

**VETERANS COURT: TOWARDS THE IMPLEMENTATION OF A
COLLABORATIVE JUSTICE MODEL IN SAN LUIS OBISPO COUNTY**

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Abstract

Veterans' treatment courts represent an emerging trend across the country of collaborative justice designed to deal with criminal justice issues stemming from problems linked to military service. This approach places the veteran in VA (Veterans Affairs) treatment programs as a diversion from incarceration. There are few such courts in California (nine) largely in non-rural counties. This study investigated two rural counties, Tulare and Santa Barbara with Veterans courts to develop a model for such a court in San Luis Obispo County. Early recidivism data at the one-year point for Tulare County showed a zero percent rate of criminal behavior (12 participants); and no recidivism at three months for Santa Barbara County (16 veterans). Both rural counties have had to rely on VA services in outlying areas given the paucity of nearby VA Medical Centers and clinics. A key observation from both court systems was that Veterans Courts appear to be a "grassroots" phenomenon with counties initiating such courts based on personal commitment to veterans by key stakeholders. The San Luis Obispo County Veterans court core members are veterans led by a Deputy District Attorney who is an Iraq war veteran. Utilizing the two rural courts studied, SLO court will focus on drug crimes and domestic violence, with the exclusion of more serious felonies. The targeted date of implementation is July 1, 2012. The anticipated monetary benefit is reduced court and incarceration costs. A non-monetary benefit is the successful rehabilitation of the veteran.

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Introduction

Veteran's treatment courts represent an emerging trend across the country designed to deal with criminal justice issues stemming from psychological or substance abuse problems that are linked to military service. Combat stress can lead to conflicts with the law through crimes such as illicit drug use, drunk driving, domestic violence, and other risky behavior (Department of Veterans Affairs; Under Secretary for Health's Information Letter, 2009, p. 3). Similar to other treatment courts, the approach utilizes multiple agencies, including the Department of Veterans Affairs (VA), to craft treatments to address the issues leading to the veteran's conflicts with the law as a diversion from custody, and in some cases expunging of the charges after successful completion of the treatment program. There are few such courts in California (nine) and most of whom are represented in non-rural counties where VA services are easily accessed, and as such there is a need for the development of such courts in rural areas.

Hypothesis

The purpose of this research project is two-fold: (1) investigate and describe the process of an existing Veterans Court in two nearby rural counties, Tulare and Santa Barbara and, (2) utilize that model as a template for the implementation of a Veterans Court in San Luis Obispo County. A literature review follows to describe the legal models and the rationale for the development of Veterans Courts.

Literature Review

American jurisprudence consists of two broad approaches: one adversarial and the other collaborative. The adversarial system of law in the United States allows parties (usually represented by attorneys) to present their case before an impartial judge or jury. The concerned parties are then allowed to develop a case, present their arguments, gather and submit evidence, call and question witnesses, and present it in accordance with the law and legal process. The

judge or jury then determines the truth of a case based on the facts that were presented before it and proceed to pass the judgment on the issue. In contrast, a collaborative system of justice seeks to work toward a more effective resolution of problems through a coordinated and collaborative involving the court, community and criminal justice professionals to join forces to analyze the problem and develop responsive solutions. Veteran courts are derived from the drug and mental health court treatment-based model and represent a new and innovative practice of collaborative justice. These courts recognize the role of combat stress and related disorders in returning war veterans as a source of behaviors that lead them to be in conflict with the law.

Adversarial and Collaborative Models of Justice

The Bouvier Law Dictionary, (2011) describes the origins of adversarial system of law as a derivative of ancient combative rituals used to dispute resolutions, with the law using scholastic argument as the weapon. This tradition dates back to the Roman and Greek philosophic customs, as depicted within Plato's works in the Apology and Crito. In both works, Plato wrote about the trial and death of Socrates (399 B.C.). In the Apology Socrates delivers a speech in his own defense against the charges that Athens has brought against him that of corrupting the youth. Unfortunately for Socrates, he is unable to convince the jury of his innocence and is sentenced to death by drinking hemlock. Plato's work underscored the flaws of an adversarial system that can put to death by majority vote a man such as Socrates who stood for freedom of thought, and this is notable in current day thought regarding American jurisprudence. The flaw in the implementation of justice as stemming from the skill, "of a litigant's attorney in manipulating evidence or fact finder, a skill that usually correlates to the litigant's wealth, influences the outcome of a case more than the actual truth of the matter" (Sheppard, 2011, p. 627). This imbalanced situation, that of justice as the consequence of the

ability to buy skilled representation, has legal scholars questioning whether there may be better alternatives to the adversarial legal system. Warren E. Burger, Chief Justice of the United States Supreme Court in writing for the Valparaiso University Law Review on *The State of the Adversary System 1993*, Chief Justice Burger questioned, "are we litigating when we should be arbitrating? Are we modifying rules that need no alteration, and ignoring genuine problems with other rules?" (p. 311) Chief Justice Burger stated further, "trials by the adversarial contest must in time go the way of the ancient trial by battle and blood" (Burger, 1984, p. 62).

In contrast, a collaborative system of justice is one that seeks to work toward a more effective resolution of problems. Problem-solving rather than relying on any single agent to solve the respective problem helps the judicial system to recognize that many criminal justice problems are systemic and require a coordinated and collaborative response to the issues facing the legal system. Such an effort involves the court, community and criminal justice professionals to join forces to analyze the problem and develop responsive solutions. In a collaborative justice model judges, court administrators, prosecutors, defense attorneys, probation and parole representatives, corrections personnel, victim advocates, law enforcement officers, and public and private treatment providers forge partnerships that enable them to address complex medical, social, fiscal, and behavioral problems of the criminal defendant. Drug treatment and mental health courts are examples of collaborative justice courts that recognize a link between substance abuse/mental health disorders and the criminal behavior and therefore focus interventions on treatment rather than punishment of the individual. Veteran's treatment courts represent an emerging trend across the country designed to deal with criminal justice issues stemming from psychological or substance abuse problems that are linked to military service. Similar to other treatment courts, the approach utilizes multiple agencies, including the Department of Veterans

Affairs (VA), to craft treatments to address the issues leading to the veteran's conflicts with the law as a diversion from custody, and in some cases expunging of the charges after successful completion of the treatment program.

Veterans Courts: The Rationale for Treatment not Punishment for Criminal Behavior

Combat zone duty can result in injuries both to the body and psyche such as, including post traumatic stress disorder (PTSD), traumatic brain injuries (TBI), orthopedic injury and/or amputations, all conditions that can derail emotional control and lead to interpersonal conflicts and/or other erratic behavior which veterans advocates have argued should be taken into consideration in a court of law. Veterans' courts recognize the role of combat stress and related disorders in returning war veterans as a source of behaviors that lead them to violations of the law. Veterans returning from Iraq and Afghanistan may have additional risk factors for poor civilian re-adjustment such as multiple tour of duties, exposure to suicide bombers, improvised explosive devices, and other life-threatening events. The rationale supporting the core mission in Veterans Courts, that of rehabilitation rather than punishment of the veteran, is the recognition that war zone experiences can lead to psychological turbulence in civilian life and poor adjustment (Russell, 2009). In addition, advocates argue that Veteran courts serve a unique sector of American society: those who have honorably served the country and made sacrifices that protect our democratic way of life (Russell, 2009).

Moreover, the underlying rationale for Veterans courts forwarded is similar to the drug treatment courts, the focuses on obtaining court-monitored treatment rather than incarceration. A cost-benefit to courts is that treatment services for veterans are paid for by the Department of Veterans Affairs (VA) and thereby do not strain the budgets of local counties. The rates of veterans involved in the criminal justice system appear to be at approximately ten percent of jail

and prison populations. According to a most recent United States Department of Justice Bureau of Justice Statistics (BJS) Survey of Inmates in local jails (2002) data indicate that 9.3% of people incarcerated in jails are Veterans. The controlling offense for 70% of these Veterans was a non-violent crime, and 45% had served two or more state prison sentences. BLJ data indicate that approximately fifty-percent of all inmates are serving a sentence for violent crimes. At minimum, 90,000 of the 9 million unique inmates annually released from U.S. jails are Veterans. A large majority of 82% is eligible for VA services, having been discharged either under honorable (65%) or general with honorable (17%) conditions (United States Department of Justice, 2002). These numbers highlight that the majority of veterans entering the criminal justice system would be eligible for VA services and prompting the VA to develop the Veterans Justice Outreach (VJO) program that addresses the needs of not only returning combat veterans but also other non-combat military service members with pending criminal legal issues. The VJO initiative is designed to “provide outreach to Veterans in contact with the justice system through encounters with police, jails, and courts. The goal of the VJO program is to “provide timely access to VA services for eligible justice-involved veterans to avoid unnecessary criminalization and incarceration of Veteran offenders with mental illness” (Department of Veterans Affairs, 2010, p. 1).

