

# Hawai'i Veterans Treatment Court

## Participant Handbook



### **LEAVE NO VETERAN BEHIND**

First Circuit Court  
O'ahu, Hawai'i

Presiding Judge  
Honorable Clarissa Y.  
Malinao

## Introduction

Welcome to the Veterans Treatment Court (VTC). This handbook is designed to answer some of your questions and give you information about VTC. As a participant of the VTC, you will be expected to follow the instructions given to you by the Honorable Matthew J. Viola, and the VTC Team. You will also be expected to follow all supervision and program rules and complete the treatment plan developed by you and your assigned treatment agency.

This handbook will explain what is expected of you and it will help you move through the phases to successful completion. It will also provide general program information. We encourage you to share this handbook with your family, significant other, and clean and sober friends, who are an important part of your recovery. They are welcome to come to your scheduled status review hearings.

This handbook provides you with a basic outline of the program. It gives you a clear understanding of what is expected of you during your participation in the Veterans Treatment Court. This manual is also designed to answer questions, address concerns, and provide information about Veterans Treatment Court. If you have additional questions, please ask your probation officer, treatment provider or VTC Supervisor for more specific details.

## Purpose

The Veterans Treatment Court program began in January 2013 and was established to provide more comprehensive treatment and services for veterans arrested in Honolulu County. VTC was developed to help you achieve total abstinence from drugs and/or alcohol, be diverted from prison/jail, and surround you with support from veterans and the military community. The VTC is designed to reduce re-arrests, promote self-sufficiency through employment, education, and to assist you with remaining in the community as a productive and responsible member of society by diversion from prison or jail.

The VTC program is **voluntary** on your part. **You must want to participate in this program.** The Judge, court staff, supervision officers, treatment counselors and other team members will guide and assist you, but the final responsibility is yours. You must be motivated to make these changes and commit to a totally healthy and drug free life.

The program involves working jointly with the court, community supervision, treatment, Veterans Health Administration, Veterans Benefit Administration, veterans employment representatives, veterans service organization, services officers, and other key team members, all dedicated to your recovery for a minimum of 24 months. You will not be sent to prison or back to jail if you comply with the conditions of the program and graduate. Our team will be working with you towards successful completion of the program, but the choice and effort to become drug and alcohol free, maintain your mental health, and not commit new crimes comes from you.

It is important that you understand the Veterans Treatment Court is a long-term commitment. You will become involved with community support group meetings, attend substance abuse treatment, participate in mental health treatment, if indicated, be subject to strict community supervision, submit to random drug testing, answer curfew calls, and make regular appearances in court.

### **What is Veterans Treatment Court?**

The Veterans Treatment Court Program is only for veterans of the Armed Forces of the United States as defined by law. The Veterans Treatment Court is a court-supervised program coupled with intensive treatment and supervision for felony criminal offenders. The Veterans Treatment Court is designed specifically for persons with felony drug/alcohol charges or other criminal charges, which are closely related to their substance abuse or mental health.

This is a voluntary program, which includes regular court appearances before the designated Veterans Treatment Court judge. It also involves drug and alcohol treatment, random drug testing, support group meetings, vocational or job counseling, educational classes, and community supervision. The Veterans Treatment Court program has four phases. You must complete all four phases successfully to graduate. The program requires a minimum of 24 months of participation. Based on your treatment plan, required treatment may last up to 24 months, which includes 6 months of community transition.

### **Who Can Be a Part of Veterans Treatment Court?**

Not everyone can be a part of the Veterans Treatment Court program. You must have served in the United States Armed Forces in some capacity, including the National Guard and Reserves. Your criminal history will be closely reviewed by the Prosecutor's Office and/or the District Attorney's Office for admission. If you are approved by them, you will then be scheduled for a substance abuse and mental health evaluation. The purpose of this evaluation is to determine whether or not you are drug and/or alcohol dependent or have any mental health issues. If the results of the evaluation are appropriate, you will then be eligible for the Veterans Treatment Court and allowed to enter a plea.

