

# Veterans Treatment Courts

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*American University - Justice Programs Office is the technical assistance provider for the BJA Adult Drug Court Program. This fact sheet is part of a series created to respond to significant issues identified during the provision of technical assistance to the field. For more information about accessing technical assistance services or to learn more about the AU Justice Programs Office, go to [www.american.edu/justice](http://www.american.edu/justice).*

**T**he Bureau of Justice Assistance (BJA), through the BJA Drug Court Technical Assistance Project (DCTAP) at American University, provides technical assistance and training to drug courts, veterans courts, and other associated problem solving courts. DCTAP developed a Veterans Treatment Court Initiative to support the development of Veterans Treatment Courts and to promote their use of evidence based practices.

The first Veterans Treatment Court was founded in Buffalo, New York, in 2008 by Judge Robert Russell. Judge Russell noticed an increased number of veterans on his treatment court dockets who were struggling with unique substance abuse and mental health issues. He believed that these veterans could benefit from a specialized treatment court docket developed to address their specific needs and challenges.

## Veterans Treatment Courts

A Veterans Treatment Court provides judicially supervised treatment for justice-involved veterans and balances public safety and the need to treat a veteran suffering from a substance abuse and/or mental health disorder. VTCs seek to keep veterans out of jail and instead, connect them to their VA benefits and treatment to help integrate them back into the community.<sup>1</sup> Veterans Treatment Courts combine rigorous treatment and accountability for veterans facing incarceration. VTCs provide individualized treatment that focuses on the trauma that can be associated with being in the military.

## Number of Veterans Returning to the Community

Since 2001, there have been over 2.5 million veterans that have served in Operation Iraqi Freedom and Operation Enduring Freedom, with many of those veterans

having been deployed more than once. For many of these soldiers returning home, resuming civilian life has proven to be anything but a simple task. Transitioning from a high intensity, dangerous environment back to a life of civility often results in contact with the criminal justice system for many of these veterans. According to a Department of Justice Special Report, veterans account for approximately nine of every hundred individuals in U.S. jails and prisons.<sup>2</sup>

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According to Justice for Vets, a division of the National Association of Drug Court Professionals that seeks to keep veterans out of jail and connect them with treatment, one in six post-September 11<sup>th</sup> veterans has a substance abuse problem. In comparison, a recent report by the Substance Abuse and Mental Health Services Administration (SAMHSA) found that approximately 3% of individuals age 12 or older have a substance abuse problem.<sup>3</sup> Between 2002 and 2005, pre-

scription drug abuse among U.S. military personnel doubled and has continued to increase.<sup>4</sup> Additionally, military suicides are at their highest rates in 10 years.<sup>5</sup> The effect of extended absences, multiple deployments, Post-Traumatic Stress Disorder, and Traumatic Brain Injury not only affect the lives of these service members, but also affect the families and communities that these veterans are returning to. In an effort to address the needs of these returning veterans and the communities these veterans are returning to, Veterans Treatment Courts were created to provide veterans who have come in contact with the criminal justice system the structure and supervision needed to ensure that they stay out of jail and receive treatment services that address the “Invisible Wounds of War.”<sup>6</sup>

## Wounds of War

Today, the consequences of combat call for a unique so-

lution. The RAND Corporation estimates that approximately 300,000 military members in Operation Iraqi Freedom and Operation Enduring Freedom currently suffer from PTSD or major depression. Additionally, 320,000 military members experienced a probable Traumatic Brain Injury during deployment. About one-third of those previously deployed military members suffer from PTSD, major depression, or have had a Traumatic Brain Injury. Additionally, approximately 5 percent report symptoms of all three.<sup>7</sup>

Given the unique qualities of the types of trauma that service members encounter, including Military Sexual Trauma and the cross-cultural transition encountered by veterans returning from service, there is a need to differentiate veteran-specific considerations through treatment and the use of Veterans Treatment Courts for justice-involved veterans.<sup>8</sup>

### VTC Model

The model for Veterans Treatment Courts is similar to the framework used for other treatment courts; VTCs promote sobriety, recovery, and stability through a coordinated response. However, the incorporation of volunteer mentors and the coordination of treatment services through the US Department of Veterans Affairs health care networks, the Veterans Benefits Administration, and State Department of Veterans Affairs differentiate VTCs from other treatment courts.

Some VTCs incorporate different types of approaches into their model. For example, the Hamilton County, Ohio VTC offers yoga to its participants prior to the Veterans docket to reduce anxiety and uses yoga as one of the program's required three self-help meetings a week.<sup>9</sup> Other programs have incorporated the use of equestrian therapy into their model.

### Veterans Treatment Courts and Veterans Treatment Court Tracks

The rapid proliferation of veterans courts has led to the implementation of various types of programs. Some veterans courts are stand-alone programs with a dedicated caseload consisting of only justice-involved veterans. Other programs are developed as a track within a treatment or other type of court. Most often, veterans court tracks are developed as a component of a drug treatment

court. A vast majority of programs, approximately 70%, are developed as stand-alone programs.<sup>10</sup>

The decision to implement a stand-alone veterans court program or a veterans court track is often determined by the availability of resources to support the program and the number of veterans identified in the community. In general, it can be difficult to generate the funding and support needed to implement and sustain a new problem

solving court. Additionally, identifying veterans involved in the justice system has presented a challenge to many jurisdictions—an issue that is exacerbated by the lack of data that is collected on existing programs. In many instances, however, implementing a veterans court track within an existing problem solving court is often used as a catalyst for developing a stand-alone program.

