

# VETERANS TREATMENT COURT

County Court at Law No. 6  
Bexar County, TX

Military and Veterans Affairs Task Force  
National Conference of State Legislatures  
San Antonio, TX, 8 August, 2011

# Home

*“Alone” PSA*  
The Ad Council

Troops Returning Home

# The Need Background Facts

## Battlefield Exposure, PTSD, and TBI

- ▣ Over 2 million have been deployed to the Global War on Terror, and over 810,000 have been deployed more than once to Operation Iraqi Freedom, Operation Enduring Freedom, and Operation New Dawn – source Veterans Treatment Court Training Conference, Buffalo, NY, Oct 2010;
- ▣ Now estimated that up to one-third of Vets returning home from combat have PTSD (Post Traumatic Stress Disorder) or TBI (Traumatic Brain Injury) – source: VA;

# The Need

- ▣ Not just limited to veterans of Operation Iraqi Freedom (OIF), Enduring Freedom (OEF), and New Dawn, but also Desert Storm/Desert Shield, Viet Nam, Korea, and WWII – source: VA;
- ▣ Many more Viet Nam vets are now displaying PTSD/TBI symptoms after their working careers are coming to an end – source VA;

# The Need

## Suicide Rates

- ▣ Suicide rates have increased in the population of active duty service members (at Fort Carson, CO, site of PBS Frontline documentary “Wounded Platoon,” suicide rate has increased 4000% since 2002, 17 post members are charged with or convicted of murder, attempted murder, or manslaughter):
  - Suicide rate rose 26% among 18-29 year old Veterans from 2005 to 2007; Women Veterans are 2 – 3 times more likely to commit suicide than non-veteran women;
  - Incarcerated Veterans have the highest risk of suicide;
  - Veterans Suicide Hotline receives roughly 10,000 phone calls a month.
    - ▣ Source VA, VTC Training Conference

# The Need

## OIF/OEF and PTSD/TBI

- ▣ With the large numbers of troops returning home recently and in the near future, we may have seen the tip of the iceberg – source VA:
  - Roughly 130,000 OIF/OEF Veterans have been diagnosed with PTSD and 91,000 with Depressive Disorders;
  - Repeated deployments increase the likelihood of PTSD;
  - Estimated 320,000 GWOT Veterans may have experienced a TBI ranging from mild to severe;
  - Of those reporting a probable Traumatic Brain Injury, 57% had not been evaluated by a physician;
  - Slightly less than 50% of service members with TBI develop PTSD.
    - ▣ Source VA, VTC Training Conference.

# The Need

- ▣ The VA reports that the combat experience for Operation Enduring Freedom and Operation Iraqi Freedom of service members shows:
  - 58% Received small arms fire;
  - 78% Received incoming artillery, rocket, or mortar fire;
  - 33% Handled or uncovered human remains;
  - 49% Saw dead or seriously injured Americans;
  - 72% Knew someone who was injured or killed;
  - 60% Saw dead bodies or human remains;
  - 56% Had a member of their unit become a casualty.

# The Need

Exposure to Traumatic Source Events  
War in Afghanistan, Operation New Dawn,  
Summer, 2010

“There are few stresses on the human psyche as extreme as the exposure to combat.”

Quote Attributed to Lt. Gen. Eric Schoomaker,  
Surgeon General of the Army

AP Story 20 May 2011

# The Need

## Battlefield Study Results from 2010 Survey Team Headed by Col Paul Bliese

- ▣ Polled more than 900 soldiers, 335 marines, and 85 mental health workers on the Afghan battlefield during July and August 2010;
- ▣ 70 – 80% of those interviewed said they had seen a buddy killed;
- ▣ Roughly half of the soldiers and 56% of the Marines said they had killed an enemy fighter;
- ▣ Two-thirds of the troops said that an IED had gone off within 55 yards of them.

