



# BUNCOMBE COUNTY VETERANS TREATMENT COURT HANDBOOK

VTC Participants

Last updated February 2021

## MISSION

*The Mission of the Buncombe County Veteran's Treatment Court is to promote public safety through accountability and responsibility, and to assist and support veterans and their families through a coordinated effort among the court and community-based Veteran services, – thereby leaving no veteran behind.*



## **Program Description**

Buncombe County is the Third Veterans Treatment Court established in the State of North Carolina. The Buncombe County VTC was initiated January 2015 and entered the first participants June 22, 2015. The program provides a means to divert eligible veteran participants from the traditional criminal justice system and provide them support and rehabilitation through comprehensive substance abuse and/or mental health treatment, education, vocational programs, and community resource referrals for housing, childcare, and transportation, all while being judicially monitored.

Veterans Treatment Court (VTC) is made up of an extensive collaboration of dedicated partners, including criminal justice, federal veterans' agencies, and local community veterans' organizations. The target population includes military veterans who have been charged with non-violent felony or misdemeanor criminal offense(s) and who are identified with substance dependency and/or serious mental health issues.

The Buncombe County Veterans Treatment Court has adopted -- with slight modifications -- the essential tenets of the Ten Key Components of drug treatment courts, developed by the National Association of Drug Court Professionals (NADCP), and adapted by Buffalo's Veterans Treatment Court. They are the following:

1. Integrates alcohol, drug treatment, and mental health treatment, medical services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the Buncombe County Veterans Treatment Court program.
4. Access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent random alcohol and other drug testing.
6. A coordinated strategy governs Court responses to participants' compliance and provides a common operating plan for treatment providers and other VTC personnel.
7. Ongoing judicial interaction with each Veteran is essential.
8. Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective court planning, implementation, and operations.
10. Forging partnerships among treatment courts, public agencies, and community-based organizations generates local support and enhances veteran's treatment court effectiveness.

## **The Buncombe County Veterans Treatment Court Team**

Resident Superior Court Judge	Assistant District Attorney
(ADA) Public Defender	Mentor Coordinator
Probation Officer	Veterans Outreach (Charles George VA)
Buncombe County Veterans Services	Buncombe County Detention Center
Community Mental Health Services	VTC Coordinator
Evaluation/ Researcher (Western Carolina University)	
Treatment Court Supervisor	

### **Mission Statement**

*The Mission of the Buncombe County Veterans Treatment Court is to promote public safety through accountability and responsibility, and to assist and support veterans and their families through a coordinated effort among the court and community-based Veteran services, – **thereby leaving no veteran behind.***

### **Eligibility Requirements**

**Policy Statement:** Veterans Treatment Court is a viable and appropriate alternative to incarceration for certain criminal defendants. Decisions will be made objectively and balanced with the mission to keep the community safe. The Veterans Treatment Court Program has established eligibility requirements based on the target population and in accordance with current federal and North Carolina Statutes.

**Procedure:** The Buncombe County Veterans Court targets male and female veterans with substance abuse and/or mental health issues who have served in the U.S. Armed Forces (including the National Guard or Reserves) and who have a discharge of anything except a Dishonorable Discharge. Defendants may apply to Veterans Treatment Court at any time prior to sentencing. In addition, an otherwise eligible probationer who becomes subject to an application to accelerate or revoke may be admitted to Veterans Treatment Court. Defendants must have at least three years remaining on their sentence if already on probation.

All admissions to the Veterans Treatment Court program will be decided upon a case by case basis, taking into consideration all pertinent facts, evidence, law, and offender circumstances.

A veteran is eligible if they have at least 1 day of service after boot camp (basic training) OR if the individual is eligible for disability and/or health care benefits from the Department of Veteran Affairs. The defendant has to appear to have a substance abuse and/or mental health

diagnosis, and they must be from any of the 23 Western North Carolina counties that are covered by the Veterans Affairs catchment area.

### **Program Requirements**

As a Veterans Treatment Court Program participant, you will be required to abide by the following rules: Failure to do so may result in a sanction or termination from the VTC program.

