History of the Program

The Veritas Program is the result of nearly two years of research and planning conducted as a collaborative effort between the Circuit Court Judge, The Commonwealth’s Attorney, Probation and Parole, and representatives from the Defense Bar. In early 2008, Bristol Circuit Court Judge Larry B. Kirksey, Commonwealth’s Attorney Jerry Wolfe, and Chief Probation Officer Ken Moss began a series of meetings among themselves, discussing the potential for a drug court in Bristol. They screened drug courts around the State of Virginia with regard to their policies and procedures. Also conference calls were held with drug court judges and teams in Norfolk and Hampton. The pilot drug court program in Tazewell was visited and further discussions were held with the members of the Tazewell Drug Court Team. By way of additional pre-planning, Judge Kirksey, Commonwealth Attorney Wolfe and Chief Probation Officer Moss researched within their particular disciplines the opinions and experiences of other judges, prosecutors and probation officers.

In July of 2008, Judge Kirksey, Jerry Wolfe, Ken Moss, a representative from the defense bar, a probation officer from District 17 and a representative from Cumberland Mountain Community Services Board met with Anna Powers the State of Virginia Drug Treatment Court coordinator for a work session. The Standards governing Virginia drug courts were distributed and discussed.

In January of 2009, the Commonwealth’s Attorney dedicated start-up funding for a drug court in Bristol, and Susan Morrow was hired to develop and implement the program as Program Coordinator. Susan Morrow educated herself by visiting Tazewell Drug Court twice and Roanoke Drug Court Twice. During one visit to Tazewell, Susan Morrow also met with Anna Powers and sat in on a training for the statewide information system within the Supreme Court. Susan Morrow also contacted several other drug courts by phone and attended a Virginia Drug Court association meeting in Richmond.

From March 23, 2009, through March 27, 2009 the Veritas Team attended the Drug Court Planning Initiative Training Program in Nashville, Tennessee. The Team consisted of Judge Larry B. Kirksey, Susan Morrow, Veritas Program Coordinator, Kim Loucks, Deputy Commonwealth’s Attorney, Ilya Berenshteyn, Defense Counsel, Mary Williams, MSW, Lifeline Services, Scott Turner, District 17 Senior Probation Officer, Tyrone Foster, Detective with Bristol Police Department, and Ken Moss, Chief Probation Officer for District 17. With the Assistance of moderator Steve Ward, Assistant District Attorney for Mecklenberg County in North Carolina, the team developed an outline based on the National Association of Drug Court Professional’s “Ten Key Elements of Drug Courts” for how the program would look. The outline included eligibility requirements, phase requirements, and a continuum of incentives and sanctions. This is the program that is in operation in Bristol today.

The first participant was ordered into the Veritas Program on April 29, 2009. The Veritas Team continues to meet weekly to staff cases and discuss program development.
Mission Statement

The mission of the Bristol Virginia Circuit Court Veritas Program is to enhance public safety by providing intensive supervision, effective drug treatment, case management and frequent judicial oversight to drug addicted offenders with the goal of returning sober law abiding productive individuals to the community.

Goals and Objectives

Primary Goal 1: To promote community safety and well being

Secondary Goal 1.A: Reduce criminal behavior/recidivism among participating offenders

Process Objective i: Frequent and intense court supervision of participants
Process Objective ii: Frequent home contacts with participants

Outcome Objective iii: Reduce re-arrest rate of participants during program participation
Outcome Objective iv: Reduce re-arrest rate of participants following graduation from program

Secondary Goal 1.B: Decrease participants’ (and participants’ dependents’) reliance upon social and human services and increase their abilities to live independently and responsibly

Process Objective i: Direct participants to assistance in securing employment and drug-free housing
Process Objective ii: Direct participants to training and mentoring in life skills, such as parenting and financial management
Process Objective iii: Direct participants to assistance in eliminating deficits in basic education

Outcome Objective iv: Full payment by participants of any restitution
Outcome Objective v: Full employment or continued employment of participants upon graduation
Outcome Objective vi: Every drug court graduate to have at least a high school diploma or general equivalency diploma (GED)
Outcome Objective vii: Full economic, social and psychological support of participants’ dependents

