

# ***District of New Jersey Veterans Court***

## **Memorandum of Understanding**



September 2024

## MEMORANDUM OF UNDERSTANDING

Between the:

United States District Court, District of New Jersey

United States Pretrial Services Agency, District of New Jersey

United States Probation Office, District of New Jersey

United States Attorney's Office, District of New Jersey

Federal Public Defender's Office, District of New Jersey

and

Department of Veterans Affairs, VHA NJ, Philadelphia, and Wilmington Medical Centers

### I. MISSION STATEMENT

By the creation of the Veterans Court ("VC") Program, the U.S. District Court for the District of New Jersey ("Court"), U.S. Pretrial Services Agency ("Pretrial Services"), U.S. Probation Office ("Probation"), Federal Public Defender's Office ("FPD"), U.S. Attorney's Office for the District of New Jersey ("USAO"), and the Department of Veterans Affairs, Veterans Health Administration; New Jersey, Philadelphia, and Wilmington Veterans Affairs offices ("VHA"), seek to collaborate in assisting justice-involved Veterans in obtaining needed rehabilitative, mental health, and social services. The purpose of the VC Program is to promote community safety and reduce recidivism by creating a highly-structured courtroom environment in which Veteran-Participants are monitored and held accountable for attaining treatment and rehabilitation goals.

### II. PURPOSE AND SCOPE OF MEMORANDUM OF UNDERSTANDING

The purpose of this Memorandum of Understanding ("MOU") is to establish the rights and responsibilities of each stakeholder involved in the VC Program to provide qualified Veterans charged with federal crimes an opportunity to receive rehabilitative, mental health, and social services as needed along with the potential to realize better outcomes in their contact with the criminal justice system through utilization of Department of Veterans Affairs ("VHA") rehabilitative programs.

The VC Program, as reflected in this MOU, is a **non-binding** collaborative effort to use the various supportive modalities of the VHA and the resources of the Court to reduce recidivism and achieve long-term benefits for the individual Veteran-Participant and society at large. In this process, the Court, Pretrial Services, Probation, VHA, USAO, FPD (and private counsel) each have discrete roles to play. The execution of this MOU is not intended to, nor does it shift any of the rights, responsibilities, or obligations of one of these entities to another or alter their essential legal obligations or functions. As participation in the VC Program is voluntary and **non-binding**, any entity may withdraw from participating in the VC Program at any time.

The United States District Court has the authority to operate the VC Program pursuant to its judicial powers. VHA has the authority to administer programs and provide healthcare to eligible Veterans pursuant to Title 38 of the United States Code. This MOU is not intended to confer or create authority not already in existence.

### **III. OVERVIEW OF VC PROGRAM**

Over the years, the Court has encountered Veterans charged with criminal offenses who face challenges in their lives from struggles with controlled substances, post-traumatic stress disorder, and other abuse or mental health concerns. In such cases, traditional legal remedies such as incarceration, monetary fines, and post-conviction supervision alone may not reach the root cause of the criminal conduct. The VC Program is intended to help address the underlying cause of the criminal conduct by combining the resources of the Court, Pretrial Services, Probation, and clinical treatment programs at the appropriate VA Medical Center. As its ultimate goal, the VC Program seeks to improve the lives of the involved Veterans (and on rare occasion, those in active military status) and promote public safety by supporting sobriety and law-abiding behavior through reducing relapse and recidivism.

The VC Program is a voluntary program that is typically a minimum of twelve (12) months in duration and is designed for criminal defendants who are Veterans (and on extraordinary occasion persons in active military status) and may suffer from substance use disorder, addiction, or mental health challenges or would otherwise materially benefit from treatment and other supportive services. Prior diagnosis of substance abuse or a mental health condition is not required for eligibility in the VC Program. Participation is subject to the approval process outlined below in the Referral Process section of this MOU. All Veteran-Participants must be able and willing to abide by the program's rules as well as any additional instructions or orders issued by the Presiding Judge or by the supervising Pretrial Services Officer or Probation Officer. Each Veteran-Participant's involvement in the program is subject to a written agreement that outlines the program's obligations. This agreement is signed by the Veteran-Participant, his or her attorney, the USAO, and the VC Program's supervising Pretrial Services Officer and/or Probation Officer before it is approved by the VC Presiding Judge. The Agreement is provided in *Appendix 1*.