1. You are required to be completely honest about your addiction and/or treatment concerns with yourself, the VTC Team, and all treatment providers in regards to any issues that affect your program requirements while in VTC. HONESTY will always be your best policy and is the first step in recovery. Honesty may prevent you from being sanctioned; however, dishonesty will ALWAYS result in a sanction.
2. **ANY AND ALL MEDICATIONS MUST BE APPROVED BY THE VTC TEAM IN WRITING.** Diluted drug screens will be addressed accordingly in that they are treated as a positive screen. If you have questions about this, please talk to the Coordinator or your probation officer. You must agree not to eat any **Poppy Seeds** while in the Program. **Consuming Poppy seeds will not be a valid defense against a positive drug test for morphine or any Morphine derivative. You cannot consume any alcohol based products (i.e., cough syrup, hand sanitizer, mouthwash, breath strips, non-alcoholic beer and wine) containing alcohol based products while in the program and using cough syrup is not a valid defense against a positive for alcohol. You must get permission from the probation officers and coordinator before consuming any over the counter medications, vitamins, etc.**
3. You may not drink any fluid excessively before testing and must avoid environmental contaminants, over-the-counter medications, or foods that can reduce the accuracy of the tests.
4. You will be sanctioned for using synthetic substances such as K2 or Spice that are designed to avoid detection by standard drug tests. Switching to a new substance of abuse (for example, switching from heroin to an unauthorized prescription opioid) will be presumed to be an effort to defraud the drug test. You may receive two sanctions in such circumstances, one for the substance use and one for the effort at deception.
5. Attend all VTC, Coordinator, Probation, assigned Mentor, self-help meetings, and court sessions. This includes any sessions required by your treatment provider, coordinator, probation officer, community support meetings, and drug tests. If the participant is unable to attend a meeting, they must contact the appropriate representative of that agency **before** a session is missed.
6. Abide by a 6:00 p.m. curfew through Phase 1 and/or as directed by the Judge and keep the ankle monitor charged at all times.

7. Turn in your self-help meeting verification sheets at each court session and be able to produce sheets when asked by coordinator, probation office and/or treatment providers. Do not forge yours or any other participant's community self-help meeting verification sheets. This is cheating and will not be tolerated. If you fail to have your meeting sheet signed at the meeting (i.e., having the chairperson sign the sheet on a separate sheet of paper) you will not get credit for those meeting(s).
8. Do not leave the county without permission. You must get permission from your Probation Officer prior to leaving Buncombe County.
9. Do not make threats toward other participants or staff or behave in a violent manner or disrupt treatment. Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in immediate termination from the VTC Program.
10. Do not bring drugs, alcohol or weapons into any treatment, case management or probation officer meeting, court, appointment or event.
11. Dating or any other type of intimate relationship with another VTC participant or any other Specialty Court (i.e. Drug Court, DUI Court) is PROHIBITED. Dating any member of your treatment group, mentor and VTC Team is prohibited.
12. Borrowing money from or loaning money to another VTC participant or Mentor is PROHIBITED.
13. Dress appropriately for court, probation appointments, treatment sessions and Coordinator meetings. (No ripped or tattered clothing, no halter or tank tops, no mini-skirts or shorts, no hats, bandanas or visors, and no clothing with offensive language or pictures).

**VETERANS TREATMENT COURT IS A COURT OF NO EXCUSES. YOU KNOW THE RULES AND IT IS YOUR RESPONSIBILITY TO FOLLOW THEM. IF YOU HAVE QUESTIONS, PLEASE ASK ANYONE ON THE TEAM. WE ARE HERE TO SUPPORT YOU.**

#### **Attendance and Absence Policy for Court Sessions**

VTC is held every other Friday at 10:30 a.m. in the 9<sup>th</sup> Floor Superior Courtroom of the Buncombe County Courthouse. If the floor/courtroom location for a court session must be changed, the change will be posted by the entrance elevators and on the 9<sup>th</sup> floor hallway bulletin board. **Court schedules may change due to certain issues such as weather, Judge's schedule, or other reasons.** The team will do its best to inform you of any changes, however, if you are in question of court, it is finally up to you to find out about scheduling and make the needed arrangements. In the event of bad weather, please refer to any and all local media (newspaper, radio, television, etc.) about courthouse closings.

### **Community Self-Help Meetings**

Approved **community self-help meetings** may be required by your treatment and/or supervision team. A.A. and N.A. are two examples. The more support and treatment you receive, the better your chances of being successful in recovery. You will be responsible for having the **chairperson or leader** of the meeting sign your meeting verification sheet. If you fail to have your sheet attendance properly documented you could receive a sanction from the Judge. In addition, if you choose a 12-step program, you must have a **sponsor** (someone with at least 5 years clean and sober) and a **home group** within a reasonable amount of time. Please ask for guidance from the Team if you have questions or problems finding a sponsor or home group. **Your meeting sheets will be collected and checked at each court session.** Frequent attendance in an approved community self-help program is important to your recovery. Al-Anon meetings are available for your family members to help them understand you, what you are trying to accomplish, and how they can help themselves while you are in treatment and/or in this program. Please talk to the coordinator if you believe your family may be interested in attending Al-Anon.

