

DEVELOPING AND IMPLEMENTING A VETERAN'S TREATMENT COURT IN LA PAZ COUNTY



Provided by the La Paz County Veterans Treatment Court

STATEMENT OF PURPOSE:

The purpose of a Veterans Court is to identify Veterans within the criminal justice system and connect them to Veterans Administration (VA) services.

THE PROBLEM:

It is inconceivable for many Americans that military veterans could return home only to become inmates in our jails and prisons. The obvious question arises: how can those who fought for freedom choose a course of captivity?

The old axiom is true: War is hell. Veterans are frequently over-trained (Trained to react instantaneously without hesitation – muscle memory) by the military. Stripped of their former values, they retain only the military skills valued by the armed services but which are at best useless, and at worst maladaptive in civilian life.

Veterans returning with the “warrior mentality” often find it very difficult to admit to, and openly discuss their mental health problems, but after experiencing extended separation from a society that encouraged and applauded their entry into the military, and later praised and celebrated their involvement in war, upon returning, home, many veterans find themselves isolated in settings where their military-induced values and beliefs are obsolete and irrelevant.

Consequently, without treatment, their lives frequently spiral out of control, leading to arrest and involvement in the criminal justice system.

There is much documented evidence that a significant number of Veterans who returned from the Viet Nam conflict experienced severe problems adjusting to civilian life and many remained untreated for a long period of time.

Likewise, the current wars in Iraq and Afghanistan are also producing mental health casualties.

Nationally, there are approximately 23,440,000 Veterans in this country. There are 1,700,000 Veterans who have returned from Iraq or Afghanistan. Of these, 1 in 5 report symptoms of mental health issues. Currently, there are 72,600 in local jails: 136,800 in state prisons, and 19,300 in federal prisons.

As per the NAMI (National Alliance on Mental Illness), an estimated 700,000 Veterans in the US are under criminal justice supervision (either in jail or prison, or being supervised by probation or parole).

Simply jailing service members and Veterans for a few days or weeks at a time and then releasing them back to the streets without help typically result in them returning to the same lifestyle they had been living and soon they find themselves in the revolving jail house door.

The formation of a Veterans court can turn these unfortunate contacts with the criminal justice system into an opportunity to provide our returning warriors with the help they need in addressing their unique mental health issues.

The goal of the court is to prevent Veterans charged with misdemeanor offenses in La Paz County from falling into a life of crime by immediate intervention and engagement in VA services.

In most cases, the Veterans Court will require that the service member participate in a rigorous program of rehabilitation. Much will be expected of the participants. Ultimately, the goal is that they become healthy and empowered to pursue their dreams.

The guidelines in the program are based upon consultation and a general consensus of the key stakeholders including the La Paz County Superior Court, La Paz Justice Courts, La Paz County Adult Probation, La Paz County Attorney, La Paz County Public Defender and the Veterans Administration. These guidelines also draw from the experience of other Veterans Courts throughout the country and research on Smarter Sentencing Practices.

Once the court is implemented, periodic changes in the program are reasonably anticipated and the court, team members, collaborators and participants are encouraged to bring forward concerns and unmet needs. The ultimate goal is that the program effectively and successfully serves as a catalyst for improvement in the lives of service members and Veterans.

MISSION:

Our mission is to serve our returning Veterans who have been wounded (physically or emotionally) in the service of their country.

The challenge for the Veterans Administration and the legal community is to offer interventions whenever and wherever opportunities occur. The La Paz County legal community is working to engage Veterans through the creation of a Veterans court here in La Paz County.

Early signs that a Veteran may have unaddressed problems emerge when they first encounter law enforcement. The Veterans Court offers an opportunity for the VA to immediately engage the Veteran, with the goal of preventing the behavior from escalating in seriousness and becoming cyclical.

IDENTIFICATION OF COURT PARTICIPANTS:

Identification of the service member and Veteran is the first key component of the program. Participants will be selected from those arrested and brought to court. The Veterans court looks for service members and Veterans that find themselves in trouble with the criminal justice system because of criminal behavior resulting from their physical and mental injuries from combat, PTSD, and/or TBI.

The initial appearance judge will question these individuals to find out if they wish to participate in the Veterans Court. Offenders who are transferred to this docket have committed misdemeanor offenses.

The Veteran must be willing to accept and engage in assistance from the VA in order to address a treatment regime, rehabilitation, housing needs and employment needs.

Anyone who has ever served in the military, active or retired, whether or not they were deployed or saw combat, are eligible to participate in the Veterans Court, including those with less than honorable discharges.