Before each VC hearing, the team members review the treatment compliance summary and other relevant conduct for each VC participant. The team members recommend to the Presiding Judge any sanction they believe appropriate. At the VC hearing, the Court reviews the Veteran-Participant's conduct and progress since the last hearing, seeks a response from the Veteran-Participant, then imposes any sanction (or grants a reward) and provides direction to the Veteran-Participant.

The supervising Pretrial Services Officer or Probation Officer will provide intensive supervision services to ensure to the fullest extent possible that each Veteran-Participant is compliant with his/her supervision and any treatment goals. The Veteran's Justice Outreach Specialist ("VJO"), a representative of the Veteran's Administration, is available as a resource for the Veteran-Participant to ensure that each Veteran-Participant has the ability to follow through with appointments. The VJO will also be available as a resource for the Veteran-Participant to help the Veteran-Participant obtain access to medication, adequate housing, transportation, and other needed services.

Veterans may enter the VC Program in one of three ways: (1) a defendant facing criminal charges; (2) as a sentenced defendant whose sentence requires participation as a condition of probation/supervised release; or (3) as an individual under supervision facing violation of probation/supervised.

Veterans facing misdemeanor or felony charges will be required to enter a plea of guilty pursuant to Fed.R.Crim.Pr. 11(c)(1)(A), (B), or (C) before making application to the program. Those Veteran-Participants who enter the program will have their release conditions amended to include a condition that they shall participate in the VC Program. Sentencing will be deferred until the Veteran-Participant is either graduated or terminated from the Program. Graduation from the VC Program MAY result in a downward variance at sentencing or a non-guideline sentence. Further, in limited circumstances and only if the Court and USAO agree, graduation from the program may also result in a reduction of the charges to a lesser offense, a referral of the participant to Pretrial Diversion, or dismissal of the charges entirely. It is expected that all Veteran-Participants who complete the VC Program will have the right to argue for a downward variance at sentencing, but the granting of a variance is not assured. The USAO may oppose such a downward variance, and the Court is never bound to grant a request for a variance. The primary goal of the VC Program is to ensure that Veteran-Participants are receiving the supportive services and treatment they require and to provide them with an opportunity for a potentially better result in their criminal case. Veteran-Participants who successfully complete the VC Program may receive no variance from the applicable guidelines range, a downward variance still resulting in a term of imprisonment, or a downward variance resulting in a non-custodial sentence, depending on the particular case. Such adjudication will be determined by the VC Presiding Judge on a case-by-case basis.

**Post-Conviction Probation/Supervised Release Cases:** If accepted into the VC Program, Veterans who have a post-conviction condition for VC imposed at the time of sentencing shall participate in the program. Jurisdiction of the Veteran's post-conviction supervision may possibly be transferred from the original sentencing judge to the VC Program Presiding Judge. The consequences of failure to complete the Program may be specified by the Court. Veterans who enter the Program in this manner who successfully complete the VC Program may have their term of probation/supervised release shortened upon successful completion of the VC Program.

**Post-Conviction Violation Cases:** Veterans facing probation/supervised release violations not previously enrolled in the program shall, upon being accepted into the VC Program, have their probation/supervised release conditions modified to require participation in the VC Program. The consequences of failure to complete the Program may be specified by the Court. In these cases, jurisdiction of the Veteran's post-conviction supervision may possibly be transferred from the original sentencing judge to the VC Program Presiding Judge for disposition of the alleged violation(s) and further supervision. Veterans who enter the Program in this manner who successfully complete the VC Program may expect the USAO to consider foregoing prosecution of the violation of probation/supervised release, but this is not assured. The term of probation/supervised release may also be shortened upon successful completion of the VC Program.

As previously stated, participation in the VC Program is strictly voluntary; however, Veteran-Participants must agree to abide by the Program's rules, including its sanctions and termination procedures. These sanctions and termination procedures are discussed in more detail below.

