Veterans Treatment Courts
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**COMBAT STRESS**

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Combat Stress is a quarterly magazine published in February, May, August and November with news and advertising designed with Service Members, Veterans and their families in mind. It appeals to all those interested in the myriad and complex interrelationships between combat stress because technical jargon is avoided and it is easy to understand. Combat Stress is archived online at stress.org. Information in this publication is carefully compiled to ensure accuracy.

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As we end 2017, the Editors of *Combat Stress* invite our readers to share this issue with every Veteran, judge, lawyer, medical and mental health clinician, and Veteran Family you know.

This issue presents information by key personnel from across the nation who have helped to build and to currently staff Veterans Treatment Courts (VTCs). These courts have been growing in number and locations across the United States since 2008, yet remain largely unknown as an alternative pathway for Veterans whom have been charged with non-capital crimes and who agree to undergo treatment in lieu of incarceration. They offer Veterans charged with crimes a second chance, a full complement of resources on their path to recovery, support teams, and a means of having their charges removed so they may resume their place and respect within their communities.

The first VTC was established in Buffalo New York by Justice Robert T. Russell, himself a Veteran. Over the past decade, this model has been adopted by hundreds of counties in which teams of lawyers, Veteran Mentors, Veteran Justice Outreach Specialists, and judges in VTCs have developed treatment programs and resources in partnership with community, state and federal agencies. With their support, Veterans can navigate their way out of the criminal justice system, locate employment and housing, and purge their criminal records upon completion of a structured treatment program, typically 18-24 months in length.

Within this issue are the impassioned voices of long time Veteran advocates who have worked tirelessly in seeking justice in our courts. These include Veteran and nationally renowned attorneys and judges, Attorney Brock Hunter (Minnesota), Judges Dennis Adkins (Ohio), Gary Loxley (Ohio), and Evelyn Stratton (Ohio); Veteran Mentor and trainer Bill Howerton (Georgia); and Veteran mother and founder of Project Rise Above, a community nonprofit supporting VTCs, Fran Wesseling. Each describes their history of service to Veterans, their involvement in Veteran Treatment Courts, and the need for expansion of community understanding and involvement. They emphasize the power of teams in supporting our Veterans to break free of substance abuse, mental health issues, unemployment, homelessness, and isolation, all of which contribute to criminal charges, convictions, and incarceration.

We urge Veterans who are looking for a way to continue to serve their communities and country to consider volunteering to serve as Veteran Mentors in those counties offering VTCs, and/or to join forces with fellow Veterans to establish VTCs in counties that do not yet offer this alternative path for your fellow Veterans. They need you.
Echoes of War

Combat Trauma, Criminal Behavior and How the Justice System Can Do a Better Job This Time Around

By Brockton D. Hunter

“The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of early wars were treated and appreciated by our nation.” —George Washington

1. This article provides a brief overview of the unique problems facing criminally-involved veterans with service-related disorders and how the criminal courts are evolving to better meet their needs. For a much more thorough treatment of these issues, see Defending Veterans in Criminal Court (Brockton Hunter & Ryan Else, eds., 2014). To learn more about the Defending Veterans book or to order a copy, visit the Veterans Defense Project web site at www.veteransdefenseproject.org.
Introduction

For as long as warriors have returned from battle, some have brought their war home with them, bearing invisible wounds that haunt in the present. These echoes of war—manifested in self-destructive, reckless, and violent behavior—reverberate through society, destroying not only the lives of these heroes, but their families and communities.

A new generation of warriors is now returning home and there is good reason to believe more of them will bring their war home with them than ever before. Unlike previous generations of warriors, this one is relatively small, yet it will have fought the two longest wars in our country’s history—simultaneously. Without the draft we relied on in past wars, the burden of the fighting falls on fewer shoulders, with many veterans of this generation serving multiple combat tours. We have also called on them to fight in the most hostile of environments—from the sweltering streets of Iraq, to the frigid high mountains of Afghanistan—facing fanatical enemies prepared to die for their cause. Many of this generation will have survived combat injuries that would have killed them in the past, but will nonetheless bear the psychological scars of their brush with death. Their modern combat training and conditioning ensured that they killed when called on to do so, yet did little to prepare them for the emotional and psychological costs of taking human life.

History tells us that, while the majority of our new generation of veterans will return home stronger and wiser from their service — becoming immediate assets to their communities — many others will bring their war home with them, silently suffering from invisible injuries. Untreated, some will self-medicate with alcohol or drugs and act out in self-destructive, reckless, and sometimes violent ways, victimizing the very communities and individuals they were once willing to sacrifice their lives to protect.

Though psychological trauma has long been a recognized consequence of combat within most societies, including our own, it has remained a taboo—a painful and inconvenient reminder of the true cost of war to be quietly swept under the rug of history. Veterans struggling to cope with the horrors they witnessed on the battlefield have often come home to families and communities both unable to understand and eager to move on. When their trauma manifested in criminal behavior, as we now know it commonly did, these troubled heroes have frequently been demonized and discarded by the criminal justice system — exiled to prisons, asylums, or chronic homelessness — out of sight and out of mind.

Today, entering the aftermath of the Iraq and Afghan wars, those working with Veterans in the criminal courts are blessed with the hard-won lessons of our predecessors and a growing body of supporting evidence. Experts in the fields of history, sociology, psychology, and medicine are rapidly converging around a new consensus about the effects of war on the warrior.
Strikingly, some of the most significant current data comes from the U.S. government itself. In July 2012, the National Academy of Science's Institute of Medicine (IOM) released a comprehensive report on PTSD in military and Veteran populations from the Iraq and Afghan wars. It paints a stark picture. According to the IOM report, more than 2.6 million Americans have now served in Iraq or Afghanistan, and up to 20%, approximately 500,000, of this new generation of veterans are suffering from PTSD. The report also acknowledges that, because of underreporting and delayed onset of PTSD, the true numbers are likely higher.

In addition to providing a sense of scale for the coming wave, the IOM report acknowledges the long-denied connection between combat trauma and criminal behavior — noting that PTSD rarely exists in a vacuum:

Three categories of conditions frequently co-occur with PTSD: psychiatric (depression and substance use disorders), medical (chronic pain, TBI, and spinal-cord injury), and psychosocial (relationship problems, difficulties in social settings, intimate partner violence [IPV], child maltreatment, unemployment or lack of employment, homelessness, and incarceration).

Moreover, Justice for Vets, the clearinghouse for our nation’s Veterans Treatment Courts, reports that one in five veterans has symptoms of a mental disorder or cognitive impairment, one in six Veterans from Operation Enduring freedom and Operation Iraqi Freedom suffer from a substance abuse issue, 81 percent of justice-involved Veterans had substance-abuse problems prior to incarceration.

Informed by this large and rapidly growing body of evidence about combat trauma, including its ties to criminal behavior, we can now make an unprecedented case for the simple and, I would argue, obvious proposition — when we train and condition our fellow citizens in the use of violence, then send them into the horrors of war to perform unimaginable tasks, we should not be surprised when some bring their wars home with them and act out against their own communities.

In counterbalance to this sobering acknowledgement of combat trauma’s ties to crime, today we are also blessed with a spectrum of emerging, evidence-based treatments which show great promise for helping this generation’s troubled warriors leave their wars behind, while better protecting public safety and saving money, in the process. We can do better this time around.

The question we now face in criminal courts across the country is what to do with Veterans whose criminal offenses are tied to their untreated psychological war injuries and related addictions. Do we repeat the mistakes of the past, demonizing and discarding this generation as we did past generations of troubled war veterans? Or do we pursue a more informed approach: harnessing our newfound knowledge of combat trauma and focusing on intervention and treatment over conviction and incarceration? The IOM study provides
guidance here, too, stating, “outreach to Veterans who have PTSD and who are incarcerated or have been recently released may help them to access comprehensive treatment and rehabilitation options to improve functioning and reduce the risk of recidivism and future legal problems.”

Our criminal justice system can and must be better prepared this time around. History tells us that we will struggle with the coming wave of troubled Veterans for at least the next five years. Whether we are still struggling with their invisible injuries 20, 30, or 40 years from now, however, will depend upon how well we learn the lessons of the past and implement our newfound knowledge to help this generation’s troubled heroes put their wars behind them and become assets, not liabilities, to their communities.

**Learning Lessons from Vietnam and Its Aftermath**

In order to understand what we face in the coming aftermath, a logical starting point is Vietnam, our nation’s last major war. Between the unpredictable, “guerrilla” nature of the fighting and the lack of public support at home, the war in Vietnam was a shattering experience for many who fought there; one that continues to haunt some 40 years later.

Though experts debate the statistics, among the 3.5 million Americans who served in Vietnam, estimates of those who later suffered from PTSD range from 500,000 to 1.5 million cases. According to the landmark *National Vietnam Veterans Readjustment Study* (NVVRS), a Congressionally-mandated Veterans Administration (VA) study conducted in the late 1980’s, 31 percent of male Vietnam veterans and 27 percent of female Vietnam veterans have been diagnosed with PTSD in their lifetimes. The NVVRS also identified some of the first definitive evidence of a connection between combat trauma and criminal behavior, reporting that, among Vietnam Veterans treated for PTSD by the VA, almost half had been arrested at least once, 34.2 percent more than once, and 11.5 percent had been convicted of a felony.

After PTSD was formally recognized in 1980, attorneys began to mount the first formal PTSD-based defenses. Unfortunately, the innovators of the PTSD defense were few, while the numbers of traumatized Vietnam veterans flooding into the justice system was overwhelming. Most did not receive innovative defenses and were often demonized and discarded into the corrections system. We were scared of these Veterans, and we had little idea how to treat them. Instead, we threw them in cages and hoped that their problems would fade away. But most emerged from incarceration worse off and posed greater threats to public safety than when they entered. So began the cycle of recidivism that would come to dominate many Vietnam Veterans’ lives.

The side effects of Vietnam Veterans’ untreated trauma have cost the rest of us, as well. Countless families have been destroyed, jobs lost, and taxpayer dollars spent on treatment that came too late to make a difference for many. This is particularly tragic in the criminal justice context where early criminal
charges may have been an opportunity for intervention before more serious offenses or devastation occurred by using probationary sentences to ensure compliance with treatment.

Today, America appears to have learned valuable lessons from the Vietnam experience. We are awakening to the tragic, long-term consequences of abandoning the Vietnam generation and are embracing them with long-overdue recognition of their sacrifices. We now recognize that in a healthy democracy, our elected leaders bear the responsibility for strategic policies, not the Servicemen and women who dutifully and selflessly carry them out.

Growing numbers of Americans are reflecting on the mistakes made with the Vietnam generation and are professing a commitment to “support our troops” this time, whether we personally support the current conflicts or not. We are recognizing that to move this support beyond a bumper sticker slogan, we need to apply our lessons from history and newfound knowledge about combat trauma to help the most troubled of our returning Veterans when they come into contact with the criminal justice system. We are recognizing that to deny the frequent connection between combat trauma and subsequent criminal behavior is to deny the evidence and, even worse, to discard another generation of troubled heroes. The stigma of invisible injuries is often a major barrier to troubled Veterans seeking help.