### **Court Appearances**

If you choose to participate in the Veterans Treatment Court program after you are approved for admission, you will be instructed to appear in court for an Entry of Plea. When you arrive at court for your Entry of Plea, either your Attorney and/or Public Defender will advise you of your rights and discuss the Veterans Treatment Court program rules and requirements. After you plea into the Veterans Treatment Court, your Attorney and/or Public Defender will continue to represent you throughout your participation in the Veterans Treatment Court program until successful graduation or termination.

The Veterans Treatment Court is held on Friday afternoons at 2:00 pm in Courtroom 13, on the 4<sup>th</sup> Floor. In Phase I, you will attend court weekly. During Phase II, you will attend Court every two (2) weeks and in Phase III, court attendance will be scheduled every three (3) weeks. In Phase IV, you will continue to attend court once every four (4) weeks.

The presiding judge can, at any time, require more or less court appearances, dependent on your progress in the program.

When you are present in court, you are expected to follow proper court protocols.

This includes:

1. Be on time
2. Turn off your cell phone
3. No talking while court is in session
4. Appropriate dress (no tank tops, midriffs, short shorts, etc.)

### **Treatment**

Substance abuse and mental health treatment may be provided by the state (AMHD) or the federally funded Veterans Health Administration (VHA), if you are eligible for their services. The treatment agency you are assigned to will coordinate your treatment and may refer you to additional treatment and/or mental health services if needed. Most treatment providers charge a fee based on your income. If you do not have health insurance, the VTC Supervisor or Senior Probation Officer will assist you in applying for coverage. After intake, you will develop a treatment plan which may include both group and individual counseling. The schedule will be determined by the treatment agency, but attendance is required. At times, you may be required to attend more groups or individual sessions depending upon your treatment plan. Each treatment plan is individualized. Failure to participate in your treatment will result in sanctions from the court.

**You are responsible for attending all scheduled appointments.** Missing scheduled appointments will result in sanctions. Treatment misses must be excused by treatment and made up later.

Substance abuse and/or mental health counseling may be compromised of three separate formats, individual, group sessions, and case management. As part of your treatment plan, you will be required to participate in all types of treatment. Together they are designed to develop self-awareness, realize self-worth, and practice self-discipline. The individual and group counseling sessions will include problem identification and alternative solutions. Your attendance and level of participation at counseling sessions will be reported to the team as part of your weekly progress reports. You must contact your case manager or your counselor if you are unable to attend or will be late to a scheduled session.

### **Supervision**

Following your acceptance into the Veterans Treatment Court program, you will report to the VTC Supervisor for orientation. You will be assigned to the Adult Client Services Branch - Veterans Treatment Court for supervision. Your supervising officer and/or the VTC Supervisor will discuss your rules and conditions of probation, including: curfew, employment, law enforcement contact and change of address. If employed, you must

provide verification of employment to your officer and also bring it to court. The supervising officer may conduct random field and home visits to assess and observe you at home by curfew, meet anyone who lives with you and make sure you live in a safe and sober place.

### **Veterans Treatment Court Phases**

The Veterans Treatment Court is a four-phase, highly structured and supervised program using primarily outpatient treatment, inpatient as deemed necessary. Treatment is designed to last for a minimum 24 months. Your progress through the treatment phases will depend upon your completion of treatment goals, compliance with drug testing, and other program rules. Less sanctions often means faster promotions. Participants must also make significant progress in treatment and other program requirements to be promoted. Each phase consists of specified requirements for “promotion” into the next phase. During Phase 4 you will be preparing for community transition. This supervision phase is where you can practice your sobriety without active treatment in place. You must have eight (8) consecutive months clean time to be eligible to graduate.

### **Progress Reports**

As a Veterans Treatment Court participant, you will be required to appear in court on a regular basis. At each appearance, the Judge will be given a progress report prepared by your treatment agency and supervision officer or VTC Supervisor regarding your drug test results, employment status, attendance and participation at required treatment, and supervision appointments. The judge may ask you and/or treatment or supervision questions about your progress and discuss your progress with you. Excellent reports mean that you will progress through the program more quickly! Failure to comply with any of the requirements may delay your promotion or graduation. The primary goals of Veterans Treatment Court Program are to help you achieve total abstinence from illicit and illegal drugs, address your individual treatment needs, and avoid future arrests.

