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Testimony to the Senate Committee on Judiciary in Support of SB 119

Feb.20, 2019

Chairman Wilborn, Vice Chairman Rucker, Ranking Member Miller, and members of the committee,

The Johnson County Sheriff's Office supports SB 119 - Encouraging judicial districts to establish and utilize specialty courts. We have the only Veterans Treatment Court (VTC) in the state of Kansas. It was implemented in 2016. One of my assigned duties is to be the liaison between the VTC and the Sheriff's Office. I serve on the Veterans Treatment Court Steering Committee in that capacity.

The mission of the Veterans Treatment Court (VTC) is to identify veterans in the criminal justice system and, when eligible, get them into treatment and court supervision as an alternative to incarceration. The primary objective of the Veterans Treatment Court is to promote public safety by providing an inter-agency, collaborative, non-adversarial treatment strategy to veterans in the criminal justice system who suffer from mental health and/or substance abuse issues related to their service in our Armed Forces.

VTC is voluntary. A veteran cannot be assigned to Veterans Court. Not every veteran is eligible. Certain crimes, such as Off Grid Offenses, offenses involving serious bodily harm or death, and drive-by shootings will disqualify a veteran from the program. Additionally, the veteran must be found to be in need of treatment for either mental health or substance abuse issues, or both. Veteran status alone does not qualify a person for VTC.

Every veteran that has graduated the program has not had further contact with the criminal justice system. Attached to my testimony is the brochure that describes more about VTC.

Thank you for taking the time to hear this bill. The Johnson County Sheriff's Office would ask that you find the bill favorable for passage.

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Incentives

The court may reward progress with the following:

- Court-announced perfect compliance list
- Fish bowl prizes
- Special events, sports, and concert tickets
- Praise from Judge and the VTC Team
- Advancement to next phase
- Fewer court appearances
- Called first in court and leave early
- Adjust curfew
- Allow travel privileges
- Graduation ceremony
- Honor Squad

Sanctions

The court may sanction program violations with the following:

- Reprimand from the Judge
- Therapeutic Intervention
- Letter of apology to the Court
- Community Service
- Increased court appearances
- Adjust curfew
- Electronic monitoring at participant's expense
- Increased alcohol and drug testing
- Increased reporting to Supervision Officer
- Lengthen time in program or phase
- Jail sanction for up to 72 hours
- Termination from the court

Program Fees

Diversion Application:

Misdemeanor - \$30.00; Felony - \$50.00

Diversion Fee:

Misdemeanor - \$100.00; Felony - \$150.00

Court Costs: Misdemeanor (non-DUI) - \$159.50; Felony - \$194.50

Additional Program Costs may include, but are not limited to: statutory fines, fingerprinting, bond supervision, urinalysis testing, lab fees, witness fees, transportation costs, court appointed attorney's fees, and restitution. Such additional costs will be made part of the defendant's VTC Diversion contract or Probation/PIS order.

Graduation

Upon satisfaction of the requirements of the Veterans Treatment Court, the successful participant will graduate in a ceremony conducted in court. Successful VTC Diversion Track participants will have their charges/cases dismissed. VTC Probation/PIS participants will have their cases closed successfully.

Confidentiality

The participant's treatment information shall be protected consistent with Federal Regulations and State Law during the screening process and while engaged in treatment in the Veterans Treatment Court. During the participant's initial assessment and treatment planning session, they will be asked to sign a release of information (ROI). This document allows the VA Medical Center, Johnson County Mental Health, or other appropriate treatment providers to inform the Court of a participant's initial eligibility and ongoing progress in fulfilling program requirements. Failure to sign an ROI could result in a participant's inability to participate and/or termination from the Veterans Treatment Court.

Conclusion

The Veterans Treatment Court is designed to help participants live in the community as a productive and responsible citizen. The Judge, the Court Staff, and Treatment Team will guide and assist them, however, the final responsibility rests with the veteran participant.

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JOHNSON COUNTY, KANSAS VETERANS TREATMENT COURT

Veteran Participant Brochure

Johnson County District Attorney's Office

Kansas City VA, Medical Center

Johnson County, Kansas District Court

Welcome to the Johnson County Veterans Treatment Court Program. This guide will provide a description of what is expected of a Veterans Treatment Court Participant and the services that will be provided to help them be successful.



Johnson County Veterans Treatment Court Program Description

The Veterans Treatment Court (VTC) is an innovative alternative approach for Veterans from incarceration into supervised treatment and supportive services. This is accomplished through a diversion, probation or Post Imprisonment Supervision (PIS). The primary objective of the Veterans Treatment Court is to promote public safety by providing an inter-agency, collaborative, non-adversarial treatment strategy to veterans in the criminal justice system who suffer from mental health and/or substance abuse issues related to their service in our Armed Forces.

