

Due Process and Expediting Time Frames:

Enhancing your VTC
Effectiveness

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Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Objective

To establish clearly defined policies and procedures that:

- ✓ Identify potential participants as early as possible.
- ✓ Results in expedited program processes such as program entry and behavior responses.
- ✓ Protects the due process rights of the participants.

Bottom Line Upfront: You Are Empowered

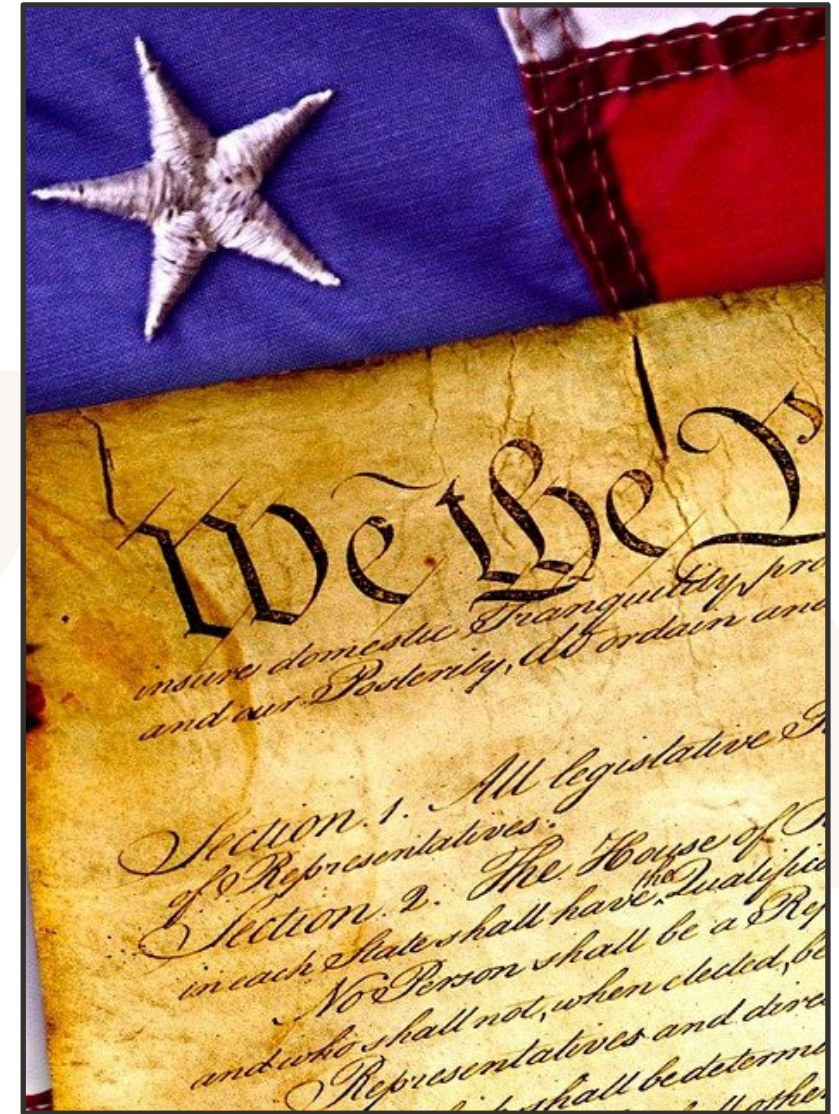
Local Court Rules that establish:

- ☐ Policies and Procedures
- ☐ Manage the Dockets
- ☐ Determine Eligibility Criteria and the Entry Process
- ☐ Decide Time Limitations
- ☐ Define Due Process Procedures

Constitutionality

What is Due Process?

- Before depriving a citizen of life, liberty or property, the government must follow fair procedures.
- The government may not deny any person the equal protection of the laws.
- Guaranteed by the 5th and 14th Amendments of the United States Constitution.



The Balancing Tests



- How do we balance fairness with the goal of a swift entry into our programs?
- How do we balance fairness with the goal of participants progressing and successfully completing our programs?



Due Process and Expediting Timelines

Early Identification



Best Practice Standards

Target Population

(B) Proactive Outreach

The treatment court makes proactive efforts to identify and engage potentially eligible persons early in the legal case process, when they are most likely to accept referrals and succeed in the program.

Proactive Outreach

Promising Strategies:

- ✓ Educating defense attorneys, law enforcement, and other criminal justice and treatment professionals.
- ✓ Ensuring that pretrial defendants are informed about the VTC soon after arrest.

GET THE WORD OUT!



