



Briefing Paper

Stephan Haimowitz, J.D.
Burton Blatt Institute, Syracuse University

June, 2010

HOMELESS VETERANS AND THE CRIMINAL JUSTICE SYSTEM: NEW DEVELOPMENTS AND OTHER RESOURCES

THE JUSTICE PROBLEM

After serving their country, many Veterans flourish, but many others struggle. This has long been true -- what has changed is our knowledge of the problems vets face.

For example:

- Over 1 in 3 Iraq and Afghanistan Veterans who enrolled in the VA health system between 2002-08 received a mental health diagnosis, most often PTSD or depression
(Am Jour of Public Health, 2009)
- About 1 in 4 Veterans ages 18-25 met criteria for substance abuse disorder (1.8 million people)
(SAMHSA, 2006)
- A large numbers of Veterans are in the criminal justice system (probation-399,300, local jail-72,600, state & federal prison-156,100, parole-75,000)
(Bureau of Justice Statistics, 2007)

What we know about the sacrifices made by veterans and the path which leads some into the legal system raises a problem of social justice. ■

DIVERSION AND RECOVERY

The cycle associated with some form of mental illness, alcohol/drug use, homelessness, arrest and jail is well known, with many programs developed in the last decade aimed at slowing the “revolving door.” Human services and criminal justice agencies, which often come into conflict when dealing with the same individuals, are in many communities negotiating collaborative relationships to better serve these individuals (and make their work easier). Utilizing cross training, staff sharing and other tools, local partnerships divert people with disabilities into services through police training, jail screening, and specialized courts. For more information, including contact people at programs in your area - National GAINS Center <http://www.gainscenter.samhsa.gov/html/> (800) 311-GAIN; Council of State Governments Mental Health–Criminal Justice Consensus Project <http://consensusproject.org/>(212) 482-2320.

The most intensely studied diversion model, Drug Court, has been shown over the last 20 years to be a cost-effective way to reduce substance abuse and recidivism without sacrificing public safety. Developed in Miami, Florida, these courts focus on supervised treatment and behavioral change more than punishment. Clearly rooted in the criminal justice system, these courts’ success is frequently the result of working hard at collaboration with local disability, health, housing, vocational and benefit providers. There are now thousands of Drug Courts in the US, some

CONTENTS

The Justice Problem.....	1
Diversion and Recovery	1
Veterans Courts.....	2
Other Programs of Note	3
Initiatives of the Substance Abuse and Mental Health Services Administration	3
Two Department of Labor Programs Aimed at Overcoming Employment Barriers.....	4
Summing Up.....	4



receive federal funding and in others operate with only local support. In many communities, the model is the basis for other specialized courts, ones focusing on individuals with Domestic Violence and Mental Health problems. Recently a new type of special court has emerged. ■

VETERANS COURTS

Some of the Drug Court and broad-based diversion programs discussed above recognized that veterans have distinct needs and sought to address them in a variety of ways. In 2008, Judge Robert Russell, who leads Buffalo New York's Drug Court and Mental Health Court, created the nation's first Veterans Court in response to a growing number of veterans appearing on his dockets who were addicted to drugs and alcohol and suffering from mental illness. Army Vietnam Veteran Jack O'Connor, who works with Judge Russell, states that 151 veterans are involved in the court, 30 have graduated, only 5 have dropped out and there have been no re-arrests. Secretary of the Veterans Administration, General Eric Shinseki, visited the court in April, 2010 to praise its ground breaking achievements and the Court has been featured on NBC's Today Show http://www.erie.gov/veterans/veterans_court.asp#video_today and on MTV News http://www.erie.gov/veterans/veterans_court_102308.asp#video_mtv. For more information you can contact the court at 716-845-2697 or Jack O'Conner at oconnorj@erie.gov.