While Vietnam and its aftermath provide us with valuable perspective for what we face as Iraq and Afghan Veterans come home, we have much to gain from an even broader historical perspective. The Vietnam generation, as it turns out, was not the first to return home and fall headlong into the justice system.

A Broader Historical Perspective of Veteran-Committed Crime

Historical research reveals a pattern of Veteran-committed crime waves following every major conflict. Though scientific studies have only recently been conducted on this issue, a look back at history through this lens clearly reveals this pattern.

Following the American Revolutionary War, one author noted a marked increase in crime that caused many states to institute new laws and penalties in response. A Revolutionary War Veteran, describing conditions in South Carolina after the war, wrote, “highway robbery was a common occurrence, and horse-stealing so frequent that the Legislature made it a crime punishable with death.”

Studies conducted after the Civil War, World War I and World War II found a disproportionate number of Veterans involved in the criminal justice system. Following the Civil War, a great wave in crime and disorder was documented. One prison in Pennsylvania reported a large influx of prisoners in the last three months of 1865, “most in poor physical condition, and nine-tenths incapacitated and demoralized by the war.” In 1866, they reported an unprecedented influx, three-fourths of whom had
The American Institute of Stress is an executive producer of Body Electric: Electroceuticals and the Future of Medicine, a documentary film aimed to revolutionize the way we think about health and the human body. This 68 minute movie, by British producer/director/writer Justin Smith, is now available online, and the DVD will soon be available for purchase through AIS.

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fought in the war and were “shattered” by their experiences. Nationwide, in 1866, two-thirds of all commitments to state prisons in northern states involved men who had seen service in the war.

Many Civil War Veterans also headed west after the war. In fact, they are largely responsible for putting the “wild” in the “wild west.” Jesse James and his brother Frank, for instance, served in a Confederate guerilla unit similar to today’s special operations forces. When the war ended, they and other members of their unit formed the James Gang and headed west, plying their war-honed skills in robbing trains, stagecoaches and banks.

A similar pattern of Veteran-committed crimes was noted in Europe following WWI. In 1920, one English writer observed:

The war has destroyed with a hand more desolating than the Black Death or the most terrible plagues of history. But its consequences do not end with destruction. The people who have taken serious part in it are not the same people as those who went into it. . . . They are changed peoples. They have passed through an experience which has altered habits, temper, outlook, in five years, more than fifty years of ordinary life would have altered them. Some of the consequences of that experience are obviously bad. The epidemic of crimes of violence is the natural sequel of war, for men learn in that school to think little of life. The same increase of crime of this kind followed the Napoleonic Wars both here and in France.

In the United States, post-WWI veteran-committed crimes were also a cause for grave concern. The President of the Institute of Criminal Law and Criminology, in his annual address in 1919, stated:

Last year saw the ending of the War. From England to France, and in our own country, statistics have been gathered which show that serious crime, which had been on the decrease during the period of the War was again stalking in the foreground. . . . The newspapers are filled with accounts of crimes of such daring and boldness as to make the average citizen stand aghast at the manner in which the security of life and rights of property are ruthlessly disregarded and imperiled.”

A study entitled Military Service and Criminality, published in 1952, a few years after WWII, tallied the number of men committed to 11 prisons in the upper-Midwest during 1947, 1948 and 1949 and found that fully one-third of them were Veterans. Similarly, a study of Vietnam veterans receiving care for PTSD in the VA system during the mid-1980’s found that almost half of all Vietnam veterans suffering from PTSD had been arrested or in jail at least once, 34.2 percent more than once, and 11.5 percent reported being convicted of a felony.

In the case of the Vietnam generation, involvement in the criminal justice system has lingered for decades. A 1998 Department of Justice study found that
more than 20 years after the war, approximately a quarter of a million Veterans, a large portion from the Vietnam era, were still housed in our nation’s prisons.

Those who attempt to deny the link between war trauma and crime, often cite this same 1998 Department of Justice study, pointing out that Veterans are imprisoned in smaller percentages than the civilian population. What they overlook, however, is that since WWI, the military has aggressively screened out those it deems psychologically or morally unfit. During the call-up for World War II, for instance, 1,681,000 men were rejected and excluded from the draft for emotional, mental, or educational disorders or deficiencies. Another 500,000 were subsequently separated from the Army during training on psychiatric or behavioral grounds. This recruit screening continued through Vietnam and into our current conflicts. Thus, any direct comparison of incarceration rates between Veterans and the civilian population is flawed. Given the military’s screening, the fact that Veterans are incarcerated at even close to the same rates as the civilian population is alarming and is prima facie evidence that military service, itself, played a role.

The most recent and definitive tie between combat trauma and criminal behavior comes from the military, itself. In 2009, following a highly-publicized wave of homicides and other violent crimes committed by recently-returning combat Soldiers on and around Fort Carson, Colorado, the Army commissioned a study called the Epidemiological Consultation, or EPICON, for short. Epidemiology is the branch of medicine that seeks to study the factors affecting the health and illness of entire populations. Most of the time, epidemiologists focus on infectious disease, but increasingly the Army has used its experts to look at behavioral health issues. A team of 24 physicians and Ph.D.s from Walter Reed Institute of Research descended on Fort Carson, studying Soldiers who had acted out violently, looking for common factors.

The EPICON team, first, found that violent crime among the Soldiers at Fort Carson was well outside normal levels of crime in civilian society. The murder rate for Fort Carson had doubled since the start of the Iraq war. Rape arrests had tripled and stood at nearly twice the rate of other Army posts.

Second, the EPICON team ruled out the “bad seed” theory. Long a favorite of military commanders, the “bad seed” theory posits that the only troops acting out criminally were troubled before their military service and would have acted out whether they had served or not. The EPICON team found no such common tie. Soldiers who had acted out had disparate pre-service criminal backgrounds and mental health issues. They also came from diverse racial, socioeconomic, and educational backgrounds.

The common thread among all those who had committed violent crimes was that they had seen serious combat. From a public health standpoint, combat seemed to be a contagion. PTSD, drug and alcohol abuse, violence, and murder were just the symptoms. The
more Soldiers were exposed to combat, the more they showed the effects.

The EPICON study also concluded that the crimes reported on and around Fort Carson were just the tip of the iceberg. Of the Fort Carson Soldiers surveyed, 40 percent reported choking, beating, kicking, or pointing a gun at someone—in other words they had committed some kind of felony assault.

In the end, the EPICON team found two major factors contributed to post-deployment violent behavior: (1) repeated deployments and (2) the intensity of combat in those deployments. The study concluded with a carefully worded assertion that “[s]urvey data from this investigation suggest a possible association between increasing levels of combat exposure and risk for negative behavioral outcomes.” In other words, the military finally confirmed what civilian sociologists had long believed: combat contributes to crime. Soldiers come home different. By sending young men and women to war, a country is unintentionally bringing violence back on itself.

**Doing a Better Job with Veterans in the Justice System – Criminal Charge as Intervention Opportunity**

Once a warrior leaves the military, he or she often carries his or her warrior values into civilian life. Suffering Veterans may strive to overcome PTSD symptoms on their own, reasoning that if they could survive combat, they can handle “mere mental problems” without outside assistance. Some tragically feel guilt for surviving the war, when their buddies did not, and believe that they don’t deserve to get help — that they don’t deserve to have a happy life.

A criminal charge in this context presents an opportunity for intervention. With a criminal charge, comes leverage to convince a troubled Veteran to admit that he or she has a problem and needs help. These are typically very proud, honorable people who are deeply troubled by their criminal behavior and the resulting charge(s). When properly approached, they are often more willing to admit they have a psychological problem related to their combat service when presented with the alternative of being labeled a “criminal.”

The opportunity to avoid a criminal conviction or a lengthy jail sentence can be a key to a Veteran embracing his or her condition and accepting the available treatment. In this way, a criminal charge can often be an effective tool to finally get troubled Veterans the help they need.

Prosecutors or judges unfamiliar with PTSD or the available, effective treatments will sometimes focus on short-term public safety and push for jail time. What they don’t understand is that, without proper treatment, a Veteran’s PTSD is not going to fade away. It will persist for years, even decades. In many cases, if not most cases, it will last a lifetime. Jail time has very little deterrent value for this population of offenders. They will likely come out of jail in worse shape than they went in, presenting as great or greater a threat.
to public safety. Treatment is the only chance to break the cycle.

The Evolving Legal Landscape for Justice-Involved Veterans
Fortunately, many in the American justice system have already recognized our past mistakes and the opportunity to do better this time around. Today, we see a growing movement across the country to change the criminal justice system’s response to troubled Veterans who commit crimes.

In 2008, this writer, along with a handful of other Minnesota Veterans, joined forces to draft and lead passage of a new law, Minnesota Statute § 609.115, subdivision 10, which opens up formal lines of communication between Minnesota’s criminal courts and the VA system, requiring that a Veteran’s service and resulting invisible injuries be taken into consideration at sentencing. In doing so, we followed the lead of California, which passed a similar statute in 2007. The goal of both new laws is to ensure that a mental health diagnosis and available treatment options are taken into account in sentencing a Veteran whose combat trauma played a role in his or her criminal offense. The laws do not mandate a particular outcome but, instead, give judges the tools to make an informed decision, recognizing that treatment and probation are often preferable to a single stint of incarceration in ensuring long term public safety. The statutes are not “get out of jail free cards” for Veterans. Completion of VA or other appropriate treatment is a condition of each Veteran’s probation. Failure to follow through results in all the traditional consequences of the criminal conviction. Many more states have since passed similar Veteran sentencing mitigation statutes modeled after Minnesota and California.

On November 30, 2009, the U.S. Supreme Court, recognizing this legislative trend, handed down the landmark decision of Porter v. McCollum — the Court’s first addressing combat trauma in criminal sentencing. The Porter Court overturned the petitioner, George Porter’s, death penalty, finding that his trial attorney’s failure to bring evidence of his Korean War service and resulting combat trauma into the penalty phase was ineffective assistance of counsel. In ruling that combat trauma should be considered as a mitigating factor in criminal sentencing, the Court referenced the recently passed legislation in Minnesota and California.

Veterans Treatment Courts
The next step in the evolution of this new, informed response has been the establishment and explosive growth of Veterans Treatment Courts. Modeled on long-established Drug and Mental Health Courts, Veterans Treatment Courts focus on addressing participants’ underlying conditions, rather than just punishing their behavior, thereby substantially reducing the likelihood they will reoffend in the future. The key difference between Veterans Treatment Courts and other specialty courts is the direct participation and partnership with the VA, which provides most of the treatment for Veteran participants.

The first Veterans Treatment Court, in Buffalo, NY, evolved out of Judge Robert Russell’s experience with Veterans who participated in either the Buffalo
Drug Treatment Court or the Mental Health Treatment Court or both. He realized over time that Veterans needed a different kind of supervision and support, increased collaboration with law enforcement and the Veterans Administration, and speedy identification and referrals for eligible Veterans into treatment. He decided to transfer Veterans’ cases, that traditionally would be sent to the Drug or Mental Health Treatment Courts, to a centralized singular calendar of all eligible Veterans. He hoped this would allow his court to focus on the Veterans’ unique needs and to use Vet-to-Vet mentoring to help the Veterans build and achieve healthy goals.

