

Northern District of California Veterans Court

Program Manual

There are approximately 250,000 military veterans within the Northern District of California (NDCA). We are forever indebted to their service and sacrifice. Unfortunately, some of those veterans struggle and come into contact with the federal criminal justice system. The NDCA Veterans Court (VC) provides a viable and appropriate alternative to incarceration for certain veteran-defendants (hereinafter “participants”). Decisions will be made objectively and balanced with the mission to keep the community safe.

Participants **must plead guilty** in order to participate. The participant will then begin a tailored, phased program lasting between **12-24 months**.

For **Track I** participants who successfully complete all program requirements, the government will move to **dismiss** the charges. For **Track II** participants who successfully complete all program requirements, the government will recommend a **noncustodial** sentence. Participants who do not successfully complete the program will proceed to sentencing in accordance with standard procedure and timelines.

Eligibility

Minimum Eligibility Requirements:

- At least 12 months of service in the United States armed forces (Army, Army Reserve, Army National Guard, Navy, Navy Reserve, Air Force, Air Force Reserve, Air National Guard, Marine Corps, Marine Corps Reserve, Coast Guard, Coast Guard Reserve, Space Force)
 - Exception: participants with less than 12 months of service may still be eligible if they were discharged early due to a service-connected disability, or if they were reservists/guardsmen who served the full period for which they were called to active duty (e.g. mobilized and deployed to Iraq for 6 months)
- Not charged with a sex offense or crimes against minors
- Not involved in removal proceedings or with an immigration detainer

Admission to VC and determination of Track I or Track II eligibility *lies solely with the United States Attorney's Office*. The Office typically, but not exclusively, determines which track is appropriate based on the nature of the offense conduct and the history and characteristics of the defendant, among other factors. History and characteristics of the defendant may include factors like risk/need factors, service in a combat zone, awards for valor, service-connected disabilities, and the reason for a less than Honorable discharge (if applicable).

Program Structure

VC integrates court supervision and an extensive network of treatment services and community support. The program offers a four-phased structured approach: (1) engagement and assessment; (2) stability and accountability; (3) wellness and community connection; and (4) program transition. A minimum of 12 months of active treatment is required for participants to complete all phases of the program. Each phase includes court and supervision requirements and

Northern District of California Veterans Court

Program Manual

addresses specific treatment and recovery goals with therapeutic interventions and rehabilitative directives to be completed in order to advance to the next phase.

Participation in VC is typically reserved for those that reside in the Northern District of California. If the court permits an out-of-district participant, it is expected that participant will adhere to the same mandatory meetings and court hearings as all participants. Distance, time of travel, and the like will not be considered an acceptable excuse to miss or be tardy to court.

Participants meet on a regular basis with their assigned District Judge (or a designated Magistrate Judge), the Assistant United States Attorney, their defense attorney, and their Pretrial Services officer during regular court sessions and as individually determined. This group is referred to as the “VC team.”

Treatment and Care Plan

Veterans are initially screened for service history and immigration history in order to see if they meet eligibility requirements. Once eligibility is established, screening continues with a determination of the applicability of VA benefits and the presence of mental health, co-occurring trauma, and/or substance use disorders.

The assessment process begins with the Pretrial Services officer identifying potentially eligible candidates within 30 days from their initial appearance. If identified as potentially eligible, the parties may request the Pretrial Services officer to conduct a full (final) assessment to determine if a defendant is suitable for the program, or the parties may rely on the initial assessment. The full assessment can take up to 60 additional days. Within 30 days after receiving the final assessment, the USAO will schedule a meeting with the defendant, and his or her counsel, and may offer a plea agreement.

Those participants who already receive VA benefits or who are eligible for VA benefits are linked with the VA for further evaluation and treatment services. Participants who are not eligible for VA benefits are linked with community treatment providers (i.e. Swords to Plowshares) for evaluation and treatment services. The case manager from the VA (if eligible) or Swords to Plowshares (if not eligible) is responsible for ensuring the participant is connected to appropriate resources to meet basic needs. The case manager will conduct routine check-ins with the participant to ensure they are supported throughout the duration of the VC Program (VCP). The case manager will give written progress reports to the Pretrial Services Officer. The progress report is submitted on a routine basis (at least monthly). The plan may be reviewed and modified with input from the VC team as the veteran progresses through the program.

