

Jennifer Lopez, Deputy Chief, Chester County Pennsylvania Adult Probation & Parole Department

Good Morning Chairman Wolf, and distinguished members of the Subcommittee on Commerce, Justice, Science and Related Agencies,

It is my great honor to appear before you today on behalf of Chester County Pennsylvania Adult Probation and Parole and criminal justice professionals throughout our Nation who have been tireless in their efforts to establish Veterans Treatment Courts to provide treatment, compassion and hope to veterans struggling in the criminal justice system.

My name is Jennifer Lopez and I currently serve as the Deputy Chief of Chester County Adult Probation and Parole De. In 2010, Chester County was awarded grant funds under the American Recovery and Reinvestment Act to develop a Veterans Treatment Court.

One of our very first encounters was with Robert D. an Army Veteran with six (6) years of active military service, having been deployed to Iraq for two (2) tours of duty. While serving in Iraq, he was exposed to numerous explosions from I.E.D.'s sustaining injuries from at least one 500 pound IED explosion. The blast knocked him unconscious, embedded shrapnel in his leg and caused extensive damage to his heart. As a result of these injuries, he suffered three heart attacks, has had six stints and a defibrillator surgically implanted. He was honorably discharged in 2007 and 100% service connected disabled. He was 34 years old.

In May of 2010 police responded to a report of a domestic disturbance. Robert was intoxicated and charged with Aggravated Assault, Resisting Arrest, Driving under the Influence, Terroristic Threats and Public Drunkenness; he had to be tased by police in order to be taken into custody. He was committed to Chester County Prison with a mug shot showing a broken and battered soul (he had a black eye and fractured eye socket from an altercation earlier in the day with a drug dealer).

Because of our partnership with the Coatesville VA Medical Center and the assignment of a Veterans Justice Outreach coordinator to our team, we quickly learned that Robert had a history of five inpatient treatment stays, numerous outpatient treatment attempts and had overdosed on alcohol twice. He had a history of nightmares, flashbacks, cold sweats, anxiety, and difficulty falling asleep, was becoming aggressive and paranoid and felt a need to protect his house. He had a criminal history of domestic assaults and driving under the influence charges that all occurred either during his military service or after his discharge.

Robert was diverted from jail within hours of his commitment. He was placed in treatment at the VA and given a diversionary sentence which kept him from serving jail time. We received the following from Robert:

*'I have been battling PTSD and Alcoholism for several years now since returning home from Operation Iraqi Freedom. When I came home I was haunted and embarrassed by the things I had done in Iraq. Trying to be a man and suck it up I turned to alcohol and it worked. Then my family suffered, I had no social life, and my children didn't want to be around me. In May of 2010 I had finally hit my bottom; I was out of my mind drunk again, combative with the police (who were trying to help me) and then made the mistake of trying to drive. I was sent to Chester*

*County Prison with the assumption that my life was over, I had finally done it big time. With eight charges total pending against me and a seven year prison term I believed there was no hope left.*

*Then by some miracle Carl showed up at the prison and identified me as a combat Veteran. He asked me if I wanted to get help. There was no question in my mind that I could not live that way any longer. So after several years of denying any problems, I decided to listen to what they had to say. Carl took me straight to the Coatesville VA where I underwent extensive alcohol and PTSD treatment for the next four months. That program saved my marriage and my life. I am still seeing counselors on a weekly basis and by choice to help other Veterans I also speak at the VA two or three times a month.*

*Without the opportunity that Veterans Court has given me and my family I truly believe I would be dead. My life today is spent going to school, coaching a baseball team for my son, and being the husband and father that for so long was missed by my family.*

*When I speak to Veterans at the VA in Coatesville I often tell the story about how I was “rescued” by the Chester County Judicial System. You can imagine that gets a laugh from a group of people in need of the same help I received and maybe are too proud to admit it. ~Robert D. US Army (Retired)”*

Research suggests that even though veterans are no more likely than the general population to become involved in the criminal justice system, individuals suffering from PTSD are more likely to engage in violent criminal behavior as well as be arrested for driving under the influence and weapons charges.<sup>1</sup> Veterans are also twice as likely as non-veterans to become homeless, with the best predictor of homelessness for veterans being criminal justice involvement. Further complicating this is the fact that approximately 20 percent of male veterans between the ages of 18–24 are unemployed.<sup>2</sup> In a system already besieged by our society’s social problems, combat-related behaviors overwhelm the criminal justice system ill-equipped to deal with the complex combination of PTSD, TBI, substance abuse and violence.

Without the Chester County Veterans Court, it is doubtful that Robert would have been diverted from jail and unlikely that he would have remained out of jail. That initial ARRA grant funding gave us the ability to hire staff whose sole focus was identifying and screening veterans that entered the system, many of whom feel shame and have difficulty asking for help. It afforded us the opportunity to build a team of Veterans Affairs and criminal justice professionals (many of whom are veterans themselves) who looked beyond a criminal history and failed treatment to consider the facts and circumstances leading up to the offense and the additional stresses faced by members of our Armed Forces and take a chance. It made available specialized training so that our team (Judges, District Attorney, Public Defender, Probation, Bail and the VA) better understood the issues that a veteran may be struggling with such as PTSD, Traumatic Brain Injury, and military sexual trauma. We understand the veteran who drives 110 miles per hour and brandishes a weapon to someone who cut him off in traffic; the vet who is late for an 8 a.m.

