear for all designated sessions of the SAVTC, meet with the SAVTC Coordinator as necessary, perform required alcohol and/or substance abuse tests as required, and make all VA service appointments and community based services appointments, as appropriate.
- Inform the Veterans Court Team, probation officer, if any, the SAVTC Coordinator, and all treatment providers of any change in address.
- Complete all required community service work.
- Continue to work with the Veterans Mentor.
- Participate in training or educational programming, as ordered by the SAVTC Judge.
- Obtain and maintain employment, actively seek employment, or make progress toward educational goals, as appropriate.
- Secure stable and substance-free housing.
- Be respectful to the Veterans Court Team, mentors, and other participants, including manner of dress, timeliness, no use of phones during court and being attentive to other participants during court sessions.
- Follow all current versions of the SAVTC Program Policies and Procedures as they are adopted by the SAVTC Team.

3.8 TERMINATION FROM THE SAVTC PROGRAM

3.8.1 *Unsuccessful Completion:* Termination from the SAVTC Program generally occurs only after graduated sanctions have been imposed and the veteran participant continues to disregard the rules of the Veterans Court Program and the orders of the Veterans Court Judge.

3.8.2 *Examples of Disregard for Program Rules:* The veteran participant has shown disregard for program rules when he or she has engaged in behaviors which may include, but is not limited to, the following:

- Absconding from any residential or inpatient treatment facility.



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- Failing to attend treatment or therapy.
- Repeated positive alcohol or substance tests or failing to submit to testing.
- Tampering with alcohol or substance tests to provide false results.
- Providing breath or substance samples from any other person and representing the sample as that of the veteran participant.
- Committing criminal acts.
- Absconding from the Veterans Court Program.

3.8.3 Grounds for Termination May Include:

- a. Termination proceedings may be initiated at any time for a veteran participant who violates program rules.
- b. Consistent failure to follow treatment protocol and/or other conditions established specifically to try to modify the veteran participant's behaviors will constitute appropriate grounds to initiate termination proceedings.

3.8.4 Initial Termination Hearing: Any voting Veterans Court Team member may seek an initial termination hearing. The termination hearing shall be held before the voting members of the Veterans Court Team. The veteran participant will be provided notice of the hearing and the opportunity to be represented by an attorney during the termination hearing. Participants may contact the Office of the State Public Defender in any county to determine eligibility to obtain an attorney. The termination hearing will be conducted outside the presence of the Veterans Court Judge and will not be recorded.

After the veteran participant has been advised of the basis for the termination hearing and has presented his or her position on the same, the voting Veterans Court Team members will cast their votes to retain the veteran participant in the Veterans Court Program or to recommend to the Veterans Court Judge that the veteran participant should be terminated from the Veterans Court Program. If the vote, by simple majority, is to retain the veteran participant, then the veteran participant will remain in the Veterans Court Program. If the vote, by simple majority, is to terminate the veteran participant, written notice will be provided to the veteran participant concerning this recommendation and the date upon which the recommendation for termination will be heard in open court and on the record before the Veterans Court Judge who shall decide the matter.



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3.8.5 Procedure Upon Recommendation for Termination: Upon recommendation for termination by a simple majority of the voting members of the Veterans Court Team, the veteran participant is brought before the Veteran Court Judge for a formal hearing, in open court and on the record. The veteran participant will be afforded all rights and opportunities consistent with any other individual facing a formal probation revocation hearing and subsequent sentencing, to include the right to be represented by counsel. Participants may contact any Office of the State Public Defender to make application for an attorney. After hearing the allegations that warranted the recommendation for termination by the Veterans Court Team, and the veteran participant's response to those allegations, the Veterans Court Judge will make findings as to whether or not grounds exist for terminating the veteran participant from the SAVTC Program. If the Veterans Court Judge finds that the veteran participant is to be terminated from the Veterans Court Program, he or she will be returned to the originating judge for imposition of sentence in accordance with the original disposition of the charges. If the Veterans Court judge does not find that the veteran participant is to be terminated from the Veterans Court Program, he or she will then continue in the Veterans Court Program, subject to any appropriate sanctions deemed necessary to address his or her behavior.