Clinical assessments evaluate the history and severity of eligible applicants’ substance use, mental health, trauma, and other bio-psycho-social dimensions relevant to treatment needs and amenability. A clinical assessment is completed prior to acceptance into the program to determine treatment needs of each individual and to develop an appropriate individualized treatment plan. Treatment providers work with each potential participant (and their attorney) to create an individualized treatment plan, ideally prior to the change of plea and the veteran’s

Northern District of California Veterans Court

Program Manual

formal enrollment in VC, to address problems or circumstances identified from the assessment. The overall goal is to address substance abuse or mental health issues, as well as other objectives related to reintegration, traumatic brain injury (TBI), post-traumatic stress disorder (PTSD), and peer and family relationships. The assigned Pretrial Services officer is responsible for maintaining ongoing communication with the participant's inpatient/residential provider and any specialized treatment providers. The Pretrial Services officer will provide information received to the assigned District Judge (or designated Magistrate Judge). The plan may be reviewed and modified with input from the VC team as the participant progresses through the program.

Supervision is provided by United States Pretrial Services. Each participant is assigned to a specific Pretrial Services officer who will monitor them throughout the program. Pretrial Services officers do not provide treatment services. The participant is required to report to Pretrial Services as directed by their assigned officer. The assigned Pretrial Services officer will further discuss the rules and conditions of supervision in VC, including but not limited to:

- Employment and education verification
- Law enforcement contact
- Change of address procedures
- Support meetings verification
- Approved medications and forms
- Court guidelines
- Drug testing instructions
- Curfew guidelines (if any)

The Pretrial Services officer will meet with participant as needed and provide regular updates to the court regarding participant compliance with program requirements. Pretrial services will notify the court as needed if there are any violations of the court ordered conditions of release. The Pretrial Services 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 other locations. If a participant is asked to test at court, they are instructed to report to the location designated by Pretrial Services.

Program Intake

Referrals to VC are made by the Judge, the Pretrial Services Office, the Federal Public Defender's office, the VA, or the USAO. Admission to VC will be decided *exclusively by the United States Attorney's Office*. Once a participant is assessed to be eligible, the parties are in agreement about the participant's suitability, and a plan is drafted, a change of plea will be scheduled. The participant must plead guilty pursuant to a VC plea agreement before beginning VC program.

Program Orientation

Northern District of California Veterans Court

Program Manual

Orientation occurs on the day of the change of plea. The Pretrial Services officer is responsible for facilitating the orientation process, which involves distribution of the VC Program Manual and explanation of rules of the program, as well as discussion of the ability to withdraw from the program. Upon completion of the Orientation, the participant signs the Program Manual, which contains a signature and date for the participant to acknowledge receipt of this orientation information. A copy of this document is kept in the participant's confidential VC file.

Program Phases

The Veterans Court Program will consist of an approximately 12-24 month term of programming with four phases – Phase I, Phase II, Phase III, and Phase IV. Note that in addition to the phase requirements, the Judge also reserves the right to set specific individual goals that should be accomplished before the next court appearance. The completion of these goals will be reviewed with the Pretrial Service officer prior to the court appearance.

	Goal:	Approximate Duration:
Phase I	Engagement and Assessment	3-6 months
Phase II	Stability and Accountability	3-6 months
Phase III	Wellness and Community Connection	3-6 months
Phase IV	Program Transition	3-6 months

Phase I – Engagement and Assessment

During Phase I, the participant will sign all entry documents and begin the most intensive part of their treatment plan therapy. The participant will develop a dedication to taking care of the things they are assigned to do. They will learn how to approach any problems that arise while using the resources of the treatment program and the broader VCP. The participant will be required to make all treatment appointments and court appearances and be on time and prepared for them.

Phase I will usually include these components: satisfactory progress in any designated treatment program if assigned; chemical testing on a random basis and/or alcohol monitoring if assigned; taking medication as directed by medical and mental health professionals; attendance at Veterans recovery support/self-help meetings if assigned; reporting to the Pretrial Service officer as directed; any additional case management services as determined by the participant and the treatment team (e.g. 12 step program meetings; domestic violence counseling; vocational or educational counseling; family counseling; specialized psychotherapy; nutrition, weight loss, or exercise; anger management, parenting skills, etc.); attendance at court appearances as determined by the Judge; curfew if directed by the Court, with input from Pretrial Services or VC team.

In order to advance to Phase II, the participant must show an earnest commitment to the program rules. The Judge will decide if the participant will be advanced after consulting with the rest of the VC team. Specific items that must be demonstrated in order to advance are as follows: full compliance with all terms and conditions of supervision; working with the treatment providers to

Northern District of California Veterans Court

Program Manual

set a personal goals and activities plan for Phase II; significant progress towards completion of the most intense portion of the counseling and therapy program (as directed).

Phase II – Stability and Accountability

During Phase II, the participant will focus on completing the structured part of their treatment plan and prepare themselves for independent recovery. If they are in a residential program, the program will begin to prepare them to leave by assisting them in obtaining a stable living environment. If they are in a nonresidential program, these goals will be addressed by working with their Pretrial Services officer with input from the treatment provider. The participant will demonstrate that they are responsible by taking care of the things they are assigned to do without reminders, missed appointments, or missed meetings.