### **VTC Mentor**

As a Veterans Treatment Court participant, you will be required to meet your identified veteran mentor on a regular basis. You are required to make contact with your mentor at least one hour a week. This contact may be made either in person or over the phone. Your meetings/contact with your mentor will be pre-arranged and you are required to be there as scheduled. You are expected to respect the boundaries of your mentor which includes, not sharing their personal information with anyone. Should you have a problem with your mentor, you may contact the Mentor Coordinator or the VTC Supervisor to request their help.

Your mentor is there to help guide you through the program and to offer you support. They are not your treatment provider nor are they responsible to supervise you. They are your friend and ally, a listening ear when you need help. Your relationship with your mentor is personal and confidential. While your mentor may take notes when they meet with you, they are not allowed to share your information. If your mentor feels important information needs to be shared, they will have you sign a release of information.

If you and your mentor share personal information (such as phone numbers), it is your responsibility to notify the VTC Supervisor.

**If you threaten harm to yourself or someone else, by law, your mentor is required to report the information.**

### **Failure to Appear/AWOL**

Failure to appear in Court on the date and time you are scheduled will result in a warrant being issued for your arrest. If you cannot appear in court on your scheduled review date, you must notify the VTC Supervisor **prior** to the miss. If you have an emergency, you must notify supervision or the VTC Supervisor as soon as possible to avoid a sanction. If you have any questions regarding your court appearances, you must contact your probation officer or the VTC Supervisor at (808) 441-8914. Please leave a detailed message for a call back. Extended AWOLS may result in your termination. Maintain close contact with your team members if you must miss any appointments. The judge makes the ultimate decision on whether your absence will be considered excused or not.

### **Termination from the Program**

Warrants, new arrests or noncompliance could result in your being terminated from the Veterans Treatment Court and sentenced on your pending charge(s). Noncompliance violations which could result in termination include consistently missing drug tests or testing positive, missing treatment and/or supervision appointments, repeatedly breaking the program rules, and/or violence or threats of violence directed at other participants, treatment staff, or other VTC team members. Being in bars, night clubs, or at concerts may result in termination. Offenses such as “Driving under Suspension” or “Driving under Revocation” may also result in your revocation.

### **Withdrawal from the Program**

You will have several opportunities to withdraw from the program after your application including prior entry of please, and then within ten (10) days following your Entry of Plea. During this withdrawal period, if you choose to opt-out of the VTC program, your case will be transferred back to the traditional docket.

### **Incentives**

Veterans Treatment Court provides incentives to encourage your progress. Incentives maybe received for excellent participation, clean holiday time, new job, college attendance, driver’s license reinstatement, etc. Incentives can include candy bars, curfew extensions, gift cards, or other activities. Incentives are given to recognize successes you have achieved in the Veterans Treatment Court.

## 1.1 Incentives

Derived from a strength-based model, the VTC motivates participants through graduated sanctions, rewards, and incentives. While participating in the VTC, participants will be rewarded for their progress through graduated rewards; these incentives may be applied by the Judge as an immediate and direct response to incremental success in program compliance. The Judge, with input from the team, will employ these rewards as encouragement for progress and program compliance.

- Court-announced perfect compliance list
- Fishbowl drawings for gift certificates
- Free day-planners
- Applause/praise from Judge & team
- Sports/concert tickets
- Advancement to next phase
- Fewer court appearances
- Called 1<sup>st</sup> & leave early
- Asked to give advice to group in court
- Adjust curfew
- Fun sober events
- Grant travel privileges
- Possible dismissal of charges
- Graduation ceremony

## Sanctions

If you fail to comply with Veterans Treatment Court rules, you will be sanctioned. Sanctions are progressive and become stiffer for repeat violations. In higher phases, the expectation is you will not have any sanctions; therefore, the sanctions imposed may be stiffer than for lower phases. Sanctions are individualized to your situation and should not be compared against sanctions given to someone else.