### **Biweekly Treatment Updates**

Prior to each biweekly court session, participants are required to complete the “Treatment Update” document and submit it to the VTC Coordinator by 5:00 p.m. each Thursday. The Biweekly Treatment update will detail: (1) which groups the client attended in the prior two weeks, (2) which groups the client missed and dates of the missed group(s), (3) the reason why the client missed any groups, (4) the number of days sober, and (5) last date of noncompliance and reason for noncompliance.

### **Treatment Protocol**

Each Veteran Treatment Court client will be assessed by licensed counselors with an approved treatment provider/organization.

Clients are required to comply with all treatment recommendations, including community self-help meetings, from the treatment providers. The VTC team may also connect clients with additional services for housing, education, and employment.

Note that peer based groups do not count towards fulfilling treatment requirements. Given the focus of the court as a *treatment* court, it is the client’s responsibility to comply with treatment recommendations when there is a conflict between treatment obligations and other prosocial activities (i.e., employment, family responsibilities).

### **Drug Testing Protocol**

You will be screened throughout your entire participation in the VTC Program. You will be screened weekly through your treatment provider and as directed by your probation officer. You will be subject to random drug screens, even though Phase 5. The Team will see and discuss all drug screen results including failure to screen, which is counted as a positive screen, and the

Judge may order you to have a drug test at any time. **A goal of the VTC is to help you stay clean and sober**, and the Team will be reviewing your overall performance as you progress in the treatment process. A diluted drug screen is considered as positive and you will be sanctioned.

### **Defrauding Drug Screens**

In line with best practice standards, “Drug and alcohol testing provides an accurate, timely, and comprehensive assessment of unauthorized substance use throughout participants’ enrollment” in problem-solving courts (Standard VII, Adult Drug Court Best Practice Standards Volume II). It provides the framework for accountability that is the key building block of the program. In line with North Carolina General Statute § 14-401.20, no participant shall:

- Possess, sell, give away or market for sell urine or transport urine (including synthetic urine) into the state for the purpose of defrauding a drug or alcohol screening test,
- Attempt to defraud a drug or alcohol screening test by the substitution or spiking of a sample,
- Use, possess or sell an adulterant that are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding a drug or alcohol screening test.

Any violation of these provisions can subject a participant to a termination hearing

### **Supervision Protocol**

The assigned supervision officer will further discuss the rules and conditions of supervision in Veterans Treatment Court, including, but not limited to:

- Curfew guidelines
- Employment and education verification
- Law enforcement contact
- Home visits
- Change of address procedures
- Support meetings verification
- Supervision fees (\$40.00 per month)
- Approved medications and forms
- Court guidelines
- Drug Testing Contracts
- Random searches of person, property, phones, and all social media (including but not limited to applications/websites, photos, messages, calls on any/all phones, tablets, electronic devices available to or used by the client)
- Performing 50 hours of community service
- \$250 community service fee

The Probation Officer makes a minimum of three contacts with each participant per month

within the first 30 days of probation, and then the contact schedule will vary based upon the clients' risk/needs level. Probation Officers submit weekly documentation via electronic progress reports to the Veterans Treatment Court team regarding participant compliance with program requirements. The Probation Officer may make random home or field visits to observe the home environment and/or to verify employment. These supervision contacts may occur within the supervision agency office, at court, at the participant's home, or at the participant's place of employment, in order to accurately monitor their activities and to be minimally intrusive to the participant and his/her family. Drug testing may be conducted randomly during home visits, at court, or at scheduled office visits.

Probation agencies charge each supervised participant a monthly supervision fee of \$40.00. Additional fees (i.e., court costs, fines, restitution, etc.) may be required of participants.

***Chief Probation and Parole Officer***

Joan McCurry

[Joan.McCurry@ncdps.gov](mailto:Joan.McCurry@ncdps.gov)

***Probation Officer***

Calvin (C.J.) Elkins

[Calvin.Elkins@ncdps.gov](mailto:Calvin.Elkins@ncdps.gov)

(828) 255-6452

**Prescription Medication Policy**

VTC participants are required to not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the client by a licensed physician and is in the original container with the prescription number affixed on it. VTC participants who receive a new prescription while active in the VTC program are required to report the prescription (along with the original container with the prescription number affixed to it) to their assigned Probation Officer and the VTC Court Coordinator within 24 hours of receipt from the physician.

