

Veterans could soon join ranks of specialty courts

BY ROBERT BRITT
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It's Wednesday morning at the Clark County courthouse in Vancouver, Wash., and Navy veteran Eric Vance stands before the district court judge. Appearing in the middle of the day's hurried docket, Vance requests that two bench warrants stemming from a DUII charge be quashed in exchange for his application to the county's veterans treatment court.

Down the hall, retired Army command sergeant major Norm Hayes is finishing his monthly check-in with the veterans court. There is nothing hurried in this courtroom. Along with a dozen or so other veterans, Hayes appears before the judge to talk about how treatment is going. The meetings are going well. He even went on a weekend trip recently. When Hayes is finished, the judge — who greets each of the court's participants by first name — steps down from behind his bench to present Hayes with a court mug as the room fills with applause.

Across the Columbia River, a similar veteran's program may soon be coming to the Portland area.

Multnomah County Commissioner Judy Shiprack and other local officials are looking at ways to link military veterans entering the criminal justice system for low-level crimes with rehabilitation services and counseling as an alternative to traditional sentencing and incarceration.

Based largely on the drug court model, veterans treatment courts provide court-mandated treatment in exchange for the chance to have criminal charges cleared from veteran's records. Instead of serving time for a crime that can be linked to mental health or substance abuse problems stemming from his or her military experience, the veteran would seek care at a Veterans Affairs medical center or from providers in the community.

"My vision is that this is a service loop that is connected through the court system," Shiprack says.

Portland already has similar courts in place to target problems relating to substance abuse, mental health, drunken driving and minor offenses such as petty theft.

In a survey of people booked at the Multnomah County jail from April through September 2011, only 2.1 percent of those self-identifying as veterans had a dishonorable discharge from the military. Nearly 80 percent were not trouble makers while on active duty, according to the report, which prompts the question: What happened to these veterans after discharge that resulted in their entry into the criminal justice system?

"With all of these specialty courts, we're seeing a lot of veterans," Shiprack says. "We are probably not aware of all the veterans we are seeing and we are probably missing a lot of opportunities that are coming our way through these existing specialty courts to connect veterans to services that exist within the community."

Shiprack's office plans to create a veteran-specific caseload in the adult probation department, which will link probation-sentenced veterans with probation officers

who have history of military service. She is also partnering with the circuit court and the VA's justice outreach office to start a veteran's docket, which would reserve a block of time for court to try cases against veterans while appropriate service providers are in the courtroom.

Tom Mann, who oversees the veterans services division of the Oregon Department of Veterans' Affairs, has also been involved in the planning of a veteran-specific docket.

"It doesn't take any extra funding or staffing necessarily," Mann says. "You're just blocking out a day when you're going to see your veteran clients. And you put veteran advocates in there. You put people from ODVA, the federal VA and other people that have programs for veterans."

"What you do is you determine if that veteran is a candidate first for the veteran docket — meaning that their crime was such that we believe there were mitigating circumstances, and you ask them if they will be willing and interested to go into a program process instead of going to jail. And that could include counseling through the federal VA; it could include domiciliary or an in-patient thing — whatever their issue is."

Shiprack says creating a veterans court or docket in Portland is a pertinent issue because the number of returning veterans is on the rise, and some — but not all — of these veterans are ending up entangled in the criminal justice system.

Mann attributes much of this contact with law enforcement to the unseen wounds of war, especially when left untreated.

Traumatic brain injury and post traumatic stress disorder can lead to a loss of inhibition or restraint and can cause some people to act out, Mann says. "So some people will have responses to their disabilities in such a way that ends up in an engagement with law enforcement," he says. "It becomes something that needs to be treated," Mann says. "You can put the person in jail, but that's not going to stop the problem because they have an organic disability that needs to be treated. So we look at those kind of cases, case-by-case, and we say 'OK, we think there are services for this person. We think certainly the crime they committed was directly related to this combat issue, and we think that in this case rehabilitation works.'"

Substance abuse is also a common problem, Mann says, as some veterans will attempt to self-medicate with alcohol and drugs to control their symptoms. Part of the problem lies in the military culture.

"Our warrior culture is, 'Suck it up and drive on.' We don't ask for help," says Mann, himself an Army veteran.

"That's why court dockets are important," he says. "Because it gets those people in there and it kind of forces their hand to say, look, you are at the bottom of the ladder at this point. You've got a choice, I can put you in jail or you can finally suck it up and say I need some help and we'll get you the help you need."