Below are some common sanctions:

- Admonishment by the Veterans Treatment Court Judge;
- Daily contact with supervision or VTC Supervisor;
- Increased drug testing or early am drug testing requirement;
- More frequent court attendance;
- Assignment of community service hours or day reporting at the jail;
- Increased supervision, including GPS/curfew calls/EM band or early curfew;
- Placement on alcohol monitoring-SCRAM or Sobrieter;
- Jail;
- Other sanctions, as determined by the Judge and VTC Team.

Application of Sanctions (\* always implemented)

The following table is a *framework* for the imposition of sanctions, but the VTC team shall recommend individualized sanctions that are as appropriate as possible for infractions on a case-by-case basis. The VTC Judge maintains the authority to impose sanctions.

Level of Infraction	Infractions	Corresponding Sanctions
Minor Infractions	<ul style="list-style-type: none"> <li>• Attitudinal problems</li> <li>• Patterns of lateness</li> <li>• Pattern of appointment no-shows</li> <li>• Pattern of not taking medication/complying with treatment</li> <li>• Failure to report change in address, phone number, or job status</li> <li>• 1* - 4<sup>th</sup> positive urine/breath tests</li> </ul>	<ul style="list-style-type: none"> <li>• Develop written plan to deal with behavior</li> <li>• Increase treatment</li> <li>• Increase reporting to VTC staff</li> <li>• Increase drug/alcohol tests</li> <li>• Internal community service</li> <li>• Verbal reprimand from judge</li> <li>• Written acknowledgement or apology letter</li> <li>• Increased AA or other meetings</li> <li>• Curfew adjustments</li> </ul>
Medium Infractions	<ul style="list-style-type: none"> <li>• Continuing minor infractions</li> <li>• Continuing positive urine/breath tests</li> <li>• New misdemeanor arrest</li> </ul>	<ul style="list-style-type: none"> <li>*Verbal reprimand from judge</li> <li>• Courtroom detention</li> <li>• Institute curfews</li> <li>• Additional home visits</li> <li>• Increase drug/alcohol tests (at participant cost, depending on ability to pay)</li> <li>• Increased treatment</li> <li>• Increase reporting to VTC staff</li> <li>• Increase reporting to court</li> <li>• Phase demotion</li> <li>• Jail - time out (1-7 days)</li> <li>• Written acknowledgement or apology letter</li> <li>• Required change in residence</li> <li>• Community service</li> <li>• Increased court appearances</li> </ul>
Maximum Infractions	<ul style="list-style-type: none"> <li>• Continuing medium infractions</li> <li>• Continuing positive urine/breath tests</li> <li>• Absconded</li> <li>• Termination from treatment program/housing</li> <li>• New nonviolent felony arrest</li> <li>• Missed court appearance</li> <li>• Tampering with UA specimen</li> </ul>	<ul style="list-style-type: none"> <li>*Reprimand from judge</li> <li>*Written acknowledgement or apology</li> <li>• Increase curfew limits</li> <li>• Increase home visits</li> <li>• Increase drug/alcohol tests (at participant cost, depending on ability to pay)</li> <li>• Increase treatment</li> <li>• Increase reporting to VTC staff</li> <li>• House arrest</li> <li>• Phase demotion</li> <li>• Issuance of bench warrant</li> <li>• Jail - time out (7 days or more)</li> <li>• Termination from VTC</li> <li>• Required change in residence</li> </ul>
	<ul style="list-style-type: none"> <li>• Violence</li> </ul>	<ul style="list-style-type: none"> <li>• Phase demotion</li> <li>• Risk assessment</li> <li>• Investigation</li> <li>• No contact/Separation</li> <li>• Jail</li> <li>• Termination from VTC</li> </ul>



## **Confidentiality**

All client records are protected by federal and state laws regarding confidentiality. We cannot release written or verbal information without your written signed consent. However, you cannot participate in Veterans Treatment Court without a “Release of Information” which allows the VTC Team to discuss your case and progress. Persons outside the VTC Team will not be provided information about you or your progress. There may be additional emergency or legal circumstances that may require release of information such as:

- The disclosure is allowed by court order or for an audit.
- The disclosure is made to medical personnel in medical emergency.
- The client commits or threatens to commit a crime.
- The client is suspected of child abuse or elder abuse.
- The client is threatening suicide or homicide.
- The client is threatening imminent harm to another individual.

