



# Veterans Treatment Courts

## A SECOND CHANCE FOR VETS WHO HAVE LOST THEIR WAY



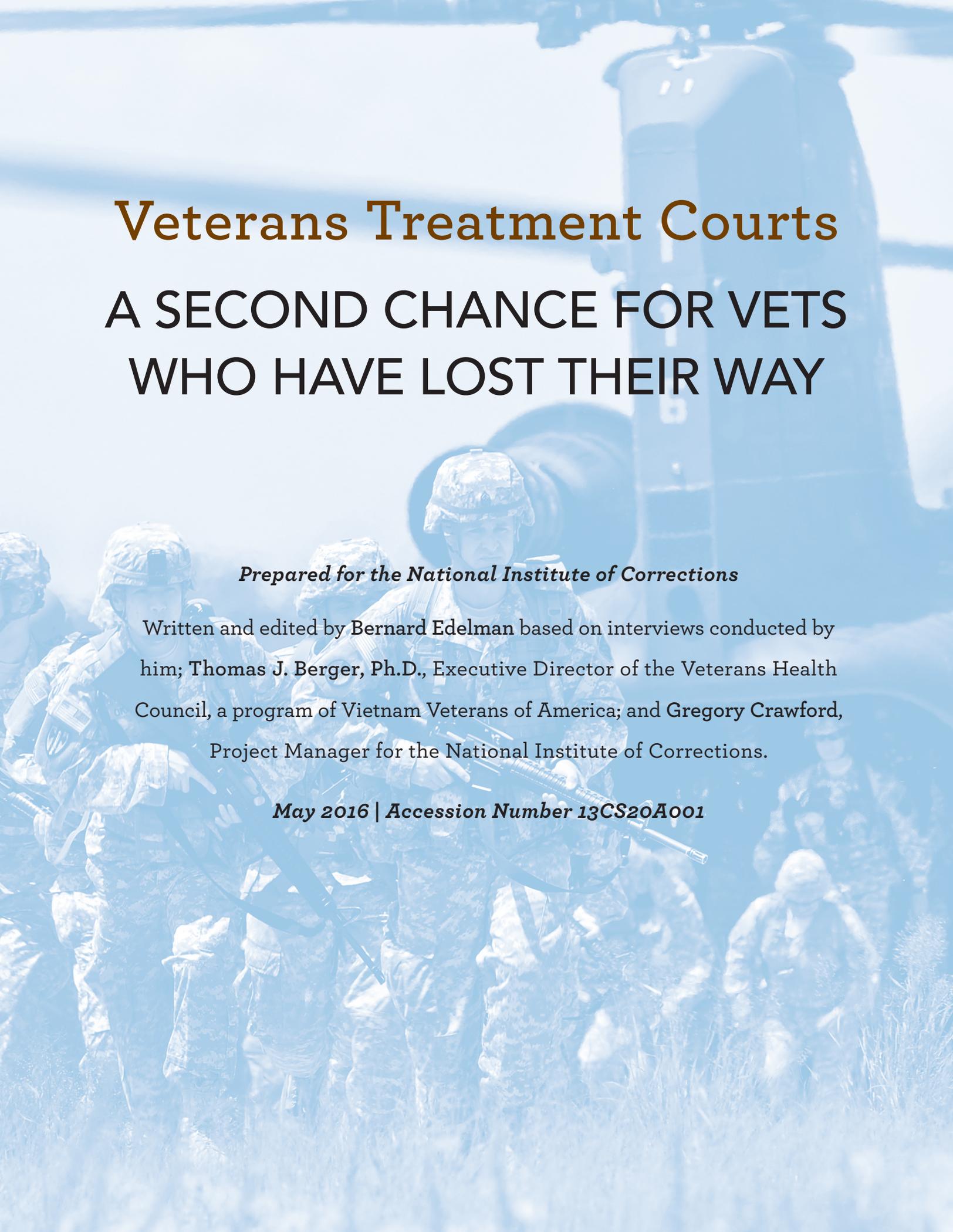
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*Prepared for the National Institute of Corrections*

Written and edited by Bernard Edelman based on interviews conducted by him; Thomas J. Berger, Ph.D., Executive Director of the Veterans Health Council, a program of Vietnam Veterans of America; and Gregory Crawford, Project Manager for the National Institute of Corrections.

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“The great hymn of all social service is to  
**preserve the self-respect** of the people  
we are working with and for.”

— *Edith Abbott, 1945*

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“This transformation happens to every single veteran if they comply with the program. You start to see the benefits

of not using drugs and alcohol. You get your family back. You start making money again. You get your education. And by the time you’re done with the program, you no longer want to be a part of the criminal justice system. **It not only gave me my life back, it gave me a purpose.”**

— Nick Stefanovic, currently the judicial assessment specialist for the Rochester (New York) treatment courts

## EDITOR'S NOTE

**TO CONSTRUCT THIS** white paper, or what we've dubbed a "promising practices paper," we have chosen to make the case for therapeutic justice not with graphs and charts of statistics and trends but with the observations, recollections, and reflections of men and women who are on the front lines of the criminal justice system in their respective counties and cities. They give credence to the *raison d'être* behind diversionary courts for this nation's war veterans based on one fundamental premise: that unlawful acts committed by these damaged former "war fighters" (to borrow from Pentagon-speak) are associated with their up close and personal experiences in bloody conflict and not with personality flaws or elemental criminal conduct or an inherent warped sense of right and wrong.

We spoke with several dozen individuals in half a dozen jurisdictions. We recorded our interviews with them, and transcribed these conversations. We then sifted through the transcriptions, seeking the most illuminating and enlightening remarks to illustrate the whys and the wherefores of the various facets of the reasons for, and operations of, Veterans Treatment Courts. Although we could not integrate comments of everyone to whom we spoke, we did learn a thing or three from each of them. It is our hope that you who are reading this paper will have gleaned some nuggets of knowledge that will assist you in some ways to understand the emotional and mental tally and toll on men and women exposed to the ravages of combat, and the righteousness of these treatment courts to assuage the hurts of these veterans and make their families whole again and our communities safer.

Bernard Edelman,  
31 August 2014,  
Glen Echo, Maryland

## ABSTRACT

**THIS WHITE PAPER** is based on a series of interviews, buttressed by personal observations, of key players in half a dozen jurisdictions where Veterans Treatment Courts have been operating with marked success. Neither graphs nor charts nor a plethora of statistics are employed to illustrate the protocols and practices of these therapeutic courts. Instead, proponents and practitioners intimately involved in the founding and operation of these courts relate how they are "the right thing to do" for combat veterans who commit certain crimes that are associated with the lingering legacy of their wartime experiences. They describe, in often exquisite detail, what their roles are and how they have come to embrace the concept that these courts, which use a carrot-and-stick approach to rehabilitate rather than overtly punish veteran defendants, represent what one of the individuals responsible for the introduction of the first of these diversionary courts has called "the most profound change in the attitude of our criminal justice system towards veterans in the history of this country."



## PREFACE

# Role of the National Institute of Corrections

**BEFORE THEIR ENGAGEMENT** in the Armed Forces of the United States, most veterans had never been intimate with the criminal justice system. Many of these men and women, especially those who have been viscerally exposed to the devastation and degradation of warfare, the blood and gore and death, the incessant, wrenching fear wrought by the agencies of combat, return to our shores plagued by demons from their wartime experiences.

Because of what they have seen and done during their deployment in a combat zone, too many self-medicate with alcohol and/or drugs in an attempt to assuage their demons — and deal with a society they feel neither accepts nor understands them. And some wind up butting heads with the criminal justice system.

The National Institute of Corrections recognizes this reality, not only for the two-and-a-half million “war fighters” who have deployed, some of them several times, to the mountains of Afghanistan and the sands of Iraq, but for those who donned the uniform in previous generations, particularly those who served in the jungles and rice paddies of Southeast Asia. The NIC is committed to bringing added awareness to these issues and mitigating the damaging effects

of war on these men and women. By investing in veteran-specific projects, NIC aims to help justice-involved veterans by fostering change in the ways the criminal justice system appreciates how the lingering legacy of combat contributes to their criminal behaviors and descent into the legal system.

Hence, NIC funded a cooperative agreement in cooperation with the Veterans Health Council, a project of Vietnam Veterans of America, with author Bernard Edelman to develop this white paper as a “promising practices guide” to Veterans Treatment Courts. Our goal is, fundamentally, to help foster an understanding and awareness of issues specifically relating to combat veterans who enter the criminal justice system.

NIC project manager Gregory Crawford and VHC Executive Director Thomas J. (Doc) Berger, Ph.D., the consultant for the project, along with Mr. Edelman, editor of the acclaimed *Dear America: Letters Home from Vietnam* (W. W. Norton & Company) and author of the oral history *Centenarians: The Story of the 20<sup>th</sup> Century by the Americans Who Lived It* (Farrar, Straus and Giroux), met initially with the principles at Justice for Vets, a program of the National Association of Drug Court Professionals. The mission of the NADCP is to transform the way the criminal justice system disposes of veterans who struggle with some of the mental health maladies attributable to their time in uniform.

After having discussed potential sites to be visited with West Huddleston, former CEO of the NADCP, and Melissa Fitzgerald, then the new Senior Director at Justice for Vets, they reached out to several jurisdictions before selecting Veterans Treatment Courts in Buffalo and Rochester, New York; Harris County (Houston), Texas; Cook County (Chicago), Illinois; El Paso County (Colorado Springs), Colorado; and Orange County (Santa



*Veterans Treatment Court in Cook County, Illinois; [www.cookcountycourt.org](http://www.cookcountycourt.org)*

Ana), California. During site visits, they interviewed various personnel on the Veterans Treatment Court teams, including judges, prosecutors, defense attorneys, probation officers, case managers from the Department of Veterans Affairs, and veterans court coordinators, as well as mentors and graduates of treatment court programs. They also attended veterans court conferences in Washington, DC, and Anaheim, California.

In addition to Ms. Fitzgerald, the project team conducted interviews with several individuals who have played and/or are currently playing key roles — and having a significant impact on — the Veterans Treatment Court movement. These included Justice for Vets Senior Fellow Major General (Ret'd) Clyde (Butch) Tate; former Pennsylvania Congressman Patrick Murphy; retired Judge David Jordon from Michigan; and Risa Vetri Ferman, District Attorney of Montgomery County, Pennsylvania.

The purpose of their effort, this promising practices paper, is to share successes and challenges from the perspectives of these intimates and serve as a guide to assist jurisdictions in thinking about, planning, implementing, and/or improving a Veterans Treatment Court program. On a grander scale, perhaps, it might help influence leaders and officials in other cities and counties to comprehend the benefits of such a diversionary court program for combat veterans. Because, as we have learned, Veterans Treatment Courts save worthy lives. They often reunite fragile families. They strengthen communities. Their

regimen is far less expensive than incarcerating an individual for a year or two years or six. They are having a salutary effect on recidivism. Perhaps most profoundly, they represent the right thing to do for those justice-involved veterans who have not been able to come to terms with their lives after living in a combat zone and experiencing what most of the rest of us never have, and never will.

Veterans Treatment Courts “are life-changers for veterans who fall through the cracks when they come home,” says Patrick Murphy, who served with the 82<sup>nd</sup> Airborne in Iraq and is the first veteran of that war to serve in Congress. “They give veterans who have lost their way another chance — and if anyone has earned a second chance it’s those who have donned the uniform of our country.”

“Veterans Treatment Courts are part of a holistic solution to support veterans who may actually have reached the point where hopelessness has overtaken their life,” adds Butch Tate, Senior Fellow for Veteran and Legal Affairs at Justice for Vets.

For these men and women, the retired major general observes, “There is no



*Major General (Retired) Clyde (Butch) Tate*

end in sight, no recovery in sight. We will provide potentially the hope for that veteran to feel like, ‘I can return to my community, to my society, as a contributing member.’ We’ll never know,” he says, “whether we’re going to provide that little dose of hope to that veteran unless we try.”

In this spirit, NIC has created a veterans page, <http://nicic.gov/veterans>, to provide resources for the field. This page references projects that are ongoing and provides information of significance about Veterans Treatment Courts that will be updated periodically.

**“Veterans treatment courts save lives. They are needed to help address the unique problems many veterans face.”**

— *John Boozman, United States Senator, Arkansas*





## SECTION 1

# So, You're (Thinking of) Starting A Veterans Treatment Court...

...OR YOU'RE IN the process of setting up a court in your city or your county. You've got questions — or you've had questions you've had to ponder and at least tentatively answer.

### And you've identified several very real issues and concerns:

- What is the first thing I/we ought to, and need to, do?
- What are the essential elements needed to establish a Veterans Treatment Court?
- Can we identify a “champion” who will work diligently to create the court?
- How should we select good candidates for this therapeutic justice?
- What mental health and substance abuse services do we need to have in place?
- In addition to the VA, what entities can we enlist to provide these services?
- What if a veteran is ineligible to receive health care from the VA?
- Do we have enough community providers to support accepting individuals who are not eligible for VA health care and other benefits?
- Are these providers trauma-informed?
- What is the right level of treatment for these veterans?
- Should we constrain our court to consider only non-violent felonies?
- What about those charged with misdemeanors? Or certain violent felonies?
- Should our treatment court accept vets with “other than honorable” discharges? Or even dishonorable discharges?
- Will the community at large be accepting?
- Will the legal establishment be accommodating?
- Will there be abuses and, assuming so, how can we anticipate and correct them?
- How can we achieve buy-in from the key players, or stakeholders?
- Who *are* the key players?
- How will the court be funded? Will it require an outlay of dollars we don't have?
- The justice system is, in its essence, adversarial; a Veterans Treatment Court is accommodating. How do we get prosecution and defense to agree to work together, in concert, as advocates?
- How critical are peer mentors, and a mentor-training program, in the operation of a Veterans Treatment Court?
- If our champion retires or moves on, could the court itself dissipate?
- Does our county have the demographics that warrant a court, or should we consider uniting with contiguous counties to form a regional jurisdiction that does have enough veterans who pass through the criminal justice system?
- How do we gauge success?

You should discern answers to your questions and concerns in the pages that follow. First, let's start with some recent history.

**“If you ask veterans to do stuff that helps other veterans and you're not running a scam, they come.”**

— David Jordon, Retired District Judge, East Lansing, Michigan



## SECTION 2

# Nobody Returns from a Combat Zone Unaffected, Unscathed, Unchanged

**NOBODY WHO DEPLOYS** to a combat zone is ever quite the same afterwards. This is particularly true for combat vets — the “grunts” of the Vietnam War and the “war fighters” of the current and recent interventions in Southwest Asia — as well as the nurses, doctors, and other clinicians who patch up the maimed and the mangled and feel as much of the devastation of combat on mind and body as anyone.

There are, of course, those who suffer, from shot and shrapnel, bomb burst and booby trap, the physical wounds of war. There are as well many who are afflicted with so-called invisible wounds of war, the not so obvious wounds that invade a veteran’s consciousness, ripping away peace of mind, infusing nights and days with the lingering legacy of his — and as more and more women troops experience combat, her — often haunting experiences.

Some troops — in particular the extensively trained and psychologically well-prepped special forces and clandestine operations types — may be able to compartmentalize their experiences, and take comfort in the camaraderie of their brother and

sister war fighters. Far too many others, however, come home and find themselves without any effectively measurable social support system, either from family — if indeed they have a family — or from battle buddies. Some retreat unto themselves. Many self-medicate with alcohol and/or drugs. Some wind up on the streets, penniless, humorless, without motivation. Defeated. And some get into trouble, committing anti-social and unlawful acts, as outbursts of rage or rejection, fueled by feelings of hopelessness or alienation or regret, envelop their consciousness — and as their intake of drugs or alcohol leads them into conflict with the law and into the jaws of the criminal justice system.

In the past, veterans were treated, for the most part, just like other offenders. Arrested and charged, it mattered not if a veteran had served honorably, even receiving decorations for valor in combat. If convicted, a judge might take into account a vet’s military service record before rendering a final decision on the outcome of the case. Yet even if a veteran’s crimes were relatively minor, prospects for decent employment often were scotched: s/he was now a convicted felon. And so many of these veterans were doomed to dead-end jobs and empty lives because, one might argue, they had done their duty and served their country, our country, with honor.

**“I can’t imagine anyone considering this to be a boutique court. It’s so helpful to so many who find themselves in trouble get through a tough time in their lives.”**

*— Phil Ippolito, Assistant Coordinator for Mentors, Buffalo Veterans Treatment Court*



*Photo Credit: US Department of Defense*

The emotional and mental maladies with which so many are afflicted include anxiety and depression and what has come to be known as Post-traumatic Stress Disorder. The National Vietnam Veterans Longitudinal Study estimates that just over 26 percent of those who served in Southeast Asia — in South Vietnam, Laos, and Cambodia — experienced relatively short-term PTSD, while some 12 percent have enduring and seemingly treatment-resistant PTSD; the current crop of vets from Operations Enduring Freedom, Iraqi Freedom and New Dawn, and other unremarkable and mostly unpublicized clashes in the so-called Global War on Terror, have rates that are consistent with if not exceeding those of the Vietnam generation of now aging warriors.

Complicating so many lives among this newest generation of veterans is what is considered the signature wound of the world-wide war: the almost immediately acronymed TBI, for Traumatic Brain Injury, caused for the most part by the weapon of choice of insurgents in Iraq and Afghanistan,

Improvised Electronic Devices, also almost universally referred to by their acronym, IEDs.

Fighting against often unseen enemies who can set off powerful blasts with a cell phone or a simple timer has been one facet of the chaos of war in which American and allied troops find themselves enveloped. The Stryker fighting vehicle wending its way down the road ahead of you or the Abrams tank traveling just behind you that get blown apart by IEDs and ripples shock waves through you and rattle your brain might leave you woozy and disoriented but feeling otherwise “okay,” eager to rejoin your buddies. Such a blast, however, can have a profound effect on you months or even years later, and many combat vets from these deployments report having survived multiple blasts during their tour(s) in these combat zones.

What has grabbed the attention and funneled the sympathy of the nation has been the “soft” statistic, first uttered surreptitiously by the chief of the mental health programs at the Department of Veterans Affairs, that

some 22 veterans take their life every day. The connotation was, of course, that all 22 were veterans of the fighting in Afghanistan/Iraq. Press and politicians alike embraced without question this startling stat as public pressure mounted to Do Something! about the epidemic of suicides among our veterans — and active-duty troops. Hence, millions and millions of Defense and VA dollars have been expended on research to find answers why these highly trained and supposedly resilient troops and vets are taking their life, the hope being that answers to “Why?” might provide clues to “What?” might be viable fixes for the problem.

Left unsaid, or at best glossed over, is that some two-thirds of the 18 to 22 veterans who daily take their own life are, in fact, over the age of 50 and are not among the newly minted veterans of the Global War on Terror. Which is why each instance when a young veteran commits suicide, especially if s/he did not or could not get immediate and appropriate treatment at a VA medical center or clinic, gets front-page coverage in local media and often makes the national news.

Once the shooting has ceased and America’s servicemen and — women finally exit Afghanistan, public attention and congressional altruism for the hurts and needs of those who have served and sacrificed there and in Iraq will doubtless recede — perhaps just when the needs of many have still not been properly met. Among them are the lingering mental health issues that are leading too many of these veterans into self-destructive behaviors — and into the maw of the criminal justice system.

## ABOUT JUSTICE-INVOLVED WOMEN VETERANS

Women comprise some 14 percent of the Armed Forces who have deployed to Iraq and/or Afghanistan; by 2018, they will represent 8 percent of the nation's veteran population. Although women currently account for 1 percent for all justice-involved vets, the assumption can be made that as more and more female troops exit the military, the percentage of women vets who will join the ranks of the justice-involved is likely to increase.

"Anybody who wants to have a philosophical discussion about women in combat, we could have a beer and talk about that," offers Leo Martinez, lead veteran peer mentor with the Veterans Trauma Court in El Paso County, Colorado. "Whether they were in fields where they were expected to be in combat is academic. They've been shot and blown up and gone through the rigors of combat because they had to. If you want to talk about whether they should be in combat, it's too late. They've been in combat for 12 years."

Jack O'Connor, mentor coordinator for the Buffalo Veterans Treatment Court, notes, "The first lesson I learned is we have to have women in court [because] some women have been victims of sexual abuse in the service. That's what led to their drug addiction, their alcoholism, their mental health issues, and they won't talk to a man about it."

"I had the experience of being the mentor for a woman, a Marine, and I was with her six months," he recalls. "She was doing fine. We brought in two women from the army base, two sergeants, and within ten minutes she had told them that she was a victim of sexual abuse while on active duty. So I learned if we can get a woman mentor, women vets will talk to them."

Phil Ippolito, the assistant coordinator for mentors in Buffalo Veterans Court, tells this story: "One of our cases was a young lady. She had a couple of children and she had some issues that wound up in her being in this court. She was tough. She didn't quite understand the ultimatum of having the opportunity to come into the Buffalo Veterans Court or going to jail. We used to always say, 'You know, you have a couple of beautiful young kids there. This is going to really affect their lifestyle and everything. Is that what you want?' We were able to get out of her, 'No, it's not what I want.' She started to understand and give up her personal revolution against the world. Now here she is, scheduled to graduate."

For more on justice-involved women veterans, go to:  
[http://nicic.gov/library/028183#.U\\_szS86\\_\\_J4.email](http://nicic.gov/library/028183#.U_szS86__J4.email)

**"What has been created through Veterans Treatment Courts is the most profound change in the attitude of our criminal justice system towards veterans in the history of this country."**

— Patrick Welch, Veterans Advocate, Buffalo, New York

# IN THEIR OWN WORDS

## JUDGE DAVID SHAKES: WAR'S LINGERING LEGACY

WE NOW KNOW that the guys that suffer from PTSD or other trauma related to mental health issues are a predictable result of sending people into combat, as predictable as if you fly your helicopter too much in combat, you're going to have to replace the engine. It's that predictable.

The legacy of the two long wars [in Iraq and Afghanistan] is something that we need to deal with as we would replace jet engines after 100,000 hours or whatever that number is. These guys are our legacy and that legacy has fallen, because of the volunteer force and other issues, on a much smaller proportion of our society. In Vietnam, we spread the burden across a much wider population with the draft and not that many people had multiple tours. My father served in Vietnam. Guys who served in Vietnam two tours or more were fairly unusual. Here, our 3<sup>rd</sup> Brigade Combat Team has deployed three times. We have a Special Forces Group here and those guys have gone I don't know how many times. We have many folks with multiple deployments, so that burden creates the greatest susceptibility for PTSD, certainly greater exposure to incidents that may cause Traumatic Brain Injury. This is a long way of saying a smaller number of young men and women are carrying the burden of these two long wars and because of that, we have an obligation to provide them a greater amount of help than we ever have before.

I was challenged a few months ago at a military organization. A battalion commander in Vietnam said, "Why do we have all these PTSD guys



now? In Vietnam, we never had this problem." I said, "I know exactly what the statistics are, but if you look at the number of Vietnam veterans that are in prison today, I think you'd be surprised. And if you look at the number of people who are sleeping underneath our bridge down here under I-25, there are a lot of guys who are in Vietnam-era military clothing."

So the recognition that a certain percentage of people that we send into combat are going to respond with PTSD, anxiety, depression, other [mental health issues] like that is as predictable now as it [could have been] from the Civil War to World War I, II, Korea, Vietnam. A common

feeling of these guys is that the rest of the world doesn't understand what they've been through and maybe doesn't even care.