#### **IV. PROGRAM ELIGIBILITY**

The VC Program is intended to serve Veterans (and on extraordinary occasions persons in active military status) charged with federal crimes in the District of New Jersey who meet certain criteria. The VHA determines access to services based on eligibility criteria. Defendants who previously served but were not honorably discharged may be considered on a case-by-case basis for acceptance into the VC Program. However, these veterans are not eligible to receive services through the Department of Veteran Affairs and will rely on community-based services made available to them via U.S. Pretrial Services or Probation. VHA eligibility statutes will govern whether Veteran-Participants who appear in the VC are authorized to receive VHA services. Decisions related to a Veteran's eligibility for VHA services will be made exclusively by the VHA or as otherwise required by law. Veterans who are ordered detained pretrial are not eligible for participation in the VC Program. However, if a Veteran is detained, the VC Program Team will coordinate with the VA to provide whatever services the VA may be able to provide to the Veteran, even though not under the umbrella of the VC Program. In this case, members of the VC team may divulge information about the Veteran's custodial status to the VAMC.

#### **V. THE REFERRAL PROCESS**

Judges, defense attorneys, Pretrial Services Officers, Probation Officers, VJOs, Assistant U.S. Attorneys, and any other members of the VC Program Team may refer Veteran defendants to the program. After a referral, a VC Program team member will contact the Veteran and/or his counsel, as appropriate, to determine if the Veteran is interested in participating in the VC Program and whether the Veteran is eligible for VA benefits. If the person is not eligible for VA benefits, the VJO will advise the team and the VC Program Team will discuss whether services available through Pretrial Services and Probation are sufficient to meet the Veteran's needs. If the potential candidate is eligible for VA benefits and is interested in VC participation, the VAMC may release information (with a signed VA form 10-5345) about the Veteran's participation in VAMC services to the VC Program Team upon execution of the appropriate release forms.

Upon receipt of this notice, the USAO shall conduct an initial review of the charges against the Veteran, followed by a communication to the VC Program Team as to whether the USAO will consider foregoing a conventional prosecution in favor of VC Program participation by the Veteran. This initial determination by the USAO is only a preliminary assessment without the benefit of a full assessment by Pretrial Services or Probation, and the preliminary assessment shall not constitute a binding, final determination by the USAO as to whether it shall forego a conventional prosecution in order to permit VC Program participation by the Veteran. If the USAO communicates its preliminary determination in favor of participation, Pretrial Services or the Probation Office shall review the matter and make a recommendation to the VC Presiding Judge and VC Program Team as to whether the Veteran should be accepted into the VC Program. If the team, led by the Presiding Judge, agrees that the Veteran is suitable for participation, all parties shall sign the Participant Agreement (see *Appendix 1*) to denote formal acceptance into the VC program.

#### **VI. PROGRAM ENROLLMENT**

Prior to enrollment, potential VC Program participants are encouraged to observe at least one court hearing to ensure they understand the level of commitment and expectations required. All defendants admitted to the VC Program must review the Program requirements and sign the participant agreement before they

begin participating in the program. The participant agreement outlines the VC Program's rules and expectations. It must be signed by the Veteran-Participant and his or her attorney, the supervising officer, and the VC Presiding Judge. When completing the participant agreement, the defendant also indicates whether he or she consents to the appointment of the assistant federal public defender as his or her attorney representative solely for the purposes of the VC Program. Please see *Appendix 1, VTC Program Veteran - Participant Agreement*, and *Appendix 2 VC Program Participant Handbook* for more details. Veteran-Participants are generally expected to complete the program between twelve (12) months and eighteen (18) months. The length of the program depends, in great part, on each Veteran-Participant's ability to succeed in the program.

## VII. TEAM MEMBER ROLES

### *The Court*

**VC Presiding Judge:** The VC Presiding Judge leads the VC Program team and works with other team members to achieve program goals. The VC Presiding Judge has final authority to approve or deny the applications of all VC Program applicants for whom the USAO is willing to forego a conventional prosecution in favor of the VC Program. His or her active involvement with program participants is essential to the VC Program's success. When Veteran-Participants fail to comply with program rules or otherwise engage in misconduct, the VC Presiding Judge, with input from the VC Program team, imposes appropriate sanctions. While other members of the VC Program team provide input, the VC Presiding Judge makes all final decisions regarding sanctions and terminations from the program. He or she presides over all team meetings and court hearings, including status conferences held for individual Veteran-Participants.

