

Tribal Law & Policy Institute ~ September 10, 2015

Veterans Courts & Justice-Involved Veterans





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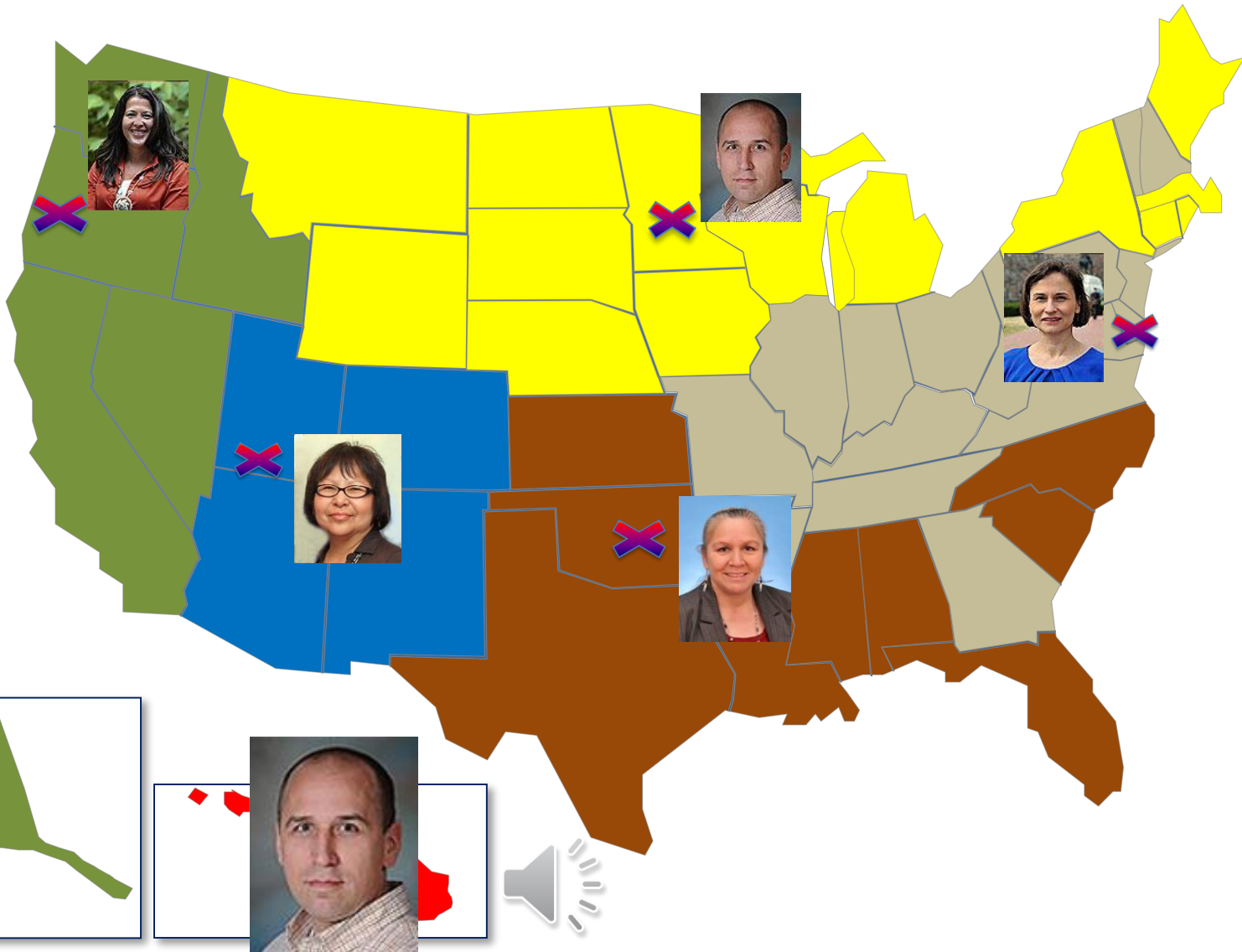


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(VHA) Veterans Health Administration



(VBA) Veterans Benefits Administration (compensation; pension; education; insurance; home loan guarantees; vocational rehabilitation)



