



# Veterans Treatment Courts

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

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### EXECUTIVE SUMMARY



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**IT IS NO SECRET** that many veterans, after returning from a war zone and leaving the military, do not easily assimilate back into their community. They have difficulty adapting to the rhythms of home and family, if they even have a functional family to come back to. Too many seek solace in alcohol or drugs, self-medicating to cope with, to escape from, the mental and emotional abrasions of what they have seen and done, perhaps compounded by the very real pain of physical wounds or injuries — and the belief that the society to which they have returned neither accepts nor understands them.

And some run afoul of the law, and wind up butting heads with the criminal justice system.

In recent years, the realization has taken hold in jurisdictions across the country that unlawful acts, from misdemeanors to DUIs to relatively low-level, non-violent felonies committed by these damaged men and women, are associated not with personality flaws or elemental criminality or an inherent warped sense of right and wrong, but rather with self-destructive behaviors deriving from their up-close-and-personal experiences in the chaos of combat.

And this is the fundamental premise underpinning the establishment of Veterans Treatment Courts.

These diversionary courts have evolved from mental health courts and drug courts. They recognize that men and women in uniform who have been deployed into harm's way are as much victims as victimizers. If they are treated with wisdom and diligence, many can be made whole again. And can reunite with their families. And can again be a credit to their communities.

There are certain other outcomes that should be cited beyond the moral imperative that part of the debt that

we have as a nation is to do what we can to rescue these compromised veterans from the demons that have overwhelmed them. Prime among them are a significant decrease in recidivism, by whatever yardstick is employed to define the term, and the very real fiscal savings that can be realized by not having to incarcerate certain veterans if they comply with the programs of these courts and “graduate,” walking free with either a conviction on a reduced charge — or no conviction at all.

And these are the *raisons d'être* behind Veterans Treatment Courts.

The value of these courts, and the elements that enable them to fulfill their promise, are explored in the white paper we have called *Veterans Treatment Courts: A Second Chance for Vets Who Have Lost Their Way*. We do not employ a multitude of statistics and a multiple of charts and graphs. Instead, we tell the stories and offer reflections of men and women in the vanguard of a movement that one veterans' advocate, Patrick Welch, has called “the most profound change in the attitude of our criminal justice system towards veterans in the history of this country.”



*Patrick Welch, Ph.D., Lead Mentor, Veteran Advocate, Buffalo Veterans Treatment Court*

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Just what is a Veterans Treatment Court? West Huddleston, former CEO of the National Association of Drug Court Professionals and 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 courts — as of January 2016 there were some 260 of them in jurisdictions across the country, with a few hundred more in various stages of planning, development, and implementation — admit veterans and sometimes active-duty personnel who



*Photo Credit: US Department of Defense*

have a clinical diagnosis of a substance abuse and/or mental health disorder like Traumatic Brain Injury (TBI), the so-called signature wound of the wars in Afghanistan and Iraq, and Post-traumatic Stress Disorder (PTSD). Some courts will embrace vets who have the ultimate in bad paper, a dishonorable discharge; others will not, although some do accept veterans with lesser degrees of bad paper. Some courts might engage vets charged with misdemeanors; others limit their intake to those charged with low-level felonies. Some avoid those on a court docket for domestic violence; others don't. Just about all will not deal with vets charged with homicide, armed robbery, aggravated domestic assault, rape and other sex-related offenses, crimes committed against children.

Veterans Treatment Courts, Huddleston explains, promote "sobriety, recovery, and stability through a coordinated response that involves collaboration" with the various agencies of criminal justice, the Department of Veterans Affairs healthcare networks and the VA's benefits arm, state

departments or divisions of veterans affairs, veterans service organizations and other community-based organizations that support veterans and their families. Advises Lawrence Fox, Director of Treatment Courts for Cook County, Illinois, "Make sure you enlist the support of all your veterans service organizations and get them to the table in the planning process." Because they will be the principle source of the veterans who will volunteer to train and serve as peer mentors.