### *United States Attorney's Office (USAO)*

The USAO provides staff and resources to represent the government and maintains prosecutorial discretion. The USAO provides input as to whether a Veteran is an appropriate candidate for the VC Program. The USAO and associated staff participate in the collaborative evaluation of the program including court hearings, program evaluation meetings, and related program tasks/projects. To promote continuity and consistency, the USAO shall, to the fullest possible extent, arrange to have a single Assistant U.S. Attorney cover all VC team meetings and VC court hearings. The Assistant U.S. Attorneys assigned to the VC Program work with other VC Program team members to achieve program goals.

### *Legal Counsel for Veteran-Participant*

When appointed by the Court, the Federal Public Defender's Office (FPD) represents and assists Veteran-Participants in the VC Program. The Assistant Federal Public Defender (AFPD) assigned to the program may be asked to provide input into the screening process. The AFPD and associated staff participate in the collaborative evaluation of the program including court hearings, program evaluation meetings, and related program tasks/projects. In appropriate cases either retained private counsel or an appointed Criminal Justice Act (CJA) panel attorney may represent a Veteran-Participant rather than the FPD. When private counsel participates in the VC Program, they will be expected to comply with the terms and spirit of this MOU as a collaborative partner in the Program. The AFPD assigned to the VC Program works with other VC Program team members to achieve program goals. The AFPD may refer defendants to the program, report or comment on the Veteran-Participant's progress during court hearings and team meetings, and advocate on behalf of his or her clients. He or she attends all team meetings, VC Program hearings, and any status conferences held for his or her clients. The Assistant Federal Public Defender

makes recommendations regarding sanctions, including termination, and participates in all program planning decisions. In some instances, representing certain Veteran-Participants may present the FPD with a conflict of interest. This may occur, for example, when the FPD represents in District Court an alleged co-conspirator of a Veteran-Participant. In such instances, the FPD would be conflicted out of the representation of the Veteran-Participant. Both the USAO and the Assistant Federal Public Defender will attempt to identify possible conflicts of interest as soon as possible during the referral process. When the FPD must recuse due to a conflict of interest, the VC Presiding Judge may appoint a member of the Court's CJA Panel to represent the Veteran-Participant.

**Private Defense Counsel:** While the FPD is often appointed to represent VC Program participants for the purposes of VC only, some participants may choose to be represented in VC by their privately retained or court-appointed defense attorneys. Private defense counsel should work with other VC Program team members to achieve program goals.

### ***The Veterans Court Coordinator (VCC)***

The Veterans Court Coordinator (VCC) serves a central and critical role for the VC Program Team. The Veterans Court Coordinator has the following duties and responsibilities for the VC Program Team: he/she receives referral notice from the Veterans Court Team, distributes and maintains the monthly staffing docket sheet, attends all team staffings and court hearings, and serves as a resource to the team and participants regarding veteran services to the community. The Veterans Court Coordinator has the following responsibilities directly associated with the mentoring component of the program: he/she is the team's lead point of contact for the mentors, assumes major responsibility for recruiting qualified veteran mentors, screens mentor applicants, coordinates mentor orientation, and provides any specialized training required.

### ***The United States Pretrial Services Agency and United States Probation Office***

These agencies will conduct risk assessments and provide supervision and case management services to encourage and ensure the Veteran-Participant's compliance with the VC Program and conditions of supervision. Further, to assist the VA clinician in support services and treatment planning, each agency agrees to provide the VA with the Veteran-Participant's criminal history and current charges at the time of referral to the VA. These agencies are also responsible for reviewing the Participant Handbook with each client when they begin the Program. *See Appendix 2.* The supervising officer assigned to the VC Program will work with other VC Program team members to achieve program goals. The supervising officer supervises all VC Program participants. He or she is charged with case planning and overseeing the Veteran-Participant's compliance with VC phase requirements. In so doing, the officer works with the VA's treatment clinician, Veterans Justice Outreach Specialist (VJOs), and mentor(s) to ensure effective communication between the treatment providers, mentor, and the VC Program team. The officer makes other referrals as dictated by the Veteran Participant's dynamic risk factors and service needs. He or she shall attend all team meetings and court hearings, including all status conferences held for individual Veteran-Participants. The officer regularly reports on the Veteran-Participant's progress. The officer provides a verbal progress report on each Veteran-Participant at each staffing session. If a serious violation occurs, the officer provides a written notice to the AUSA and Court and works with respective counsel and the VC Presiding Judge to respond to serious violations quickly. The officer makes recommendations regarding sanctions, including termination, and participates in all program planning decisions. Pretrial

Services and Probation participate in the collaborative evaluation of the program, including court hearings, program evaluation meetings and related program tasks/projects. When problems arise with individual Veteran-Participants, the officer works with other members of the VC Program team to intervene as needed.