The key question for identification is to ask the arrestees whether they served in the military. If they are simply asked whether they are a Veteran, many will say no because they define a Veteran as anyone who served in actual combat. Unfortunately, post-traumatic stress may occur in service members and Veterans who served in supporting roles, such as hospital medics or soldiers who handled the remains of their fellow soldiers. It can also occur amongst convoy drivers who had constantly been on the lookout for roadside bombs or other threats day after day and amongst soldiers who serve as mechanics who repair vehicles damaged in attacks.

Post-traumatic stress or other behavioral health issues have no simple boundaries. It can occur within all who have served.

ELIGIBILITY:

The La Paz County Veterans Court is a specialty court within the justice system that assists Veterans (as "Veteran" is defined by federal law). The eligible Veterans are

those having misdemeanor charges issued within the County of La Paz. Crimes involving victims, sexual offenses or violent crimes may be excluded from the program.

Under no circumstances should any candidate for the Veterans Treatment Court be denied admission merely upon the basis of his or her gender, race, ethnic background, sexual orientation, cultural and/or religious backgrounds. Participation in the Veterans Court is voluntary on the part of the defendant and subject to approval by the prosecutor.

This Court will be a collaborative effort with the Colorado River Indian Tribes (CRIT) to accept CRIT defendants.

This court will be a regional Veterans Court, which means it will hear all of the misdemeanor Veterans Court cases, regardless of which court the case originates from. The originating court still retains jurisdiction over the case while the defendant participates in the Veterans Court.

This court will seek to help service members and Veterans who find themselves in trouble with the legal system by connecting them to their earned Veterans benefits to which they are entitled.

The Federal Government can be complex and difficult to traverse. Consequently, many Veterans have never availed themselves of the services to which they are entitled to and which they need.

All participants will need to read and sign a plea agreement and participant pledge. To facilitate communication among team members regarding substance abuse treatment information, participants will need to waive their confidentiality rights. A VA form 10-10EZ, Application for Health Benefits, will need to be filled out, which requires a copy of the defendant's DD214. Further, Veteran is to provide DD214 and HIPAA waiver to the Veterans Court Board, consisting of the prosecuting attorney, defense attorney and the judge. (Herein called the "Board").

The guiding principle of this court is effective and individual case management for every service member and Veteran who comes before the court. The presiding court may sua suponte, or upon motion of one of the parties, transfer the case to the Veterans Court after a complaint has been filed. The referring court will advise the Veterans Court of the status of the case and the Veterans Court will subsequently appoint counsel for all the referrals, and if it has not yet occurred, set the matter for the appropriate hearing.

Those deemed eligible and agreeing to participate will be transferred to a designated facility to insure that they follow up with treatment at the VA.

SCREENING:

These individuals will be screened for eligibility by “the Board” and if eligible, set up a treatment plan. Those accepted into the program will be seen *at least monthly* at the VA Court session at the La Paz County court. The treatment coordinator from the VA will also attend the Court sessions.

The court will endeavor to apply the best practices in its efforts to address the Veterans needs. It will identify the behavioral health issues and criminogenic factors that have resulted in the participant entering the criminal justice system and direct the development of a case plan (which may include conditions of probation), when reasonable to address them. The participant will consent to counseling and treatment under the plan or be ordered to comply with it.

The Veteran must agree to complete and sign all necessary court documentation to also include the VA Release of Information. All information regarding medical, alcohol or drug use or treatment will be sealed and kept confidential.

Veterans with mental health and/or substance abuse problems will become actively involved and compliant with their VA treatment and case manager plan.

Eligible Veteran offenders will be offered a stipulated plea agreement to include 1.5 years supervised probation, (with the exception of Class 3 misdemeanor cases, which are limited to one year probation), condition of probation is up to 60 days deferred incarceration to be used based on behavior.

DISCHARGE

Participants can be discharged from the program for a variety of reasons, including successfully completing probation, noncompliance with program rules, absconding, etc.

Activities that may result in discipline up to and including termination from the program will typically include warrants, arrests or violations of any aspects of participant’s treatment plan. Other violations may include:

- Dishonesty, e.g. participant denies violation of **confirmed** drug or alcohol use;
- Failing to cooperate with the Probation Officer or treatment program; or
- Violence or threat of violence directed at treatment staff, court personnel, other Veterans treatment Court participants, or other clients of the treatment providers.

The proceedings of the court will be on the record. Every effort will be made to move cases along as expeditiously as possible, consistent with the procedural rights of the participants and victims.

