

HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON HEALTH

H.R. 2147 Veterans Treatment Court Improvement Act of 2017

Statement of Judge Robert Russell, Buffalo, New York
on behalf of Justice for Vets
September 22, 2017

To Chairman Wenstrup, Ranking Member Brownley, and distinguished Members of the Subcommittee, I am honored to have the opportunity to submit my testimony in support of *H.R. 2147 Veterans Treatment Court Improvement Act of 2017* and respectfully request my statement be entered into the record.

In 2007, while serving as presiding judge over the drug court and mental health court in Buffalo, New York, I began to see an increase in the number of veterans appearing on our dockets struggling with substance use disorders, mental health disorders and trauma. Drug court is the most successful justice intervention for offenders with a substance use disorder and is proven to significantly reduce drug abuse and crime while saving money. Mental health courts were established in the mid-nineties to apply the drug court model to cases involving individuals with an underlying mental health condition. Despite the proven success of these interventions, I became concerned that not enough was being done to connect veterans in crisis with the appropriate treatment and services.

One day during our mental health court docket, I called the case of a Vietnam veteran who, to that point, had not been progressing in his treatment or with the help being offered by the court, and who struggled to communicate with the court team. In a moment of exasperation, I asked one member of my staff and a county employee, both Vietnam veterans, to go out in the hall and talk to him. The three Vietnam veterans met for over thirty minutes. The next time I called the case, the man walked up to the bench, stood at parade rest, and held his head high. I asked him if he had any comments, and he looked me in the eye and said yes, he would try harder and would work with the court and treatment.

This profound experience became the inspiration for what would become the first veterans treatment court in the nation. It helped us recognize two things. First, the camaraderie that exists between men and women who served in the military can be motivational and therapeutic. Surrounding veterans with other veterans is crucial to breaking through the warrior mentality that can make accepting help difficult. Second, it is critical to link veterans with the specific resources they earned through their service and which are uniquely suited for their individual needs.

Together, my staff and I decided that more must be done to serve our justice-involved veterans. I went to our local VA medical hospital and asked the director if they would allow a staff person to come to our court so they could immediately engage with veterans coming

through the program. I told him our program could refer veterans to treatment at the hospital, and ensure compliance with said treatment through regular court appearances and supervision. He agreed. This became the impetus for the Veterans Justice Outreach (VJO) program.

Veterans Treatment Courts

In January 2008, we launched the Buffalo Veterans Treatment Court. This veterans-only docket is an alternative to incarceration for veterans whose involvement in the justice system is rooted in a substance use or mental health disorder, often both. While maintaining the traditional partnerships and practices of our highly successful drug court – judge, prosecutor, defense, probation, law enforcement, case manager – the veterans treatment court interdisciplinary team includes representatives from the Department of Veterans Affairs – including the Veterans Health Administration and the Veterans Benefit Administration – as well as State Department/Commission of Veterans Affairs, Vet Centers, community mental health and substance use treatment providers, veterans service organizations, and volunteer veteran mentors.

Veterans in the program receive structure, supervision, and treatment surrounded by other veterans and being connected to veteran specific local, state and federal resources.

Almost immediately after launching our program, we became inundated with requests from other jurisdictions seeing the same increases of justice-involved veterans. This was the beginning of a movement that has grown to include today more than 350 operational veterans treatment court programs serving approximately 15,000 justice-involved veterans a year.

Veterans treatment courts are now considered the most innovative and successful intervention for justice-involved veterans diagnosed with substance use and/or mental health disorders. Through a coordinated effort that promotes accountability, structure, and treatment, veterans treatment courts connect veterans in crisis with the benefits and services they earned. This approach saves money, reduces future crime, and ensures that veterans have the opportunity for freedom and recovery.

The Role of the VJO

Veterans treatment courts simply could not exist without the VA's Veterans Justice Outreach program. Approximately 80 percent of veterans in the Buffalo Veterans Treatment Court qualify for VA benefits. This is consistent with other programs across the country. The VJO representative in court helps determine eligibility, assists with expediting or following up on the status of a VA Veteran Health Identification Card, provides necessary information for placement, educates enrolled participants about services that are available, provides ongoing support in connecting enrolled participants to treatment in the VA healthcare system and/or other community health systems and communicates directly with

the court to ensure treatment referral and engagement - two of the most important indicators of treatment success.

For example, a Marine combat veteran (one-tour Afghanistan/one-tour Iraq) enters veterans treatment court after becoming addicted to prescription drugs to cope with undiagnosed PTSD. The veteran is unemployed and sleeping on friends' couches because his wife has left him. He has only been out of the military for eight months and is not enrolled in the VA.

During his first session in veterans treatment court, the VJO confirms his eligibility and enrolls the veteran in the VA. The VJO schedules the veteran to receive therapy for PTSD and coordinates with the court to secure inpatient treatment for his substance use disorder. While it ordinarily might take weeks or months for this veteran to receive treatment, he is getting help within days. The VJO monitors the veteran's progress in treatment and reports back to treatment court team weekly. The VJO helps the veteran explore other benefits offered through the VA. The veteran receives a service-connection disability rating from the VA that helps pay for living expenses. The veteran then applies and qualifies for VA's Vocational Rehabilitation and Employment (VR&E) and enrolls in college.