Primary Goal 2: To conserve justice system resources

Secondary Goal 2.A: Reduction in direct costs of arrest and incarceration of participants
**Process Objective i**: Structure treatment, services and supervision to reduce opportunities for and risks of further criminal behavior

**Outcome Objective ii**: Reduction of the number of jail-bed days for participants

**Outcome Objective iii**: Reduction of participants’ contacts with law enforcement

**Secondary Goal 2.B**: Reduction in direct costs of judicial services/system

**Process Objective i**: Formulate individualized plans for treatment, services and supervision that will promote steady and successful advancement through the program

**Process Objective ii**: Direct participants to assistance in obtaining/improving employment and developing financial responsibility

**Outcome Objective iii**: Participants making payments toward legal financial obligations.

**Outcome Objective iv**: Reduction of trial costs and court docket congestion, and maximization of cost avoidance

**Primary Goal 3**: To heal and rehabilitate non-violent addicted offenders

**Secondary Goal 3.A**: Reduce and eliminate use of controlled substances and alcohol

**Process Objective i**: Assess participant addiction and treatment needs.

**Process Objective ii**: Provide participants with appropriate and effective substance abuse treatment services

**Process Objective iii**: Encourage participants’ use of and participation in services through appropriate application of sanctions and incentives

**Outcome Objective iv**: Graduation of at least 70% of participants

**Outcome Objective v**: Termination from the program of less than 15% of participants for drug test failures

**Secondary Goal 3. B**: To assist participants in regaining their lives and re-uniting families

**Process Objective i**: Conduct a strength-based assessment of each participant and engage participants in appropriate services relating to education, employment, housing, financial responsibility, families, physical and mental health and other issues that affect their ability to remain clean and sober and succeed in the program

**Outcome Objective ii**: Graduate participants, who are maintaining a sober and drug-free recovery, have at a minimum a high school equivalency diploma, are employed, are responsible parents, and are becoming responsible, productive members of the community.
Eligibility

All offenders must voluntarily agree to be evaluated for and to enter Drug Court. All offenders referred for evaluation for the Veritas Program will be screened based on the following criteria:

1. **Prior Criminal History**
   - No conviction for:
     - B. Distribution of or possession with intent to distribute a controlled substance.
     - C. Any offense involving a weapon.
     - D. Assault on a law enforcement officer.

2. **Present Offense**
   - B. Not charged with Distribution of or possession with intent to distribute a controlled substance.
   - C. Not charged with any offense involving a weapon and no indication of weapon involvement.
   - D. Not charged with assault on a law enforcement officer.

3. **Personal**
   - The defendant must:
     - A. Be 18 years or older
     - B. Have an established drug and/or alcohol addiction
     - C. Be a resident of Bristol, Virginia, Bristol, Tennessee or Washington County, Virginia
     - D. Have a landline telephone
     - E. Have transportation

4. **Legal**
   - The defendant must have a pending felony offense(s) in the Juvenile & Domestic Relations Court, General District Court or Circuit Court for the City of Bristol and/or be on active supervised probation with Adult Probation and Parole, District 17.
   - B. The defendant will be ineligible if her/she is charged with possession of a controlled substance and is otherwise eligible for first offender treatment pursuant to Virginia Code Section 18.2-251 (1950) as amended.
   - C. The Commonwealth’s Attorney’s Office has the right to veto any defendant recommended for entry into the Veritas Program.
5. **Mental**
   A. Ineligible if previously adjudged incompetent or insane
   B. Ineligible if diagnosed with a serious mental health condition.
   C. Ineligible if suffering from mental retardation, organic dementia, organic hallucinations, paranoia or antisocial personality disorders
Entry Process

1. **Post Plea**

**ARREST:** Offender is arrested on a felony charge by warrant and taken to the magistrate. Offender is then either bonded until arraignment on the charge or incarcerated pending arraignment. At this point, the Law Enforcement Officer may make a referral of the offender for the Veritas Program to the Commonwealth’s Attorney’s Office. All referrals are made using the Veritas Referral Form and eligibility requirements developed by the Veritas Team. Referrals are delivered directly to the Commonwealth’s Attorney’s Office by the individual making the referral.