Veterans’ military service as rationale for mitigation

Those in the Veterans Court rehabilitative movement have argued that, as a Nation, it is our duty to give veterans who encounter legal difficulties stemming from war zone issues that compromise civilian re-adjustment a second chance (Russell, 2009). Advocates of veterans’ courts have noted that both the veteran and society benefits from this effort through reduction in criminal recidivism, alcohol or drug abuse, and homelessness. Veterans’ courts promote the idea

that the people who have served in the military have a unique experience that are not common among other members of the public, such as the discipline inherent in military service and that they represent individuals whom society should afford a degree of mitigation. As stated by the Supreme Court in *Porter v. McCollum* case, “Our Nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines ...” (Porter v. McCollum, 558 U.S., 130 S. Ct. 447, 448, 2009, p. 14).

The United States Sentencing Commission issues a document that was developed to help judges, lawyers, and probation officers, locate relevant authorities involving issues related to military service. The document released November 1, 2010, (USSG §5H1.11) in part reads, “military service may be relevant in determining whether a departure is warranted, if the military service, individually or in combination with other offender characteristics, is present to an unusual degree and distinguishes the case from the typical cases covered by the guidelines” (The Office of General Counsel, 2012, p. 2). Lawyers who represent combat veterans can use this case as support for a defense of their client. This of course does not allow the veteran to get off scot-free. What it does allow for is the court ability to take into consideration the mental and emotional toll that combat can take on a person’s psyche. With one in five Iraq and Afghanistan veterans suffering from PTSD or major depression (RAND, 2008), it is important that our system of justice take this into consideration. While serving in a combat zone does not serve as an exculpation for violent crime, knowledge about the circumstances surrounding a defendant’s military service can, as the Supreme Court recognized in *Porter v. McCollum*, “humanize” a criminal defendant so that a judge and jury can make an informed decision about the appropriate punishment. In addition, California and Minnesota understand the pervasiveness of PTSD in

combat veterans and has favorable laws that provide special legal protection for criminally accused veterans who suffer from PTSD.

Combat Stress as contributing to erratic behavior

Combat stress can lead to conflicts with the law through crimes such as illicit drug use, drunk driving, domestic violence, and other risky behavior (Russell, 2009). Notably, the most common disorder that can lead to re-adjustment difficulties for the combat veteran is that of Post-traumatic Stress Disorder (PTSD). The prevalence of PTSD among combat veteran is estimated for Vietnam veterans as approximately 15% for males and 9% for females, in combat support roles (Keane & Barlow, 2002) and 12.5% for returning male Iraq and Afghanistan veterans with direct combat exposure (Hoge, Castro, Messer, McGurk, Cotting & Koffman, 2004). According to Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) diagnostic criteria for PTSD include a history of “exposure to a traumatic event meeting two criteria and symptoms from each of three symptom clusters: intrusive recollections, avoidant/numbing symptoms, and hyper-arousal symptoms, a fifth criterion concerns duration of symptoms and a sixth assesses functioning” (American Psychiatric Association, 2000, DSM-IV Axis I 309.89). Criterion A-F also include a variety of other symptoms such as, extreme alertness, jumpiness to sounds, anxiety, sleep disturbance, irritability, and for some even “flashbacks,” sensation or belief that they are back in the “war zone.” Studies have estimated that among returning Iraq and Afghanistan veterans the signature injuries include combat stress and traumatic brain injury (TBI), conditions that form obstacles for veterans to smoothly transition back to civilian life that have wide-ranging and negative implications for those who are affected (Tanielian & Jaycox, 2008).

Roberts and Caspi conceptualize obstacles encountered by traumatic events in a model they call, “cumulative continuity.” That model states that behaviors and choices at each stage of life have consequences that accumulate to shape and limit an individual’s options at subsequent stages of life (Roberts & Caspi, 2002). Cumulative continuity highlights the ways that negative consequences can emerge over time, that is, in an additive way. For the returning service member, the cumulative impact of combat stress would involve continued experience of symptoms in such as irritability and hypervigilance in civilian life that endanger work and personal relationships. Among returning Iraq and Afghanistan veterans, the experience of psychological symptoms related to combat and support duty in a war zone is substantial. For example, on post-deployment questionnaires, 49% of returning troops who were in the National Guard and 43% who were in the Marine Reserve reported psychological health concerns (Maimon, 2008). The Tanielian and Jaycox (2008) study for example found that service members who were aggressive and uncontrolled upon return from deployment were likely to suffer both professionally and socially. The consequences of post combat irritability and erratic behavior may accumulate in civilian life through loss of jobs, divorce, strained friendships, limiting their options for productive post-deployment adjustment. Reduced or no employment in such returning veterans cumulatively adds to stress and contributes to a downward economic cycle (Caspi, Elder, & Bem, 1988). Thus, over time, the immediate symptoms of a condition may trigger a cascade of negative consequences that substantially affect later stages of life (Tanielian & Jaycox, 2008, p. 122).

Another cost of combat duty are the high rates of alcoholism and drug abuse at approximately one-fifth of Iraq and Afghanistan returning veterans receiving care through the VA (Office of Applied Studies, Substance Abuse and Mental Health Services Administration,

2005),. The National Coalition for Homeless Veterans estimated that 23% of the homeless populations in the United States are veterans (The National Coalition for Homeless Veterans, 2009). The estimate of the numbers of veterans in the legal system is at approximately ten percent of the custody population (approximately 140,000 nationwide) (Noonan & Mumola, 2007).

Iraq and Afghanistan veterans: toll of multiple deployments in civilian maladjustment

Since October 2001 approximately, 1.64 million U.S. service men and women have deployed to engage in combat operations in support of Operation Iraqi Freedom (OIF, Iraq) or Operation Enduring Freedom (OEF, Afghanistan) and that the nation has asked these men and women to undergo multiple deployments in a war zone (Tanielian & Jaycox, 2008; Pinals, 2010). Both the Iraq and Afghanistan wars have involved a large number of military reservists (i.e., citizen soldiers in Army or other Reserves of National Guardsman) who have had multiple war zone deployments which have resulted in disruption to family as well as causing financial hardship. Such stressors in addition to the trauma of combat for the returning veteran can be overwhelming and result in negative coping behaviors (such as alcoholism) and resultant difficulties with the law (e.g., domestic violence, driving under the influence, reckless behavior) (RAND, 2008; Pinals, 2010). Clearly, the optimal circumstance is to address returning combat veterans psychological issues early on to circumvent negative outcomes. However, as the DOJ (2002) data suggest there are ample examples of veterans whose conditions were left unchecked and who consequently experienced the undesirable outcome of substance abuse, unemployment and involvement in the criminal justice system. These outcomes represent the high cost of military service upon the men and women who serve our country in a theatre of combat (Russell, 2009).

Veterans Courts: American Civil Liberties Union objection to special status

Although the legality of establishing veteran courts has never been an issue, there have been some objections raised by some local chapters of the American Civil Liberties Union (ACLU). For example, the Nevada chapter of the ACLU is opposed to the state's proposed veterans court because, "it provides an automatic free pass based on military status to certain criminal defense rights that others don't have" (Nevada Legislature, 2009, p. 21). In addition, the legal director of the Colorado ACLU, has raised objections to the veterans court initiative in Colorado, stating that "the legal category of 'veteran' is both too broad and too narrow, sweeping in both Vietnam and World War II veterans, who have very different experiences, while excluding non-veterans who also suffer from PTSD but aren't eligible for any special courts" (Warner, 2010, p. 24). Mark Silverstein, the legal director of the Colorado ACLU (Warner, 2010) raises the question, "should the criminal justice system take into account PTSD when it arises from military service but disregard it when it stems from different but nevertheless horrific life experiences?" (p. 24)

The ACLU forwards the argument that veteran treatment courts would unfairly provide a section of the population with more civil liberties than others. The ACLU argument also erroneously suggests that defendants with military histories would essentially be given a free pass. The ACLU position argues that if we are going to do away with the "lock them all up and throw away the key" justice for some special classes of people with mental health problems and addictions then, shouldn't we do so for everyone? Veterans' service to this country, even combat duty, is not viewed as circumstance enough to provide for diversion in criminal justice proceedings. The ACLU's opposition of veterans' courts is in essence that it creates a distinction of a first and second class criminal court system that this is inherently unfair.

