



# NADCP

**National Association of  
Drug Court Professionals**

## *Veterans Treatment Court Planning Process Guide*

### **I. Laying the Foundation**

#### 1. Identify the Drug Court Advisory Council

- Chief Judge
- Elected Prosecutor
- Chief Public Defender
- Chief Court Administrator/Court Clerk
- Chief of Police
- Elected Sherriff
- Chief Probation Officer
- Director of Treatment Services
- County Commission
- State Department of Veterans Affairs*  
*(to engage the 43 Veterans organizations and*  
*Help identify the person to represent the service organizations*
- Veterans service organizations (American Legion,*  
*Disabled American Veterans, 43 organizations*
- Representatives of the Vet Center (focus on combat vets)*  
*Can provide services to families (ie; Domestic Violence,*  
*Outpatient services, 299 clinics around the US*
  - 50 Mobile Vet Centers*
  - Veterans Homeless Services*
  - Decision Makers- Members who can authorize*  
*funds*
  - Faith Based organizations or retired Military*  
*person with some influence in the community*
  - Employment Service Provider (State DOL)*
  - LVER Local Veterans Employment*  
*Representative*
  - Someone to provide services to Veterans that*  
*are not eligible for veterans benefits*
  - Someone to represent Juveniles/ Juvenile*  
*services*
  - Representatives from HUD (Vouchers are given*  
*out by the VA, a housing cooperative)*
  - Local treatment provider*
  - Contact with commanders of local bases*

- President of Private Defense Bar, Criminal Defense Bar/ Attorneys*
- We need to engage up front. It is the key to buy-in. Who do we need to engage for day-to-day operation of the VTC?*

2. Identify the Drug Court Planning Team Members

- a. Judicial
  - Judge
  - Magistrate
- b. Prosecution
  - District Attorney
- c. Defense
  - Public Defender
  - Private Defense Attorney
  - Local Bar Association
- d. Coordination
  - Court Administrator
  - Clerk
  - Other: \_\_\_\_\_
- e. Community Supervision
  - Pre-trial
  - Probation
  - Parole
  - Community Corrections
  - Law Enforcement
    - Police
    - Sherriff
    - Highway Patrol
- f. Treatment
  - Private Provider
  - County/State Provider
  - Health Department
  - Mental Health
- g. Evaluator
  - Local College/University Professor
  - Research/Evaluation Company
- Add representative from the VA/VJO for mentors*
- Someone to coordinate between the court and Veterans service providers at the VA other than the role of the traditional Drug Court Coordinator*
- Someone with expertise on Mental Health or someone dually trained or skilled (VA?)*
- Need a community treatment provider to coordinate VA and Community Treatment resources*

- Coordinator needs to provide integrated treatment(ie: drug treatment, medication, co-occurring/behavioral, mental health)*
  - Coordinator for volunteer mentors/ service groups “Where do we find them?, Veterans Advisory Council)*
  - Community Supervision, Law Enforcement, Private Supervision, Probation Officer*
  - What does the DA know about the veterans needs/issues*
3. Secure Team Commitment
- a. During planning process
    - Agreement from all department heads
    - Develop inter-agency agreements
    - Identify resistance to the program
  - b. Identify impacts on each agency
    - Political
    - Time
    - Cost
  - c. Collaboration
    - Team participation in developing the program
    - Establish on-going planning meetings
  - Mou’s with VBA, VHA, Court*
  - Consider the benefits and detriments of official MOU’s*
4. Identify Other Key Stakeholders
- Media/Community Groups
  - Substance Abuse Treatment Providers/Agencies
  - Mental Health Treatment Providers/Agencies
  - Other State Agencies- Children & Families, Education etc.
  - Vocational & Educational Communities
  - Job Skills -Training & Placement Agencies
  - Chamber of Commerce
  - Welfare to Work Programs
  - Victim Groups (MADD, etc)
  - Anticrime and anti-drug coalitions
  - Ex-offender / ex-addict groups
  - Police or Sheriffs Association
  - Department of Corrections*
  - Local Reserve and National Guard*
  - Mayors*
  - NAMI*
  - VA Regional Council (will need to approve forms) as well as all those listed in section I.1 Release forms*
5. Identify the Problem
- a. Jail overcrowding
    - Identify type of cases
  - b. Prison overcrowding

