

DEARBORN COUNTY
VETERANS TREATMENT (D.C.V.) COURT
HANDBOOK



JONATHAN N. CLEARY, JUDGE
COURTHOUSE
215 W. HIGH STREET
LAWRENCEBURG, IN 47025
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INTRODUCTION TO D.C.V. COURT

For several decades drug use has shaped the criminal justice system. Drug and drug related offenses are the most common crimes in almost every community. Drug offenders move through the criminal justice system in a prescribed pattern: arrest, prosecution, conviction, incarceration and release. It is only a matter of time before the same person is arrested again and the process starts over.

The mission of the Dearborn County Veterans Treatment Court (D.C.V. Court) is to stop the abuse of alcohol and other illegal drugs and the related criminal activity. D.C.V. Court offers a compelling choice for individuals that have served, or are serving in the military and whose criminal activity can be linked to military service, most often combat situations. The goal of treatment is to return the participant to productive functioning in the family, workplace and community. In exchange for successful completion of the D.C.V. Court program, the court may dismiss the participant's original criminal charge or reduce it to a misdemeanor when appropriate.

D.C.V. Court is a collaborative effort between the Court, Prosecutor, Probation Department, Public Defender, Law Enforcement, Southeast Regional Community Corrections Department and the Cincinnati VA Medical Center. The primary goal of D.C.V. Court is to provide immediate and concerted treatment to the drug offender. This program is a minimum 52 week, 4 phase approach to substance abuse. D.C.V. Court combines intensive judicial supervision, mandatory drug testing, sanctions and treatment to help substance abusing offenders break the cycle of addiction and the crime that often accompanies it.

MISSION STATEMENT

To treat drug and/or alcohol offenders rather than simply punish them in order to improve the quality of life in our community by reducing recidivism, improving the use of public resources, saving lives, and breaking the cycle of drug and/or alcohol addiction.

PROGRAM DESCRIPTION

ENTRY PROCESS

To enter the program an offender must be a veteran and have first been arrested for the commission of a non-violent felony offense, or arrested for the commission of a probation violation while on probation for a non-violent felony offense. Upon arrest, the arresting officer, a prosecuting attorney, D.C.V. Court staff and/or the judge targets the offender as a potential D.C.V. Court candidate. If targeted, the offender will undergo a screening process including legal eligibility, a risk assessment, clinical eligibility, and D.C.V. Court Team eligibility. The screening process will be used to determine appropriateness for the program based on the severity of the offender's drug and/or alcohol dependency, the offender's prior criminal history and other factors. If considered an appropriate candidate, the offender will be contacted by the public defender (or an attorney of their choosing) to explain qualifications for entry into the program, and to explain program requirements. To enter the program, the participant must have completed an orientation program with a case manager, entered a plea of guilty and agree to abide by D.C.V. Court program rules and a treatment plan as part of the plea agreement.

DRUG TESTING

Random drug testing is an important part of D.C.V. Court. Participants will be required to call their case manager each day, and report within the time required by the case manager. A positive test, diluted test, or failure to appear within the time requested by the case manager will be considered a violation of the D.C.V. Court program. Participants should expect to be tested at least two (2) times a week, but as often as daily if necessary to achieve sobriety.

PHASES

The D.C.V. Court program consists of four phases. Phase I and II last a minimum of 12 weeks each and Phase III lasts a minimum of 28 weeks. Overall completion and graduation will take a participant a minimum of 52 weeks. The mere passage of time alone, does not guarantee completion of a phase. Following graduation, a participant will have a minimum of one (1) year reporting probation prior to dismissal of any charges if a plea agreement calls for a dismissal.

PHASE I:

Phase I is the entry phase into the program and is the most intensive for the participant. The participant will have to appear in Court once per week during Phase I.

The treatment plan in Phase I requires the participant to attend a minimum of two group sessions per week, as well as one bi-weekly individual session with a D.C.V. Court treatment counselor. The treatment plan also requires a minimum of three 12 step meetings per week.