Overview

The VTC is voluntary and divided into two tracks: Diversion and Probation/PIS. An eligible Veteran interested in participating in the VTC diversion track will fill out an application, obtained through the District Attorney's office. Veterans interested in participating in the VTC Probation/PIS will contact Court Services to apply. Veterans must obtain a substance abuse evaluation and/or a mental health evaluation depending on their individual needs. Evaluations can be obtained through the Veterans Administration (VA) or Johnson County Mental Health. Veterans must participate in an LSIR conducted by Court Services. Based upon the veteran's treatment needs the program length will be 12 or 18 months.

Eligibility

Qualifying veterans must be eligible for benefits through the VA Medical Center and/or services through Johnson County Mental Health. The VTC may accept veterans charged with either felony or misdemeanor offenses, subject to limitations. **While each case is to be considered individually**, the following offenses/offenders will be excluded from the VTC:

- Off Grid Offenses
- Felony sex offenses
- Registered sex offenders
- Offenses involving serious bodily harm or death
- Drive-by shootings
- Offenses requiring interstate compact supervision

Diversion Track:

The District Attorney's Office will review all Diversion Track applicants. Final determination of eligibility rests solely with the VTC Judge and the District Attorney's Office. In addition to the above excluded offenses; any offense ineligible for diversion by statute, will also be excluded. For a complete list of excluded offenses for the Diversion Track, see the Veterans Treatment Court diversion application.

Probation/PIS Track:

The VTC Coordinator will review all Probation/PIS Track applicants. The Adult Court Services Office will be responsible for screening all Probation/PIS applicants. **While an offender may be eligible for Probation/PIS, The VTC Treatment Team will review all Probation/PIS applicants for final eligibility, with each case to be considered individually.**

Phase Requirements of VTC

Phase I	Phase II	Phase III	Phase IV	Phase V
Follow orders of treatment and supervision. Make court appearances.	Follow orders of treatment and supervision. Attend court bi-weekly.	Follow orders of treatment and supervision. Attend court at least monthly.	Follow orders of treatment and supervision. Attend court at least monthly.	Follow orders of treatment and supervision. Attend court monthly.
Engage in testing.	Submit to testing 2 times per week.	Submit to testing 2 times per week.	Submit to testing 2 times per week.	Submit to testing 2 times per week.
Meet with Veteran's Mentor.	Actively interact with Veteran's mentor.	Actively interact with Veteran's mentor.	Actively interact with Veteran's mentor.	Actively interact with Veteran's mentor.
Meet with supervision officer weekly.	Meet with supervision officer as directed.	Meet with supervision officer as directed.	Meet with supervision officer as directed.	Meet with supervision officer as directed.
Meet with VJO as required.	Meet with VJO as required.	Meet with VJO as required.	Meet with VJO as required.	Meet with VJO as required.
14 days consecutive sobriety.	45/30 days consecutive sobriety.	120/90 days consecutive sobriety.	120/80 days consecutive sobriety.	90/60 days consecutive sobriety.
	Initiate community support system.	Attend community support 2 times per week.	Attend community support 2 times per week.	Attend community support 2 times per week.
	Develop stable housing plan.	Develop a plan to utilize skills learned.	Implement plan to utilize skills learned.	Utilize learned skills.
	Develop plan for payment of fees and restitution.	Develop pro-social activities.	Implement pro-social activities.	Utilize pro-social skills learned.
		Develop an on-going recovery plan.	Implement recovery plan.	Utilize social activities plan.
		Develop a financial plan.	Implement financial plan.	Continue recovery plan.
		Pay 50% of court fees and/or restitution.	Court fees and restitution paid in full.	Utilize financial plan.
			Develop discharge plan.	Utilize employment and productive activities plan.

Treatment Court Hearings

The Veterans Treatment Court dockets will be held at the Johnson County, Kansas District Court, Division 18, located on the 3rd Floor of the Johnson County Courthouse, 100 North Kansas Avenue, Olathe, Kansas. Dockets will be scheduled on Wednesday afternoon at 2:30P.M., on a biweekly basis. The Veteran Treatment Court Team will meet prior to court to discuss progress of each veteran participant. Appropriate family members, friends, sponsors, and treatment providers are welcome to attend the court proceedings. Participants must appear on assigned court dates.

Drug Testing

Participants will be randomly tested for drug and alcohol use throughout the entire program, at a minimum of two times per week. All testing will be observed. The Veteran Court Treatment Team will have access to all test results. Any Treatment Team member may direct additional testing, at any time. A positive, abnormal, or missed test will be addressed by the Court through the sanction process.

Recovery Support

Attending recovery support meetings is an important part of the recovery process. The meetings will familiarize participants with the recovery support/self-help philosophy. Participants may be required to attend recovery support/self-help meetings. The frequency of required attendance is determined by the progress of the participants in the program and their phase level in the treatment plan.

Mentor Program

Each participant will be assigned a veteran mentor. The Volunteer Veteran Mentor will support them as a coach, guide, role model, and advocate. The mentor may also attend scheduled court sessions. Every effort is made to recruit a diverse group of Veteran Mentors from all branches of the military and from various periods of service. The participants are required to meet with their Mentor as specified in their treatment plan. The Judge will ask for the Mentor's opinion regarding the participant's progress, but will not discuss availability of mentors and not the responsibility of Veteran Court Participants.