This example is not unique, it is the type of success occurring in veterans treatment courts across the country; success that would not be possible without the presence of the VA in court.

Since 2008, I have travelled the country as faculty for Justice For Vets, a division of the non-profit National Association of Drug Court Professionals dedicated to the training and expansion of veterans treatment courts. Justice For Vets has trained more than 227 of the more than 350 operational programs nationwide. The comprehensive Justice For Vets training brings together all stakeholders necessary to implement and sustain a veterans treatment court, including VJO and other VA personnel.

The most common issue we encounter from jurisdictions seeking to establish a program is not knowing how to liaise with the VA. In my experience, the inability of a jurisdiction to coordinate directly with a VJO is the most significant mitigating factor in efforts to create a veterans treatment court.

These concerns are alleviated by the presence of a VJO. Unfortunately, many communities do not have access to a VJO, or the VJO assigned to their region cannot fully engage with the court due to the large area they cover; one VJO in Upstate New York is responsible for eight counties alone. The VJO program has been crucial to the growth and success of veterans treatment courts and is also one of most effective programs at VA.

The VJO program has one of the highest rates of treatment referral and engagement in the VA. A 2014 study of the program states, "among veterans who had a mental health or substance use disorder, 97% entered mental health or substance use disorder outpatient or residential treatment or received pharmacotherapy for alcohol or opioid use disorders...[T]he rate of treatment engagement, defined as six or more mental health

outpatient visits, or six or more substance use disorder outpatient visits, or any mental health or substance use disorder residential treatment, was 79%.”

In 2016, the Government Accountability Office recommended the VA expand the VJO program to help keep up with demand, which is precisely what this bill aims to do.

Justice-Involved Veterans

It is important to note veterans are incarcerated at significantly lower rates than non-veterans, and the number of veterans in jails and prisons decreased between 2004 and 2012 (Bureau of Justice Statistics [BJS], 2015). But there is a startling lack of data on the intersection of veterans and the justice system and too often veterans are not identified upon entry to the system or reentry to their community. What we do know suggests substance use disorders and mental health disorders are a significant factor in justice involvement.

In March 2014, *The Washington Post* released a report finding that more than half of the 2.6 million American veterans of the wars in Iraq and Afghanistan struggle with physical or mental health problems stemming from their service, and feel disconnected from civilian life (Chandrasekaran, 2014). The RAND Center estimates about 1 in 5 veterans of the wars in Iraq and Afghanistan has post traumatic stress disorder (PTSD) or significant mental health needs (Tanielian & Jaycox, 2008). The Substance Abuse and Mental Health Services Administration (SAMHSA) estimates 1 in 15 veterans had a substance use disorder in 2014 (SAMHSA, 2015).

Left untreated, these issues put veterans at significant risk for involvement with the justice system. Historically, there is no comprehensive effort to ensure the justice system responds sufficiently to the unique clinical needs some veterans face. Justice-involved veterans are scattered throughout the justice system, making it difficult to coordinate effective treatment interventions. Until veterans treatment courts, the VA had little to no contact with justice-involved veterans.

Veterans Treatment Courts: Unprecedented Success

Veterans treatment courts are now considered the most successful intervention for veterans in our justice system. In Buffalo, we have ‘graduated’ 240 veterans, with less than 10 percent recidivism rate amongst these graduates.

Nationally, the numbers are just as impressive. Recently, [*Community Mental Health Journal*](#) released the first published study on veterans treatment courts and concluded participating veterans experienced significant improvement with depression, PTSD, and substance use, as well as with critical social issues including housing, emotional well-being, relationships, and overall functioning. The study further concluded that veterans who receive trauma-specific treatment and mentoring not only experienced better clinical outcomes, they reported

feeling more socially connected (Knudsen & Wingenfeld, 2016). Much of this success can be attributed to the VJO program. A national study of more than 22,000 veterans in the VJO program found that veterans treatment court participants had better housing and employment outcomes as compared to other justice-involved veterans.

These outcomes are crucial for ensuring long-term success.

The Future

Veterans treatment courts continue to be the fastest growing treatment court model in the United States. Thanks to the rise of veterans treatment courts and the role and engagement of VJOs in local justice systems, jurisdictions from coast to coast learned the importance of identifying veterans at the earliest possible contact with the justice system, assessing them for substance use or mental health disorders and diverting them to evidence-based treatment. The progress is monumental but in order to ensure existing programs remain faithful to the veterans treatment court model--and new programs are established with the proper policies and procedures in place--training and VJO involvement is absolutely necessary.

Veterans treatment courts combine criminal justice and the VA in a way that has never been done. Programs that launch without proper training or coordination with the VA run the risk of doing more harm than good. Justice For Vets is doing all it can to meet the urgent and growing need for training but more support is needed.

The men and women of the United States military safeguard our freedom. It is this nation's collective responsibility to treat the wounds—visible and invisible—of those who suffer as a result of their service.

The *Veterans Treatment Court Improvement Act of 2017* is a critical step in meeting the urgent and growing need, and ensuring our nation delivers its promise to our veterans. I want to thank Chairman Wenstrup and Ranking Member Brownley for conducting a hearing on this important piece of legislation, and urge the swift passage of the bill.

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