**Travel Request Policy for Clients Residing at Veterans Restoration Quarters**

To better coordinate travel requests for clients staying at the Veterans Restoration Quarters (VRQ), the following process will govern participants' travel requests:

1. Participant who is residing at the VRQ puts in request to VTC AND VRQ;
2. Participant must have verbal confirmation between VRQ case manager and VTC Coordinator before travel is approved.



### **Incentives and Sanctions**

Participants who consistently comply with the VTC's requirements will be recognized for their positive behaviors and accomplishments. Some of the possible incentives that the Judge may order are, but are not limited to:

- Gift cards
- Phase promotion
- Letters of recommendation
- Reducing reporting requirements
- Allowing the client to travel outside of the county
- Supervised outings

If a client fails to comply with the requirements of the VTC, supervision, and/or treatment, their behaviors will be responded to per the sanctions matrix. The list above is not exhaustive and the Court may impose additional sanctions to help guide the client in his/her recovery. We reserve the right as a team to withhold sanctions, *if the participant has been consistently compliant*. Note that this is the exception rather than the rule.

### **WEEKLY REPORTING SHEETS**

Forms must be submitted by Thursday evening at 8:00 p.m. (Your week of tracking will go from Friday to Thursday of each week). A verbal warning will be given for the first forgotten week of not submitting the Weekly Reporting Form. All subsequent non-submits, a veteran will have 1 day added to their required phase-compliance time for every day that is late (max of 7 days each week). For example, if you submit your weekly reporting form on Saturday, this will add 2-days to your compliance time needed in your phase.

**Directions:** Staff should choose a treatment oriented response and a sanction in response to a client's noncompliance. Team members should issue lower level sanctions before escalating to higher level sanctions, unless the client has a history of noncompliance or there are aggravating circumstances. Consider: Client's risk/needs level, what phase they are in, is this a proximal or distal behavior, and overall level of compliance for that review period.

Low level offenses	1st offense	2nd offense (of same behavior)	3+ offense (of same behavior)
<ul style="list-style-type: none"> <li>• Positive drug screen(s)</li> <li>• Positive EtG(s) for alcohol</li> <li>• Miss treatment group(s)</li> <li>• Late to report to Coordinator, Probation, or treatment group</li> </ul>	<p><b><i>Treatment oriented response</i></b></p> <ul style="list-style-type: none"> <li>• Remind of obligations;</li> <li>• 3 pg essay;</li> <li>• Carey Guide;</li> <li>• Behavior chain;</li> <li>• Thinking report;</li> <li>• Skill development;</li> <li>• Contact with mentor/sponsor</li> </ul>	<p><b><i>Treatment oriented response</i></b></p> <ul style="list-style-type: none"> <li>• Make up missed treatment class;</li> <li>• Attend one additional class/session;</li> </ul>	<p><b><i>Treatment oriented response</i></b></p> <ul style="list-style-type: none"> <li>• Reassessment;</li> <li>• SAARPT or ADACT;</li> <li>• Inpatient/DART/Swain;</li> <li>• 1st at Blue Ridge or similar halfway house</li> </ul>
	<p><b><i>Low level sanction</i></b></p> <ul style="list-style-type: none"> <li>• Verbal warning from PO or CPPO;</li> <li>• Call VJO or Coordinator to confirm treatment appointments for next 5 days;</li> <li>• 4 extra CS hrs;</li> <li>• 3 days curfew</li> </ul> <p><b><i>High level sanction</i></b></p> <ul style="list-style-type: none"> <li>• Meet w/coordinator for 5 mornings for 1 week;</li> <li>• Watch court for 5 days;</li> <li>• 8 extra CS hrs;</li> <li>• 5 days curfew</li> </ul>	<p><b><i>Low level sanction</i></b></p> <ul style="list-style-type: none"> <li>• Call VJO or Coordinator to confirm treatment appointments for next 7 days;</li> <li>• Suspended sanction (EM);</li> <li>• Reinstate probation fees;</li> <li>• 8 extra CS hrs;</li> <li>• 5 days curfew;</li> <li>• Watch court for 5 days;</li> <li>• One extra drug screen</li> </ul> <p><b><i>High level sanction</i></b></p> <ul style="list-style-type: none"> <li>• Meet w/coordinator for 5 mornings to next 10 days;</li> <li>• 16 extra CS hrs;</li> <li>• 30 days EM;</li> <li>• SCRAM 30 days;</li> <li>• 7 days curfew;</li> <li>• Two extra drug screens;</li> <li>• 24 hours in jail</li> </ul>	<p><b><i>Low level sanction</i></b></p> <ul style="list-style-type: none"> <li>• Deny travel request;</li> <li>• 16 extra CS hrs;</li> <li>• Increase reporting to court;</li> <li>• 45 days EM;</li> <li>• SCRAM 45 days;</li> <li>• 7 days curfew;</li> <li>• Three extra drug screens;</li> <li>• 48 hours in jail;</li> <li>• Written warning</li> </ul> <p><b><i>High level sanction</i></b></p> <ul style="list-style-type: none"> <li>• 20 extra CS hrs;</li> <li>• 60 days EM;</li> <li>• SCRAM 60 days;</li> <li>• 14 days curfew;</li> <li>• Four extra drug screens;</li> <li>• 72 hour quick dip</li> <li>• Final contract</li> </ul>