(NCA) National Cemetery Administration (national cemeteries; burials; plots; tombstones)





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VHA is one of the largest integrated mental health systems in the world: **153** VA Medical Centers (VAMCs); **773** Community Based Outpatient Clinics (CBOCs); **135** Community Living Centers (nursing homes); **47 Residential Rehabilitation Programs**; **260** Readjustment Counseling Centers (Vet Centers)

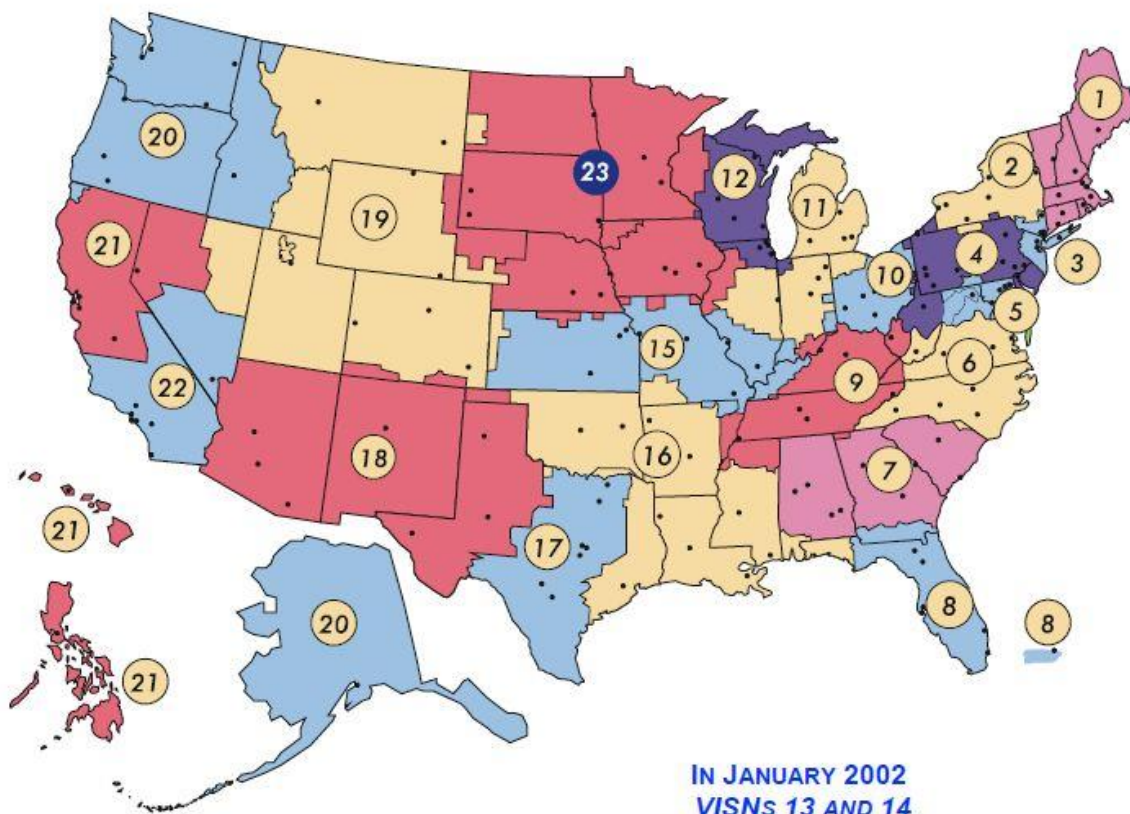
It employs over 21,000 mental health professionals and >300,000 employees (2nd largest cabinet agency)

The number of veterans receiving specialized treatment from VA has risen each year, from 927,052 in 2006 to more than 1.3 million in 2012.