Veteran Courts have spread quickly in 2 years and are now operating in more than 30 communities across 18 states. They are generally based on the principles treatment and accountability for veterans facing incarceration and seek to integrate the goal of supporting the veteran with the public interest in law enforcement. Veterans Courts try to address individual needs, such as treatment for Post-Traumatic Stress Disorder, integrated mental health–substance interventions, and assistance in navigating the complexity of VA and other benefits. Judges and other participants recognize the unique experience of military service, the reality that traditional community providers may not always be aware of veterans' concerns and the strong bonds among vets. Veterans Courts often establish connections not only with the local human service agencies, but also the U.S. Department of Veterans Affairs health care networks, the Veterans Benefits Administration, State Veterans Affairs Agencies, volunteer veteran mentors and veterans and veterans family support organizations.

Veterans Courts vary in structure and operations. For example, in May, 2010, a regional model was implemented in New York state's Capital District called the VetTrak, it is embedded in the courts serving Albany and Troy, as well as the surrounding seven counties. VetTrak emphasized the recruitment and training of Peer Mentors who work one-on-one with the participants, serving as teachers, role models, listeners, advocates, problem-solving partners and resources. For more information contact Joe Sluszka, jsluszka@ahcvets.org, 518-465 5251. Veteran Courts are also established in:

Alaska -- Anchorage	Michigan -- Ingham County	Pennsylvania -- Allegheny County
Arizona -- Tucson	Ionia	Philadelphia
Arkansas -- Lonoke County	Oakland County	Scranton
California -- San Bernardino	Missouri -- Kansas City	Texas -- Dallas County
Santa Clara	Nevada -- Washoe County	Harris County
Tulare County	New York -- Amherst	Tarrant County
Colorado -- Colorado Springs	Rochester	Washington -- Pierce County
Florida -- Okaloosa	Oklahoma -- Creek County	Thurston County
Georgia -- Forsyth	Tulsa	Rock County
Illinois -- Cook County		
Madison County		

State legislatures are also taking action. Texas, Nevada, Illinois and Colorado have passed legislation calling for the statewide establishment of Veterans Courts. California, Minnesota and New Hampshire have enacted laws permitting judges to order treatment rather than prison in the case of a veteran who is suffering from combat-related mental health disorders.

At the federal level, the VA's plan to end homelessness among veterans makes justice-involved vets a priority and established a national Veterans Justice Outreach program to help connect these men and women with the services they have earned. The VA is supportive of efforts to expand Veterans Courts, including a bill in Congress, the Services Education and Rehabilitation for Veterans (SERV) Act, which would provide funding for communities with existing Drug Courts that serve veterans and will establish new Veterans Courts in communities without them.

The National Association of Drug Court Professionals (NADCP) has taken a leadership role is gathering information and advocating for Veterans Courts. Their effort rang from working with such organizations as

the Iraq and Afghanistan Veterans of America, the National District Attorney's Association and the American Bar Association on these issues, to offering a website with up-to-date information on Veterans Courts. For information about what is happening nationally and in your area, go to: www.VeteransTreatmentCourt.com

Initiatives of the Substance Abuse and Mental Health Services Administration

SAMHSA looked into the needs of justice-involved combat veterans with service-related trauma and mental health conditions, and then published a report with useful background and practice information http://gainscenter.samhsa.gov/pdfs/veterans/CVTJS_Report.pdf. The agency also funded the Jail Diversion and Trauma Recovery Program-Priority to Veterans with a focus on:

- Assisting states with infrastructure development by offering aid in program design, action planning, and overcoming barriers;
- Supporting states in proactively incorporating veterans' voices into program development and implementation by providing training to mental health veterans working with jail diversion programs;
- Providing TA regarding jail diversion, criminal justice linkages, and reentry program development for specific to veterans needs;
- Imparting direction on creating trauma-informed systems and providing trauma-specific services that highlight veterans combat experiences;
- Assisting states' program planning and design by conducting states' systems mapping and encouraging the use of evidence-based practices;
- Implementing support by providing training, annual meetings, and on-site TA visits; and
- Providing guidance on identifying methods for program sustainability.