### ***Veterans Justice Outreach Specialist***

The Veterans Justice Outreach Specialist (VJO) represents the VAMC and serves as a court liaison and is responsible for ensuring that the Veteran-Participant signs all necessary release forms. The VJO will participate in each VC court hearing and staffing session. The VJO will assist the Veteran-Participant in determining eligibility for VHA medical care and Veterans benefits. The VJO will refer the Veteran-Participant to the appropriate treatment provided at the VAMC, assist with scheduling appointments at the VAMC, and assist in treatment planning. While the VJO necessarily provides status reports and recommendations to the VC Program Team, the VJO will not testify in any court proceeding, but will provide information on how veterans can access their specific VHA medical records needed by the Court pursuant to a court order or the Veteran-Participant's written consent.

### ***Mentors***

Mentors play a unique and pivotal role in the Program. At the program's inception, the VC Program Team is responsible for recruiting mentors. The role of the program's volunteer mentor is to support the Veteran-Participant's efforts to create a better life. The mentorship relationship is intended to encourage, guide, and support the Veteran-Participant. The mentor is to act as a friend ("battle buddy"), coach, guide, role model, advocate, and support for the Veteran-Participant with whom he/she is working. Mentors are expected to discuss with the VC Program Team information relevant to the Veteran-Participant's progress in the Program. In dealing with highly-sensitive personal information, the mentor may choose to first divulge this information to the assigned Pretrial Services/Probation Officer so a determination can be made as to how/if this information should be further disclosed to the other members of the VC Program Team. Mentors understand the roles of other team members and keep the participant progressing successfully toward VC Program completion. The mentor shall attend all court hearings and shall interact with the VC per the VC Program phase requirements.

## **VIII. TEAM MEETINGS AND COURT HEARINGS**

In advance of the regularly scheduled court hearings, the supervising officer and the VJO shall give a verbal report to the VC Program Team. These verbal reports shall describe both successes and problems experienced on supervision, which may be treatment related, or otherwise. The Court may require written reports if it deems necessary. At team meetings held before each VC hearing, the VC Program Team will review the progress reports for each Veteran-Participant and discusses each Veteran-Participant's progress. The entire team provides recommendations to the VC Presiding Judge as to how the Veteran-Participant's problems and successes should be addressed. Veteran-Participants and the VTC Program Team assemble at the regularly scheduled VC hearings. Veteran-Participants report on their progress and team members comment on the Veteran-Participants' successes and failures.



## **IX. SANCTIONS**

Non-compliance with program requirements will be reported to the VC Presiding Judge and could result in a full array of sanctions, such as more frequent court appearances, geographic or association restrictions, written assignments, travel restrictions, curfew, electronically monitored restrictions, and community service. Sanctions are designed to encourage consequential thinking, to prompt the Veteran-Participant to reflect on his or her behavior, to stay away from people and places that constitute negative influences, and to motivate the participant to become more involved in the community.

## **X. TERMINATION**

Non-compliance could also result in termination from the program. The VC Presiding Judge has the authority to terminate any Veteran-Participant from the VC Program. The VC Presiding Judge is encouraged to consult the VC Program Team prior to any decision of termination. The VC Presiding Judge will not terminate anyone from the program without giving counsel the right to be heard. This includes Veteran-Participants who were initially released pretrial but have had their release revoked.

In the event a Veteran-Participant is terminated from the program prior to sentencing, the VC Presiding Judge and the judge originally assigned the criminal matter shall confer as to whether the criminal case should be transferred back to the original judge for sentencing and final disposition.