3.9 SANCTIONS AND INCENTIVES

3.9.1 Sanctions: Sanctions are the imposition of a consequence as a direct result of prohibited activity. Sanctions are aimed at changing negative behavior of a specific veteran participant. Sanctions are individualized in a manner as would be perceived as negative by the recipient, and such be sufficient to elicit the desired behavioral change. General sanctions are deemed ineffective in treatment courts.

3.9.1.a Procedure for Imposing Sanctions: If the veteran participant does not comply with the established treatment plan, the rules of the Veterans Court Program, probation, if imposed, Veteran Court Judge orders, or any other aspect associated with participation in the SAVTC Program, the Veterans Court Judge may impose sanctions, which may include, but is not limited to, the following:

- Warnings or admonishments from the Veterans Court Judge.
- Increased alcohol or substance testing.
- Increased visits with probation officer and/or Veterans Court Coordinator.



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- Write an essay on a Veterans Court related topic as identified by the Veterans Court Judge, which must then be read aloud during the next Veterans Court session.
- Increased participation in self-help meetings, such as AA or NA.
- Additional community service hours.
- Incarceration.
- Termination from the Veterans Court Program.

3.9.2 Incentives: Incentives are responses to compliance, perceived as positive by the recipient.

3.9.2.a Procedure for Awarding Incentives: If the veteran participant complies with the established treatment plan, the rules of the Veterans Court Program, probation, if imposed, Veteran Court Judge orders, and all other conditions or requirements associated with participation in the SAVTC Program, the Veterans Court Judge may award incentives, which may include, but is not limited to, the following:

- Praise, acclaim or recognition from the Veterans Court Judge.
- Bus cards or tokens.
- Gift cards or gift certificates.
- Decreased visits with Veterans Court Coordinator.
- Decreased need to complete weekly reports.
- Decreased participation in self-help meetings, such as AA or NA.
- Phase advancement.
- Sobriety or substance-free tokens and medallions.
- Graduation from the Veterans Court Program.

3.10 TREATMENT PROTOCOL

3.10.1 Individualized Treatment Plans: Treatment plans are flexible and adjusted based upon a veteran participant's individual risks, needs and goals. The individualized treatment plan takes into account the veteran participant's baseline functioning, individual capabilities, and holistic needs, which includes physical, behavioral, and spiritual interests. Individualized treatment plans are altered as needed to reflect the progress, or lack thereof, being made by the veteran participant.



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3.10.2 *Modification of the Individualized Treatment Plan:* If the individualized treatment plan is inadequate to meet the veteran participant's needs (e.g., the veteran participant exhibits symptoms of psychosis, suicidal ideation, self-injuring behavior, or continues to use alcohol or other substances), the Veterans Court Judge may order additional assessments, if necessary, and intensify the level of treatment upon the recommendation of the veteran participant's treatment providers. The veteran participant may be required to move from an outpatient treatment venue to an inpatient or a residential treatment venue.

3.10.3 *Utilization of VA Services:* Veteran participants who qualify for services through the VA Medical Center or VA Clinics will be required to participate in treatment services according to the VA assessment/evaluation and treatment plan established for them at the VA.

3.10.4 *Utilization of Community-Based Services:* Veteran participants who do not qualify for VA benefits, or those who qualify for only limited VA benefits, may be required to participate in community-based programming. Veteran participants who qualify for any level of VA benefits may also be required to utilize community-based services as deemed appropriate to their individual treatment needs.

3.10.5 *Network of Treatment Providers:* The SAVTC sometimes uses a network of community-based behavioral and medical health and chemical dependency treatment providers. Services include, but are not limited to:

- Outpatient behavioral health services.
- Residential crisis center services.
- Dual diagnosis programs.
- Hospital-based programs.
- Short and long-term residential treatment programs.
- Outpatient treatment programs.
- Psychiatric services.
- Intensive outpatient case management services.
- Educational services.
- Faith-based services.
- Work Force Connections.