Judge Russell and his team established the first Veterans Treatment Court in Buffalo, New York, in January, 2008 after one year of planning. It was successful beyond all expectations. Word quickly spread and the number of Veterans Treatment Courts grew exponentially. By 2010, there were 24 operational courts throughout the United States. A year later, the number had grown to 80 and as of mid-2012, there were 97 Veteran Treatment Courts with an additional 200 being planned. As of late 2017, there are over 330 Veterans Treatment Courts across the nation, with hundreds more in the works. The rapid growth of these courts across the country signals a national acceptance of their underlying principles.

**Building Vital Partnerships**

Judge Russell initially set up a meeting with the VA hospital in Buffalo to see what assistance could be provided. The hospital agreed to place a Behavioral Health Supervisor and a secure VA computer in the courtroom so that Veterans could immediately be checked for benefit eligibility and clinical appointments could be made onsite. Subsequently, the VA Benefit Affairs Department also placed a Benefit Specialist in court to provide access for Veterans to inquire about benefits earned, or to submit claims for benefits earned based on the Veteran’s military service. We also joined together with Veterans advocates organizations, including Vietnam Veterans of America, Veterans of Foreign Wars, Paralyzed Veterans of America, Order of the Purple Heart, AMVETS, and other organizations including the W.N.Y. (Western New York) Veterans Project, the Buffalo Police Department, the Buffalo Veteran’s Administration Health Care System, the Buffalo Criminal Courts, the Buffalo Drug and Mental Health Treatment Courts, Erie County Pre-Trial Services and Court Outreach Unit Referral to Treatment Services (C.O.U.R.T.S. Program). We also recruited mentors, all consisting of volunteers and Veterans who were dedicated to the support and care of other Veterans.

Another important partner is the VA’s Veterans Justice Outreach (VJO) Initiative, whose mission is to reach out to the criminal courts at the same time the criminal courts are beginning to reach out to the VA. The VJO program is tasked with educating the legal system, law enforcement, and jails on unique issues facing today’s Veterans. Once Veterans enter the legal system, VJO specialists help them avoid unnecessary incarceration through integration into VA substance and mental health treatment programs.
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Structure of the Buffalo Veterans Treatment Court

The Buffalo Veterans Treatment Court is a voluntary program that connects Veterans with services that can provide substance abuse, alcoholism and mental health treatment. This treatment is coupled with academic or vocational skills improvement, and active assistance with residential, outpatient and/or transitional services leading to job placement and job retention.

The process identifies Veterans upon arrest. These Veterans are then assessed for eligibility and referred to the Veterans Treatment Court. Veterans may enter the program at multiple stages of the criminal justice process, including pre-disposition, post-disposition, and as probation violation cases. Pre-disposition cases are typically dismissed or resolved by a non-criminal disposition upon successful completion of Veterans Treatment Court. Many cases involve Veterans that are required to plead guilty to the charges against them, but their sentences are stayed, pending completion of the program. Upon successful completion, typically they may be allowed to withdraw their pleas of guilt and have their charges dismissed or resolved by a non-criminal disposition. Other cases involve participation in Veterans Treatment Court as an alternative to incarceration or re-sentencing to Veterans Treatment Court as a result of a violation of probation. Upon referral to the court, the Veterans are then linked with services that meet their individual needs. A VA liaison works with these Veterans to obtain releases of information, facilitate linkage for services, and works with the courts to provide status reports regarding the Veteran participant’s treatment, results of toxicology reports, appointments, case management and, if needed, crisis management. The Federal Office of Veterans Benefit Affairs also works with the Veterans to ensure he or she is receiving pension or disability, if warranted, and works to correct any errors on the veteran’s Certificate of Release or Discharge from Active Duty, DD-214, which can affect benefit eligibility. The court’s staff and volunteer Veteran mentors then assist the Veteran with finding an array of stabilization services. This can include obtaining emergency financial assistance, counseling services, employment and skills training, safe housing, and other supportive services. The mentors act as friends to the Veteran. They are the participants’ coaches and support throughout the process.

During their time in the treatment court, which is typically between 12 and 18 months, participants come in for regular status hearings. Their treatment plans and conditions of treatment are reviewed and adjusted as necessary. Rewards are offered for adherence to court conditions and, if needed, sanctions are given for non-adherence. The treatment court does not have a scale or chart for how many chances a participant receives before he or she is removed from the program but, instead, situations are evaluated on a case-by-case basis, looking closely at the participant’s level of commitment to the program. Individuals taking part in this program are going through challenges of mental health issues or addiction issues or both. The program takes patience and courage on behalf of everyone involved, as well as a great amount of oversight. The sanctions and rewards
can work to motivate the participants to remain focused on what they need to do to become and remain healthy and sober. Upon successful completion of the program, many will have their records wiped clean.

**Structures of Other Veterans Treatment Courts**

There are a significant number of factors to consider when determining how to structure a Veterans Court and various current Veterans Courts have used a number of different models. They vary with respect to types of Veterans eligible, types of crimes eligible, procedural posture when entering into the program, and results upon completion of the program.

**Eligible Offenses**

With respect to eligibility, the Buffalo court and many others accept all Veterans with a clinical diagnosis of serious and persistent mental health disease, or drug or alcohol addiction. They believe all Veterans should be eligible because all Veterans deserve special consideration for their willingness to serve and defend their nation. Other courts restrict eligibility to only Veterans who have deployed to a combat zone, only Veterans who qualify for services at the VHA, or only those with certain mental health or substance abuse diagnoses.

The types of crimes that determine eligibility vary widely, but no Veterans Court accepts very serious violent crimes such as rape or murder. The Buffalo Veterans Treatment Court will hear any non-violent felony or misdemeanor committed by a Veteran. These are often charges of driving while intoxicated, theft offenses, or drug possession offenses. Violent offenses are evaluated on a case-by-case basis with the District Attorney’s office. For example, Veterans who have committed domestic violence may be eligible for the Veterans Treatment Court when the spouse and other directly-affected family members are asking for help for the Veteran. In determining eligibility for these defendants, it is a matter of distinguishing those whose behavior has changed related to their military service, compared with those who have a predisposition for domestic violence. Symptoms associated with injuries sustained from combat, such as Post-Traumatic Stress Disorder or traumatic brain injuries may manifest in outbursts of anger. This is wholly separate from those who commit domestic violence prior to entering the service and then continue after leaving military service.

Other courts take different routes. The Veterans Treatment Court in Los Angeles, for example, only accepts Veterans facing felony charges, and others accept violent offenders with other significant caveats and checks, taking into account such things as the degree of violence, the offender’s prior record, and the victim’s view. Judge Wendy Lindley of California’s Orange County Combat Veterans Court, which accepts violent cases other than murder or sexual assault, makes the strong argument that “if our goal is to protect our communities and make them a safer place, then why wouldn’t we take cases of violence?”

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Incentives
As mentioned above, the Buffalo court requires many participants to plead guilty and their sentences are stayed pending completion of the program. There is some evidence that requiring a plea of guilty or no-contest often produces better long-term results. The participants do better in the system and graduate more often than individuals who are put into diversionary status. It’s a “kind of a stick [because] you know what’s going to happen to you if you don’t do well.” This is consistent with the finding from Drug Courts as discussed above, that the certainty of a sanction or reward is the most important factor in the court’s effectiveness as the Veteran-defendant is assured that there is already a conviction that will be levied upon him or her if they fail in the Veterans Court. The difficulty with requiring a guilty plea is that court records on the internet can have long-standing consequences, even if the charge is eventually dismissed. As a result, others believe Veterans would be better served in a diversion program, which would have the added benefit of incentivizing participation in the program, as some Veterans who are given the choice between a long, court-ordered treatment program and a jail sentence will opt for the jail sentence.

The result of successful completion of the Veterans Treatment Program ranges from completely removing the charge from the Veteran’s record, as they do in Buffalo, to a case-by-case determination of a more favorable disposition of the case. In California, for example, convictions for crimes of violence and driving while intoxicated remain on the record after graduation, whereas in Minnesota, participants receive a better disposition in exchange for their cooperation and success in the program. In some cases this might result in a complete dismissal, or a lesser charge.

Treatment
No matter which type of Veterans Treatment Court is created, the most important factor is that participants receive the medical and/or psychological care they require and any other assistance they need to stay out of trouble and lead productive lives.

Jack O’Connor, the Buffalo Treatment Court’s Mentor Coordinator, often states that the judge’s role is analogous to that of a commanding officer for the Veteran participants and the mentors act much like non-commissioned officers who assure orders are carried out. Military people have proven, through their service, that they are comfortable with structure, capable of following directions, and their ability to do so provides yet another reason to offer them this VTC opportunity. When participants come in for their periodic status reviews, they share with me not only how their treatment is progressing, but also about their employment, their families, and other updates in their lives. One of the participants even brought in an essay he had written for one of his college classes, where he received a grade of 97 percent. He graciously allowed me to keep the essay, which I have to this day. The importance of these personal connections and the work of the mentors with the participants cannot be overestimated. Mentors are, without a doubt, a large part of the reason Veterans Treatment Courts and other treatment courts have been so successful.
Results
Nationally, as of late 2011, early statistics showed that 75 percent of defendants who finish the program had not been rearrested for the next two years. In addition to drastically lowered recidivism rates, graduates of Buffalo’s Veterans Treatment Court have experienced drastic, positive life changes. They are clean and sober and actively addressing any mental-health needs. All of them are either employed or pursuing further education. Many have been able to mend strained relationships with family and friends, and those who were homeless have all been able to attain stable housing. Alternative treatment programs have clearly been proven to work. The Community Mental Health Journal released the first published study on Veterans Treatment Court and the results are a testimony to VTC participation. Researchers concluded that Veterans participating in Veterans Treatment Court experienced significant improvement with depression, PTSD and substance abuse, as well as with critical social issues including housing, emotional well being, relationships, and overall functioning. As more and more Veterans Treatment Courts are established in the United States, Veterans will be able to obtain the individualized treatment they need to address their PTSD, TBI’s, depression, and substance abuse issues caused by their military service. These programs will keep our Veterans out of prison and help them regain or remain productive members of society, while in the long run, saving money for taxpayers and better-protecting the public safety.

About the Author
Brock Hunter is a private criminal defense lawyer, based in Minneapolis, and has served as President and Legislative Chair for the Minnesota Association of Criminal Defense Lawyers (MACDL). Brock is also former Army scout, and is nationally recognized for his work on behalf of troubled veterans in the criminal justice system. He drafted and led passage of Minnesota’s pioneering veterans’ sentencing legislation, which has since been cited by the U.S. Supreme Court in the landmark case, Porter v. McCollum, 130 S. Ct. 447, at 455, n.9 (2009), the first time our highest court addressed combat trauma in criminal sentencing. Brock and his team recently won a not guilty by reason of mental illness verdict in State v. Minisale, a murder case involving a mentally ill young Afghan war veteran, the first such jury verdict in Minnesota since the 1970s and the second such verdict in the country, involving an veteran of our current conflicts. Brock is also the co-founder and President of the Veterans Defense Project (VDP) and is the lead editor and co-author of the treatise, Defending Veterans in Criminal Court. The VDP recently received a grant from the State of Minnesota to organize and train a state-wide system of Veterans Courts, the first of its kind in the nation.