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Veterans Health Administration 21 Veterans Integrated Service Networks

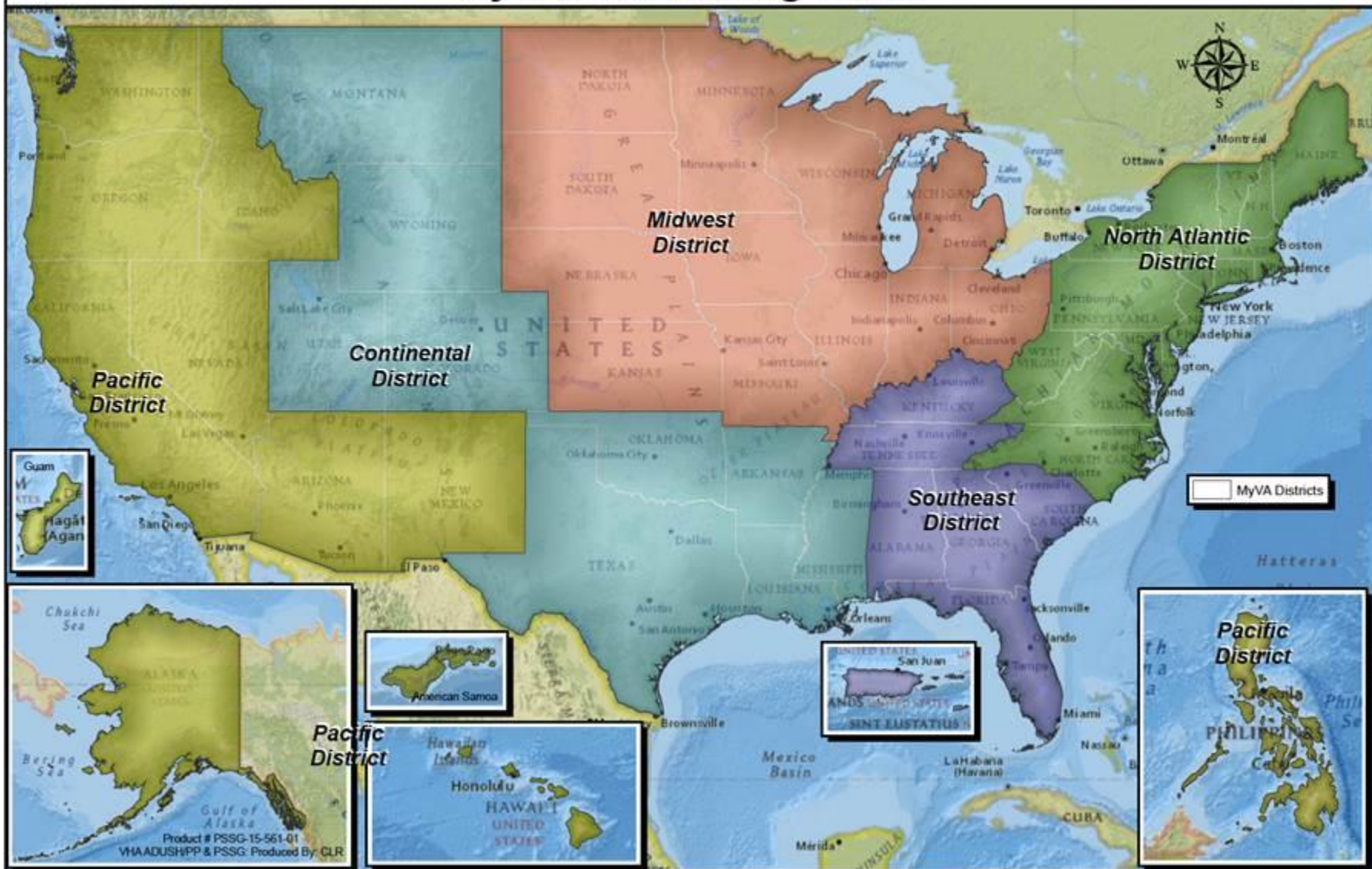


IN JANUARY 2002
VISNs 13 AND 14
WERE INTEGRATED AND
RENAMED VISN 23



DEPARTMENT OF VETERANS AFFAIRS

MyVA District Alignment





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Total Estimated American Indian/Alaska Native Population	154,305
Male	137,335
Female	16,970



