

BEAVER COUNTY VETERANS TREATMENT COURT PROGRAM

PURPOSE

The Beaver County Veterans Treatment Court was established to address the needs of veterans who become involved in the Criminal Justice System. The mission of this Veterans Treatment Court is to enhance public safety and reduce recidivism by veterans by connecting them with Veteran Justice Outreach programs, mental health treatment, drug and alcohol treatment and/or anger management treatment, and to find an appropriate disposition of the criminal charges by considering the defendant's treatment needs and the seriousness of the offense(s).

ELIGIBILITY CRITERIA

An individual who meets the following criteria may request admission into the Beaver County Veterans Treatment Court Program:

- 1) Veteran of the United States Armed Forces
- 2) Resident of Beaver County, Pennsylvania
- 3) Meets a clinical criteria of:
 - a. Post-Traumatic Stress Disorder
 - b. Traumatic brain injury
 - c. Military sexual trauma
 - d. Drug and alcohol addiction
 - e. Other Axis 1 diagnosis that includes, but is not limited to: major depression; Bi-Polar Disorder, Schizophrenia, Schizoaffective Disorder and/or a psychological and/or substance abuse problem requiring treatment and support
 - f. Combat service
 - g. The District Attorney's Office may recommend to the Court a plea agreement for defendant's admission into Veterans Treatment Court that does not meet the eligibility criteria that is listed in paragraph 3 (a) through (e), based on the special needs of the individual veteran

- 4) A plea agreement recommended by the District Attorney and accepted by the Veterans Treatment Court
- 5) A veteran voluntarily agrees to participate in and be subject to the rules, guidelines and sanctions of the Veterans Treatment Court Program
- 6) Victim consent

DISQUALIFYING FACTORS THAT MAY EXCLUDE AN INDIVIDUAL FROM VETERANS TREATMENT COURT

The following factors may exclude an individual from Veterans Treatment Court, but are not limited to:

- 1) The type of discharge of the veteran from the Armed Forces
- 2) Prior record score of the veteran
- 3) Type of criminal offense charged, such as: murder, manslaughter, homicide by vehicle (DUI related), homicide by vehicle, aggravated assault by vehicle (DUI related), a felony including a crime of violence as defined by 42 Pa. C.S.A. Section 9714(g), sexual offense, indirect criminal contempt for violation of Protection from Abuse and Megan's Law offenses
- 4) Impact of the crime on the victim
- 5) Application of a state sentence per Sentencing Guidelines and/or mandatory sentence
- 6) Pending criminal charges or violations in this county, in another county in Pennsylvania or in another state
- 7) Previous involuntary discharge from the Veterans Treatment Court Program

PROGRAM OVERVIEW

Early intervention and evaluation of a veteran who has become involved in the Criminal Justice System are critical to the recovery and rehabilitation of the veteran to again become a productive member of our community. A critical component of Veterans Treatment Court is to educate veterans who have become involved in the Criminal Justice System with treatment programs available through the Veterans Administration and private treatment providers for mental health treatment, drug and alcohol treatment and/or anger management treatment. This information should be provided to the veteran at the earliest possible time so that the veteran can seek treatment as soon as possible in the criminal process.

When a defendant, who has been identified as a veteran, becomes incarcerated in the Beaver County Jail, the Classification Coordinator shall provide to the veteran the name, address and phone number of the Veteran Justice Outreach Coordinator and inform the veteran that he/she may be eligible for treatment through the Veterans Administration. If the veteran indicates that he/she consents to release of his/her name, address and phone number to the Veteran Justice Outreach Coordinator, this information shall be forwarded so that a determination of eligibility for benefits can be made as quickly as possible.

Beaver County Magisterial District Judges have also agreed to inform any identified veteran at the time of preliminary arraignment of the name, address and phone number of a Veteran Justice Outreach Coordinator and the possibility that he/she may be eligible for veteran benefits. If the veteran indicates that he/she consents to the release of his/her name, address and phone number, then this information shall be forwarded to the Veteran Justice Outreach Coordinator.

The Beaver County Public Defender's Office, as a member of the Veterans Treatment Court, shall inform any identified veteran, who has applied for representation to the Public Defender's Office, of the name, address and phone number of the Veteran Justice Outreach Coordinator and the possibility that the veteran may be eligible for veteran benefits. If the veteran consents to release of his/her name, address, and phone number, the Public Defender's Office shall forward this information to the Veteran Justice Outreach Coordinator.

Counsel must have any evaluation conducted by N.H.S. or the Veterans Administration concerning the potential mental health and/or drug and alcohol problems of their clients prior to any request for admission into the Veterans Treatment Court per plea agreement approved at the discretion of the District Attorney's Office.

Beaver County Pre-Trial Services shall provide to any identified veteran, who is applying for bond through Pre-Trial Services, information concerning the Veteran Justice Outreach Program. If the veteran consents to release of his/her name, address, and phone number, Pre-Trial Services shall provide this information to the Veteran Justice Outreach Coordinator.