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3.11 SUPERVISION PROTOCOL

3.11.1 Probation/Extended Supervision: Veteran participants on probation or extended supervision will be supervised by their Department of Corrections agent.

3.11.1.a Agent Contact: While in the SAVTC, it is expected that veteran participants on probation or extended supervision will have the following minimal contacts with their agent:

- **PHASE 1: *Courage Phase:***

Bi-weekly contact is expected at minimum, unless otherwise directed by the Veterans Court Judge

- **PHASE 2: *Self Awareness Phase:***

Bi-weekly contact is expected at minimum, unless otherwise directed by the Veterans Court Judge

- **PHASE 3: *Taking Charge Phase:***

Contact every three weeks is expected at minimum, unless otherwise directed by the Veterans Court Judge

- **PHASE 4: *Commitment Phase:***

Contact once each month is expected at minimum, unless otherwise directed by the Veterans Court Judge

3.11.1.b Location of Agent Contacts: The veteran participant will make contact with his or her probation or extended supervision agent, as directed. The contacts will occur at the agent's Department of Corrections office, the home of the veteran participant, at the veteran participant's treatment center, at the veteran participant's school, or at the veteran participant's place of employment, as determined by the agent.

3.11.1.c Execution of Agent Contacts: Contact with veteran participant by the probation or extended supervision agent will be both scheduled and



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unscheduled. Law enforcement officers may accompany the probation or extended supervision agent when occurring in the community or at the veteran participant's home. Veteran participants may be required to submit to a urinalysis and/or a preliminary breath test during these visits. Veteran participants will be evaluated by the agent during the visits to assure that they are on track with their individualized treatment plans and there do not appear to be any readily observable risk factors present.

3.11.2 Veterans Court Coordinator Contacts: All veteran participants will have contact with the SAVTC Coordinator in his or her office, as required.

3.12 ETHICS AND CONFIDENTIALITY

Any program that specializes, in whole or in part, in providing treatment, counseling, assessment, and referral services for participants with alcohol and/or substance problems must comply with the Federal confidentiality regulations (42 C.F.S. § 2.12(e)). The federal regulations apply to programs that receive federal funding, and federal law prevails if there is a conflict with state laws.

There are two federal laws and a set of regulations that guarantee program participants will enjoy strict confidentiality of information about them when receiving alcohol and/or substance assessment and treatment services. See, 42 U.S.C. §§ 290dd-3 and ee-3 and 42 C.F.R. Part 2.

Confidentiality of program participants is governed by 42 U.S.C. § 290dd, which encourages treatment and is applicable to most problem solving or specialty court programs. If the court orders screening, assessments, referrals, treatment, and/or diagnosis for a program participant, § 290dd will be applicable.

Information that is protected by federal confidentiality regulations may always be disclosed after a program participant has signed a proper consent or waiver form. The regulations also permit disclosure without the program participant's consent in several situations, to include medical emergencies, program evaluations, and communications among program staff members.

Veteran participants who refuse to sign consent or waiver forms permitting essential communications to occur can be excluded from treatment or provided treatment on a temporary basis in the hope that resistance to signing the consent or waiver forms will evaporate as treatment proceeds. Continue refusal to sign consent or waiver forms by the



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veteran participant will be a ground for termination from the specific treatment program and from the Veterans Court Program.

Veteran participants in the SAVTC Program must be informed in writing of their privacy rights. Veteran participants must sign a “Waiver of Medical Privilege” upon entering into the SAVTC Program, and then provided with a copy of that waiver. Information that is protected by Federal confidentiality regulations may only be disclosed after the veteran participant has signed a proper consent form. Said forms will also be signed by the Veterans Court Coordinator, the assigned probation or extended supervision officer, if any, and treatment providers so that pertinent information about the veteran participant may be shared with the Veterans Court Team and other named treatment providers.