PROGRAM PROTOCOL

- Misdemeanors only
- 1.5 years probation (or 1 year for class 3 misdemeanors)
- Post-conviction
- Nine months' Veterans Court
- Pre-court staffing to go over UA results/counseling attendance, progress, determine sanctions (if any)
- Graduated jail sanctions based on continued negative behavior (positive UA's, missed counseling sessions)
- Defendant's will participate in random drug and alcohol testing (weekly to start. Frequency to be reduced based on results)
- Outpatient counseling required.

Staffing Meetings:

Prior to each court review hearing, there will be staffing meetings. Present at these meetings are: judge, defense attorney, prosecuting attorney, Probation officer and VA representative. Others who may attend these meetings will include those with percipient information, ex: service providers, relatives, employers. The purpose of these meetings are to bring all team members up-to-date about the progress of each participant. These meetings should discuss the achievements and difficulties of each participant since the previous staff meeting, including staff and treatment providers' recommendations for adjustments to treatment plans, indicate positive drug tests, incentives and sanctions, etc.

This will give the judge access to the decisions as each participant stands before him or her if the review status hearings immediately follow the staffing meetings.

Judicial Review Hearings:

Judicial review hearings shall be dockets dedicated solely to Veterans Court participants. Participants attend these hearings en masse and remain in the courtroom as each fellow participant interacts with the judge. This allows participants to see the consequences of others' actions and builds a sense of mutual support among participants. Based upon the participant's treatment needs, the frequency of judicial review hearings should be determined per participant.

MENTORING PROGRAM

The mentoring program is an essential and vital part of any Veteran's treatment Court. Experience has shown that Veterans were more likely to respond more favorably with another Veteran than with others who did not have similar experiences. Veterans when talking with other Veterans would be more relaxed and less tense about their situation. This change in demeanor makes a deeper impact on the lives of the Veterans.

Veteran Mentor Coordinator

The Mentoring Coordinator is essential in maintaining the success of the Veteran Mentor Program. The role of the Mentor Coordinator is to train, recruit, supervise, and coordinate mentors. The Mentor Coordinator is responsible for:

- Recruiting and training volunteer Veterans Court mentors.
- Responding to inquiries around participating in the mentoring program.
- Assisting in the retention of volunteer mentors.
- Organizing and conducting training for volunteer mentors.
- Assisting in supervision of mentors.
- Assisting in the development of specialized training projects for the program.
- Performing all other duties as assigned by the Judge.

Veteran Mentors

A vital aspect of the Veterans Court and getting to the bottom of the issues of our Veterans is its team of volunteer Veteran mentors. This pool of mentors include those who have served in various conflicts and branches of the United States Armed Services. While in court, the Veteran will be assigned a mentor who will discuss any ongoing problems or issues of interest. As the mentor works with the Veteran, they problem-solve existing issues, bringing them to the attention of the court for assistance in resolution if necessary.

The goal of the mentor is to foster a relationship of confidence with the Veteran. This helps the Veteran to accomplish their treatment goals and improves their chances for law-abiding behavior in the future. The mentor is intended to encourage, guide and support the mentee as they progress through the court process. This can include listening to the concerns of the Veteran and making general suggestions, assisting the Veteran to determine what their needs are, and acting as a support for the Veteran at a time when they may feel alone in a way that only another Veteran can understand.

The duties of the Veteran Mentor may include:

- Attend court sessions when scheduled.
- Participate in and lead mentoring sessions with Veterans when assigned by the Judge.
- Be supportive and understanding of the difficulties Veterans face.
- Assist with the Veterans as much as possible to resolve their concerns around the court procedures as well as interactions with the Veteran's Administrative System.
- Be supportive and helpful to the other mentors within the program.
- Arrange recognition events for the Veteran.
- Make recommendations for ongoing training.

Recruitment Policy

The Veteran Mentor Coordinator assumes the majority of the responsibility for recruiting new mentors. The La Paz County Veterans Treatment Court Team, its collaborative partners and current Veteran Mentors are strongly encouraged to refer highly respectable and reputable Veterans to the Veterans Mentor Program. Additionally, Veterans Court Team members and Veteran Mentors are strongly encouraged to attend and host informational sessions and training for perspective mentors.

Navigators:

Navigators are mentors especially trained in the ins and outs (procedures) of the Federal Government Veterans Administration system and how to "get things done" therein. Their purpose is to identify and guide the participant in accomplishing his administrative goals.

Eligibility Policy

Each Veteran Mentor must meet the eligibility criteria as established by the court. In general, these requirements include:

- Be a Veteran of one of the branches of the US Military, including the Army, Marine Corps, Navy, Air Force, Coast Guard or their corresponding Reserve or Guard Branches.
- Adhere to all of the policies and procedures as established by the court
- Commit to the participation for a minimum of one year
- Complete the required training procedures required by the court
- Participate in additional trainings throughout the time of service as needed
- Completion of a criminal background or driving record check, especially in those instances where the mentor may assist the defendant in transportation to and from meetings.