Counterargument: Veterans Court Positive Impact upon Rehabilitation and Reduction of Criminal Recidivism

Veterans' treatment courts are not inherently unfair as those with substance abuse or mental health problems can be diverted through Drug Treatment and Mental Health Courts. Moreover, there has been a historical recognition by the country, commencing with Abraham Lincoln in his second inaugural Presidential Address of March of 1865 as related to civil war veterans, that military service that is honorably discharged does provide for entitlements, including medical, education, housing loan benefits (Russell, 2009; VA, 2011). Therefore, veterans are a special class of individuals recognized by the country for their discharge of military service and related sacrifices, irrespective of the criminal justice system. However, the best argument for Veterans courts is the positive impact upon the rehabilitation of the individual in terms of work and personal relationships, and consequently the reduction in criminal recidivism. Clearly, lowering crime rates is a benefit to society, and if Veterans courts can achieve this purpose that is an identifiable and valued outcome.

Moreover, Veteran Courts do not automatically give a veteran a free pass based on military status. A veteran must be in compliance with treatment and other court ordered conditions in order to successfully complete the program. There is also great variability in the types of offenses typically adjudicated through Veterans Courts, though most involve either non-violent offenses such as drug charges, driving under the influence or violent offenses such as domestic violence cases (Holbrook, 2010; Russell, 2009). The consideration of combat stress to mitigate responsibility for violent offense remains controversial, and such crimes are typically not the focus of Veterans courts diversion, though they may be a matter raised in criminal mitigation. A recent 2009 U.S. Supreme Court case deliberated exactly that issue. The case

heard-that of George Porter a wounded and decorated Korean War Veteran-who was convicted of two counts of first-degree murder for the shooting of his former girlfriend, Evelyn Williams, and her boyfriend, Walter Burrows (George Porter, Jr. v. Bill McCollum, Attorney General of Florida, et al., 2009). Porter was convicted and sentenced to death on the first count but not the second. The U.S. Supreme Court addressed whether the defendant's Sixth Amendment right to counsel had been violated when his attorney failed to uncover or introduce at sentencing evidence of his significant combat experience (Porter v. McCollum, 558 U.S., 130 S. Ct. 447, 2009). The Court found that Porter's Sixth Amendment rights had been violated, the Supreme Court then strongly chided the defense attorney for failing "to uncover and present any evidence of Porter's mental health or mental impairment, his family background, or his military service," (Porter v. McCollum, 558 U.S., 130 S. Ct. 453, 2009, p. 11) "finding that such evidence could have been offered as both statutory and non-statutory mitigation" (Porter v. McCollum, 558 U.S., 130 S. Ct. 454-55, 2009, p. 8). The Court then remanded the case for rehearing on sentence (Porter v. McCollum, 558 U.S., 130 S. Ct. 447, 456, 2009). While Veterans Courts have not been used for violent crimes such as murder, the importance of the Porter case is the recognition of combat experience and its nexus and perhaps mitigation of his criminal behavior. Moreover, in 2010 the American Bar Association supported the establishment of veterans' court as method of promoting self-sufficiency and reduction of recidivism (Holbrook, 2010).

Reduction in Criminal Recidivism

Veterans courts, like drug and mental health treatment courts have as a core mission the reduction of criminal recidivism through the treatment of the underlying mental or substance abuse disorder driving the criminal behavior. The first of Veterans Courts came about in Buffalo, New York and was the brainchild of Judge Robert T. Russell and which all other veteran courts

are modeled. The Buffalo veterans' court mission directly takes on diversion of veterans away from the traditional criminal justice system by providing them with the tools to ensure that they can lead productive and law-abiding lifestyle. Those tools involve treatment for drug and alcoholism as well as mental health issues and coupled with academic, vocational training, job skills, and placement services. In addition, the Buffalo model also individualizes the services to address needs such as housing, medical and other support issues (Russell, 2009).

As the presiding Judge over Buffalo's Drug Treatment and Mental Health Treatment courts Judge Russell stated that he noticed “many of the participants on my docket had something in common—they were veterans” (Russell, 2009, p. 363). Russell continued by stating “that in fact, it was the noticeable rise in the numbers of veterans on the city treatment court dockets that ultimately led to the advent of a specialized Veterans Treatment Court” (Russell, 2009 p. 364). With its specific mission to identify the needs of veterans in the criminal judicial system the Buffalo court lead by Judge Russell, looked to innovative ideas on how best to remedy the problems associated with veterans. Judge Russell further commented.

“It is our experience in both the Buffalo Drug Treatment Court and the Buffalo Mental Health Treatment Court is that veterans respond more favorably to other veterans in the court. Veterans’ court allows for veterans to go through the treatment court process with people who are similarly situated and have common past experiences and needs. This type of court links individuals with service providers who either share or understand the unique experience of military service, military life, and the distinctive needs that may arise from that experience” (Russell, 2009, p. 364).

The Buffalo court, with slight modifications, utilized the ten key components of U.S. Department of Justice: *Defining Drug Courts: the Key Components* (U.S. Department of Justice: Office of Justice Programs, 2004) which emphasized sobriety and personal responsibility. Russell (2009) described these components as the use of a non-adversarial courtroom approach where the prosecutor, defense, and court work as a team. Veterans are transferred through the court docket. Those transferred typically have committed non-violent felonies or misdemeanors. Once the veteran is accepted into veterans' court, the treatment approach involves placement of the veteran into a VA based program. The Buffalo Court utilizes the VA Health Care Network in New York, the Western New York Veterans Project and the Veteran Benefits Administration. Most of the veterans receive the mandated care through the VA. A VA employee is a part of the court sessions. Treatment progress is measured through compliance with the mandated treatment and with a strong focus on personal responsibility and accountability. The court also has volunteer veteran peer mentors who are men and women from the community, described as an essential component in the process. These veteran peer mentors provide ongoing interaction and support for the veteran. The volunteers are veterans who have served in Vietnam, Korea, Operation Desert Shield, Operation Enduring Freedom and Operation Iraqi Freedom. The role of the peer mentor is to serve as a coach, facilitator, advisor and support system. Russell (2009) noted that the mentoring program derived from the core belief that behind every successful person there was someone who cared about his or her growth and development.

Veteran Treatment Courts are new and therefore there is limited recidivism data, though early findings, such as from the Buffalo, New York effort suggests they are successful (Russell, 2009). Russell (2009) reported that of December 2008 the Buffalo Veterans Treatment Court had seventy-five participants and three graduates. The veteran participants entered the court with a

variety of issues, ranging from substance abuse to mental health, homelessness, unemployment, and strained relationships. At the time of graduation, the participants were substance free, dealing with mental health concerns, had a place to live, and stable employment or were actively engaged in furthering their education. Russell also indicated that an additional benefit for the veterans was repairing damaged relationships with family and friends. Russell (2009) noted that since its inception in December of 2008 the Buffalo Veterans Court has had seventy-five participants and three graduates. At the time of follow-up in 2009 there was a zero percent rate of criminal recidivism. In addition, the non-quantifiable benefits were that of reunification with children, increased self-esteem and reliance, and a renewed sense of accomplishment, pride and confidence in their ability to face life's challenges. Russell noted that the derivative model of drug courts may offer a prediction of the types of rates of recidivism that will be found in Veterans Courts. Russell noted that drug courts nationally report that one-year post graduation, that approximately 85% of the participants have had no new arrests. Moreover, the cost benefit in New York, that of 18,000 individuals to treatment courts as opposed to incarceration led their state to save \$254 million in custody cost, and the reduction in crime, adds a value of 24,000 per individual diverted to treatment courts (National Drug Court Institute, 2010).

The success of veteran treatment courts has even prompted the Federal government to take action by beginning to evaluate the courts and consider legislation in its support. Massachusetts Senator John Kerry, a Vietnam veteran, and Alaskan Senator Lisa Murkowski in 2008 asked for increased funding of these projects (Kerry & Murkowski, 2008). In addition, Congress has since recognized the needs of veterans in the criminal justice system through mandating the VA to develop re-entry programs for veterans (Pinals, 2010).