# The Need

- ▣ VA recent experience is that some vets with PTSD prefer to leave the U.S. and live in Mexico, because they are more accustomed to the levels of violence and feel more at home there – source VA
- ▣ 254,000 Reservists and 332,000 National Guard members have been deployed to OIF/OEF – VTC Training Conference;
- ▣ With over 50% of our armed forces now Guard and Reserves, these service members are experiencing even higher suicide rates than their active duty counterparts, going back and forth from civilian employment to military deployments. Many employers are reluctant to employ them on this basis – source VA;

# The Need

## Unemployment

- ▣ 18% of Veterans recently separated from service are unemployed (2008) and young male Veterans aged 18-24 had an unemployment rate of 21.6% (2009) – source VTC Training Conference;

# The Need

## Veterans and the Criminal Justice System

- Number of Veterans arrested each year: 1,159,500;
- Number of Veterans in local jails: 72,600;
- Average number of prior arrests: 5, two or more prison incarcerations, 45%
- Age at first arrest, average: 24
- Non-violent offense (s): 70%
  - Source: VTC Training Conference, Buffalo, NY Oct. 2010

# The Need

## Locally

- ▣ In Bexar County, including and surrounding “Military City, USA,” we have an estimated 159,000 vets – source: Bexar County Veterans Service Office stats;
- ▣ We have a large and increasing active duty military population. With the Medical Education and Training Campus (METC) at Fort Sam Houston already starting basic medical training for all branches of the services, they are gearing up for up to 7,400 students per day on campus. This is in addition to BAMC, Lackland (all basic AF training, Intelligence, joint service Master-at-Arms/MP/AP training, joint service food service training), Randolph AFB (joint service pilot training), Wilford Hall Medical Center, etc.

# Addressing the Need

## Models

- ❑ Hybrid Drug and Mental Health Treatment Court;
- ❑ January 2008 – Buffalo Veterans Treatment Court created, first in the nation; our VTC team has observed it in action, and it's Judge, Robert T. Russell, Jr., is the mentor judge to our Court;
- ❑ Have also observed and worked with the Harris County/Houston Veterans Treatment Court and have adapted their forms to our use;
- ❑ At least 50 VTCs operational nationally currently;
- ❑ Many are restricted to serving only VA-eligible Vets.

# Addressing the Need

## Approach

- ▣ Basic approach is that soldiers, sailors, marines, airmen and guardsmen respond better if directed and monitored intensively in a cohesive unit of their peers, with therapeutic intervention services by a professional mental health provider.
- ▣ This is a way to end the revolving door of their involvement with the criminal justice system;
- ▣ You sign a contract, taking responsibility for your actions and your future conduct;

# Addressing the Need

- ▣ “Manage them to success,” with programs, treatment, accountability, encouragement, and reinforcement:
  - First of 4 progressive stages, each lasting approximately 90 days, is daily monitoring;
  - Must come to court with frequency to get feedback from Judge and peers on progress, or lack thereof; accountability is stressed; volunteer vet mentors provide guidance, direction, after-care, and we are in the process of setting that network up;
  
- ▣ Due to the same Warrior Code of Conduct that led them to internalize and not seek help in the first place, they now have the same traits to their advantage: they embrace structure (Vets Treatment Court), tend to respect and respond to authority (the Judge) and develop a strong sense of unit pride and a resolve not to let down their comrades in arms (fellow Vets Court members). All stay for all members’ weekly or twice-monthly case reviews in open court;

# Addressing the Need

- ▣ Military wife recently blogged:

“If you are in a fire fight and need help, you call in air support. There is no difference in that and in calling in help for the battle raging in your head.”

# The Legalities

- ▣ Enabling legislation is SB 1940 passed April 16, 2009;
- ▣ Provides each Texas County with the option to establish a Veterans Treatment Court;
- ▣ Each county may tailor according to its needs;
- ▣ District Attorney is the gatekeeper and has final say on what cases may or may not be accepted into the VTC;
- ▣ Attorney representing member must consent, as well as member, to participation;

# The Legalities

- ▣ As enacted, statute covers ALL felonies and misdemeanors and provides a total discharge and expunction upon successful completion of program for:
  - “Veterans or current member of the United States armed forces, including a member of the reserves, national guard, or state guard; and
  - Suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder that resulted from the defendant’s military service in a combat zone or other similar hazardous duty area; and
  - Materially affected the defendant’s criminal conduct at issue in the case.”