So coming to an environment where everybody else in the room has been there also, this helps them get grounded to work on their particular problem, be it substance abuse, depression, anxiety, domestic violence. If you recognize that it's a medical problem versus shamming [because] they just want the benefits or whatever, that's a key step. And we're not sending our guys just to generic substance abuse counselors. We're sending them to folks who understand the overlay between substance abuse and post-traumatic stress.

## SECTION 3

# Combat Fatigue, Soldier's Heart: *PTSD by Any Other Name* *...Can Still Wreck Lives*

*By Thomas J. Berger, Ph.D.*

**POST-TRAUMATIC STRESS DISORDER**, now so very well known, simply, as PTSD, is a major life-threatening mental illness that can stem from any type of traumatic experience. Much of our current knowledge about PTSD comes from the military for the obvious reason: War causes trauma on a massive scale.



*Photo Credit: US Department of Defense*

## TRAUMATIC BRAIN INJURY: SIGNATURE WOUND OF THE WARS IN AFGHANISTAN AND IRAQ

**Traumatic Brain Injury (TBI) is, as its appellation makes obvious, an injury to the brain when the head is hit with significant force from something outside the body: during a car accident, a fall down a flight of stairs, an errant fastball in a baseball game, a violent tackle while playing football – or the trauma from a nearby blast or explosion. Immediate effects include loss of consciousness (being knocked out), amnesia, and neurological impairment. TBI can cause changes in a person’s ability to think, control emotions, walk, or speak; it can also affect sight and hearing.**

Traumatic brain injuries are the characteristic injury of contemporary warfare. TBI is considered the “signature wound” or disability suffered by troops in the OEF/OIF/OND wars. A statistically larger number of veterans of Iraq and Afghanistan have TBI than veterans of previous conflicts; researchers estimate the prevalence of TBI to range between 20 and 30 percent of all of those who have served in the battlesands of Southwest Asia.

Despite the prevalence of TBI among veterans who deployed to Afghanistan and Iraq, veterans of earlier wars may have undiagnosed residuals of TBI, having been injured during training or combat, involved in motor vehicle accidents during military service, and involved in accidents or falls while on active duty.

In the DSM-5, the primary context for discussion of TBI is the section on “Neurocognitive Disorders.” Although there is some disagreement about the distinction between mild Traumatic Brain Injury (mTBI), also known as “concussion,” and moderate or severe TBI, at the time of injury or soon after, TBI is usually classified as mild, moderate, or severe. Mild TBI refers to brief changes in or loss of consciousness; severe TBI refers to longer periods of unconsciousness and memory loss around the event.

While it may be easier to diagnose moderate to severe TBI using sophisticated clinical evaluations such as MRIs and CT scans, changes caused by any TBI can significantly affect many areas of a person’s life. Some moderate to severe TBI symptoms last for a longer

period of time or may be permanent. These include changes in a person’s physical functioning, thinking abilities or cognitive function, and behavioral effects, which are often interrelated. These effects, in turn, sometimes cause other difficulties, including sleeping problems, depression, and anxiety. Some people with TBI think about harming themselves, that others would be better off without them, that there is no other way out of their problems.

According to Dr. Charles W. Hoge, an acknowledged expert who has studied the effects of TBI on troops and veterans, “Concussions/mTBIs have also become entangled and confused with PTSD, and these two conditions have been described as silent wounds.” However, Dr. Hoge advises: “Don’t get caught up in the mTBI versus PTSD debate. Recognize that combat in itself, as well as combat-related injuries of all types, can lead to a variety of physical, behavioral, and cognitive reactions, and these are closely connected to each other.”

There are, however, effective treatments and support for helping veterans manage their symptoms and find a path to recovery. Ignoring symptoms TBI and trying to “tough it out” may only make the symptoms worse. Anyone with TBI who is having thoughts of death or suicide should talk to someone — a counselor, a therapist, a mentor — right away.

— Berger

PTSD is an old malady, long recognized, with a variety of names. It can be traced back to Egyptian writings from around 1900 BCE. By the 1670s CE, Swiss military doctors described its symptoms as “nostalgia.” During the Napoleonic wars of the early 19<sup>th</sup> century, battlefield surgeons began calling it “exhaustion,” and by the time of the American Civil War, it had become known as “soldier’s heart” and “the effort syndrome.”

“Shell shock” evolved as the term commonly used in World War I, because it was thought to stem from changes in air pressure when artillery shells exploded. This blunt label was succeeded in the Second World War by “combat fatigue” and “battle fatigue,” linked by some American generals to cowardice and weakness exhibited by combat-blitzed troops. By the time the war in Vietnam was winding down in the early 1970s, the term “Post-Vietnam Syndrome” gained currency to describe veterans’ traumatic stress reactions during and after their military service in Southeast Asia.

In 1980, though, the appellation “Posttraumatic Stress Disorder” appeared in the third edition of the Diagnostic and Statistical Manual of Mental Disorders, the bible of mental health maladies. This remains the terminology used today in the fifth edition of the DSM, albeit with a hyphen between a capitalized “Post” and a lower-case “traumatic.”

Mental health professionals continue to probe into and learn about its causes, symptoms, and treatments. Because combat is recognized as a major risk factor for PTSD, it’s not surprising that researchers’ estimates of its prevalence among veterans range from 10 to 30 percent. However, one misconception about PTSD and veterans is that it only afflicts people who directly experience combat. Personnel in non-combat, support roles can also experience severe trauma. Medical staff in field hospitals, for instance, can become overwhelmed by the horrific injuries they treat. And transportation drivers can become terrified driving down a highway or quiet country lane as a result of having encountered IEDs, or Improvised Explosive Devices, and roadside bombs during their deployment in a combat zone.

Symptoms of PTSD can be terrifying and usually start soon after the traumatic event, although they might not surface for weeks, months, or even years. If left untreated, PTSD can affect individuals to the point that, over time, even their daily functions become seriously impaired. This places them at higher risk for self-medication and abuse with alcohol and drugs, which are the immediate causes of domestic violence, unemployment and underemployment, homelessness, and suicide, as well as unlawful actions like driving under the influence, which introduce them to the criminal justice system and, in so many cases, lead to incarceration.

Research studies have also shown that PTSD is linked with co-occurring physical illnesses. These include physician-diagnosed chronic pain, hypertension (high blood pressure), sleep disorders, and cardiovascular disease. Left untreated, PTSD can bruise or lay waste to one’s family dynamic; sometimes those suffering from this mental health condition also develop symptoms of depression severe enough to require additional treatment. Some of those suffering from debilitating PTSD think about harming themselves; this is what the psychiatric and psychological communities call “suicidal ideation.” They might think others would be better off without them; some might feel there is no other way out of their problems, no other way to escape their demons. Such thoughts, of course, need *immediate attention*.

For justice-involved veterans and active duty troops plagued by PTSD who are incarcerated after having been convicted, the corrections arm of the criminal justice system often does little if anything at all to address their PTSD, or other mental maladies, for that matter. Those who are fortunate enough to be accepted into a Veterans Treatment Court get the opportunity to be treated for their PTSD and other underlying causes of their criminal behavior. If they work the program, they can learn to ameliorate their PTSD — and control their demons.

## THE EPIDEMIC OF SUICIDE OF VETERANS OF THESE WARS

**Suicide is a complex act, a convergence of troubled strands. Researchers who have examined suicides of veterans and active duty troops find not a single precipitating event but several: multiple deployments, relationship problems, financial pressures, and drug or alcohol abuse. If decades of studies on civilian suicides are any indication, soldiers who kill themselves are also likely to have a history of emotional troubles like PTSD, TBI, or another illness.**

Traumatic experiences can create a prison of isolation, a sense that only someone who has been through the same events can comprehend the intensity of feeling they arouse. And guilt is a common theme in the narratives of soldiers haunted by war. The bonds of loyalty and shared obligation the military instills to forge an effective fighting force can, in the aftermath of battle, curdle into obsession with failures, real or imagined.

Recent psychological theories posit that suicide is driven by intense mental pain: hopelessness, a yearning for escape, a sense of not belonging, and feelings of burdensomeness. However, there is no way of gauging when — in the next hour? in the next decade? — known risk factors might lead to an attempt.

Our understanding of how suicidal thinking progresses, or how to spot and halt it, is little better now than it was two and a half centuries ago, when we first began to consider suicide a medical rather than philosophical problem, and physicians prescribed, to ward it off, buckets of cold water thrown at the head. Doctors of

all kinds, including psychologists, still for the most part can do no better than pure chance at predicting who will attempt suicide and who won't.

The number of reported suicides committed by veterans and members of the military has risen to the highest level since record-keeping began three decades ago. Statistics, of course, do not paint a full picture. Although suicide counts tend to be undercounts, we do know that almost seven out of 10 veterans who have committed suicide were over the age of 50, according to a 2012 Department of Veterans Affairs study.

It is not entirely clear why a higher percentage of older veterans take their own lives. As the veterans community as a whole ages, however, it may be that it is becoming more representative of the general population, in which older people account for a larger percentage of suicides. Whatever the case, the most important interventions at this time are recognizing and treating the underlying illnesses such as depression, PTSD, TBI, and alcohol and substance abuse.

— Berger

## SECTION 4

# A Brief History of Veterans Treatment Courts

LET'S BEGIN WITH a definition of just what a "Veterans Treatment Court" is. One who knows, National Association of Drug Court Professionals former CEO West Huddleston — he's also former Executive Director of Justice for Vets, a division of the NADCP — calls it "a hybrid integration of drug court and mental health court principles to serve military veterans, and sometimes active-duty personnel."

Veterans Treatment Courts admit only veterans with a clinical diagnosis of a substance abuse and/or mental health disorder. Some courts will embrace vets who have the ultimate in bad paper, a dishonorable discharge; others will not (although some do take in cases from veterans with lesser degrees of bad paper). Some might accept veterans who are charged with misdemeanors; others limit their intake only to cases involving certain felonies. Some avoid those who are charged in connection with domestic violence; others won't. Just about all, however, will not deal with vets charged with homicide, armed robbery, rape and other sex-related offenses, or aggravated assault.

Huddleston recommends to prosecutors, who in essence are the program gate-keepers, "If a clinically disordered veteran is legally eligible for a community-based sentence, regardless of the offense, allow them the opportunity [afforded by a] Veterans Treatment Court."

Why? Because Veterans Treatment Courts promote "sobriety, recovery, and stability through a coordinated response that involves collaboration,"

Huddleston explains, "by mobilizing the Department of Veterans Affairs healthcare networks, the VA's Veterans Benefits Administration, state departments or divisions of veterans affairs, veterans service organizations and other community entities that support veterans and their families, and veterans who serve as volunteer peer mentors."

In the wake of the Vietnam War, the psychological needs of in-country veterans were for the most part ignored. While on the one hand America's involvement in Vietnam came to be viewed by many if not most Americans as a stain on the credibility of our government; on the other most if not all Americans wanted to bury the realities of what then had been our nation's longest war. In so doing, many in-country veterans, who never were welcomed into the bosom of a nation grateful for their service and their sacrifices, felt ignored by, if not alienated from, their countrymen. While most of those who served during that time did adapt, as their fathers and mothers who served in what



*West Huddleston, Former CEO, NADCP*

famously dubbed "The Good War" had done, too many others were unable to compartmentalize their wartime experiences and put them to rest. They sought refuge in drink and in drugs. How many dropped off the grid we may never know.

We do recognize that, as has been the case in wars immemorial, disaffected veterans run afoul of the proscriptions of the nation, winding up locked

**"To work for  
Judge Russell,  
it can't get much  
better than that."**

— Sarah Hall, Case Manager,  
Buffalo Veterans Treatment Court

up for offenses minor and major. How many lives are further ruined because an arrest and conviction for drug possession or driving under the influence lead to further acts of desperation that drive them deeper into the criminal justice system? This, too, we cannot really measure.

Vietnam veterans tend to be an activist lot. Vietnam Veterans of America, whose roots go back to 1978, organized around, and lobbied for, issues affecting the mental as well as physical health of those who answered their country's call. VVA led the charge, along with the American Legion, for passage of the Agent Orange Act of 1991. VVA also fought for recognition of what has come to be known as Post-traumatic Stress Disorder, now well-known by its acronym, PTSD. Recognizing that hundreds of thousands of those who served in Southeast Asia were incarcerated, VVA is the only national

veterans service organization that has chapters inside prison walls. And in the late 1980s and '90s, when the threat of violent street crime in urban areas was stoked by the epidemic of crack cocaine, veterans in Rochester, New York, started, albeit under the radar, what was dubbed the Veterans Residential Treatment Program in the state's Department of Correctional Services [see page 13].

The first of what we consider to be a Veterans Treatment Court was started in 2004 in Anchorage, Alaska. But the court "credited with providing the inspiration for the current surge" of these courts, notes Michelle Slattery and three colleagues in "Catch, Treat, and Release: Veteran Treatment Courts Address the Challenges of Returning Home" in *Informa Health Care*, was started in January 2008 in Buffalo, New York, by Judge Robert Russell.

**"Veterans bring some special issues to the table that conventional courts obviously are not equipped to deal with."**

— *John DeMarco, Judge, Rochester (New York), Veterans Treatment Court*

**"When you know better, you better do better. It is our obligation to do better now that we have more knowledge and a model that's working."**

— *Melissa Fitzgerald, Senior Director, Justice for Vets*

## UNDER THE RADAR IN ROCHESTER

The decades of the 1980s and '90s saw an outpouring of advocacy by Vietnam veterans for Vietnam veterans. Leading this charge was Vietnam Veterans of America, the only congressionally chartered Vietnam veterans service organization, and the American Legion.

Of particular interest to VVA was the plight of incarcerated veterans. In a 1998 white paper, Wayne Miller, chair of VVA's Veterans Incarcerated Committee, and Kelli Willard West, the director of government relations, wrote:

*"Vietnam Veterans of America has long sought to do work to improve the conditions of Vietnam veterans and their families, including veterans who are incarcerated. VVA's underlying philosophy for doing outreach and providing services to veterans incarcerated is that many reach this status due to circumstances which may be directly attributable to or exacerbated by their military service..."*

*"VVA believes that past trauma is a complicating factor in the lives of many veterans incarcerated. A number of these veterans' crimes and incarceration may be attributable (at least in part) to this condition," [known as Post-traumatic Stress Disorder, or PTSD].*

*"Obviously, we are not saying that all veterans are afflicted with PTSD, that all veterans with PTSD are substance abusers, nor that all veterans with PTSD will become criminals... Certainly this altered perception and judgement [sic] can cause otherwise rational people — even honored veterans or war heroes — to do the irrational: to commit crimes against other people, against their communities or even against the government they fought to protect."*

In New York, the Department of Correctional Services established the Veterans Residential Treatment Program, a comprehensive program that provided counseling for "readjustment, Post-traumatic Stress Disorder and personal problems and deals with release issues." The VRTP was located at six medium-security facilities; the earliest VRTP was established at the Mt. McGregor Correctional Facility in 1987. "These programs were [designed] to address the guy before he's released and coming back into society," Miller recounts. The vets

*"had their own dorm, and they had their own counseling systems. The correctional officers that were working with them were also veterans. In the state of New York, we*

*were the first to actually have a signed memorandum from the VA and the New York State Department of Corrections to establish [this program, with VA assistance].*

*"We tracked these veterans after they got released, and what we found was for the guys that stayed in the program at least six months, the recidivist rate was around 4.2 percent versus a non-veterans recidivist rate of 32 percent. And as we tracked down even further, to 48 months from the time of their release, the recidivist rate went up to about 4.8 percent, but the recidivist rate for the non-veteran was about 47 percent.*

*"We said, 'Wow, that's pretty good! How long can we sustain these programs?' We were told that for the programs to sustain themselves, we would 'need to make sure that the politicians understand their importance.'"*

In an overview of the VRTP at the Groveland Correctional Facility, the participants themselves viewed the program as "veterans helping vets to make it back to the world."

"In all honesty, however," Miller reasoned back then, "you need to catch veterans before they get into the correctional system." Another VVA adherent, Gordie Lane, a detective in the Syracuse Police Department, put together a proposal for police to intervene well before veterans were arrested and processed through the courts.

Miller recounts one of the concepts put forth by the Temporary Commission on Readjustment Problems of Vietnam Veterans, of which he was a member: "Let's start to take a look at alternative sentencing. Let's start to take a look at the possibility of putting courts together that deal just with the veterans themselves. We'll probably see this in 30 years."

It's pretty ironic, Miller adds, "that here we are, more than 30 years down the road, and we have veterans courts."



## SECTION 5:

# IN THEIR OWN WORDS

### JUDGE ROBERT RUSSELL: 'GODFATHER' OF THE VETERANS TREATMENT COURT MOVEMENT

*ROBERT RUSSELL, judge of Buffalo's Veterans Treatment Court, took up the law because he wanted "to bring about effective change" by utilizing the law and working within the system. He has, without a doubt, accomplished a sea change in how the criminal justice system dispenses justice to military veterans. He is motivated in part by something one of his uncles, who served in World War II, told him, "War is never easy." Elected to the bench in Erie County in 1991 and re-elected several times since, he is hailed today as the founder of the Veterans Treatment Court movement. A husband and father, he is not a veteran.*

I NEVER ENVISIONED that Veterans Treatment Court would be embraced as it has been nationally. For us, it was a journey where we thought it was the right thing to do.

We've always been of a mindset that if there are things that we can do better, let us seek to do that. We started up a Drug Treatment Court in 1995 [after] a lot of trying to encourage the powers that be that this would be a real investment for our community, and for the citizens that we serve here in court.

We realized in presiding over a Drug Treatment Court that we were not efficient at really servicing those with severe, persistent mental health disease or disorder. In 2002, after some planning, we started a Mental Health Treatment Court, working with the severely, persistently mentally ill, working with our county government to get case managers to assist them, engaging a mental health treatment provider, and having a collaborative network. That set up a prelude to the creation of the Veterans Treatment Court.

In Drug Treatment Court, we work with veterans. In Mental Health Treatment Court, we work with veterans. But it was this incident in late 2006 with this one veteran that got me to thinking. He was 6'4" or 6'5", a real big guy. We had him linked to one of our community mental health treatment providers. But in the reports we were getting back, the comments were essentially that they weren't making much headway with this person. He was not really engaged in the process. He wasn't participating in the group counseling; he would just sit there. In the one-on-one counseling, he wasn't very much engaged either. So they raised a concern that we're not really making much progress with this person.

I can't recall how it was brought to my attention, but I knew this gentleman was a Vietnam veteran. He's in court. I called the case. And as he's approaching to this little podium area, his posture is slumped. He's looking at the carpet, not making any eye contact. I asked



him, "What's going on with you? Why aren't you really engaged?" His mumbled responses weren't really clear.

My project director who has since passed, Hank Pirowski, a Marine Vietnam veteran, was standing next to this guy. And Jack O'Connor was in the courtroom because Jack worked then for our county government as director of Medicaid, and we had a good working relationship. I knew Jack was a Vietnam veteran, served in the Army, 82<sup>nd</sup> Airborne. I'm like, "Hey, Jack.

**“Judge Russell has a commitment, a compassion, a love, and respect for the veterans. He gives of himself tremendously, but he’s not a soft judge.”**

— *Phil Ippolito,*  
*Assistant Coordinator*  
*for Mentors,*  
*Buffalo Veterans*  
*Treatment Court*

Would you mind taking this guy out to the hallway? Talk to him, vet to vet.”

About 20 minutes later, I see them walk back into the courtroom. I had the court clerk recall the case. This guy now approaches the little

podium area before me. He stands at parade rest with his head raised. It totally blew me away. I’m like, what? Then he’s looking directly at me, and he said, “Judge, I’m going to try harder.”

After court, I asked Hank and Jack to come on back to my office. Let’s sit down and talk. “What the heck happened? What did you say to this guy?” They told me, “When we went out in the hallway, we asked, “Where did you serve in ‘Nam?” “I served here, I was in this part of the country, in that part of the country.” And after some general discussion we said, “Look, we really want you to get well. We’re all trying to see what we can do to help you move forward ... we care about you... we want you to get better. Come on, we need you engaged in your counseling.”

“You mean to tell me this guy, being in counseling, they can’t make any headway, and talking to a couple of vets he responds like that?”

Yeah, it set me to think. We need to do something more than what we’re doing now. That began our initial discussion of, “Well, Judge, why don’t we set aside a day for vets that have a clinical diagnosis of mental health disease or disorder or dependency on substances or both, and set them on a calendar?” And we go back and forth.

Jack was active not only in our veterans community but also at the VA hospital. He was on their advisory board. Jack was like, “Judge, let me

see if I can get you invited to one of our meetings.” Sure enough, Jack gets me invited.

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Veterans who are active in the VA hospital community and in the veterans community, and the various veterans service organizations were represented around the table. That’s where I had the opportunity to first meet Dr. Welch. So at the meeting — I had no clue on what a Veterans Treatment Court would look like or anything — I said, “Look, we’ve been having some discussions. We’re starting to see more veterans show up [in the treatment courts]. Some of them are younger veterans from the Iraq and Afghanistan conflicts. We are thinking about setting aside a morning, afternoon, day or whatever for veterans that need treatment-related services and placing them all on the calendar, on a docket. What do you think? Do you think it’s a good idea or a bad idea?”

The people around the room started raising their hands. To myself I’m thinking, Uh-oh, they got questions. And I got no answers because I got no idea. Then someone said, “You’re talking about having a docket and setting aside a morning or afternoon for veterans that need help and they’ll be assembled together in the courtroom?”

“Yes.”

“I want to volunteer.”

I said, “What?”

“I want to volunteer.”

I said, “What do you mean?”

“This is something you’re thinking about doing, right? I want to help.”

And then around the room, all the veterans said, “I’ll volunteer.” That was like, Wow! I said, “Well, understand, I got no idea what it looks like.”

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“We want to help you to do this,” they said.

We started meeting there monthly.

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As our concept started to evolve, we began to have stakeholder meetings. The VA was an integral part of the discussions. We held meetings where we had our community treatment provider for mental health, for drugs and alcohol. Eventually we had a representative of the district attorney, the police department, and so forth.

Our treatment community, we learned, didn’t have much of a relationship with the VA if they were working with a vet. No one

communicated. And because of the lack of communication, linkages were not made. In order to operate a treatment court, it’s critical to have information on a person’s treatment — their treatment protocols, their toxicology results, whether they’re showing up or not.

But with the VA being there from the beginning and working with us hand-in-hand, this opened up a dialogue on what confidentiality form would meet VA standards, that the VA would approve, that would allow us access. Well, the VA said they would put a staff person in the courtroom. And several months after we started, they were able to bring a computer that was linked to the VA into the courtroom rather than the staff person having to leave court to place a call to be able to access a veteran’s information, or to be able to schedule appointments for that veteran, or to be able to indicate that the person has not engaged with the VA so we can start that process.

Tremendous! Then our dialogue began: What would be the role of veterans who wanted to help? That

eventually led to the creation of veteran mentors. Of course, part of my desire was that what had happened with that one Vietnam veteran in the beginning would be able to happen for other veterans that we see in the criminal justice system, that one veteran can stimulate, encourage, and motivate another vet to address healthcare issues. And they even took it further — not just being a motivator but creating resources for that veteran.