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Veterans Justice Outreach Specialists: A VA Success Story

By the Honorable Justice Evelyn Lundberg Stratton, Retired, Ohio Supreme Court

Judge Stratton testifying before Congress on a bill that would provide funding for mental health and veterans treatment courts. Photo Credit: Judge Stratton
Veteran Justice Outreach Specialists

As a former Justice on the Ohio Supreme Court, I had long been involved in mental health and criminal justice issues. For years, both in Ohio and nationally, I advocated for mental health court dockets, which are similar to the drug court model, as a more effective way to break the cycle of incarceration and mental illness.

The drug court or mental court model is a docket management tool. A judge leads a treatment team to deal with the underlying reasons for the criminal conduct and works to break the cycle of incarceration.

In 2008, having given a speech in Washington DC, I sat next to a staff member from the Veterans Administration (VA) who told me of the VA’s interest in starting Veterans Courts. It was the first time I had heard that phrase, as I knew only of Veterans Benefits Appeals Courts. When he described it, I exclaimed, “That’s a drug or mental health court with a Veteran in it.” I suggested that they join forces with our efforts, and incorporate the Problem Solving or Specialty Docket Model, in which a team would work with each Veteran charged with a crime to address and reverse the underlying factors contributing to his/her involvement in the criminal justice system.

I subsequently participated in a conference the VA held to introduce their brass and staff to the concept, and was invited in 2010 to join a VA committee to work on the idea. The Veterans Justice Outreach Specialist, or VJO concept and job description were developed at this meeting.

The VA already had in place a successful program in which staff worked with Veterans in prison upon their release and re-entry back into society. But no one had worked with Veterans upon their arrest or while they were serving their sentences. The Veterans Justice Outreach Specialist Program is a new plan of action that addresses the front end of criminal justice involvement. VJOs fill this new role by helping Veterans as they enter the criminal justice system. Since then, VJOs working with Veterans has become one of the most successful outreach programs that the VA offers.

The Problem of Incarcerated Veterans

There are over 50,000 Veterans incarcerated in the United States and their numbers spike after each major war. The mental wounds of war have had different names: Soldier’s Heart after the Civil War, Shell Shock after WWI, Combat Fatigue after WWII, and most recently, Post-Traumatic Stress Disorder (“PTSD”) or Post Traumatic Stress (“PTS”). Often in tandem, Veterans may also suffer from traumatic brain injuries (TBI).
Justice-involved Veterans have serious issues on several fronts:

- **Housing:** in 2015, 9 percent were from the Vietnam era, 10 percent from the Persian Gulf War, 46 percent from the Wars in Iraq/Afghanistan, 8 percent from other engagements, and 27 percent from non-military interventions. Of these, 22 percent were homeless, 13 percent had unstable housing, and 6 percent were in danger of becoming homeless.

- **Health:** 69 percent were diagnosed with substance use disorders and 68 percent, with mental health issues, often as co-occurring disorders. According to a Rand Corporation study, within the general Veteran population, more than 300,000 Veterans suffer from major depressive disorders and/or PTSD, and/or some form of TBI. 60 percent have serious medical issues such as AIDS, Hepatitis C, Tuberculosis, or asthma.

- **To date,** 70 percent of Veterans are incarcerated for non-violent crimes: public disorder problems, drug abuse charges, property damage crimes, or probation violations. 25 percent have been in prison two or more times, most are males, and many are from the Vietnam era. 40 percent had worked little or not at all in the 3 years prior to the study; 33 percent were retired or disabled; and 73 percent of those included in the study Veterans had seen or been near military conflict.

**Hope Offered by Veteran Treatment Courts and VJOs**

The Veterans Treatment Court model seeks to examine the reasons for Veteran incarceration, surround each Veteran who qualifies with external supports to succeed in completing an alternative treatment path, and break the cycle of incarceration. Each VTC may have different criteria for admission, but most implement a diversion model prior to conviction, with the charges dismissed if the Veteran completes the treatment plan agreed on at the time of sentencing by the VTC judge. Sometimes conviction occurs first, with the probation phase providing the same treatment team support. The VTC treatment team includes the Veterans Service Officer and incorporates the many resources that the VA brings to the table. VTCs seek to restore both the mind and body, as well as assist Veterans in finding employment, housing, and hope.

For most low level offenses, the Veteran might serve probation or a short jail sentence. Most Veteran Treatment Courts require the Veteran to commit to a one or two year treatment program, assignment to a Veteran Mentor, and voluntary participation.

The VJO program assigns a caseworker or social worker to each VA hospital in the country, whose sole purpose is to work with Veterans who have been arrested. Assignments include Veterans who have access to VTCs as well as those where no formal VTCs are available. The judges on that first committee argued strongly that any
judge with a Veteran in his/her court should have access to a VJO. Fortunately, the VA heard our pleas.

The mission of VJO’s is to reduce and prevent criminal justice recidivism and homelessness among Veterans by linking justice-involved Veterans with appropriate supports and services.

They have been an amazing resource. In 2010, only 65 Veterans Treatment Courts existed. As of 2017, there are over 500 and rising. VJOs served 20,000 Veterans in 2012, over 46,000 by 2015, and the numbers are rising. There are now over 260 VJOs, with more needed as the program grows and more courts are added.

How the Program Works
The VJO’s role is to connect arrested and jailed Veterans with services. Referrals may be from arresting officers, the jail, or the court staff. VJOs can visit Veterans in jail and often work with Veteran Treatment Courts as part of the team. VJOs know resources and referrals, can cut through VA red tape, and connect Veterans with housing or employment services, drug and mental health treatment, and general health assistance. Many of these Veterans have been eligible for VA services, but have never been to a VA facility. There are many reasons for this: stigma, fear of job loss, an “I don’t have a problem” or “I can beat this myself” mentality, incomplete records to establish eligibility, and low expectations that the VA can help. In addition, many Veterans have never been informed of VA benefits for which they are eligible.

Program Services
VJOs’ duties include developing a plan to access services to help each Veteran succeed and build a better life. They act as liaisons with law enforcement and work with jail outreach. VJOs partner with the VTC and/or probation officer to locate services for health, drug and alcohol, and/or mental health treatment. They assist in finding ancillary support, such as child support resolution, legal or financial support, and VA benefits. They help with planning and coordination between the courts, jails, VA, and community services. They track data, monitor, and report to the court. VJOs are not specialty care coordinators, case managers, peer mentors, benefit specialists, or medical advisors. Their role is to link Veterans to specialists or programs. They do not provide civil legal services.
Program Challenges
A recent GAO report pointed out some of the challenges that the VJO program faces. Although the number of VJOs has doubled, the growth of Veterans Treatment Courts is outpacing their capacity.

There are volume challenges in large jurisdictions and distance and accessible resource are challenges in rural areas. Other challenges involve the lack of transportation, available housing, or residential treatment facilities for Veterans.

Although much VJO time is spent working directly with Veterans in jail (where contact may be brief), Veterans Treatment Courts require a much larger percentage of time per Veteran, often extending over a two year period. Many VJOs also commit time to assisting a communities or court systems in setting up Veterans Treatment Courts.

A Program that Works
The VJO program is a VA success story. The program has connected more than 46,000 (and rising numbers) Veterans, often for the first time, to services and treatments that would have otherwise been recycled through the criminal justice system. The courts can then use local treatment dollars for other defendants.

VJOs help Veterans heal in mind and body. They are partners with the court system and can provide Veterans involved in the criminal justice system with a fast track to federal and VA resources: mental and physical health treatment, addiction assistance, housing, and jobs. They are an essential partner in Veterans’ reclaiming their place in our communities following their military service.

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About the Author
Evelyn Lundberg Stratton retired from the Supreme Court of Ohio early to pursue more fully criminal justice reforms with a particular emphasis on veterans who become involved with the justice system. She established the Veterans in the Courts Initiative in 2009.

Evelyn “Eve” Stratton was a former trial judge for seven years, and an Ohio Supreme Court Justice for 16 years. As a daughter of American missionaries to Thailand, she moved to America at age 18, alone and with $500, and put herself through college and law school. She credits her missionary parents for her passion for criminal justice reforms.

She comes from a long line of veterans – a grandfather killed in the line of duty (KIA) in WWII, five uncles and a father who also served in WWII, and two brothers who served in the Vietnam Theater.

For over twenty years, Stratton has lead reform efforts affecting those in the revolving door of criminal justice and mental illness, helping to lead the movement on mental health courts.
Her more recent efforts focus on veterans involved the criminal justice system.

She assisted the Department of Veterans Administration in establishing veterans treatment courts; served on the VA committee that launched the Veterans Justice Outreach (VJO) Program; founded Operation Legal Help Ohio, a nonprofit for pro bono services to military and veterans; cofounded Resurrecting Lives, a non-profit focusing on veterans and traumatic brain injury (TBI); co-chairs the Ohio Attorney General’s Task Force on Mental Illness and Criminal Justice, with a sub committee on Veterans Courts and Military Affairs, among other veterans-related issues.

Stratton teaches and speaks nationally on veterans and criminal justice reform issues.

She also practices appellate law with a prestigious Columbus, Ohio law firm, Vorys, Sater, Seymour and Pease, and consults on criminal justice and mental health reform issues through ES-tratton Consulting, LLC.

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The impetus for establishing a Veterans Court in Warren County, Ohio, came from a genuine need to address unique Veterans’ issues and a desire to assist Veterans who had lost their way and became defendants within the criminal justice system.

The Warren County Court is located in Lebanon, which sits geographically in Southwest Ohio about 30 miles from Cincinnati. It is a part-time court, with a criminal and traffic docket that includes arraignments, trials, and hearings two days a week.

I first heard about Veterans Treatment Courts in 2010 when I attended an Army Reserve Judge Advocate General’s Corps continuing legal education conference in San Antonio, Texas. During that conference, a Texas judge and former Army colleague of mine gave a presentation about the Veterans Treatment Court program that he had established in his jurisdiction. Although I didn’t know it at the time, I would be presented with the opportunity to establish a Veterans Treatment Court in my home county a few years later.

Shortly after I became a Judge, one of our Probation Officers asked me if I had suggestions on how to create a relevant treatment program for one of her new probationers, a Veteran of military service. She said the probationer was a Marine during Operation Iraqi Freedom, had served more than once in combat zone, and suffered from substance abuse. She believed he suffered from Post-Traumatic Stress Disorder. On another occasion a short time later, the same Probation Officer approached me about a different probationer, another Veteran. She thought the Department of Veterans Affairs might be able to assist him. In both cases, I gave the Probation Officer my initial thoughts on assessment, potential treatment, and follow-up.

These two cases caused me to realize our court needed additional resources to determine Veterans’ benefits and programs. This directed me to explore the possibility of establishing a Veterans Court.

The first step in the process was to educate myself and our court staff about Veterans Treatment Courts, including how they were set up, what they were
designed to do, who would serve as members of the treatment team, and how to determine a defendant’s eligibility.