Phase II will usually include these components: full compliance with all terms and conditions of supervision;; demonstrate awareness of how the participant’s response mechanisms led to criminal activity (if applicable); demonstrate mastery of the tools available to prevent future crime; have no positive chemical test results (including missed, tampered or dilute tests) for 90 consecutive days; have no unexcused absences from scheduled services for 21 consecutive days; participant must demonstrate they have used medication as directed by their medical staff for a minimum of 60 days; documentation of required minimum attendance at recovery support/self-help meetings for a minimum of 90 days (if applicable); completion of residential treatment program, if assigned, and transition to independent living arrangement; substantial progress towards completing therapeutic and personal goals and activities plan; chemical testing on a random basis and/or alcohol monitoring (if assigned).

In order to advance to Phase III, the participant must show independence and significant progress towards self-improvement and accomplishment of program goals. The Judge will decide if the participant is ready to be advanced after consulting with the rest of the VC team. Specific items that must be demonstrated in order to advance are as follows: progress in learning coping skills and useful tools in the participant’s counseling and therapy program; be in full compliance with all terms and conditions of supervision; work with the Case Manager or treatment provider to create personal goals and activities plan for Phase III; demonstrate understanding of how the participant’s trauma condition can hurt themselves, their family, and the community; demonstrate mastery of the tools and coping skills the participant can use to prevent future crime; have no positive chemical test results (including missed, tampered or dilute tests) for 90 consecutive days; have no unexcused absences from scheduled services for 60 consecutive days; the participant must demonstrate they have used medication as directed by their medical staff for a minimum of 90 days.

Phase III – Wellness and Community Connection

During Phase III, the participant will focus on completing their treatment plan and move toward being an long-term independent and productive citizen. They will have a support system in place to help them and skills/tools that they can use to manage their traumatic condition (if applicable)

Northern District of California Veterans Court

Program Manual

and thrive. They will be crime free and maintain stable housing, employment or school. The participant will develop other supportive and healthy relationships. The VC Team and Judge will encourage and support the participant as they move toward their own plan for life goals and activities. The participant's confidence in their ability to handle common problems will be evident even when challenges arise. They will continue to be on time for appointments, court appearances and be prepared for them.

Phase III will usually include these components: substantial completion of any remaining court requirements; maintain a stable living arrangement for 60 consecutive days; substantial completion of personal goals and activities plan; chemical testing on a random basis and/or alcohol monitoring as directed; taking medication as directed by medical and mental health professionals; actively developing support relationships to support themselves when the court releases them from the VCP; reporting to the Pretrial Services Officer as directed; complete any outstanding case management services as determined by the participant and the treatment team/Judge and substantially complete all court requirements (e.g. 12 step program meetings; domestic violence counseling; vocational or educational counseling; family counseling; specialized psychotherapy; nutrition or weight loss; exercise; anger management, parenting skills, etc.); attend court appearances as determined by the Judge; curfew as directed by the Court, with input from Pretrial Services or VC team.

In order to advance to Phase IV, the participant must show increased independence and be nearing completion of required treatment and other programming. The Judge will decide if the participant will be advanced after consulting with the rest of the VC team. Specific items that must be demonstrated in order to advance are as follows: cite specific examples that show they can use the coping skills and useful tools they have learned in their counseling and therapy program; confirmation that they are in full compliance with all terms and conditions of their supervision; demonstrate independent living, employment or full-time school, and that they make a productive use of their time by engaging in positive, chemical free social activities; with help from their treatment provider and mentor, write their plan for aftercare for the next two years including counseling, relapse plans, support group meetings, and hobbies/training; state their new personal goals and activities plan for the next few years of their life; demonstrate remorse for their crimes and make amends to their crime victims; make a commitment to help someone else in recovery; have no positive chemical test results (including missed, tampered or dilute tests) for 180 consecutive days; have no unexcused absences from scheduled services for 90 consecutive days; demonstrate they have used medication as directed by their medical staff for a minimum of 180 days; documentation of required minimum attendance at recovery support/self-help meetings for a minimum of 50 meetings; complete and return monthly symptom checklist consistently.

Phase IV – Program Transition

During Phase IV, the participant will focus on serving others, just as they did during their years of military service. They will make greater contributions in serving their fellow veterans and the

Northern District of California Veterans Court

Program Manual

community. The participant will demonstrate that they are a responsible leader by helping others in recovery from traumatic conditions. They will lead in veterans recovery support/self-help meetings if applicable. All of this will be done while the participant continues to progress through their own treatment goals, continue to maintain housing and employment (as needed), etc.