Mid level offenses	<u>1st offense</u>	<u>2nd offense (of same behavior)</u>	<u>3+ offense (of same behavior)</u>
<ul style="list-style-type: none"> <li>• Lying</li> <li>• Missing meeting with probation or coordinator</li> <li>• Violating curfew</li> <li>• Traffic offense (i.e., DWLR)</li> <li>• Associating with known drug users</li> <li>• Possession of drugs or drug paraphernalia (excluding N.C. Schedule 1 or 2 drugs and analogs)</li> </ul>	<p><b><i>Treatment oriented response</i></b></p> <ul style="list-style-type: none"> <li>• Remind of obligations;</li> <li>• 3 pg essay;</li> <li>• Carey Guide;</li> <li>• Behavior chain;</li> <li>• Thinking report;</li> <li>• Skill development;</li> <li>• Contact with mentor/sponsor</li> </ul>	<p><b><i>Treatment oriented response</i></b></p> <ul style="list-style-type: none"> <li>• Make up missed treatment class;</li> <li>• Attend one additional class/session;</li> <li>• Add one group (MRT);</li> </ul>	<p><b><i>Treatment oriented response</i></b></p> <ul style="list-style-type: none"> <li>• Reassessment;</li> <li>• SAARPT or ADACT;</li> <li>• 1st at Blue Ridge or similar halfway house</li> <li>• DART;</li> </ul>
	<p><b><i>Low level sanction</i></b></p> <ul style="list-style-type: none"> <li>• Verbal warning;</li> <li>• 8 extra CS hours;</li> <li>• Report @ 8:30 a.m. for next 3 days to probation;</li> <li>• 5 days curfew;</li> </ul>	<p><b><i>Low level sanction</i></b></p> <ul style="list-style-type: none"> <li>• 16 extra CS hours;</li> <li>• Report @ 8:30 a.m. for next 5 days to probation;</li> <li>• 30 days EM;</li> <li>• 3 days driving restriction;</li> <li>• 10 days curfew;</li> <li>• 24 hrs in jail</li> </ul>	<p><b><i>Low level sanction</i></b></p> <ul style="list-style-type: none"> <li>• 20 extra CS hours;</li> <li>• Report @ 8:30 a.m. for next 7 days to probation;</li> <li>• 60 days EM;</li> <li>• 21 days curfew;</li> <li>• 7 days driving restriction;</li> <li>• 48 hrs in jail;</li> <li>• Written warning</li> </ul>
	<p><b><i>High level sanction</i></b></p> <ul style="list-style-type: none"> <li>• Move into halfway house or VRQ;</li> <li>• Report @ 8:30 a.m. for next 5 days to probation;</li> <li>• Extension of EM 14 days;</li> <li>• 24 hrs in jail;</li> <li>• 16 extra CS hours;</li> <li>• 7 days curfew</li> </ul>	<p><b><i>High level sanction</i></b></p> <ul style="list-style-type: none"> <li>• 20 extra CS hours;</li> <li>• Report @ 8:30 a.m. for next 7 days to probation;</li> <li>• 45 days EM;</li> <li>• 5 days driving restriction;</li> <li>• 14 days curfew;</li> <li>• 48 hrs in jail</li> </ul>	<p><b><i>High level sanction</i></b></p> <ul style="list-style-type: none"> <li>• 28 days curfew;</li> <li>• Report @ 8:30 a.m. for next 14 days to probation;</li> <li>• 90 days EM;</li> <li>• 14 days driving restriction;</li> <li>• 72 hrs in jail;</li> <li>• Final contract</li> </ul>

## **Termination**

The Buncombe County VTC is committed to helping clients address substance use issues, mental health problems, and any underlying issue that is contributing to their involvement in criminal activity. However, a VTC participant can be **automatically terminated** from the program for committing a criminal act of physical violence, threats to VTC staff/mentors/other court participants, absconding from the program, and/or are a public safety risk as determined by the Chief Probation Officer, supervising Probation Officers, and the District Attorney. Clients will be terminated from the program if they fail to appear in court and do not have face to face contact with probation. A VTC participant could potentially be terminated for repeated non-compliance and a new arrest.