As noted in Section III, in the case of participants enrolled into the program during a term of post-conviction supervision who are alleged to have violated the terms of their probation/supervised release, jurisdiction of their supervision may possibly be transferred from the original sentencing judge to the VC Program Presiding Judge for disposition of the alleged violation(s) and further supervision.

## APPENDIX 1

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

## Veterans Court Program

Participant Agreement

I, \_\_\_\_\_, wish to participate in the District of New Jersey's Veterans Court (VC) Program. I understand that if I am accepted into the VC Program, I must fully comply with all program requirements, all other court orders, and any orders that govern the conditions of my bond, probation, or supervised release. I understand that failure to comply with the terms of this agreement, other VC Program requirements, or court orders may result in the imposition of sanctions or, ultimately, in my termination from the VC Program. I also understand that any misconduct I may commit while I am a VC Program participant could result in the revocation of my bond, probation, or supervised release.

\_\_\_\_\_ I agree that I will not violate any federal, state, or local laws, and I acknowledge that I may be immediately terminated from the Program if I am charged with any such violations.

\_\_\_\_\_ I agree that I will not use any illicit drugs, misuse prescription drugs or drink alcohol while in the Program.

\_\_\_\_\_ If I am placed on bond before or during my participation in the Program, I agree that a petition to modify the conditions of my bond to include participation in the VA Program will be submitted to the Court.

\_\_\_\_\_ If I am placed on probation or supervised release before or during my participation in the Program, I agree that a petition to modify the conditions of supervision to include participation in the VC Program, which includes my consent to this modification, will be submitted to the Court.

\_\_\_\_\_ I agree that I will be honest and candid with the Program's Presiding Judge, my supervising U.S. Probation/Pretrial Services Officer(s), those providing my treatment, and other members of the VC Team.

\_\_\_\_\_ I agree to obey all instructions and orders given to me by the Program's presiding judge and by my supervising U.S. Probation/Pretrial Services Officer(s), and to adhere to all the requirements of each program phase.

- \_\_\_\_\_ I agree to report to my supervising U.S. Probation/Pretrial Services Officer(s), as soon as possible but in no event later than 24 hours, every contact I have with law enforcement personnel, including arrests, questioning, or traffic stops.
- \_\_\_\_\_ I agree to notify my supervising U.S. Probation/Pretrial Services Officer(s), as soon as possible but in no event later than 24 hours, of changes in any of the following: my home address; my phone number(s); my employment; and my educational pursuits.
- \_\_\_\_\_ I agree to submit to drug and alcohol testing as directed by the Program's Presiding Judge or my supervising U.S. Probation/Pretrial Services Officer(s).
- \_\_\_\_\_ I agree to enroll and participate in the level of supportive and treatment services recommended by the VAMC staff as part of my participation in the Program. I further agree to abide by the rules and regulations of those programs until I am discharged from it.
- \_\_\_\_\_ I agree that I will participate in Wellness activities, as well as participate in educational/community service or employment activities as proscribed by my program phase and/or as directed by the Program's Presiding Judge or my supervising U.S. Probation/Pretrial Services Officer(s).
- \_\_\_\_\_ I agree to execute release forms that allow my supervising U.S. Probation/Pretrial Services Officer(s) to share supervision information with the VAMC and the VC Program Team.
- \_\_\_\_\_ I agree to execute a release of information form with the VA to allow them to share treatment information with the supervising U.S. Probation/Pretrial Services Officer and the VC Program Team.
- \_\_\_\_\_ I will not associate with any persons I know are engaged in criminal activity and shall not associate with any person convicted of a felony, unless my supervising U.S. Probation/Pretrial Services Officer(s) expressly permits me to do so. Additionally, I will abide by all other standard and special conditions of pretrial release/post-conviction supervision.
- \_\_\_\_\_ I understand that should I fail to appear for any of the VC Program's status hearings, a warrant may be issued for my arrest.

\_\_\_\_\_ I understand that the United States Attorney's Office may petition – at any time – for my termination from the VC Program. I understand that the decision regarding termination rests in the sole discretion of the VC Program's presiding judge.

\_\_\_\_\_ I understand that if I successfully complete the VC Program while on pretrial release, the U.S. Attorney's Office may, but is not required to, move for downward variance regarding my sentence, reduce or dismiss my charges, recommend a non-guideline sentence, or refer me to Pretrial Diversion. If I successfully complete the program while under post-conviction supervision, the U.S. Attorney's Office may, but is not required to, move for reduction in the term of my supervised release or probation.