Anything you say concerning your prior or current drug use while in the Veterans Treatment Court cannot be used against you in prosecution of this case. However, your statements and information about your treatment will be shared with the Judge, your treatment agency, supervision agency, program coordinator, the District Attorney/Prosecuting Attorney, court staff, your attorney, and anyone else on the Veterans Treatment Court team. This information may be used to evaluate your current compliance with the program and to determine appropriate treatment responses and additional services.

## **Clients Rights**

Clients have the right to courteous, dignified and reliable delivery of service. Participation in the Veterans Treatment Court program is voluntary. Participants will be informed of changes in the program, rules and policies as early as possible. Client participation and feedback in the program is encouraged. Equal treatment and services will be delivered without regard to race, color, sex, sexual orientation, religion, national origin, ancestry, or physical disability.

## **Program Fees**

Participants will be responsible for paying all program fees. Fees are set by each agency. The amount of the fees is provided at the agency’s orientation. Payment information will be reported to the Judge as part of your regular progress report and nonpayment may result in more frequent court attendance. Inability/failure to pay will not automatically result in termination from the program. Some or all fees could be waived depending upon your financial situation and your ability to work.

## **Drug Testing**

You will be drug tested during all phases of the VTC program. As you progress through the program, testing could be required on a random, less frequent basis. The Veterans Treatment Court team will have access to all drug testing results including any failures to test, and may order a drug test at any time. Results that indicate a sample was diluted will be subject to the same sanctions as if the result were positive. The goal of the Veterans Treatment Court is to help you achieve total abstinence from illicit drugs; however, a positive or “dirty” test will not automatically disqualify you from the program. The Veterans Treatment Court team will be reviewing this positive in the context of your overall performance in the program.

## **Support Group Meetings**

Attendance will be required to support group meetings such as Narcotics (NA), SOS and/or Alcoholics Anonymous (AA). The number of times you must attend per week is based off of your VTC phase. You will be required to attend support meetings although the frequency and location may be chosen by the VTC Team in collaboration with your treatment provider. You will be required to submit signed attendance sheets at court for review, by the VTC Supervisor, and your probation officer. The purpose of attendance at support group meetings is for you to develop a support network and create social bonds with other recovering addicts. You will be provided with information regarding the time and location of support meetings at orientation. Your treatment provider, probation officer, and VTC Supervisor can also assist you with locating meetings close to your work or residence.

## **Graduation**

**Successful completion and “graduation” from the Veterans Treatment Court programs divert you from jail.** Failure or dismissal from the Program will result in you being sent to prison/or jail to serve out the terms and conditions of your original plea agreement. When you have successfully completed all phases and requirements, you will be eligible for graduation. Eligibility for graduation is determined by the judge, the court team, probation and treatment team. You will be eligible when all treatment and program requirements are met.

### **Graduation Requirements**

- No missed, abnormal, or positive drug test for 6 months.
- No major sanctions for 120 days; No minor sanctions for 60 days.
- You must be employed or attending school full-time or be exempted.
- You must have a high school diploma or received a GED.
- Complete your treatment and case management plan.
- Have an Aftercare Plan developed by your treatment team.
- Payment in full of Veterans Treatment Court Program fines and fees.
- Complete your volunteer requirement.

## **Education, Vocational, and Employment Programs**

Recovery from substance addiction means developing self-sufficiency and becoming a productive and responsible member of the community. After Phase I, you may be expected to be gainfully employed or involved in an educational or vocational training program. You will be linked with a vocational-educational coordinator that can assist you in obtaining an assessment of your vocational and/or educational goals and skills and will refer you to the proper agencies for education, training and job placement.

## **Social Services, Medical and Dental**

Upon your entry into the Veterans Treatment Court Program, your treatment case manager and/or probation officer will assess your medical, dental, housing, transportation, family, and general living needs and refer you to the appropriate agencies for assistance with your identified needs.

