

Therapeutic Docket

A sentencing alternative to traditional probation for offenders with serious mental illness

Eligibility

- 18 Years Old or Older
- Any Criminal Misdemeanor Offense Excluding DUI
- Post Plea of Guilty or Nolo Contendere
- Serious Mental Illness as defined by DSM-V
- PTSD or TBI diagnosis
- Voluntary Consent to Participate
- Waiver of Certain Constitutional Rights

Referral

- Defense Attorney
- Commonwealth Attorney
- Probation Officer
- Mental Health Case Manager or Worker
- Defendant
- Judge

Post Referral

- Court orders PSI to be prepared by Court Community Corrections
- Defendant placed on probation supervision pending the return of the PSI
- Defendant returns to court in 30 days for presentation of PSI and additional sentencing evidence
- Defendant represented by counsel who is present with defendant

Post Referral (continued)

- If Defendant satisfies eligibility criteria **and** agrees to participate, then Defendant reviews with counsel outside the presence of the court, the Waiver of Constitutional Rights and Agreement to Participate form
- If Defendant agrees in writing to comply with all conditions, then the court places the Defendant's case on the Therapeutic Docket and places the Defendant on intensive probation supervision

Post Referral Continued

through Court Community Corrections

- Typically term of probation is 12 months
- Defendant executes conditions of probation with probation officer following the hearing
- Defendant executes all necessary release of information forms

Treatment Team Members

- Probation Officer
- Mental Health Case Manager
- VA Justice Outreach Case Manager
- Jail Discharge Coordinator
- Prosecuting Attorney
- Public Defender
- Judge

Treatment Team

- Meets weekly with the judge to discuss offender's progress in meeting goals of treatment plan
- Free exchange of information between members
- Recommendations discussed
- Modifications to treatment plan discussed

Requirements for Probationer

- Participation in mental health treatment including psychiatric/counseling/therapy/group to address SMI and SA
- Medication compliance
- Alcohol/Illegal Drug Abstinence
- Report to court every other week for progress updates
- Report to PO every other week
- No new criminal convictions

Sanctions

- Lecture
- Community Service
- More frequent court appearances
- Probation officer or mental health case manager ordered to report non compliance immediately to court for immediate court action
- Additional treatment including substance abuse treatment

Sanctions (continued)

- Additional group treatment including life skills training, trauma treatment, etc.
- Referral to NA or AA as appropriate
- Daily/Weekly breath/urine screens
- Remand to jail
- Revocation hearing scheduled
- Appointment of counsel; revocation hearing; removal from the Therapeutic Docket

Incentives

- Praise by Judge
- Recognition through applause from peers for achieving program goals
- Fewer court appearances
- Fewer group treatment requirements
- Gift cards
- Early graduation

Graduation

- Ceremony
- Red Rose
- Certificate showing successful completion
- Book-Don't Sweat the Small Stuff
- Handshake from the Judge
- Applause
- Case called first
- Dismissal of charge or suspended sentence with no time to serve