A Veterans efforts to be evaluated by the Veterans Administration, N.H.S. or other certified mental health and/or drug and alcohol centers, shall be considered a positive factor along with any other factor for release of a veteran on bond through Pre-Trial Services. Any veteran released on bond through Pre-Trial Services shall execute releases to Beaver County Pre-Trial Services so that the Veterans treatment may be monitored while on bond pending disposition of his case.

VETERANS COURT PROCEDURE

Beaver County Veterans Treatment Court consists of two separate Court tracks: ARD Program and Incentive Track. Admission into these two tracks will be based on plea agreements made at the sole discretion of the Beaver County District Attorney's Office and approved by the Court.

ARD PROGRAM:

Many veterans who become involved in the Criminal Justice System are first-time offenders. A large group of veteran cases are first-time DUI offenses. As first-time offenders, many veterans will be eligible for ARD. At the time of their admission into the ARD Program, each identified veteran will be informed of the name, address and phone number of the Veteran Justice Outreach Coordinator and that he/she may be eligible for veteran programs and benefits. Veterans who are admitted into the ARD Program shall be permitted to file a motion for early termination of ARD upon completion of treatment and payment of costs. Upon early termination, the veteran may file a motion for expungement with the District Attorney.

INCENTIVE PROGRAM:

In our society, a felony conviction greatly limits the ability of an offender to obtain gainful employment after sentencing. The goal of the Beaver County Veterans Treatment Court Incentive Program is to provide veterans, who have been charged with specified felony charges, the opportunity for reduction of the charges to misdemeanor charges by completing the Beaver County Veterans Treatment Court Program. In addition, specified misdemeanor charges may be reduced to summary offenses or dismissed if the veteran completes the Beaver County Veterans Treatment Court Program.

OFFENSE ELIGIBILITY FOR INCENTIVE PROGRAM

The Incentive Program is available to offenders who have committed offenses such as criminal trespass not involving a residence, theft, receiving stolen property, retail theft, unauthorized use of an automobile, possession with intent to deliver (1st offense), possession of drugs, possession of drug paraphernalia and/or DUI (2nd or subsequent offense in 10 years). Cases involving domestic violence may be accepted into the Incentive Program, based on the victim's consent, if the treatment needs of the veteran can be addressed through Veterans Treatment Court. Additional charges may be considered for the Incentive Program only upon recommendation of the District Attorney's Office by a plea agreement that is accepted by the Beaver County Veterans Treatment Court.

OUTLINE OF INCENTIVE PROGRAM

A critical component of the Incentive Program is a plea agreement offered at the discretion of the District Attorney that provides that a defendant will enter a plea to a felony or misdemeanor charge with a recommended sentence and an alternative sentence, if the veteran completes the Veterans Treatment Court Program. These plea agreements may, at the District Attorney's discretion, provide for the reduction of a felony charge to a misdemeanor charge or reduction of a misdemeanor charge to a summary offense or dismissal, if the veteran completes the treatment program of the Veterans Court. After entering a plea, the veteran offender would request a continuance of his sentence while he completes the requirements of

Veterans Treatment Court Program. Upon completion of the Veterans Treatment Court Program, the veteran would be sentenced per the alternative sentence provided in the plea agreement.

REQUIREMENTS OF THE INCENTIVE PROGRAM

The following are the requirements of the Incentive Program:

- 1) The veteran and the Commonwealth would enter into a plea agreement recommending the Veterans Treatment Court Program. This case would be placed on the expedited plea list for the Veterans Treatment Court. The plea agreement must also identify all particulars of the Incentive to be afforded the veteran upon satisfactory completion of the Veterans Treatment Court Program.
- 2) The defendant must have completed an N.H.S. and/or Veterans Administration evaluation that establishes that the veteran meets the clinical criteria specified in the eligibility criteria of paragraph 3(a) – (f). **This evaluation must be presented to the Court at the time the veteran enters his plea.**
- 3) The Court's acceptance of a plea agreement recommended by the District Attorney's Office that outlines the recommended sentence and the Incentive Program sentence, if the veteran completes the treatment program of the Veterans Treatment Court.
- 4) At the time of plea, the veteran agrees that he/she will not be able to withdraw his/her plea. If the veteran fails to complete or is terminated from the Veterans Treatment Court Program, the veteran will be sentenced per the original plea agreement.
- 5) The veteran requests to be admitted into the Incentive Program and agrees to follow the rules and regulations of the Beaver County Veterans Treatment Court Program.
- 6) The veteran requests a continuance of the date of sentencing during the time that he/she is completing the requirements of the Veterans Treatment Court Program and waives the time period required for sentencing per PA Crim. Rule 704(A).
- 7) The veteran signs all necessary releases to allow medical providers and the Veterans Administration to provide all medical information, medical records and information on veteran eligibility for benefits information to the Court, Adult Probation, Counsel for the Commonwealth and Defendant and the members of the Veterans Treatment Court Program.