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State	Indian Vet Population	%	State	Indian Vet Population	%
Alabama	2,319	1.5	Indiana	2,112	1.4
Alaska	5,469	3.6	Iowa	246	0.2
Arizona	10,943	7.1	Kansas	1,185	0.8
Arkansas	1,764	1.1	Kentucky	309	0.2
California	18,398	11.9	Louisiana	1,549	1.0
Colorado	2,800	1.8	Maine	251	0.2
Connecticut	608	0.4	Maryland	1,168	0.8
Delaware	204	0.1	Massachusetts	1,872	1.2
Florida	6,337	4.1	Michigan	6,029	3.9
Georgia	2,082	1.4	Minnesota	3,707	2.4
Hawaii	661	0.4	Mississippi	1,297	0.8
Idaho	1,213	0.8	Missouri	2,673	1.7
Illinois	1,577	1.0	Montana	2,539	1.7



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State	Indian Veteran Population	%	State	Indian Veteran Population	%
Nebraska	672	0.4	Rhode Island	180	0.1
Nevada	1,722	1.1	South Carolina	1,320	0.9
New Hampshire	542	0.4	South Dakota	2,132	1.4
New Jersey	1,076	0.7	Tennessee	837	0.5
New Mexico	10,219	6.6	Texas	9,556	6.2
New York	3,554	2.3	Utah	1,407	0.9
North Carolina	5,273	3.4	Vermont	174	0.1
North Dakota	1,280	0.8	Virginia	2,486	1.6
Ohio	2,446	1.6	Washington	6,326	5.1
Oklahoma	14,348	9.3	West Virginia	376	0.2
Oregon	3,403	2.2	Wisconsin	3,305	2.1
Pennsylvania	1,775	1.2	Wyoming	465	0.3



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What is a veterans court?
What does it do?



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“The [veterans] Court provides a means to successfully habilitate veterans by diverting them from the traditional criminal justice system and providing them with the tools they need to lead a productive and law-abiding life through treatment, rehabilitative programming, reinforcement and judicial monitoring.”

~ Buffalo, NY Veterans Court Policy and Procedure Manual



Veterans Courts

Adaptations of drug or mental health treatment courts and require a treatable psychiatric condition for admission

They are not set up as separate court systems. They operate within a regular court or therapeutic court, but handle a separate docket dealing with specific cases.

After eligible veterans are identified, assessed, and referred to the veterans treatment court, they are then linked with a program of services fashioned to meet their individual **needs.**



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Veterans Needs

Homelessness: 1/3 of America's homeless are veterans; on any given night 67,000 veterans are on the streets. The majority suffer from substance abuse, mental illness, or co-occurring disorders.

Unemployment – unemployment rate for post 9/11 veterans is 10%, which is higher than the national average. (5.1% - August 2015)

Veteran Suicide - 18 veterans commit suicide every day in the United States.

Military Sexual Trauma - In 2010, over 19,000 sexual assaults were reported in the military - 108,121 male and female veterans screened positive for military sexual trauma. Over 20% of women who serve will be sexually assaulted.

Substance Abuse: One in six post 9/11 veterans, or 345,000, has a substance abuse problem. Prescription drug abuse among U.S. military personnel doubled between 2002 and 2005, and almost tripled over the next three years.

Veteran Mental Health Disorders - Of the over 2.4 million veterans of the wars in Iraq and Afghanistan, approximately 460,000 (20%) suffer from post-traumatic stress disorder (PTSD) or major depression.



Veterans Courts

First one was created in 2008 in Buffalo, NY – as of June 2014, there were 220 across the U.S. – and 100s more being planned

National Association of Drug Court Professionals (NADCP) advocates for Veterans Courts and has begun a project:

Justice for Vets:

<http://www.justiceforvets.org/>



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Veterans Treatment Court Mentor Program

Four Veteran Treatment Courts serve as mentor courts: (1) Buffalo, NY; (2) Tulsa, OK; (3) Rochester, NY; (4) Orange County, CA

Visit requests from interested courts – Justice For Vets can fund up to three visitors from an applying jurisdiction

<http://justiceforvets.org/veteran-mentor-courts>



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Veterans Treatment Court Planning Initiative (VTCPI)

Assists jurisdictions in developing VTC planning – created by Bureau of Justice Assistance and Justice For Vets

- The 10 Key Components of Veterans Treatment Court
- Development of VTC structure, population, entry process
- Psychopharmacology; Combat stress reactors; drug testing
- Community supervision; ethics/confidentiality; sustainability