I have read the *Participant Handbook* and the *Participant Agreement*, or they have been read to me, and I understand the terms and conditions of my participation in the VC Program. I agree to fully comply with these terms and conditions. By agreeing to participate in the VC Program, I consent to the disclosure of my confidential information by the VAMC to the VC Program team members and will execute any and all forms necessary to authorize said release of information. I understand that this is a voluntary program. By agreeing to participate in the VC Program, I agree that I will abide by all the program's rules.

\_\_\_\_\_  
Participant

\_\_\_\_\_  
Date

I have advised my client of all the VC Program's terms and conditions. I believe that my client fully understands those terms and conditions, and that he or she knowingly and voluntarily seeks permission to participate in the VC Program.

\_\_\_\_\_  
Attorney for Participant

\_\_\_\_\_  
Date

On behalf of the VC team, I approve the above-named individual for participation in the Veterans Court Program.

\_\_\_\_\_  
The Honorable ,  
United States Magistrate/District Judge, District of New Jersey

\_\_\_\_\_  
Date

I further understand that the Federal Public Defender's Office may be appointed to represent me for the purposes of the VC Program only.

- ☐ I consent to the appointment of the Federal Public Defender's Office to represent me for the purposes of the VC Program only. I understand that my defense attorney of record will continue to represent me in all matters arising in my underlying criminal case.
- ☐ I do not consent to the appointment of the Federal Public Defender's Office to represent me for the purposes of the VC Program. I understand that my defense attorney of record will represent me for the purposes of the VC Program as well as in all matters arising in my underlying criminal case.
- ☐ The Federal Public Defender's Office has previously been appointed to represent me in my criminal case and will also represent me for purposes of the VC Program.

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Participant

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Date

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Attorney for Participant

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Date

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Assistant Federal Public Defender

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Date

## APPENDIX 2

### District of New Jersey

#### Veterans Court Participant Handbook

Welcome to the District of New Jersey Veterans Court (VC) Program. This handbook will provide you with a description of what is expected of you as a VC participant. Participants are encouraged to share this handbook with family and friends. Although the program requirements may seem overwhelming at first glance, once you establish a routine, we believe you will do very well and see tremendous benefits in your life. Three simple rules will ensure your success:

1. Be honest
2. Show up
3. Try hard

#### **Mission Statement**

By the creation of the Veterans Court (VC) Program, the U.S. District Court for the District of New Jersey (“Court”), the U.S. Pretrial Services Agency and U.S. Probation Office (Pretrial/Probation), the Federal Public Defender’s Office (“FPD”), the U.S. Attorney’s Office for the District of New Jersey (“USAO”), and the Veterans Affairs Medical Center (“VAMC”) seek to collaborate in assisting justice-involved Veterans in obtaining needed rehabilitative, mental health and social services. The purpose of the VC Program is to promote community safety and reduce recidivism by creating a highly structured courtroom environment in which Veteran participants are monitored and held accountable for attaining treatment and rehabilitation goals.

#### **Introduction**

Over the years, the Court has encountered veterans charged with criminal offenses who face challenges in their lives from struggles with substances abuse, post-traumatic stress disorder, and/ or other mental health concerns. In such cases, traditional legal remedies such as incarceration, monetary fines, and probation supervision alone may not reach the root cause of the criminal conduct. The VC Program is intended to address the underlying cause of the criminal conduct by combining the resources of the Court, Pretrial/Probation, and services offered by the VAMC. As its ultimate goal, the VC Program seeks to improve the lives of the offending veterans and promote public safety by supporting sobriety and law-abiding behavior through reducing relapse and recidivism.

## **Roles**

The VC Program Team is comprised of:

- The VC Presiding Judge, who presides over all VC Program hearings and serves as the team leader. The Judge staffs cases with the VC team but has final authority on all program decisions.
- The Assistant United States Attorney (prosecutor), who attends all team meetings and court hearings.
- The defense attorney, who attends all team meetings and court hearings.
- The Pretrial/Probation Officer, who provides case supervision and attends all team meetings and case staffings.
- The Veterans Court Coordinator who coordinates all referrals with the VAMC and mentor's program.
- The Veterans Justice Outreach Specialist (VJO), who represents the Veterans Affairs Medical Center and attends all team meetings and court hearings.