- Identify type of cases
- c. Crowded criminal court dockets
  - Identify type of cases
  - Identify sentencing practices
- d. Crime and drug trends
  - Increase in crime to include types
  - Increase in drug use to include types
  - Other social impacts (i.e. emergency room episodes, overdoses, property damage, etc.)
  - Increase in the number of Justice Involved Veterans*
  - Assess how many Veterans are in the jail right now*
  - Examine national data which indicates that 1 in 4 or 1 in 5 returning veterans are presenting with PTSD, co-occurring, suicide*
  - Examine pre-war numbers vs. during or post war numbers*
  - Assess the emergence or prevalence of veterans in all other courts*
  - Look for younger veterans (19-20) in jails, probation, corrections*
  - Examine calls to 911, 211 Centers `contact to mental health clinics*
  - Examine jurisdictions around forts with large numbers of soldiers deployed for returning soldiers with issues*

## **II. How to Design An Adult Drug Court Program**

1. Develop the Mission Statement
  - Purpose of the drug court (developed by team)
  - Address the goals
  - Articulate the motivation of team and stakeholders
2. Define the Goals and Objectives
  - a. Goals
    - Focus on public safety and personal responsibility
    - Improved utilization of community resources
    - Cost effect on criminal justice system
    - High rates of retention and completion
    - Improved functioning of individuals
    - Address access and fairness issues
  - b. Objectives
    - Clearly stated, realistic end results
    - Quantifiable with measurable outcomes
    - Respond to participant, stakeholder and community needs
    - Attainable given program design and resources available
3. Identify the Target Population
  - a. Review problem data
    - Determine which offenses and/or type of offenders to include
    - Focus should be placed on High Risk/High Need offenders

- Define a Veteran- Operation Iraqi Freedom, Operation Enduring Freedom, Combat, Guard, Reserve, Active*
- Are you going to accept active duty soldiers (if so, may have dual jurisdiction issues)*
- Redeployment vs. non-deployable*
- Discharge status; Honorable, General under Honorable, General other than Honorable, Bad Conduct, Dishonorable, Administrative Discharge*
- Potential to upgrade discharge*
- Connection between discharge status and eligibility for VA benefits*
- Must take referrals from Department of Defense*

4. Design Eligibility and Disqualification Criteria

- Level of Crime: Felony/Misdemeanor
- Type of Crime: Possession/Drug Motivated/Drug Sales
- Drug Use and Abuse History/Drug Dependency
- Criminal Background
- Residency
- Mental Health and Health Issues
- Current Legal status
- Probation/Parole Status/Revocation
- Violence, Domestic Violence, Violent History, Sex Offenses,*
- Weapons offenses, mental health issues*
- State Statutes*
- DWI*
- VA Medical Benefit Screening*
- Screening for VA Monetary Benefits*
- Social Security Benefits*
- Do not disqualify a participant with low AOD issues who may have Mental Health issues*

5. Determine Court Model

- Pre Plea Diversion
- Post Plea
- Deferred Sentencing
- Probation
- Probation Revocation
- Reentry

6. Design Entry Process

- a. Risk and Need Assessment
  - Determines who is most suited for Drug Court
  - Identify tool(s) to be used
  - Identify who will administer risk and needs assessment
- b. Identify who will conduct legal screening