Wisconsin also maintains a statute on confidentiality between mentors and veteran participants. Wisconsin Statute Section 905.16 provides:

905.16 Communications to veteran mentors.

(1) DEFINITIONS. As used in this section:

(a) A communication is “confidential” if not intended to be disclosed to 3rd parties other than to those persons present to further the interests of the veteran or member or to persons reasonably necessary for the transmission of the communication.

(b) A “veteran mentor” is an individual who meets all of the following criteria:

1. Served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, served in a reserve unit of the U.S. armed forces, or served in the national guard.

2. Has successfully completed a judicially approved veterans mentoring training program.

3. Has completed a background information form approved by a circuit court judge from a county that is participating in a veterans mentoring program.

4. Is on the list of persons authorized by a circuit court judge to provide assistance and advice in a veterans mentoring program.

(c) “Veteran or member” means an individual who is serving or has served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, in a reserve unit of the U.S. armed forces, or in the national guard.



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(d) "Veterans mentoring program" is a program approved by a circuit court judge to provide assistance and advice to a veteran or member.

(2) GENERAL RULE OF PRIVILEGE. A veteran or member has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication made by the veteran or member to a veteran mentor while the veteran mentor is acting within the scope of his or her duties under the veterans mentoring program.

(3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the veteran or member, by the veteran's or member's guardian or conservator, or by the veteran's or member's personal representative if the veteran or member is deceased. The veteran mentor may claim the privilege on behalf of the veteran or member. The veteran mentor's authority to claim the privilege on behalf of the person is presumed in the absence of evidence to the contrary.

(4) EXCEPTION. There is no privilege under this section as to the following:

(a) A communication that indicates that the veteran or member plans or threatens to commit a crime or to seriously harm himself or herself.

(b) A communication that the veteran or member has agreed in writing to allow to be disclosed as a condition of his or her participation in the veterans mentoring program.

Wis. Stat. Sec. 905.16 (*Wisconsin Statutes 2015-16*).

3.15 ROLES AND RESPONSIBILITIES OF THE VETERANS COURT TEAM

3.15.1 Veterans Court Judge: The Veterans Court Judge supervises the veteran participant through the SAVTC Program. The supervision consists of contact during regularly scheduled Veterans Court sessions, and is premised upon input from the Veterans Court Team. The Veterans Court Judge addressed the veteran participant's behaviors, by imposing sanctions of various degrees for improper behavior and incentives of various degrees for proper behavior. The Veterans Court Judge will lead the Veterans Court Team in making decisions that affect each veteran participant. The goal of the Veterans Court Judge is to insure that the veteran participant undergoes positive behavioral changes to enable him or her to live a behaviorally and/or medically healthy life, free from alcohol and substance abuse and in a position whereby the essential daily life needs are able to be met



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and sustained. The Veterans Court Judge is a non-voting member of the Veterans Court Team, although the Veterans Court Judge is not bound by any decision or recommendation of the voting members of the Veterans Court Team, other than a decision to retain a veteran participant following the suggestion of termination from the Veterans Court Program.

3.15.2 Prosecutor: The prosecutor must utilize all available information about the potential veteran participant that is known at the time his or her charges are negotiated. The prosecutor will seek dispositions that will not only allow the veteran to be successful in the SAVTC Program but will always promote public safety. The prosecutor is a **voting member** of the Veterans Court Team. He or she should attend all staff meetings and Veterans Court Program sessions. The prosecutor must never forget that he or she represents ongoing public safety goals during the Veterans Court Team decision making process.

3.15.3 Public Defender: The public defender is a **voting member** of the Veterans Court Team. He or she should attend all staff meetings and Veterans Court Program sessions. The public defender will be available to provide ongoing limited legal representation to each veteran participant during Veteran Court Program sessions.

