

Winchester-Frederick County Behavioral Health Docket Program



Participant Handbook

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Introduction

Welcome to the Winchester-Frederick County Behavioral Health Docket Program (“BHD”). This handbook has been designed to answer questions and to provide information about this program. It is the responsibility of each participant to follow all of the requirements in this handbook and to follow the direction of the Behavioral Health Docket Judge and the BHD Team. In order to be fully successful in this program, participants must make mental health treatment and recovery the number one priority in his/her life. This program involves a great deal of time and commitment on the part of each participant. Every participant should carefully review this document with an attorney to fully understand what is expected of them upon entry into the BHD Program. Every participant should also be aware that it will take a great deal of time to successfully complete this program.

Mission Statement

The mission of the Winchester-Frederick County Behavioral Health Docket Program (WFCBHDP) is to provide coordination between the mental health and criminal justice communities, which will ultimately reduce recidivism, improve public safety and support individuals with criminal charges and serious mental illness by developing an individualized comprehensive community based treatment plan, with Court supervision, for each participant.

Program Overview

The WFCBHDP is a post-plea docket which provides support for defendants diagnosed with serious mental illness. Participants will receive regular supervision with a team to monitor the defendant’s treatment as well as provide resources tailored to the defendant’s particular needs which will assist in keeping the defendant on track and toward illness management and recovery, thus reducing involvement in the criminal justice system.

Eligibility Criteria

Who is Eligible?

The criteria for participation in the program will be the following:

- Misdemeanor offense pending in the Winchester or Frederick County General District Courts
- Mental illness of the defendant contributed to the behavior underlying the criminal charge
- The defendant has no other charges pending in a jurisdiction outside of Winchester or Frederick County
- The defendant has not been terminated from the Behavioral Health Docket within the last 12 months
- The offense(s) charged does not involve an “act of violence” as defined in Virginia Code Section 19.2-297.1
- The defendant has a medium to high criminogenic risk as determined by the OST assessment tool
- The defendant has a diagnosis for a serious mental illness recognized under the DSM-V. Substance abuse cannot be the defendant’s sole diagnosis.
- Defendant must be a Winchester or Frederick County resident or Winchester or Frederick homeless (those who are considered Winchester/Frederick residents and/or on the path to becoming an Winchester/Frederick resident , i.e. street homeless in Winchester/Frederick for 90 days)
- Approval of the Commonwealth Attorney for entry into program

Getting Started

Participation in the Behavioral Health Docket Program is Voluntary

Your involvement with the WFCBHDP is the mutual decision of yourself, your attorney, the Commonwealth’s Attorney, and the Behavioral Health Docket Judge. You have voluntarily agreed to participate in the WFCBHDP. You will be asked to sign an agreement to participate in the Program. Additionally, you will help create a service plan in coordination with your Probation Officer and Mental Health Case Manager.

Although your initial participation **IS** voluntary, you must sign and agree to your service plan once you have entered the program. The Treatment Team will work closely with you to address the issues which brought you into the Criminal Justice System.

Expectations of Participants

You will be expected to adhere to the following guidelines:

- To attend all review hearings scheduled by the Court as well as appointments with my Probation Officer. Understand that a lack of transportation is **NOT** considered an acceptable excuse for non-attendance for any scheduled appointment or Court appearance.
- To be bound by all conditions of probation imposed by the Court
- To pay all probation supervision fees
- To participate in counseling for mental health and substance abuse issues as directed by my Treatment Team
- To comply with all medication recommendations as directed by my Treatment Team
- To refrain from the use of alcohol and all non-prescription drugs while on probation
- Agree and consent to provide my Treatment Team with a sample of my breath or urine as requested by my Treatment Team or as directed by the Court
- To cooperate with my Treatment Team and be respectful of their recommendations
- To be law abiding and engage in no criminal activity while on probation
- To pay all costs, if any, associated with my treatment
- To sign a release of information to share information with members of the Behavioral Health Docket Team, as well as, any other agency deemed necessary by my treatment plan

What Participants Can Expect From the Treatment Team

- To be treated with dignity and respect
- Close monitoring and frequent interactions.
- Adherence to all Commonwealth and Federal guidelines regarding treatment and confidentiality issues
- Provide encouragement, support, and direction
- Adherence to the structure of the program and the direction of the Court

Behavioral Health Docket Treatment Phases

Phase I – Up to 30 days

Participants must meet the following standards in Phase I:

- Attend Behavioral Health Docket review sessions twice per month.
- Meet with the Probation Officer and/or the Mental Health Clinician weekly.
- Comply with service plan established by the Probation Officer and Mental Health Clinician.
- Attend appointments with other treatment providers.
- Take all medication as prescribed.
- Comply with all drug screens.
- Remain drug and alcohol free.
- Actively search for employment, if unemployed and able to work.
- Maintain current employment, if employed.
- Have no new criminal charges/convictions arising after being placed in the program.
- Develop a plan to pay Court costs during the probation period.

Participants may move to Phase II when they have consistently done the following:

- Attended appointments with the Court, Probation Officer, Mental Health Clinician, support groups, and treating psychiatrist/psychologist.
- Complied with the elements of the service plan, including medication therapy
- Remained drug and alcohol free
- Have no new criminal charges/convictions arising after being placed in the program.
- Obtained and maintained stable employment, if able to work.
- At least 15 consecutive days of abstinence from illegal drugs and alcohol immediately prior to advancement to Phase II

Phase II - Up to 4 months

Participants must meet the following standards in Phase II:

- Attend Behavioral Health Docket review sessions twice per month.
- Meet with the Probation Officer, and/or Mental Health Clinician in person every other week (two times per month).
- Attend appointments with the appropriate treatment providers.
- Comply with elements of the service plan, including medication therapy.
- Demonstrate stability with regards to housing and financial management.
- Remain drug and alcohol free.
- Maintain employment, if able to work.