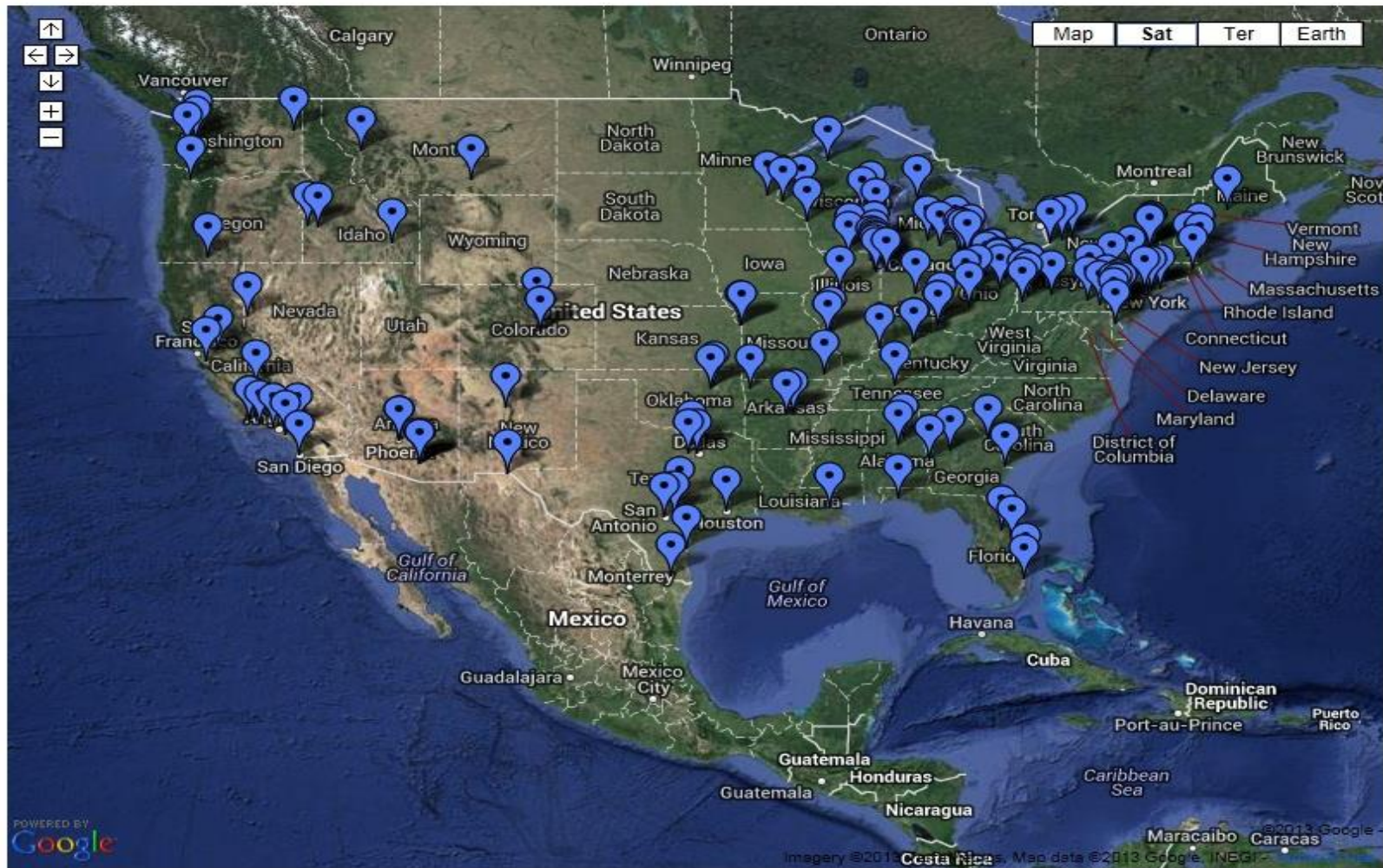
6-month planning process; in-person, 3-day training program

<http://www.justiceforvets.org/2015-vtcpi>



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Veterans Treatment Court Locations





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Why implement a Veterans Court?