To establish a veterans court, judge and prosecutor have to be on board. Without these two players, one or both of whom must champion the creation of such a court, it will not happen. Key stakeholders need to be identified, acknowledged, and begin to confer at scheduled meetings. They have to set up a game plan, part of which is to gather relevant data to make the case for the need for and value of this court. But "you don't have to think you have to start big," cautions David Jordon, a retired district judge from East Lansing, Michigan. You can "start small and that's okay. It will grow."

### **Organizers should pose and seek answers to some very real issues and concerns up front:**

- 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 can we achieve buy-in from the key players, or stakeholders?
- Who *are* the key players?
- How critical are peer mentors, and a mentor-training program, to the operation of a Veterans Treatment Court?
- How will the court be funded? Will it require an outlay of dollars we don't have?
- How should we select good candidates for this therapeutic justice?
- 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 there be abuses and, assuming so, how can we anticipate and correct them?
- Will the community at large be accepting?
- Will the legal establishment be accommodating?

- 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?
- 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?
- If our champion retires or moves on, will the court itself dissipate?
- Does our county have the demographics that warrant such 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”?

Answers to these questions can be found in the full text of *Veterans Treatment Courts: A Second Chance for Vets Who Have Lost Their Way*, conceived by and written for the National Institute of Corrections. Answers can also be accessed at Justice for Vets at its website, [www.Justice4vets.org](http://www.Justice4vets.org); from Judge Robert Russell, the “godfather” of Veterans Treatment Courts and champion of the Buffalo Veterans Court, and his staff; and others, especially folks from Vietnam

Veterans of America (VVA) Chapter 77 in Erie County, New York, gents like Patrick Welch and Jack O’Connor, who have basically written the book on veteran peer mentors.

“As far as an unpopular war, you can talk about Vietnam however you want,” reasons Danielle Maichle, managing attorney at the Legal Aid Bureau of Buffalo in Buffalo City Court. “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.”

Beyond the contributions of each of the stakeholders, it is the mentors and the mentor training program, observes retired Judge Patricia Marks, founding member of the veterans court in Buffalo’s neighbor, Rochester, that are “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 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 their charges, unless one threatens to harm self or others, or commit a crime. They are, in essence, battle buddies who are there to “give a hand up, not a handout,” as Patrick Welch puts it.

Some of those who have successfully negotiated the phases of treatment court programs — and the challenges they face in their community — attest to the



*Manny Welch, Mentor, Buffalo Veterans Treatment Court*

importance of mentors. Manny Welch, no relation to Patrick, one of the first to graduate from any veterans court, offers: “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 Court.” He is now a peer support specialist for the VA.

**“[Mentors] are, in essence, battle buddies who are there to ‘give a hand up, not a handout...’”**

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*Veterans Treatment Courts: A Second Chance for Vets Who Have Lost Their Way* gives a thorough rundown of the roles of the critical players in Veterans Treatment Courts: the judge; the district attorney/prosecutor; defense counsel; police and sheriffs, and probation officers; VA staff. In one of its “In Their Own Words” segments, Harris County, Texas, Judge Marc Carter meditates on justice; in another, evaluator Michelle Slattery, who for six years has followed the processes and progress of the Veterans Trauma Court in El Paso County, Colorado, makes the case for the need for ongoing research.

The white paper also relates success stories “In Their Own Words,” along with a section devoted to salient Questions & Answers.” It concludes with this final thought from Mary Covington, Court Coordinator for the Harris County Veterans Treatment Court: “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.



*Nicholas Stefanovic, Judicial Assessment Specialist, Rochester Veterans Treatment Court*

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

One of the “miracles” is Nick Stefanovic. He is a graduate of the Veterans Treatment Court in Rochester. He is currently the judicial assessment specialist for the Rochester treatment courts in Monroe County, New York. Of his experience in the veterans court there he reflects: “A transformation happens to every single veteran if they comply with the program. You start to see the benefits of not using

“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.”

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“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.”

The full text of *Veterans Treatment Courts: A Second Chance for Vets Who Have Lost Their Way* will be available on the website of the National Institute of Corrections, which commissioned this report. It was 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, an entity of the Bureau of Prisons. The website can be found at [www.nicic.gov/veterans](http://www.nicic.gov/veterans).

– Bernard Edelman



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