Now, when you’re talking about [establishing] something that did not previously exist, and doing something different, you’re going to bring about some degree of hesitancy: What will this mean? Where is this going? Is it really necessary? For us it was, What can we do to best serve our veteran population? And, in turn, also improve outcomes for the veterans that we’re servicing.

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From the beginning, there were lessons learned. When we first started out, most of the veterans

**“What would be the role of veterans who wanted to help? That eventually led to the creation of veteran mentors.”**

“The Veterans Treatment Court has been **overwhelmingly embraced**. I think for all of us, when we started out we were only thinking, This is the right thing to do. But I can’t say it was even envisioned where we’d go and how we’d get there.”

who initially volunteered were active Vietnam veterans. But we were seeing more and more younger veterans. How can we incorporate veterans who served in Iraq or Afghanistan as mentors? And what about veterans who served during Desert Storm/Desert Shield? And what about having that diversity with respect to branch of service, and with respect to gender?

Gender was a big piece. After the Buffalo Veterans Court was in operation for six months or so, we did get a female volunteer veteran mentor. And one of the female veterans that we were working with disclosed military sexual trauma, which this person did not disclose to her therapist at the VA, nor to a male mentor, nor to anyone else. We came to understand that mentors are a key component in a Veterans Treatment Court.

Another key is working hand-in-hand with the VA, because we’ve realized 80 percent of our veterans are going to qualify for VA healthcare services. Some jurisdictions that have set up a Veterans Treatment Court limit it

to only those veterans because they don’t have the money to pay for the 20 percent of veterans who are not eligible for VA health care.

After we were in operation for about five months, the benefits side of the VA came to us and asked to be a part of the court. We were extremely happy about that. So then there also was another VA representative sitting in the courtroom with a computer directly linked to the benefits side.

Realizing that veterans on the court docket had a variety of other issues that was affecting their ability to cope, we asked, How can we make this a one-stop location as best as possible? So we have the Vet Center bringing in veteran-related housing, shelter, legal services. To handle civil issues that might crop up, we have a lawyer assigned there. And the veteran mentors provide where there may be a gap or delay in government providing a certain service. They do their own fund-raising. They give out bus passes or tokens to help our veterans get to court or to an appointment. If there is

an emergency where the electric is cut off for a veteran, they might pay the bill to have it turned on. They get furniture for veterans, even a new apartment.

The Veterans Treatment Court has been overwhelmingly embraced. I think for all of us, when we started out we were only thinking, *This is the right thing to do*. But I can’t say it was even envisioned where we’d go and how we’d get there. Some in the community, we thought, maybe law enforcement, might have some degree of reluctance with treatment court protocols. Yet right on this court, I have police officers saying, “Man, what a great idea, Judge. Thanks for doing the Veterans Treatment Court.”

A good percentage of the population realizes now that these are men and women who made a sacrifice for us and the freedoms we enjoy. They feel that these veterans deserve an opportunity to get restoration and stability back in their life.

And that big 6’4”, 6’5” guy who never smiled when he was in my Mental

Health Treatment Court? He was one of the first to move to our Veterans Treatment Court. When he graduated from the program, he talked about his journey. And he would just smile and smile; he had the biggest smile in the world. He talked about how happy he was to have a Vietnam support group of those with PTSD that would meet collectively — this is outside of his regular counseling — and they would just get together. What that meant to him in his life; he was just one of the happiest, sweetest guys at the close of his journey with us.

And I'm grateful, extremely grateful.



*Buffalo, New York. Judge Robert Russell launched the first of the nation's roughly 260 veterans treatment courts in 2008.*

*Image Credit: Katti Gray, The Crime Report contributing editor*

**“A good percentage of the population realizes now that these are men and women who made a sacrifice for us and the freedoms we enjoy. They feel that **these veterans deserve an opportunity** to get restoration and stability back in their life.”**



## SECTION 6

# Buffalo Veterans Court: *They're Number One*

I THINK THERE is a bigger picture in everything. I sort of look at life that way," says Danielle Maichle, the managing attorney at the Legal Aid Bureau of Buffalo in the Buffalo City Court office. "As far as an unpopular war, you can talk about Vietnam however you want. But the truth is, the people that came out of Vietnam, the soldiers who fought there, they have done so much good for all of us. There was a huge victory to be won by our country as a result of their service. I take the Veterans Treatment Court as one of the things that is absolutely a result of their feeling that we will never, ever leave a veteran behind. We will do whatever we can.

"I had no idea about the dedication of these veteran mentors coming to court and doing everything in their power" to help their fellow veterans, she says. "One of our clients needed a mattress. Sue Sweet, my paralegal social worker, called one

of the veteran mentors. Wham! He's got the mattress; he's got the box spring; it's already in his apartment. Wow! He came to court. He said, 'I really want to thank Sue Sweet. I want to thank Frank Grillo. I want to thank Jack O'Connor.' They make

it happen. They make it happen for these veterans. That causes my clients to say, 'You know what? I'm going to step up. I'm going to work harder at this. I'm a part of this court.'"



Melanie Stetson Freeman/The Christian Science Monitor/Getty Images

**"I've seen some amazing things happen in this courtroom. It's compassionate. It's thoughtful. It's caring."**

— Barry Chapman, Licensed Clinical Social Worker, Buffalo VA Medical Center

Adds Phil Ippolito, assistant mentor coordinator for the Buffalo Veterans Court. “What makes more sense to you? Take a veteran, throw him in jail where the cost can be five times more than what the cost could be for getting that veteran help? Or take that veteran and give him the opportunity to help himself, to turn his life around?” Putting veterans, if they qualify, into a treatment court, he offers, “makes sense – and dollars and cents — to me.

“I look at Judge Russell and Jack O’Connor, these are the guys that make this whole thing work,” he gushes. “I always brag about these two men because they have been an inspiration to me.”

Being a key contributor to the success of the Buffalo court has been “so gratifying. I’m not ashamed to admit it,” Ippolito says, “there are times when I leave court, I’ll go home and cry over a situation or for a veteran that was in court. I’ll think, Why don’t they understand this part of it? Ninety-nine percent of the time, they do. It’s just a matter of surrender on their part to say, ‘I guess it isn’t the world against me; it’s maybe me against the world. I screwed up. I wound myself into jail. I wound up in court.’”

The Buffalo Veterans Court quickly garnered positive attention in the media. The stories it generated were a refreshing counterpoint to tales of a conflict, particularly in Iraq, that was lingering far longer than anyone either anticipated or was prepared for. The failures of responsible entities within the government to recognize, acknowledge, and deal with issues raised by the treatment, or lack of

same, of returning troops and veterans — accounts of a rising tide of homelessness; unacceptably high rates of unemployment; the debilitating effects of multiple deployments; and particularly doom-and-gloom page one stories of veterans committing suicide — made for troubling headlines that put Cabinet-level officials on notice and on edge.

So even before the Buffalo Veterans Court could report that of their first 104 graduates of its program there had been but two new arrests, folks in other jurisdictions had begun to take notice. Similar courts started to spring up with increasing frequency, aided and abetted by the generosity of Judge Russell, Jack O’Connor, Patrick Welch, et al, to freely share information about their court’s processes and procedures — and the efforts of Justice for Vets to spread the word across the nation.

Few will disagree with sentiments expressed by Donna Sherman, the innovative leader who runs Substance Abuse Specialty Treatment Services at the Buffalo VA Medical Center. She calls the Buffalo Veterans Court “a great effort” and “a national model.” She offers unrestrained praise for the folks who contribute to the workings of the court, calling them “unbelievably caring and concerned. Judge Russell has a cause that he’s fighting for to really help veterans and anyone involved in any of these treatment courts get into recovery and make positive contributions.”



**“I’m very proud to work in this court because we actually do make a difference in people’s lives.”**

*— Sarah Hall,  
Case Manager,  
Buffalo Veterans Treatment Court*



# IN THEIR OWN WORDS

## PATRICK WELCH: BIRTH OF AN ADVOCATE

*ALONG WITH HIS* compadre Jack O'Connor, Patrick Welch, an active and most resourceful member of Vietnam Veterans of America Chapter 77 in Erie County, New York, is one who played an integral role in the creation of the Buffalo Veterans Court. He continues to aid and abet the evolution of this court into the national model it has become. Here he offers the how and the why behind his advocacy for the court, and for the veterans it rescues.



I STARTED IN veterans' advocacy in 1966 when I became a life member in Disabled American Veterans. For a lot of years I was kind of a passive veterans supporter [because] it wasn't popular to be a Vietnam veteran. So whatever I did, I did quietly.

And then in 1989 I found Vietnam Veterans of America after I had had some personal tragedy in my life. We lost one of our daughters, and I had gone into a five-year depression. I was back in the old PTSD mode. I thought about suicide every night. I planned it, how I was going to do it, every single day; that's all I thought about.

I met a man named Al Brusetti, who at the time was president of VVA Chapter 77. And I finally found something that brought me back to doing things. And ever since '89 I have become very active and very outspoken on behalf of veterans.

I had a profound experience in 1990 when I was down for VVA's leadership conference, which was in western Virginia that year. I had just gotten elected president of Chapter 77, so I was there [to learn about]

leadership. Well, Sonny Montgomery was chair of the House Veterans' Affairs Committee, and there was a big vote coming up on Agent Orange. And my congressman was supposedly one of the key votes on this, Bill Paxson.

So the guys grabbed me and said, "We're gonna rally and you're gonna get up there and you're gonna lobby Paxson before the vote." I was a newbie at the time, and I was thinking, What do you guys want me to do? So they explained it to me.

So I made an appointment, and I got a meeting with Paxson. I went in, I told him why we wanted this bill, the Agent Orange Act of 1991, passed. Then, when it went to the committee [for a vote], they positioned me in a front row seat, the VVA guys did, right by Paxson. And they told me, "Your only job is to stare at him."

And, so I did what I was told. I just stared at my congressman. Lane Evans was on House Veterans', and Sonny Montgomery, the chairman, called for a vote, a verbal vote. And Montgomery said, "The Nays have

it, it's defeated." And Lane Evans jumped up and said, "No sir, I think it was too close, I want a roll call vote."

Paxson was at the left end of the table; they started at the right end. As they went all the way around, I did nothing but stare at Paxson. He had his head down, and I was just staring at him. When it got to Paxson, he voted Yes. And the bill passed.

That was an epiphany for me, because it made me realize that one person can make a difference. That was a big high for me, and I've been flying ever since. It showed me that our process can work if you lobby correctly. And I developed my own advocacy philosophy, which I call "VIP-squared" — Visibility and Involvement and Pleasant Persistence.

*And now this has become a passion for me. I do it for two reasons:*

For the guys I lost, because I can't help them anymore; but in their honor, in their memory, I can help others who survived. And it also serves as a part of my therapy.



## SECTION 7

# The ‘Top Ten’ Key Components of a Veterans Treatment Court

IN 2008, THE BUFFALO Veterans Treatment Court adopted, with slight modifications, the essential tenets of the 1997 U.S. Department of Justice publication, “Defining Drug Courts: The Key Components.” These provide the foundation for the successful operation of a Veterans Treatment Court. This is taken, with a little literary license, from the Justice for Vets web site: [www.justice4vets.org](http://www.justice4vets.org).

### KEY COMPONENT #1

**Veterans Treatment Courts integrate alcohol, drug treatment, and mental health services with justice system case processing.**

Veterans Treatment Courts promote sobriety, recovery, and stability through a coordinated response to veterans’ dependency on alcohol, drugs, and/or management of their mental illness. Realization of these goals requires a team approach. This approach includes the cooperation and collaboration of traditional partners with the addition of the Veterans Administration Health Care Network, veterans and veterans family support organizations, and volunteer veteran mentors.

### KEY COMPONENT #2

**Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights.**

To facilitate the veteran’s progress in treatment, the prosecutor and defense counsel shed their traditional adversarial courtroom relationship and work together as part of a team. Once a veteran is

accepted into the treatment court program, the team’s focus is on the veteran’s recovery and law-abiding behavior — and on the merits of the pending case.

### KEY COMPONENT #3

**Eligible participants are identified early and promptly placed in the Veterans Treatment Court program.**

Early identification of veterans entering the criminal justice system is an integral part of the process of placement in the Veterans Treatment Court program. An arrest can be a traumatic event in a person’s life. It creates an immediate crisis and can compel recognition of inappropriate behavior into the open, making denial by the veteran for the need for treatment difficult.

### KEY COMPONENT #4

**Veterans Treatment Court provides access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services.**

While primarily concerned with criminal activity, alcohol and drug use, and mental illness, the Veterans Treatment Court team also considers co-occurring problems

such as primary medical problems and transmittable diseases; homelessness; basic educational deficits, unemployment, and poor job preparation; spouse and family troubles, especially domestic violence; and the ongoing effects of wartime trauma.

Veteran peer mentors are all-important buttresses to the Veterans Treatment Court team. Ongoing interaction by mentors with program participants is imperative. Their active, supportive relationship, maintained throughout treatment, increases the likelihood that a veteran will remain in treatment and improves the odds for sobriety and law-abiding behavior.

### KEY COMPONENT #5

**Abstinence is monitored by frequent alcohol and other drug testing.**

Frequent court-ordered alcohol and illicit drug testing is critical. An accurate testing program is the most objective and efficient way to establish a framework for accountability as well as gauge each participant’s progress.

## KEY COMPONENT #6

**A coordinated strategy governs Veterans Treatment Court responses to a participant's compliance.**

A veteran's progress through the treatment court experience is measured by his/her compliance with the treatment regimen. Veterans Treatment Court rewards cooperation as well as responds to non-compliance. The court establishes a coordinated strategy, including a continuum of graduated responses, to continuing drug use and other non-compliant behavior.

## KEY COMPONENT #7

**Ongoing judicial interaction with each veteran is pivotal.**

The judge, as the leader of the Veterans Treatment Court team, maintains an active, supervising relationship throughout treatment. This increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to veterans that someone in authority cares about them and is closely watching what they do."

## KEY COMPONENT #8

**Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.**

Management and monitoring systems provide timely and accurate information about program progress. Program monitoring provides oversight and periodic measurements of the program's performance against its stated goals and objectives. Information and conclusions developed from periodic monitoring reports, process evaluation activities, and longitudinal evaluation studies may be used to modify the program.

## KEY COMPONENT #9

**Continuing inter-disciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations.**

All court staff should be involved in education and training. Inter-disciplinary education exposes criminal justice officials to veterans' treatment issues, and VA, volunteer mentors, and treatment staff to criminal justice issues. It also develops shared understanding of the values, goals, and operating procedures of VA, treatment, and justice system components.

Education and training programs help maintain a high level of professionalism, provide a forum for solidifying relationships among criminal justice, VA, volunteer mentors, and treatment personnel, and promote a spirit of commitment and collaboration.

## KEY COMPONENT #10

**Forging partnerships among the Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness.**

Because of its singular position in the criminal justice system, Veterans Treatment Court is well-suited to develop coalitions among private community-based organizations, public criminal justice agencies, the VA, veterans and veterans families support organizations, and alcohol/drug use and mental health treatment delivery systems. Forming such coalitions expands the continuum of services available to program participants and informs the community about treatment court concepts. The Veterans Treatment Court fosters system-wide involvement through its commitment to share responsibility and participation of program partners.

**"Education and training programs help maintain a high level of professionalism, provide a forum for solidifying relationships..."**

## SECTION 8

# The Mentor Program: *Helping Veterans Through the Labyrinth*

INTEGRATING PEER MENTORS into the fabric of a Veterans Treatment Court program is essential to achieving successful outcomes for the veterans who opt to enter this diversionary track rather than go to trial or plea bargain and face jail or prison time.

“Mentoring,” says Rochester Veterans Treatment Court Judge John DeMarco, “that’s the key to the whole program, which makes it unique amongst all the treatment courts.”

“The mentor program,” says retired Judge Patricia Marks, founding member of the veterans court in Rochester — and now serving as executive director of the Veterans Outreach Center, a one-stop supportive center for veterans there — “is so critical to the outcomes and support for the veterans who are in the court. And the way the mentors give of their time is extremely inspirational.”

“Mentors,” says Judge David Shakes, who presides over the Veterans Trauma Court in the 4<sup>th</sup> Judicial District in Colorado, “are essential, absolutely essential, in providing the veterans that helping hand as they navigate through the court system and navigate the challenges that they have in the community.”

“There are a lot of services for our veterans, but they require them to get to the right place, sometimes fill out forms — and our guys don’t have a lot of patience for that kind of stuff. It’s helpful, particularly in a town like ours where there are a lot of recently discharged vets, and some not with the best of discharges, that there’s somebody that’s not institutional helping them around.”



“A mentor simply says to a veteran, I’ve walked a mile in your boots. I’m not a counselor. I’m not a doctor. I’m a fellow veteran,” offers Phil Ippolito, assistant coordinator for mentors at the Buffalo Veterans Court.

“You got to have vets working with vets. You got to have vets encouraging vets,” adds Judge Robert Russell. “Some treatment courts might start off working with the VA, but they might be lacking that veteran mentor piece. I’m thinking that they’re missing out on the real gem to not incorporate not peer-to-peer counseling, but peer-to-peer mentoring. There’s so much value in it. There is so much value for even our veterans who volunteer. [Mentoring] also holds healing properties for them.”

**“We bring hope.  
We *are* hope.”**

— Major General (ret’d) Clyde  
(Butch) Tate, Senior Fellow  
for Veteran and Legal Affairs,  
*Justice for Vets*

The first day a veteran appears in a Veterans Treatment Court, explains Patrick Welch, who has been recognized for his role in shepherding the Buffalo Veterans Court into being, “The judge points out the volunteer mentors and explains what their role is and tells them that one of the mentors will go out into the hall with each of them after each court session.” Mentors

**“The journey from the bottom, from being hopeless, helpless, and useless, to where I am today is all because of the mentors in Buffalo Veterans Treatment Court.”**

— *Manny Welch, graduate, now a peer support specialist at the Buffalo VA Medical Center*

are not counselors. They are not employed by the judicial system; they do not report to the judge what they say to and hear from one of their charges [unless one of their charges threatens to harm himself or others, or commit a crime]. Rather, they function as a battle buddy.

After a mentor completes his conversation with “his” veteran, explains Phil Ippolito, “We write notes about what we discussed with that veteran on that particular day.” Every mentor, he notes, has a little book for this, which is locked away until he, or a fellow mentor, meets with his veteran again.

As a mentor builds a relationship with a veteran, a bond of trust evolves. While a veteran might reply that everything is fine when he’s standing in front of the judge, Ippolito offers this ice-breaker when the mentor meets with the vet after the judge has moved on to the next case on the docket: “I always like to open up by saying, ‘Geez, I heard what you told the judge today. Is that true?’

“I can’t tell you how many times I’ve heard things like, ‘No, it’s not. I’ve lost my wife. I’ve lost my car. I’ve lost my job. And I may lose my children. And I don’t have a place to live and I don’t have a pot to pee in. Can you help me, Mr. Ippolito?’ And my reply is, ‘You bet I can.’”

He explains: “We go out ourselves. We pound on doors. We ask if anyone would donate to help out our veteran groups. They’ll ask questions like, ‘What do you need money for?’ I tell them, ‘It’s pretty simple. A lot of these veterans are homeless. They don’t have vehicles. I’m not sure if you’re aware of it, but our mentor group right here in Buffalo, we spend close to \$2,000 a month on bus passes. Where do those bus passes go? They go to the individuals who stand in front of Judge Russell.’

“We help people maybe pay for one or two months’ rent. If we can’t find someone to help them by fixing their vehicle, maybe we’ll help pay for getting that vehicle fixed. Because without wheels, a lot of times they

lose their job,” he says. “It’s not hard to figure out a lot of these people are not too far away from destitution.”

Monroe County, New York, Public Defender Tim Donaher offers this perspective: “Mentors provide a level of assistance that neither the judge nor the prosecution nor the defense provides. They can assist the veteran by providing emotional support, sometimes a kick in the pants, whatever that individual vet needs,” he says. “Although they’re affiliated with the court, they’re not formally part of the court, so they’re not going to get them into trouble if they do something wrong.”

As Patrick Welch, who was instrumental in establishing, and enhancing, the Buffalo Veterans Court, explains, “We’re here to give a hand up, not a handout.” Mentors provide resources, about education and housing and jobs. Because each veteran in the treatment court program “has earned benefits through their service to the country, what we want them to become,” he says, “is productive citizens in their communities.”

**“The mentors have been amazing. They’re the backbone of the court.”**

— *Barry Chapman, Licensed Clinical Social Worker, Buffalo (New York) VA Medical Center*

“When you’re recruiting these folks,” Judge David Shakes points out, “what has been helpful to us is that our group is pretty much all retired senior NCOs. Our lead peer mentor is a retired command sergeant major. One of our better guys is a senior chief warrant officer. They have that nurturing looking-out-for-the-troops type of feeling in their blood. What our lead peer mentor is doing is not that much different than what a battalion command sergeant major does – taking care of the troops, making sure they’ve got a place to live, some food to eat, getting to their appointments on time.”

In setting up a mentor program, Jack O’Connor says, “Don’t feel like you have to have a mentor coordinator right away. You don’t. The mentor coordinator will evolve. What’s important is you get a few vets that want to help. Stay simple. The coordinator has to get along very closely with the judge. Judge Russell and I have [developed that closeness] because I’ve been with him for years. But a brand new judge might not know who the veterans who are your mentors, sitting there in their courtroom, even are.

“And always write down your rules,” O’Connor advises. “We’ve developed instructions for mentors. They’re only four pages and I give them to every new judge. Make sure that you let them know you agree with this handful of very basic things. If you start this way, someone will

rise to the top that you can designate as your coordinator. But take your time.”

O’Connor constantly worries that one bad apple could wreck a good program. “Major people have told me they’ve seen it happen where volunteers screw up and wreck a program. It only takes one rape or something else that’s awful and that program is gone. So we have three or four interviews with a potential volunteer before they even get near the mentor stage. If we have concerns about anyone — and [because] we don’t pay our mentors — we’ll get rid of them immediately.”

When the mentor program commenced in Rochester, basic concerns soon surfaced. “I’m 72 years old and this kid I’m asked to mentor is 24. How is this going to work out?” Ken Moore and colleagues wondered. “We also struggled a little bit with, Should we have marine to marine, army to army? As it turned out, we went with what we had and I think it worked to our advantage.

“Branch of service has never been an issue,” Moore, outreach coordinator for Monroe County Veteran Services, relates. “As far as the age thing, I believe that they look up to us. They know that we’ve been there and done that. We make it very clear to them, ‘Look, I’m a combat vet from Vietnam, so you’re not going to tell me something I’ve never heard before, so we’ve got to be honest here.’ And with rare exceptions, they are.

**“The biggest mistake we made was starting without the mentor component in place.”**

— *Jeanne Huffman,*  
*coordinator of the VTC*  
*covering 23 counties in*  
*southeastern Missouri*

“I’ve always told them, and I know the other guys have, too, ‘Look, if you get up at two o’clock in the morning on a Friday night and you have the urge to do some cocaine or whatever, I would rather you call me and get my butt out of bed and I’ll meet you down at the coffee shop and let’s sit and talk. I’d rather do that with you than see you stumble.’ And some of them will do that, once they know you’re there to help them.”

**“Trust is the first thing that has to be established. And that is the beginning of healing.”**

— *Patrick Welch, recipient, the second annual Hank Pirowski Award from Justice for Vets*

# IN THEIR OWN WORDS

## JACK O'CONNOR: JUST BE A FRIEND

**ONE OF THE LESSONS** I learned early on is, Don't put too much on any mentor.

When we first started, a young man came in and said, "Jack, I need Medicaid for my wife and daughter. I lost my job so I have no more insurance."