The participant must meet with a case manager one time per week as a formal office visit, and should expect random home visits from a case manager and/or law enforcement officer. Each Phase I participant is required to submit to urinalysis testing and P.B.T. (alcohol) testing. Also, each Phase I participant is required to wear a SERCC ankle bracelet.

To complete Phase I, the participant must have 4 consecutive weeks of negative drug/alcohol tests. The participant must also show proof of a sponsor, be paid up on all D.C.V. Court fees and file an application for advancement to the next phase, which must be approved by the D.C.V. Court team.

PHASE II:

The Phase II participant will have to appear in Court once every two weeks.

The treatment plan in Phase II requires the participant to attend a minimum of one group session per week, as well as one bi-weekly individual session with an D.C.V. Court treatment counselor. The treatment plan also requires three 12-step meetings per week during Phase II.

The participant must meet with a case manager bi-weekly as a formal office visit, and should expect random home visits from a case manager and/or law enforcement officer. Each Phase II participant is required to submit to urinalysis testing and P.B.T. (alcohol) testing. Also, each participant may be required to wear a SERCC ankle bracelet.

To complete Phase II, the participant must have 8 consecutive weeks of negative drug/alcohol tests. In addition, the participant must obtain and maintain employment and file an application for advancement to the next phase, which must be approved by the D.C.V. Court team. Additionally, to complete Phase II, the participant must demonstrate to the D.C.V. Court team, that the participant has a written relapse prevention plan and they fully understand the plan.

PHASE III:

The Phase III participant will have to appear in Court a minimum of one time per month.

The treatment plan in Phase III requires the participant to attend a minimum of one group session every two weeks, and one bi-weekly individual sessions with an D.C.V. Court treatment counselor. The treatment plan also requires three 12-step meetings per week during Phase III.

The participant must meet with a case manager a minimum of one time each month as a formal office visit, and should expect random in-home visits from a case manager and/or law enforcement officer. Each Phase III participant is required to submit to drug testing and P.B.T (alcohol) testing. Also, each participant may be required to wear a SERCC ankle bracelet.

To complete Phase III, the participant must have 16 consecutive weeks of negative drug/alcohol test. In addition, the participant must maintain employment, complete a minimum of 40 hours community service, pay any Court ordered restitution to victims of crime, and file an application for graduation from the program, which must be approved by the D.C.V. Court team. To graduate the participant must also demonstrate to the D.C.V. Court team that a long term aftercare plan is in place and that the participant has actively participated in the plan for at least ninety (90) days.

GRADUATION

PHASE IV: REPORTING PROBATION

Following D.C.V. Court graduation, the participant must successfully complete at least one (1) year of reporting probation, or as long as the plea agreement requires. The purpose of this period of probation is to ensure the participant is actively participating in a long term aftercare program. A violation during this term of reporting probation may subject the participant to serve the entire sentence as called for in the plea agreement. The violation will be considered a probation violation by the referring judge. The participant will report to their case manager as a condition of probation for at least one year following graduation. Following the completion of reporting probation in phase IV, the case manager will telephone the participants at least bi-annually for a period of five (5) years to check on the well being of the participant. It is the responsibility of the participant to keep the case manager up to date with address and telephone numbers.

TREATMENT PLAN

Treatment for alcohol and/or drug dependency is one of the primary objectives of the Dearborn Superior Court D.C.V. Court Program. Each participant will be expected to actively participate in an extensive drug treatment plan, which will include group therapy, individual therapy and 12-step meetings. Active participation in the treatment plan is essential for successful completion of the program. Each participant will be expected to participate in a minimum amount of treatment sessions as outlined above in the description of the program phases. Treatment services will be provided by the Cincinnati VA Medical Center.