Information about Veterans Treatment Courts was abundantly available on the internet. A quick on-line search uncovered articles and websites about Veterans Treatment Courts, the content of those resources running the gamut from basic information to specific details about various courts nationwide.

At an Ohio conference of judges, I introduced myself to retired Ohio Supreme Court Associate Justice Evelyn Lundberg-Stratton, whose reputation was well-known as a champion of veterans’ issues. I thanked her for her unwavering support of veterans and veterans matters, and told her about Warren County Court’s desire to start a Veterans Court. Justice Stratton was immediately enthusiastic, asked for my contact information, and said she would follow up by sending me a large packet of articles, brochures, and other literature pertaining to Veterans Treatment Courts. I received those materials a short time later, and they were worth more than their weight in gold in educating our court on the subject.

Observing an existing Veterans Court in action was also paramount. I asked the Warren County Court Administrator to arrange for us to visit two existing Veterans Courts in southwestern Ohio, one in Middletown and the other in Cincinnati. Both courts graciously agreed to host our visit and both welcomed us to their treatment team meetings and Veterans Court dockets. During these visits, I found the judges’ interactions with the Veterans both engaging and personable, not authoritative – unlike any other interaction between judge and probationer I had ever seen in a courtroom before. These visits confirmed what I had read about the Veterans’ Treatment Courts; namely that the judge’s personality and vision in large part reflected how the court handled the docket and treated its Veterans.

One significant issue in setting up the Warren County Veterans Court was how to identify eligible defendants. In other words, the court needed to implement a procedure that would identify whether a defendant had ever served in the military. For incarcerated defendants, the Pretrial Services Division prepares an intake report for court personnel, including, among other things, a bond recommendation. It was determined that adding a question about military service during the interview of incarcerated defendants would be helpful. Currently, pretrial services asks defendants whether they have ever served in the military. The defendants’ answers to that question are noted on the report. No further questioning on the subject is necessary at that point.

For non-incarcerated defendants, the key was to ensure that those involved in the justice system knew about our Veterans Court program. The Warren County Prosecutor’s Office supported our Veterans Court initiative from the beginning and the Assistant Prosecuting Attorneys assigned to the court relayed information about the Veterans Court to defense attorneys. The court gave presentations to various audiences, including the Warren County Bar Association, County Criminal Justice
Advisory Board, Police Chiefs’ meetings, the Rotary Club, and countless other relevant organizations. During routine update briefings to the political subdivisions in the court’s jurisdiction, the court introduced the Warren County Veterans Court to the mayors, trustees, and other public officials in the eight townships and ten municipalities/villages on the court’s jurisdiction. Our court prepared an information sheet, which was disseminated in hard-copy format and posted on the court’s website. Getting the word out required much time and effort.

Locating a qualified person to serve as a Peer Mentor Coordinator was vital. To attract the right person for that position, the court requested the Warren County Veterans Services Commission to lend its financial support by hiring an individual on a part-time basis, on their payroll, then detailing that person to serve exclusively as a Warren County Veterans Court Liaison/Peer Mentor Coordinator. The cooperation of the Veterans Services Commission yielded a perfect fit for that position, a retired Air National Guard Non-Commissioned Officer. This selectee had also retired from his public service career as a counselor and bailiff for the court system in Warren County.

Finally, our court had to decide on a day, time, and meeting location for the treatment team, as well as the Veterans Court docket, so that these would not interfere with the regular docket. As a part-time court, the Warren County Court conducts pretrial hearings on Wednesdays, without the requirement for the judge to be present. Since the courtroom was vacant on Wednesdays, this provided a natural window of time to conduct Treatment Team meetings and reviews on the record.

The Warren County Veterans Court is like other Veterans Treatment Courts in several ways. Treatment Team membership is a collaborative effort among several public agencies. A Memorandum of Understanding between the Department of Veterans Affairs Dayton Medical Center and our court guaranteed a Veterans Justice Outreach representative would be available to participate in Treatment Team meetings and court reviews. Our court used the same procedure to solicit assistance from the Warren County Veterans Services Commission, a county board that services needy Veterans and their families. The Public Defender and court staff members, such as the Probation Officer, Probation Clerk, and Court Administrator also became Treatment Team members. The Liaison/Peer Mentor Coordinator, supplied by the County Veterans Services Commission, was the final piece in creating a fully functioning Veterans Treatment Court.

On the other hand, the Warren County Veterans Court is unlike most other Veterans Treatment Courts in that it has been established as a part-time court. Since the judge of the Veterans Court is not present every day, the court staff and other Treatment Team members communicate effectively by telephone and email on an as-needed basis. One thing is certain: those Veterans who acknowledge their need for services and volunteer to have their cases placed on the Veterans Court docket have never been adversely affected because the court meets on a part-time basis.
In practice, the Warren County Veterans Court goes beyond the intricacies of the court process by providing a mechanism for the entire community to become involved in the goal of rehabilitating Veterans and preventing recidivism. The public’s response has been overwhelmingly positive. Our court has been fortunate to recruit, train, and retain a pool of excellent honorably discharged veterans interested in helping fellow Veterans by serving as Peer Mentors. A group of interested civilian volunteers started attending court sessions, became engaged in the court’s work, and eventually started a nonprofit organization to raise funds in support of the Veterans in the Veterans Court. That organization’s financial contributions have assisted Veterans in purchasing vehicles, paying security deposits, and defraying expenses during the holidays.

Since its inception in April 2015, the Warren County Veterans Court has conducted two ceremonies celebrating the successful graduation of four veterans. As of November 2017, twelve Veterans are enrolled in the program. Based on the court’s initial success, there is no reason why the Court cannot grow and improve even further. In the summer of 2017, the court entered into an agreement with a neighboring jurisdiction to provide its Veterans Court services to eligible defendants. With the court’s battle rhythm already in place, it makes sense for the court to share its resources with Veterans from other jurisdictions who wish to take advantage of the services our Veterans Court has to offer.

Statistics show that only thirty percent of the population between the ages of 17 and 24 in this country would qualify for military service today. Those Veterans, who at one time, met the rigorous moral, educational, and physical qualifications to serve, raised their right hands, took the Oath of Office, swore allegiance to the flag and the Constitution, and promised to preserve, protect, and defend our country, have attracted the attention of the criminal justice system because of their service and sacrifices. Veterans have earned and deserve an opportunity to redeem themselves and to resurrect those attributes that once qualified them for military service. The Warren County Veterans Court will continue its mission to provide Veterans that opportunity.

About the Author
Judge Loxley obtained his B.A. Miami University in 1984, his J.D. from Ohio Northern University in 1987, and earned his Masters Degree in Strategic Sciences from the U.S. Army War College in 2007. After serving as an Assistant Prosecuting Attorney in the Warren County Prosecutor’s Office, Judge Loxley was appointed by Governor John Kasich to fill a vacancy on the Warren County Court in 2013, was elected for the remainder of the term in 2014, and elected for a full six-year term in 2016. As a Colonel in the U.S. Army Judge Advocate General’s Corps, he is currently assigned as Commander, 8th Legal Operations Detachment, in Independence, Missouri. A former Military Judge in the 1st and 2nd Judicial Circuits of the Army Trial Judiciary, Judge Loxley has served 36 years in the Army National Guard, Regular Army, and Army Reserve. He has been mobilized on active duty three times since 9/11 in support of the Global War on Terrorism.
The Warren County Court Veterans Court docket was established on April 1, 2015.

The Veterans Court aims to identify and treat the needs of eligible Defendants who may suffer from medical, psychological, substance abuse and dependency, and/or mental health issues and become involved in the criminal justice system. The Veterans Court is designed to coordinate all of the resources available to veterans and enhance the chances for the veteran’s successful treatment and recovery. A successful Veterans Court will increase public safety, reduce community expenses, and prevent recidivism.

In a non-adversarial setting, the Veterans Court will provide a structure and routine to Defendants whose military experience makes them amenable to it. Since veterans have proven to respond more favorably to other veterans, the Veterans Court will designate a peer mentor and provide access to a knowledgeable support team, including representatives of the Department of Veterans Affairs and the Warren County Veterans Service Commission, to assist the Defendant in their recovery efforts.

Eligible Defendants include those charged with probationable misdemeanor offenses, including traffic offenses, in the Warren County Court and are either military veterans or currently serving on Active Duty or in the Reserve Component. The Veterans Court staff will screen Defendants to determine eligibility.

Defendants must plead guilty or be found guilty and agree to be placed on probation through the Veterans Court. The Court will order the Defendant into an intensive probation program for a minimum of 18 months and require the Defendant to participate in a self-paced, individualized treatment plan. A treatment team will engage in an on-going assessment and evaluation of the participants, and will provide the Court with treatment recommendations throughout the program.

Successful completion of the program will terminate any suspended jail and/or fines imposed at original sentencing, or the Court will dismiss the charges if the Defendant had been placed on pretrial diversion. Additional rewards will be used as incentives as the Defendant completes each phase of the program. The Court will order sanctions against the Defendant if he violates the terms of the program, including possible termination from the Veterans Court docket and immediate sentencing.

The Veterans Court docket convenes every other Wednesday at 10:00 am in the Warren County courtroom. Judge Gary Loxley presides over the sessions.

The Court applied for and received certification of the Warren County Veterans Court as a specialized docket with the Ohio Supreme Court.
“Thank you Judge, your saved my life.” Such simple words, but offered with such sincerity, thankfulness, and appreciation. These were the words I heard on more than one occasion by a defendant in Veteran’s Treatment Court. I was surprised and moved the first time I heard these words, for they arrived completely unexpectedly. Without much thought, I responded with statements to the effect that it was not I who made the difference, but it was the Veterans who turned their lives around and committed to saving themselves. The Veterans’ Treatment Court merely gave them the tools and the environment to overcome the inner evils and struggles they faced.

In early 2013, I began the quest to initiate a Veteran’s Treatment Court in the Montgomery County Ohio Court of Common Pleas. I knew very little about these courts, but had a strong desire to help our Veterans, who sometimes suffered with debilitative issues after serving their country. I surrounded myself with various individuals who shared my passion and began the journey to bring this to fruition.

I have a confession first. I am not a Veteran. Some may wonder why I have such a passion for and understanding of Veteran’s issues. First of all, I was one of those who became eligible for the draft for the Vietnam War, but just as the war was winding down. I had just finished high school and started taking college classes. Simultaneously I began working as a first responder at a local police department. Although the law enforcement experience is nothing like serving in time of war, I never saw enough blood, death, or suffering to last me a lifetime. Such is the plight of the Veteran.
I did not totally escape the effects of the Vietnam War. My older brother, Ernie, was drafted and served two tours in Vietnam. Like most who fought in that war, he rarely spoke about it. Over the years after he returned, I was able to learn what he faced in the jungles of Vietnam and witnessed the changes in his way of relating to the world as a result of his service to this country.

My brother was a popular figure with the Vietnamese, as he fought and killed so many Viet Kong, reward posters were posted for his death. On several occasions, he told me that he knew he was going to be killed and never come home to the world he left behind. This was not an unusual comment for those who served in Vietnam. Through the grace of God, and after receiving a Purple Heart, Bronze Star, and a Silver Star for bravery, he did come home, but to a vastly different world.

