



Update from Circuit Court

The Honorable Bruce D. White
Chief Judge, Fairfax Circuit Court

The Honorable Penney S. Azcarate
Judge, Fairfax Circuit Court

Bond Hearings

- Admission to Bail VA Code §19.2-120
 - Bail unless flight risk or danger to himself or community
 - Presumption Cases
 - Factors to consider
 - Offense charged
 - History and characteristics of defendant to include financial resources

Bond Hearings

- Conditions of Release VA Code § 19.2-123
 - Any person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest..., or who is on probation..., may be released only on a secure bond.
 - Only may be waived with approval of judicial officer and attorney for the Commonwealth.

Supervised Release

- When appropriate, can put Defendant on SRP pending trial and/or sentencing
- Bond sheets highlight possible substance abuse and mental health issues
- Can require as a condition of SRP to begin or continue treatment
- Allows individuals with non-violent offenses to be diverted to treatment pending trial

Sentencing

- Thanks in part to Diversion First, there is a great collaboration between the Community Services Board, Court Services, and State Probation to identify needs of individuals with substance abuse and/or mental health issues.
- A Presentence Investigation Report gives the judge an informed basis to sentence an individual with an evidence based approach balancing punishment, rehabilitation, and community safety.



Fairfax County Veterans Treatment Docket

Fairfax Circuit Court
Fairfax General District Court

What is a Veteran Treatment Docket?

- Problem Solving Docket
 - Phase Progression
 - Incentives and Sanctions
 - Meets twice a month
- Coordinated Effort from Judicial Community Team includes Judges - District and Circuit, CW Attorney, Public Defender, VTD Coordinator, 2 Probation Officers, VJO, CSB assessor, Mentor Coordinator, Sheriff

Why a Docket for Veterans?

- Veterans face a unique challenges because of their service
- One in Six veterans of OEF/OIF suffer from PTSD, TBI, or military sexual trauma - (over half a million)
- 75 percent have Substance Abuse Issues
- 22 Vets a day commit suicide
- Reintegration Difficulties
- hyper-arousal
- Vets defined by who they are; not illness or addiction
- Est. benefits
- Need/Cost Effective - 10 percent of prison pop. = Vets
- Taking people effected by military service and give them tools to be accountable and productive while reduce recidivism

The Population

- Virginia is the only state in the union that currently has a growth rate over 5% for its veteran population.
- Despite, being only the 12th most populous state, Virginia currently has the 6th largest veteran population in the country, at 729,328.
- Fairfax County has the largest veterans population in the Commonwealth. 2016: 76,111.

The Docket Participant

Who?

- Veteran
- Not Dishonorable
- All Branches - Nat'l Guard
- Sub. Abuse / Mental Health
- High Risk / High Needs

Which Crimes?

- Misdemeanors
- Felonies
- No violent offenses

Models?

- Phase Progression
- Incentives / Sanctions
- Drug Court Model



How Does the VTD work?

- Step 1 - Identification: Veterans are identified by team, attorneys, magistrates, or sheriff.
- Step 2 - Adjudication: offense is adjudicated with appropriate conditions.
- Step 3 - Diversion: Veterans enter the VTD.
- Step 4 - Treatment: Veterans undergo intensive substance abuse and/or mental health treatment.
- Re-entry: focus made on stable housing, job training, and coping mechanisms
- Duration: twelve to twenty-four months

VTD PHASES

PHASE 1 - Stabilization,
Treatment Plan,
and Treatment

PHASE 2 - Treatment,
Comm. Service,
Life stabilization
(housing, family,
work, school)

PHASE 3 - Reintegration,
Aftercare,
Post VTD plan





Mentors

Veterans Helping Veterans
The Keys to Success

Current Stats

47 Applications

33 Veterans Accepted

17 Currently Enrolled

10 Graduates

4 Voluntary Drop

2 Terminated for Cause

2 Deaths

5 Pending Enrollment



Supreme Court Rule 1:25

- 3 types of specialty dockets recognized:
 - Drug Treatment Court 18.2-254.1
 - Veteran's dockets
 - Behavioral health/mental health dockets
- Cases are grouped together based on:
 - Requiring more than simple adjudication of discrete legal issues
 - Presenting a common dynamic underlying the legally cognizable behavior, and
 - Require coordination of services and treatment to address the underlying dynamic and focus on the remediation of the defendant in these dockets
- The treatment, services, and disposition options are those which are otherwise available under law

Supreme Court Rule 1:25

- Localities have to petition the Supreme Court of Virginia for authorization prior to beginning operation and demonstrate local support and planning for its establishment and continuation.
- Veterans Docket Advisory Committee
 - Currently consists of judges, attorneys, representative from CSB, Virginia Dept. of Veteran Services, law school veteran clinic, and VBA's veteran issues task force
- Financing is the responsibility of the locality and local court but funds may be provided via state appropriations and federal grants.
- Evaluation and reporting to the Supreme Court Advisory Committee

Currently Approved VTD

Fairfax General District Court

Fairfax Circuit Court

Hampton Circuit Court

Norfolk Circuit Court

Rappahannock/Spotsylvania

Pending...

Fairfax County Juvenile and Domestic Relations Court

Prince William General District Court

Loudoun General District Court

Stafford Circuit Court

Path to Drug Court

- 15 judges on the Circuit Court
 - Each have sentencings once a month
 - Saw an unsettling trend with the increase of addicted defendants
 - Approximately 65 to 70 percent of our non-violent cases involve individuals with substance abuse issues
 - Now with the opioid crisis – more are dying
 - VA has a Drug Treatment Court Act §18.2-254.1

Drug Court

- Fairfax Circuit Court submitted an application to establish a Drug Court with the state Drug Treatment Court Advisory Committee which was approved.
- Post-judgment felony probation violation alternative to incarceration for non-violent defendants with severe substance abuse issues.
- Collaboration with CSB, State Probation, PD, CWA, and Sheriffs office.
- Training and hope to begin in the Fall.