Unfortunately, jail is where many veterans can

end up. According to Oregon Department of Corrections, there were 2,029 veterans in state prisons as of late July. This number accounts for more than 14 percent of the state's inmate population.

Vance and Hayes each entered the Clark County criminal justice system because of drunken driving-related charges, which data suggests is not uncommon among veterans. A 2009 survey conducted by the Veterans Intervention Project examined all the arrests and bookings of veterans in Travis County, Texas, and found DUII to be the most common offense for veterans.

Hayes and Vance are each embracing the help available at the VA campus in Vancouver, however, as both attend substance abuse counseling.

Chris Deutsch, of the National Association of Drug Court Professionals, a nonprofit advocacy group specializing in therapeutic courts, says there is still much to learn about the pattern of veterans in the courts.

"Nobody is really tracking veterans in the criminal justice system. Only now are jurisdictions starting to even identify veterans when they come in. What they're finding is that there are a number of veterans who are being arrested for crimes that can be linked specifically to mental health disorders or substance abuse disorders. And the Veterans Treatment Court model gives a community a solution, rather than sort of cycle them through the criminal justice system where they're most likely to just re-offend and re-offend, to really make that arrest the intervention that they need to turn their life around."

Deutsch adds that on a very practical level, initiating veterans treatment courts is about economizing resources, pushing the check for the services to the federal government rather than local.

"In communities that have a drug court or a mental health court and have veterans coming through, it behooves them to get those veterans connected to treatment through the VA or through the state department of veterans' affairs because that's treatment the veteran has earned and is paid for," Deutsch says. "That frees up space for drug court participants to get treatment in the community. But more importantly, I think, there's the fact that we know what happens when a generation of veterans comes home and doesn't get the support that they need. We saw that with the Vietnam-era veterans."

Conserving local funding is another reason behind Shiprack's work to create a veterans court in Portland.

"We're working in Multnomah County with diminishing resources and an increasing service population for more than a decade now," she says. "And we are just really looking to the VA to be a resource, and a partnering resource here with our court system."

According to a cost comparison conducted by the veterans justice outreach office at the Portland VA medical center, utilizing VA services instead of locally funded resources can easily save thousands of dollars for each veteran. One veteran receiving six months of care for PTSD, substance abuse, and needing some inpatient treatment, could

cost as much as \$7,437 under Medicaid and the Oregon Health Plan.

The nation's first veterans treatment court began in Buffalo, N.Y., in 2008 and has been lauded as a successful way to keep veterans out of the criminal justice system. Its combination of supportive services, supervised treatment and peer mentors—themselves veterans—led to a reported recidivism rate of zero through its first two years.

According to official counts, there were 95 veterans courts in the nation in early 2011, but Deutsch estimates there are around 120 today, with another 100 being planned. Klamath Falls became the first such veteran court in Oregon in November 2010.

Advocates for the veteran's treatment courts are quick to point out that these programs are designed to prevent veterans from thinking they have carte blanche to break the law without fear of prosecution.

"This is not a free pass. This is an opportunity to have a win-win situation," Mann says. "But if the veteran doesn't do their part and be part of the solution, that jail option is still on the table."

The Clark County veterans treatment court held one such example. About 15 minutes after celebrating Hayes' successes, the presiding judge ordered another veteran to five days in jail for failing to comply with his substance abuse counseling plan.

Approximately 30 people have gone through Clark County's veterans court this year, according to Larry Smith, Vancouver city councilman and president of the Veteran's Advisory Board. He says the goal is to double that number, and he isn't surprised that Multnomah County is looking to create a similar court of its own.

"They're extremely valuable in the long term, that's why they're so popular," Smith says. "Not only do they get a guy or gal out of the slammer — because if they abide by what the judge says and do what he says as far as rehabilitating yourself and you graduate, your record is clean—but you will also have a clean record, so it's not going to get in the way of a job opportunity."

Concern over veterans treatment courts does exist, however. These specialty or therapeutic courts, according to some, hold the possibility of losing the individual advocacy that a defense attorney affords in traditional court.

But ultimately Mann and others insist that the focus is on getting veterans the services they need. "We have a moral obligation to do what's right for them," he says. "If their condition is causing them to act out in ways that we think are treatable that will be appropriately managed through a court docket, then we think that is the exact way to go."

Hayes' year in the Clark County Veterans Therapeutic Court is almost over, and when finished, his record will be wiped clean. His involvement with the veterans court will continue though, as he says he plans on returning as a volunteer mentor.

"My job in the Army was taking care of soldiers," he says. "That doesn't have to stop just because I'm retired."

