

Marin County Veterans Treatment Court

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EXECUTIVE SUMMARY

The Veterans Treatment Court (VTC) programs are well established in California. These programs aim to connect veterans to services that help them resume positive community participation, reduce recidivism by targeting the underlying source of criminal behavior caused by service-connected mental health conditions, and reduce costs related to court and incarceration. Completing the VTC program could ensure that the veteran avoids the consequences of conviction, such as difficulty in finding a job or securing housing. Participation in the VTC programs can connect veterans to services that are available but are often underutilized, including mental health treatment, addiction treatment, housing, and medication. California is home to nearly two million military veterans, more than any other state in the country. Many of these veterans suffer from service-related trauma, such as Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and Military Sexual Trauma (MST). Unfortunately, some veterans who are diagnosed find themselves in the criminal justice system.

Since 2008, the California Judicial System began to redefine its role in the administration of justice by creating a specialized judicial process and innovating specialized courts dedicated to discrete problems faced by veterans in our community such as (1) addressing issues unique to the United States Military Veterans and (2) where possible, avoid punishing veterans for crimes that may have been committed as a direct result of their service-connected mental health conditions (e.g., PTSD, TBI). The goal of these processes is to improve responses and outcomes for Veterans who encounter the justice system.

VTC promotes public safety through the coordination of system resources for the veteran who is accessing multiple services, including the Veterans Services Office (VSO). VTC also promotes cross-discipline professionals and facilitates communication, collaboration, and delivery of support services to veterans. The outcome and overall success of the program is data. Therefore, the outcome and results of the VTC will require an intensive review of the VTC data.

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History of United States Veterans Treatment Courts

There are approximately 18 million veterans living in the United States, representing over seven percent of the U.S. population.¹ The latest available data suggests an estimated 181,500 U.S. veterans are incarcerated in prisons and jails across the country.⁸ This represents approximately 8 percent of all inmates.⁸ According to the Bureau of Justice Statistics, 23 % of veterans in prison report that a mental health professional told them they had post-traumatic stress disorder.⁸ 55% of veterans in jail reported that, at some point in their lives, a mental health professional told them they had a mental disorder.⁹ The most common disorder for veterans (34 percent) was major depressive disorder.¹⁰ These numbers demonstrate the need for specific interventions for justice-involved veterans. Because of these realities, many justice system and Department of Veterans Affairs (VA) professionals recognized the need for alternative interventions and treatments for the veteran population that would allow the justice system and its personnel to be more responsive to veterans' needs as they pass through the nation's police stations, courthouses, and jails. The first VTC began in Anchorage, Alaska, in 2004. The model gained traction in 2008 when the next VTC launched in Buffalo, New York, under the leadership of Judge Robert Russell. Between 2012 and 2016, the number of operational VTCs and veteran's dockets within drug, mental health, or criminal courts grew from 168 to 461. ¹⁰ "The Ten Key Components of Veterans Treatment Courts," developed by the National Association of Drug Court Professionals' Justice For Vets, provides the foundation for these court operations.

Legislation

The VTC concept was created from the combination of government actions expanding, regulating, and modernizing veteran benefit programs through public policy. Existing laws provide for post-plea probationary programs for current or former members of the military convicted of criminal offenses who would otherwise be sentenced to county jail or state prison. The VTC has implemented several streams of innovation, such as creating a new docket in local courts, creating new state-level legislation, developing a commission of local and/or state policy elites, and partnering with key stakeholders such as the Veterans Affairs.

Marin County Veterans Treatment Court

Marin County Veterans Treatment Court was established in 2021 as an alternative to the traditional criminal court process for veterans. The concept of veteran's court is to give specialized care and consideration to those who served their country in uniform. Judge Chernus, a judge on the Superior Court of Marin County, stated that his philosophy is, "Veterans and active duty service men and women all have made sacrifices which deserve our appreciation and gratitude. We must provide caring treatment for those who become defendants in our criminal justice system." The main mission of Marin County VTC is "To assist justice-involved veterans through a collaborative effort among justice partners, veteran services, and treatment organizations, thereby enhancing public safety, improving quality of life, and honoring the sacrifices made by our service members." For certain types of lower-level criminal offenses, rather than take a punitive approach, the idea is to provide wrap-around services to veterans, acknowledging and

recognizing that trauma, post-traumatic stress, behavioral health, and substance use challenges contribute greatly to veterans coming to the attention of the justice system.

