The Role of the Judge in Veterans Treatment Courts

“How the role differs from the role of an Adult Drug Court Judge”

Judges Robert Russell & Vance Peterson
Introduction

- What Makes them Different
- The Planning
- The Operation
- Military Culture
What Makes them Different (Pt. 1)

- The Participants prior experiences are different,

- The array of services are expanded, specific and catered to Veterans,

- The addition of Volunteer Veteran Mentors to Treatment Court Operations.
“The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation.”

President George Washington
Post-9/11 Veterans: Who are they?
Post-9/11 Veterans: Who are they?

- Over 2 million deployed to the Global War on Terror (GWOT)
- 810,000 have deployed more than once to Operations Enduring and Iraqi Freedom (OEF/OIF)
- Over 1 million currently separated from active duty AND eligible for VA services
254,000 Reservists and 332,000 National Guard members have deployed to OEF/OIF

- Increased stress on families, employment, and housing
Post Traumatic Stress Disorder (PTSD)

- An anxiety disorder caused by a traumatic event (e.g., combat, disasters, terrorism, serious accidents, or physical or sexual assault)

- Includes 3 types of symptoms:
  1. Re-experiencing or reliving the trauma, such as having flashbacks, nightmares, or becoming very upset when reminded of the trauma
  2. Avoiding places or people because they remind one of the trauma, isolating from others, and/or feeling numb
  3. Increased arousal, such as feeling on guard, being irritable, having trouble sleeping or startling easily.

- Symptoms may lead to problems in functioning in social or family life, work, and school.
Combat-Related Traumatic Brain Injury (TBI)

- By definition, a TBI occurs when a force or blow occurs to the head causing a temporary or longer disruption in brain activity. Most TBI’s are mild (concussion) and the person recovers fully after a few days of rest. Fewer injuries are moderate or severe.

- VHA screens all OIF/OEF/OND Veterans for exposure to TBI. If a screen is positive for possible exposure, a comprehensive work-up is completed. All Vas use the same screening and comprehensive templates.
Homelessness

- Veterans twice as likely to become homeless as non-Veterans
- Criminal involvement is single best predictor of future homelessness
Unemployment

- In 2008, 18% of recently separated Veterans were unemployed.
- In 2009, Male Veterans, aged 18-24, unemployment rate was 21.6%.
Military Sexual Trauma (MST)

- Both sexual harassment and sexual assault that occurs in military settings.
- 60% of women with Military Sexual Trauma also suffered from PTSD.
Women Veterans

- 15% of today’s military
- Over 235,000 served in OEF/OIF
- 12%-16% are single parents
- Approximately 10% of homeless Veterans < 45
- 2 times more likely to become homeless than non-Veteran women
Special Issues for Women

- Leaving children at home
- Possibility of MST – military sexual trauma
- Not accessing veterans’ benefits
- Female health issues
Veteran Suicides 1999 to 2010

♦ 22 deaths per day

♦ 70% over the age of 50.

♦ More active duty soldiers die from suicide than combat.
Veterans are used to...

- Structure
- Leadership
- Loyalty
- Patriotism
- Camaraderie
- Teamwork & Self-reliance
The array of services are expanded

Catered to Veterans
Unique Components

- Court entirely of Veterans
- Veterans Health Care Worker(s) & Services
- Veteran Mentors
- Therapeutic Environment
- Hybrid Drug & Mental Health Court
Non-Traditional Resources - Veterans Treatment Courts -

- U.S. Department of Veterans Affairs
- U.S. Department of Labor
- State Departments of Veterans Affairs
- Veterans Service Organizations
V.A. Health Care Worker

- Veterans Justice Outreach, (VJO)
- Liaison
- Obtaining VA Releases of Information
- Facilitating VA linkages for services
- Coordinating and providing VA status report regarding Tx, toxs, appointments, etc.
- Case management & crisis management
Veteran Service Representatives (VBA)
Liaison
Obtaining VA Releases of Information
Facilitate processing or review of Pension Disability Benefits
Process review of potential errors or corrections on veterans DD214
Veteran Mentors
Why Veterans Treatment Courts?

Affording the best opportunity for success

And.........
“...To care for him who shall borne the battle and for his widow, and his orphan ....”

President Abraham Lincoln
Part II

THE PLANNING...
Planning

- Whose at the table?
- Inclusion for maximum benefit and buy in
- Working Committee to achieve goals
Planning (Cont.)

- Who’s your target population?
- How do we identify this Veteran target population?
- How do we get the cases sent to Veterans Treatment Court?
- The Gatekeeper: Sole or group consensus
- What’s the carrot or benefit to Veterans participating in Veterans Treatment Court?
ISSUE: WHO SHOULD BE ADMITTED INTO THE VETERANS TREATMENT COURT?

DEFINE TARGET POPULATION
DEVELOP ELIGIBILITY CRITERIA

- Written characteristics which define who within your Veteran offender population may be admitted to Veteran Treatment Court.
Capacity

How many persons can you serve?