And

**ARRAIGNMENT:** Adult offenders are arraigned by either the Bristol General District Court Judge or the Bristol Juvenile and Domestic Relations Court Judge. The Offender is appointed an attorney, and a preliminary hearing date is set. Arraignment is generally held within three (3) days of arrest when the Offender is incarcerated and within two (2) weeks of arrest when the Offender is released on bond. Once the defense attorney is appointed, he or she may make a referral using the Veritas Referral Form of the offender to the Commonwealth’s Attorney’s Office at any time, including at the preliminary hearing, up until two (2) weeks prior to plea bargain day in Bristol Circuit Court.

**SCREENING BY COMMONWEALTH’S ATTORNEY:** Once the Veritas Referral Form is received by the Commonwealth’s Attorney’s Office, the Commonwealth’s Attorney or designee screens the Offender for eligibility as to the offender’s criminal history and pending charges. This screening is to be completed within two (2) weeks of receipt of the Veritas Referral Form. If eligible, the Commonwealth’s Attorney or designee decides whether to offer the offender further screening for the program or to proceed with the normal criminal process. If further screening is offered, the Commonwealth’s Attorney’s Office will notify the Program Coordinator by hand delivering a Notification of Eligibility for Further Screening along with a copy of the Veritas Referral form to the Program Coordinator.

**PROGRAM COORDINATOR SCREENING:** The Program Coordinator then contacts the Offender and sets an appointment within one (1) week of receiving the Veritas Referral Form for further screening. The program Coordinator screens the Offender to determine if he/she has substance abuse issues and meets the criteria for further assessment and referral to the Veritas Program. If the offender meets the criteria, the Program Coordinator contacts the treatment provider and sets an appointment for a comprehensive clinical assessment within one (1) week of the screening. If the offender does not meet the criteria, the Commonwealth’s Attorney proceeds with the normal criminal process.

**TREATMENT ASSESSMENT AND RECOMMENDATIONS:** A Lifeline Services Substance Abuse Counselor completes a comprehensive clinical assessment to determine the Offender’s
individual needs. To be eligible, the offender must receive a DSM-IV diagnosis of substance addiction or dependence. If the offender meets eligibility criteria, his or her case is staffed with the Veritas Team within one (1) week at the next scheduled weekly staffing.

VERITAS TEAM STAFFING: The Veritas Team meets and considers all available information in determining if the Offender should be allowed into the program. If it is determined that the offender will not be admitted into the program, the Commonwealth’s Attorney proceeds with the normal criminal process. If it is determined that the Offender will be admitted into the program, the following steps are taken to speed up the criminal process and ensure rapid entry into the program.

WAIVER OF PRELIMINARY HEARING (WHERE APPLICABLE): As soon as possible, the Offender appears before either the Bristol General District Court or the Bristol Juvenile and Domestic Relations Court and waives his/her preliminary hearing. The presiding Judge then certifies the case to the Grand Jury.

WAIVER OF INDICTMENT (WHERE APPLICABLE) AND PLEA: As soon as possible, the Offender appears before the Bristol Circuit Court and, on the record, waives indictment if necessary and enters a guilty plea. The Bristol Circuit Court Judge then sentences the offender according to the plea agreement and orders him or her into the Veritas Program.

INTAKE: The participant reports to the program within 24 hours of being sentenced. He or she receives orientation on the waivers, behavioral contract and consent forms required for the program and proceeds to develop a treatment plan in Phase I.

2. Probation Revocation

IDENTIFYING POTENTIAL PARTICIPANTS: State Probation Officers may refer probation violators for Veritas Program screening as soon as a request for a Show Cause Rule and/or Capias has been submitted to the Circuit Court Clerk. Program candidates can also be identified and referred at any time during the pendency of the Probation Violation by the Commonwealth’s Attorney, defense attorneys the Probation Officer or the sentencing Judge. All referrals are made using the Veritas Referral Form and eligibility requirements developed by the Veritas Team. Referrals are delivered directly to the Commonwealth’s Attorney’s Office by the individual making the referral

SCREENING BY COMMONWEALTH’S ATTORNEY: Once the Veritas Referral Form is received by the Commonwealth’s Attorney’s Office, the Commonwealth’s Attorney or designee screens the Offender for eligibility as to the offender’s criminal history and pending charges. This screening is to be completed within two (2) weeks of receipt of the Veritas Referral Form. If eligible, the Commonwealth’s Attorney or designee decides whether to offer the offender further screening for the program or to proceed with the normal criminal process. If further screening is offered, the Commonwealth’s Attorney’s Office will notify the Program Coordinator by hand delivering a
Notification of Eligibility for Further Screening along with a copy of the Veritas Referral form to the Program Coordinator.