The Buffalo Veterans Court's success has prompted the establishment of Veterans Courts in 21 states utilizing the drug treatment court methodology (Holbrook, 2010). Some of the courts involve pre-conviction diversion programs, while others accept only veterans who have pled guilty. Some hear only non-violent cases, while others accept lower level violent offenses (such as assaults without great bodily injury). Other veteran courts confine participation to veterans with PTSD, mental illness or brain injury (such as in Tarrant County, Texas), while others such as the Buffalo Court are confined those veterans with mental illness or substance dependence. Others only accept combat veterans who are eligible for probation (such as the Tulare and Orange County, California courts). There is an inherent interest in the collaborative justice model among all parties involved from the court, prosecutor, defense counsel, probation, the veteran and the community. The goal of the program is to ultimately address the underlining issues that led the veteran to come into contact with the criminal justice system in the first place.

Research Design and Methods

Design: The project involves two elements. The first is a descriptive approach investigating existing rural county Veterans Courts, Tulare (Visalia Court) and Santa Barbara Counties (Santa Maria Court) to provide a template for implementation in San Luis Obispo County. The second element of the design is the development of a core group of interested parties (stakeholders) in San Luis Obispo (SLO) County to form the committee developing a proposal (Appendix A and B) for the funding and implementation of a Veterans Court and a time line for the start of Veterans Court in SLO County.

Rationale for Methodology

This project is the study of stakeholders and the process of the implementation of a collaborative justice court program. The study is inherently non-experimental in design as it involves the

examination of two rural counties (Tulare-Visalia Court and Santa Barbara-Santa Maria Court) with an existing Veterans Court and how methods utilized to realize a Veterans court could be used towards implementing such a system in another rural county, San Luis Obispo.

Procedure: This project's primary method was the investigation of the process and implementation of two rural county Veterans Court in proximity to San Luis Obispo County, that of the Visalia Court in Tulare County and the Santa Maria Court in Santa Barbara County.

Visalia (Tulare County) Veterans Court identification of key stakeholders, observation of court process and obtaining template

The key stakeholders in Tulare County Veterans Court were identified as the Tulare County Deputy Probation Officer Elda Allen (January 18, 2012), Deputy District Attorney Doug Rogers, the Judge Ferguson, Deputy Public Defender and Court appointed psychologist Dr. Allen Middleton (February 8, 2012) and interviewed/observed in court as in the dates listed. In addition on February 8, 2012 the Veterans Court session was observed. The Tulare County court also held a Veterans Court Board Stakeholders meeting which was observed (February 15, 2012).

Santa Maria (Santa Barbara County) Veterans Court key stakeholders:

The key stakeholders were Santa Maria Superior Court Judge Rogelio Flores, the District Attorney Joyce Dudley, Public Defender, Veterans Affairs Representative, and Alcohol, Drug and Mental Health Services County coordinator Amy Lopez and Dr. Joseph Lockhart, mental health court liaison. Two research and field trips to observe veteran treatment court proceedings, the first Veteran's court held on January 25, 2012 and second held on February 22, 2012.

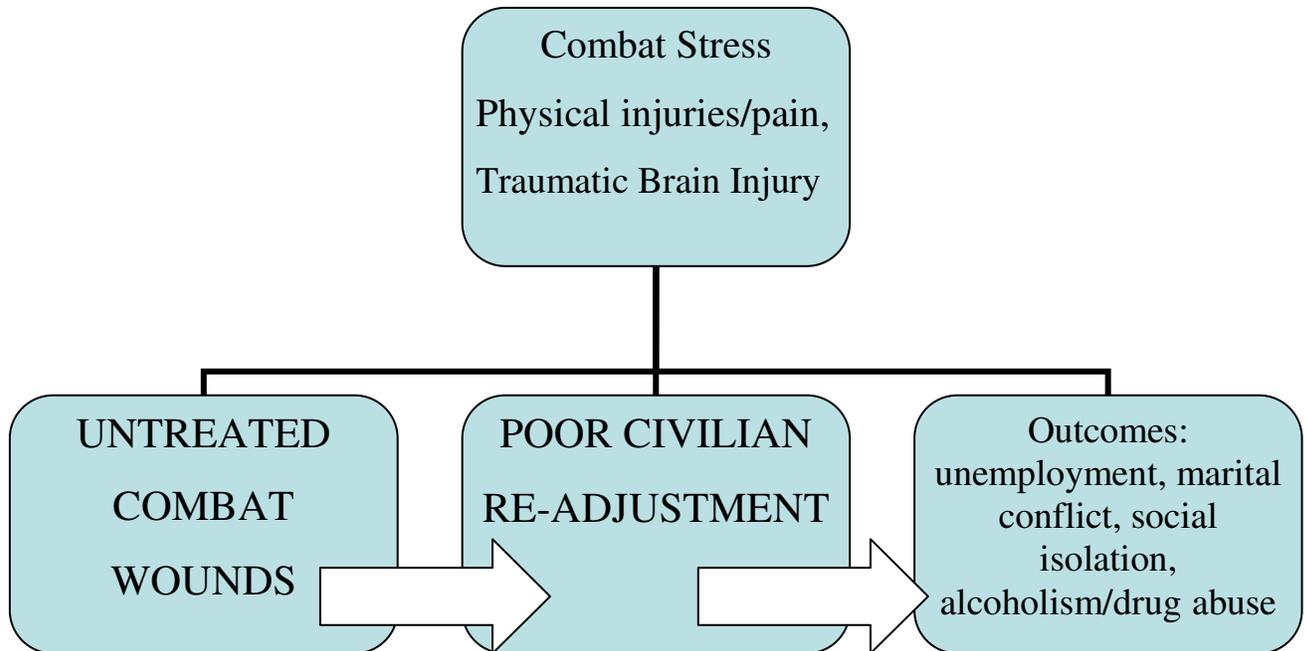
Development of a San Luis Obispo County Veterans Court Stakeholder Group and Time line for Implementation of Veterans Court:

The implementation of a SLO Veterans Court involved the development of a core group of stakeholders forwarded by DDA Dan Dow of San Luis Obispo County. The stakeholder process was established due to commonalities of service and concern for Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) veterans shared by DDA Dow and the investigator who are both veterans of OIF (phone meeting December 17, 2012; email communications through December 2012 and January 2012). The first Stakeholder meeting with key San Luis Obispo County personnel was held on 1/18/12: DDA Dan Dow, Warren Jensen, county counsel, Ian Parkinson, Sheriff, Robert Cone, Robert Reyes, Probation, Greg Sanders, American Legion Post 432, Ron Waltman, American Legion Post 432, Brian Reynolds, County Librarian, Don Ernst, civil lawyer, Jeff Stulbers SLO Bar President, and Dan Smee, OIF combat veteran/Cal Poly student. Dan Smee, presentation of Tulare County Proposal for Veterans Court. Materials regarding Veterans Court and VA liaison were obtained from GLA VA James McGuire, MSW, Ph.D., National Veterans Justice Center Director (January 5, 2012). This material and additional meetings with the core group members (January 18, 2012, February 15, 2012 and meeting with DDA Dow February 22, 2012). The process involved a development of list of crimes eligible for Veterans Court, parameters of supervision and VA treatment. These additional issues were discussed:

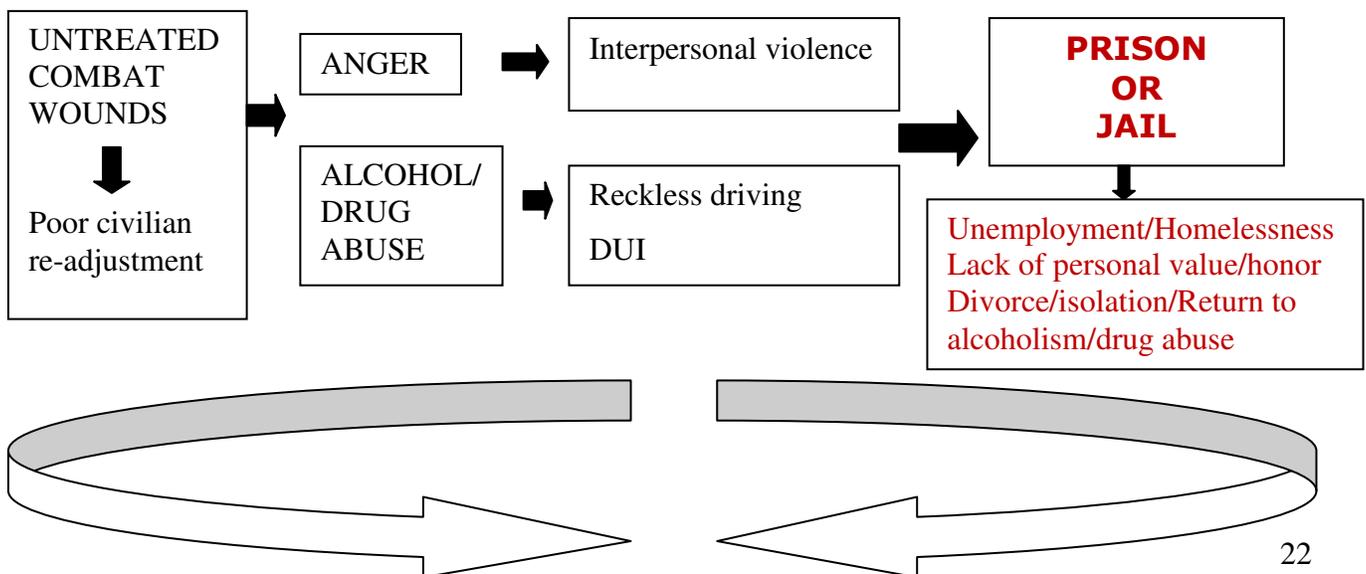
1. Development of a proposal for funding of SLO County Veterans Court (with Coordinating stakeholder, DDA Dan Dow) and submission to SLO District Attorney, Public Defender, Court, Sheriff's Office, and Probation Department, (March 1, 2012).
2. VA Treatment liaison (GLA VA Medical Center and Veterans Justice Office) to have identified VA staff to provide placement for veterans, arrange for reports to Probation (March 1, 2012).

- Development of outcome parameters for SLO County Veterans Court (reduction in recidivism, reintegration of veterans to civilian life) and time line for implementation of pilot court program (DDA Dan Dow weekly phone/email contacts, preliminary target date for Veterans Court July15, 2012)

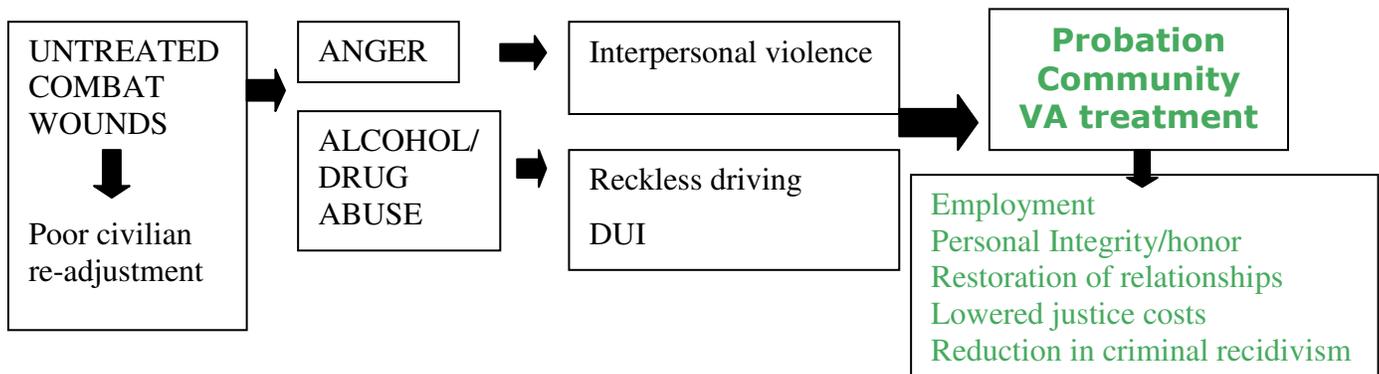
SUBJECT VARIABLES



OUTCOMES WITH ADVERSARIAL LEGAL SYSTEM



OUTCOMES WITH COLLABORATIVE LEGAL SYSTEM



Rationale supporting hypothesis of positive outcomes with Veterans Courts

Veteran's treatment courts represent a mechanism for combat veterans who become involved in the justice system that is not punitive or adversarial but collaborative in focus. These courts allow the veteran to address untreated combat wounds and focus on rehabilitation rather than incarceration. Preliminary data from the Buffalo, New York Veterans Court indicate that participants have had virtually nil criminal recidivism, high rates of employment and/or continuing higher education, and restoring relationships with others (Russell, 2009). These data from the flag-ship Veterans court in New York demonstrate that such programs forward successful reintegration of the veteran into society. Traditional adversarial legal approaches reinforce criminality/drug or alcohol abuse through continuing the cycle of problems stemming from untreated combat wounds which result in re-incarceration (United States Department of Justice, 2002). The collaborative treatment based Veterans Court approach, by contrast, uplifts and re-establishes the veteran as an individual who has sacrificed for this country and highlights that special status.

Results: Findings and Interpretation

Qualitative: The data in this project is qualitative, that is, the observation of the process of the identification and forming of key stakeholders in SLO County to authorize and develop the Veterans Court.

Case study Tulare County (Visalia Veterans Court)

The Tulare Veteran Treatment Court started on February 10, 2010. The primary driving force behind getting the veteran court established in Tulare was Probation Officer Elda Allen with the help of Phillip Cline, District Attorney of Tulare County, and Vietnam Veteran. A key additional element in starting the Veteran Treatment Court was Superior Court Judge Darryl Ferguson. Judge Ferguson, who served in the military as a Marine himself has two sons who have served as Marines in Iraq.

Court process: The Veteran Court meets on the first Wednesday of every month. Factors which determine eligibility is that the veteran must have served in a combat zone, have an Honorable or General Discharge from the military, defendant must be a resident of Tulare County, not be on active duty, and diagnosed with post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), or a related psychological problem. The Court accepts most charges for consideration except Murder (Penal Code 187), sexual assault, lewd acts on a minor under 14, or acts of lewd or lascivious conduct (Penal Code 288), or a DUI that causes great bodily harm (Vehicle Code 23153). Recommendations for participation in the Veteran Court may be made by the arresting officers, defense attorneys, probation officers or Judges. After the defendant has been determined to be eligible the case is presented to the Veterans Court Board to determine suitability. The Board is made up of representatives from the District Attorney's Office, Probation Department, County Veterans Service Officer, The Veterans Administration, court assigned psychologist, and representatives from various local law enforcement agencies in

the county. To date the Tulare Veteran Treatment Court currently has 12 male veteran defendants who have signed contracts and are enrolled in the program. A mandatory 18 month program the first group of successful veterans will graduate on August 19, 2012. All veterans in the program must enter a guilty plea. However after the successful completion of treatment the veteran petitions the judge for dismissal of the charges against the veteran. There is a 14-day window period where the veteran can withdraw from the program, or if determined to be ineligible by the Board they may be disqualified. The veteran remains on formal probation throughout the tenure of his or her Veteran's court placement. Probation supervision lasts for up to three years and includes unannounced home visits by the probation officer. Those who are Reservists or National Guard members will have their Veterans Court participation suspended while recalled to active duty. Upon return from active duty they can resume the probation program. There is a \$20 monthly fee the veterans pay to Probation, though no one is refused services if they are unable to pay. Every veteran is assigned a volunteer veteran mentor from the community as a support.

Qualitative: The Tulare County Veterans court is described as a minimum 18 month program. It consists of five phases: Orientation: 30 days, Phase I 90 days, Phase II 90 days, Phase III 145 days, and Phase IV 180 days as depicted under Appendix A. Each of the phases represents time sections for each treatment and movement from one phase to another represents successful completion of treatment for that period. The Orientation portion involves the assessment of the needs of the veteran and development of a treatment plan by the consulting psychologist. The treatment must include a minimum of one individual and one group session a week, submission to drug testing, compliance with medications as per VA treatment provider, weekly reports to the Probation Officer, and monthly court reporting. There may be additional

treatment recommendations (e.g., placement in residential program, curfews). To advance from one Phase to another, all treatment sessions must have been attended, there can be no positive drug tests, compliance with any prescribed psychiatric medications, and written request to be advanced to the next Phase. After this 30-day orientation, Phase I begins. In Phase I the veteran is involved in treatment developed by his/her VA provider and one that also involves developing educational and vocational goals, and any additional treatment needed (e.g., parenting skills, anger management). After completion of Phase I, the next Phase involves ongoing treatment for the next 90 days. In Phase II employment/educational goals and progress are highlighted. Phase III involves 145 days and consist of the veteran continuing treatment participation but also includes developing skills as a veteran mentor to a new Veterans Court participant. Phase IV lasts six months (at minimum) and the goal is the transition from a lifestyle involving Veterans Court to one that is more community based. In addition to the treatment requirements, full-time employment and or education/vocational training are required. The graduation criteria are completion of Phase IV.

