

**9<sup>TH</sup> CIRCUIT COURT, NASHUA DISTRICT**  
**DIVISION**

**VETERANS BEHAVIORAL HEALTH TRACK**  
**PROGRAM**

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# **VETERANS BEHAVIORAL HEALTH TRACK**

## **MISSION STATEMENT**

**The Veterans Behavioral Health Track seeks to provide an effective and meaningful alternative to the traditional criminal justice system for justice-involved veterans and service members. Our goal is to promote prompt intervention, education, treatment and recovery in order to improve the quality of the veteran's or service member's life, reduce recidivism and improve community safety.**

# **VETERANS BEHAVIORAL HEALTH TRACK**

## **GENERAL DESCRIPTION**

The Veterans Behavioral Health Track is an intensive and comprehensive behavioral health court program designed as an alternative to incarceration. The Veterans Behavioral Health Track strives to hold its participating Veterans/Service Members (V/SM) accountable for their behavior while also encouraging the V/SM to engage in behavioral health treatment.

The Veterans Behavioral Health Track is guided by the following principles:

- 1) Maximize the communication and cooperation between the behavioral health system, where possible the Veteran's Administration (VA), and the criminal justice system;
- 2) Improve access to VA and/or community behavioral health services;
- 3) Expedite case processing time with a team approach;
- 4) Reduce recidivism;
- 5) Better protect the safety and well-being of the community;
- 6) Improve appropriate treatment for identified defendants;
- 7) Ensure that punishment for non-compliance with the treatment plan be swift and graduated to fit the circumstances;
- 8) Incorporate VA and community-based educational, vocational, counseling and self-help courses and programs into a comprehensive treatment plan of self-improvement; and
- 9) Provide peer-to-peer support by a trained veteran mentor for the V/SM; and
- 10) Allow family members and others responsible for the care of the V/SM to become involved in the treatment and recovery process, in appropriate circumstances.

A V/SM may apply for admission into the program as part of the disposition of any criminal matter. The V/SM will be assessed by the Court Liaison to determine eligibility for the program. Additional evaluations may be required. A treatment plan will be developed by the Court Liaison and treatment providers with input from the V/SM and the evaluators. The plan will be reviewed and signed by the V/SM and his/her counsel. If the V/SM does not agree to the plan, he or she would not qualify for Veterans Behavioral Health Track and the matter will be referred back to the normal court process.

In situations where there is co-occurring substance abuse, the Treatment Plan will include a substance abuse component that may require the V/SM to undergo a substance use evaluation and comply with recommendations.

Treatment will be monitored by the Court Liaison in order to make sure the V/SM is complying with the treatment plan. V/SMs must authorize any treatment providers, including the VA, doctors and counselors, to disclose to the Court Liaison any noncompliance with the treatments plan, such as missed appointments, substance abuse or failure to take medications as prescribed. The purpose of these disclosures is to quickly detect any noncompliance and address the situation promptly and effectively.

# **VETERANS BEHAVIORAL HEALTH TRACK**

## **PROGRAM INFORMATION**

### **What is Veterans Behavioral Health Track?**

The Veterans Behavioral Health Track was created by the court, the VA, behavioral health providers, prosecutors and defense counsel in order to provide sentencing alternatives to V/SM with behavioral health issues who are involved in criminal matters. The program integrates treatment into the resolution of the case. The fundamental principal of the program is that V/SM who engage in criminal behavior *due to their service-related behavioral health issues* should undergo appropriate treatment in order to modify their behavior and achieve recovery. Punishment, such as jail, alone has proven to be ineffective and inappropriate.

The program is run through the 9<sup>th</sup> Circuit Court and is administered by the VA and affiliated service providers. Most cases are from the District Division however referrals on felony matters are considered upon approval of the County Attorney's Office and the Superior Court Judge.

Someone charged with a crime can enter the program on one of three tracks.

### **TRACK I – Placed on File Agreement**

The prosecutor and V/SM charged with a criminal offense agree to continue the adjudication of the case for a designated period of time, usually one (1) year. During this period the V/SM must remain of good behavior and comply with their treatment plan. The case would not be prosecuted if the V/SM remains in compliance.

### **TRACK II – Suspended or Deferred Sentence**

After conviction the defendant is sentenced to jail and/or a fine. The sentence is suspended or deferred for a designated period, usually one (1) year, during which the V/SM must remain of good behavior and comply

with their treatment plan. The incarceration in jail or fine would not be imposed and the case closed if in compliance.