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“At the heart of the Veterans Treatment Court is the recognition that the returning Warrior frequently finds himself or herself unable to either understand or control the internal psychological changes resulting from the wounds of war – seen and unseen. These forces all too frequently result in behaviors that bring the veteran into conflict with the rules and expectations of society and thus defendants in the criminal system”

~ Carol Scott, Deputy Director, Case Placement
Case Evaluation & Placement Component
The Veterans Consortium Pro Bono Program



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Historically, and still today, many tribes have taken care of their warriors before and after they return from service/war

e.g. blessings; cleansings; sweats; Black Leggings Society (Kiowa); smudging; Soldier Dance; *Inlonska* (Osage); naming ceremonies; welcoming home/return ceremonies, etc.



Legislative Efforts

Nevada and Texas have passed legislation calling for the statewide establishment of Veterans Treatment Courts. Similar legislation has been introduced in Colorado, Illinois and at least nine other states.

California, Minnesota, and New Hampshire have passed legislation that permits judges to order treatment, instead of prison, for veterans suffering from combat-related mental health disorders.



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Veterans Courts: By the Numbers



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	Total Sample ± (standard deviation) 3,166	With Minor Children ± (standard deviation) 1,168	Without Minor Children ± (standard deviation) 1,998
Age	45 ±14.4	38 ±10.2	47 ±14.4
Sex	96% M / 4%F	95% M / 5% F	97% M/ 3% F
Married	21%	32%	16%
Remarried	0.5%	0.3%	0.7
Widowed	3%	2%	4%
Separated	11%	15%	8%
Divorced	34%	34%	34%
Never Married	28%	14%	36%
Committed Relationship	3%	4%	3%



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Race/Ethnicity	Total Sample 3,166	With Minor Children 1,168	Without Minor Children 1,998
Race			
American Indian	2%	3%	2%
Asian	.5%	.4%	.5%
Black	31%	31%	32%
Pacific Islander/ Hawaiian	0.6%	0.7%	0.6%
White	64%	65%	64%
Ethnicity			
Non-Hispanic/Latino	81%	85%	91%
Hispanic/Latino	10%	13%	8%



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Era of Service	Total Sample 3,166	With Minor Children 1,168	Without Minor Children 1,998
WWII	0.2%	0.1%	0.3%
Korean War	0.5%	0.1%	0.7%
Vietnam	13%	3%	19%
Persian Gulf	10%	15%	7%
Other	9%	11%	7%
Iraq (OIF)	29%	42%	21%
Iraq (OND)	3%	5%	2%
Afghanistan (OEF)	11%	13%	9%
Iraq/Afghanistan (OEF/OIF/OND)	0.4%	0.8%	0.3%



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All VA Medical Centers (VAMCs) have an Operation Enduring Freedom (OEF)/Operation Iraqi Freedom (OIF) Coordinator and other clinical services /programming targeting that population.

VA has 300 Vet Centers – informal “storefront” style settings which serve combat veterans - readjustment counseling and other services, including relationship counseling





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Branch of Service/% of U.S. Armed Forces	Total Sample 3,166	With Minor Children 1,168	Without Minor Children 1,998
Army 37.8%	59%	61%	57%
Navy 22.9%	16%	15%	17%
Air Force 22.6%	9%	7%	10%
Marines 13.9%	16%	16%	16%
Coast Guard 2.9%	0.8%	1%	0.7%
Received Fire in Combat	47%	55%	42%



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Housing	Total Sample 3,166	With Minor Children 1,168	Without Minor Children 1,998
Literally Homeless	16%	14%	18%
Imminent Risk of Losing Housing	5%	5%	5%
Unstably Housed/Risk of Losing Housing	14%	16%	13%
Stably Housed	64%	65%	63%



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Medical	Total Sample 3,166	With Minor Children 1,168	Without Minor Children 1,998
Physical Health Rating "Fair" or "Poor"	46%	42%	44%
Dental Health Rating "Fair" or "Poor"	49%	44%	53%
HIV/AIDs	1%	0.4%	1%
Hepatitis C	10%	6%	12%
TB	3%	2%	3%
Heart Disease	9%	5%	11%
Diabetes	7%	5%	8%
Seizures	5%	4%	5%
Chronic Pain	36%	38%	35%