## **Program Rules**

As a Veterans Treatment Court participant, you will be required to follow these rules:

### **Don't violate the law.**

Do not have any law violations. No new arrests. No driving without a valid license. No traffic offenses. Follow all federal, state and local laws. **Report all police contact to your probation officer as soon as possible.**

### **Attend all Veterans Treatment Court required appointments.**

You must attend individual and group counseling, educational sessions, and case management appointments at treatment when treatment schedules you. Appointments with supervision will include intake, office visits, home visits, and phone calls. Drug testing is required on the same day your VTC number is called. Court attendance is mandatory. Community service must be completed by the due date. Other appointments for services at community agencies may also be required. If you are unable to attend a scheduled session, you must contact the appropriate person as soon as possible. Documentation is required for you to be excused and rescheduled. Documentation regarding the miss will be requested by treatment, supervision and the court. Unexcused absence(s) will result in a sanction.

### **Be on Time**

If you are late, you may not be allowed to attend your scheduled meeting and will be considered a miss. Failure to plan is not an excuse. Being late is grounds for a sanction.

### **Rescheduling**

If you miss any scheduled appointment, you are responsible for rescheduling it! You will not be contacted to reschedule. Failure to do so may result in a sanction.

### **Do not act violently or make threats towards other participants, staff or court personnel.**

Violent or inappropriate behavior will not be tolerated and will be reported immediately to the court. Threats or intimidation towards anyone will not be tolerated. Either of these violations may result in your termination from the Veterans Treatment Court program.

**You cannot have any drugs, alcohol or weapons. Do not bring any of these banned items to treatment, supervision, any community agency or court.** Possession of drugs, alcohol, or weapons could immediately result in your termination from the program and you could receive new charges.

**Expect to take random and “on demand” drug tests. Do not tamper with urine samples or use anyone else’s urine.**

Any abnormal drug test will be considered a positive drug test and you will be sanctioned. Multiple positive, missed tests or abnormal drug tests could result in your termination from the program. Tampering, substituting urine, water loading, or attempting to chemically alter your drug test is grounds for revocation. You will be tested for many illicit and prescription drugs and alcohol each time.

**Do not argue with the Judge or other team members.**

If you disagree with something, state your position in a calm manner and listen to what is being said. You may also put any issue into writing for the team to consider. Disrespect, excessive arguing or outburst toward team members is an offense which may receive a jail sanction.

**Dress appropriately for Court and other VTC appointments.**

As a participant, you will be expected to wear a shirt or blouse, pants, dress, or skirt of reasonable length. Midriff shirts are not allowed. No short skirts. Shoes must be worn at all times. **Clothing bearing drug or alcohol related themes or advertising alcohol or drug use is considered inappropriate.** Sunglasses are not to be worn inside the court or at the treatment facility unless medically approved. Speak with your probation officer or treatment counselor if you need assistance with clothing choices. No gang colors or gang related apparel is allowed.

**Be respectful of yourself and others!**

Follow the directions of team members, court personnel, and deputies regarding behavior, cell phones, and talking while in court. Remember the VTC Team wants you to be successful and is here to help.

## Contacts

### **VTC Supervisor**

Adam Nelson Office:  
(808) 441-8914 Fax:  
(808) 441-8939

### **VTC Probation Officer**

Jerry Phetsaksith  
Office: (808) 441-8903  
Fax: (808) 441-8939

### **VA VJO Specialist (Veterans Administration)**

Cheryl Reavis  
Office: (808) 433-0332

### **VA Mentor Coordinator (Veterans Administration)**

Taryn Dean  
Office: (808) 927-9146

### **Public Defender**

My PD/Attorney: \_\_\_\_\_

## Emergency Contact Numbers

### **VETERANS CRISIS LINE**

1-800-273-TALK (8255)  
- *Press 1*

### **ACCESS LINE**

1-808-832-3100

## Conclusion

We hope this handbook has been helpful to you and answered most of your questions. If you have any additional questions or concerns about the Veterans Treatment Court Program, please feel free to contact the VTC Supervisor, your PO, VJO Specialist or any other member of the VTC team.

Good luck to you and thank you for your service to our country.