



USING JUVENILE COURTS IN HEALING OFFENDERS

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Center for Court Innovation
www.courtinnovation.org

Center for Court Innovation

Demonstration Projects

Technical Assistance

Goals:

- ▶ Reduce crime
- ▶ Aid victims
- ▶ Strengthen communities
- ▶ Improve public trust in justice

Demonstration Projects

The Center has helped to create dozens of problem-solving courts:

Community Court
Drug Court
Domestic Violence Court
Reentry Court
Juvenile Intervention Court
Family Treatment Court
Youth Court
Mental Health Court
Integrated Domestic Violence Court

Who are the children in the juvenile courts?

- ▶ They're victims
- ▶ The vast majority of children in the juvenile justice system have been victims of abuse, neglect or trauma
- ▶ For girls, it's almost universal- nearly 100% of girls in the JJS have been victims of physical abuse, sexual abuse, DV/IPV or suffered some other form of trauma

Mental Health

- ▶ The deeper children get into the juvenile justice system, the worse their mental health conditions appear to be
- ▶ Of children held in detention, 75% had diagnosable mental health disorders, and a majority of those had at least 2 diagnosable mental health disorders

Mental Health

- ▶ 20% of boys and 30% of girls in the JJS who had a substance abuse disorder also had a diagnosable mental health disorder

Why such a prevalence of mental health disorders?

- ▶ Are children with mental health disorders more likely to end up in the JJS, or...
- ▶ Is it more difficult for them to get out?
- ▶ “Following the rules” is a big deal in juvenile courts. How well does a teenager with an untreated mental health disorder (ADHD, Bi-Polar) follow the rules?

Why such a prevalence of mental health disorders?

- ▶ Sometimes the JJS is the only option to receive mental health counseling
- ▶ Or the JJS is used as a way station- 2/3 of juvenile detention facilities hold juveniles who are waiting for an opening with a community mental health provider
- ▶ We are incarcerating youth as a MH strategy

Status Offenses and Juvenile Delinquency

- ▶ Status offense- an act that only a young person can get in trouble for- curfew violation, truancy, running away, smoking cigarettes
- ▶ A note about running away- most runaways don't go far and don't stay away very long. However, almost all runaways are running *from* something, not *to* something

Status Offenses and Juvenile Delinquency

- ▶ Juvenile delinquent- a young person who commits an act that would be a crime if he/she was an adult

What is an “adult”?

- ▶ Depends upon where you are
- ▶ In more than half the states, an adult, for criminal prosecution purposes, is someone over the age of 18
- ▶ In a handful of states, it is someone over the age of 17
- ▶ In 2 states, NY and NC, it is someone over the age of 16
- ▶ Tribes?

Status offenses

- ▶ Criminal acts?
 - ▶ Local curfew laws
- ▶ Most states have decriminalized status offenses
- ▶ PINS/CHINS/FINS
- ▶ Mandatory diversion? To be continued...

The 80-20 Conundrum

- ▶ We know that 80% of youth who contact the JJS will never come back if we do ***nothing***. 80% are one-timers.
- ▶ 2 questions- in trying to provide services, how do we avoid catching the 80% in the net?
- ▶ How do we identify the 20% that we really need to focus on?

Now we know the problems, how about some solutions...

- ▶ Start with screening at earliest point of entry possible
 - ▶ Screen for mental health, substance abuse and suicide
 - ▶ Most teens will tell you they're thinking about suicide if...
 - ▶ ...you ask them

Now we know the problem, how about some solutions...

- ▶ If you learn, when a child is taken into custody or at intake or arraignment, that there is a mental health issue, or substance abuse issue, you can start focusing on that immediately
- ▶ Screening and Assessing Mental Health and Substance Use Disorders Among Youth in the Juvenile Justice System- OJJDP
<https://www.ncjrs.gov/pdffiles1/ojjdp/204956.pdf>

Now we know the problem, how about some solutions...

- ▶ Screen for learning disabilities
- ▶ Truancy, detachment from school and teachers, disciplinary problems may all be related to untreated, yet very treatable, learning disabilities

Solutions cost money, don't they?

- ▶ Yes and no
- ▶ Maybe you can use existing resources. They will definitely require time and space, but depending upon how creative you want to be, maybe not extra dollars

For any juvenile intervention to work, you must involve

- ▶ Family



Family

- ▶ You can provide a juvenile with the best counseling money can buy. If Mom is doing drugs at the kitchen table when the kid gets home from school, it's all wasted effort
- ▶ A child in crisis is often coming from a family in crisis. Both crises need to be addressed

Solutions- Mandatory Diversion for Status Offenders

- ▶ Mandate families trying to access the courts for status offending teens to treatment
- ▶ You'll need a provider and a protocol
 - ▶ Provide substance abuse, mental health, family counseling, respite housing
 - ▶ Day reporting centers?