3.15.4 Treatment Providers: Treatment providers provide behavioral health, medical health, chemical dependency, and domestic abuse treatment or counseling based upon the veteran participant's individual needs and goals. Treatment providers are invited to attend staff meetings and SAVTC sessions for the veteran participants they serve. Treatment providers will provide timely progress reports and input on various and appropriate treatment strategies and modalities, so the information may be utilized by the Veterans Court Team during the staff meeting prior to the Veterans Court Program session at which their veteran participant will appear.

3.15.5 Court Coordinator: The Veterans Court Coordinator will assemble and review all application data. The Coordinator will distribute weekly reports from veteran participants. The Coordinator is also, at times, assigned to meet with participants. The Veterans Court Coordinator is a **voting member** of the Veterans Court Team. He or she will attend all staff meetings as well as the Veterans Court Program sessions.



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3.15.6 Probation or Extended Supervision Officer: The probation or extended supervision officer is a **voting member** of the Veterans Court Team. He or she will attend all staff meetings and Veterans Court Program sessions, and organize and present progress and adjustment information during the staff meetings.

3.15.7 County Veterans Service Officer: The Sheboygan Area Veterans Service Officer assists in the immediate identification of veterans, determines benefit eligibility, and refers appropriate veterans to the VA Medical Center or Clinic for initial screening and subsequent evaluations, assessments, and/or treatment. The County Veterans Service Officer is a **voting member** of the Veterans Court Team. He or she will attend staff meetings, in person or by written communication, to provide information and perspective regarding the veteran participants' community adjustment and treatment progress. He or she will, as available, attend Veterans Court Program sessions.

3.15.8 Veterans Justice Outreach Coordinator (VJO): The Veterans Justice Outreach Coordinator attends the staff meetings in person or by telephone and serves as the liaison between the veteran participant, the Veterans Court Program, and the VA Medical Center or Clinic. The VJO will facilitate VA linkages for services, coordinate reports from VA entities, check and assist with determining eligibility for services, and assist with case management for VA services. The VJO is **not a voting member** of the Veterans Court Team.

3.15.9 Veterans Mentor Coordinator: The SAVTC mentors are coordinated by the Mentor Coordinator. The Coordinator is a **voting member** of the Veterans Court Team. The Coordinator is in charge of training mentors. The Coordinator also assigns mentors to participants, recruits mentors, communicates with mentors, and provides on-going support and guidance to participants and mentors to foster and facilitate their relationships.

3.15.10 Law Enforcement Members. The SAVTC maintains two positions for law enforcement members. The positions are filled by a representative of 1) The Sheboygan Police Department, and 2) The Sheboygan County Sheriff's Department. The law enforcement members are **voting members**. These members provide guidance and expertise to the Team in the identification of participants, admission of participants, and manner of supervision. These participants attend weekly staff meetings.



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3.15.11 *Fifth and Sixth Voting Member:* Whenever there is a quorum of Veterans Court Team voting members present, and there is one or two voting positions vacant at that time, the voting members present may select, by a simple majority vote, a person of suitable background to that required of the then vacant position and submit the selection to the Veterans Court Judge for confirmation and temporary appointment. The Veterans Court Judge will review the character and qualifications of the selected person and, if found to be appropriate to fulfill the function of the vacant position, appoint the person to fill the vacant position for a specified length of time. The Veterans Court Judge may reject the suggested individual and require the Veterans Court Team to reselect a suitable candidate for the vacant position.

3.15.14 *Military Status of Voting Members:* It is expected that all voting members of the Veterans Court Team will, whenever possible, be themselves veterans or service members of a uniformed military service.

3.15.15 *Service of Voting Members at the Discretion of the Veterans Court Judge:* All voting members of the Veterans Court Team will serve at the pleasure of the Veterans Court Judge. All voting members of the Veterans Court Team will be appointed to their position by the Veterans Court Judge. The tenure of service of each voting member of the Veterans Court Team will be subject to the discretion of the Veterans Court Judge. The Veterans Court Judge may discharge any voting member of the Veterans Court Team at any time and for any reason.