

Northwest Regional Adult Behavioral Health Docket



Participant Handbook

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Program Description

The NRABHD is a post-plea docket which provides support for defendants with a primary diagnosis of a 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.

An individual may be referred for evaluation for the program by his/her defense attorney, the Commonwealth's Attorney, Pretrial Officer, Jail Mental Health Staff, law enforcement or the judge. Upon referral, the NRABHD Coordinator will facilitate the screening and assessment process to determine an individual's eligibility to participate. The potential NRABHD participant will be assessed for eligibility by a pretrial services officer and a clinician with Northwestern Community Services Board (NWCSB). The appropriate risk assessment will be conducted by the Pretrial Officer to determine whether the participant has a medium to high risk for supervision. A clinician with Northwestern Community Services Board will conduct an assessment to determine whether the defendant has a primary diagnosis of a serious mental illness. Individuals referred to the NRABHD are considered on a case-by-case to ensure all legal and clinical eligibility criteria have been met.

Those who enter the NRABHD will sign the applicable Agreement to Participate which details the statutory rights waived when participating in the program. The participant signs the document with the guidance of his/her lawyer prior to entry in the program. Before entry into the program, the Commonwealth's Attorney, the Defense Attorney and the individual will negotiate an agreement which will include the disposition upon successful completion of the NRABHD as well as the disposition in the event the participant does not successfully complete the program. Once the participant reaches an agreement with the Commonwealth's Attorney, accepts the conditions imposed by the NRABHD and signs the Agreement to Participate form. The court will then review the agreement. If the participant is accepted, the court will order the participant on probation through Old Dominion Court Services and the participant will continue in the NRABHD.

Immediately following the placement of the participant on the docket, the participant will meet with a Probation Officer and Case Manager to review probation requirements and the treatment plan. The Probation Officer and the Mental Health Clinician will begin working with the participant to carry out the treatment plan. The treatment plan will be reviewed and updated as necessary, no less than every ninety days.

Each participant in the NRABHD will appear before the court on a regular basis to review compliance with the details of the treatment plan. Throughout participation on the docket, the court requires the participant to comply with all conditions of probation supervision, including special conditions that may be imposed due to the participant's unique circumstances.

Participation in mental health treatment, including medication compliance, is essential for compliance. The court may require the participant to adhere to any additional programming to address high-scoring criminogenic needs such as cognitive behavioral programming, job training and substance use disorder treatment. Strict compliance is required with all requirements. Incentives are

awarded for positive behaviors and sanctions are imposed for non-compliance. NRABHD participants attend and review hearings in General District Court at the frequency determined by the current need of the participant or the phase level so the judge and the NRABHD team can monitor progress and adjust supervision and/or treatment accordingly.

Once a participant successfully completes the requirements of Phases I-IV of the program, the case will proceed to adjudication or disposition. A graduation ceremony marks the completion of NRABHD participation.

Getting Started

Your involvement with the NRABHD 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 NRABHD. 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
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Program Phases

Due to the complex nature associated with the diagnosis and treatment of mental illness, the exact length of time in each phase may be different for each participant. Below are the expectations of participants in the first phase

Phase I – Orientation (At least 30 Days)

Participants must meet the following standards in Phase I:

- Attend all court appearances twice a month
- Meet with Probation weekly or as scheduled
- Meet with Case Manager weekly or as scheduled
- Comply with all aspects of the treatment plan
- Enroll in benefits
- Obtain a Primary Care Physician
- Attend all appointments with all identified treatment providers
- Take all medications as prescribed
- Comply with all drug screens, twice weekly or as scheduled
- Remain drug and alcohol free
- Comply with all identified structured activities (i.e. groups, employment, volunteer work).
- Complete a budget
- Begin to develop a plan to pay all court costs and fees
- Have no new charges/convictions arising after being placed in the BHD

Participants may move to Phase II when he/she has consistently done the following:

1. Demonstrated ability to develop, to commit and comply with all aspects of individualized treatment plan, including medication, to the presiding Judge
2. Attended all appointments with the court, Probation Officer and Case Manager
3. Remained drug and alcohol free
4. Had no new criminal charges /convictions

Phase II – Stability (At least 60 Days)

Participants must meet the following standards in Phase II:

- Attend all court appearances twice a month
- Meet with the Probation biweekly or as scheduled
- Meet with Case Manager biweekly or as scheduled
- Comply with all aspects of the treatment plan
- Attend all appointments with all identified treatment providers
- Have 100% medication compliance
- Provided documentation of enrolling in employment/education/volunteer activities or taking verifiable steps towards productive activity
- Demonstrate stability in financial management by following a budget
- Maintain housing and/or work towards permanent housing
- Comply with all drug screens
- Remain drug and alcohol free, twice weekly or as scheduled
- Enter payment plan for court costs and fees, if appropriate
- Have no new criminal charges/convictions arising after being placed in the BHD