VA.VRSS.GOV

April 2022



Dispatch FROM THE Front Lines

Identifying the Veteran Population Within the Criminal Justice System

By David Pelletier
Project Director, Justice For Vets

Why Identify Veterans?

Identifying and then targeting interventions for certain populations within the criminal justice system is common practice.¹ However, the military and veteran community is often overlooked as a culturally relevant population. Identifying this population provides an opportunity to engage with unique resources while integrating cultural competency.

To identify justice-involved veterans at the earliest possible opportunity, communities need to incorporate a structured and targeted process within the criminal justice system that surveys the justice-involved population to determine those that have served in the U.S. armed forces. Only through identification can a community connect justice-involved veterans to resources and interventions explicitly designed to support them, including veterans treatment courts (VTCs) and U.S. Department of Veterans Affairs (VA) Veterans Justice Outreach Program (VJO) specialists.

Veterans Treatment Courts

A VTC is designed specifically to work with justice-involved veteran and military populations. Through this model, court teams can leverage the shared experiences and camaraderie of the military and veteran community. These courts also facilitate engagement and interaction with resources such as the Veterans Health Administration, Veterans Benefit

JusticeForVets.org

Administration, state departments of veterans affairs, and community veterans service organizations. This integration of services and resources is often done in partnership with a VJO specialist.

Veterans Justice Outreach Program Specialists

VJO specialists provide a range of services to assist justice-involved veterans, including outreach to veterans across the possible span of their interactions with the criminal justice system, such as law enforcement encounters, courts, jails, and state and federal prisons. VJO specialists provide this outreach to assess each veteran's needs and to connect that veteran with appropriate VA services at the earliest possible point.

In their work in VTCs, VJO specialists serve as liaisons between the VTC team and the VA medical center or other facility from which eligible participants are receiving care. With a veteran's permission, VJO specialists keep the judge and other members of the court team apprised of the veteran's use of treatment and other VA services over time, informing the judge's decisions about the veteran's progress through the court system.²

While the work that VJO specialists do with veterans who participate in VTCs is often the most visible aspect of the program, it is necessary to remember that VJO specialists may be able to assist any justice-involved veteran who is eligible for VA care, regardless of whether he or she is being considered for or is ultimately admitted to a VTC. Developing local communication processes that make VJO specialists aware of individuals identified as veterans at the earliest opportunity—regardless of where and by what mechanism that identification takes place—enables the specialists to work toward the shared mission of facilitating veterans' access to VA health care and other needed services.

Self-Reporting – Asking the Question

Are you a veteran?

v.

Have you ever served in the US military to include the Reserves and National Guard?

BUT

Veterans may not self-report

- The Department of Justice Bureau of Justice Statistics estimates that 7-8% of the U.S. prison and jail populations are Veterans.

Bureau of Justice Statistics, March 2021

Now what do you do?

You receive this information early after arrest; how do you use it?

- ☐ Does the prosecutor proactively review those cases for eligibility?
- ☐ Does the coordinator contact the defense attorney?
- ☐ Other?

What does your court do?

Due Process and Expediting Timelines

Case Processing



Due Process *Case Processing*

- Due Process of law is the administration of justice according to established rules and principles that incorporate appropriate legal procedures and safeguards.
- Fair application of laws and procedures instead of arbitrary exercise of government power.
- Equal Protection of the laws, including equal opportunities to participate and succeed.



Written Notice

Effectively communicating policies and procedures, including, but not limited to:

- ✓ What is the VTC's mission/objective?
- ✓ What are the eligibility criteria?
- ✓ What's the process for entry?
- ✓ What is required for successful completion?
- ✓ What are the legal benefits and consequences?

Written Materials

EXAMPLES

- Operations Manual
- Participant's Manual
- Mentor Manual
- Participant's Agreement
- Memorandums of Understanding
- Promotional Material

THINGS TO CONSIDER:

- Who is your audience?
- What is the purpose of the document?
- Should it be a stand-alone doc?

Sample documents available at [Allrise.org](https://AllRise.org)

Legal Case

State v. Matrongolo, 479 N.J. Super. 8 (2024):

“While Recovery Court is a sentencing option, and thus rooted in legislative enactment, it is a subpart of the criminal part of the Law Division, and its ***eligibility criteria are a matter of judicial policy expressed*** through the Administrative Office of the Court (AOC) and ***the Recovery Court Manual.***”

When was the last time you read your program's materials?

Best Practice Standards

Incentives, Sanctions, and Service Adjustments

(J) Program Discharge

Participants facing possible unsuccessful discharge from treatment court receive a due process hearing with due process elements comparable to those of a probation revocation hearing.