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Employment Pattern – Past Three Years	Total Sample 3,166	With Minor Children 1,168	Without Minor Children 1,998
Full Time/40 hours	20%	25%	18%
Full Time - Irregular Hours	7%	8%	7%
Part Time – Regular Hours	3%	3%	3%
Part Time – Irregular Hours	7%	7%	7%
VA CWT Vocational Training	0.6%	0.7%	0.5%
Military Service	5%	6%	4%
Retired/Disability	31%	23%	36%
Unemployed	20%	20%	20%
Controlled Environment – Prison or Hospital	0.8%	0.7%	1%



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Education/Training: Post 9-11 GI Bill;

Vocational Rehabilitation and Employment (“Voc Rehab”)

Veteran Employment Resources

Veterans Retraining Assistance Program (VRAP)

Independent Living Programs

Compensated Work Therapy (CWT)



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Psychiatric	Total Sample 3,166	With Minor Children 1,168	Without Minor Children 1,998
Treatment for Alcohol or Substance Abuse	64%	42%	44%
Hospitalized for Psychiatric Problem(s)	37%	38%	37%
Schizophrenia	3%	2%	4%
Affective (mood) Disorder: depression bipolar; anxiety	34%	35%	33%
PTSD (military)	35%	44%	29%
PTSD (non-military)	6%	6%	5%
Adjustment Disorder	10%	11%	10%
Alcohol Abuse/Dependency	59%	55%	62%
Drug Abuse/Dependency	42%	41%	43%



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Substance Use Disorder (SUD) 24-Hour Care: Residential programs providing 24-hour (live-in) care using VA-funded beds dedicated to house Veteran patients participating in the program.

SUD Intensive Outpatient: Include day-treatment, partial hospitalization, and intensive outpatient clinic-based programs that provide at least 3 hours of services per patient per day for at least 3 days per week.

SUD Standard Outpatient: Clinics that provide less intensive ambulatory addiction treatment services than SUD Intensive Outpatient programs - less than 3 hours of services per patient per day or less than 3 days per week of SUD services.

SUD Program Locator: http://www2.va.gov/directory/guide/SUD_flash.asp?isFlash=1



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Veteran Justice Outreach (VJO) Specialist:

Obtain and verify releases of information between the tribal veterans court and the VA Medical Center (VAMC)

Schedule screenings and assessments for the veteran at the VAMC

Schedule appointments for the veteran at a mental health clinic or substance/alcohol abuse clinic – verify toxicology results

Provide veterans courts judge with VA treatment status updates

Ultimately, the purpose of the Veterans Justice Outreach (VJO) Program is to avoid the unnecessary criminalization of mental illness and extended incarceration among Veterans by ensuring that eligible justice-involved Veterans have timely access to VHA services as clinically indicated.



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Veteran Justice Outreach Specialists – National Contact List

<http://www.va.gov/HOMELESS/VJO.asp#contacts>



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Veteran Treatment Courts Material

http://www.va.gov/TRIBALGOVERNMENT/docs/resources/Resources_for_Justice-Involved_Veterans-Final_Version.pdf

Resources for Justice-Involved Veterans: A Guide for Tribal Justice Systems



The United States Department of Veterans Affairs
Office of Tribal Government Relations





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Veteran Treatment Courts Material

<http://www.uanativenet.com/sites/default/files/Tribal%20Veterans%20Courts.pdf>

Tribal Veterans Courts

by

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and

MARY E. GUSS

The University of Arizona NativeNet Professional Development Series is designed to provide practical advice on a variety of topics for those working with and for tribal governments. The series is issued jointly by the University of Arizona's Indigenous Peoples Law & Policy Program (IPLP), the Native Nations Institute for Leadership, Management and Policy (NNI) and the Native Peoples Technical Assistance Office (NPTAO).

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“VA has been wonderful, supportive and able to provide services tribal court cannot. Granted, this has been for only one tribal veteran to date; but that for one individual, the VA has been there. Staff response and communication is tremendous; very much a team effort. Caring, compassionate, and helpful.”

~ Judge Lorrie Miner, Lower Brule Tribal Court
September, 2013