My brother returned to his old job, began his married life, and continued his military career in the Ohio National Guard, advancing to the rank of Colonel. It was not until well after his death from pancreatic cancer in 1999 that I realized the impact the Vietnam War had upon him. I know now that he suffered from PTSD, but no one knew or cared or understood about the PTSD diagnosis, let alone appropriate treatment for returning Vietnam War Veterans at that time. My brother appeared very normal to those around him at work and within the social realm. He was very intelligent, well spoken, very personable, and had the good looks our mother gave only to him, but none of these served him well when it came to the wounds of war.

His strength carried him through life, but there were times that Vietnam came roaring back. On occasion I would receive a call from his then wife, telling me my brother was decompensating again and that she needed my help. I was the only family member she could call, as our father had died when I was only ten. As I would drive to my brother’s house, I would be consumed about what to do to help him, having no idea what that would entail. Upon arrival, it was characteristic for my brother to be sitting alone, drinking, and listening to sad country songs. He would be existing in a terribly depressed state of mind, reliving the devastating mental pain from the scars of the war that just would not heal. On one occasion, he even fired a weapon through a wall of his home, convinced that the enemy was on scene.

After I formed the Veterans Treatment Court, I often thought of how my brother could have very easily been involved in the criminal justice system, had the police been called to his house instead of me. My brother was fortunate to have avoided

1. My brother said Vietnam finally ”got him”. He attributed his deadly cancer to Agent Orange exposure in Vietnam. His treating physician agreed.
2. Our father served in World War II fighting in the Pacific Theater.
the criminal justice system and was strong enough to have remained a very successful and loving person. He was buried with full military honors in 1999.

After a year of planning, setbacks and delays, we began the Veterans Treatment Court in December of 2013 on our very first docket. When I first introduced this new concept to our Court Administrator, he was completely in favor of its establishment, being a Veteran himself. The other judges were not as receptive, indicating that this court was unnecessary and destined not to last. We began with just six defendants in 2013. By the end of my tenure in 2016, 140 Veterans were assigned to the Veterans Treatment Court. Our Veterans Treatment Court has become the most successful court, as far as recidivism rates, than all other specialty courts in Montgomery County, as well as the Montgomery County Probation Department as a whole. Attitudes finally began to change about the desperate need for a Veterans Treatment Court and the enormous impact made upon the Veteran community, especially for those who had lost their way.

**Veteran Qualifications for the Veterans Treatment Court**

A Veteran is legally eligible for Treatment Court if they have been charged with a felony and would be eligible for Probation. Entry into the VTC can occur at multiple points of the case, including: Intervention in Lieu of Conviction, Post-Sentencing, Probation Violation, or Sentence Mitigation. The VTC Judge has final determination of a Veteran’s admission into the program. Generally, a Veteran must either be diagnosed with Post-Traumatic Stress Disorder (PTSD) or have been exposed to some type of other trauma and/or be diagnosed with a mental health, substance abuse, or related psychological disorders. The Veteran must have the mental and emotional ability to understand VTC guidelines and voluntarily participate. The Veteran must meet all eligibility requirements in accordance with the Department of Veteran Affairs. Finally, the Veteran must have a willingness to engage the services provided.

**Structure of Veterans Treatment Court**

The VTC is separated into three individual phases. The Veteran’s progress will be closely monitored and reported to the VTC Judge. Advancement through each phase depends on the Veteran’s completion of specific criteria individually designed for that Veteran.

**PHASE 1**

(Minimum of 30 days)

The Veteran’s treatment plan will be developed by the Veteran and the Treatment Team. Together, they will formulate personal achievement goals and treatment plan goals (i.e. substance abuse and/or mental health treatment, completion of the GED, vocational/educational counseling, anger management, parenting skills, etc.).
PHASE 2
(Minimum of additional 60 days)

The Veteran and Treatment Team will identify goals that are challenging to the Veteran and focus on ways to improve reaching treatment plan goals and to reduce overall stress. Additional goals and objectives may be added to the treatment plan goals.

PHASE 3
(Minimum additional 90 days)

The Veteran’s ongoing recovery needs are assessed and include total abstinence from all substances of abuse. The focus is on problem-solving and daily living skills. The Veteran will be prepared to return to the community as a productive and responsible member of society and will help to build a stable life outside of the criminal justice system.

The time a Veteran remains in the program varies depending on the needs and the progress of the Veteran. However, the average time for program involvement is from twelve to twenty-four months.

Success Factors in Creation of the Montgomery County Veterans Treatment Court

Understanding Military Attitudes and Culture

Military men and women are trained to think and behave within a structured environment, allowing them to perform quite well in most circumstances and to accomplish feats far beyond their expectations. They are also trained to respect their chains of command. Most importantly, they frequently develop a special camaraderie with their fellow military members. This is often-times the strongest bond they will experience in their lives. These Veterans do not stand in front of the court like so many other defendants, either slouching or demonstrating disrespect. They stand at the position of attention or at parade rest, able to look me straight in the eye. Recognizing and using this military culture contributes greatly to the success of this program.

Defendants Remain During the Entire Docket

A regular criminal docket for a judge is a clear example of controlled chaos. Defendants and attorneys come and go, are given dates, enter pleas, await sentencing, and so on. No one listens much to the other cases, as getting in and out of the courtroom is the primary motivation. In the Veterans Treatment Court, all defendants must be in the courtroom the entire time, witnessing the good, bad, and the ugly of the other defendants and their interaction with the judge and the court staff. At first, I was completely unaware of the solidarity this was building in the courtroom, until one day, a spontaneous burst of applause erupted for a Veteran that I had just promoted to the next level of treatment. It was then that I realized that joining all the Veterans together in this process built upon the support and togetherness learned from their past military experiences. Other defendants will demon-
strate praise for a fellow Veteran’s accomplishments, but will not hesitate to show displeasure to one who has not complied with the program.

Having a Good Staff
It is critical that all staff involved in the Veterans Treatment Court be like-minded, from the judge, to the Probation Department, to the local VAMC personnel, to other support people. Our goals need to be uniform and needs of the Veterans must be placed above all else. Egos must be left at the door. When a Veteran succeeds and graduates from the Veterans Treatment Court program, we all rejoice and celebrate at their accomplishments.

Treat Each Veteran as an Individual
Not all defendants fit into the same box. Within the criminal justice system, judges usually lose contact with defendants when they are placed on probation. This is unless the defendant violates the terms of his or her probation and must return to court to stand before the judge again. This is not the case in the Veterans Treatment Court. Veterans are seen on a regular basis in front of the same judge, staff working together to find solutions and the right path for each particular Veteran. Sometimes, this is a matter of trial and error and utilizing creativity upon demand for the most workable blend of interventions. What may work for one Veteran may not work for another. We never lose sight of the philosophy and the solemn pledge of our Veterans Treatment Court, which states that we leave no Veteran behind.

Active Mentoring Program
Just as I committed to care for my brother in his time of dire need, a mentor can be a friend, brother, or sister to a defendant. Mentors are akin to AA sponsors, but there are several differences. A mentor does not judge. A mentor listens. Also, a mentor is not a snitch for the court. We established an unbreakable rule for the Veterans Treatment Court which states that a mentor is not to tell the judge, or anyone else, if the defendant confesses to any wrongdoing. The mentor is, however, to encourage the Veteran to be truthful and to tell the judge or his probation officer about any such incidents. This promotes another very
important aspect of the court, which is honestly. Veterans need to learn early on that their honesty will be rewarded, but lack thereof will result in consequences. Honesty and honor go hand in hand. All mentors are Veterans and many have walked in similar shoes as those of the defendants in this program. Mentors often reveal that they are rewarded by helping their fellow Veterans and that mentorship has even furthered their own healing processes.

**Active VA involvement**

Local Veterans Administrations must buy into the Veterans Treatment Court and provide resources to assist the courts. They should be able to conduct assessments for substance abuse, PTSD, traumatic brain injuries, and mental illnesses. They should be able to recommend and provide treatment for these Veterans. There must be a good working relationship between the Courts and the Veterans Administration and an embracing of the Veterans Treatment Court. At times, this may cause logistical problems if the court is some distance away from VAMC facilities. Many court probation resources do not have the assessment capabilities or funding for these services, making it even more important for the Veterans Administration to partner with the Veterans Treatment Courts.

Ohio is only one of five states that requires specialized dockets, such as the Veterans Treatment Court, to be certified. In Ohio, the Commission on Specialized Dockets under the Supreme Court of Ohio certifies specialized dockets: those dockets that provide therapeutic care to the par-

Mentors for VTC. *Photo Credit: Judge Dennis Adkins.*
Participants. This certification involves submission of an application, copies of local rules, a copy of the program description, a copy of the participation agreement, and a copy of the participant handbook to the Commission. Once this information is submitted, the specialized docket receives an initial certification. Following the initial certification, a site review of the treatment team meeting and status review meeting must be completed. Hopefully, the specialized docket then receives its final certification. The specialized docket then must be recertified every three years or within six months following a change in presiding judges.

Veterans Treatment Courts have been slow in coming to the criminal justice system in this county. Too many veterans have perished or lost their liberty as a direct or indirect result of their service to this county. Fortunately, many states and courts now recognize this specialized need and Veteran Treatment Courts are increasing on a steady basis. I have taken on a new passion for encouraging and assisting other courts in Ohio in establishing their own Veteran Treatment Courts. It is my goal that every veteran who qualifies for the Veteran Treatment Court will have the opportunity to participate anywhere in the United States.

About the Author
Judges Dennis J. Adkins is a Judge on the General Division of the Montgomery County, Ohio Common Pleas Court. He serves as the Security Committee Chair, and on the Criminal Practice and Technology Committees. He received his B.S. from the University of Dayton in 1982, and his J.D. from the Salmon P. Chase College of Law.

Judge Adkins is a member of the American, Ohio, and Dayton Bar Associations, the Ohio Common Pleas Judges Association, and has taught continuing legal education seminars for the Dayton Bar Association. He has also been a frequent lecturer at local colleges, including the University of Dayton School of Law, various legal organizations, and other community civic and service groups.

He currently serves on the Dayton Bar Association’s Certified Grievance Committee, Ohio Judicial Conference Criminal Law and Procedure Committee, and is on the Judicial Advisory Board of the Monday Community Correctional Institution.

In 2013, Judge Adkins created the first Veteran’s Treatment Court in this area. He presided over the court, which is designed to provide treatment and rehabilitation for veterans who have found themselves involved in the Criminal Justice System due to combat related problems.

Judge Adkins is also Honorary Chair of the Final Salute Society, which assures that no veteran is buried in Montgomery County without a representative at the grave site to receive the American flag for the veteran’s service to this country.
What is the Montgomery County Veterans Treatment Court?

Veterans Treatment Court (VTC) is designed to assist veterans involved in the criminal justice system. VTC is a voluntary program that includes regular court appearances before a designated VTC Judge and a treatment plan specifically created for each Veteran.

Who is Involved?

Treatment is provided through the combined effort of the Montgomery County VTC Judge, the Montgomery County Probation Department, the Department of Veterans Affairs, and other community agencies.