# The Legalities

- ▣ In Bexar County, we have chosen a modified approach, as set forth below, that we feel balances protection for the community and the needs of our victims with the need of the veterans to obtain the proper medical care to which they are entitled for their service to this country.

# The Bexar County Veterans Treatment Court



- Launched 3 September, 2010;
- Honorable Wayne Christian took bench of Bexar County Court-at-Law Number 6, also designated the Veterans Treatment Court, effective New Year's Day;
- Fully trained team of prosecutors, defense attorneys, court staff, detention staff, pre-trial services staff, mental health providers, probation officers, etc. in place.

# The Bexar County Veterans Treatment Court



- Feel that with scope of problem in Bexar County, need to cover all veterans (VA eligible and not), and equally feel the need to treat the same condition in Active Duty, Guard, and Reserves as well.
- We feel that with the high success rates other VTCs are experiencing, we can help return to service an effective, viable service member in whom the military has to this point invested a great deal of time, training, dollars, and effort, and in whom they have expressed great confidence to this point.

# The Bexar County Veterans Treatment Court



- This transformation does not happen overnight. We work with the CO to encourage not proceeding with administrative discharge proceedings during this time, usually six months, with a commitment to allow the member to participate in all required activities without transfer from base. Court-ordered activities are coordinated with military requirements and schedules.
- This is a proven, effective way to end the revolving door syndrome of PTSD/TBI members whose “triggers” get them into continuous trouble with civilian law enforcement authorities .... over and over again.

# The Bexar County Veterans Treatment Court



- VA, the largest single-source mental health provider in the Country, covers the VA eligible members (no BCD or DD or less than two years service since 1980).
- The Center For Health Care Services covers all non-VA eligible vets and Active Duty/Reserve members. We would, of course, welcome the participation of any treatment providers from the DOD side of the house.

# The Process



- County Court at Law Number 6 is a court of misdemeanor jurisdiction;
- We decided at this point to focus on these cases;

# The Process

- ▣ Two tracks:
  - Determined on a case-by-case basis;
  - Primarily lower level misdemeanors, non-violent, for Track I, Pre-trial Diversion;
  - For Track II, Community Supervision and Corrections, these misdemeanor defendants require more structure and more severe sanctions for failure to reform conduct;
  - If a victim in the case, consent of victim is required to proceed;

# The Process

- ▣ Referral is by most anyone – Pre-trial services, other courts, Probation Office (Community Supervision and Corrections Dept), defense attorneys, prosecutors, mental health providers, Navy/Marine/Army/Air Force Legal Officers, etc.. Application is faxed to Court Coordinator:

# The Process

- ▣ Case is then staffed by VTC team, after case is initially evaluated by DA and VA does mental health assessment;
  - Standard for complying with requisite mental state qualifications of statute is to be interpreted liberally, with a view to getting member in need connected with the mental health services he or she deserves.

# The Process

- ▣ If suitable for VTC, member signs a contract, and depending on which track, begins either intensive Community Supervision with a specially trained Veterans Treatment Court PO, or monitoring by Pre-Trial Services, with mental health services by the VA or Center for Health Care Services, and guidance by Vets mentors.
- ▣ Weekly or bi-monthly courtroom appearances with other VTC members reinforce the message, and if necessary, sanctions are imposed, up to and including jail time.

# The Process

- ▣ After graduation, after-care services are provided by the volunteer mentors

# Mission Statement Bexar County Veterans Treatment Court

“The mission of the Bexar County Veterans Treatment Court

is to assist Veterans and their families  
to become integral and productive members of the  
community  
through a collaborative effort.

To honor them  
and restore their dignity  
for their selfless service  
to our Country,  
we shall leave no veteran behind.”