### **TRACK III – Bail Supervision**

Certain conditions, including behavioral health and/or substance abuse treatment, are added as conditions of bail pending trial. The V/SM charged with an offense would have to comply with their treatment plan as well as all other conditions of bail.

#### **What is a Treatment Plan?**

The treatment plan outlines the specific treatment a V/SM must comply with as part of the program. A treatment plan is created for each V/SM and typically includes counseling, taking medication as prescribed, education/vocation rehabilitation, peer-to-peer support and substance abuse treatment, if deemed appropriate.

#### **Who creates the Treatment Plan?**

The treatment plan is developed by the V/SM, the Court Liaison and the V/SM's treatment providers.

#### **Who is the Court Liaison?**

The Court Liaison is the Veteran's Justice Outreach Coordinator (VJO) who serves as a liaison between the court, treatment providers, prosecutor, V/SM and attorney. The Court Liaison determines eligibility for the program arranges evaluations and prepares the treatment plan in conjunction with evaluators and the treatment team.

#### **Must I receive treatment at the VA?**

No. Treatment can be provided by any appropriate provider. If the V/SM is eligible for VA services but seeks treatment outside of the VA, the V/SM may be liable for the cost of that treatment.

## **Who is eligible for the program?**

Any V/SM who has been charged with a criminal offense and has a diagnosed or diagnosable behavioral health issue or mental illness that contributed to the behavior resulting in the charged offense. Prior criminal record will have an impact on the track but not on eligibility for the program.

## **How do I get into the program?**

Referrals to the Veterans Behavioral Health Track can come from a number of different sources including the police, prosecutor, defense counsel, treatment provider, family members, the VA or the court.

The referral will be made to the Court Liaison who will explain the program to the V/SM. If agreed, an initial assessment to determine eligibility will be arranged. Additional evaluations may be recommended. If the V/SM is deemed eligible and agrees to enter the program, a treatment plan will be created. A contract, incorporating the treatment plan, is signed by all parties and presented to the court for approval.

## **Am I required to enter the program?**

No. This is a voluntary program. A V/SM must sign an agreement (“Contract”) before entering the program.

## **Do I have to go back to court?**

Probably. The court usually schedules periodic review hearings to check on compliance with the treatment plan.

## **What happens if I do not comply with the treatment plan?**

Compliance with the treatment plan is essential to the V/SM’s success. Sanctions for non-compliance will be graduated based on the seriousness of the offense and any prior infractions. For instance, a missed appointment may result in an increase in reporting to court for reviews or community service. New arrests, failure to attend court reviews or repeated failures to attend appointments shall result in a violation notice being sent to the prosecutor and defense counsel.

Initially there will be a meeting between the Court Liaison, prosecutor, V/SM and defense attorney to discuss the infraction and any

modification(s) to the treatment plan that may be appropriate. If the V/SM disputes the infraction or a modification cannot be resolved, the prosecutor may file a pleading with the court and a hearing scheduled. If the V/SM is found not to be in compliance then a modification can be ordered by the court or participation in the program terminated.

If terminated from the program then:

Track I – the case is returned to the trial docket.

Track II – a hearing on the imposition of the suspended or deferred sentence is scheduled.

Track III – bail is revoked and the conditions of bail are readdressed.

The court reserves the right to suspend a V/SM's involvement in the program for non-compliance, pending resolution of the alleged non-compliance.

### **What happens when the term of program ends if I am in compliance?**

If the V/SM has remained of good behavior and complied with the treatment plan then:

Track I – Case closed without prosecution.

Track II – Sentence is satisfied and case closed.

Track III – The matter will be resolved either by trial, or agreement of the parties, which may include further participation in the program under either Track I or Track II.

### **Why do I have to sign a release of information?**

The information you share with your therapist and doctor is privileged and confidential under both state and federal law. In order to monitor compliance with the program, V/SMs will be requested to sign a limited waiver of confidentiality so the therapist and doctor can disclose the V/SM's compliance with the treatment plan.