Phase IV will be focused on a “Give Back” project in consultation with the VC team that will give back to the community in a meaningful way. The purpose of this project is to reconnect them with the community in a positive and helpful manner. This project should be individually planned by the participant, demonstrate a significant accomplishment, emphasize their strengths, show creativity and personal initiative to contribute to their community. Give Back project planning should begin on their first day of Phase IV and should be discussed in the planning stage with their treatment providers. It must be presented in writing to the VC team for approval at team staffing at least two weeks prior to when it will be accomplished. The participant’s confidence in their ability to handle common problems will grow in the first three Phases and minor challenges should not overwhelm them. The participant will continue to be on time for appointments, court appearances and be prepared for them.

In order to graduate from Phase IV, the participant must show that he/she has now started to serve others beyond just himself/herself. The Judge will decide if the participant will graduate after consulting with the rest of the VC team. Specific items that must be demonstrated in order to graduate are: demonstrating initiative by proposing, obtaining VC Team approval and completing the “Give Back” project; continuing to attend all required court hearings, treatment appointments, aftercare appointments; maintaining stable housing; maintaining stable employment (if applicable); no minor sanctions for 30 days prior to graduation; no major sanctions for 90 days prior to graduation; no negative drug or alcohol tests for 90 days prior to graduation.

Program Discharge

There are three ways to be discharged from VC: (1) graduation, (2) withdrawal, or (3) termination.

Graduation: Participants are required to complete all Phases. All minimum competencies are to be met in order to be eligible to successfully complete the program and graduate. Each phase and respective requirements are discussed in detail in this Program Manual. Upon meeting all requirements for graduation, the participant and his/her family will be invited to a graduation ceremony in which the Judge will recognize each participant for completing VC.

Withdrawal: VC is voluntary and participants may voluntarily withdraw from the program at any time. A sentencing date will then be scheduled.

Termination: Participants may be involuntarily discharged from the program for non-compliance or new criminal charges. The USAO files a motion in order for termination proceedings to begin. The attorney for the participant will provide representation in any

Northern District of California Veterans Court

Program Manual

termination proceedings. The Judge will make the final decision regarding termination. If the participant is discharged, a sentencing date will then be scheduled.

Court Hearings

Veterans Court will be held approximately once per month at a time to be determined by the presiding Judge. The hearing is held in the assigned District Judge's courtroom, although the District Judge may elect to have regular check-ins conducted by the Magistrate Judge in the Magistrate Judge's courtroom instead.

Participants are often asked to speak about their successes, as well as challenges, in an effort to offer hope and encouragement to others in the program. If multiple participants have hearings that day, all participants will be present for entire court session. Virtual attendance may be permitted if requested in advance. The hearing is a chance for the Judge to check on the progress of each participant, provide guidance, issue incentives or sanctions, and make determinations on the way forward.

If needed (or as requested by the participant, treatment provider, or coordinator), the participant may meet with their treatment provider and/or supervision officer before or after seeing the Judge. This ensures that the participant is given ample opportunity to meet with and discuss issues with all team members involved in the case.

Team Meetings

The VC team should review the current Progress Report prior to each court hearing.

All VC team members should give input in the decision-making process, either directly to the Pretrial Services Officer prior to the hearing, or at the hearing itself. VC provides an open forum all VC team members involved in a case can gather to share information, discuss issues, and determine actions necessary to assist participants in successfully completing the program.

This hearing addresses participants on an individual basis, via review of each progress report (with information submitted by treatment, supervision, and case management) and through team discussion of pertinent issues regarding each person, including the need for additional services or alternative treatments to best meet the current needs of each participant. The team discusses all recommendations for sanctions, incentives, and any disagreements are resolved prior to court so as to present a united front. The Judge has the final determination.

Team Staffing

Regular members of the VC Team include the following:

- Assigned District Court and/or Magistrate Court Judge
- USAO: AUSA George Hageman, Deputy Criminal Chief Matthew Yelovich, or Designated Alternate
- FPD: AFD Candis Mitchell or Designated Alternate

Northern District of California Veterans Court

Program Manual

- PTS: [REDACTED] or Designated Alternate
- VA: Veterans Justice Outreach Specialist Jenna Ferrara or Designated Alternate
- Swords to Plowshares: Staff Attorney Megan O’Leary or Designated Alternate
- Collaborative Courts Manager: Wyatt Lim-Tepper or Designated Alternate

Other stakeholders (e.g. individual treatment providers) may join the team meetings at the request of the Judge as applicable.

Program Manual Revisions

This Program Manual and related forms will be reviewed by the VC team annually and updated as needed.

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Participant Signature and Date