- Prosecutor
  - Defense Attorney
  - Coordinator
  - Entire Team
- c. Determine Points of Entry
- At Arrest
  - Bail
  - Pre-trial Review
  - Initial Court Appearance
  - Pre-sentence Hearings
  - Probation Revocation Hearing
  - Re-entry and other court referrals (Federal, Tribal)*
- d. Clinical Screening
- Identify and select a tool
  - Identify who will conduct the screening
    - Drug Court case managers
    - Pretrial Services
    - Probation
    - TASC
    - Treatment Provider
    - VA will conduct screening to make further treatment recommendations for services through the VA moving toward development of a case plan.*
    - Homelessness*
    - Health Assessment*
    - VA Assessment instruments (who will conduct the screening)*
    - Mental health screening (who conducts)*
    - Screening for TBI and Poly Trauma/Combat stress*
- e. Purpose of Screening
- Determine the presence and severity of substance abuse.
  - Weed out persons who do not have substance abuse problems.
  - Determine if the severity of substance abuse problem is appropriate to the level of available drug court services.
- f. Clinical Assessment
- Identify and select a tool
    - Address biological, psychological and sociological factors
  - Identify a clinically trained and qualified counselor, psychologist, psychiatrist, social worker, or nurse to administer tool.
- g. Purpose of Assessment
- Examine scope and nature of substance abuse problem
  - Identify full range of service needs, pursuant to treatment planning
  - Match participants to appropriate services
  - Determine where and when the legal and clinical screening will be administered
  - Determine where and when the clinical assessment will be delivered

7. Establish Drug Court Phase System
  - a. Determine Length of Program
    - Legal Requirements
    - Treatment Needs
  - b. Determine Number and Length of Phases
    - Phase Advancement Requirements
  - c. Define Specific Court-Imposed Rules
    - Rules and regulations of treatment
    - 12 Step Meetings/Support Meetings
    - Community Service
    - Employment
    - Program Fees/Court Costs
    - Alumni/Continuing Care
    - Court Appearances
    - Drug Tests
    - Curfew
    - Ancillary Services
    - Case Management
    - Educational/Vocational Training/GED
    - Drug-Free/Pro-Social Activities
    - Follow rules and regulations of mental health treatment*
    - Participate in a mentoring program*
8. Develop Treatment Protocol
  - a. Assess Treatment Resources and “Levels of Care” in the Community
    - Detoxification
    - Intensive Outpatient
    - Outpatient
    - Day Treatment
    - Inpatient Residential
    - Halfway House
    - Sober Living
    - Medical Care
    - Mental Health Care
    - Medication Assisted Programs
    - Case Management Services
  - b. Assess Other Ancillary Resources Available in the Community
    - Community Mapping Tool
  - c. Choose the Treatment Program(s) to Serve the Drug Court
    - Duration of Treatment
    - Goals of Treatment
    - Frequency of Treatment in each Phase
    - Culturally Appropriate Services and Staff
    - Individualized Treatment Plans
    - Type of evidence-based treatment used by provider
      - Cognitive Behavioral Therapy
      - Motivational Enhancement Therapy

- Community Reinforcement Approach
- Medically Assisted Treatments
- Relapse Prevention
- Aftercare/Continuing Care
- Determine Administrative Responsibilities for Providers
  - Types of reports to be generated
  - Information to be shared with team

9. Identify Community Resources

- Complete Community Mapping
- County and other Veterans services*
- Military Bases*

10. Develop Community Supervision Protocol

a. Determine Which Agency Supervises Clients

- Probation
- Parole
- Police
- Sheriff
- Pre-trial Services
- Marshalls
- Community Supervision Officers
- Case Managers

b. Develop Practices

- Determine Frequency of Contact by Phase
- On-going Assessment
- On-going Home Visits
- Search
- Surveillance
- Bar, *Casino* and Restricted Area Sweeps
- Office Visits
- Lower the supervision bar due to reduced expectations of client behavior with clients with mental health issues (PTSD, TBI or other special needs)*

11. Develop Drug Testing Protocol

a. Determine Which Agency Administers Drug Tests

- Probation
- Parole
- Police
- Sheriff
- Pre-trial Services
- Marshalls
- Community Supervision Officers
- Case Managers
- Treatment Providers
- VA Drug Testing Protocol*