The veteran defendants must appear in court once a month during the phases. After each phase the veteran reads a speech that involves an expression of gratitude, and any information as to their success. The process is geared towards forwarding motivation and the speeches by the veterans observed were inspirational and celebratory. At the completion of all phases the defendant asks the Court to dismiss the charges. Sanction for treatment non-compliance (missing meetings, failing drug test) can involve loss of time in the program, or being demoted down a phase. The specific aspects of treatment are determined by the consulting psychologist and included AA/NA meetings, as well as individual and group mental health sessions (through VA

Fresno as well as by court appointed psychologist). All participating veterans meet with the Probation Officer each week.

The Tulare County Veterans Court qualitative assessment indicates that stakeholders must have a personal connection for the successful development of this court. The qualitative observations were the following, the collaborative team meets in the judge's chambers to discuss the progress of veteran and any issues that the judge's attention is required (e.g., any new crimes, positive drug tests, treatment non-compliance). The formal court proceedings involved a review of the veteran's cases on the docket (8 on the observation date). The review involved the veteran's presence in each case for a brief progress report. Some veterans were advancing from one Phase to another. The observed speeches by the veterans were moving and underscored the veteran's gratitude for the opportunity. The court and collaborative participants and the defendant veteran were all clearly on the same "team" with the goal of successful re-integration of the veteran into society. The veterans in the Tulare County program also form their own support group of one another as they are bonded together by participating in the same program. The veteran defendants serve as peer mentors for one another as all the veterans participate in group meetings with the psychologist, and share contact information. Per discussion with Deputy Probation Officer Allen, the strong supportive role of the court players (judge, DDA, defense and psychologist) in helping the veteran develop and maintain sobriety and mental stability were identified as the program's strength. Deputy Probation Allen further noted that the small size of the program has allowed for individualized programming and follow up.

The key stakeholder is the judge is a veteran (Marine) who has one son serving in Iraq (OIF) and another who died in Afghanistan (OEF). The judge's commitment to veterans, per DPO Allen, was what led to the court allocating court time for a Veteran's court. Other

stakeholders in Tulare County such as the DA, the defense attorney and psychologist are all veterans, and the probation officer's husband was a combat veteran. The Tulare County court is unique in that it is solely focused on combat veterans; in addition the court considers a wide range of crimes, including felonies.

The court meets formally only once a month, but there is a Board meeting that meets once a month, but without the judge. The Board has a broad group membership, in addition to the Deputy District Attorney, the Public Defender, Probation Officer and psychologist, law enforcement is also involved. The Board's function is to determine suitability of the referred veteran for Veterans court and recommendations as related to veterans who have treatment non-compliance. The Board's role had a somewhat more punitive versus supportive realm though necessarily an aspect of the issues under discussion involving the identification of sanctions for one veteran who had violated the treatment contract.

Quantitative: The Tulare County Veteran's court has no formal process where data is collected. Deputy Probation Officer Allen indicated that since the implementation of the court in February 10, 2010 approximately 12 veterans have been accepted into veterans' court. All are combat veterans, all male, Vietnam or Iraq/Afghanistan, and with drug related crimes. All participants have received VA care through the VA Medical Center in Fresno. To date, the incidence of criminal recidivism involves one veteran who incurred a DUI, but was nonetheless allowed to continue in the program with some minor sanctions pending. The first graduates of the program will be in August 19, 2012.

Case study Santa Maria Veterans Court (Santa Barbara County)

Spearheaded by Superior Court Judge Rogelio Flores, the Santa Maria Veteran Treatment Court was established in November 22, 2011. General provisions for acceptance into the veteran treatment court follow the same methodology as the current drug court model. The program is a

post conviction and the time in mandated treatment ranges between 12 and 18 months. Unlike the Tulare County Court that is restricted to combat veterans with honorable/general discharges, any veteran may apply for the Santa Barbara County program regardless of military discharge status. Denial for admittances into the program include that the defendant must not have committed a serious or violent felony, no cases with a prior alleged "Strike," no sex offences that require registration (Penal Code 290), no felony domestic violence cases, DUI that causes great bodily harm (Vehicle Code 23153), probation cases that only require no more than 3 years of supervision, and drug sales convictions that are not for the defendant's own addiction. The presiding judge and the collaborative team determine the veteran's suitability. The model is collegial and involves input from representatives from the Superior Court, District Attorney's Office, Public Defender's office, Probation Department, County Veterans Service Officer, The Veterans Administration, County Drug and Mental Health Services Department, and the court assigned psychologist.

Qualitative analysis: The Santa Maria Veterans Court meets twice a month (Wednesdays). There is no Board as there is in Tulare County. The treatment team (VA Justice Coordinator, the county mental coordinator, and court psychologist) the Deputy District Attorney and Deputy Public Defender present as the judge reviews the Veterans case docket. All decisions as to suitability and progress occur prior to formal proceedings in the court room. The formal proceedings begin with the pledge of allegiance. The court then reviews with the defendant veteran's case. In the first court session observed nine cases were reviewed and eleven cases reviewed in the second observed session. Not all veterans needed to be present as in some cases the veterans were in residential placement and appearance was not required. The process of the judge's communication with the veterans was supportive, encouraging and non-

punitive in aspect. The DA, defense, probation and treatment team worked in a collaborative effort. In one case the veteran was allowed to enter the LA VA Medical Center residential treatment program and the Veterans Justice Coordinator was going to be driving the veteran to the program. The program lasts a minimum of 12 months. The treatment parameters are defined by the Veterans Justice Outreach specialist and Probation and specific to the individual's needs. The veteran is required to submit to urinalysis as required, and additional programs required are the Mentor Program (meeting with a community veteran mentor), substance abuse and/or mental health, participation in jobs/skills training or educational program, and progress towards employment. The veteran can obtain program via the VA and/or county services. The Santa Maria Veterans court did not have the formalized phase treatment as in the Tulare County court. The qualitative analysis of the Santa Maria program is that it was broader in scope, e.g., all veterans regardless of VA eligibility as community and VA resources are utilized, and the program is less structured and more case-based in focus (i.e., no phases and treatment is crafted by service provider as per veteran's needs). Unlike the Tulare County Program, the Santa Maria Veterans court had a narrower band of crimes that could be considered for Veterans Court eligibility.

Quantitative analysis: Currently the Veteran Treatment Court has 16 male veteran defendants enrolled in the program (with signed contracts); the capacity for the court is 50 defendants at which point the court will assess the program and make any need changes. Because the court is so new (started 11/22/11) and data collection is ongoing, the following is the current information is limited. Per Ms. Lopez, a full data will be available in 2013. Table 1 depicts the breakdown by discharge status, age and charges faced by veterans. As can be seen in Table 1, the ten cases where data was available only one had an "other than honorable" discharge. All

participants were male. The age range was 24 to 71. Four of the veterans had drug charges, one a DUI, three drug domestic violence charges and one with a gun possession charge.

Application to San Luis Obispo

Qualitative: The data from the Tulare County and Santa Barbara County Veterans Court have applicability to the San Luis Obispo County proposed Veterans Court. The SLO County court has a core group of key stakeholders, the DDA who is an Iraq War Veteran who is spearheading the project, and with support from Sheriff Ian Parkinson who is a Veterans Court group member, Dana Cummings the Veterans Service Officer, Warren Jensen county counsel, Ron Waltman of American Legion, Greg Sanders Commander VFW post, and Patti Tackett SLO County Mental Health, Jeff Sluberg SLO Bar President as well as the current investigator as a veteran mentor as the preliminary group. Absent at present is the identification of a SLO County Judge to preside over Veterans Court. The SLO Veterans Court stakeholders, as with the courts observed, have a personal investment in Veterans court towards the purpose of assisting those who served the country.