**VETERANS BEHAVIORAL HEALTH TRACK**  
**PROGRAM**

**CONTRACT**

Participant: \_\_\_\_\_ Case #(s) \_\_\_\_\_

Charge(s): \_\_\_\_\_ Track: \_\_\_(I, II or III)

Suspended/deferred sentence if Track II: \_\_\_\_\_

I, \_\_\_\_\_, understand that I have qualified to enter the Veterans Behavioral Health Track Program. Court Liaison and/or my attorney have explained the following conditions to me and I am voluntarily entering the Program under these conditions:

- (1) I agree to follow my treatment plan developed by my provider, including:
  - (a) I will fully participate in treatment as recommended by my treatment team, including any recommended modifications;
  - (b) I will take all medications as prescribed by my treatment provider;
  - (c) I will attend all individual and group counseling appointments and will call my counselor in advance if I am unable to make an appointment. I am responsible to promptly reschedule the appointment; and
  - (d) I will cooperate with any additional evaluations recommended by the treatment team and comply with all recommendations.
- (2) I will attend all scheduled court appearances.
- (3) I will remain of good behavior, defined as not committing a felony, misdemeanor or major motor vehicle violation.
- (4) I will refrain from any use of alcohol and any use of non-prescribed narcotic or controlled substance.
- (5) I understand that if I do not follow these conditions there may be consequences. For minor infractions, such as missing a treatment appointment, I can be sanctioned by the judge and required to perform up to 5 hours of community service for each infraction or attend court reviews more often. If I do not accept the court's sanction or

I commit more serious infractions, such as missing court reviews, repeatedly missing treatment appointments or new arrests the Court Liaison may report my non-compliance to the Prosecutor and my attorney, if I have one. If the Court liaison, prosecutor and my attorney believe the infraction can be resolved with a modification to my treatment plan, then a meeting shall be scheduled.

- (6) If the alleged infraction cannot be resolved, the prosecutor may file a motion with the court and I will be required to appear before the Judge at a hearing. My attorney, if I am represented, will appear with me at this hearing. I understand that I will be entitled to due process at this hearing. If I am found to be in violation then a modification can be ordered by the court or my participation terminated.
- (7) I understand that the Judge may temporarily suspend my participation in the program pending a hearing; this does not suspend treatment. I understand that I may continue to receive treatment from my provider(s) while awaiting a hearing.
- (8) If I choose voluntarily to leave the Program, I will notify Court Liaison and my attorney immediately and my participation in the program terminated.
- (9) I understand that if terminated from the program for any of the above reasons my case will be returned to the usual court process and the prosecutor and defense counsel notified. The prosecutor may request the case be scheduled for trial if Track I, the suspended/deferred sentence be imposed if Track II or bail be revoked and a bail hearing scheduled if Track III.
- (10) I agree to sign a limited waiver of confidentiality to allow the Court Liaison to monitor my compliance with the treatment plan.

\_\_\_\_\_  
Participant

\_\_\_\_\_  
Attorney for Participant

\_\_\_\_\_  
Court Liaison

\_\_\_\_\_  
State

Approved,

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

**CRIMINAL RECORD CHECK CONSENT**

I, \_\_\_\_\_, \_\_\_\_\_, authorize  
Print Client's Name Date of Birth

the Veterans Behavioral Health Track to obtain a copy of my state and national criminal record from the \_\_\_\_\_ Police Department, in addition to a motor vehicle record at anytime during my participation within the program. The information obtained is to be used to determine acceptance and compliance with the Veterans Behavioral Health Track program contract, which requires me to remain arrest free and to report any contact with law enforcement.

I further authorize the Hillsborough County House of Corrections to obtain a copy of my state and national criminal record, in addition to a motor vehicle record at anytime after my completion of the program. This authorization shall expire 3 years from the date of successful completion of the program and shall be used to evaluate program effectiveness and recidivism only.

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

# **VETERANS BEHAVIORAL HEALTH TRACK PROGRAM**

## **CONTACT INFORMATION**

For further information on the Veterans Behavioral Health Track Program contact:

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1-855-212-1234

N.H. Public Defender  
44 Franklin Street  
Nashua NH 03064  
Tel: (603) 598-4986

Nashua Police Department  
Legal Bureau  
Panther Drive  
Nashua, NH 03062  
Tel: (603) 594-3500

Hudson Police Department  
Legal Bureau  
1 Constitution Drive  
Hudson, NH 03051  
Tel: (603) 886-6011

Hollis Police Department  
Legal Bureau  
9 Silver Lake Road  
Hollis, NH 03049  
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