**PROGRAM COORDINATOR SCREENING:** The Program Coordinator then contacts the Offender and sets an appointment within one (1) week of receiving the Veritas Referral Form for further screening. The program Coordinator screens the Offender to determine if he/she has substance abuse issues and meets the criteria for further assessment and referral to the Veritas Program. If the offender meets the criteria, the Program Coordinator contacts the treatment provider and sets an appointment for a comprehensive clinical assessment within one (1) week of the screening. If the offender does not meet the criteria, the Commonwealth’s Attorney proceeds with the normal criminal process.

**TREATMENT ASSESSMENT AND RECOMMENDATIONS:** A Lifeline Services Substance Abuse Counselor completes a comprehensive clinical assessment to determine the Offender’s individual needs. To be eligible, the offender must receive a DSM-IV diagnosis of substance addiction or dependence. If the offender meets eligibility criteria, his or her case is staffed with the Veritas Team within one (1) week at the next scheduled weekly staffing.

**VERITAS TEAM STAFFING:** The Veritas Team meets and considers all available information in determining if the Offender should be allowed into the program. If it is determined that the offender will not be admitted into the program, the Commonwealth’s Attorney proceeds with the normal criminal process. If it is determined that the Offender will be admitted into the program, the following steps are taken to speed up the criminal process and ensure rapid entry into the program.

**ORDERING DRUG COURT:** A sentencing hearing is held within two (2) weeks of the Veritas Team Staffing to order the Offender into the program.

**INTAKE:** The participant reports to the program within 24 hours of being sentenced. He or she receives orientation on the waivers, behavioral contract and consent forms required for the program and proceeds to develop a treatment plan in Phase I.
Drug Court Phases

Phase One – Orientation and Stabilization
Phase One Requirements are as follows:
- Appear for Court Review 1 time a week
- Attend all assessments and Case Management meetings as directed to develop a Treatment Plan
- Follow Treatment Plan
- Complete Orientation – 4 sessions
- Comply with RoboCuff curfew of 8:00 p.m.
- Submit to random drug/alcohol testing a minimum of two times per week
- Begin paying program fees of $5 per week or $20 per month

To Graduate to Phase Two, the participant must have completed a minimum of 30 days in Phase one and must have at least 14 consecutive days clean. Furthermore, the participant must be making satisfactory progress towards treatment goals.

Phase Two – Intensive Drug Treatment
Phase Two requirements are as follows:
- Appear for Court Review 1 time a week
- Follow Treatment Plan
- Attend two community support groups per week
- Seek Employment / Maintain Employment / Full time student
- Enroll in adult education classes as needed
- Complete community service at the rate of 20 hours per week if you are unemployed or 4 hours per week if you are employed or enrolled as a full time student
- Comply with RoboCuff curfew of 10:00 p.m.
- Submit to random drug/alcohol testing a minimum of two times per week
- Continue paying program fees and begin paying on Court costs and restitution

To Graduate to Phase Three, the participant must have completed a minimum of 90 days in Phase Two and must have at least 45 consecutive days clean. Furthermore, the participant must be making satisfactory progress towards treatment goals.

Phase Three - Readjustment
Phase Three requirements are as follows:
- Appear for Court Review 1 time every two weeks
- Follow Treatment Plan
- Attend two community support groups per week
- Seek Employment / Maintain Employment / Full time student
- Continue in adult education classes as needed
- Complete community service at the rate of 20 hours per week if you are unemployed or 4 hours per week if you are employed or enrolled as a full time student
• Comply with RoboCuff curfew of 10:00 p.m.
• Submit to random drug/alcohol testing a minimum of one time per week
• Continue paying program fees and continue paying on Court costs and restitution

To Graduate to Phase Four, the participant must have completed a minimum of 120 days in Phase Three and must have at least 90 consecutive days clean. By the end of Phase Three the participant should have completed most of his or her treatment goals with the exception of practicing Relapse Prevention.