The Marin County VTC is a voluntary 12 to 18-month program that includes regular court appearances before the judge and the VTC Team. Justice-involved veterans are referred to the program as an alternative to the traditional criminal court process. Treatment may include drug and alcohol treatment, medical and mental health treatment, and regular attendance of recovery support/self-help meetings. Participants are provided referrals for housing support, vocational training, education, and/or job placement services as well.

In addition to being voluntary, VTC is abstinence-based and organized into four phases. All participants are expected to obtain and maintain sobriety throughout most of their program; however, VTC is designed to support participants experiencing challenges and relapse as well. According to the Marin County Participant Manual, the goals of the Marin County VTC are to address the trauma and mental health issues experienced by participants during and after military service by providing treatment and rehabilitation, increase public safety by reducing the recidivism of participants, reduce costs associated with criminal recidivism, and improve the quality of life for participants and their families by helping participants obtain employment and/or work toward vocational/educational goals and obtain housing.

The Marin County VTC program offers a four-phased structured approach. In Phase I, the participant is assigned a lawyer (or obtains their own lawyer), a VTC case manager, a Probation Officer (if on felony probation), and a Veterans Justice Outreach worker. Each participant is assessed and

completes an intake with the treatment provider to which they are referred. The progress is closely monitored and reported to the judge. In Phase II, the Marin County VTC team monitors the participants' needs and goals. Treatment continues with the goal of focusing on areas of challenge for the participant. In Phase III, the participant focus is not only on recovery efforts but on the personal goals identified in Phase II. The VTC team and treatment providers assist each participant with establishing plans and learning the life skills necessary to achieve their goals. Finally, In Phase IV, the participant moves to just once-monthly court appearances. The focus shifts to a continuing care plan and overall safe and stable living. The VTC team and treatment providers work with the participant on creating a plan to achieve their long-term goals.

Once all requirements of VTC have been met, participants will graduate from VTC and will have achieved the goal of remaining substance-free and essentially starting their lives over again. Upon graduation from VTC, all participants are encouraged to remain connected to the program. Opportunities to stay involved with the Veteran Mentor program allow the participants to give back to future VTC participants. Their knowledge and experience are invaluable to the continued success and support of the Marin County VTC community.

Conclusion and Recommendations

In this alternative treatment-focused court program, Marin County Veterans Treatment Court operates an evidence-based 4-Phase System that is abstinence-driven. Further exploration is needed regarding the relationship between the Veterans Administration (VA), Veterans Justice Outreach Program, and the California County Veterans Service Office (VSO)

programs, which play a key role in helping military veterans and their dependents receive the benefits and services for which they qualify as prescribed by law. Effective services to U.S. veterans require a change in both legal and cultural paradigms spanning multiple policy arenas within a federal system of government to understand the challenges, opportunities, and barriers to planning and implementation of the VTC programs in California.

Lastly, tracking data is vital to Santa Clara County as well as Marin County VTC. Considering the relatively recent emergence of Marin County VTC, there is an increased need to track and establish efficacy. The data could be used to evaluate the number of participants and reduction in recidivism rates, improve the functioning of VTCs through an analysis of program strengths and weaknesses, and provide valuable information on the outcomes of participants.

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¹ U.S. Census.
<https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

² Rajeev Ramchand, Benjamin R. Karney, Karen Chan Osilla, Rachel M. Burns, and Leah Barnes, "Prevalence of PTSD, Depression, and TBI Among Returning Servicemembers," in *Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery*, 2008., 35–85. ("Although most service members return from Iraq and Afghanistan without physical injuries, many return with symptoms of PTSD or depression.")

³ Teeters, J.B., Lancaster, C.L., Brown, D.G., & Back, S.E. (2017). Substance use disorders in military veterans: prevalence and treatment challenges. *Substance Abuse and Rehabilitation*. 8, 69-77. doi:10.2147/SAR.S116720. ⁴ <https://justiceforvets.org/what-is-a-veterans-treatment-court/>

⁴ Rand Corporation. "One In Five Iraq and Afghanistan Veterans Suffer from PTSD or Major Depression." <https://www.rand.org/news/press/2008/04/17.html>

⁷ Ibid.

⁸ Ibid.

⁹ U.S. Department of Veterans Affairs. "Veterans Court Inventory 2016 Update." News release, March 2017. Fact Sheet. <https://www.va.gov/HOMELESS/docs/VJO/2016-Veterans-Court-Inventory-Update-VJO-Fact-Sheet.pdf>.

¹⁰ "Ten Key Components of Veterans Treatment Courts." Justice For Vets. March 29, 2017. <https://justiceforvets.org/resource/ten-key-components-of-veterans-treatment-courts/>.