## ***Warning and Final Contract***

Clients who are at risk of being terminated from the program will be counseled through a three-step process. First, clients will receive a verbal warning from the Judge during the open court session that they are at-risk of being terminated from the program. Second, continued noncompliance will result in a written warning. The written warning is executed when the VTC has explored all existing treatment resources and supports (i.e., DART, SAARPT, ADACT, etc.). Finally, after the VTC coordinator reviewing the written warning with the client and the client has signed the written warning, any noncompliance will result in the client receiving a final contract.

The final contract that includes: (1) a statement that they are at risk for being terminated from the program, (2) the contract will communicate that the team expects compliance from the client or they will be removed from the client, (3) a copy of their sanction, incentive, and treatment adjustment history, and (4) an individual counseling session between the Court Coordinator, supervising probation officer, Chief Probation Officer, and/or treatment provider/representative to plan for sustained compliance in the court. If the client exhibits continued noncompliance after being provided the final contract and attending the individual counseling session, the team has the right to vote on the client's termination from the court, following the Voting Policy above.

## **Program Phases**

In order to advance phases, participants must: (1) fulfill all requirements in the current phase, and (2) complete the "Application for Phase Advancement" and return to the VTC Coordinator by 5:00 p.m. on Thursday. Note that it is up to the discretion of the VTC team to determine if a client is moved up to the next phase.

## **HIGH RISK TRACK (A MINIMUM OF 16 MONTHS)**

### **Phase 1 (minimum of 90 days)**

- Attend court biweekly
- Follow orders of treatment and supervision
- Weekly office visit with Court Coordinator
- Weekly visits with Probation Officer
- Random urinalysis testing and home visits
- Comply with electronic monitoring (6:00 p.m. to 6:00 a.m.)
- Have one face-to-face meeting with mentor on non-court weeks
- Obtain approved housing

In order to advance to Phase 2, client must: (1) be in compliance with all conditions above for a minimum of 33 consecutive days, AND (2) have negative urinalysis screens for a minimum of 33 consecutive days.

### **Phase 2 (minimum of 90 days)**

- Attend court biweekly
- Follow orders of treatment and supervision
- Meet with Court Coordinator weekly
- Weekly visits with Probation Officer
- Random urinalysis testing and home visits
- Have one face-to-face meeting with mentor on non-court weeks
- Maintain approved housing

In order to advance to Phase 3, client must: (1) be in compliance with all conditions above for a minimum of 45 consecutive days, AND (2) have negative urinalysis screens for a minimum of 45 consecutive days.

**Phase 3 (minimum of 120 days)**

- Attend court biweekly
- Follow orders of treatment and supervision
- Meet with Court Coordinator biweekly
- Weekly visits with Probation Officer
- Random urinalysis testing and home visits
- Have one face-to-face meeting with mentor on non-court weeks
- Maintain approved housing
- Begin approved treatment that addresses criminal thinking
- Establish a social support network such as peer-to-peer support or support groups
- Establish a prosocial activity. This can include a community service or a wellness component.

In order to advance to Phase 4, client must: (1) be in compliance with all conditions above for a minimum of 90 consecutive days, AND (2) have negative urinalysis screens for a minimum of 90 consecutive days.

**Phase 4 (minimum of 90 days)**

- Attend court monthly
- Follow orders of treatment and supervision
- Meet with Court Coordinator biweekly
- Weekly visits with Probation Officer
- Random home visits
- Urinalysis testing one time per week with Probation (but also subject to random drug screens)
- Have one face-to-face meeting with mentor on non-court weeks
- Maintain approved housing
- Begin approved treatment that addresses criminal thinking
- Maintain a social support network such as peer-to-peer support or support groups
- Maintain a prosocial activity
- Obtain legitimate employment, vocational training, or community engagement

In order to advance to Phase 5, client must: (1) be in compliance with all conditions above for a minimum of 90 consecutive days, AND (2) have negative urinalysis screens for a minimum of 90 consecutive days.

### **Phase 5 (minimum of 90 days)**

- Attend court monthly
- Follow orders of treatment and supervision
- Meet with Court Coordinator monthly
- Weekly visits with Probation Officer
- Random home visits
- Urinalysis testing one time per week with Probation (but also subject to random drug screens)
- Have one face-to-face meeting with mentor on non-court weeks
- Maintain approved housing
- Begin approved treatment that addresses criminal thinking
- Maintain a social support network such as peer-to-peer support or support groups
- Maintain a prosocial activity
- Maintain legitimate employment, vocational training, or community engagement

In order to complete Phase 5 and complete the VTC program, client must: (1) be in compliance with all conditions above for a minimum of 90 consecutive days, AND (2) have negative urinalysis screens for a minimum of 90 consecutive days.