The 2009 grantees were:

- **Florida State Department of Children and Families** -- diverting individuals at the initial contact with law enforcement and implementing a training program on coaching and supervision of staff for trauma screening, treatment and recovery services.
- **New Mexico State Human Services Department** -- prioritize veterans by implementing the Seeking Safety model of trauma treatment and recovery.
- **North Carolina State Department of Health and Human Services** -- infrastructure program in Mecklenburg County, diverting an estimated 1,000 people to community-based management, employment services and veteran specific peer support services.
- **Ohio State Department of Mental Health** -- Project VETS, which seeks to assist military personnel and their families suffering from PTSD or other trauma related disorders who become involved with the criminal justice system by prevention, criminal justice intervention and diversion and long term recovery and support.
- **Rhode Island State Department of Mental Health, Retardation and Hospitals** training in trauma informed care and provide services to an estimated 650 persons over five years using the Trauma Addiction, Mental Health and Recovery approach to delivering treatment and recovery support services.
- **Texas Department of State Health Services** -- jail diversion and trauma recovery program using the Seeking Safety model of trauma treatment and estimates serving and providing treatment to 180 persons per year.

The 2008 grantees were:

- **Colorado Mental Health Division** -- jail diversion services to veterans within Colorado and directly link them with treatment services that will support recovery from trauma disorders including co-occurring disorders.
- **Connecticut State Department of Mental Health and Addiction Services** -- CT Diversion/Trauma Recovery Program to provide veterans with PTSD/trauma-related disorders, effective integrated services and recovery support.
- **Georgia State Department of Human Resources** -- trauma-integrated jail diversion services for veterans and include the training of criminal justice, mental health, and substance abuse treatment staff on trauma-informed care.
- **Illinois State Department of Human Services** -- delivering trauma-informed, evidence-based treatment to 120 consumers as well as specialized training for 1,100 police officers in street level responses to veterans living with a mental illness.

OTHER PROGRAMS
OF NOTE



- **Massachusetts State Department of Mental Health** -- Mission Direct Vet, which seeks to reduce justice involvement among veterans returning from Iraq/Afghanistan with trauma-related symptoms and addictions by using trauma-sensitive, veteran-focused mental health and substance abuse treatment, and peer support.
- **Vermont State Department of Health** -- infrastructure and intervention program in Chittenden County, screening an estimated 14,000 veterans and other adults in the criminal justice system for trauma-related disorders and diverting an estimated 300 people from detention to evidence-based treatment and supports.

Two Department of Labor Programs Aimed at Overcoming Employment Barriers

Federal Bonding Program

Many employers hiring a new worker buy what is called a Fidelity Bond from a private insurance company to protect the business from financial loss due to misconduct by the new person during a set period of time.

Since insurance companies will not issue bonds for someone with a criminal record, the US Department of Labor funds what's called the Federal Bonding Program. The majority of states participate in this effort to encourage employers to hire "at risk" individuals

- ex-offenders
- rehabilitated substance users
- people with dishonorable military discharges

These bonds cover the employer for loss up to \$25,000 from employee dishonesty for 6 months and have no deductible. After the first 6 months, the employer can continue that coverage, paying for it by him or herself.

The Federal Bonding Program is a relatively simple and easy to use for both the applicant and the employer. Almost all the states participate in the program and the job seeker contacts the State Coordinator, not the US Department of Labor, to apply for a Bond. Created in 1966, the program has issued 42,000 bonds and claims have been filed in fewer than 1% of those Bonds. The Federal Bonding Program is something that people assisting vets should know about – program information and contact information for state coordinators are available at <http://www.bonds4jobs.com/index.html>

Work Opportunity Tax Credit

Another federal incentive for employers is the Work Opportunity Tax Credit which is aimed at helping individuals facing career challenges find jobs. These individuals include:

- people with disabilities,
- people with criminal backgrounds, and
- veterans

Under this program, businesses can reduce their income taxes by \$2,400 - \$4,800 for each person they hire from a target group. This mechanism, unfortunately, involves much more paperwork than the Federal Bonding Program but is still a valuable tool. For more information go to <http://www.doleta.gov/business/Incentives/optax/> ■

SUMMING UP

With individualized and coordinated services, people with serious behavioral disorders, who bounce between the streets, hospitals and jails, can achieve recovery. Success can take time, require resources and demand blending innovative programming with established mechanisms. The homeless veteran needs to take responsibility for him/herself, and we need to accept the challenge – it's a matter of justice. ■