So I sent a mentor over to the Department of Social Services to help him out. Two things happened. Nothing happened with Medicaid. And that mentor didn't know what he was doing. He was very frustrated. He told me that it wasn't his job to be sitting at Social Services all day trying to figure out the Medicaid process. And he quit.

That experience evolved into us compiling a resource list. It's in a book. There are over a hundred names in it, including someone from the Department of Social Services. So if that incident happened today, you would look in the book and you would learn when the DSS woman has agreed to be available on the phone. Everyone on the resource list has agreed to be available at a certain time. You tell the vet her name, and give the guy the phone. When he reaches her, she will walk him through their bureaucracy.

And that's changed mentoring for us completely. It's made it fun. No mentor is going to be worried about where O'Connor's going to send them – to unemployment? To the car pound? The Family Court? They get nervous, you know. They're not specialists.

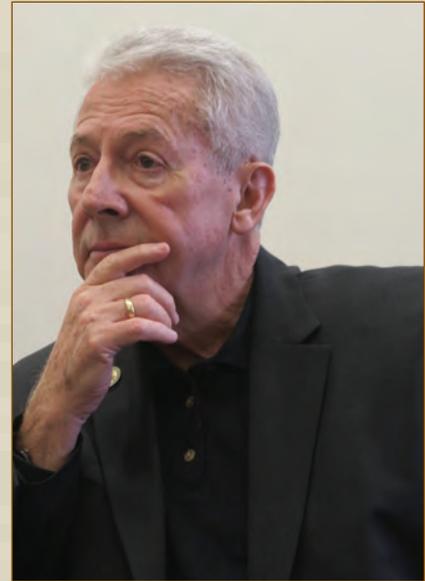
Now they know they have their little resource list. And we know our role in the court. We're just a resource, nothing more. And mentors? They're just war buddies, period. They're not counselors and they're not drill sergeants.

I'll also tell them, "No yelling at anyone." Don't get in someone's face and say, "I'm sick of you going to relapse. I'm sick that you've got rearrested." As mentors, you're here to motivate. The judge will dish out sanctions and punishment, not us.

And here's a statement I would never want to hear. I never want to hear a mentor say, "Stand up and be a man." If that ever happens, he's gone. He's done more harm to that person than any good he might do.

We all have our opinions, but we tell our mentors, "Keep your opinions to yourself. When you meet a newbie, what you're there to say is, 'My name is Jack O'Connor. I'm a mentor. I will help you with issues not related to the court. If you need an apartment, you need to get into college, you need money for furniture, I'll help you out.'" But nothing else.

I really pound that into them. Don't play counselor. Don't say to someone who's been estranged from his wife for a while, "You should go back and talk to your wife now. So what if she got an order of protection against you?" You're not supposed to be talking about the wife. Stay away from that stuff.



So from day one we're insisting on this: We are not the important part of the core court group, meaning the court staff and the VA. We're a resource. And we're the buddies, just the buddies. That's very important to me, that no one becomes a mentor just to do their own thing.

If the judge puts someone in jail, we still want that mentor to go and talk to him, and pat him on the back. "How are you doing, buddy? Hang in there." Even if it's his fourth time being sent to jail, "How are you doing? What do you need?" If he says he needs someone to pick up his check, tell him, "Sure, I'll be glad to pick up your check. I'll deliver it to the jail for you." You see where that goes? You're being a buddy. And you'll feel really good about yourself.

## MENTOR TRAINING: BACK TO BOOT CAMP

A big part of creating a supportive community that veterans who choose to endure the requirements of a Veterans Treatment Court is having mentors, says Judge Marc Carter, who sits in Part 228 of the Harris County Court in Houston. “Mentors were an early weakness in my court because of a fear of having people connected to veterans that you don’t know. It’s one thing if people want to come from the community and say, ‘Oh, I’ll be a mentor.’ But I’m not going to have you mentor one of my veterans that I know is really sick if I don’t know anything about you, or what kind of training you’ve had, or what you do.

**“The number one thing as a mentor is to listen.”**

— *Tony Solomon, Director  
Houston-Harris County Veterans  
Behavioral Health Initiative*

“One of the best things that Justice for Vets has done,” he offers, “is create this mentor boot camp because they recognize that same fear that I had in 2009 when I started my court and didn’t have mentors. Because I’m of the belief that these people need special training. The mentor needs



*Matt Stiner, the first Director of Justice for Vets, and Buffalo VTC Mentor Coordinator Jack O'Connor*

to be somebody that’s not associated with the courts, somebody that can be with the veterans in the community, who can teach them how to trust and build safe relationships. When they have an error or a slip, they have to be able to talk to the mentor. Because if they tell me, ‘Hey, Judge, I’ve had a slip,’ there are consequences. If they tell their probation officer they slipped, there are consequences.”

Carter continues, “If they tell their mentor, ‘Hey, I’ve been doing really good but I slipped,’ the mentor can say, ‘Look, it’s part of the rehabilitation process. But we need to find out why you slipped. Let’s evaluate that. It might be something that you want to discuss with your VA counselor.’

“If they tell their mentor, ‘Hey, I’m feeling down, I’m depressed,’ he’ll tell them,

‘Look, I can talk to you. We can get you on suicide prevention, whatever you need.’ And to be a mentor, to know what to do, you need that kind of training.”

On December 4, 2013 the first Justice for Vets Mentor Corps Boot Camp concluded with the swearing in of 89 volunteer veterans during the closing ceremonies at the “Vet Court Con” in Washington, D.C. Mentors who participate in the boot camps, several of which have been held, learn best practices. They learn how to work effectively with veterans participating in a veterans court. They learn their roles and responsibilities as mentors. They learn about the myriad issues facing justice-involved veterans. And they learn how to connect the vets to the local, state, and national benefits they have earned.

**“I can’t imagine not having one of us there to say, ‘Hey, I know what you’re going through. We got your six.’”**

— *Joseph Chudoba, team leader, Buffalo Veterans Treatment Court*

## Training the Trainers

“What I’m trying to do is create resources and sustainability,” Judge Carter offers.

“I think I have a way to create resources and sustainability that nobody has considered: with a national organization — Mental Health America. They’re buying in. They’re like, ‘Okay, let’s try this. Let’s see what we can do.’

“What I’m doing, assuming that it develops the way I envision it, is going to make everybody’s mentor program better,” he says. “It’s a resource out there that you can pull in. It’s a resource with money and that’s always important because money is sustainability. You want to continue to have mentors, but when they leave and

new ones come in, you’re going to have to have money to train them.

“Now we have the boot camp. Mental Health America is training to do this for free. We’re taking to the boot camp hundreds of dollars to send mentors. I mean, how many can you afford to send, right? It’s great, but I think for some communities it’s going to be prohibitive. But if you have Mental Health America do the training and prepare these guys to be mentors for free, now you’re bringing in more resources and sustainability. Otherwise, when the money’s gone, the program is gone, or at least the training for the program. With Mental Health America,” he says, “what we’re trying to do is set up a train-the-trainers kind of a deal.”

**“This is the most important thing I’ve done in my life.”**

— *Leo Martinez, lead veteran peer mentor, Veterans Trauma Court, El Paso County, Colorado*

## LEARNING ABOUT MENTORING

Four Veterans Treatment Courts – in Buffalo and Rochester, New York; Tulsa, Oklahoma; and Orange County, California – are “official” Justice for Vets Mentor Veterans Treatment Courts. As such, they “will help develop, identify, and test national best practices and provide technical assistance to communities interested in starting a Veterans Treatment Court.”

Individuals interested in visiting a Mentor Veterans Treatment Court can apply at [JusticeForVets.org](https://JusticeForVets.org).





## SECTION 9

# In the Beginning: *First Set Up Your Game Plan*

A JURISDICTION that wants to start up a Veterans Treatment Court “really needs to do planning, to do the upfront work,” says Kisten Born, Veterans Trauma Court coordinator for El Paso County and the 4<sup>th</sup> Judicial District in Colorado. “You really need to figure out who your stakeholders are. You really need to understand the community resources available to you. You really need to understand the population of the jurisdiction that you live in,” she says, “because you may live in an area that really doesn’t have very many veterans, and maybe what you do need is a track in one of your courts that helps veterans.

“You really have to track some data ahead of time,” Born observes. “It’s one of the things a lot of places don’t do. They just think a veterans court is a great idea, and it is a great idea, but you really have to back it up for long-term sustainability.”

At their initial planning meeting, “what they call a systems mapping meeting,” recounts Kurt Runge, a probation supervisor in the 4<sup>th</sup> Judicial District, “we brought together 20 or 30 people to kind of parcel out different objectives. We also brought in a facilitator to [help us] look at, within the justice system, what services were currently available to veterans, what partners we might need to look for, making sure that we didn’t forget anybody. This was an important first step in the process.”

Born and Runge’s points are echoed by General Clyde (Butch) Tate, senior fellow for veteran and legal affairs at Justice for Vets. “If you don’t have a plan, you’re going to run into naysayers at every turn. You’ll get four-fifths of the way down the road and that fifth

stakeholder will step in and go, ‘Hey, not so fast.’ And then,” he warns, “you’re back to square one.

“Let’s see who the key players are going to be. Then let’s get them invested in success. Let’s make sure you have the data to get them invested, and then identify a person of influence who can help move your initiative to the next step,” Tate says. “I don’t think it starts with gathering resources first.” The thing to do is, get it up and running, and work out issues and problems as you go along. And as you go along, the retired major general also advises, “Don’t ever take ‘No.’ Anticipate where the No’s are going to come from and diffuse those along the way.”

David Jordon, a retired district judge from East Lansing, Michigan, who played a central role in founding a Veterans Treatment Court there in 2010, offers, “You don’t have to think you have to start big. [You can] start small and that’s okay. It will grow.” Or to borrow from the Kevin Costner movie *Field of Dreams*: “Build it, and they will come.”



*Kisten Born, Veterans Trauma Court Coordinator, Colorado Springs*

### QUESTIONS THAT NEED ANSWERS UPFRONT

As part of any plan, ask and answer the following:

- *Who is your Champion?*
- *How do you intend to/expect to Achieve Buy-In?*
- *What do you have to do to Ensure Sustainability if and when your champion leaves or moves on from your jurisdiction?*
- *Who are the Key Players [AKA Stakeholders]?*
- *How do you address and Overcome Roadblocks and Resistance, e.g., why are veterans getting special treatment? Or: why are you coddling criminals?*
- *What are the Most Common Challenges during implementation and after?*
- *What must you have To Make Your VTC Work, e.g., having a VA rep in the courtroom; enlisting a prosecutor willing to work cooperatively with his defense counterpart?*



## SECTION 10

# Roles of the Players

**EVERY VETERANS TREATMENT COURT** embraces many of the same key players. After all, you can't have a court without a judge who believes in the underlying philosophy of treatment courts, or a prosecuting attorney who won't go along with its protocols and processes, or personnel from an area VA medical center (and regional office) who can retrieve information on veterans while actually in the courtroom.

*These folks include, but are not limited to:*

### JUDGE:

"In talking to other defenders in various localities who have explored looking into vets courts," says Tim Donaher, the Monroe County, New York, public defender, "one of the unfortunately common things I hear is that some judges will actually go on the record, will say publicly, that they refuse to either contemplate the creation of a vet court because vets should be held to a higher standard than other defendants. In other words, they should be punished greater than the average defendant because they've somehow betrayed some sort of trust or their service to their country.

"These judges [are often uninformed] about the issues these vets have faced that have led to a criminal behavior, and that's extraordinarily frustrating for a lot of defenders in these other counties, especially when the judges who are saying that are judges at a county court level that are likely to get the types of cases that are usually handled in a veterans court."

What is needed, Donaher says, "is a judge that understands how to run these courts with insight, who understands the appropriateness of treatment. You



*Buffalo Veterans Treatment Court*

just can't have somebody come in and be a typical judge. They need to understand the nature of addiction, mental health issues, that there's going to be relapses, that you have to make sure that you're aligning graduated sanctions. [You have to] make sure you have a judge that is willing to undergo the training necessary to understand those issues."

Luckily for justice-involved veterans, there are an increasing number of jurists in the mold of Judge Robert Russell. Judge David Shakes, like his predecessor on the Veterans Trauma Court in Colorado Springs, Judge Ronald Crowder, is one of them.

"I think a lot of problem-solving courts, veterans courts in particular, get started because a particular judicial officer is excited about it. He thinks it's a good idea. And then the programs [can] die when that person moves on or is rotated to a different assignment," Shakes explains. That judge also "needs to be willing to invest the sustained emotional energy and commitment that it takes to preside over this court. It's far more challenging than any other court I've done. I am proud about the fact that we made a good, effective transition from the founding judge to the follow-on judge."

To accomplish an efficient transition, Shakes recalls his experience with Judge Crowder. “The best way is how the military does it. I think it’s an Air Force term: left seat/right seat. I started by watching, by attending the staffing and the advisory board meetings and the court team meetings so I became aware of the ‘backstory’ of the court operations. Then filling in when he was on vacation or absent. And then when I took over, him watching me for a couple of times. He was very good about identifying that he was going to leave many months out, so we had several months over which to accomplish the transition.

“What has surprised me the most is the importance of the relationship between the defendants and the judge. By that, I mean being in front of someone that knows their kids’ names, knows where they work, can ask them questions about how they’re doing. The judge is far more important in the process than I think most judges realize,” Shakes reflects.

The judge functions also as “the manager of the court team, the staffing, and recognizing that the leadership role is much different” than simply being a judge and knowing the law. “It’s very much like being a military leader as far as vision, keeping people on task, things that are not ordinarily part of a judge’s responsibility,” Shakes observes. “So, recognizing that you’re wearing that separate hat, that you’re actually a leader moving that team as you would in a military operation” is critical to accomplishing the mission of a treatment court.

Kisten Born, the Veterans Trauma Court coordinator who works closely with Shakes, her judge, attributes “success on the ground” to, in great measure, “a judge who’s very invested [and] very involved in the people’s lives. One of the most important things is that he spends time with them. Even for the guys that are doing well, especially for the guys that are doing well, because we want the other guys in the courtroom to see that doing well means you get attention. The judge really focuses on them, pays attention to them. They know the judge cares about them.”

“The [effect] of just that little bit of time is significant,” notes Kurt Runge, a probation supervisor for Judge Shake’s court. “I’ve worked with at least three different judges over the years in the veterans court program. They’re very different, but all of them attributed their success to the judge holding the veterans accountable and caring about them. For the first time, someone was willing to listen.”

Shakes explodes certain myths about Veterans Treatment Courts. “I think the guys would uniformly tell you that being in the court was initially a significant hassle because we expect a lot of them. They’ll tell you it’s not the easy way out that a lot of people think it is, that we treat veterans much more kindly than anybody else. We don’t. They’ll tell you that we are pretty direct as far as sanctions and incentives go. If you follow the program, you’ll succeed. I frequently ask the graduates to turn to the group and give them a bit of advice and invariably, that advice is: Just do it, just do the program. Just bear with it. They’ll tell you to just do

it and you’ll be successful, that it’s really amazing, that it can change your life.”

#### DISTRICT ATTORNEY:

“My overlying philosophy as a prosecutor is not about retribution,” says Coby Leslie, an assistant DA in Harris County, Texas. “It’s about prevention. Treatment courts are 100 percent geared towards making sure that the destructive behavior an individual is involved in, whether that behavior is aimed at themselves or at others, ends and that the person has the incentives to get their life back on track.”

Think of it this way, he offers: “Behavior is basically motivation filtered through opportunity, and what you’re trying to do in treatment courts is change motivation. If you can’t change the motivation, then you have to change the opportunity.”

This is especially true “when you’re dealing with non-violent drug offenders,” he observes. “You can err on the side of giving more chances than when you’re dealing with somebody who’s committed crimes of violence or has the propensity for that. Because as a DA, we do have a duty to represent the public and the citizens of Harris County, and as much as we do want the best for the people who are in this program to get their lives turned around, we also never want to subject an innocent person to a crime of violence that we could have foreseen and prevented.”

At the same time, “deciding where to draw that line if a defendant is not participating, they’re not changing, and we think they might be a threat, we also don’t want to give up on somebody too early.

“But at some point, there becomes a decision point of, Is this person somebody who can be helped or not? And we’re dealing with all sorts of variables and things that we just don’t know,” Leslie says. “That’s one of the great things about a Veterans Treatment Court as opposed to a regular court. We go into it knowing these people are going to mess up. They’re going to use again, they’re going to break these rules that we give them to help them get back on track, and instead of revoking that probation and putting them in prison, we’re going to give them another shot, and then another shot and another shot until they get it right.”

“Another thing I like so much about vet court is you’re making the same decision essentially, but with a regular court case, you’re making it by yourself. As the DA, you’re saying, ‘Okay, this is what I think needs to be done.’ Then you enter into negotiations with the defense attorney, and you plead or go to trial and see what the jurors think.

“Here it’s collaborative,” he explains.

“You’ve got all these judges’ experience, you’ve got the defense attorneys with all their experience, you’ve got psychiatrists and doctors giving their input, so you’re not trying to make that kind of prediction, and that decision, based on three years of law school and five years of being a DA.”

The assistant district attorney in Monroe County, New York, is an army veteran herself, notes Ray Melens, co-lead mentor for that county’s Veterans Treatment Court. “So she’s all in favor of veterans getting the help and the treatment. But when they don’t, she wants them locked up, put away. She wants them off the roads and off the streets.”

“I probably had the most resistance from the perspective of thinking that we’re going to give people a pass on some pretty significant criminal conduct,” says Risa Vetri Ferman, a 21-year veteran prosecutor who has served as District Attorney of Montgomery County, Pennsylvania, for seven years. “I had to loosen up my prosecutor’s mind that when somebody commits a particular act, they have to have a conviction that comes out of it. I had to really wrap my head around the idea that there are different paths to justice and that for those who had served our country, they are deserving of a different path. I think prosecutors and law enforcement professionals were probably the ones that posed the greatest resistance at the beginning because we’re so focused on accountability, and we had to really see the success of the program.”

However, Ferman observes, “What we’ve seen over time is those hesitations on the criminal justice side really melted away when we got to see the benefit to the individuals who had served our country so admirably, and put the effort into turning their lives around. What we provide is the vehicle, but they do the work.

“The very first graduate we had from our program,” she recounts, “was a gentleman who had amassed a number of arson charges. I had great reservations about moving him into the veterans court program because of the need for accountability. But I saw the commitment that he had made to our country and the challenges that he faced. So I was very honored to be able to go to court and see him on the day that we dismissed all the charges.”



*Risa Vetri Ferman, District Attorney, Montgomery County, Pennsylvania*

“He does not have a criminal record. I could envision a different situation where, as a prosecutor, I might not be comfortable dismissing everything and reducing the charges instead. But we know enough that we’re taking one case at a time on a case-by-case basis. So the options are all there.

“For me,” Ferman says, “that first graduation was so significant. I was comfortable saying the case is going to be dismissed. He has done what he needed to do. He has satisfied our system. He has accepted responsibility and accountability for what he did and really committed himself to using the tools and resources available to him to get himself back on the right path, and he has earned that dismissal.

“I was supportive but skeptical, and I’m no longer skeptical. Our veterans, just as our law enforcement officers, are there to protect all of us,” Ferman reflects. “We’ve seen many individuals come into the criminal justice system who have very deep emotional wounds, substance abuse problems and other issues that really

started during their service in defense of our country. I think it's just the right thing for us to do to give them the kind of help they need so that they can heal from those wounds and go on to live the kind of productive life that they want to lead, which will ultimately benefit all of us."

And, she adds, "You don't often see the benefits to the professionals themselves who administer the program. Many of those people feel in a sense that they are part of giving back to our country in a way that they had never expected, just by helping our vets get on the right path."

Oliver Robinson, a deputy district attorney with the 4th Judicial District in Colorado Springs, echoes Ferman: "When you hear some of the letters of some of these people who are graduating, it feels good to see that they've turned something around in their life." Robinson notes, however, "The amount of time that's involved is at least, every week, an extra ten hours on my schedule. That's probably been the biggest sticker shock for me."

"If you're a prosecutor and you feel like guilty people will go free just because they served the nation," says General Butch Tate, "talk to a fellow prosecutor and you'll see that it's oftentimes more rigorous to complete a program of treatment in Veterans Treatment Court than it is to complete a certain amount of court-supervised probation or jail time."

#### **DEFENSE COUNSEL:**

Sheilagh McAteer is the deputy state public defender and the defense representative for the entire defense part for the 4<sup>th</sup> Judicial District in Colorado Springs. In the mid-2000's, she recalls, she began representing individuals charged with violent offenses who had "a common thread": many of them were OIF/OEF

veterans or were currently in the military. She came to learn "that none of them had ever been in trouble before they went into combat; that they were experiencing combat they didn't know how to deal with; that they became raging alcoholics; that they became substance abusers; that they began having nightmares."

It was readily apparent, she says, that "the military really didn't know how to handle these young men that had PTSD or Traumatic Brain Injury or other combat-related disorders. The military was failing them and they were getting themselves in trouble. I began seeing how they would have a history of picking up misdemeanor cases or low-class felonies and then all of a sudden they're being charged with first-degree murder.

"If we could have captured them when they were charged with that first misdemeanor offense or that first low-class felony," McAteer believes, "we could've intervened and put together a treatment program. We would've stopped them from ever being at that position where they were looking at spending the rest of their life in prison. It was sad. It was really sad. That was right during the height when El Paso County had nine pending first-degree murder cases of soldiers out of Fort Carson."

The advent of the Veterans Trauma Court has made a real difference, McAteer maintains. "When I start with them, they're not successful human beings. They're labeled a criminal or they're labeled as being a reject or a deviant. They're labeled something that they should never be labeled." Then, as they progress through the therapeutic milieu of the court, she observes, "There's a point at which you watch their lives totally turn around. Things are becoming easier and they're becoming more successful and



*Sheilagh McAteer, Public Defender, El Paso County, Colorado*

their lives are good, because they're healthy. They're able to some extent to control their mental illness, to control the nightmares and the trauma. They get to that point and they start to look at themselves as being successful human beings."

These days, "the best day in my work week is Thursdays when I do Veterans Trauma Court," she says. "I have a relationship with every single guy in that program that I don't have with anybody else. It is because I get to know who they are. I get to know where they come from. I get to know the good things about them. I get to know when they struggle. I get to advocate for them to become successful. This relationship that I have with them, I would have never, ever expected. They look at me to be part of their success. They feel that if they relapse, they're letting me down."

When Danielle Maichle — she's the managing attorney at the Legal Aid Bureau of Buffalo in the Buffalo City Court office — was first presented with the idea of a treatment court for veterans, she "thought it was just handholding

and social work. I just couldn't see the benefit for the participants. I just didn't understand how a judge's intervention and having a case come back once a week at first, and then twice a month, and if the person wasn't doing well, sanctions. There were things about the sanction side I didn't like: Where's the due process here?

"I had a client in the drug court. He was not doing well," she recounts. "He had been doing very poorly for a long, long time. He was a Vietnam vet. When we started the veterans court, Hank Pirowski — he was the coordinator — said to me, 'Well, we're going to put this person in veterans court.' I said, 'Oh, no, we're not.' I told Hank, 'What are you doing? You want this program to fail?' Hank said, 'No. But we're still putting him in the court.' And we did. Honestly, I could not understand how veterans court was going to be different."