The current identified template for implementation is as follows. As in the Santa Barbara County Santa Maria Veterans Court all veterans, regardless of combat status are eligible. However, only veterans with general and honorable discharges and who qualify for VA Medical benefits will be accepted. The range of crimes has yet to be determined, but the preliminary discussions have indicated that the Santa Barbara County Santa Maria Veterans court focus on drug crimes and domestic violence, with the exclusion of more serious felonies will likely be followed. As per DDA Dow (2012) the design of a Veterans Court would involve use of the VA for treatment, rather than using county drug/alcohol or mental health treatment resources, and thus free up resources for non-veteran defendants. Moreover, DDA Dow also noted that the Veterans Court would free up space within the County Jail through use of treatment instead of

incarceration while the case is pending and as well by the dramatic reduction or elimination of criminal recidivism. A non-monetary benefit that DDA Dow identified was that of a demonstration to local veterans that there is appreciation of their service and sacrifice. The numbers of veterans residing in SLO County is approximately nine percent of the population (23,500) and the numbers in the jail system unknown (but estimated at under nine percent of that population). The identified objective, as in other veterans' courts, is the successful rehabilitation of veterans through diversion from traditional criminal justice system and the provision of tools to lead a productive and law-abiding lifestyle.

Some of the issues identified by the stakeholders for SLO committee requiring further clarification included:

- Case Qualifiers: pre-adjudication? Probationers only? Time frame: 12 months or 18 months?
- Military related disability only? (PTSD, TBI or Military Sexual Trauma or other military related mental health issues)
- Residence requirements (must they be an SLO resident)
- Disqualifying offenses: sex crimes, violent crimes, exclusion of documented gang members
- Treatment parameters: Phases as in Tulare or case based as in Santa Maria?
- SLO Program resources: Vet Center in SLO, VA Clinics in SLO and Santa Maria, GLA VA Medical Center
- Use of American Corporate Partners National Veteran Mentoring program?
- Conditions for termination from program: probation violation, lack of treatment compliance/failure to show progress

- Sanctions: community service, incarceration, write an essay and read out loud in court
- Successful completion of program: leads to dismissal of charge under PC 1385? Reduction to a lesser offense? Reduction of probation period? Other benefits (such as graduation ceremony)
- Program Team: Court members (Judge, DDA, Defense Counsel, and Probation) VA representative, Veteran Mentors, Community members: Veterans Service Officer, need for court appointed psychologist as in Tulare and Santa Maria?
- Funding issues: Veteran Affairs for treatment, SAMHSA, AB 109?

At present, by the stakeholder meetings, the proposal is that of a once a month court session a month (1/2 day of court time) to minimize court costs and to implement the program initially at a small scale. The Santa Maria model of the treatment plan as case based and not structured in phases is proposed. As well the treatment plan is proposed to be crafted by the VA providers. As noted under Appendix B and C the parameters of treatment participation are outlined. These follow the parameters noted in the rural courts that were observed. The key stakeholders in the SLO Veterans Court are those who have the authority to make Veterans Court a reality, such as Iraq War veteran DDA Dan Dow and Veterans Service Officer Dana Cummings bring to the process a personal commitment to veterans' issues. At present the missing element to actual implementation is the identification of an SLO County Judge willing to allocate the court time.

Conclusion

For the returning combat veteran who has had exposure to events that only takes place in war, transitioning back to a civilian life is not a simple one. Veterans returning

home from a combat zone experience an array of post-deployment adjustments issues, and for returning Iraq and Afghanistan veterans that includes the derailing physical and mental impact of combat stress and traumatic brain injury. As a result, returning service-members are at increased risk to in unsafe behavior (such as reckless driving, heavy drinking) and increased risk taking and a sense of invincibility (RAND, 2008).

These issues if left unresolved can lead to negative consequences for the veteran both in the home and work setting. And, although these veterans are law abiding, their post-deployment behaviors led some to find themselves running afoul of the law and straight into the judicial system. Veterans' courts represent a mechanism for combat veterans who become involved in the justice system, a system that is not punitive or adversarial but collaborative. The collaborative system of justice is one that seeks to work toward a more effective resolution of problems.

In response to the increasing numbers of veterans appearing in court the first ever veterans' treatment court was established in 2008. Since then, 24 other cities from Buffalo to Los Angeles have initiated operational veterans' courts with an additional 40 in development across the United States. These courts allow the veteran to focus more on treatment and rehabilitation rather than incarceration. It permits the veteran to concentrate solely on their problems and successfully reintegrated into society rather than remaining untreated and clogging up courtrooms and detention facilities. This model uplifts and re-establishes an individual who has sacrificed for this country- that this in and of itself is a special status.

As the qualitative analysis of the two observed rural county courts has demonstrated, both Santa Maria and Tulare Counties Veterans Courts became a reality

due to the respective judge's desire and commitment to the court. The preliminary data from the Santa Maria Court demonstrates that though only three months old, there are already 16 veterans accepted into the program which utilizes VA services. The Tulare County court has been in progress for approximately one year and is limited to combat veterans who are VA eligible. That program with 12 enrollees at present has had no instance of criminal recidivism to date. Both programs function to support and rehabilitate the veteran, giving society the benefit of individuals who will return to law abiding lives. The observation in both these court systems is that Veterans Courts appears to be a "grassroots" phenomenon with counties initiating Veterans Courts based on personal commitment to veterans by key stakeholders. This is the very same process that began the first Veterans Court in Buffalo, New York, in 2008 that was the brainchild of Judge Russell's commitment to the rehabilitation of veterans, and combat veterans, whose lives derailed due to service based trauma. It is important to note that while there is little opposition to veteran treatment courts, the veterans who come under the court do not get a "free pass." In addition, the court is actively involved in the monitoring of treatment compliance and program completion. The impetus for success has to be internally motivated, that is coming from the veteran's desire to adhere to core values honed in the military: honor, respect, integrity.

The process of observation and information gathering from Tulare and Santa Barbara Counties, as well as the collegial and information sharing aspect of the Veterans Courts system across the nation (e.g., template for consent for SLO County is one developed from that used by existing Veterans courts) have made the initiation of new Veterans Courts a reality across the country. With its emphasis on treatment rather than punitive solutions the veteran treatment

courts stand to be a benefit to the veteran and society as well, and though the implementation of an San Luis Obispo County Veterans Court is still in progress, the commitment of key stakeholders to veterans rehabilitation makes this likely to be realized by the July 2012 target date.

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Table 1

Santa Barbara County (Santa Maria) Veterans Court Demographic Data

Defendant ID#	Branch of Military	Age	Type of Charge	Discharge Status
9000	Army	44	Drug	General
9001	Navy	33	Drug	Honorable
9002	Army	24	Gun	Not available
9003	Army	56	Domestic Violence	Honorable
9004	Navy	71	DUI	Honorable
9005	Navy	47	Drug	OTH
9006	Navy	62	Not available	Medical
9007	Marines	68	Not available	Honorable
9008	Navy	60	Not available	Honorable
9009	Marines	31	Not available	Honorable
9010	Army	Not available	Not available	Not available
9011	Navy	28	Domestic Violence	Not available
9012	Army	Not available	Domestic Violence	Not available
9013	Marines	Not available	Drug	Honorable
9014	Army	58	Not available	Not available
9015	Not available	Not available	Not available	Not available

Appendix A

Tulare County Phase Requirements At-A-Glance

Phase	Minimum Days	Self-Help Meetings Per Week	Drug Testing (If Applicable)	VA & Probation Meetings	Treatment & Counseling Meetings
Window	14	3 to 4	Random	1/week	1 to 2 x/week, or more as needed
Orientation	30	3 to 4	Random	1/week	1 to 2 x/week, or more as needed
Phase I	90	3 to 4	Random	1/week	1 to 2 x/week, or more as needed
Phase II	90	3	Random	1/week – TBD	1 to 2 x/week, or more as needed
Phase III	145	2	Random	TBD	1 to 2 x/week, or more as needed
Phase IV	180	0	Random	1x/month	1 to 2 x/week, or more as needed

* The above table lists the minimum requirements of each phase. Participants may be required to do more than what is listed, as determined by the treatment team and the Veteran Court Judge.

