

ROCKINGHAM COUNTY SUPERIOR COURT
VETERANS BEHAVIORAL HEALTH TRACK

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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;
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 who is involved in criminal matters and who has service-related behavioral health issues may apply for admission into the program, which integrates treatment into the resolution of the case. The fundamental principal of the program is that V/SMs 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. The V/SM will be evaluated by the Court Liaison to assess 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 the 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 the 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/SMs 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/SMs 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 alone, such as jail, has proven to be ineffective and inappropriate.

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. If a V/SM enters this track, he/she will be expected to admit to sufficient facts to support a conviction, and a “default” sentence would need to be fully negotiated and agreed to in advance in the event the V/SM fails to fulfill his/her obligations.

TRACK II – Suspended or Deferred Sentence

After conviction the defendant is sentenced to jail and/or a fine. The sentence is suspended or deferred, all or in part, 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 suspended or deferred period of incarceration and/or the fine would

not be imposed and the case would be closed if the V/S/M complies with their treatment plan.

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/or 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, treatment team members, and the V/SM. The Court Liaison assesses eligibility for the program, arranges evaluations, and prepares the treatment plan in conjunction with evaluators and the treatment team.

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 both contributed to the behavior resulting in the charged offense and is related to their service in the armed forces is eligible for participation in the Veterans Behavioral Health Track. A 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 treatment team, which will make a recommendation to the court. In all cases, the court will make the final determination as to whether a V/SM will be accepted into the Veteran's Behavioral Health Track.

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, and there must be a fully negotiated agreement in place between the defense and the state before a V/SM is accepted into the program.

Do I have to go back to court?

Yes. Veterans Behavioral Health Track sessions are generally held on a monthly basis. Moreover, additional sessions may be scheduled when the need arises.

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 a VS/M is terminated from the program, the following will occur:

Track I – the case is returned to court and a plea and sentencing hearing will be scheduled.

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

Track III – bail may be revoked and/or the conditions of bail may be 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 the program ends if I am in compliance?

If the V/SM has remained of good behavior and complied with the treatment plan, the following will occur:

Track I – The case will be closed without prosecution.

Track II – In most cases, the sentence is satisfied and the case will be closed. If a portion of the sentence extends beyond the completion of the Veterans Behavioral Health Track Program, the VS/M must comply with the remaining terms of the sentence.

Track III – The matter will be resolved either by trial, or by 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

CONTRACT

Participant: _____ Case #(s) _____

Charge(s): _____ Track: ____ (I, II or III)

Negotiated sentence (if Track II):

I, _____, understand that I have qualified to enter the Veterans Behavioral Health Track Program. The 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 abide by the treatment plan developed by my provider. This includes the following requirements:
 - (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 understand that 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, which is defined as not committing any felony, misdemeanor, or major motor vehicle violation enumerated in RSA 259:39, I.
- (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 and/or attend court reviews more often. If I do not comply with the court's sanction or I commit a more serious infraction, such as missing a court review, repeatedly missing treatment appointments, or engaging in conduct that results in a new arrest, 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. Moreover, depending upon the gravity of the infraction, the Court may also issue an arrest warrant.
- (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 of law at this hearing. If I am found to be in violation then a modification may 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 may be 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 that the case be scheduled for trial if in Track I, the suspended/deferred sentence be imposed if in Track II, or bail be revoked or a bail hearing scheduled if in 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

State

Court Liaison

Approved by:

Presiding Justice

Date

CRIMINAL RECORD CHECK CONSENT

I, _____, _____, authorize
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 Rockingham 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's Signature

Date

VETERANS BEHAVIORAL HEALTH TRACK PROGRAM

CONTACT INFORMATION

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

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Other contact information:

Rockingham County Superior Court
P.O. Box 1258
Kingston, NH 03848
1 (855) 212-1234

Seacoast Mental Health Center
1145 Sagamore Avenue
Portsmouth, NH 03801
(603) 431-6703

Rockingham County Attorney's Office
P.O. Box 1209
Kingston, NH 03848
(603) 642-4249

Center for Life Management
10 Tsienneto Road
Derry, NH 03038
(603) 434-1577

Rockingham County Probation Department
8-A Continental Drive
Exeter, NH 03833
(603) 772-4730

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(603) 778-0526

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