What's the reason for that? she wondered. "I didn't come from a military family. My father served in World War II. My grandfather was a doughboy in World War I. My grandfather talked about his [time] in combat. My father didn't talk about his service at all and neither did his brothers, my uncles. They just sort of put it behind them. So I really wasn't used to a military-type atmosphere. I didn't fully understand the camaraderie. What I came to realize after seeing the court operate was I'd seen my clients come in with T-shirts, with hats, with military-type insignia. I wasn't aware that people were going to have this camaraderie and this feeling of togetherness.

"What I realized as a defense attorney was that the clients seemed to look back on their service and remember this was a good time in their lives. They were fit. They had a goal. They had a purpose. They

had something in mind for the future. That positive energy, that feeling, those thoughts somehow came back to them when they were in the court. And," she says, this proved true "even with that first Vietnam veteran."

Because it's a voluntary program, Maichle's concerns about due process with regard to sanctions were assuaged. "You know, for the first time, I saw my clients getting well and doing well, staying out of the criminal justice system, getting jobs, buying houses. I was shocked, I really was." Now, she says, she is "just very, very pro the entire treatment court movement."

Not that there aren't what Monroe County, New York Public Defender Tim Donaher dubs a "gray area" with which defense counsel must at times grapple. "When do you sort of step back from that adversarial role of butting heads with the prosecutor and the judge to do 'what's best for the client'?"

"Sometimes — and this is the most uncomfortable thing in the treatment court setting — the best legal thing for the client might be getting out of the specialty court even if that's adverse to the client's long-term interest," he muses. "That's the ethical problem a defense attorney faces, that the legal result for the client, although it might be the best legal result at that time, is actually not the best result if you look holistically at the client."

On a less philosophical level, Donaher notes, "New York is one of the few states that does not have a procedural vehicle to expunge a conviction. So even if there's a reduction upon successful completion of Veterans Treatment Court, [even if a felony charge sees] a reduction to a misdemeanor, that will stay on the vet's record, and that's unfortunate.

"The disposition upon successful completion could technically include vacature of the guilty plea and dismissal of the charges," he considers. "That's a possibility. Or the most likely resolution is normally a reduction in the charge." Unless and until the legislature agrees with the chief judge in New York who, in his State of the Judiciary, called for the adoption of a limited expungement statute, Donaher advises defense counsel in veterans courts to see if they can get "dismissal of the charges as an agreed-upon disposition upon successful completion."

#### LAW ENFORCEMENT— POLICE & SHERIFFS:

Our county prosecutor, recalls retired Judge David Jordon of East Lansing, Michigan, said, "Why don't you come out to a meeting of the chiefs of police?" The county sheriff has a monthly meeting and I went out there. They were all extremely supportive" of establishing a treatment court for veterans.

In Buffalo, says Danielle Maichle, managing attorney at the Legal Aid Bureau there, "I have seen police officers come in to tell the judge they think that somebody would be appropriate for the court. But in this community, the best thing is the sheriff's department with Sheriff Howard. He's actually started a veterans unit at our downtown holding center, which is great. It's staffed with the sheriff's personnel who are veterans themselves."

Her colleague-in-arms in Monroe County, New York, Tim Donaher, noting the support that the Rochester PD and the other arresting agencies provide, says, "They show up for vets court graduation and they have no opposition to the resolution of cases. And sometimes police officers weigh in on how a disposition

should go.” Also, he points out, “It’s been gratifying to see the various police chiefs that have headed up RPD since the vet court’s been in operation all publicly supporting vets, as does their sheriff. And I do believe the question, *Are you a military veteran?* has been added to what they call the PDR, the prisoner data report, to flag veterans when they are arrested.”

Judge John DeMarco, who presides over the Veterans Treatment Court in that county, says, “We’re trying to implement triggers in the paperwork process to give us a head’s up when there’s a veteran in the system.” But certainly, he demurs, “It would be wonderful if the police agencies were a little bit more affirmative in their actions to get that information to us. I can tell you philosophically from the Rochester Police Department and the Monroe County Sheriff’s Department, really any of the police agencies, so many of these guys are former military. And because they are law enforcement, I think there’s a special kinship there.”

#### **LAW ENFORCEMENT—PROBATION:**

“In any specialty court, the role of probation officers is one of the most challenging,” says Mary Covington, coordinator of the Veterans Treatment Court in Harris County, Texas, “because their job is to protect public safety and get the individuals in their caseload to follow the rules of supervision. They’re the compliance arm of our program, and they are a vital component.

“Specialty court officers really have to have that desire to go the extra mile, to do the training to not only recognize that their people are going to make mistakes but also to know how to help them,” Covington explains. “Probation officers have to be a little more hands-on and not just see their people once a month but to really

get to know them, to know their strengths and their weaknesses, to know what their barriers are and what services we can bring to the table to help them overcome those barriers. At the same time,” she adds, “probation officers have to hold them accountable, because we have to be concerned about public safety.

“Most probation officers are used to following direction from the judge. They’re use to following court procedure set by the judge. When you’re a probation officer on a specialty court team, you’re a valuable part of the team. The information you bring to the table is important because you see the people you supervise more than anybody else. You have a voice. Your opinion matters.”

“Probation officers, as a law enforcement arm, have been very positive as far as getting defendants into the treatment court,” says Buffalo defense attorney Danielle Maichle. “They’ll say, ‘Yeah, we have this person who would be appropriate. This person’s a veteran who would do well in veterans court.’”

Judge David Shakes, the Veterans Trauma Court judge in Colorado Springs, calls probation officers “a critical part of the team. We really couldn’t do it without them,” he says. “In providing the court with information, most of our services are provided through VA, but some are provided through probation. We pay for some treatment services that are not covered by VA, or the guys are not VA-eligible. So the probation officers are the gatekeepers of that fund, that money that goes to the treatment providers,” he explains. “Then keeping them honest, developing a probation case management plan that includes all the requirements of the Veterans Trauma Court and regular probation stuff as well — get a job, sort of

the basic things that probation officers do. There is some overlap between the peer mentors and probation, but the probation officers are clearly officers of the court and provide very valuable information to the rest of the team on how the guys are doing.”

Al Corral, a probation officer in the 4<sup>th</sup> Judicial District in Colorado, had reservations at first about working with veterans. His wife, who also works at Probation, soon disabused him of that notion. “She told me, ‘Hey, you’re former military, you understand that culture; you should have no problem understanding that a lot of these veterans that are coming in, in your caseload, need supervision. You’re not going to have any problem working with these guys because you understand them.’ She said, ‘A lot of these people telling you negative stuff are people that have never been in the military, people that don’t understand combat and PTSD and things like that. You would be great to work with veterans.’” Her logic disintegrated his qualms.

Veterans court probationers, Corral learned, “can be pretty stubborn, pretty headstrong, anti-government, anti-court system. So you need to know how to talk to these particular individuals. And I feel that I’m able to get a little bit of respect back from them for having been in the military myself. Because initially, they don’t trust me. They feel like I’m out to get them, that all I want is to throw them in jail. That’s not the case at all, not at all. So I have to win their trust, and I have to win their respect,” he says. “And you really do have to care about what you do. You have to have some sort of love for what you’re doing because if you don’t, your clients are going to see that you’re not really doing anything for them, that you’re just going through the motions.

“We strive to give people more opportunities. So even though sometimes clients may fail, may have missed a couple of treatment sessions, we’re not really looking at right away throwing them in jail. We’re not looking to really punish people right away.” Instead, he explains, “We’re looking to give sanctions, but we want them to build from that. In standard probation, if someone violates a few times, you file a complainant report right away. We go to court, revoke and re-grant, giving them three days in jail or 60 days in jail, whatever.”

“But while jail is sometimes necessary, we’re trying to not send these guys to jail. We’re looking essentially to help them build from their mistakes. Sometimes we might give a client community service. Or they might have to write a letter. We give a lot of opportunities for guys to redeem themselves. And a lot of times, these guys are like, ‘Okay, well, 20 hours community service, whoa, I don’t want to do that again. I’m just going to comply. I don’t want to look bad in front of the rest of the group. I don’t want to be known as the guy that’s always messing up.’”

“They all strive to be on the ‘strong performer’ list, which we announce in court every Thursday. These are the guys that didn’t miss any UAs, didn’t miss any treatment. They’re working. They’re making their court payments. In veterans court, it’s kind of surprising, to see how they hold each other accountable. That’s something you don’t see in regular probation.”

“When I first start working with these guys,” Corral says, “they’re telling me, ‘Al, I didn’t do it, I was wrongfully charged.’ But after a while when they tell me, ‘Al, you know what, I was wrong. I was involved in that crime. I did make a poor decision. Now I want to change my life. I’m tired of being in the system. I really want to just move forward. And, Al, I’m actually getting something out of treatment. And you know what? I’m going to go to school. I’m going to get a good job, and I’m going to stay out of trouble.’ If I hear that, then I know this individual is changing.”

However, Corral has learned, “We have to have patience. We are going to see relapsing. We are going to see mistakes and people falling down. We have to have patience to be able to lift someone back up and not give up on him. That’s the biggest thing.”

Corral reads the first sentence of a letter that one of his clients read to a packed courtroom when he graduated. “It says, ‘Members of the vet court team, I would like to first say thank you to everyone involved in this program, especially to my PO, Al Corral.’ He talks a little bit about his addictions, he talks a little bit about being anti-social. And because of the vet court program he feels like he got his life back. He’s looking at going back to school, and continuing treatment. So more than likely, he’s going to stay out of trouble and not re-offend, and that’s what we want. It really makes you feel, like, wow! you made a difference in someone’s life. You gave someone their life back. This makes me very happy. Yeah!”



*Al Corral, Probation Officer, El Paso County, Colorado*

**“But while jail is sometimes necessary, we’re trying to not send these guys to jail. We’re looking essentially to help them build from their mistakes.”**

## VA STAFF:

“The most important thing,” offers Cindy Clark — she’s now the supervisor of the Harris County Community Supervision and Corrections Department — is to have buy-in from your area VA. “Because if you don’t, you’re not going to get the treatment services that your clients need.”

Under the leadership of then Secretary of Veterans Affairs, General Eric K. Shinseki, the Veterans Health Administration moved to place a Veterans Justice Outreach coordinator — known simply as a VJO — in every VA medical center. Lieutenant Nikki Slaughter, the first VJO at the Buffalo Veterans Court, describes her role: “It’s really to make sure that a veteran gets connected to the VA and gets the treatment linkage that the court needs. We have to develop a relationship with the court case management staff around how the VA can meet the treatment needs for eligible veterans that are coming into court, and agreeing on what the VA’s perspective is on what’s recommended for treatment.

“It is our ability to bring a laptop into court that gives us [immediate] access to the veteran’s medical record if they’re already hooked into the VA,” Slaughter explains.

“This allows me to do a new consult if a different kind of treatment is needed instead of having to wait until the next day or interact with someone else later about it. I can put in a consult that a veteran is interested in the work therapy program or residential treatment for substance abuse or PTSD.”

Having a computer in court, she says, “helps clarify some things. If the veteran says that he missed a treatment group because he had an MRI scheduled, I can look this up to confirm if this person did

or did not have that appointment. I have access to be able to see if he was where he said he was.

“I can also obtain lab results, such as for urine toxins. The veterans know that we report this information to the court because we do formal court reports before they show up for court anyway.”

“Can you imagine years ago getting the VA to put a worker on a computer in a criminal court?” exclaims Jack O’Connor, mentor coordinator of the Buffalo Veterans Court. “I still know people who would laugh at that.” But, he adds, “If the VA wouldn’t have allowed those computers in this court, there wouldn’t be a veterans court. It would be just another treatment court.”

“I like to compare the veterans court program to being like a big burly personal trainer,” Lori Coonan, the VJO in Houston, suggests. “If you get up at 5 o’clock, it’s cold, it’s raining, and you ask yourself, *Am I going to go out and run this morning?* You probably won’t. But when you’ve got your personal trainer knocking on the door, saying, ‘Come on, we’re going out running today,’ you’re gonna go out running.

“That’s what I see the court doing,” Coonan says. “It forces people to stay engaged in treatment. And the longer people stay engaged the better the treatment works. And the better the treatment works, the longer they sustain their recovery and can rehabilitate themselves on a variety of levels: vocationally, socially, [and with their] family. I have seen folk who may have started on their own in VA treatment programs. But when the court is there, they *finish* those programs. You see them get better. And from my perspective, that’s what is so great about working with these court programs.”

She also points out that the VJO specialist “is not just involved with veterans in the court program but also with veterans that are incarcerated, veterans that may not have registered for care at the VA. We can facilitate that process directly ourselves. Even if veterans, for example, do not meet the criteria for the court program, we can still reach out to them in the jails to assist them in applying for benefits. And we can reach out to folks at the Veterans Benefits Administration to help veterans in the legal system with their claims and benefits,” Coonan says. “We have a re-entry specialist who visits veterans in the state and federal prisons — this is true across the nation as well — who works directly with veterans with their release planning, to get them connected with VA services and benefits.”

“I remember this one case,” recounts Joseph Chudoba, team leader for the Buffalo Veterans Treatment Court — he’s also domestic violence advocate for the Erie County Sheriff’s Office. “A guy came in in a bad situation financially for him and his family. He was having issues with a claim that he put in with the VA. He was about to lose his house. Instantly, our guys took over. The VA benefits man got on his computer, and he opened the right door for that vet, and in a week, a week-and-a-half’s time, that vet got his check. [The delay] was only because he had the wrong address.”

However, notes Judge David Shakes, who presides over the Veterans Trauma Court in Colorado’s 4<sup>th</sup> Judicial District, “A significant number of folks that present themselves in veterans court have discharges that make them, at least initially, ineligible for VA services. So relying completely on VA doesn’t work. The guys that did poorly in their last few months

in the military and got an other than honorable discharge are likely to be the same guys that show up on your felony docket. So you need to get them on a path where they can become eligible for the services provided by VA for combat veterans even if they have a bad discharge.”

To ensure that justice-involved but VA-ineligible veterans receive the care and treatment they need, not only when they’re in a veterans court but after they graduate, there are other issues to consider as well. “What is the right level of treatment for our guys?” Shakes asks. “The substance abuse people will tell you that they know what it is. If you’re dealing with someone addicted to cocaine, this is what you need to do, they’ll tell you. But when someone is addicted to cocaine who is also suffering from depression as a result of combat issues, is that level of treatment still determined by that same model?”

And what happens when a veteran “moves outside of VA or outside of treatment paid for by us when we try to get other [organizations] to pay for the treatment? We have run into this: No, that’s not our protocol. You want your guy to go to drug treatment once a week but Medicaid will pay for twice a month. Well, he’s going to go twice a month, not once a week like you ordered.” So, Shakes considers, “Are we ordering too much? Are we sending our guys to too much treatment? As we push people to private insurers or to Medicaid to pay for the treatments they need, we need somebody like SAMHSA — the Substance Abuse and Mental Health Services Administration — that can say, This is what the right level of treatment is for somebody with PTSD.”

Considering the VA, the judge believes, “VA needs to change from what they’re set up to do, that is, veterans come and

ask for help and they provide the help that the veterans ask for — that’s their model — to understanding that there are going to be some people that are there because they’re under court order to be there. That’s foreign them.” Too often, Shakes says, “We still hear this from VA: All we do is treat what the veterans want to be treated for.

“So if I send somebody there to be treated for PTSD and substance abuse and the guy says at VA, ‘Yeah, I want the PTSD treatment, but I don’t want the substance abuse,’ then VA is not going to put him in substance abuse class because it’s veteran-driven. For most of the veteran population that makes sense, but it doesn’t make sense for our guys because our guys have to be sort of pushed to the treatment door.” The VA, he argues, “needs to get on board and realize that, Hey, this is a different population and they are forced to be here, so let’s work with the court on this.”

## THE VA: VITAL COG FOR VETERANS COURTS

**“The involvement of the VA in Buffalo Veterans Court is crucial,” Patrick Welch declares. And, he offers, here’s why:**

“In every session of court, we have gotten two individuals with secure VA computers, a social worker and a person from the benefits side.

“And I think we all know that in many cases the reason some of these veterans get into trouble has got to do with, number one, they are not enrolled in the VA healthcare system and getting services that they need. Just as important, if they haven’t filed a claim or if they have filed and their claim is awaiting adjudication, they may not have any money. And because of disabilities associated with their PTSD or TBI, they may not be able to work. They may not be able to go to school, where OEF and OIF veterans can get the money they need to pay the rent and other living expenses. So while they’re waiting for that adjudication, what happens to them?”

“They’ve got no money. They may be living with parents or with a brother or a sister or a friend. And they become the proverbial couch-hoppers. Or they become homeless.

“What happens in veterans court is, if they need to get enrolled in the healthcare system, a social worker is right there to get the paperwork going. And before they leave court they have a mental health appointment or a substance abuse appointment.

“If they say that their claim is awaiting adjudication, and they’ve been waiting 10 months, 11 months, the benefits person from the VA goes right into their file and can look to find exactly what the status of their claim is and, in many cases, can push the claim so that we start getting some money into the pocket of that veteran.

“Because these veterans cannot be given proper treatment unless they have the money to keep or to get a safe place to lay their head down every night.”



## SECTION 11: IN THEIR OWN WORDS

### JUDGE MARC CARTER: WHAT IS JUSTICE?

*MARC CARTER, son of a Vietnam veteran, learned a lot as an Army captain in military intelligence that has served him well as a jurist. “Traveling and meeting people essentially resolves horrible ignorance and prejudice,” he reflects. “Because when you travel you learn that people are more alike than different, that essentially the root of prejudice is ignorance. You can’t just look at somebody and make assumptions about them.” When he resigned his commission, his father told him, “You’re not necessarily closing a door; you’re opening a new door.”*



*This new door opened into law school, which led to a clerkship with a federal judge and the realization that being a trial lawyer was what he wanted to do. He learned his craft for three years as an assistant district attorney in Harris County, Texas, one of the largest counties in the country. Then he went into private practice as a defense attorney, “doing the same thing, but on the other side and,” he argues, “making the Constitution have life and meaning.” In 2003 he was appointed by the governor to a judgeship, “and I’ve been here ever since.”*

IN MY TIME as a lawyer, I was surprised to see so many Vietnam-era veterans coming into the criminal justice system. It’s almost always drug cases, theft cases, a lot of homelessness. From my perspective, it seemed kind of like a hopeless situation, not knowing what to do or how to help.

Then in 2003-2004, during the second Gulf War, my older brother did intake at the VA hospital. He told me, “Marc, you wouldn’t believe it. I’m seeing these young guys, I mean kids, coming into the VA now.” And sure enough, they started showing up in court, Iraq-era veterans charged with crimes — possession, assault, evading. And we were starting to see suicides, and all of this was starting to come to light.

Early on, in appropriate cases, I would put the veterans on probation. I’d tell them as a condition, “You need to go to the VA and get help.” But the problem was in enforcement. My probation officers and supervisors would tell me, “Judge, there’s no way for me to know whether or not they’re participating in any programs at the VA hospital because it’s federal and they’re protected. They won’t give us any information.”

So as a result, when you’re an addict, you avoid it. And sure enough, you end up back in court, back in the docket. It was frustrating. So then I sent them to county programs where they could be monitored. That was the best I could do. Then, it was the end of 2007 or early 2008, a Marine came into my court: Sergeant Marty Gonzalez. He was charged with driving while intoxicated with

a child passenger, which is a felony. His lawyer came up to me with the prosecutor and said, “Judge, will you give us some time on this case? I want to present a pre-trial diversion package to the district attorney’s office and see if they will agree to giving him a pre-trial diversion.” Which means, if granted, that he wouldn’t enter a plea of guilty, that he would participate in some rehabilitation programs, and then the case would be dismissed. He could have his record expunged and there’d be no record of even an arrest. At that time I was thinking, in Harris County, pre-trial diversion for a DWI with a child passenger will never happen. This is Texas, where MADD — Mothers Against Drunk Driving — was born and is very strong. It’s just never going to happen. Of course, I didn’t know Marty’s story.

## IN THEIR OWN WORDS

A few weeks later, they come back to court and the district attorney says, "Judge, we agree to a pre-trial diversion in this case." I was like, "Really?" They were like, "Yes, sir. Here's his packet. We want you to review it and hopefully you will approve." So I looked at the packet and that was the first time I learned that he was a Marine. Not only was he a Marine, he was an exceptional Marine. He had exceptional service in combat. He was awarded two Bronze Stars for valor, three Purple Hearts. He fought in the battle of Fallujah. In one day he lost like five guys in his squad – in a single day! – and then spent a year in San Antonio trying to have his right arm saved, which they were able to do.

His story was extraordinary and heartbreaking. To have this huge contradiction [between] the same person who had fought and was willing to die for this country one day, and then the next he's looking at going to the penitentiary. Then to learn that the day he had this DWI, he was high on painkillers. And that day was the day that his divorce had become final. His entire life was falling apart at the seams. Of course, I granted him pre-trial diversion.

I was extremely curious about Marty Gonzalez and other guys like him. This motivated me to search for answers. A good friend of mine, Pat McCann – he was a defense attorney and we handled several cases together when I was in private practice – was a reserve naval officer. He was also in military intelligence. I was telling him about Marty and he told me about this court in Buffalo that services veterans. So he's like, "You know what? We should look into that." I was like, "Man, that's a great idea."

So one of the things I did to start off was to see what kind of population we have. We learned that Harris County is second only to Los Angeles in the number of veterans. And at the Harris County jail at that time, between 300 and 400 veterans were booked in every month. So the population was significant enough where we could do something.

We discussed the dilemma of getting guys to the VA and then not being able to monitor them. And also trying to get county commissioners, the other district court judges, and the community to buy in and to support me. Because, unlike a lot of jurisdictions where a judge's job is just to hear mental health courts or drug courts, I hear everything from felony DWI cases to capital murder, and this would be something on top of what I do.

So I got with Mary Covington, the coordinator for the drug courts, and said, "Hey, Mary, this is what I want to do. Will you help me?" She said, "Yes." She got the drug court designs and said, "We're going to design it like a drug court. But what we need to do is figure out a way to break into the VA system to monitor these guys."

Then we got really lucky.

The DeBakey VA Medical Center had a new director, Mr. Adam Walmus, who had experience with veterans courts in Oklahoma, in Tulsa. So he was very receptive. He knew exactly what we needed. His perspective was what I would expect from any reasonable thinker, which was that these are benefits that they earned. They're in trouble. They need our help. So we were able to get a Memorandum of Understanding with Washington, D.C. to get the necessary releases so that

my staff in the veterans court can review and monitor their progress and have an action plan to actually help them. It's something we never had before. I was able to convince my colleagues, the other judges, to include lawyers, that this is the way to go. Because what we've been doing is putting people on probation, and if probation doesn't help them, they end up going to prison. [In essence] we're doing nothing. Probation was a delayed prison sentence.

So let's do something that changes their behavior and lessens jail populations. This saves the county money. It saves families. At the end of the day, your community is safer when somebody changes their behavior as opposed to going to prison and learning how to be an angry, mad addict when they come out back to your community, right? They learn the skills in prison that don't make your neighborhood better or safer.