### **Graduation**

In order to graduate from Veterans Treatment Court, participants must:

- Successfully complete all treatment phases
- Pay any program or supervision fees in full
- Complete an aftercare plan with their assigned treatment provider and submit the aftercare plan to the Veterans Treatment Court team for review
- Complete an exit interview with the Coordinator and evaluator to provide feedback on benefits of the program and areas for improvement.

### **Complaints and Grievances**

Any participant, their family, or treatment advocate may file a grievance, which is defined as “any complaint about a rule, policy, decision, action, or conditions made by the agency, the agency staff, or agency volunteer.” A grievance should be filed within five (5) days of the action. To file a grievance, participants are instructed to write the complaint on a Participant Grievance Form, which may be obtained from the Veterans Treatment Court Coordinator. A proposed solution to the problem should be included. The Grievance form must be signed by the participant and returned to the office. The Veterans Treatment Court Coordinator (or designee) is to document the date received and sign. Within 14 days of receiving the grievance, an attempt will be made (by the Veterans Treatment Court Coordinator) to contact the participant and resolve the problem. A written response will be sent via US mail within 10 days from that date. Upon resolution of the grievance, the Court Coordinator is to document the date of resolution and sign the Grievance Form. If the participant remains unsatisfied with the response, he/she has the right to appeal the decision with the Court Coordinator within 10 days.

## Contractual Agreement

### BUNCOMBE COUNTY VETERANS TREATMENT COURT PARTICIPATION AGREEMENT

I, \_\_\_\_\_, have been accepted as a participant in the Buncombe County Veterans Treatment Court Program. I understand that if I successfully complete the Veterans Treatment Court Program my plea arrangement will take place (unless I am entering the program on a probation violation). I agree to do the following while participating in Veterans Court:

1. I will be a resident of Buncombe County. I will notify Buncombe County Adult Probation prior to leaving Buncombe County. Absconding from the program may result in my termination from the program.
2. I will obtain drug free stable housing.
3. I will follow all the conditions and rules of the Veterans Treatment Court, the program staff, the treatment provider and probation.
4. I agree to sign any and all releases necessary to monitor my progress and further treatment goals. I further agree to sign releases, which will allow the Veterans Treatment Court to review diagnostic and treatment information.
5. I agree that I will not use or possess any alcohol or illegal drugs.
6. I will submit to regular drug screens, as requested by VTC/Probation. A missed screen or a diluted screen will be treated as a positive screen.
7. You may not drink any fluid excessively before testing and must avoid environmental contaminants, over-the-counter medications, or foods that can reduce the accuracy of the tests.
8. You will be sanctioned for using synthetic substances such as K2 or Spice that are designed to avoid detection by standard drug tests. Switching to a new substance of abuse (for example, switching from heroin to an unauthorized prescription opioid) will be presumed to be an effort to defraud the drug test. You may receive two sanctions in such circumstances, one for the substance use and one for the effort at deception.
9. I agree not to eat any **Poppy Seeds** while in the Program. **I understand that consuming Poppy seeds will not be a valid defense against a positive drug test for morphine or**



**any Morphine derivative. I agree not to consume any products (i.e., cough syrup, mouth wash, hand sanitizer, non-alcoholic beer, etc.) containing alcohol while in the program. I understand that using any product containing alcohol is not a valid defense against a positive for alcohol. I understand I will get permission from the probation officers and coordinator before consuming any over the counter medications, vitamins, etc.**

10. I agree that I will notify Adult Supervision (Probation) of any and all medications, health issues, and medical appointments.
11. I agree to enlist and participate in the Program for a minimum of 12 to 16 months and any additional time leading up to formal graduation. I agree to engage in any educational, treatment or other appropriate program as ordered by the court. I agree to follow additional terms as indicated by the court, program staff, and/or treatment staff.  
**Furthermore, I agree to complete all treatment to the satisfaction of the court and Team.**
12. I agree that the court may require me to seek and keep a job, attend counseling, work toward and complete my GED if needed and/or further education as part of my treatment program. If I am disabled I will provide proof of my disability, however, I will find something to keep my time meaningfully engaged (i.e. volunteer work, community hours, etc.)
13. I agree to report as directed, and to make all court appearances as ordered. I agree to keep the court, program staff, Veteran Mentor and treatment provider and probation informed of my current address at all times, and **report a change of address PRIOR to any change**. I agree and understand that I must always get permission from the probation office before spending any nights outside my approved residence, even if it is **only one overnight**. If I do not get approval, I will not assume that I have permission. I understand that if I do not abide by this rule, I will be sanctioned.
14. I will use my assigned Mentor as a support. I will have one face-to-face contact with my mentor on non-court weeks. I can request an alternative mentor at any point during the program.
15. I will attend every Veterans Treatment Court session as scheduled, arrive on time, and remain through the ENTIRE VTC session.
16. I will consent to random searches of person, property, phones, and all social media (including but not limited to applications/websites, photos, messages, calls on any/all