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<sup>1</sup> Holbrook, Justin, and Sara Anderson. 2011. *Veterans Courts: Early Outcomes and Key Indicators for Success*, Widener Law School Legal Studies Research Paper Series no. 11-25. Widener School of Law: 9 August 19.

<sup>2</sup> (The Honorable) Russell, Robert. *The Ten Key Components of Veteran's Treatment Court*. PowerPoint

appointment because he refused to sleep while the rest of his house slept, or the vet who relapses every 90 days because she has yet to deal with her military sexual trauma and we react differently. We recommend more treatment instead of punishment and we are able to access that treatment quickly because the VA is part of the team.

We are fortunate in Chester County to have a Common Pleas Judge, a veteran himself, committed to lead the Veterans Court and hold regular status hearings or Veterans Court sessions to monitor our veteran's progress. These "veteran only court sessions," that also include volunteer veteran mentors, capitalize on military culture, re-instilling a sense of camaraderie felt while in the military.

The program is not a get out of jail free card; there is mandatory treatment, frequent and random drug testing and veterans must submit to intensive supervision all to ensure they stay on track. Business as usual supervision does not provide the structured environment that most veterans respond to based on their experiences in the military. Without this specialized supervision that requires accountability on the part of the veteran and insight on the part of the team, there is a high likelihood that these veterans will reoffend and plunge deeper into the criminal justice system.

Over the past 2 ½ years, we have screened over 600 veterans who have entered the criminal justice system. Non-combat veterans are triaged and set up with services at the VA. Eligibility for Veterans Court includes combat veterans who suffer from Traumatic Brain Injury, Post Traumatic Stress Disorder, Military Sexual Trauma, psychological and/or substance abuse problems as result of having served in a combat theater. We have successfully diverted 15 veterans into Veterans Court. Four veterans have successfully graduated from the program and not one of them has been rearrested. By using the sentencing guidelines vs. the actual sentence imposed we have calculated that through diversion to Veterans Court there has been a cost savings of \$186,462.00 in jail days.

#### Program Statistics:

684	veterans have been screened for Veterans Court
16	diverted to pre-existing diversion programs
15	have been accepted into Veterans Court
10	are currently active in the program
4	have graduated from the program
0	rearrest after graduation

Through diversion to Veterans Court, Jail Days Saved: **2,302 days x \$81 = \$186,462.00**

These early statistics are promising, one of the first Veterans Treatment Courts established in 2008 under the leadership of Judge Robert T. Russell in Buffalo New York has graduated 90 veterans, zero have been arrested post-graduation. A recent 2011 study by Widener University School of Law concluded that the recidivism rates of veterans treatment courts is similar or possibly lower than other specialty courts (Holbrook, page 40).

Veterans Treatment Courts are modeled after Drug Courts, the most successful, cost effective, scientifically validated criminal justice intervention in the past 20 years. Drug Courts work

better than jail or prison and better than probation and treatment alone. According to the National Association of Drug Court Professionals, Drug Courts significantly reduce drug use and crime and are more cost-effective than any other proven criminal justice strategy.

- Nationwide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program.
- Nationwide, for every \$1.00 invested in Drug Court, taxpayers save as much as \$3.36 in avoided criminal justice costs alone.
- When considering other cost offsets such as savings from reduced victimization and healthcare service utilization, studies have shown benefits range up to \$27 for every \$1 invested.
- In 2007, for every Federal dollar invested in Drug Court, \$9.00 was leveraged in state funding.

Chester County has had a successful Drug Court since 1997, the 2<sup>nd</sup> in Pennsylvania starting a few months after Philadelphia. Our Court has participated in the National studies that produced the outcomes outlined above. Veterans Court was built upon our success with Drug Court, maintaining the core elements that make Drug Courts successful and adding key components to meet the specialized needs of our Nation's struggling veterans.

We have been relentless in maintaining Veterans Court in Chester County since the end of our ARRA grant funding. Our entire staff dedicates their time to Veterans Courts in addition to other responsibilities. We are not unlike many jurisdictions, creating local projects driven by individual judges and military service members who saw a need in our community, but we can no longer do it alone. In order for all jurisdictions to effectively respond to and assist the growing number of veterans entering the criminal justice system by establishing and expanding Veterans Treatment Courts there must be support. It is time to make Veterans Courts available to all those in need.

In closing, Abraham Lincoln said, "I have always found that mercy bears richer fruits than strict justice." Make no mistake, we, as a society and as taxpayers, are paying for our struggling veterans one way or another and they pay the ultimate price. We should be wise about our choice and we should be socially and fiscally responsible.

*Respectfully Submitted*

Jennifer Lopez