I had to sell this to the county commissioners; they hold the purse strings. I told them, "Look, if I'm sending these guys to the VA and they're using the federal benefits that they've earned, that they're entitled to, then these are hundreds of men and women that aren't filling county beds for the indigent population that need these beds. They're getting specialized treatment and they're being supervised closer than any other population in Harris County. It will work." Again, reasonable minds saw the benefit. So our program got off and running. We make mistakes, so we continue to tweak it, and it's been a success.

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Not in Harris County, but in the state there was opposition. This was predictable. Some DAs in other counties were “tough on crime,” the usual salesman BS that they think gets voters behind them. I’d let them say their piece, and then I’d go through my own campaign [explaining] how they were wrong. In fact, there is a now discredited district attorney in Williamson County. He was a very vocal, very boisterous DA who came out early and often to oppose veterans courts. For him, and for others like him, it’s not necessarily if you make sense in what you say, but how loudly you say it.

A reporter for the *Houston Chronicle* called me and said, “Have you heard what this DA is saying about veterans courts?” My response was, “Yeah. I would expect that kind of response from somebody that’s never put on an 80-pound rucksack and carried an M16 for his country. He’s a guy that certainly benefits from all the sacrifices that these guys make but doesn’t see how we need to do something that can make our communities safer. He’s all about his own self-preservation and not about what’s best for this country and these men and women in uniform.”

Of course, she quoted me. It was one of my proudest moments. He lost his office.

One of my colleagues said, “I can’t believe you said that” about this particular DA. It just made me think. I can’t believe how some of my colleagues run scared about this. I don’t own the bench that I sit on in Part 228, Harris County District Court. But while I’m here, I’m going to do something, not just collect a paycheck and hide behind a rock

and let people with loud voices keep me from doing what I know is right or what I feel is right. There were maybe three long-sitting DAs that had come from that loud-talking school of thought. They lost, too.

An interesting opposition came from some veterans: “I went to Vietnam. I served my country. Look at me, I’m doing fine.” I’d tell them, “You and I know 99 percent of veterans are the most outstanding employees and citizens that this country has. We’re the leaders. And most of us are just like you. But there are some that need help. If you’re of the I’m-fine-so-forget-about-them school, then you’ve forgotten your Warrior Ethos. Leaving veterans behind here at home is, to me anyway, the same kind of abandonment that you might have in some foreign nation. We can’t do that to one another. We have to figure out a way for every veteran to find his way back home.”

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When we decided to do this, we had to go to Austin, because not only did I want to create a veterans court, I wanted legislation. I wanted to leave a mark on the State of Texas with our legislation that these men and women should not be forgotten. So Pat McCann and I helped write the legislation. Then we had to go argue for this bill — it was S-112 in the 81<sup>st</sup> session in 2009 — before the Senate Judiciary Committee. When it was my turn to speak, there was only one senator in the room, the senator from South Texas, out of maybe eight people on that committee. But you know why he was there? He’s a veteran. Damn straight, he is a Vietnam-era veteran and he wanted to hear what I had to say.

**“We’re the leaders. And most of us are just like you. But there are some that need help.”**

“What we’re doing,” I said, is because “we can’t make the same mistake that this country made in your generation. We’ve got a whole new generation coming up. In your generation there was a draft, there was compulsory service. The war was on your mind every single day. At least, it was for me (even though I was only nine years old and my dad was in Vietnam). It was for a lot of people because there was a chance that their boy might be going or someone they knew was coming home. The entire country was engaged. For what it’s worth, as badly as that generation was treated, at least people gave a damn. Now, it’s an all-volunteer military. People can go about their daily lives and not even give the war a thought. Now, people just turn the channel.

“We’ve been in Afghanistan longer than we were in Vietnam. Instead of doing your 12 or 13 months and getting out of there alive, you’re going back and back over about 40 months, which I thought was just phenomenal. It’s probably less than that now. But at the height, it was like 40 months. To me, this is remarkable.”

## IN THEIR OWN WORDS

I told him about Sgt. Gonzalez. When he came home they had a parade for him. Then the parade was over, and he goes to the bank and he's... nobody. He goes to school and he's sitting in a classroom with kids younger than him. He's thinking about all the BS he went through to be in this classroom, and that the kids there could not give a damn.

So there's a lot of resentment with this generation of volunteer soldiers. That's part of what leads to the drugs, the alcohol, the fighting. But that's something that these men and women need to work past, past the anger and resentment to acceptance and moving forward. And that's why the Veterans Treatment Court and other non-court programs are important for them. A lot of them don't realize this until they're sitting in that classroom. They can't relate. So they need to sit down with somebody where they can relate and can talk about why they're so angry, [somebody who can explain to them] that "the reason you're angry at them is because you've been to war and they haven't."

Now, the common denominator with most criminal defendants is that they have low self-esteem, low self-worth. I'm not talking just about vets. It's just a matter of experience to understand eventually that you're in the business of human beings and not in the business of just handing out time, of sending people to prison. That brings us full circle to the veteran and to the veterans court. What is justice? Isn't it taking a young person and re-establishing that sense of self – of self-pride, self-love, and self-worth – and making him, making her, a productive

human being? In doing this, what have you done for humanity? By just sending him to prison, what have you done for humanity?

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When I started this project, my father was still alive. He was like, "Marc, not many people have the opportunity that you have right now. It's an opportunity to contribute that the ordinary person doesn't have. But you're in that place, so you go do what you're doing, what you're supposed to do."

Veterans courts [enable the criminal justice system] to see people working not as adversaries but as a common goal for good, focusing on how we can change a defendant's behavior. This kind of flips traditional notions of justice as being this adversarial winner-take-all kind of deal to know there is a human side of justice, where we can actually help people and make our communities safer. It's evolving, our justice system is evolving, and it needs to, it's tough when you think, I'm trying so hard. My team, my doctors, they're all trying so hard. When a veteran doesn't try, when he's not putting in the effort while everybody else is working their butts off for him or for her but he doesn't see it or she doesn't see it, it's frustrating. The veteran becomes his own obstacle. He gets in his own way. He's running himself over. You try to explain this to him and all he does is push harder on the gas pedal. So it's frustrating. And it's hard in those situations to keep your team motivated. There are times when you just grow weary and tired. That's why we have a graduation

every quarter, because we can see the fruits of our efforts and celebrate that. These graduations are important to keep us going.

Never underestimate what people can accomplish or overcome. There are some veterans that have just been rock-bottom homeless going into the program. We really should start before-and-after pictures, you know, to show to them at graduation when they're in a suit and tie, with a job, completely sober. Before veterans court, everybody had been thinking, He's got no chance. Yeah, but we're going to give him a shot. Then kind of like this miracle happens. And it's really pretty amazing.

**"It's an opportunity to contribute that the ordinary person doesn't have. But you're in that place, so you go do what you're doing, what you're supposed to do."**

## SECTION 12

# Elements of the Process

THE PROTOCOLS AND PROCEDURES that successful Veterans Treatment Courts follow embrace several common elements. These include:

- Making an **Evaluation** of candidates for acceptance into the program;
- Holding a **Staffing** meeting before every weekly or bi-weekly court session;
- Establishing **Phases** to be completed by every veteran, leading to...
- ...Celebrating with a formal **Graduation**.

“We rely very heavily on the use of a phased treatment model,” explains Lori Coonan, the VA’s VJO — the Veterans Justice Outreach coordinator — in Harris County, Texas. Hers is a four-phase program, she says; other jurisdictions may employ three phases. “This means we start with very active forms of treatment, and then graduate to less intensive forms while at the same time increasing community support so that these veterans can transition away from the court program to a good recovery base in their community to sustain their recovery goals.”

In any phase, notes Cindy Clark, supervisor for the Harris County Community Supervision and Corrections Department, “We do random drug and alcohol testing. If a client tests positive, we’ll do an e-mail blast to everybody on the team to let them know what’s going on so that the client can be sanctioned swiftly” using a system of graduated sanctions.

“In the first phases, a lot of the vets are pretty angry,” says Kisten Born, Veterans Trauma Court coordinator for El Paso County and the 4<sup>th</sup> Judicial District in Colorado. “They’re angry about having to appear in court as often as the judge holds court. They’re angry about our very involvement in their lives. There’s a lot of drug testing. I tell them, ‘That’s keeping you honest, because drug tests don’t lie.’ And I warn them, because they’ve all been in the military, and most of them know how to dilute a drug test, ‘Don’t do it, because we’re going to find out anyway.’”

“In the later phases,” she notes, “We back off [somewhat] on the drug testing if they’re doing well. The treatment gets easier. It’s amazing. It’s like you can see a click in some of them. They get it. They’ll come into a court session and be like, ‘I finally got it. It finally hit me that I can’t keep doing things the same way. I can’t keep hanging out with my buddies that want to go drinking every weekend. I’ve got

to pick new friends. I’ve got to drop the drug-addicted girlfriend (which some of them still have). I’ve got to make changes in my life that will help me get better and be healthy.’ This usually comes during the later phases.”

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Once a veteran who is facing a stretch in jail or prison learns about the potential option to enter into a Veterans Treatment Court, his situation needs to be evaluated before he, or she, is accepted into the court. Some veterans will not be considered because of the nature of the crime(s) they have been charged with: Homicide. Rape and other sex-related offenses. Armed robbery. The use or discharge of a firearm during commission of an offense. Aggravated domestic violence. Other vets are rejected because they are ineligible for VA health care, and entities in the community are unavailable or unable to provide care and treatment. Still others are ineligible

because of the nature of their discharge — dishonorable, although certain courts still will accept someone with a DD because s/he is the prototype of the veteran for whom the veterans court is a godsend.

Lawrence Fox, who during a lengthy career as a judge presided at 92 murder trials, retired, only to take on daunting responsibilities as director of treatment courts in Cook County, Illinois. He offers this perspective concerning veterans with a DD:

“At the veterans court conference in California in May, we heard stories about people who were dishonorably discharged unfairly. That should not preclude them from any opportunity to get services that we can provide while they’re in the criminal justice system. They may have been given an undesirable because of some misunderstanding or some disagreement with a superior. There could be a lot of different reasons why someone could have been dishonorably discharged, especially from the Vietnam era.

“So I certainly think any court should consider every case on its own merits and find out as much as possible about the basis of such a discharge status. Look at the totality of the circumstances. And if the person appears to be someone who’s amenable to treatment and likely to do well, accept them. A dishonorable discharge in and of itself should not disqualify somebody from consideration.”

Usually, in most veterans courts, one member of the program team is charged with evaluating each vet who seeks therapeutic rather than punitive punishment. In Houston, Andrea Stolar, a MD with the VA who had completed a fellowship in forensic psychiatry, is that person.

“There are certain folks who come in that see this court as an opportunity. It’s so amazing to see how they really change their lives. And there are other people who see this as an easy way out; they just want to do their time and get done with it. So I wish I could predict better who is going to be successful. We’ve also had some older folks that have done really well and they come back as mentors. I do think it’s a good thing to be inclusive, [although] I wish we had more treatment options available.”

Dr. Stolar reviews all the records of each veteran as part of her initial evaluation. She will see “somebody who pops up here, pops up there, has been referred to this or that clinician or program but never shows up, and then winds up in the emergency room. Then there’s a group of people who didn’t know that they had benefits and what we could offer. And so we are therefore able to engage them for the first time into treatment.

“I can log into the VA system, and can see, Did this person show up for appointments? Or, What’s going on with this other person?” Stolar says. She recalls “a guy who was transferred to us who was in community care, who had been out in the community and apparently was doing well. But it was clear when I saw him and did an evaluation that he’d been drinking, he’d been using, [yet] he’s been telling his private doctor that he’s been doing fine. But a private doctor is not necessarily going to have that system for doing urine drug screens like what we have in the VA system. And if you don’t have all those pieces of his profile, he can slide through very easily,” with little benefit to him or to the communities where he lives and where he works and where he hangs out.



*Andrea Stolar, MD, Department of Veterans Affairs*

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At what is called a **staffing**, there are 12, maybe 13 people around the conference table, explains Coby Leslie, an assistant district attorney in Houston. “There’s the judge, a representative from the DA’s office, two or three defense attorneys, representatives from probation, representatives from the VA, and a psychiatrist all discussing the cases that are on the docket for that day.”

A staffing is SOP for Veterans Treatment Courts, and is held just prior to the weekly or bi-weekly court session. “They say it takes a village to raise a child. Well, I believe it’s a whole village coming together to help a veteran,” says Lori Coffman, the VA woman veteran/personal trauma coordinator who attends the staffings in Harris County.

“By cooperating together, we can help the veterans that much quicker,” Coffman adds. “We go through their accomplishments, we go through their failures, remissions, a lot of things, and we collaborate how we as a group can help a particular veteran get past the [next hurdle]. We can cut through a lot of the red tape we would normally have to go through if we weren’t all here together.”

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A number of times a year, veterans courts hold a graduation — a rite of passage — right there in the courtroom, presided over by the judge. Most of the veterans on the docket that day remain. Family and friends of the graduates are present. The judge speaks. Oftentimes a guest speaker of some prominence will offer remarks. Each of the graduates read a letter that they've written, and speak off the cuff.

In Rochester, says Ray Melens, co-lead mentor for the Monroe County Veterans Treatment Court, "Each graduate gets a certificate from the court. The mentors, we give them a certificate. We buy a cake and we'll all go out in the hall afterwards and have cake and coffee. We give them our congratulations, a pat on the back, a hug."

A graduation, says a passionate Dr. Andrea Stolar, the forensic psychiatrist in Houston, "is a really beautiful thing. It is remarkable to see people who have come in angry, and distrustful, and they're all alone, they feel that nobody understands them. And to see them open up, and realize that there are other people like them, to realize that there are other ways to live their lives, that's really incredible."

"And the day that they graduate they're so thankful and they're smiling and they're so excited about their future," enthuses Sarah Hall, case manager for the Buffalo Veterans Court. "For them to go from that hopelessness feeling when they came to us, to [replace] that sense of worthlessness [with] a sense of worth, just to see those changes helps you to actually believe that people can change."

The transformation of these men and women becomes apparent when they read the letters that they've written," relates Kurt Runge, the probation supervisor in Colorado's 4<sup>th</sup> Judicial District. "When they read their letters, you can usually see it physically. They stand with their head a little bit taller, their chin up. They're more hopeful. They talk about the struggles that they've had along the way, not feeling like they fit in anywhere, feeling that no one understood exactly what they had been through. And gathering these veterans together with this common shared experience, not only of their military service but of returning home and picking up a criminal charge, they've come to realize that there are others that do understand, that they're not alone, that their struggles aren't unique.

"They feel like they are now part of society, that they've been brought in from outside the wall, so to speak, and have been accepted, at least among the population that they've worked with," Runge adds. "They usually attribute that to their peer mentors, to the probation officers, to the judge. It's the relationship and rapport they've developed with the judge, and we've had multiple judges here over the years, that's a significant factor. Because the judge has held them accountable, and for the first time, someone was willing to listen."

Ken Moore, outreach coordinator for Monroe County Veteran Services, reflects, "There's nothing more fulfilling in this court than come graduation day and you see this kid that was all disheveled and pissed off at the world and didn't have crap going for him, and now he's standing up there with a shirt and a tie on and

he's in college and he's got a part-time job, and he's going to get married. That's a transformed life. I mean, that's the pay-off right there." And besides, he adds, "Who better deserve it than the men and women who fought for their country?"

Indeed, says Patrick Welch, one of the key players in the founding of the Buffalo Veterans Court, "I would like to make sure that anybody who reads this understands that Veterans Treatment Courts are a process whereby we give people who have served this nation an opportunity to get their lives back together, and to become productive citizens. We've saved veterans' lives. We've put families back together. And when we see someone graduate and receive their challenge coin, and see their family members standing there with them all smiling or crying, and we recall what they looked like the first day that they came into court, it's just the greatest feeling in the world to see them get their lives back together. And that's what drives all of us to make sure that we successfully assist these people."

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"There are lots of programs that exist," Judge Marc Carter notes. "There are programs in small communities with few resources. There are programs in big communities like Harris County. There are programs in medium-sized communities. There are programs in states that recognize pre-trial diversion and in states that don't have any concept of pre-trial diversion.

"So don't reinvent the wheel," he advises. "Take these ideas and implement them because you'll save lives. You'll make communities safer. You'll save money. And you'll make your mark on humanity."



## SECTION 13:

# IN THEIR OWN WORDS

### MICHELLE SLATTERY: MAVEN FOR RESEARCH

*AT THE VETERANS Court Conference held in Anaheim, California, in May 2014, Susan Steinberg and Leslie Morland noted that research is needed to develop a better understanding of the mental health needs of female veterans that will, in turn, abet development of programs tailored for justice-involved women veterans as well as improved continuity of care between prisons, outreach to women vets, and programs for them in the VA healthcare system.*

*An evaluator for some three decades, and the spouse of a veteran herself, Michelle Slattery knows about the need for, and value of, research. She is employed by the University of Colorado/Colorado Springs, subcontractor on a since-ended Jail Diversion and Trauma Recovery – Priority to Veterans grant that facilitated her entre to the creation and formative years of the El Paso County, Colorado, Veterans Trauma Court, as it is called. She has followed the process and progress of the court for six years.*

Whatever area you're hired to evaluate, you have to learn about it. I was brand new to judicial. I didn't understand any of the terminology, the positions, how things worked. I drove everybody crazy asking a million questions. And once we figured it out and the court launched, on December 17, 2009, it was my heart that became really committed to the project. It's probably the most meaningful evaluation work I've ever done.

This project ended up being this massive undertaking. They had to find more money so I could do all the things that I came up with, all the ideas I had. When we first started, I would do behavioral observation of the team, figuring out how people were communicating, where things broke down, who had information, who had data, who would share, how long the veterans were in a phase,

how long it takes from the time they are found at the Criminal Justice Center until they get a transfer into the docket, and then until they get a recommendation report done, and then until the DA makes a decision. I would analyze the DA decision reports, the recommendation reports, the daily status inmate reports from the jail.

So, I had every step in the process defined, figured out how to measure it, how you get access to it, who the main people are. I call this a guerilla evaluation. I figured out in the first month, Oh my God, this is so complex! There are so many different people and institutions, systems, organizations, powerbrokers, so much politics involved, that unless I became a part of the team and became a guerilla evaluator, I would never be able to do a good job.

So, I went to every meeting, every staffing, every court docket. I became an institution. If anybody had a question about anything, I could say, "Sixty-two percent," or whatever. I tried to make myself invaluable. And we discovered so many interesting things by having an evaluator on the team. I'll give you a really stupid example.

When we started out, our team decided, Let's have a top-performer award. This is, I'm sure, based on Judge Russell's Buffalo Court. If you have a strong performer, they get some kind of recognition. So, we thought this would actually be a great motivation to the participants to do well. And what we did, every week we would arbitrarily decide of all the people who are doing well, which one deserves it the most or is the most hard-up, whatever arbitrary

**“So, we have to keep our finger on the pulse of the hard numbers: what they tell us, and what we can do to [effect] policy and practices so that we can continue to be effective...”**

reason we had. That person would get a \$20 gift card and everyone in court would clap.

So, what I noticed by tracking it, after about three months the average time to stumbling and having a problem was about seven weeks after getting the award. We found that almost every person who was singled out, we were actually hurting them instead of helping them. So, we changed it. We said, “Now, everybody who’s a strong performer come up here and be recognized. Everybody. No pressure. You guys are all doing a great job!” And then there’s a random selection for the gift card and that person feels lucky instead of like, Wow, this is really tough having to try to keep up the good work; what if I stumble?

If there’s good evaluation, if you have your finger on the pulse, if you’re paying attention to all the things that are measured – and there are millions of things we could be tracking – you can inform the team. And there are huge implications for our success, for our team.

Another example. The person on our team who has all the power is the District Attorney. He’s the gatekeeper. And we’ve had seven different DA’s

since we launched. This revolving door hasn’t really been modified or altered in any way. So, we don’t know when we’re going to get a new DA. Most of the time, they’re great, and we are sad to see a person go, especially when we’ve worked out the kinks and everybody is communicating well and sharing information.

We had one DA who I was really crazy about. He did a great job. He was the first one that actually shared information with me. We worked out a deal. He’d send me a daily e-mail, and when that got to be too burdensome, a weekly e-mail, telling me why he rejected someone [for the program]. We had a great relationship. And then, I was analyzing his stats and I realized, This is really unusual. Since he became the DA, no one over 40 has been accepted.

So, I took him to lunch and I said, “Has this just been a strange fluke that over the last few months no one older [than 40] has come in?” And he goes, “Well, if they haven’t figured it out by now, why would I let them into the Veteran Treatment Court? If they’re that old and they haven’t worked it out yet, can we really help them?” I was like, “It’s not for you to decide

who we can help and who we can’t. If they’re over 40, they should have the same opportunity as someone who’s 20.” So, he said, “Well, okay. I guess I agree with that.”

Here is another example, statistics-based. I have data from the early days of the court, like the first three years of operation, and I have the more recent, with a new judge, and with a court coordinator provided by state funding, which was our dream, what we really wanted. So, I’m tracking the early days and the recent, and I discovered that the number of appointments our veterans have, in an average month, was 16. They’ve got random urine analyses, treatment, probation, court appearances.

So, think about this: You have PTSD; you have a TBI, perhaps – 31 percent or so do; you may be homeless – 28 percent have unstable housing; you’ve probably got family difficulties; income is certainly a problem – over 30 percent make less than \$200 per month. So, you’re in a bad situation. Transportation is a problem – this town has no public transportation.

To take a bus to the Community Service Center out on Garden of the Gods Road where you have to go

for help could take five or six hours because of the number of buses you have to take.

So, you have all these challenges, but you have to make 16 extra appointments per month. And if you don't, what happens? You have sanctions. That's a set-up for failure.

How much more destabilizing is it to go to jail? You know, you get a sanction and hopefully it's like, write a letter or do community service or something gentle to help get your attention. But my concern is, is it even achievable as hard as you try? And I know all these guys. I do all the interviews. I've seen the baby pictures and the dog videos, and

they talk to me in the hallway. The appointments [in the initial treatment phase] now number 21 per month. And that's the average. Imagine in your own life, how do you absorb an extra 21 appointments and still not lose your job, not miss out on your kid's game? We have to address that.

So, we have to keep our finger on the pulse of the hard numbers: what they tell us, and what we can do to [effect] policy and practices so that we can continue to be effective. I don't think we will be if we lose sight of that.

We're still early in the process. [In El Paso County], we have more data, a baseline, a more solid foundation to

actually do the research to ask, and answer, a host of questions. Like, two, three, four, five years post-plea, what happens to our veterans?

I'm looking at recidivism from one year after graduation; what happens after five?

So, I want to know why all problem-solving courts don't have evaluation? That's my bandwagon. [Because] you can get grants to do unique things that would actually improve your capacity or the types of treatment that you can offer. I don't think it's possible to actually inform policy or practice if you don't do this.

So, let's do the research.

**“Imagine in your own life, how do you absorb an extra 21 appointments and still not lose your job, not miss out on your kid’s game? We have to address that.”**

## SUCCESS STORIES

Just as not every veteran who is arrested chooses to enter a Veterans Treatment Court program, not every veteran who is qualified and places his reclamation in the promise of such a program sees it through. Talk to any member of a “successful” program, and they will tell you that it works – for the veteran, who finds a stronger self emerge as a graduate of the program; for the family – spouse, children, parents, siblings – who have a loved one back; for the community, which has one more productive member who is not likely to recidivate. That, at least, is what most of the statistics seem to indicate, and “seem to” only because criminal justice system practitioners have various measures as to just what “recidivism” embraces.