Solutions- Mandatory Diversion for Status Offenders

- ▶ Avoid locked detention for status offenders
 - ▶ Juveniles in locked facilities tend to do worse
 - ▶ They are mixed in with violent youth and are more likely to be victimized
 - ▶ Status offenders need to receive their services in the community, with the family

Solutions- Mandatory Diversion for Status Offenders

- ▶ Some examples:
 - ▶ Jefferson County, Alabama: Before a parent can file a petition, parent and child must attend at least 5 counseling sessions together. Even if child doesn't comply, parent and counselor must create a treatment plan. Number of filings decreased by 40%

Solutions- Mandatory Diversion for Status Offenders

- ▶ New York State: mandatory diversion. Parent cannot file petition until agency says all efforts have been exhausted. Within a year, petitions decreased by over 40%
- ▶ In Indian Country, plenty of programs addressing court-involved youth, but diversion for status offenders...?

Solutions- Youth Courts

- ▶ What is a Youth Court?
 - ▶ A youth court is a court run by teenagers and where teenagers make most of the decisions
 - ▶ Youth courts will generally handle minor offenses and some misdemeanors
 - ▶ Youth courts can serve as a diversionary option for both JDs and status offenders

Solutions- Youth Courts

- ▶ Juveniles who commit offenses are encouraged to answer for their conduct not to adults, who may be detached from them and the community, but to their peers.
- ▶ Youth courts promote accountability and positive peer interactions
- ▶ Youth courts are a restorative justice model. Focus on helping, healing, wellness. Not punishment, anger and shame

Solutions-Youth Courts

- ▶ In general, there are four models of youth court
 - ▶ Adult judge
 - ▶ Youth judge
 - ▶ Peer jury
 - ▶ Tribunal

Solutions- Youth Court

- ▶ Adult judge- an adult serves as the judge, while youth serve as advocates and jurors. The jurors can ask questions and will make the ultimate decision, though the adult judge must approve
- ▶ Youth judge- run like a typical court with youth serving in all the major roles (judge, jury, advocates). Advocates question witnesses and the jury deliberates and makes decisions

Solutions-Youth Courts

- ▶ Peer jury- youth run the entire court and while the advocates present each side's case, the jury does the majority of the questioning and makes the ultimate decision regarding sanctions
- ▶ Tribunal- youth advocates present their cases to a tribunal of 3-4 youth judges, who then make the ultimate decision

Solutions- Youth Courts

- ▶ The different models allow for different numbers of youth to be involved. For smaller communities, the tribunal method allows for a youth court to exist even if there are only a handful of youth available to partake.
- ▶ The youth judge model allows for the most number of youth to be involved, and juries can be made up of any number of youth.

Solutions- Youth Courts

- ▶ Typical sanctions- community service, essays, letters of apology, workshops/classes (conflict resolution, anger management), requirement to sit on a certain number of juries
- ▶ Youth courts can be community-based or school-based. This becomes relevant when determining the agency that will oversee it

Solutions- Youth Courts

- ▶ Ideally, youth courts will have referral sources, in case the need for counseling arises
- ▶ Will require some degree of infrastructure- will need staff to:
 - ▶ Develop and maintain relationships with service providers
 - ▶ Handle youth court intake process

Solutions- Youth Court

- ▶ Train youth court personnel
- ▶ Assign roles and responsibilities to youth court members
- ▶ Discuss process with respondents and parents before, during and after hearings
- ▶ Monitor respondents' compliance with sanctions

Solutions- Youth Court

- ▶ Fundraise
- ▶ Track data
- ▶ Youth Court Planning Guide
http://www.courtinnovation.org/sites/default/files/documents/Youth_Court_Planning_Guide.pdf
- ▶ Research on youth court generally positive, but reliability uncertain. Too many models, inconsistent data collection
- ▶ However, in general, lower recidivism. Also, adult judge model LEAST effective

Solutions- Juvenile Drug/Wellness Courts

- ▶ Advantages- run properly, can lower recidivism and drug use and save the community juvenile justice dollars
- ▶ Focus on hope, rehabilitation, accountability to community, to self, to family
- ▶ Disadvantages- time consuming, leverage, personnel, commitment
- ▶ A poorly run drug/wellness court is worse than no program at all

Solutions- Juvenile Drug/Wellness Courts

- ▶ Most recent research on best outcomes:
- ▶ Family involvement in court and treatment
- ▶ Evidence-based practices
- ▶ Judicial supervision (some models don't use the judge for supervision)
- ▶ Avoid detention as much as possible. Last resort
- ▶ Help youth break from delinquent peers