Written Notice – Program Discharge

- Each participant is provided with written notice of the underlying basis for discharge so that they may defend against the allegation(s).
- Other due process hearings may also require written notice of underlying factual allegations.

Best Practice Standards

Target Population

(A) Objective Eligibility and Exclusion Criteria:

Treatment court eligibility and exclusion criteria are defined objectively, specified in writing, and communicated to a wide range of potential referral sources...The treatment court team does not apply subjective criteria or personal impressions.

Objective Eligibility and Exclusion Criteria

- Treatment courts must have clearly defined eligibility and exclusionary criteria.
- Treatment courts should not apply subjective criteria for program eligibility (the 3 P's):
 - **P**ersonal impressions
 - **P**erceived levels of motivation
 - **P**rognosis for success

Defense Counsel

- Treatment courts that require the attendance of a defense attorney have shown to have a cost savings of more than 93% and experience a 35% reduction in recidivism.
- Participants are more likely to perceive treatment court procedures as fair when a defense attorney is present.
- Dedicated defense counsel is best suited to rapidly address legal issues, respond to program violations, and get the participant back on track with treatment and case plans.

Due Process and Expediting Timelines

Collecting and Reviewing Data



Data Ensures Equal Opportunity

Collecting and reviewing data:

- Ensures that the justice-involved veterans in your community have an equal opportunity to participate in your VTC.
- It also assists in determining whether segments of the population are inadvertently being excluded or appear to have no interest in participating.
- It provides you with the average time frame for entry and program completion.

Collect and Review Data

Collect data at three processing points:

- Referral
- Admission
- Exit
 - Warrants/Absconders
 - Voluntary Withdrawal
 - Program Completion

Compare the referral data to the general demographics of eligible arrestees.

What does the data show?

- Are only a small number of the eligible arrestees seeking admission in the VTC?
- Does the number of referrals compared to the veteran arrestees necessitate increased program capacity?
- Do we need to make modifications to increase program completion?
- What is the time frame for entry?

Be Careful: Intent vs. Impact



Program Entry:

- Program Fees
- Housing
- Transportation
- Eligible Offenses
- Criminal History Disqualifications

Data Helps Market Your Program

- Data helps to educate critical stakeholders.
- Data may lead to additional resources.
- Data helps determine if additional educational material is needed.
 - Jail, courthouse, treatment providers, community

MISSION

The DTC Court is designed to provide an opportunity for participants to receive treatment, support, and resources, to receive comprehensive quality treatment and support services including assistance with employment, educational programs, housing, and benefits. The goal of the DTC is to assist in the recovery from addiction and to assist participants in order that they may become productive citizens, achieving a measure of security and peace in the post-addiction world.

CONTACT INFORMATION

DRUG COURT OFFICE
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Baltimore, MD 21202

Drug Court Coordinator:
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Angel Davis | 410-381-3457
Alisha Gordon | 410-381-3457
Robin Heywood | 410-381-3457
Tanya Jackson | 410-381-3457
Lisa McKay | 410-381-3457
Marla Ricka | 410-381-3457

CIRCUIT COURT FOR BALTIMORE CITY

DRUG TREATMENT COURT

CLERK OF THE COURT
Hon. W. Mitchell Herrera, John J. Stevens, Judge
Hon. Stephen B. Cox, Judge-in-Chief of DTC
Hon. Peter H. Hallie, Trial & A. 787
Hon. Thomas L.E. Wozniak, Jr. Track E, DTC

Summation

- You are empowered! (Local Rules/Administrative Orders)
- Proactively identify eligible participants.
- Provide adequate notice by keeping written materials up to date.
- Strive for a dedicated defense attorney.
- Collect and review data.

Due Process and Expediting Timelines

Resources



Allrise.org



Adult Treatment Court Best Practice Standards

Last updated May 27, 2025



Journal for Advancing Justice

Volume V | 2024

Introduction: Sustaining Long-Term
Recovery as Part of Justice Reform

Financial Capability Building in the
Treatment of Substance-Related and
Addictive Disorders: A Co-Creation and
Engagement Approach to Intervention
Development

Improvements in Recovery Capital Within
the Context of Adult Drug Court With
Parallel Peer Support Services: A 6-Month
Post-Enrollment Study

Recommendations for a Mission of Healing:
Incorporating Trauma-Informed Principles,
Military Values, and Gender-Responsive
Strategies With Justice-Involved Female
Veterans

Recovery-Oriented Cognitive Therapy: A
Testable Framework to Promote Successful
Long-Term Recovery From Substance Use
Challenges for Justice-Involved Individuals