But successful outcomes are more abundant by far than incidences of relapse and re-entry into the desperate world they had escaped from. **What follows are some testaments to fulfilled, not failed, promise.**

## SECTION 14:

# IN THEIR OWN WORDS

### MANNY WELCH: UP THE DOWN STAIRCASE

**I'M NAVY, 1975 TO 1979**, the end of the Vietnam era. I was a machinist's mate, and I served aboard the CV-43, USS Coral Sea. I home-ported in Oakland, in Alameda County, California; also in Hawaii. We did tours in Yokosuka, Japan, in Korea, in Australia, then drydock in Long Beach, California, and then back to Oakland.

During my military time — it was peacetime — there was a lot of partying. Mostly marijuana, drugs of choice. But the big one was alcohol; you weren't a sailor if you didn't drink. Over the years, I was becoming addicted, as I came to find out later on.

After discharge, I got a job at the Oakland Post Office as a mail handler and lived in Oakland for 18 years. I did short order cooking on the side for 15 years. Cooking was my hustle — you get tips; you make fast money. I'd stay at the bar after getting off.

Working in the post office, my addiction grew stronger. I was married at the time and wound up getting a divorce. I ended up coming back to New York State. But trouble followed me everywhere I went.

Every time I turned around, I was driving illegally or I was driving under the influence. It got to the point where I lost my license. I'm getting stopped for possession. I'm getting stopped for driving without license or insurance.

This landed me in Buffalo Drug Court. At the time, there was no veterans court. I was in and out of drug court, in and out. I would not show up; they had warrants [out on me]. I just started spiraling out of control. One thing led to another, and another. I had various sanctions from the drug



court; did various jail stints for not showing up, for the warrants, for rearrests — two weeks here, a week there; 90 days here, six months there — until I got hit with a big one: 18 months. It's where I was in the disease of addiction.

Right up until 2008, when I got hit again, and I stayed in jail for 45 more days. I don't really call my last arrest an arrest. I call it a rescue where my higher power intervened and rescued me from me, and that's the way it was.

In 2008, they transferred me to this new Veterans Treatment Court. I came in hopeless, useless, and helpless, and in despair. I'd been remarried; by the way, my wife and I have been together for 22 years. But she caught the brunt of my addiction, along with the kids that I had from my previous marriages, which were two. I've got an older set of twins who right now I still haven't got a connection with. I've got one daughter that's in New Orleans. We talk a little bit, not a lot. And I lost a daughter at 18 to a drunk driver. I was in my addiction at the time, but I did make the funeral, with my second wife. My current wife, she really stood by me — up until that last stint in jail. She said, "I can't do it anymore."

So I was coming into the new Veterans Treatment Court and Judge Russell said, "What are you going to do different? You've had all these chances. What are you going to do?"

I said, "Judge, I'm going to do it this time."

## IN THEIR OWN WORDS

He said, "Well, I've heard it before."

I said, "I need treatment." I tried treatments before, but I didn't stay. I'd go to rehab. I'd get out. I'd just go back using.

But when I came to Veterans Court that time, it's like my higher power intervened and a light came on. And it told me that people are here to help me; take the help. So I did. I surrendered and I took the help.

I told Judge Russell I would like to get into a 28-day program and I would like to go to the Bath VA for six months. They said, "Well, we can get you into the Salvation Army and you can get out of jail today if you want."

I said, "No, I want to go to a veterans or military facility. That's what I want."

They said, "There's no telling how long you'll have to sit before a bed opens."

I told them I didn't care.

Right there that day, it just so happened, the director of the Bath VA was sitting in the courtroom. Nikki Slaughter, she was the VA liaison for Veterans Court at the time, came over. She had me sign a release.

My wife was on board. Judge Russell was on board. Nikki had the paperwork for me. The director

signed off on it for me. So did the mentors, and Jack [O'Connor]. And then they took me under their wing, and they kept telling me, "You can do this." Before that, I'm not going to stop using. I didn't know how even if I wanted to. I was ready to give up. They said, "We got you. Don't worry about it. We're going to help you along the way."

When I stood in front of that court and Judge Russell said, Welcome, and the rest of the court people and the mentors, they said, Welcome. And they stood up and applauded. I'm like, Are you serious? Really, you're applauding me for being in court, in handcuffs, and welcoming me like it's happy days? It was awesome. It really was. That light came on and it's put me on a journey that is unbelievable. It really is.

\* \* \*

*Manny Welch went to rehab at the Bath VA medical center. During his six months there, he had a "revelation" that he wanted to go to school. He started at Erie Community College; his major was substance abuse and mental health counseling. He graduated with his associate's degree in 2012 – he was, he says, "a 3.5 average student" – and was certified [for] Substance Abuse and Alcohol Counseling and Training.*

*When he completed his stint at Bath, he came to the realization – another revelation – that he "needed to give back what was so freely given to me because of the mentors at Buffalo Treatment Court." Under the mentorship of Jack O'Connor, he became a mentor himself there "to help other veterans that need help [because] a lot of us come back and can't readjust, addicted to alcohol, heroin, cocaine, marijuana, and pain pills, which are the big one now because in the service they just give out pills."*

*Manny is going for his BA at UB, the University of Buffalo, again majoring in substance abuse and mental health counseling. And he is now a peer support specialist for the VA. "In my addiction," he reflects, "it was all about me. Today, it's not. Today, it's about what can I do to serve other veterans the way that people served me. I've come a long way, but for the grace of God, but for the judge, but for Jack, but for my 12-step society, my sponsor, my network, my wife, my children, even the ones that don't talk to me on a daily basis.*

*"You know, at the end of the day, when I'm probably gone, at least they can say, Well, my old man did do something good."*

**MARY COVINGTON:  
THE ANGRY SERGEANT**

**ONE OF OUR** first graduates was a retired first sergeant. We are a felony court, so we take violent offenders. He had an aggravated assault charge, so he was looking at a pretty substantial amount of time in prison if he didn't get accepted into our veterans court.

He was very, very angry when he came to us. He had served our country for a number of years in the Marine Corps. He did several tours; he had led numerous men into combat. Then he retired. The most interesting thing he shared with me was when he talked about transition. "Everything is based on transition," he said. "Going into the military is a transition, after boot camp it's transition, going to a new base is another transition, and when you got a new assignment it's transition. And then when they send you home, there's no transition."

He had PTSD issues that were unaddressed. And he became angry – angry to be in the position he was in, angry to be in veterans court, angry to have to comply with the rules. For me, it was a big eye-opener: this population was used to taking directions, following orders.

As he got further into therapy – he did prolonged exposure therapy... cognitive behavioral therapy... nightmare therapy, fighting his demons – he actually became a completely different person.

We watched that transformation. At his graduation, he actually could verbalize the difference in the way he felt when he started the program and when it ended; what a difference it had made in his personality and his well-being. He recognized that he was a very angry individual; and he recognized that he was really lost.

After graduating from veterans court, this man who was used to being acknowledged as a leader found a purpose. Because veterans court really helped him regain some of that pride in himself, this gave him an opportunity to not only take care of his own issues but to become an advocate for other vets to address their demons and not be ashamed by them – and to reach out for help and then get the help that's available to them.

Well, that was our first big Aha! moment: that what we are doing is really making a difference and really could have a positive effect on what the men and the women who go through the program would have after they, too, experience the process.



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Our first sergeant had some children. He did not, however, have much contact with them. When he first came to veterans court, he was pretty much a loner. He had isolated himself. Our program restored him; it proved to him that he could be a father. Now they are back in his life. They travel together pretty extensively. He was able to go to be with his son when he graduated from college. His daughter is just starting her teenage years, and she's become active in his life.

## IN THEIR OWN WORDS

The bulk of the cases we take and have success with are assault cases, and in nine times out of ten that assault is going to be on a family member. And we find that the family member recognizes that the person that came back from Iraq or Afghanistan isn't the person that left. Families recognize these changes happen because of their service, that it's not in their DNA. And they want them to get help. They want them to be responsible. They want them to have a good life.

So we're not only restoring the veteran, we are also restoring families, families who want to have their dad, their brother, their daughter, their son, their spouse back to the way they had been before. They recognize that the family dynamic is never going to be the same, but that their new normal can be just as good.

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*Mary Covington has been the linchpin of therapeutic court operations in Harris County, Texas, the third largest county in the country. (Houston, the epicenter of the county, is the fourth largest city.) With the Veterans Treatment Court there since its inception, she observes that most of the vets who enter her court "are still sort of embarrassed that they've ended up here." She sees the essence of veterans court as giving these troubled individuals "the tools that they need to lead the kind of life they deserve, the kind of life that is earned for serving our country."*



*Judge Marc Carter*

**"Well, that was our first big Aha! moment: that what we are doing is really making a difference and really could have a positive effect..."**

## NICK STEFANOVIC: THE GREATEST GIFT

**I SERVED IN** the Marine Corps from 2002 to 2006. I was sent to Afghanistan in 2003. I came back and went to Iraq immediately after, 2003 to 2004, and then I went back to Afghanistan in 2005.

My experiences changed my outlook on life. Before I went into the military, I had a lot of expectations of me. I'd never gotten involved in drugs. I came from a very, very good family background. I was in college. I was successful. When I got out of the military, I had turned into someone who had a lot of anger issues. I isolated. Didn't want to be around my family, didn't want any friends; I didn't want any part of that.

And I got involved in drug use – pain pills and, when I couldn't get them, heroin, because of the emotional and mental suffering I was going through. The only thing I cared about was peace. I wanted peace and relief from these symptoms of the experiences I had gone through. I had a very rapid decline from 2006 to 2009. I even wound up living in my car.

My family tried many different things to help me. My mother would actually make appointments for me at the VA – until finally around 2008 they made the decision to cut me off completely. No communication with them; I wasn't allowed anywhere around them.

Even at that point, my mother was the one who found this program, the Veterans Treatment Court. When I was in custody, she heard about this and that's how I got into this program.



This time, my family, including myself, knows that this is the only thing that ever worked for me. My mother and father are indebted to the Veterans Treatment Court and the Veterans Outreach Center here in Rochester. And I owe them my life.

\* \* \*

When I was in custody – the police caught me with a stolen check – I didn't care what worked or what didn't work. I just wanted to get out of jail. I didn't care about being sober or anything like that. So when my mom found this program and said, "They'll let you out of jail to go to treatment," I was, "Yes, I'll do it immediately!" I didn't care about anything else except to get out of jail. And I realized after going through the court, Okay, if I use drugs now or I get more criminal charges, I'm going to go back to jail.

Veterans have a very unique appreciation for freedom. When you take away our freedom, it's a much bigger deal than when you take an average citizen's freedom, because we've seen what not having freedom is like in other countries. And so, I was willing to do anything to stay out of custody.

At that point, I thought, You know what, I'll go through this year and I'm going to do everything they tell me to do. And once I get out of this court, then I'll do whatever I want as long as I don't have to go back to jail.

So that gave me the year for this transformation that happens to every single veteran if they comply with the program. You start to see the benefits of not using drugs and alcohol. You get your family back, you start making money again, you get your education. And by the

## IN THEIR OWN WORDS

time you're done with that year, you no longer want to be a part of the criminal justice system.

And I'm not, at least not as an inmate. I'm currently the judicial assessment specialist for the treatment courts in Rochester, New York. In this role, I don't usually reveal my experiences. There are certain situations, though. I spoke with a veteran who was addicted to heroin. He had said many times, "I don't want to stop using heroin. I don't care about anything else. I can't sleep because I just want to use heroin again."

That's when I told him, "You don't have to even worry about that right now. You can't use for the next year because you're going to be in jail if you do, and you're not going to be able to use while you're in jail. So you

can go into this program wanting to use heroin. We're not expecting you to not want to use it. You can even have a plan to use heroin the day that you graduate, so go ahead and have that plan.

"That's all going to change as you go through this program. I can point to my experience as proof that you're not going to want to use heroin on the day that you graduate. And that's the gift that this program gives you."

You know, this treatment court program not only gave me my life back, it gave me a purpose. I now dedicate all my time to advocating for these courts.

When we went to the White House to meet with the Office of Public Engagement about joining forces, even the White House was asking

why are these courts not available all around the country. There are veterans right now that are getting into trouble, that don't have this program available to them, that are doing two years in state prison because they were cashing stolen checks – the crime that snagged me.

\* \* \*

*Whether he speaks with a single individual caught up in the tentacles of criminal justice, or to an audience 4,000 strong, Nick Stefanovic has been doing yeoman work to spread the word about the virtues of Veterans Treatment Courts. As he is wont to point out, however, "There's a lot of work to be done still in spreading the word about a program that really does save lives."*

**"You know, this treatment court program not only gave me my life back, it gave me a purpose. I now dedicate all my time to advocating for these courts."**

**CINDY CLARK:  
ARTHUR AND JIM**

**ARTHUR CAME TO** us from a regular caseload for using cocaine and using alcohol. He was a 20-year Marine Corps vet, had done numerous tours in Iraq, Afghanistan. He had also done some embassy work. And he was very angry; he just hated the world.

He was also in for aggravated assault. It was a neighbor issue, and it had to do with his PTSD. Seems they were playing loud music or something loud and annoying. He went over there with his gun and shot into the air. And of course the cops were called.

So Arthur gets probation, and he starts testing positive for cocaine. Then he's transferred to veterans court. I get his case. He continues to be angry and he tests positive for cocaine a couple more times. Then he's picked up by the cops for being intoxicated, and is taken to the VA hospital. Then they come to find out this happened around the anniversary of his mother's death, which was a trigger for him.

Then, all of a sudden, something snapped in him. He turned around completely. He started being proactive, got himself into an anger management class. He just started doing the right thing. He ended up being early-terminated – sometime after graduating from our program – and then he started connecting with the rest of the vets in our program. He started the beginnings of our mentor program. As far as I know, he still keeps in contact with a lot of our vets, helps them find jobs,

gives them an ear to listen. It's so very positive. And I do feel good about him.

I like to tell the other vets, We're the supporting cast but they have to do the work. Because the program is all about them.

\* \* \*

Jim, a Vietnam vet, came to us diagnosed with bipolar disorder and PTSD. He suffered for many, many years with mental illness, obviously due to his combat. He never drank or did drugs. He was on probation for shooting his son.

It had been a very volatile relationship because the son was constantly taking advantage of him and other family members. It all just came to a head, and Jim felt threatened when the son was coming after him to physically attack him. So Jim grabbed a gun and shot his son.

Jim was on regular probation at first for a few months until the veterans court came about, when he was transferred to us. And he was a mess. He was crying a lot; his life was really a shambles. He was in therapy with his doctor at least once a week. His meds were changing constantly. He was in two support groups at the VA and just barely maintaining when he came to us.



Well, Jim started working through his issues, continuing with his doctor's appointments, continuing to take his meds. He graduated our program the middle of last year. This January, we early-terminated his case. Since then, he is seeing his doctor every three weeks, and he's doing really well. He actually comes back to court about once a month, and he's semi-helping with the mentor program. He's been through mentor training, and he's trying to commit himself to the program.

He still has his moments; he still has bad days. But he has really come a long way, and he recognizes that. And every chance I get I help him realize where he came from, to push him up to how far he's come. I mean, he's come such a long way.

\* \* \*

*Cindy Clark is now supervisor for the Harris County Community Supervision and Corrections Department. The wife of an Iraq veteran who came back from Kuwait burdened by, as she puts it, "some issues with PTSD," she had never worked with a treatment court before when she was offered the opportunity to become a case manager for the veterans court. "I just came into it and I started learning," she recounts, "and I've loved it."*

### MELISSA FITZGERALD: TOMMY'S STORY

**I HAD THE OPPORTUNITY** to volunteer in war-torn northern Uganda to work with former abducted child soldiers, sex slaves, and other teens displaced because of the brutal rebel war there. I was able to see firsthand the effects of war on communities and children. The project resulted in an award-winning documentary, *After Kony – Staging Hope*.

I then co-executive produced a film by Paul Freedman called *Halfway Home*, which profiles several returning veterans from Iraq and Afghanistan as they struggle to reintegrate after experiencing the trauma of war. The film, which features former United States Senator Max Cleland (a veteran of Vietnam), examines the stigma of “mental health issues” within military culture.

One of the men in *Halfway Home* is Sergeant Tommy Rieman. He survived two bullet wounds and eleven shrapnel wounds while guiding his team through multiple attacks during a recon mission in December 2003. Tommy was presented with the Silver Star for his “exceptional courage and gallantry in action” during that engagement. He was acknowledged by President Bush during the State of the Union address, and received a standing ovation lasting several minutes.

But amid the accolades and honors, Tommy had been struggling with PTSD. Through *Halfway Home*, I got to know Tommy and understand that he was going through a very difficult time. After a night of heavy drinking he attempted suicide by driving his car into a tree. He survived, but he had charges filed against him from

that. Right about then, NADCP CEO West Huddleston and I had been speaking about the Senior Director position I now hold at Justice For Vets.

At that time, there were no Veterans Treatment Courts in North Carolina, where Tommy was living. I talked to Tommy on the phone about whether or not I was the right person to take on the important role that I had talked about with West. He said, “You have to do this job not for me because it’s probably too late for me, but for all the other veterans like me. You have to do this job. And,” he said, “I’m going to help you.”

Around the same time, my father was being honored for his long career in criminal justice (he was an Assistant District Attorney for most of my childhood, and a judge for most of my adult life, including serving as a Justice on the Supreme Court of PA), and in his acceptance speech, he talked about when he first began in criminal justice. He said, “The pendulum of justice has swung back and forth in our nation in the past five decades. Criminal law has gone through dramatic changes since my time as a D.A. over 40 years ago. Back then, rehabilitation was the primary goal of sentencing. Then, through the seventies and eighties,



the pendulum swung the other way. The goal of sentencing became punishing. During the past decade, the pendulum has finally started to swing back again. Specialty diversion courts—namely, Drug Courts, Mental Health Courts, and Veterans Courts—have proven an effective measure in decreasing the recidivism rate and getting help for people who need it. And they are more cost-effective. For every dollar spent on Drug Courts, 27 dollars are saved on prosecution and incarceration. I believe this is a step in the right direction. It makes little sense to crowd our correctional institutions with offenders who could be safely and effectively rehabilitated elsewhere.”

As soon as I heard my Dad’s speech, I thought: *I’m supposed to do this, and this is where I’m supposed to be.*

I am happy to say that Tommy was able to get into a Veterans Treatment Court in North Carolina, the very first to open in the state, and he is doing great. I am thrilled that Tommy is graduating the day after Veterans Day and I will be there! Tommy is also helping us expand Veterans Treatment Courts by traveling the country, speaking at events and appearing at both our Justice For Vets National Veterans Treatment Court conferences, that we call Vet Court Con.

Tommy is a hero. And we don't have to have our heroes behind bars. There is a better way. They should be home. They should be parents to their children, hold jobs, and be leaders in our communities. Because our veterans are our most valuable and important civic assets and our communities can't afford to be without them. We need them.

At one of the first Veterans Treatment Courts I visited after I accepted the position at Justice For Vets, another veteran came up to me. "I want to help you because I want to make sure that every veteran gets the same chance I had," he said, "the judge took a chance on me and I'm going to prove to him that I'm worth that chance." A few months later I was able to attend his graduation from Veterans Treatment Court. There wasn't a dry eye in the house, including mine. This veteran had offered me his help, and if anyone knows me they know that I will take you up on offers of help, so I asked him to speak at Vet Court Con. He agreed to attend. He hadn't been on an airplane since he left Iraq and said, "I knew that it would be hard for me to go on a plane again, but I wanted to be here. I wanted do this." I knew it was a struggle for him just to be in crowds, but he said,

"I utilized the tools and the skills that I learned in Veterans Treatment Court." His speech at the conference was pretty remarkable, and very moving. He said that he was so grateful for his experience in the program and wanted to encourage more criminal justice professionals to work in and open more Veterans Treatment Courts. Above all, he was happy that he could once again be of service by helping his fellow veterans.

\* \* \*

*Melissa was first introduced to the National Association of Drug Court Professionals' work by Martin Sheen, with whom she starred in the hit TV show The West Wing, when he asked her to join him and speak at the National Association of Drug Court Professionals national conference in 2011.*

**"I knew it was a struggle for him just to be in crowds, but he said, 'I utilized the tools and the skills that I learned in Veterans Treatment Court.'"**



## SECTION 15

# Questions & Answers

### Why do war veterans warrant a special court? Aren't they getting a break?

“Sometimes there’s a misconception that because you’re coming to the veterans court that you’re getting some kind of a break,” says Judge Marc Carter. “What people need to realize is that veterans court is the hard way to go. It’s the choice that they make, that they have to deal with their problems. They’re going to see me every two weeks. They’ll not only have a probation officer or a case manager but a VA case manager, doctors, all these other people in their life.

“The hardest probation regimen there is in Texas is this one right here in Harris County, because they’re held accountable like no other probation,” he says. “I supervise 2,500 probationers. My veterans court is going to be somewhere around 70 revolving, coming in and out. Those 2,500 other people, the only time I see them is if they’ve screwed up and they’re coming in on some kind of motion or need to be admonished. My veterans, I see them every two weeks. I know who they are. I know who their girlfriends are. I know their wife. I know their spouse. I know their mom. I know their brothers. I know where they live.

I know their addictions. And their triggers. I know what sets them off. I know everything about these guys. It’s not something that your average probationer wants the judge to know. It is not the easy way.

“But they’ve chosen. They want to make their life better. They know that what some people might see as a shortcut is really just a circle. They know that if they want to go someplace from where they are to where they want to be, they’re going to take a very difficult route that deals with each and every one of their problems. And there are no shortcuts.”

As one wag puts it, Veterans Treatment Court is not “a hug-a-thug program.”

“These are people who made a choice to volunteer to wear the uniform of the United States Armed Forces. When they stepped forward, right hand raised, to pledge fealty to our Constitution, they also pledged to lay down their life if necessary for this country,” offers Patrick Welch, who was integral to the founding and development of the Buffalo Veterans Court.

“We are not pampering the individuals who choose, and are accepted, to enter into therapeutic treatment. We are offering them a re-adjustment

opportunity. Because if you look at the profile of those who come through our court, in many cases, they did not come from a good support system. So they had issues, they may have struggled in school, they may have struggled with family life.

“If you look at their DD-214s,” continues Welch, who has looked at many such discharge documents, “For the most part, they all did very well while they were in the military. Why? They had structure, they had discipline, they had organization, they were trained in a job, they were told how to do their job, they earned meritorious promotions, they received awards for valor in combat. They did well.

“But for whatever reason, when they left that contract term with the military, they couldn’t take that forward in a positive action. In many cases they wound up with the wrong people doing the wrong things in the wrong places.

“And what the court is saying, ‘We are going to give you the opportunity to get back what you gave to this country. You can take it or you can leave it. But if you take it, this court, this VA, and we mentors will do everything in our power to make you successful.’”

## What offenses should a treatment court allow? Or avoid?

“Is it going to be misdemeanors? Is it going to be all misdemeanors? Is it going to be some felonies? Is it going to be transfer cases from the federal courts?” posits General Butch Tate, senior fellow for veteran and legal affairs with Justice for Vets. “That’s all part of the plan, that’s all part of how you set your court up.” Certain offenses – major criminal acts like murder, rape, armed robbery, and other crimes of violence – no treatment court will accept. Some veterans courts will embrace veterans charged with aggravated assault. The rule of thumb: every admission, or not, to a Veterans Treatment Court must be determined on a case-by-case basis.