**Phase Four – Re-entry**

**Phase Four requirements are as follows:**

• Appear for Court Review 1 time every two weeks
• Complete Relapse Prevention Groups
• Continued attendance at community support groups is encouraged
• Continue with employment or full time education
• Continued work towards earning GED is encouraged where appropriate
• If unemployed continue to complete community service at the rate of 16 hours per week.
• The RoboCuff curfew will be lifted
• Submit to random drug/alcohol testing a minimum of one time per week
• Pay off program fees for a minimum total of $240 and continue paying on court costs and restitution.

To Graduate from the Veritas Intensive Supervision / Drug Treatment Program, the participant must have completed a minimum of 120 days in Phase Four and must have at least 120 consecutive days clean.
Incentives and Sanctions

Incentives are rewards for good behavior and compliance with program requirements. Incentives are designed to encourage compliance and recognize individual achievement. Incentives may include:

- Praise from the Drug Court Judge
- Gift Cards
- Waiver of fee payment
- Movie passes
- Sobriety Tokens
- Promotion to next Phase
- Participation in a weekly or monthly prize lottery
- A bye for the next scheduled Review Hearing
- Certificates of Achievement

Sanctions are used as a response to problem behavior and non-compliance. They are designed to help participants develop accountability and responsibility. There is no set schedule for sanctions, however, they will become more severe depending upon the severity of the problem and depending upon the number of previous problems a participant has had. Sanctions may include:

- Warnings from the Drug Court Judge
- Extra Community Service
- Increased curfew restrictions
- Increased reporting requirements
- Attendance at extra community support groups
- Essays
- Being moved back to a previous Phase
- Jail time
- Termination from Veritas
Drug Testing Policy

All drug court participants are to submit to urine screening as directed by the Judge, the Probation Officer, or the Drug Court Coordinator. Minimum levels for drug testing are established according to each program phase. However, participants are required to make themselves available for random drug screening seven days a week.

All drug screens require a valid sample. A valid sample has the following characteristics:

- The collection of the sample is observed by an appropriate person
- The sample is collected within two hours of ordering the screen
- The sample is not dilute
- The sample is within normal temperature limits
- The sample has not been tampered with or adulterated in any way
- The control test included on each drug test appears normal

If a valid sample cannot be obtained, the participant will be sanctioned.

All drug screens are tested using FDA approved on-site drug testing supplies purchased by Veritas. If a positive result occurs on a drug test and the participant does not admit to using the substance in question, the urine sample may be sent to an approved lab for GCMS confirmation. If the sample is subsequently confirmed positive for the substance in question, the participant may be required to pay for the cost of the confirmation testing. If a positive result occurs on a drug test and the participant does admit to using the substance in question, he or she will sign a voluntary admission form stating how much of the substance they used and when the use occurred. All participants receiving positive test results will be sanctioned.

Falsifying a urine sample or tampering with a sample is a violation of law and will result in termination from the Veritas program as well as new charges being placed against the participant.

Failure to report for a drug test will be considered a positive screen and will be sanctioned accordingly.
Ethics and Confidentiality Statement

The integration of substance abuse services in the Veritas Drug Court will facilitate the consistent communication of participant progress and compliance among members of the Veritas Team. The Veritas Drug Court is committed to establishing a policy of participant information sharing that is fully compliant with both state and federal confidentiality laws. Incorporating guidance from the National Drug Court Institute’s publication, *Federal Confidentiality Laws and How they Effect Drug Court Practitioners*, the Veritas Drug Court’s information sharing policies reflect compliance with Section 290dd-2 of Title 42 of the United States Code. Program policies also incorporate patient privacy regulations resulting from the enactment of the Health Insurance Portability and Accountability Act (HIPPA).
Appendix I
The Advisory Committee
Advisory Committee Members

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The Veritas Treatment Team

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