### Role of the VA and the VJO

The Department of Veterans Affairs and Veterans Justice Outreach Officer play vital roles in the Veterans Treatment Court Model. Through coordination with a VJO Officer, the VA pro-

vides treatment to participants. The VJO also coordinates with their respective courts to provide counselling services, job placement series, and housing. Research suggests that VJOs have been successful linking justice involved veterans to VA services that treat their high rate of diagnosed substance abuse and mental issues.<sup>11</sup>

### Mentors

The most unique aspect of Veterans Treatment Courts is the incorporation of a peer mentor program to support program participants. Mentors can be active or retired military and are represented across all branches of the military. Depending on the structure of the mentor program and the availability of veteran mentors, veteran mentors can be matched to the same branch of service as the program participant.

Mentoring programs are usually led by a mentor coordinator, and mentors are often selected with input from the judge, court coordinator, and mentor coordinator. Mentors support participants in securing housing, employment, job training, education, and transportation. Additionally, mentors help participants and their families navigate the Veterans Administration, Social Services, and other systems. While mentors have many roles in Veterans Treatment Courts, they do not take on the role of the

*“Some people say, ‘Why are we treating them [Vets] differently. They’re criminals just like anybody else.’ And my answer is most of them entered the system, went into the military with no criminal record. There’s a lot of them that never had these issues until they came back from the war. They come out, they’re damaged. They have all sorts of issues they didn’t have before. We damaged them by sending them to defend us. We have this special extra obligation to really reach out and try to make their lives different.”*

*- Justice Evelyn Stratton (retired)*

judge, attorney, or counselor; rather, they serve as a resource, friend, war buddy, and advocate to the participant.<sup>12</sup>

Ongoing veteran peer mentors' interaction with the Veterans Treatment Court participants is essential to the recovery and sobriety of participants. Their active, supportive relationship maintained throughout treatment increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior.<sup>13</sup>

### Cost Savings

Veterans Treatment Courts not only benefit justice system-involved veterans, but taxpayers as well. In addition to significantly lower recidivism rates for participants who complete them, they also save taxpayers hundreds of thousands of dollars that would have otherwise been spent on incarceration. Moreover, these programs contribute to the community by reducing the effects of criminal behaviors on community well-being. Veterans Treatment Courts also connect eligible participants to VA treatment services and resources — off setting costs that would have been incurred by a local jurisdiction if participants were to be incarcerated and receive services through the traditional court system.

### Endnotes

<sup>1</sup> <http://justiceforvets.org/vtc-impact>  
<sup>2</sup> Margaret E. Noonan & Christopher J. Mumola, U.S. Dept. of Justice, Special Report: Veterans in state and federal prison 2004 (2007), available at <https://www.ncjrs.gov/app/publications/abstract.aspx?idid=238825>

<sup>3</sup> SAMHSA (2015). behavioral health barometer united states 2015. [http://www.samhsa.gov/data/sites/default/files/2015\\_national\\_barometer.pdf](http://www.samhsa.gov/data/sites/default/files/2015_national_barometer.pdf)

<sup>4</sup> Justice for Vets

<sup>5</sup> Attorneys, Judges, and Court personnel as “First Responders”: Strategies to Identify and Mitigate Trauma Among Veteran Participants with PTSD and Operational Stress Injuries in Veterans Treatment Court (2016), Major Evan Seamone

<sup>6</sup> Veterans Treatment Courts: A Second Chance for Vets Who Have Lost their way [Internet Broadcast], National Institute of Corrections

<sup>7</sup> Invisible Wounds of War Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery (2008) Rand Corporation

<sup>8</sup> Attorneys, Judges, and Court Personnel as “First Responders”: Strategies to Identify and Mitigate Trauma Among Veteran Participants with PTSD and Operational Stress Injuries in Veterans Treatment Court (2016), Major Evan Seamone

<sup>9</sup> [http://www.huffingtonpost.com/rob-schware/bringing-yoga-to-veterans\\_b\\_7697878.html](http://www.huffingtonpost.com/rob-schware/bringing-yoga-to-veterans_b_7697878.html)

<sup>10</sup> Justice for Vets. (2013). An Inventory of VA Involvement in Veterans Courts, Dockets, and Tracks. Retrieved from [http://www.justiceforvets.org/sites/default/files/gallery/An%20Inventory%20of%20VA%20involvement%20in%20Veterans%20Courts\\_1.pdf](http://www.justiceforvets.org/sites/default/files/gallery/An%20Inventory%20of%20VA%20involvement%20in%20Veterans%20Courts_1.pdf)

<sup>11</sup> Finlay, et. al. (2016). U.S. Department of Veterans Affairs Justice Outreach

<sup>12</sup> The Role of the Mentor in Veterans Treatment Court (2016 Webinar), BJA Drug Court Technical Assistance Project at American University, Jack O'Connor and Greg Coker

<sup>13</sup> The Role of the Judge in Veterans Treatment Courts (2016 Webinar), BJA Drug Court Technical Assistance Project at American University, Judge Robert Russell and Judge Vance Peterson

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