



# SAN FRANCISCO VETERANS JUSTICE COURT

## Superior Court of California County of San Francisco

June 2017

### LEGAL ELIGIBILITY

#### a. Misdemeanor Offenses

1. Individuals charged with misdemeanors are eligible on a pre-plea basis except for the charges listed under item 2, below.
2. Individuals charged with the following misdemeanors are eligible following the grant of probation:  
(1) drunk driving or other driving offenses, (2) gang allegations, (3) hate crimes, (4) domestic violence, (5) demonstration cases, (6) elder abuse, (7) crimes involving children, and (8) gun cases.
3. Unless waived by the District Attorney, an individual charged with **three or more pre-plea cases** will be eligible for VJC following a grant of probation only.

#### b. Felony Offenses

1. Individuals charged with felony offenses eligible for sentencing under Penal Code section 1170(h) are eligible for VJC on a pre-plea basis.
2. For cases that are not pre-plea eligible, the District Attorney may offer a Deferred Entry of Judgment disposition on a case-by-case basis.
3. Individuals charged with felonies, other than described in number 1 and 2 above, are eligible following a grant of probation.
4. Unless waived by the District Attorney, an individual charged with **three or more open eligible cases** will be eligible for VJC following a grant of probation only.

Where a legal disposition is a prerequisite to VJC eligibility, the disposition must be reached within six weeks of clinical assessment for the participant to remain in VJC—unless waived by the Judge.

A participant must agree to **three conditions** to be suitable for the VJC:

- (1) Attend court as ordered;
  - (2) Meet with clinical staff regularly as ordered;
  - (3) Follow the treatment plan recommendations.
- If a participant persistently fails to adhere to these requirements, the Judge—with input from the VJC team—may deem a participant unsuitable, and may return the participant’s case to criminal court.

VJC will comply with all eligibility criteria required by any grants.

## **VJC CASE OUTCOMES**

Negotiated benefits of successful completion of collaborative court include the following, unless there is a negotiated disposition to the contrary at the time the participant enters:

1. For **pre-plea cases**:
  - Dismissal of a case pursuant to PC 1000.5/1001.7/1001.80 and sealing of arrest and related court files and records pursuant to PC 851.90/1001.9/1001.80.
2. For **post-plea cases**:
  - The reduction of a felony plea to a misdemeanor conviction for 17(b) eligible offenses;
  - The withdrawal of a plea to a strike offense in lieu of additional terms agreed to by the parties;
  - The withdrawal of a plea and dismissal pursuant to PC 1000.3/1000.9//1170.9 and sealing of arrest and related court files and records pursuant to PC 851.90 and 1001.80.
3. For **probation cases**:
  - Reduction of length of probation term pursuant to PC 1203.3 and permanent stay of fines, fees and conviction pursuant to PC 1203.4;
  - The reduction of a felony conviction to a misdemeanor conviction for 17(b) eligible offenses.

## **REFERRALS**

Criminal courts may refer clients who are both interested and identified as having served in the military to VJC. The VJC team will determine military service, VA benefits, and legal eligibility. Once military service and benefits are determined, a VJC case manager will conduct a clinical assessment to determine treatment needs. These will be communicated to the team and to the prosecution and defense outside of VJC if the case is still in the criminal courts and acceptance into VJC has a bearing on the legal outcome of the case. If military benefits cannot be determined, the participant may not be accepted into VJC until a DD214 is obtained confirming military service.

Courts should refer people for VJC eligibility determination as soon as they have been identified as military veterans. Except in extraordinary circumstances, and with prior approval of the VJC Judge, judges should not attempt to resolve the case or take a plea which includes VJC participation as a condition.