♦ Court Capacity?
♦ Treatment Capacity?
♦ Political Capacity?
♦ Capacity to help?
Policy Considerations:

- Felons/Misdemeanors? Both?
- Residency?
- Drug Motivated Crimes?
- Level of AOD Involvement (Addiction)?
- Mental Health?
- Co-Occurring – Substance Abuse and Mental Health Issues?
- Domestic Violence?
- Weapon Possession?
How many of your arrestee’s have served in the United States Military?
IDENTIFYING YOUR VETERAN

ASK THE RIGHT QUESTION:
-Have you served in the United States Military, National Guard or Reserve?-
Ask at arrest Booking...

Have you served in The United States Military, National Guard or the Reserve?
Ask at Initial Court Appearance/Arraignment

Have you served in The United States Military, National Guards or the Reserve?
Educate the local Attorney/Bar Association

Have you served in the United States Military, National Guard or the Reserve?

Defense Attorney
ISSUE: What is the legal status of someone placed into Veteran Treatment Court?
Models

- Pre Plea
- Revocable Plea
- Post Plea
  - Deferred Sentencing
  - Probation
- Probation Revocation
- Combination of the above
VET Policy Considerations:

- Discharge status of the Veteran?
- Does it matter?
What process gets a Veteran into the Veteran Treatment Court?

What are the barriers?
Entry Process Flow Chart

Create Veterans Court flow chart

- Arrest → 24 hours
- Courtroom 12T - 1st Advise and Screen
- DA - Drug Court Eligibility Screen
- Not Eligible → Within 3 business days
- Eligible → Drug Court 2nd Adv/Plea setting
- Filing in court on M-T-W, court on F or P.M, filing on Th-F, court on T p.m.
- District Court
- 472W for preliminary hearing
- Within 30 days
- Does not accept plea offer
- Plead guilty - sentenced to probation
- Felony
- Supervision - District Court Probation
- Drug Court Case Review
- Is defendant compliant?
- Yes
- Graduation
- No
- Intermediate Sanctions
Planning (Cont.)

Considerations before starting

- Developing a Process and Procedural Manual
- Developing a Participant Handbook
- Developing Veterans’ Participation contract
- Developing MOU, Confidentiality Agreements and Releases
- Developing a data collection plan
Part III

THE Operation...
A specialized criminal court docket

- Established to address the needs of veteran-defendants with substance dependency and/or mental illness issues
- Hybrid Drug/mental health court
- Either felony, misdemeanor or both (violent offenses: case by case)
- Substitution of treatment problem solving model for traditional court processing
Follow the Ten Key Components
KEY COMPONENTS

Key Components adapted with modifications from Drug Treatment and Mental Health Treatment Courts
BEST PRACTICE STANDARDS

♦ Volume 1 and 2

♦ Download:
  http://www.nadcp.org/Standards
Key Component #1: Veterans Treatment Court integrate alcohol, drug treatment, and mental health services with justice system case processing

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights

Key Component #3: Eligible participants are identified early and promptly placed in the Veterans Treatment Court program
Key Component #4: Veterans Treatment Court provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services
Key Component #4 Cont.

- Veteran peer mentors are essential to the Veterans Treatment Court team. Ongoing veteran peer mentors interaction with the Veterans Treatment Court participants is essential. Their active, supportive relationship, maintained throughout treatment, increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior.
Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing

Key Component #6: A coordinated strategy governs Veterans Treatment Court responses to participants' compliance

Key Component #7: Ongoing judicial interaction with each Veteran is essential
Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations.

Key Component #10: Forging partnerships among Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness.
Military Culture

Judge Vance Peterson
Branches of Service

- Army 475,000 active, 342,000 Guard, 200,000 Reserve
- Navy 325,000 active, 100,000 Reserve
- Air Force 307,000 active, 105,000 Guard, 70,000 Reserve
- Marines 182,000 active, 40,000 Reserve
- Coast Guard 42,000 active, 8000 Reserve (12th largest Navy)

WW II to Present Day numbers    Vet Differential
Military Culture

• Differences Between Active, Reserve and Guard
• Deployments
• Utilization of Reserve Components (Reserve and Guard)
Military Culture

- Military Occupational Specialties
- AFSCE
- Combat Arms Branches
- Infantry (Army and Marines)
- Mission, effects
Military Culture

- Decompression and Reintegration
- PTSD, TBI, MST

- Active Duty
- Guard (Combat Arms) Individual Guardsman
- Reserve (Service and Support) Individual Reservists
Military Culture

- Military Benefits
- Active Retirement V. Reserve Component Retirement
- Medical Benefits Overall (Counselling)
Disability Benefits

- VA interface
Veteran Mentors

“Leave no one behind”
Challenge

Overcoming “Warrior mentality”
What is a Veteran Mentor?

- A Friend, War Buddy, Advocate
- Acts as a resource to the Veteran Defendant
- Helps veterans and their families navigate the VA, Social Services and other Systems
- Served or is serving in the U.S. Military
- Is not a Counselor
To the world you may be one person.
To one person you may be the world.
Thank you for your service