- Demonstrate consistent ability to pay Court costs.
- Attend support groups as specified in the service plan.
- Make payments towards Court ordered obligations.

Participants will be promoted to Phase III once they consistently demonstrate a clear pattern of stability in the following areas:

- Attendance of appointments with the Court, Probation Officer, and Mental Health Clinician.
- Compliance with the individualized service plan
- Compliance with mental health treatment, including medication therapy
- Stability in housing
- Stability in financial management
- Reasonable stability in family relationships (with whom the participant resides)
- Remain drug and alcohol free.
- Maintain employment, if able to work
- Receive no new criminal charges or convictions which arose after being placed in the program
- Make payments towards Court ordered obligations.
- At least 30 consecutive days of abstinence from illegal drugs and alcohol immediately prior to advancement to Phase III

Phase III – Up to 6 months

- Attend the Behavioral Health Docket review session in Court once each month
- Meet with the Probation Officer, and/or Mental Health Clinician in person, once a month, and have phone contact every two weeks
- Attend appointments with appropriate treatment providers
- Comply with the established service plan, including medication therapy
- Demonstrate stability in housing
- Demonstrate stability in financial management
- Remain drug and alcohol free
- Maintain employment, if able to work
- Have no new criminal charges or convictions which arose after being placed in the program
- Make payments towards Court ordered obligations.
- Pay treatment fees in full, if able. No participant will be denied access to treatment based on an inability to pay.

- **Phase IV – 30 Days or Less Remaining on Probation**

Generally, participants are deemed successful when they have:

- Actively participated in and completed the first three phases of the docket and have developed a plan for transition to independent living.
- Been compliant in taking prescribed medications for their illness
- Remained arrest-free for at least a six month period
- Been abstinent from the use of illegal drugs and alcohol for at least 3 months immediately prior to advancement to commencement

Behavioral Health Docket Sanctions

Possible sanctions and treatment responses for violating the terms and conditions of the Behavioral Health Docket Program:

- Report more frequently to the Probation Officer and/or Mental Health Clinician
- Thinking Report
- More frequent drug screens
- More frequent Court appearances
- Performance of community service hours
- A brief period of incarceration of not more than 5 days
- Attend more frequent community support meetings
- Termination from the docket and issuance of a show cause and/or capias pursuant to 18.2-456 and/or 19.2-306 for failure to comply

Behavioral Health Docket Incentives

Participants who demonstrate positive behaviors and continued compliance with the BHD will receive incentives. These incentives will be determined by the BHD team in order to reinforce positive, prosocial behaviors. Incentives may include but are not limited to the following:

- Recognition by the Court
- Applause
- Certificates of Achievement and Appreciation
- Gift cards
- Decreased Court appearances
- Early dismissal from the court docket

Behavioral Health Docket Program Graduation

A participant is eligible to graduate from the WFCBHD Program upon successful completion of all requirements of the service plan. At graduation, the Judge will conduct a ceremony wherein the participant will be recognized for his/her successful completion of the Behavioral Health Docket Program requirements.

Termination

I understand that I will be scheduled for a termination hearing and terminated from the Behavioral Health Docket Program for the following:

- Conviction of a new felony offense
- Conviction of a new misdemeanor offense resulting in an active jail sentence of more than 30 days
- Repeated instances of dishonesty
- Persistent failure to comply with program rules
- Threatening staff or peers
- A violation of confidentiality
- Possession of weapons
- Any form of sexual harassment
- Absconding

Termination from the Behavioral Health Docket Program is not appealable and the Participant expressly waives his or her right to appeal the decision to terminate him or her from the program.

If I am terminated from the program, that termination can be considered by the Court at any subsequent hearing in my case.

Contact Information

Winchester-Frederick County General District Court
5 North Kent Street
Winchester, VA 22601
(540) 722-7208

Old Dominion Court Services
860 Smithfield Avenue
Winchester, VA
(540) 667-5633

Northwestern Community Services
158 Front Royal Pike
Winchester, VA 22602
(540) 667-8888

Public Defender's Office
100 North Loudoun Street, Ste. 230
Winchester, VA 22601
(540) 722-3450

Office of the Commonwealth's Attorney for the City of Winchester
21 South Kent Street, Ste. 200
Winchester, VA 22601
(540) 722-7940

Office of the Commonwealth's Attorney for Frederick County
107 North Kent Street
Winchester, VA 22601
(540) 665-6383

Executed this __day of _____, 20 ____.

Participant Signature

Participant Printed Name

I hereby certify that the above-named Participant was provided ample time to read and/or understand this Contract, and that I was present and advising the Participant concerning the waivers contained herein, the terms and conditions of participation in the Behavioral Health Docket Program and the consequences of the Contract's execution.

Attorney Signature

Attorney Printed Name

This Court finds that the defendant's decision to execute this Contract and waive the rights identified herein was made voluntarily and intelligently with an understanding of the nature and consequences of such execution and waiver and does hereby accept such Participant into the Winchester-Frederick County Behavioral Health Docket Program.

Entered this _____ day of _____, 20____.

**Winchester-Frederick County
Behavioral Health Docket Judge**