Other desirable qualities mentors may have include:

- Willing listener
- Encouraging and supportive
- Tolerant and respectful of individual differences
- Active listener
- Empathetic
- Knowledge of Veterans Affairs services
- Knowledge of community resources and services

Screening Policy

Each prospective Volunteer Mentor must complete the screening process as established by the court. The Volunteer Mentor Coordinator is responsible for conducting the screening process. The decision to accept or deny an applicant will be made by the Mentor Coordinator and the Judge. Feedback regarding the prospective mentor's denial may or may not be given. The right to withhold or give feedback is solely at the discretion of the Judge.

The Volunteer Mentor Screening procedure will include, but not be limited to:

- Completing a written application form
- Completing a personal interview
- Authorizing a background check (which the court should do)

Assignment Policy:

The court will assign mentors to specific cases based on a review of the case and the recommendation of the mentor coordinator. Contacts between Veteran and Mentor will be documented by volunteer mentor and submitted to the assigned Probation Officer.

PROGRAM PROGRESSION

Phase I – Two to Three Months

1. Report individually weekly to Probation Officer
2. Motions before the Judge twice monthly
3. Report to Veteran Mentor pursuant to agreement resolved at each court meeting
4. Report to counselor per treatment plan
5. If applicable and appropriate, random PBT's and random weekly drug screens
6. If employed on a full-time basis, maintain employment status. If not, complete some combination of community service and employment and/or career counseling for a total of 25 hours per week.

Phase II – Three to Four Months

1. Report individually twice monthly to Probation Officer
2. Motions before the Judge once monthly
3. Report to Veteran Mentor pursuant to agreement resolved at each court meeting
4. Report to counselor per treatment plan
5. If applicable and appropriate, random PBT's and random weekly drug screens for the entire phase
6. If employed on a full-time basis, maintain employment status. If not, complete some combination of community service and employment for a total of 20 hours per week

Phase III – Three to Four Months

1. Report individually once monthly to Probation Officer
2. Motions before the Judge once monthly
3. Report to Veteran Mentor pursuant to agreement resolved at each court meeting
4. Report to counselor per treatment plan
5. If applicable and appropriate, random PBT's and random monthly drug screens for the entire phase

Phase IV – Aftercare

Check-in with Probation Officer on a monthly basis for possible follow-up services as needed.

The participants in the program will be tracked to determine whether the goals of the Public Safety Strategic Priority Area are being met. Data for determining participant success will require a collaborative effort of the participating agencies. Additionally, an interview of each participant upon entry into the program will help determine the participant's social history. The history of a participant is critical in determining progress of participants.

The following specific factors are offered as measurements of success:

1. Criminal Justice System Efficiency
 - a. The disposition time (time from initial court appearance to sentencing or disposition);
 - b. The length of each participants term in the program;
 - c. The number of review hearings; and
 - d. The number of days incarcerated
2. Participant Success
 - a. Criminal History before and after entering the program (the number of arrests and severity of the offense);
 - b. Instances of Substance Abuse
 - c. Number of crisis intervention contacts with law enforcement, ambulance services, hospitals, etc., before and after entering the program;
 - d. Use of VA Services or other behavioral health services before and after entering the program;
 - e. Whether employed before and after entering the program; and whether residing with family before and after entering the program.

COMPLIANCE, SANCTIONS AND INCENTIVES:

The Veterans Court seeks to ensure the engagement of its participants with behavioral health and social services. Most of the participants will receive diversion or probation with a condition that they successfully complete their case management plan. For those placed on probation, the court may also order deferred jail terms in the La Paz County Detention Facility.

The review hearings are the vehicle for monitoring the progress and compliance of the participants. The court will hear updates on the participants' progress with their case management plans from the VA health care professional and probation and, if necessary, re-evaluate its appropriateness (removing and adding terms to the plans).

Reports from therapists, social workers and other professionals working with the participants are an important part of this process and should be delivered to the court and all other members of the team (i.e. prosecutor, defense attorney, probation officer, and VA health care professional) at or before the staffing meeting.

The court will also offer incentives to those participants who are progressing well with the terms of their plans and meter out sanctions for those participants who are failing to adhere to it.

