

Veterans Therapeutic Court – Superior Court Pre-Plea Screening and Opt-In Instructions for Defense Attorneys

Veterans Therapeutic Court (VETCO) is a Clark County Therapeutic Specialty Court that treats both misdemeanor and felony defendants on a combined docket. VETCO offers eligible veterans the chance to enter an alternative treatment and sentencing program for defendants suffering from an underlying substance use disorder, co-occurring disorder, or mental illness, and facing criminal charges. This collaborative team approach is a partnership of people interested in supervising and assisting veteran-defendants willing to make changes in their lives using best practice and evidenced-based approaches.

As of June 3, 2019, VETCO was expanded to include a “pre-plea” program that accepts both misdemeanor and felony offenses. To participate on a pre-plea basis, the defendant must voluntarily agree to waive his or her rights to a speedy and jury trial. The participant will also agree to a stipulated facts trial in the event of termination or opting out of the program. Finally, the defendant agrees to enter and abide by the conditions set forth in the program contract. If a defendant successfully completes the pre-plea program (commencement), the defendant’s pending charges will be dismissed, with prejudice.

The mission of VETCO is to promote public safety, reduce criminal activity associated with veteran offenders, and enable the participants to live productive and law-abiding lifestyles within our community.

Step 1 – Defense Screening

- Discuss the program with your client to see if he/she is interested in VETCO. To qualify, participants must reside in Clark County and have a DSM-V primary diagnosis for substance use disorder, mental health disorder, or co-occurring disorder. If your client has an outdated evaluation or has not been engaged in services, there are ways to have him/her evaluated in custody.
- The alleged criminal behavior in the pending offense must be related to or caused by the individual’s mental illness and/or substance use disorder as supported by the suitability screen and/or evaluation (RCW 2.30.030).

Step 2 – Referral to VETCO (Superior Court Pre-Plea program)

- Any request for participation in VETCO must be made to the assigned Deputy Prosecuting Attorney (“DPA”). The DPA has the discretion to approve or deny a request for VETCO screening/participation. Upon initial approval for screening, the DPA will refer the defendant to the VETCO program. Approved referrals will be sent and processed through the Therapeutic Specialty Courts (“TSC”) Court Program Associate (“CPA”):
 - The TSC CPA will notify all VETCO team members of a referral
 - The Vancouver City Attorney’s Office and/or Prosecuting Attorney’s Office will run a full NCIC III criminal history and gather any pertinent police reports as part of the suitability screening process.
 - The VETCO Probation Officer will gather any treatment and pertinent diagnostic information that will assist in the suitability screening process.
 - The TSC Coordinator or Probation Officer will gather any background or current case information that will be pertinent for suitability for the program.
- At time of referral, Defendant signs a consent and release of confidential information for eligibility determination. Defendants, when necessary, must also sign a speedy trial waiver to allow time to undergo screening and for the VETCO team to staff the case. Referral and consent forms are maintained by the TSC Coordinator and will be placed in a confidential file separate from the criminal file subject to public disclosure.
- The Veterans Justice Outreach (VJO) Specialist will determine if the defendant is eligible for VA services. The VETCO Probation Officer will conduct an initial screening and risk assessment with the defendant to help determine eligibility criteria. The defendant will have a substance use disorder and/or mental health evaluation with a certified treatment agency of his/her choosing using the DSM-V diagnostic criteria; or, the VJO may determine if the person has a clinical need. The evaluation will be provided by

the defense attorney to the DPA or ACA to distribute accordingly to team members. The VETCO Probation Officer, with additional informed consent, provides a copy of the screening and risk assessment to the VETCO team which includes but is not limited to the Vancouver City Attorney and County Prosecutor's Office. The assessment will at a minimum include (a summary of) the available substance use disorder and/or mental health records from previous treatment and/or clinical history of the defendant, the diagnostic formulation/diagnosis, an assessment of dangerousness, indicator of client needs and any co-occurring issues.

Step 3 – VETCO Team Screening

- Every Monday prior to the VETCO docket, the VETCO team screens potential VETCO participants. This screening includes input from the VA VJO, the VETCO probation officer, and other collateral contact information. Each referral will be staffed and voted upon by the VETCO team for eligibility and suitability for the VETCO program.
- No participant will be approved for VETCO without input from the VJO regarding the suitability of the client based diagnosis and nexus between the diagnosis and criminal behavior.
- Once a defendant has been approved for VETCO, the Prosecuting Attorney's Office will cite the case onto the next Monday 10:30am docket before Judge Hagensen.

Step 4 – Opting Defendant into VETCO

- VETCO opt-in packets for Superior Court pre-plea cases are available on the District Court Therapeutic Specialty Courts' website: <https://www.clark.wa.gov/district-court/specialized-courts>. The packet contains all the necessary paperwork to enter a client into VETCO.
- Defense attorneys **must be present** in VETCO with their client, along with the completed opt-in documents.
- Defendant opt-in date is: Monday at 10:30am, Judge Hagensen, Department 6
- The Prosecuting Attorney's Office will cite the case on the docket.

Step 5 – Documents Needed to Opt In to VETCO on New Felony Charges

- VETCO contract (Agreement and Waiver of Rights for Entry into Veterans Therapeutic Court)
 - Note – Item A-2: Length of program is minimum of 12 months
 - Note – Item A-25: There is a \$200 non-refundable VETCO fee, if found to be financially able to pay.

Once your client has opted into VETCO, the VETCO defense attorney will be appointed to the case. The VETCO defense attorney will work with the veteran until he/she has completed and/or been terminated from VETCO.

Veterans Therapeutic Court – Fee Information

The VETCO fee is \$200. You will need to have a VETCO Contract for each case that your client brings in to VETCO. There is only one fee, no matter how many separate cases your client has. If your client is coming into VETCO on multiple cases with different cause numbers, the VETCO fee should be included only on the contract that has the most recent cause number. Cross off the fee on all the other VETCO contracts so your client is not charged more than once. If your client is terminated from the program, he/she will still be required to pay any of the unpaid balance of the \$200 fee, if found to be financially able to pay.

QUESTIONS? Contact:

VETCO defense attorney Chuck Buckley
TSC Coordinator Beth Robinson

cbuckley@cbuckleylaw.com
beth.robinson@clark.wa.gov

(360) 694-9657
(564) 397-2431