phones, tablets, electronic devices available to or used by the client) by Adult Supervision, the Court Coordinator, or any treatment provider that I am seeking services from.

17. I understand that I will perform four hours of community service/additional duty each week until my hours are completed. These hours will begin once the probation office has set up a location for me to complete my hours. I understand it is my responsibility to talk to the probation office about getting my location set up.
18. I will be required to wear an electronic monitoring device for a minimum of 60 days.
19. I expect that I will have a curfew from 6:00 p.m. until 6:00 a.m. unless otherwise directed. I also expect home visits from the Adult Supervision team (probation) and will work with the Adult Supervision team to follow all of their instructions, rules, and policies.
20. I understand that if I am terminated from the program and sentenced, I will not get any sentence credits except actual time spent in custody. I understand that if I have any questions concerning sentencing, I should discuss this with my attorney before starting this program.
21. I understand that if I choose to forge my recovery related meeting sheets, I will be sanctioned. I understand that it is better to advise the team that I failed to attend all required meetings rather than forging my sheets. I understand that forging my sheets could cause me to get terminated/discharged from Veterans Treatment Court.
22. I understand that dating another drug court participant, VTC participant, or anyone in my treatment groups could cause me to be terminated/discharged from Veterans Treatment Court.
23. I understand that my charges will not be dismissed if I am removed/terminated/dishonorably discharged from the Program. In that event, I will be sentenced according to the guilty plea at the time I entered the program.
24. My enlistment/participation in the program can be terminated if (but not limited to):
  - a. I do not make progress toward satisfactorily completing Veterans Treatment Court; or
  - b. I have exhausted all supervision options (i.e., “quick dips”) and/or treatment options; or
  - c. I refuse a search of my person, property, phone, social media, or electronic device by probation;

- d. I commit a violent misdemeanor or any felony; or
  - e. I commit an assault, threaten or attempt to threaten, any treatment provider, Counselor, probation officer, or other participant in the VTC Program; or
  - f. I fail to pay any fees or perform services as ordered by the court; or
  - g. I choose to forge my meeting sheets and/or those belonging to any other participants; or
  - h. I provide or solicit support from another participant in defrauding a drug screen;
  - i. If I test positive for any synthetics, including K2 and bath salts or are caught with synthetics by law enforcement or anyone on the drug court team; or
  - j. I choose to date another Veterans Treatment Court participant or anyone in my treatment groups.
25. I agree that if I test positive for alcohol or other drugs, fail to appear in court, fail to follow this contract or pick up charges of new criminal offenses, the court can give sanctions within the program rather than terminate/discharge me from Veterans Treatment Court. For example, the Judge can do any of the following:
- An extension of treatment or a more intensive treatment plan, which could include Detox, more intensive outpatient, or residential treatment
  - Jail time. I understand that any time served would be as a sentenced inmate on the charge to which I entered my guilty plea should I not complete this program
  - Perform extra community service/additional duty hours
  - Completion of essay to read to the VTC team and other participants during court proceedings
  - Extend the amount of enlistment time I will spend in the program
  - Issue a bench warrant for my arrest
  - Terminate/Discharge me from the program and impose judgment and sentence.
26. I understand that upon successful completion of the treatment program and having followed the conditions of the contract to the satisfaction of the court, the agreed-upon arrangement made at the time of my admission to Veterans Treatment Court will occur.
27. I understand that I have the right to an attorney during all court proceedings. An attorney will be appointed for me through this program.
28. I understand that if I have any questions concerning Veterans Treatment Court, I should discuss the matter with my attorney or the Program Coordinator.
29. I declare that the statements written above have been read by me or to me, and I understand and agree to each of the above statements and conditions.

I have read the Participant Agreement and Handbook. If I am unable to read, it has been read and explained to me, and I understand what will be required as a participant in Veterans Treatment Court.

**VTC PARTICIPANT / DATE:** \_\_\_\_\_

**WITNESS / DATE:** \_\_\_\_\_