Appendix B

Program Development for SLO County Dan Dow, DDA

San Luis Obispo COUNTY VETERANS COURT Information Sheet

The San Luis Obispo County Superior Court's Veterans Court is designed to supervise felony and misdemeanor veterans through a comprehensive judicially monitored program of treatment and rehabilitation services. This court is authorized under Penal Code section 1170.9 which requires a nexus between the issues that have caused the veteran to intersect with the criminal justice system and their military service. ***The mission of the San Luis Obispo County Veterans Court is to provide an inter-agency, collaborative, treatment strategy for Veterans in the criminal justice system, who suffer from Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), psychological issues, sexual trauma, mental health or substance abuse problems as a result of having served in the armed forces.***

Start Date: The Veterans Court will commence operation on _____.

Location: TBD

Days/Times: Veterans Court will be held weekly on _____. Countywide referrals should be set for an intake meeting at _____.

Veterans Court Eligibility Hearing at __:30 pm in Dept. __. Please note referral process.

Program Capacity: Initial program capacity will be ___ participants

Participating Agencies: Superior Court, District Attorney's Office, Public Defender's Office, private defenders, Department of Probation, VA Healthcare Systems and Department of Mental Health

Treatment Team: VA Justice Outreach Specialist, Department of Mental Health Specialist, Probation Officer

Staff Liaisons: Deputy District Attorney, Deputy Public Defender, Deputy Probation Officer, and representatives from the private criminal defense bar, the Veteran's Administration and Department of Mental Health

Eligibility Requirements: United States Military service veterans who: (i) have a criminal case and (ii) qualify for admission under CA Penal Code Section 1170.9.

PC 1170.9(a) - In the case of any person convicted of a criminal offense who would otherwise be sentenced to county jail or state prison and who alleges that he or she committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from service in the United States military, the court shall, prior to sentencing, make a determination as to whether the defendant was, or currently is, a member of the United States military and whether the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of that service.

PC 1170.9 Nexus: The Veterans Court Judge will make the final determination that a participant committed the offense(s) at issue as a result of sexual trauma, traumatic brain injury (TBI), post-traumatic stress disorder (PTSD), substance abuse, or mental health problems stemming from service in the United States military.

Referral Process: Defense counsel must initially consult with the Veterans Court District Attorney liaison for a preliminary PC 1170.9 nexus assessment, prior to requesting a judicial officer set a case to the Veterans Court for program consideration.

Admissions Process: Admission will be determined by the Veterans Court Judge based on eligibility and suitability recommendations from the treatment team and staff liaisons. Primary factors to be considered are the likelihood of success and public safety.

Plea Requirements: Participants must plead guilty or must agree to reinstatement of probation. Participants must also be placed on formal probation. Regular court appearance as determined by the Veterans Court Judge will be required.

Treatment Requirements: Participants must agree to a minimum 18-month intensive treatment program (or 12 months for individuals convicted of specified misdemeanors).

Treatment Components: Weekly individual and group counseling, drug and alcohol testing, mental health treatment, and regular attendance at support/self-help meetings. Ongoing aftercare services will be available to all participants who graduate.

Appendix C
Program Development for SLO County Dan Dow, DDA
SAN LUIS OBISPO COUNTY SUPERIOR COURT
VETERANS TREATMENT COURT CONTRACT

Defendant's Name:

Last	First	Middle
------	-------	--------

Address:

Street	Apt. #	City	State	Zip Code
--------	--------	------	-------	----------

Phone: _____ Date of Birth: _____

VTC Case No.: _____ Court Case No.: _____

Defendant, in consideration of being accepted into this program, agrees that:

1. I will keep the Court, Support Team and Probation Officer advised of my current address, employment status, and any contact with law enforcement at all times during the treatment program.
2. I will enroll and participate in the treatment program as directed by the Judge. I understand that the treatment program will last a minimum of 12 months.
3. I agree to appear in court for the review of my progress in treatment as frequently as is ordered by the Court or the Probation Officer. These appearances are an opportunity for me to receive the recognition of the Court for my positive progress, as well as any corrective action that may be necessary for failure to comply.
4. I authorize the release of the following treatment information: my diagnosis, my attendance at treatment sessions, results of urinalysis, my cooperation with the treatment program, and my progress, to the Court, my attorney, the District Attorney, the Probation Officer, and the Veterans Justice Outreach Specialist for the period of time spent in treatment. I agree to execute waivers as necessary to allow my prior history of treatment to be obtained by Veterans Treatment Court personnel for copying.
5. I agree that the Court may modify my treatment program, impose jail time, or terminate me from the program as a consequence of my non-compliance with this agreement.
6. I agree to complete the treatment program to the satisfaction of the Court. Failure to satisfactorily complete the program may be deemed a violation of probation.
7. I agree that, as a part of the treatment program, the Court may require me to participate in substance abuse treatment, the Mentor Program, skill training, employment counseling, or educational programs (such as obtaining my General Education Diploma [GED]).

8. I agree to allow information obtained by the Court and the treatment provider to be used as part of an evaluation of the Veterans Treatment Court, so long as the information will be coded to assure my anonymity.

9. I agree to pay restitution in the amount determined by the court, to the best of my ability to pay, before my case would be terminated.

10. I understand that upon successful completion of the treatment program, as determined by the Court, I will receive an early termination of probation.

11. As a successful graduate of the program, I understand I may be asked to participate in events with others alumni of the Veterans Treatment Court.

12. I understand that urinalysis results will only be used to assist the Court and treatment provider in evaluating my progress. The results will only be used to determine if I am progressing satisfactorily; to determine if the treatment plan needs modifying; or, as an aid, in determining whether I should be terminated or graduated from the program. Therefore, under no circumstances shall urinalysis results be used as evidence of a new crime, a violation of probation, or in any other manner not consistent with the goals of the Veterans Treatment Court.

14. The primary purpose of this program is treatment. Therefore, any statements made by me while participating in the program shall not be used against me in any subsequent adversarial proceeding. However, spontaneous statements made by me in open court, which refer to unrelated felonious criminal activity and which are not related to my participation in the VTC program, may be admissible in other criminal proceedings and such admissibility shall be determined in an evidentiary hearing according to the Rules of Evidence.

I have read the above statement of the rights I must give up and the agreements I must make. I understand what I have read and do hereby knowingly give up these rights and enter into these agreements with the Court.

_____	_____
Defendant's Signature	Date

_____	_____
Attorney for Defendant	Date

The San Luis Obispo County District Attorney's Office, in consideration of the defendant's agreement to enter into the Veterans Treatment Court (VTC) program, hereby agrees that proceedings on the criminal prosecution in this case will be deferred pending completion of the program by the defendant and that upon completion of the program such probation violation will be dismissed and/or probation may be terminated early.

_____	_____
Deputy District Attorney	Date

The Court, having read and considered the report of the Probation Officer and, having found the defendant to be in violation of probation, or granted probation on _____;

It is therefore ordered that the defendant be on probation on the terms and conditions as ordered on _____ with the added terms(s) and conditions as follows:

Judge, San Luis Obispo County Superior Court

Date

TERMS AND CONDITIONS OF RELEASE

The undersigned does hereby agree:

1. Participate in all aspects of the treatment program as directed by the VTC.
2. Participate in mental health counseling, as directed; take all medications as prescribed, and in prescribed dosages, by the attending psychiatrist to whom assigned.
3. Obey all laws and do not associate with known criminals or drug users or sellers except as part of the treatment program.
4. Do not use or possess any drugs, narcotics or intoxicants, unless prescribed for treatment by a licensed physician, and then only in the amounts prescribed. Inform any physician, prior to being prescribed medication, of your history of substance abuse and drug addiction.
5. Abstain from all alcoholic beverages and stay out of places where they are the chief item of sale. Do not drink or possess alcoholic beverages and stay out of places where they are the chief item of sale.
6. Submit to testing to determine illegal use of drugs, narcotics and alcohol, upon demand of treatment provider or Probation Officer. Do not possess drug testing supplies or nay item designed to attempt to alter drug testing results.
7. Submit person and property to search and seizure at any time of day or night by a Peace Officer or Probation Officer with or without warrant, and with or without cause.
8. Report to the Probation Officer at such times and in such manner as may be directed by the Probation Officer. Follow the reasonable orders of the Probation Officer. Provide all requested information to the Probation Officer.
9. Do not own or possess any illegal weapon, firearm or ammunition during the term of the contract.
10. You shall not enter any gambling establishments, participate in any type of gambling or on-line gambling, including but not limited to; poker, blackjack, roulette, craps, video poker, keno, or slot machines if you have a outstanding balances due on any or all court fees, fines, restitution and program fees.

SIGNED: _____

DATED: _____