- b. Determine Type(s) of Drug Test Methodology
  - Onsite/Laboratory
  - Urine
  - Hair
  - Saliva
  - Breath
  - Blood
  - Sweat
- c. Determine Frequency of Testing in Each Phase
  - Significant Testing Frequency in Early Phases and Titrate Frequency Down in Higher Phases
- d. Develop Process for Randomization
  - Color Code Phone Message
- e. Develop Process for Collection
  - Observed
  - Male and Female Collectors
  - Chain of Custody
  - Confirming Positive Tests
  - Timeframe of Reports
  - Reporting Results
- f. Chose Drugs to be Tested
  - Illicit Drugs
  - Prescription Drugs
  - Alcohol
  - Adulterants

12. Develop Court Responses Protocol

- Develop Court Responses Based on the NDCI *Ten Science-Based Principles to Changing Behavior*
- Develop Memorandum of Understanding with Sherriff for Brief Jail and Other Sanctions (i.e., washing police cars, trash pick-up, etc.)
- Develop Strategy to Secure and Receive Donations for Incentives (i.e., public transportation tokens, movie passes, restaurant and shopping vouchers, etc.)
- Sanctions must be tailored to veterans with mental health problems (harm reduction, motivation, etc.)*

13. Develop Communication Protocol

- Develop Authorization/Consent Forms
  - Review Each Team Member Agency Ethics Regulations
- Understand Veterans Waivers and Forms*  
*How will the court and the VA trade reports, what format, content to be expected*  
*The VA is developing Treatment Performance Standards regarding treatment compliance*

14. Develop a Monitoring and Evaluation Protocol

- Select an Evaluator (public or private)

- Develop a logic model
  - Develop a Process Evaluation Plan
  - Identify Performance Measures
  - Develop How Data Will Be Collected and Stored
  - Consider Management Information Systems
  - To what extent can evaluation information be exchanged between VTC partners (i.e., Court, VA, Service Providers)*
15. Identify and Develop Waivers
- Develop Search Waiver
  - Develop Offender Contract
  - Develop Offender Consent Form
  - Define ethical considerations for VJO's/ Mentors and Veterans Administration*
16. Develop Operational Practices
- a. Establish Staffing Meeting Practices
    - Determine When and Where Staffing Will Occur
    - Determine Who is Required to Attend Staffing
  - b. Develop Progress Reports Practices
    - Determine What Information is Included in Progress Reports
    - Determine When Progress Reports are Due and to Whom
17. Creating a Sustainable Drug Court
- a. Identify Program Costs
    - Screening and Assessment Tools
    - Treatment Services
    - Drug Testing
    - Personnel
    - Training
    - Technology
    - Administration
    - Data Collection
    - Research
  - b. Identify Available Resources
    - Existing Employees
    - Existing Community Resources (community mapping)
    - Grants and Donations
    - Fundraising Strategies
    - Present / Include VA funding/services and level of financial commitment from the VA and Regional VA*
18. Manage Public Relations
- Educate Agency Partners
  - Educate the Public
  - Develop a Media Plan
  - Engage the Media

- Educate Local, State and National Leaders
- Connect with the Public Relations office at the VA*

## Key Topics for Drug Court Planning Training

- The Promise of Drug Courts
- The Ten Key Components of Drug Court
- Differing Drug Court Models
- The Science of Addiction and Psychopharmacology
- Cultural Competency and Proficiency
- Deciding on the Target Population(s)
- Assessing for Criminogenic Risk and Needs
- Clinical Screening and Assessment
- The Science of Substance Abuse Treatment: What Works
- Addressing Co-Occurring Mental Health and Health Disorders
- Addressing Relapse
- Best Practices in Effective Community Supervision
- Best Practices in Effective Drug Testing
- Sharing Client Information: Confidentiality and Ethics
- Preparing for a Drug Court Status Hearing
- The Drug Court Courtroom
- Addressing Client Behavior: Incentives and Sanctions
- Measuring Performance
- Research and Evaluation
- Management Information Systems
- Developing a Sustainable Court Program