Incentives may include:

- In court positive statements of encouragement from the judge and team members;
- Removal of sanctions;
- Recognition ceremony;
- Certificate of Completion

Sanctions may include:

- Community service;
- Writing assignments;
- Extension of diversion or probation;
- Arrest warrant for failure to appear; failure to comply with plan or violation of probation;
- Jail term (Project SAFE);
- Termination of diversion or revocation of probation;
- Additional time in treatment

REVIEW HEARINGS

A review hearing will generally be set four weeks after the court places service members or Veterans in diversion or sentences them. Another review hearing will be set within three and six months of the disposition. The court, probation or parties may request review hearings be set sooner.

The program will benefit the jail by providing space for more serious offenders and reduced expenditures for medical and psychological treatment.

ADULT PROBATION:

The Veterans Court Probation Officer will supervise the participants as ordered by the Court in order to enforce compliance with court directives and provide for public safety. Probation will utilize evidence based assessments to identify criminogenic needs. Evidence based interventions will be utilized to address identified needs. Probation supervision will entail a variety of activities including but not limited to:

- Appearing and testifying in court.
- Building positive working relationships with participants and treatment plan members.
- Conducting visits with offenders at the office and at various sites including home and employment to monitor compliance.
- Consulting with the treatment court team including attorneys, treatment staff, mentor and judge as well as other community agencies as needed.
- Facilitating and monitoring drug testing and counseling participation.
- Make recommendations to the treatment team regarding appropriate sanctions and incentives to correct or reinforce participant behavior.
- Assess each participant to determine criminogenic needs and risk to the community.
- Utilize Evidence Based Practices to facilitate and encourage positive behavioral changes.

PROSECUTOR AND DEFENSE COUNSEL:

The La Paz County Attorney's Office and the Public Defender's Office will designate the attorneys who will represent the State and participants. All attorneys who practice before the court will be expected to work collaboratively with the Adult Probation and the Veterans Administration in developing appropriate dispositions and case plans for the participant.

All participants in the program will have defense counsel. The court will determine if they are eligible for appointed counsel upon their referral to the court, if they did not have counsel appointed earlier. Generally, the designated attorney from the La Paz County Public Defender's Office will serve as appointed counsel. If a participant retained private counsel, he or she may still work with an attorney from the Public Defender's Office to facilitate participation in the court.

VETERANS ADMINISTRATION:

Veterans Administration (VA) participation is vital to the court's success. The VA will assign a Behavioral Health Professional to work with the court from the Northern Arizona Veterans Administration Health Care System (NAVAHCS). This health care professional will facilitate the screening of the possible participants for eligibility with the VA system, and once the VA determines they are eligible; will set up a case management plan and address treatment, rehabilitation, housing and employment needs. The health care professional will then monitor their progress in the VA system.

The health care professional will also serve as the point person with the court, communicating the progress of each participant. This person will do the following:

- Assist participants with VA eligibility for services;
- Ensure that the VA releases information for participants between the VA Hospital or Clinic and the court, probation, prosecutor and defense attorney;
- Facilitate VA services for qualifying participants;
- Set up and verify appointments for Substance Abuse Treatment and Mental Health Clinics;
- Check on VA toxicology testing results;
- Coordinate and provide VA treatment and case plan status report to the court;
- Case management, crisis management and support for the participant inside and outside the courtroom.

EVALUATIONS:

On a yearly basis, the La Paz County Attorney's Office will compare Veteran to non-Veteran cases (same ARS violations) for recidivism.

A stand alone customer satisfaction survey of Veterans and their family members will provide a qualitative measure of satisfaction and community impact (PHD program).

CONFIDENTIALITY AND PRIVACY:

The court and its team members and collaborators will respect the privacy and dignity of its participants. Voluminous records, documents and other information will be obtained through participation in the court. The court, its team members and collaborators shall only utilize this information to advance and insure compliance with the case management plan and court dispositions. Other uses are prohibited.

The court and its team members and collaborators shall comply with all State and Federal laws and rules. See 42 USC § 290dd-2 et seq. (Substance Abuse and Mental Health Records – Confidentiality and Disclosure Procedures), 42 CFR §2.61 et seq. (Confidentiality of Alcohol and Drug Abuse Records), 45 CFR § 164.500 et seq. (Health Insurance Portability and Accountability Act Regulations and Ariz.R.Sup.Ct., Rule 123).

The participants shall sign a waiver of confidentiality that will allow VA Health Care Professionals, case managers and other treatment providers to provide records and discuss a participants' progress with treatment and other social services to the court and its team members and collaborators.

The court may also enter an order to provide the records and enable all treatment providers to discuss a participants' progress.

The court will use some of the privileged and confidential information that it obtains to help with funding and measure its success. The names of participants and other identifying information will not be used for this purpose. If there are circumstances that present themselves that require such disclosure, the court and its team members or collaborators will obtain written consent from the participant.