Program Overview

After the Veteran is placed on Intervention in Lieu of Conviction or Community Control, he or she will be assigned a Probation Officer who will provide an overview of VTC. The Veteran will be scheduled to appear before the VTC Judge within the first 30 days of active probation supervision. VTC participants are required to sign a contract that explains what is expected of the Veteran and the consequences for noncompliance. This contract is an agreement between the Veteran and the Judge.

The Veteran will work with a Treatment Team to identify goals to work toward while in the program. The goals may include trauma-related treatment, substance abuse treatment, medication compliance, counseling, returning to school, job skills training, employment, reconnecting with family, strengthening supports in the community, accessing benefits, and securing safe and stable housing.

Structure of Veterans Treatment Court

The VTC is separated into three individual phases. The Veteran’s progress will be closely monitored and reported to the VTC Judge. Advancement through each phase depends on the Veteran’s completion of specific criteria.

PHASE 1
(Minimum of 30 days)

The Veteran’s treatment plan will be developed by the Veteran and the Treatment Team. Together, they will formulate personal achievement goals and treatment plan goals (ie GED, vocational/educational counseling, anger management, parenting skills, etc).
PHASE 2
(Minimum additional 60 days)
The Veteran and Treatment Team will identify goals that are challenging to the Veteran and focus on ways to improve reaching treatment plan goals and to reduce overall stress. Additional goals and objectives may be added to the treatment plan goals.

PHASE 3
(Minimum additional 90 days)
The Veteran's ongoing recovery needs are assessed and include total abstinence from all drugs. The focus is on problem-solving and daily living skills. The Veteran will be prepared to return to the community as a productive and responsible member of society and will help to build a stable life outside of the criminal justice system.

Who Is Eligible?
The Veteran must plead guilty to be eligible for Veterans Treatment Court Services.

Legal Eligibility Guidelines:
• Felonies of the 3rd, 4th, and 5th degree.
• Felonies of the 1st and 2nd degree will be determined on a case by case by the VTC Judge
• Entry into VTC can occur at multiple points of the case, including: Intervention in Lieu of Conviction, Post Sentencing, Probation Violation, or Sentence Mitigation.
• VTC Judge has final determination of a Veteran's admission into the program.

General Treatment Eligibility Guidelines:
• Diagnosed Post-Traumatic Stress Disorder (PTSD) or other trauma, mental health, substance abuse and related disorders.
• The Veteran must have the mental and emotional ability to understand VTC guidelines and voluntarily participate.
• The Veteran must be deemed eligible by the Department of Veteran Affairs eligibility requirements.
• The Veteran must have a willingness to engage the services provided.

A New Beginning for Veterans
Joining the VTC means that the Veteran wants to improve their life by working closely with the Treatment Team to achieve their recovery goals. The Treatment Team wants to see the Veteran succeed and provides the Veteran with the opportunity to develop job skills, connect to available VA services, rebuild family and community ties, live a drug and crime free life, access benefits, engage in treatment rather than incarceration, stabilize their living situation, and reconnect with Veteran peers.

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Supervisor
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Thomas Blatter
Intensive Probation Officer
blattert@montcourt.org
(301) 225-4363
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Prescription drugs are sometimes necessary. However, when a patient refuses to take them, has adverse side effects or a history of addiction, or you’re out of medication options, Alpha-Stim provides another tool for your armamentarium. It is fast, safe and proven effective, even in the most difficult patients, as evidenced by the recent study of advanced cancer patients at The University of Texas MD Anderson Cancer Center.

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**LATEST RESEARCH:** The University of Texas MD Anderson Cancer Center, “Cranial Electrotherapy Stimulation for the Management of Depression, Anxiety, Sleep Disturbance, and Pain in Patients with Advanced Cancer”

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The Emergence of Veterans Treatment Court Teams: A Georgia Model and the Role of Veteran Mentors

By William B. Howerton II MAJ USA (Ret)

In 2008, Veterans Treatment Courts (VTCs) were launched by Erie County Judge Robert Russell, himself a Veteran, initially to help a Vietnam Veteran facing criminal charges. Since then, Judge Russell has summarized his model on the need for, and emergence of, VTCs (1) following many requests from around the country on how to establish similar courts for Veterans. Newspapers began writing articles about VTCs, and the positive impact of these courts on diverting Veterans from incarceration. Initiatives to launch other VTCs began to emerge in other counties and states.

While attending a mental health conference in 2013 and pondering my own Post Traumatic Stress Disorder (PTSD) diagnosis and drive to reach out to other Veterans with PTSD, I discovered that Georgia planned to establish VTCs. In April 2014, Governor Nathan Deal signed SB 320 into law. In May 2014, I graduated from Justice for Vets Veteran Boot camp for Veteran Mentor Coordinators interested in establishing courts in state judicial circuits. I then attended several meetings with Cobb County Superior Court Judge Reuben Green that focused on the implementation and establishment of the Cobb County VTCs. Our team was privileged to open the seventh VTC in the state of Georgia in June 2014.

VTC Participant Profile
Veterans Court participants typically suffer from PTSD/TBI/MST, drug and alcohol abuse, and/or domestic violence. All participants possess honorable discharges (trend is changing to accepting other than honorable discharges), some receive or are eligible for some level of VA disability compensation, and most have a high school education or higher. In the Cobb County VTC, there is a 10:1 ratio of male to female Veterans, average age of 40, 95% of the participants are enlisted, and the highest graduating member is a Sergeant First Class (2).

These Veterans may be coping with Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and/or Military Sexual Trauma (MST), as well as other problems secondary to military service (including substance abuse/addiction). Drug and alcohol addiction, domestic violence, and theft are typical felony charges of potential participants. No VTC will permit Veterans as participants whom have been charged with murder, armed robbery, or kidnapping, i.e., capital charges.
VTC Description
For eligible Veterans, the VTC offers a choice to complete an 18 month, four phase treatment program in lieu of a trial and incarceration. As with other VTCs, the Cobb County Veterans Treatment Court assists Veterans who have been charged with misdemeanors and some felonies. The mission of the VTC includes reducing Veteran recidivism, finding adequate housing and employment, and assisting the participant in initiating a Veterans Administration (VA) disability compensation application if they qualify for benefits.

Court Process
Each participant chooses the VTC over a fair trial with representation and a jury and presiding judge. Once a conventional trial is over and conviction is reached, the felony remains on the record permanently. In contrast, VTC participants waive their Fifth Amendment rights; however, once they graduate from the VTC, charges are expunged from their records. If this is a participant’s only/first charge, their record is completely erased as if there were no charges filed, once all VTC requirements are fulfilled.

VCT Team
Several key agencies and individuals are required to resource, staff, maintain and sustain a VTC. VTC Task Organization consists of five teams: the VA Team, the Court Team, Mental Health Team, Community Team, and the Mentor Team.

US Department of Veterans Affairs
Pivotal to the success of any VTC is the US Department of Veterans Affairs. The VA provides behavioral health specialists, adequate but limited treatment plans, homeless shelters (e.g., some of the Ft. McPherson buildings have been converted to a VA Domiciliary), opens disability claims, and provides medical benefits to the Veteran.

The VA also locates incarcerated Veterans using Veteran Justice Outreach Coordinators (VJOs). VJOs make the initial contact with the Veteran in jail to determine if the Veteran may be suitable to participate in a VTC.
Once the VJOs identify suitable Veterans, they reach out to VTC Court Coordinators, who interview the candidate on behalf of the Superior Court Judge and conduct staffing procedures with sheriff’s deputies, parole officers, and mental health professionals to ensure a positive way ahead for the participant. Then the presiding judge brings each participant into court, reviews the case, asks why the Veteran wants to participate in the program, and reaches a decision about suitability. If the Veteran agrees to participate and is deemed eligible, a Veteran Mentor is assigned on site.

**Court Team**

This team is the hammer and anvil of the process. The Court Team composition includes the VTC presiding Judge, Mentor Coordinator, Assistant DA, VTC Court Coordinator, Deputy Sheriff and Probation Officer. The mission of the Court Team is to insure compliance with treatment programs, conduct weekly staff meetings with the judge, monitor treatment and drug screen compliance of the Veteran participant. Participants receive sanctions for rule violations and incentives for outstanding effort within each phase. The Court Coordinator is the key individual who monitors and reports finding to the judge before the VTC hearings occur, provides transportation passes, and recommends “phase up” promotions for each participant.

**Mental Health Team**

The mission of the Mental Health Team is to identify specific treatment programs for the Veteran participant. Examples include substance abuse interventions, Trauma Recovery Therapy (TRP), moral injury training, anger management, relationship re-building, and AA/NA meeting attendance.

**Community Team**

The Community Team mission is to provide basic needs for active court participants and alumni, as Veterans rebuild their lives and support their families. Examples include providing housing and job referrals, vocational training, tuition assistance (GI Bill, State Vocational Rehabilitation) and mental health counseling.

Federal level resources include VA healthcare and HUD/VASH vouchers. State level resources include the Georgia Department of Labor and vocational rehabilitation services, and Veteran Service Officers to assist the participant with VA disability claims.

Private community level resources include dental and eye care, and automobile care. Community players include Veteran-friendly medical service providers, i.e. ophthalmologists, dentists, mental health professionals, legal assistance, homeless shelters, the American Red Cross, and local universities.

One benefit the VTC has developed is the encouragement and use of GI Bill benefits. As of Fall 2017, Eight of our twenty Cobb County graduates used or are currently using their GI Bill education benefits to enhance and improve their social standing.
Mentor Team: The Role of Veteran Mentors

Mentor Team
Mentor programs are unique in their mission and structure. This all-volunteer team is staffed by officers and non-commissioned officers (NCOs) from all branches of the Armed Forces and who provide much needed encouragement to the court participants. Mentors are not counselors, lawyers, therapists or AA/NA sponsors, but rather leaders and guides to the Veteran participant in a complicated legal system.

Mentor Training
Successful mentor programs provide a professional development curriculum and conduct periodic leadership classes within an established chain of command (COC). This leadership position is filled by the Mentor Coordinator. The result is a camaraderie between mentors and participants and within the COC. While each participant is unique, mentors share best practices and lessons learned among themselves. This decentralized style of management assists in the recruitment and retention of mentors. Another tool to build trust and long lasting relationships is the demanding 96 hours of service each year required from each mentor to spend with/on behalf of the assigned participant.

Mentor Roles
One intangible benefit is the mentor’s assistance in rebuilding the participant’s family relationships, when they are willing and open to this. Lost contact can shift to renewed relationships between sons, daughters, husbands, wives, moms and dads.

The mentor also assists the participant in finding employment and housing. As of October 2017, Cobb County VTC has 20 graduates; all have jobs and housing….no homeless Veterans among the Cobb County VTC graduates! Mentors utilize their networks and Veteran Service Organizations (VSO) to help participants achieve this outstanding accomplishment.

The ultimate objective of VTCs is to reduce recidivism within five years of graduation. The nationwide Veteran recidivism rate is 92 percent (1).