PHASE ONE OF INCENTIVE PROGRAM

The following are the standards for Phase One compliance:

- a. Attend Veterans Treatment Court bi-weekly
- b. Make a minimum of weekly contact with probation officer

- c. Attend all required appointments for mental health, drug and alcohol and/or anger management treatment
- d. Attend all recovery support meetings and recommended job training and job search programs
- e. Obtain, if possible, gainful employment
- f. Submit to random drug and alcohol screening tests
- g. Be drug free
- h. Cooperate with veteran mentor who has been assigned to assist the veteran in completion of the conditions of the Veterans Treatment Court Program
- i. Follow the rules and regulations of the Veterans Treatment Court Program
- j. Follow the rules and regulations of Beaver County Adult Probation
- k. Submit a payment plan for payment of restitution and make regular payments

After 90 days, a veteran who has complied with the requirements of Phase One shall advance to Phase Two of the Program. The term of Phase One may be extended beyond 90 days at the Court's discretion or at the request of the veteran, with the consent of the District Attorney and approval of the Court.

PHASE TWO OF INCENTIVE PROGRAM

The following are the standards for Phase Two compliance:

- a. Attend Veterans Treatment Court once a month
- b. Meet with Veterans probation officer at least once a month on the dates, times and manner as directed by Beaver County Adult Probation
- c. Attend and complete all treatment requirements for mental health, drug and alcohol and/or anger management treatment
- d. Attend all recovery support meetings and recommended job training programs and/or job search programs
- e. Obtain, if possible, gainful employment
- f. Submit to random drug and alcohol screening tests
- g. Be drug free
- h. Cooperate with veteran mentor who has been assigned to assist the veteran in completion of the conditions of the Veterans Treatment Court Program
- i. Follow the rules and regulations of the Veterans Treatment Court Program
- j. Follow the rules and regulations of Beaver County Adult Probation
- k. Make regular payments toward the amount owed for restitution

After six months, if a veteran has been compliant with the requirements of Phase Two, the veteran shall advance to Phase Three of the Program. The term of Phase Two may be extended beyond six months at the Court's discretion or at the request of the veteran, with the consent of the District Attorney and approval of the Court.

PHASE THREE OF INCENTIVE PROGRAM

The following are standards for Phase Three compliance:

- a. Attend Veterans Treatment Court every other month
- b. Meet with the Veterans probation officer on the dates, times and manner as directed by Beaver County Adult Probation
- c. Attend and complete all treatment requirements for mental health, drug and alcohol and/or anger management treatment
- d. Attend all recovery support meetings and recommended job training and/or job search programs
- e. Obtain, if possible, gainful employment
- f. Submit to random drug and alcohol screenings
- g. Be drug free
- h. Cooperate with veteran mentor who has been assigned to assist the veteran in completion of the conditions of the Veterans Treatment Court Program
- i. Follow the rules and regulations of the Veterans Treatment Court Program
- j. Follow the rules and regulations of Beaver County Adult Probation
- k. Pay restitution in full.

Upon completion of Phase Three, the veteran would be sentenced to the reduced sentence or the charges may be dropped per the plea agreement.

VETERAN MENTOR PROGRAM

A key component of any successful Veterans Treatment Court Program is the Veteran Mentor Program. In this Program, a veteran mentor is paired with a veteran participant to provide support as the veteran navigates through the Court system and treatment. Ideally, mentors will be paired by branch of Armed Force whenever possible. Experience gained through other Veterans Treatment Court Programs shows that shared experiences of another veteran are critical in assisting a participant in Veterans Treatment Court in regaining control of his/her life and successfully maintaining treatment that will lead to completion of the Veterans Treatment Court Program.

A veteran who has entered a plea and has been accepted into the Incentive Program will be assigned a mentor at the time of his/her plea based on availability of mentors.

VOLUNTARY AND INVOLUNTARY DISCHARGE FROM THE VETERANS TREATMENT COURT PROGRAM

Voluntary Discharge

Veterans Treatment Court is a voluntary program. A Court participant may request a voluntary discharge from the Program at any time. The Veterans Court will not grant the Veterans request to withdraw his/her plea if he/she voluntarily withdraws from

participation in the Veterans Treatment Court Program. If a veteran voluntarily withdraws or absconds from the Program, the Court shall reschedule the date of sentencing and sentence the defendant based on the terms of the defendant's original plea agreement.

Involuntary Discharge

A Court participant may be discharged involuntarily from the Veterans Treatment Court Program based on the Veterans: failure to follow the rules and regulations of the Veterans Treatment Court Program, satisfactorily participate or complete treatment, follow the rules and regulations of Beaver County Adult Probation, follow the rules and regulations of Beaver County Pre-Trial Services and/or being charged with new criminal offenses. Discharge of a veteran from the Veterans Treatment Court Program is the sole discretion of the Veterans Treatment Court Judge. The Veterans Treatment Court will not grant a Veterans request to withdraw his/her plea if he/she has been discharged from the Veterans Treatment Court Program. If discharged, the defendant will be sentenced per the terms of the original plea agreement.

VETERANS COURT TEAM

A Veterans Treatment Court team will meet monthly to evaluate the progress of the Veterans Treatment Court Program and to implement any changes deemed necessary.