Participants may move to Phase III when he/she has consistently done the following:

1. Demonstrated ability to commit and comply with all aspects of individualized treatment plan, including medication, to the presiding Judge.
2. Attended all appointments with the court, Probation Officer, and Mental Health Clinician, structured activities and treating Psychiatrist.
3. Stability in housing/working towards permanent housing
4. Remained drug and alcohol free
5. Made progress towards obtaining financial stability
6. Have no new criminal charges/convictions

Phase III – Maintenance and Community Reintegration (At least 60 Days)

Participants must meet the following standards in Phase III:

- Attend the first court appearance of the month
- Meet with Probation once monthly or as scheduled
- Meet with Case Manager once monthly or as scheduled
- Comply with all aspects of the treatment plan
- Attend all appointments with all identified treatment providers
- Have 100% medication compliance
- Have 100% attendance with all appointments
- Continued adherence with payment plan for all court costs and fees.
- Demonstrate stability in housing or progress towards securing dependent housing
- Demonstrate stability in financial management
- Demonstrate reasonable stability in family relationships
- Remain drug and alcohol free
- Comply with drug screens, twice weekly or as scheduled
- Have no new criminal charges/convictions

- Attend all structured activities and provide documentation (i.e. employment, groups education, volunteering)

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

1. Ability to commit and comply with all aspects of individualized treatment plan, including medication, to the presiding judge
2. Attend all appointments with the court, Probation Officer, Mental Health Clinician, and structured activities and treating psychiatrist.
3. Stability in housing/working towards permanent housing
4. Remained drug and alcohol free
5. Make progress towards financial stability
6. Have no new criminal charges or convictions
7. Continued adherence with payment plan for all court costs, fees and treatment costs (sliding scale), if applicable.

Phase IV – Transition/Successful Completion and Graduation (At least 30 Days)

Once the participant has demonstrated sufficient personal and clinical improvement since entry into the program, the BHD Team should prepare the participant for transition and graduation. The BHD Team and participant should review the treatment plan to recognize the participant's progress and accomplishments. The BHD Team and participant should identify potential issues and needs going forward. The BHD Team should stress the participant's need to remain connected to services and resources in the community following graduation for the docket.

Participants must meet the following standards in Phase IV:

- Demonstrate the ability to continually commit and comply with all aspects of individualized treatment plan, including medication, to the presiding Judge.
- Attended all court appearances
- Meet with Probation Officer and BHD Mental Health Clinician as scheduled
- Meet with Case Manager once monthly or as scheduled
- Attend all appointments with all identified treatment providers
- Take all medication as prescribed
- Pay all court costs and fees, if appropriate
- Demonstrate stability in housing and financial management
- Create Transition Plan with treatment providers
- Have no new criminal charges/convictions
- Remain abstinent from the use of illegal drugs, marijuana, and alcohol for at least 3 months immediately prior to advancement to commencement; screening as scheduled.

Behavioral Health Docket Graduation

A participant is eligible to graduate from the NRABHD Program upon successful completion of all requirements of treatment plan. At graduation, the participant will be recognized for his/her successful completion of the Behavioral Health Docket Program requirements.

Sanctions

Possible sanctions and treatment responses for violating the terms and conditions of the NRABHD Program include, but not limited to:

- Report more frequently to the Probation Officer and /or Mental Health Clinician
 - Thinking Report
 - More frequent drug screens
 - More frequent court appearances
 - Performance of additional 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
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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 Appreciated
 - Gift cards
 - Decreased court appearances
 - Early dismissal from the court docket
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Termination

A participant may be terminated from the NRABHD Program for the following reason.

- Conviction of a new misdemeanor or felony offense
- Any incarceration longer than 30 days
- Repeated instances of dishonesty
- Failure to complete any phase within 120 days
- 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 is not appealable and the participant expressly waives his or her right to appeal the decision to terminate from the program.

If a participant is terminated from the program, the termination can be considered by the Court at any subsequent hearing in their case.

Contact Information

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

Clarke General District Court
104 North Church Street
Berryville, Virginia, 22611
(540) 955-5128

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

Office of the Commonwealth's Attorney for Clarke County
102 N. Church Street
Berryville, VA
(540) 995-5120

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 Northwest Regional Adult Behavioral Health Docket.

Executed this ____ day of ____, 20__.

Northwest Regional Adult
Behavioral Health Docket Judge