Mentors encourage participants to maintain their high military standards, to remember their leadership skills, help them to develop coping skills for their addictions and/or mental health disorders, and to advocate for them in the court room and in conjunction with the VA. Examples include assisting with the writing of VA disability claims, developing individual budgeting strategies, and creating an ad hoc chain of command for safe and accurate information flow to the mentor coordinator. Additional mentor requirements include attending recognition ceremonies and conducting jail visits as necessary.
The Cobb County, GA Mentor team includes General Officers, Command Sergeant Majors (CSMs), field grade officers, and non-commissioned officers (NCOs). Military mentors report only to the Mentor Coordinator and not to any of the other teams. Only perceived potential to harm oneself or others is reported to the judge for immediate action.

**Mentor: Participant Selection**

Mentors are assigned to participants by matching service branches, i.e. US Army to US Army, USMC to USMC, etc., and by matching gender and rank as much as possible. Trust and commitment grows over this 18 month long relationship.

The Mentor Tool Box includes the written Mentor Standard Operating Procedures (SOP), verbal chain of command, attendance at training classes, and quarterly mentors meetings that focus on best practices and lessons learned.

Mentor Recruitment begins with Veteran Service Organizations (American Legion, Disabled American Veterans, Military Officers Association of America, etc.) with dissemination of information among faith communities, by word of mouth and through local media outlets. Prospective mentors can be invited to observe one or more VTC sessions. Mentors may also conduct short interviews with the mentor candidate to assess his/her interest. Mentors are strongly encouraged to take time off after graduation of their participants in order to recharge their batteries and prepare for their commit-
ment for a new assignment. Continuous assignments lead to burnout. At the same time, Mentor Coordinators need to monitor recruiting and avoid over-recruiting. Every potential mentor needs to be engaged in the mentoring process early on after recruitment, as waiting weeks or months for an assignment will lead to loss of a well-intentioned mentor.

**Economic Impact of VTCs**

Although each VTC has varying costs associated with maintaining and sustaining these programs, there is one key assumption: that participants complete the VTC process within an 18 to 24 month time frame.

In Cobb County, Georgia, for example, each participant costs the county $273/month (2). Each participant pays $100/month for drug screens or $1950 over the course of 18 months (2). Once a graduate is employed and becomes a tax-paying citizen, the typical VTC graduate re-pays in state taxes the state’s costs of the Veteran’s time spent in the VTC program within 2 years.

In contrast, failure to complete the program requires the participant to serve his or her suspended sentence in jail, costing taxpayers $59/day (2). A two year (720 days) sentence costs $42,480, a five year sentence, $107,675; and a 40 year sentence, $861,400. Thus, graduation from VTCs saves the taxpayer money and allows VTC graduates to contribute to the tax base. The positive economic impact alone is staggering.

**VTC Funding**

The U.S. Department of Justice and Health and Human Services provides three year block grants to newly established VTCs. Community-based funding includes contributions from the American Red Cross and the United Way. County Commissioners may also provide funding through county tax revenues, once grant money is exhausted.

**Non-profit Funding**

In the spirit of taking care of our own, the Buffalo VTC and Cobb County VTC have established non-profit funds (501-C-3), in order to provide emergency financial assistance to Veterans participating in the VTC process. Only VTC participants can request funding, following guidelines established through by-laws. Other Veterans groups have the ability to establish 501-C-3 organizations (non-profit status) to support local Veterans requiring financial assistance.

**Keys to Successful VTC’s**

For a county to stand up a VTC, there must be a judge willing to increase his/her docket, a Mentor Coordinator who served in the military willing to supervise mentors, a media and marketing plan, and 4 to 6 months of planning to recruit and train mentors, gather resources, and begin the grant writing process required to operate a VTC.
Georgia Milestones and Summary
Georgia Supreme Court Chief Justice Thompson recognized the Cobb County Veteran Treatment Court Mentor Team in his annual State of the Judiciary on the floor of the Georgia State Legislature, February 4, 2015. Media coverage by local papers, the professional magazine of MOAA, and the National Chaplain Association have also educated civilian and Veteran readers about VTCs.

The most impressive milestone of all VTCs in Georgia, as well as among all states that host VTCs, is the growing number of Veteran graduates who are reclaiming their lives and their place as successful, taxpaying members of their communities. We cannot measure the value of their hope for themselves and their confidence in our criminal justice system’s response to their unique needs subsequent to their military service.

About the Author
Major William B. Howerton II (USA, Ret), began his 22 year military career by enlisting in the US Army in 1984. He served with 1/320 FA, 101st Airborne Division, Air Assault. After receiving his commission from Austin Peay State University, MAJ Howerton served in Europe, again with the 101st Airborne Division, XVIII Airborne Corps and General Patton’s own, 3d Army. His active duty career culminated as the Executive Officer to the USARCENT C3, BG Kevin Wendel. Since retiring in June of 2009, MAJ Howerton enjoys volunteering at the Georgia Aquarium and serving as the Cobb County Mentor Coordinator for the Veterans Treatment Court under the leadership of Judge Reuben Green.

References

2. Statistics maintained by Cobb County Georgia Veteran Treatment Court, 2017.
Somewhere along the way, we all face tragedy in our lives. Few are spared. People handle tragedies in different ways. As a mother of a combat injured Special Forces Green Beret, I made a promise to my son that I would never let others forget the sacrifice he and his military brothers and sisters make daily for our Country. To carry out this promise, in 2014, my husband, Jim and I spent our spare time figuring out how to turn our son’s life-altering war injuries into something to benefit others. Our first attempt was to “pay it forward” to the Green Beret Foundation for their endless support to our

By Fran Wesseling

Major Darren Baldwin and his mother, Fran Wesseling, 2014. Photo Credit: Fran Wesseling
son and his wife in the early years of his injuries.

The Foundation stepped in and offered help while other resources were tied up in red tape. Applying our God-given talents and business skills, Jim and I decided to organize a charity event in our community to benefit the Green Beret Foundation. With the help of a team of volunteers, a network of generous supporters and a lot of hard work, we have raised over $500,000 in three years by hosting an annual Cincinnati Green Beret Classic to benefit the Green Beret Foundation.1 As “grass root” volunteer fundraisers for a military charity, we connected with other military charities and programs in our community that introduced us to the State of Ohio’s Veterans Court Treatment Initiative.2

Veteran Courts

Veteran Court Treatment Programs are within the Court system’s specialized Courts. The purpose of Veteran Courts is to identify and treat the needs of eligible Veteran Defendants who may suffer from medical, psychological, substance abuse and dependency, and/or mental health issues. The program is designed to coordinate all of the resources available to honorably discharged Veterans to enhance their chances for successful treatment and recovery. Although our son never encountered the criminal justice system, we understood how traumatic brain injury and post-traumatic stress can impact Veterans and their families.

When asked to attend a conference on Veteran Courts in the State of Ohio, I first questioned why I would go. But after listening to the impact Veteran Court Treatment Programs were having on trouble Veterans, I knew in my heart, that my son would want us to get involved. At the conference, I sat next to Tim Henderson. Tim had recently been appointed as the Mentor Coordinator for the newly established Warren County Veterans Court, Major Darren Baldwin with mother Fran Wesseling and stepfather, Jim Wesseling, 2015. Photo Credit: Fran Wesseling
in Lebanon, Ohio run by Judge Gary Loxley. In hindsight, we aren’t sure if it was coincidence or fate that I met Tim that day, but it was the start of our involvement with the Veterans Court Initiative. After the conference, Tim invited us to attend a Warren County Veterans Court session where we saw young Veterans with their heads down and embarrassed to look people in the eye. As Judge Loxley called each one to the bench and respectfully reviewed the reasons they were there, we knew we had to get involved. Veterans Courts Treatment Program pairs Veteran participants with trained Veteran Mentors to establish a peer support relationship. This has been found to successfully keep participants committed to the 18 month treatment program. As civilians, we could not be Mentors but that did not stop us from creating a way to support the program and its participants.

After a year of existence we remain small in comparison to other resources. None the less we have successfully made connections to raise donations used to cover costs such as a short fall in a rent deposit payment, Driver license re-instatement filing fees, a program graduation celebration, and holiday gift cards for participants’ children. Other items we hope to cover are the cost of education or skilled training programs, and books or technology equipment that can assist with education or training. No matter how small the support, we have seen participants thank us for our organization caring about them. When this occurs, it gives Jim and me a sense of accomplishment realizing that our efforts have “expanded the path of support” for Veterans in the criminal justice system and reaffirms our promise.

Project Rise Above
With the help of three other volunteers with careers in banking and civilian and military law, we formed a non-profit registered in the name of Project Rise Above and became its board of directors. We decided to make the organization’s mission simple: to expand the path of support for participants of the Warren County Veterans Court. The name and logo symbolize one’s ability to rise above a set-back in life. As a small group of committed board members through Project Rise Above we each, in our own way. We help raise awareness of the Warren County Veterans Court Treatment Program. In addition we raise donations to cover the cost of basic living necessities participants may need during the 18 month program that are not available through other Veteran or community resources.
to never let people forget the sacrifice Veterans have made for our Country - even those who have encountered speed bumps along the way. Our involvement with Project Rise Above and its support of Veteran Court participants has enabled us to learn how unresolved post combat issues can lead Veterans into the judicial system. We have gained knowledge on how Veterans Courts provide such Veterans the opportunity to commit to a treatment program that can get them back on the right track. By attending Warren County’s Veterans Court’s monthly sessions and we have seen the physical and attitude changes that evolve as a result of an effective rehabilitative treatment plan. Finally, attending the Program’s graduation ceremonies and witnessing participants’ “personal pride” in successfully completing the 18 month program, standing tall with their heads up and eyes looking forward motivates us to encourage other civilians or Veterans to learn more about Veterans Court programs and consider how they too, can expand the path of support.

Inquires pertaining to Project Rise Above can be received by mail at 423 Reading Ave, Mason, Ohio or by emailing Fran at fwesseling@fuse.net.

About the Author
Fran Wesseling spends her retirement years as a civilian advocate and volunteer fundraiser for two Veteran charities. Mrs. Wesseling serves as an Ambassador and Cincinnati Chapter Director for the Green Beret Foundation, a national charitable organization whose mission is to answer the call of the Green Beret Community when healing from combat injuries, illnesses, loss of life or transitioning into civilian life. Since 2015, she and her husband have organized the Cincinnati Green Beret Classic, held annually in Cincinnati, Ohio to benefit the Green Beret Foundation.

Ms. Wesseling, a former Registered Nurse and director of a charitable foundation for people with developmental disabilities, turned her life-long passion for helping others into advocacy for the Green Beret Foundation in response to its generous funding of her son’s, Major Darren Baldwin’s, medical needs in the early years of his traumatic brain injury sustained in Operation Iraqi Freedom. In 2016, Mrs. Wesseling founded Project Rise Above, a nonprofit established for the purpose of expanding the path of support for veteran candidates of the Warren County Veterans Court. As Project Rise Above’s Board President, she oversees the organization’s mission objectives of raising awareness of the Warren County Veterans Court Treatment Program and raising funds that can assist Court participants with basic living necessities not covered by other resources. Fran resides in Maineville, Ohio with her husband, Jim Wesseling.

References
2. https://estrattonconsulting.wordpress.com
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