The Pretrial/Probation officer will maintain communication with the VJO, who will provide updates on your progress to the other members of the VC Program Team.

## **Program Description**

The VC Program is a voluntary program that includes at least monthly court appearances before the Judge. It generally takes a minimum of 12 months to successfully complete the program. Veterans may enter the VC Program in one of three ways: (1) as defendants facing criminal charges, (2) as a condition of probation/supervised release, or (3) as individuals under supervision facing violation of probation/supervised release.

In the early stages of the program, the focus will be on providing necessary support and treatment services and stabilizing your behavior. You can expect the following:

- You will meet with an assigned Pretrial Services or Probation Officer and discuss a case plan designed to help you meet your goals. The officer will visit you at your home as needed and will communicate with your family, counselors, and others to help ensure you are engaging in services and making progress towards your goals.
- The officer will collect observed urine screens and administer alcohol tests as deemed necessary. The officer will provide information regarding your progress and program compliance to the Judge and the VC Program Team.
- You will be assessed by the Veterans Court Coordinator.
- You will be assessed by Veterans Affairs Medical Center (VAMC) staff for the appropriate level of supportive and treatment services offered by VAMC, if

necessary. Compliance with the supportive/treatment plan is a program requirement. Information regarding your progress will be shared by the VAMC with the VC Program Team.

- You will attend court hearings once a month (unless directed otherwise by the Judge), during which you will talk with the Judge about your progress and any struggles. You may be asked to prepare a written report for the VC Program Team which talks about your progress and goals. (If you are not able to write, the officer will help you with this task, or you may be allowed to provide your report verbally to the Judge and team instead of writing it out.)
- You will call your officer as directed to discuss your progress, your supervision generally, and any other issue you want to discuss, or the officer wants to discuss with you.
- You will be introduced to a Veteran mentor, who will serve as a support to you through your time in the program.
- You will be expected to follow the conditions of your supervision and the VC Program rules. The rules are outlined on the *Participant Agreement* form, which will be reviewed with you by your attorney and the officer.

As you continue through the program, you will be expected to continue to build a healthy support system. You may also be directed to do things such as:

- Select and start a weekly wellness activity (for example, walking or bowling). Your officer will help you think about and consider activities.
- If substance use has been identified as a concern, select and start participating in a sober support group. This could be something like AA/NA, but it could also be some other group activity as long as it does not involve drinking or other illegal activity. Your officer can help you find a group.
- Seek and begin employment if you are not employed, or seek some sort of community service, or educational program.
- Continue employment if you are employed.

To complete the program, you must have demonstrated at least 12 months of progress and sobriety. The decision to conclude your time in the program rests with the VC Presiding Judge, who will consult with the Program Team in making that decision.

### **Incentives**

Participation in the VC Program offers many rewards. Most importantly, participants receive supportive services and, if needed, substance use and/or mental health



treatment. This will help you regain hope for a healthy, and crime-free life.

Defendants who successfully complete the VC Program can expect the United States Attorney's Office to consider moving for a downward variance at sentencing. In limited circumstances, the USAO may consider reducing the charges to a lesser offense, referring the participant to Pretrial Diversion, or dismissing the charges entirely.

Individuals who are under post-conviction supervision and who successfully complete the VC Program may have their term of supervision shortened. Those facing possible violation of probation/supervised release who successfully complete the VC Program can expect the USAO to consider foregoing pursuit of the violation.

### **Sanctions**

Sanctions are imposed on participants who engage in misconduct as a way of deterring future misconduct. Sanctions are imposed with progressive severity. Misconduct and resulting sanctions may be addressed in the regularly-scheduled VC hearings or at separate status conferences held by the VC Presiding Judge.

### **Conclusion**

Veterans Court is designed to help you live in the community as a productive and responsible citizen. The Judge, the other VC Program Team members, and your treatment team will guide and assist you, but the final responsibility is yours. You must be committed to a better life. Remember the three basic rules:

1. Be Honest
2. Show Up
3. Try Hard