Sustaining Long-Term Recovery as Part of Justice Reform



A Practitioner's Guide to Constitutional and Legal Issues in Adult Drug Courts

Ask the Expert



<https://allrise.org/trainings/ask-the-expert/>

Office Hours

Scheduled times with experts on various key topics

Submit a Question

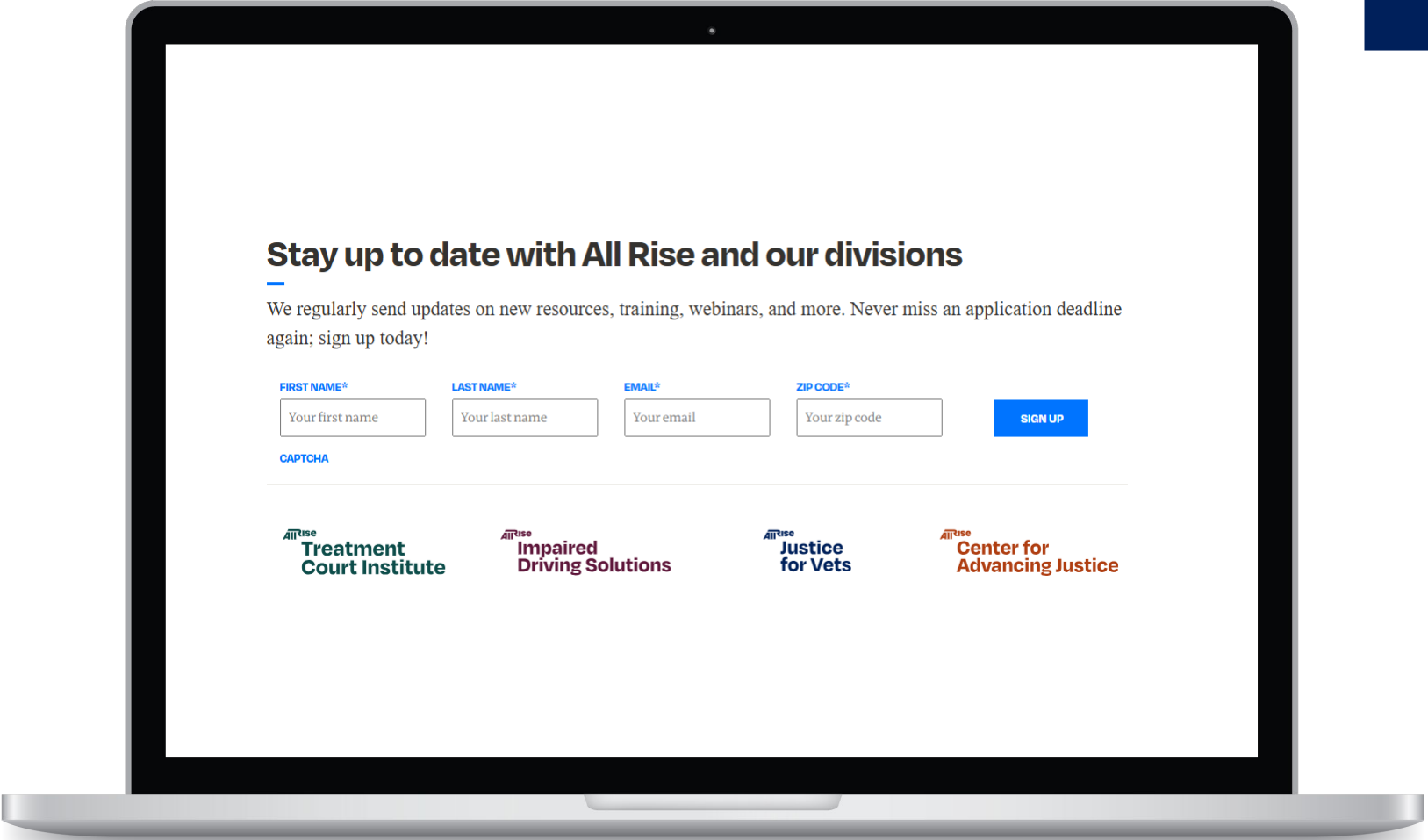
Submit a question to the All Rise team

Schedule a Consultation

Schedule a consultation with the All Rise team

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Your first name Your last name Your email Your zip code

SIGN UP

CAPTCHA

 **Treatment
Court Institute**

 **Impaired
Driving Solutions**

 **Justice
for Vets**

 **Center for
Advancing Justice**

Evaluations



1. On your compatible phone or tablet, open the built-in camera app.
2. Point the camera at the QR code.
3. Tap the banner that appears on your phone or tablet.
4. Follow the instructions on the screen to complete the evaluation.
5. After completion, you will be provided with a certificate that can be saved and printed.

Questions?