SANCTIONS

For positive drug and/or alcohol screens, missed counseling or Court sessions, lack of active participation, or for any other program rule violations, participants may receive any of the following sanctions (or other appropriate sanctions as ordered by the Court):

- verbal admonishment from Judge
- essay or other writing assignment
- driver's license restriction
- restrictive curfew
- community service
- increased counseling requirements
- increased drug/alcohol testing requirements
- no contact orders
- in-home incarceration
- incarceration in jail
- phase reduction
- penalty box

INCENTIVES

For positive steps toward successful completion of a program phase, participants may be rewarded with any of the following incentives (or other appropriate incentives as ordered by the Court):

- praise from Judge
- reduction of fines
- less restrictive curfew
- reduced reporting requirements
- promotion to next phase of program
- other rewards, certificates, tokens, etc.

ELIGIBILITY CRITERIA

To be eligible for consideration to participate in the Dearborn Superior Court D.C.V. Court Program, a defendant must meet the following criteria:

- Must be a United States Military Veteran eligible for Cincinnati VA Medical Center benefits
- Must have criminal activity linked to military service, most often combat situations
- Must have a serious addiction to alcohol and/or drugs
- Must be a resident of Dearborn County or Ohio County, or if a non-resident, must be actively employed in Dearborn County or Ohio County
- Must be 18 years or older
- Must have committed a felony offense and/or a probation violation.
- Must have committed a drug and/or alcohol related offense, or an offense “driven” by drug and/or alcohol addiction

Any of the following may DISQUALIFY a defendant for participation in the program:

- not eligible for VA benefits
- first time offender
- no alcohol or drug dependency
- non-resident who is not employed in Dearborn County or Ohio County
- propensity for violent behavior
- prior history of dealing drugs, or present offense that involves dealing of drugs
- no prior felony convictions and current offense is not a felony
- sexual abuse offender
- prior felony for domestic violence or present offense is felony domestic violence
- prior weapons conviction or present offense involves possession of illegal weapon
- working as a confidential informant for law enforcement
- A person does not have the right to participate in the D.C.V. Court

FINANCIAL RESPONSIBILITIES

Participants in the Dearborn County D.C.V. Court are assessed a \$50 Monthly Fee and an additional fee of \$10 per drug screen collected, which is used to pay, in part, for counseling services and drug testing. All payments shall be made to the case manager.

D.C.V. COURT TEAM MEMBERS

Judge Jonathan N. Cleary	(812) 537-8874
Jennifer Lyness, Coordinator	(812)-537-8824
Kristy Alig, D.C.V. Case Manager	(812) 537-3255
Shavonne Melhbauer, JCAP Director	(812) 537-8886
Tim McDivitt, Men's JCAP	(812) 537-8886
Donna Hartman, SERCC Community Corrections	(812) 537-8842
Andy Baudendistel, Attorney	(812) 537-4500
Jeff Sharp, Deputy Prosecuting Attorney	(812) 537-8884
David Hall, Jail Commander	(812) 537-8886
Cincinnati VA Medical Center Sally R. Hammitt	(859)392-3962
Cincinnati VA Medical Center Ronald Michaelson	(859)392-3962

TERMINATION CRITERIA

Participants may be terminated from the D.C.V. Court Program for any of the following reason (or any other reason determined appropriate by the Court):

- total noncompliance with program rules
- failure to progress through program in a timely manner
- arrest for a new criminal offense while in the program
- permanent change of residence out of the jurisdiction

GRADUATION CRITERIA

To successfully complete and graduate from the D.C.V. Court Program, each participant must meet all the following criteria:

- successful completion of the treatment plan
- advancement through all three phases of the program
- maintain full time employment or actively progressing toward completion of educational goals
- compliance with any Court ordered financial obligations
- participation in a continuing care program
- Maintain Sobriety

Upon successful completion of the D.C.V. Court Program the participant may have his/her current criminal charge dismissed if the plea agreement calls for a dismissal. The case will not be dismissed until all reporting probation is successfully completed following D.C.V. Court graduation. Failure to complete the program will result in the participant being sentenced in accordance with the plea agreement, which he/she signed upon entry into the D.C.V. Court Program.

A violation of reporting probation following graduation may result in the execution of the entire sentence as agreed upon by the plea agreement.