“Even though we’re setting up a number of these ‘boutique courts’ that are more specialized and treatment-oriented, they aren’t at the same time set up to just slap somebody on a wrist,” says Harris County Assistant District Attorney Shannon Davis. “We do not accept everyone into the program. There are certain types of offenses that we don’t do. I don’t care how good your service record is, if you go out and rape and murder somebody, you’re not going to get into the program because you’re not somebody that I want out on probation.”

In Buffalo, says Danielle Maichle, managing attorney at the Legal Aid Bureau there, “We don’t take cases with sex offenders, or where real violence is involved. The prosecution, which does the initial screening, really looks at, Was this person — my client, the defendant — violent before he went into the military? Is this a case where he’s an abuser? Then we all talk: defense, prosecution, the judge.”

“We’re a felony court,” says Mary Covington, coordinator for the Veterans Treatment Court in Harris County. “We looked at who we wanted to serve, and we looked at who we could best serve. A lot of them who come back are gonna drink and use drugs to drown their pain. And clearly, the most critical people are the ones who’ve come back with PTSD who have a flashback or an episode where there’s an assault involved,” she says. “We were really fortunate to have a forensic psychiatrist from the VA who makes a connection between the offense and the illness, and who can insure that there are programs at the VA that could help. So this really let us take on a population that most jurisdictions are not allowed to work with — and they’re really the most compelling.”

The Veterans Trauma Court in Colorado Springs, relates evaluator Michelle Slattery, where violent crimes amount to more than a third of the current caseload, “Crimes against children are excluded. Also, no domestic violence with stalking, strangulation, or weapons. No weapons in general. No sex offenses.” Notes Deputy District Attorney Oliver Robinson, “We don’t take super-aggravated violent crimes and we don’t take any robberies. And generally,” he adds, “We want to see if a victim is okay with this.”

“We were the first jurisdiction to consider accepting veterans with felony charges,” says Leo Martinez, the lead veteran peer mentor there, “and that was a pretty major undertaking. There are still people that are nervous about it.” We realize, he says, that “somebody’s going to fail. Somebody’s going to do something, whether their combat trauma gets triggered” or they just commit a criminal act. And, he says, “Somebody’s going to wind up in the newspaper.” At the same time, Martinez

maintains, “We cannot, in this endeavor, leap to the lowest common denominator. We have to be as inclusive as we can [even though] we’re going to make mistakes.”

“You have to be open-minded,” argues Sheilagh McAteer, the deputy state public defender who sits on the Board of Directors of the Veterans Trauma Court. “Don’t limit your court to petty offenses. Have the courage to take the felony offenses, because it’s the felony offenses that are going to have the biggest [effect] on somebody’s life. Give them the opportunity not to be strapped with that felony conviction for the rest of their life so they may not be able to get a job, or they may not be able to vote, or they may not be able to get housing, or any of the entitlements that you can lose when you have a felony conviction. You don’t lose those things when you get a petty offense. And,” she adds, “Recognize that the people are committing those felony offenses, a lot of times, because of their own trauma.”

## Should a veterans court accept vets with bad paper — even a dishonorable discharge?

When ADA Shannon Davis went on active duty in September 2008 for a year, “I saw some things that I did not like in the ways some of the soldiers that I was seeing were being treated, in terms of their types of discharge, given some of the issues that they might be having due to PTSD, TBI, substance abuse, any number of things,” he recounts.

“My job was a criminal defense lawyer. I would be seeing the folks that were coming in for misconduct that were either being court-martialed or chaptered out of the military,” he says. “There were a number of soldiers that I saw both on active duty and in my reserve capacity.

At Fort Hood, rather than treating these soldiers with the kind of respect I thought they were due, instead [the military brass] were chaptering a lot of them out for misconduct. The regulation is AR 635-200, chapter 14-12C: Commission of a Serious Felony. Urinating from marijuana one time is, by definition, commission of a serious offense. I disagreed with that [policy] wholeheartedly.

Soldiers also were being cashiered for a so-called “personality disorder.” After the interest of Congress was piqued by what a lawsuit in which Vietnam Veterans of America was the main plaintiff and derided this as a wholesale and unjust policy, the incidence of personality disorder discharges dipped way down – only to be replaced by discharges for so-called “adjustment disorders.” If memory serves, Davis points out, “Chapter 5-13 is for personality disorder and 5-17 is sort of a catch-all for other physical or mental disorders.

“If you’ve got a guy suffering from PTSD but he’s feeling that he won’t be looked at in the right way for going and seeking mental help, we are going to kick him out rather than send him to a Medical Board to see if he is actually suffering from PTSD,” Davis recalls. “I saw that a lot, and it got under my skin.

“When I saw the opportunity that I could maybe right some of those wrongs when we were setting up our policies on who we would take into our veterans court,” the assistant district attorney says, “I suggested to the group that we shouldn’t depend solely on characterization of service as to who we would take in or whether or not they were discharged for misconduct.”

Instead, he advised, “Take a look at what their issue is, how it’s related to the offence, and not even look at whether or not they had a percentage rating for a service-connected disability.”

### What about those veterans who are not eligible for VA health care?

In some jurisdictions, like Harris County, Texas, veterans “have to be eligible for VA health care,” says Lori Coffman. She’s women veterans coordinator, personal trauma coordinator, and the homeless veteran coordinator with the VA’s Veterans Benefits Administration in downtown Houston. “That’s part of the veterans court program here.”

In some jurisdictions, some 20 percent of justice-involved veterans are ineligible for health care and other benefits from the VA. Jurisdictions that accept these vets in their veterans court have to have the funds to pay for the various therapies these vets may require, or they have to enlist agencies and other individuals and entities that can provide these services either gratis or on a *pro bono* basis.

### What if we don’t have enough veterans in our jurisdiction to warrant creation of a Veterans Treatment Court?

“One of the things that you have to identify early on is, What is your veteran population?” Judge Marc Carter says. “If you’re in a San Diego, a Houston, an El Paso, a Georgia, a North Carolina, places where veterans go and retire and live and come from, places like Arizona and California — anywhere in California — if there’s a significant population, then you need to have a veterans court.

“It’s understandable that if your jurisdiction has limited resources and very few veterans, it’s just not going to make sense. That’s okay,” he says. “Yet even a small county that wants to help their veterans and get them into treatment programs can still have some kind of Memorandum of Understanding for a particular individual on supervision so that they can get the treatment that they need.

“That’s the other thing. A lot of small counties don’t have money for treatment programs. They would be best served,” he suggests, “if they seek and find VA services so they can at least treat the veterans that they have in their community.”

**“I suggested to the group that we shouldn’t depend solely on characterization of service as to who we would take in or whether or not they were discharged for misconduct.”**

### More than a few veterans don't even realize that they are veterans. What are the best ways to identify them — and get them to self-identify?

“There are a lot of veterans out there that don't consider themselves to be a veteran or don't think that they are a veteran,” says Lori Coffman of the Veterans Benefits Administration in Houston. “A lot of them think they had to be in battle to get benefits, so they don't even consider themselves a veteran. So anywhere, any place I can reach out to a veteran who may not have any knowledge they may qualify, that hits it for me, because I'm a U.S. Army veteran myself.”

“I know what benefits a veteran may be entitled to,” she says. “There are a lot of veterans who may already have benefits but don't know they're entitled to other benefits. Or they don't know that they can file for an increase. I'm always looking to see if there are other benefits that these veterans might be entitled to that they don't know about.”

### What is the effect of veterans courts on recidivism? How can this be measured?

Recidivism can be a relative term, contends Judge John DeMarco of the Veterans Treatment Court in Rochester. “It depends how you define it. If it's recidivism because someone who served time, is then released, and has committed a new crime, that's one way to count it. In a treatment court, I think you measure how much progress you make from a treatment standpoint. My sense is that measurement in and of itself is not the whole picture, because if you're sitting where I'm sitting

and you see the way these folks are when they come in and you see them when they leave, their lives have changed.”

“It's hard to quantify the reduction and recidivism rates,” Montgomery County, Pennsylvania, District Attorney Risa Vetri Ferman reasons. “We've seen individuals coming back with PTSD, with Traumatic Brain Injury, with significant drug and alcohol problems. Those are individuals that, if we don't get them the help that they need, are likely to offend, to reoffend and reoffend. So by early intervention, as early as we possibly can, by getting them the kind of rehabilitative support that they need, we're not just saving a lot of dollars from incarceration but we're reducing crime down the road” — and the number of future victims — “because we're going to stop that cycle that they've started to engage in.”

Adds Tim Donaher, the Monroe County Public Defender, “When I go to the graduations and I see the men and women graduate from all of the specialty courts, I look at that as a huge success when I know that most of those men and women, but for those courts, would just cycle in and out of prison dealing with their issues,” he says. “And prison doesn't solve any of these mental health or drug addiction issues.”

“But most people, they're only going to look at the number of people who have successfully completed [their veterans court regimen] given the total number of admissions and recidivism rates. Studies of drug specialty courts,” he notes, “have established that certainly recidivism rates are lower, and that is obviously an important measurement of success.”

“For me, however, just anecdotally, too many veteran clients would be in prison if it weren't for vet court.”

Looking just at the numbers, offers Phil Ippolito, the assistant mentor coordinator for Buffalo Veterans Court, the recidivism rate there is “incredible — only two re-arrests out of 104 people that have graduated.” And, he points out, “75 percent of people who are released from prison or jail are back in jail or prison within two years.”

Considering just this statistic alone, declares Jack O'Connor, mentor coordinator there, “How could you not buy into this kind of concept? Once their bulb goes on in their head, they stay clean. They're beyond their issues of war.”

Former Pennsylvania Congressman Patrick Murphy puts it bluntly: “I measure success by the veterans who graduate from veterans court and are not back in front of the judge for other offenses. And if they are back in court, they're there as mentors. You cannot beat their re-offender rate in any other alternative program out there,” he declares. “Vet courts are life-changers for veterans, many of whom fall through the cracks when they come home.”

“In the military, we follow the ethic, Leave no one behind. And as a social-justice Catholic, the Bible tells me the same thing,” Murphy says.

### How does a veterans court save a jurisdiction money?

“It's impossible to describe the benefit to the community just in terms of the savings between what it would cost to put somebody in the Department of

Corrections, to incarcerate them for long periods of time or to get them up on their feet,” says Leo Martinez, the lead veteran peer mentor for the Veterans Trauma Court in El Paso County, Colorado.

“Right now,” says Kisten Born, Veterans Trauma Court coordinator, “probably three quarters of our guys are on deferment. They would’ve been in prison at a cost of about \$64,000 a year. If our entire budget for the veterans court here last year was \$270,000 and we have 75 guys who are not costing \$64,000 a year to incarcerate, I can’t really do the math right now, but that’s a pretty hefty savings, I’d say.”

At the same time, adds Elizabeth Burek, project director of the Veterans Treatment Court in Rochester, New York, these courts can save a jurisdiction, a community “a considerable amount of money. We have veterans who come back to Rochester who are homeless, who are committing crimes, who are in and out of jail, who haven’t collected their VA benefits, haven’t registered for health care, are on the county system. The county is paying for them. If we can take them and transition them into applying for their benefits, applying for any type of disability that they may have, applying for their health care, getting them housing, we’re saving the county all kinds of money. I mean, that’s a no-brainer.”

### **How does having a Veterans Treatment Court benefit communities?**

Benefits can be measured in more than monetary savings. “There’s so much reward for the whole community,” says Buffalo Legal Aid Bureau’s Danielle

Maichle. “People talk about a ripple effect, and you see that when somebody who gets themselves clean and sober starts a business, like one of my clients who started a roofing business – Veterans Roofing, I think he’s calling it. Their children are being raised by parents who are clean and sober and doing well. And you’re going to see benefits way down the line. For me, the amount of money that you put in, you’re going to see so much more come out.

“One day, I’m out at lunch. I run into one of my clients. ‘You don’t remember me, do you?’ he says. Of course, I don’t remember his name. I asked him how he’s doing. And he says, ‘You know, I have almost 20 years clean and sober. And I’m doing so well.’ He looks great. I mean, that is the most satisfaction I could ever have.”

“Graduates of our veterans court have become leaders in the community for different organizations or nonprofits,” offers Tony Solomon, a combat veteran who did two tours in Iraq and is now director of the Houston-Harris County Veterans Behavioral Health Initiative, a program of Mental Health America of Greater Houston. “They feel their lives have changed for the better, and they want to give back and be that big brother to other veterans in the program.

“One guy in particular who is a graduate of veterans court, Arthur Davis, has had a huge [effect] on some of the people here in their lives, in their progress through this treatment court.”

And look at it this way: “You’re going to have some crimes when a veteran or active duty troop has come back from deployment,” says Oliver Robinson, a

deputy district attorney in Colorado’s 4<sup>th</sup> Judicial District. “He’s abusing alcohol or some other substance. He’s fighting. He’s getting into domestic violence with his wife. In these cases we always want to make sure we have the victim’s input and agreement before we send them to veterans court.”

This veteran is caught one day driving under the influence. He’s placed under arrest. His case comes to up for consideration to be placed in the Veterans Treatment Court – the Veterans *Trauma* Court in Colorado Springs. “If you can capture certain types of cases like this, and you treat this person’s mental health issues, his substance abuse issues, and behavioral issues,” Robinson offers, “he won’t reoffend – if you are successful in your treatment.”

### **This should be obvious, but just how does a Veterans Treatment Court benefit families?**

“Family resilience is a big problem that veterans are facing,” Tony Solomon says. “When you come back from a deployment, the makeup of your family is a lot different and you are different. The relationships between your significant others and the children are different. You have to be able to understand how your experiences as a warrior and the trauma you were exposed to change how you’re a father now or a son or a brother or sister.

“We have to educate the family about PTSD and depression and anxiety and trauma and how together, through therapy or whatever path a couple decides to go down, we can save a marriage, and we can save relationships,” he adds.

One of the most important things we can do in a Veterans Treatment Court,” says Risa Vetri Ferman, the Montgomery County, Pennsylvania, District Attorney, is “reconnecting the veterans with their families, with their goals, with their ambitions, and allowing them to be productive, contributing members of society and their families. I know there’s so much damage that can be done by one individual in a family struggling with mental illness, with substance abuse, and with wartime trauma. So by helping our veterans battle and beat those demons, we are putting families back together.”

### What are the key factors to the efficient operation of a Veterans Treatment Court?

“It’s teamwork, absolutely,” says Cindy Clark,” the supervisor of the Harris County Community Supervision and Corrections Department. “Number one, you have to have a team with good communication skills. We have to be able to work together, and be willing to work with the clients.

“You can’t have a weak link,” Clark stresses. “You can’t have a coordinator who’s not keeping up with the docket. When everybody decides there’s a sanction that needs to be done, you can’t have a judge who’s not sanctioning. You can’t have a Veterans Justice Outreach person who’s not following up with what’s going on at the VA. You can’t have a defense attorney who’s not getting an occupational driver’s license when a client needs one in order to work. You can’t have a probation officer who’s not getting the UAs, the urine analyses, done properly or not keeping up with their documentation.

“It’s all about teamwork and everybody doing their part — and communicating,” Clark says. “I think that’s a key to keeping our court going so that we can be successful for our clients.”

### How do we measure success of a Veterans Treatment Court program?

Statistics, says Harris County, Texas, Assistant District Attorney Coby Leslie, “never tell the whole story. But you’re never going to get the full picture with anecdotes either. For every gleaming success story, you can probably find plenty of counter examples of a person who failed the program miserably and all of your efforts were absolutely wasted.

“We do not have the kind of psychic ability to look at a defendant and say this person is going to be successful so we dump all this money and resources into them, but this other person is not,” Leslie says. “Just because somebody graduates in the program and completes their pre-trial diversion or probation is zero guarantee that they’re not going to do something bad in the future.”

At the same time, says Judge Marc Carter, “the key to a successful veterans court is to create a community for them to live in and stay connected with, especially if you’re talking about long-term success. Because when they’re involved in the veterans court and they’re connected to the VA and connected to the community and then they graduate from the program and they move and they become less and less connected, what happens is they don’t get the pat on the back, the positive reinforcement that they need, that we all need.

“Once they become disconnected with that community and don’t get the pat on the back,” the judge adds, “there’s a greater likelihood that they will re-offend, meaning relapse, re-use, and revert back to that isolation. They’re lonely, and are not reaching out. So the key to success is to create a community for your veterans.”

“I want to help my veterans as much as I can,” offers Marty Guzman, a 20-year Army veteran and a veteran of 23 years as a community supervision officer with the Harris County Community Supervision and Corrections Department. “I see them when they first come into our veterans court. They’re really in bad shape. They’re very reserved, very withdrawn. And they’re angry, angry at the ‘system.’ They don’t want to talk to anybody, and they [often] have a hard time being in compliance, I guess because of this resentment and anger that they have, until they realize that we’re here to help them, not put them in jail.

“When they see that they mess up and we give them only a sanction, but it’s a sanction that they can live with — it’s not a jail sanction unless it really gets serious — then they start being a little bit more trustworthy. But,” he cautions, “it takes time. It takes a couple of months before they finally realize what we’re about. They read letters to promote to the next phase, and they read them to the judge [in the courtroom], and right there you can see the difference in them from phase one to phase four.

“You can see in between the lines in the letters how they have changed from day one. And nothing is more satisfying than it is right here,” Guzman exudes, “because I know we’re doing the right thing.”

## IT IS NOW AS IT WAS THEN



*Kurt Runge, a probation supervisor in the 4<sup>th</sup> Judicial District in Colorado, recounts a story that somebody told me when we were starting this veterans court program here.*

IN ANCIENT ATHENS, their soldiers that fought against the Spartans encamped outside the city walls because the population of Athens felt that the city wasn't safe to have the soldiers camp inside because of what they did on the battlefield. So they wanted to segregate that population.

I think that to some degree, this was an analogy for what we do today. When our soldiers return home, we're scared to allow them to enter our city walls, as it were, by putting them in jail or in prison rather than trying to solve the problems that they brought back with them from their battlefields.

My grandpa talked about my uncle in World War. He was a Marine. He fought in Tarawa. It was getting towards the end of the war and the Marines thought that they would be coming home soon. And he remembered hearing reports that Eleanor Roosevelt had made a statement somewhere in the press that 'they' might hold the Marines back longer because they had heard of all the atrocities that happened in the South Pacific, how bad the battles were, with this take-no-prisoners kind of attitude that I think was pervasive among the Marines.

The Marines' homecoming was going to be delayed because they wanted to make sure that they were safe to return to their communities.

This fear among people at home has gone on for millennia, as long as we've had soldiers and wars. I think people realize that there's been some damage to those individuals. But we're not doing, I think, an adequate job preparing our communities to receive them when they come back. And part of that is preparing our justice system.

**“The key to a successful veterans court is to create a community for them to live in and stay connected with, especially if you're talking about long-term success...”**

## ONE FINAL THOUGHT

“Veterans court is not going to save everybody. But certainly it offers an opportunity to the ones that are probation-eligible and agreeable to treatment, the ones we can help. And we have an obligation to help as many of them as we can.

“I have the best job in the courthouse because I get to see miracles happen every day. This is probably the most rewarding work I’ve ever done.”

– Mary Covington, Court Coordinator, Harris County Veterans Treatment Court

## RESOURCES

The following websites should prove helpful to anyone seeking additional information about various facets of Veterans Treatment Courts.

### FOR VETERANS TREATMENT COURT PROGRAMS:

#### National Institute of Corrections

<http://nicic.gov/veterans>

#### Justice for Vets

<http://www.justiceforvets.org/vet-court-con>

- **10 Key Components of a Veterans Treatment Court (Justice For Vets)**  
<http://www.justiceforvets.org/sites/default/files/files/Ten%20Key%20Components%20of%20Veterans%20Treatment%20Courts%20.pdf>
- **Veterans Treatment Court Mentor Program (Justice For Vets)**  
<http://justiceforvets.org/veteran-mentor-courts>

#### Center for Court Innovation (CCI)

<http://www.courtinnovation.org>

- **National Drug Court Online Learning System (CCI)**  
<http://www.drugcourtonline.org/>

#### National Center for State Courts: Veterans Courts Resource Guide

<http://www.ncsc.org/Topics/Problem-Solving-Courts/Veterans-Court/Resource-Guide.aspx>

#### Buffalo Veterans Treatment Court Handbook & Mentor Handbook

[http://www.nadcp.org/sites/default/files/nadcp/Buffalo%20Mentor%20Handbook\\_0.pdf](http://www.nadcp.org/sites/default/files/nadcp/Buffalo%20Mentor%20Handbook_0.pdf)

#### Fayette County Veterans Treatment Court Manual

<http://www.co.fayette.pa.us/CourtAdmin/Documents/FAYETTE%20COUNTY%20VETERANS%20COURT%20MANUAL.pdf>

#### New York Veterans Treatment Court Mentor Program Handbook

<http://www.nysba.org/VetsMentorProgram>

#### Tulsa County Veterans Treatment Court Policy & Procedure Manual

<http://georgiacourts.gov/files/Monday/Ewing%20-%20Policy%20&%20Procedure%20Manual.pdf>

#### York County Veterans Treatment Court Program

[https://yorkcountypa.gov/images/pdf/vets\\_court\\_manual.pdf](https://yorkcountypa.gov/images/pdf/vets_court_manual.pdf)

## **FOR VETERANS:**

This website provides information for veterans who have issues readjusting to society and who are in a state of mental or emotional confusion and upset, and who may have suicidal thoughts. Call the veterans crisis line, toll-free, at: 1-800-273-8255, then press 1.

### **Veterans Crisis Line**

<http://veteranscrisisline.net>

The toll-free number to reach the VA is 1-800-827-1000. Other helpful VA numbers include:

- Debt Management Center: 1-800-827-0648
- Homeless Prevention Line: 1-800-424-3838
- National Caregiver Support: 1-855-260-3274
- Women Veterans Call Center: 1-855-829-6636
- Vet Center Combat Call Center: 1-877-927-8387
- Health Benefits Customer Service: 1-877-222-8387
- Education Benefits: 1-888-442-4551
- Inspector General Hotline: 1-800-488-8244

### **U.S. Department of Veterans Affairs**

<http://www.va.gov>

- **VA Polytrauma Program**  
<http://www.polytrauma.va.gov>
- **National Center for PTSD**  
<http://www.ptsd.va.gov/>
- **Veterans Justice Outreach Program**  
<http://www.va.gov/homeless/vjo.asp>

### **White House: Veterans & Military Families**

<http://www.whitehouse.gov/issues/veterans>

### **Substance Abuse and Mental Health Services Administration (SAMHSA): Military Families**

<http://www.samhsa.gov/militaryFamilies>

### **Vietnam Veterans of America**

<http://www.vva.org/>

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“Nothing would be as much fun any more without Rob to tell it to afterwards; and I felt almost as sorry for the world as for myself about Jack. **He had the big talent**, he was writing better than he ever had before, and I was sure he would have become one of the best American novelists. It was too much goodness and wisdom and humanity and talent to lose to an inconsequential, accidental single shell which had come over a hill... and plopped alongside the group of three officers looking at a map, wounding two of them slightly and killing him instantly.”

— Charles G. Bolte, *The New Veteran*, 1945

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**National Institute of Corrections**  
*www.nicic.gov*

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