Solutions-Juvenile Drug/Wellness Courts

- ▶ What do you need? Approval from supervising judge or tribal council
- ▶ Buy-in from treatment, prosecutor's office, defense counsel
- ▶ A coordinator- can be creative
- ▶ The right judge
- ▶ Drug/wellness courts are about hope and rehabilitation, not retribution

Solutions-Juvenile Drug/Wellness Courts

- ▶ The most recent problem-solving court research is clear that the role of the judge is instrumental
- ▶ In both problem solving courts and regular case processing, people have more confidence in the court system when they believe they have been treated fairly, as opposed to when they win

Solutions-Juvenile Drug/Wellness Courts

- ▶ Evidence based practices are essential, if available. Do your providers use EBPs? Here's a list:
<http://www.nrepp.samhsa.gov/>
- ▶ Follow the "Strategies in Practice"
<https://www.ncjrs.gov/pdffiles1/bja/197866.pdf>
- ▶ There are 16 Strategies in Practice to be followed by juvenile drug courts

Solutions-Juvenile Drug/Wellness Courts

- ▶ Some highlights of the 16 Strategies:
- ▶ Employ sanctions and incentives, but ensure sanctions are goal-oriented
- ▶ Sanctions need to be immediate and not intended to humiliate
- ▶ Must be individualized and gender appropriate

Solutions-Juvenile Drug/Wellness Courts

- ▶ Family must be consulted about sanctions and incentives. A curfew does no good if parent/guardian won't enforce it.
- ▶ The entire program should be gender-appropriate

Solutions-Juvenile Drug/Wellness Courts

- ▶ Drug test regularly, and drug testing must be random and
- ▶ Supervised



Solutions-Juvenile Drug/Wellness Courts...

- ▶ Unsupervised drug tests are of little value. You should assume that these teenagers, who can't remember to do homework or how to pick the clothes up off the floor of their room, are experts at beating drug tests
- ▶ Just accept they know more about this stuff than you do

Solutions-Juvenile Drug/Wellness Courts

▶ www.thewhizzinator.com

- ▶ “The Whizzinator Touch is an awesome discreet synthetic urine device that is safe for all types of fun scenarios. This disease-free synthetic urine device includes medical grade urine, ultra-quiet flow system, and is very easy to use. Available in The Whizzinator Touch White, The Whizzinator Touch Tan, The Whizzinator Touch Latino, The Whizzinator Touch Brown, and The Whizzinator Touch Black. This Whizzinator Touch is a must have! It is the best looking, most life-like and realistic fake penis out on the market”

Solutions-Juvenile Drug/Wellness Courts

- ▶ The entire program should be strengths-based
 - ▶ What do the youths do well? How can we incorporate those skills into the drug court program?
- ▶ Teamwork among the drug court team, but also with treatment agencies, schools and community members is essential
- ▶ Training. Doesn't have to cost money. Free webinars and online training

Solutions

- ▶ What if you want to do something like a wellness court but can't call it that?
- ▶ Get creative- have a probation officer do the drug testing. Bring the teens who are on probation back to court for semi-monthly or monthly "update" hearings with the judge.
- ▶ Remember, it the judicial supervision that has the greatest impact.
- ▶ NOT EVIDENCE-BASED

School Resource Officers

- ▶ Police officer placed in the school. Not there to enforce school rules but to become part of the fabric of the school and try to prevent incidents from happening.
- ▶ Not to be confused with the post-Newton talk of putting armed officers in schools, though the SROs are usually armed

School Resource Officers

- ▶ Makes a difference when the officer knows youths' names
- ▶ Officer becomes part of the community- coaches teams, attends PTA meetings, makes presentations

School Resource Officers

- ▶ Not everyone likes this idea- police in schools just "looks" wrong
- ▶ Concerns about privacy, intrusion
- ▶ Recent article in New York Times indicated that schools with SROs end up with more arrests, and arrests for behavior that would normally result in a trip to principal, not judge

School Resource Officers

- ▶ SRO should have a mission helping, of trying to keep kids out of the system, not making it easier for them to get in
- ▶ Some schools have probation officers in the school. Allows for immediate referrals, less missed school time for kids on probation already

" I smile as if nothing's wrong, talk as if everything's perfect, act like it's all a dream, and pretend that nothing is or has hurt me."
Written in 2012 by Kaylee H., Age 14 --- Florida



VETERANS HEALING TO WELLNES COURTS

Gregg Roth, Associate Director
September 12, 2013

American Indian/Alaska Native Veterans

- ▶ As per VA, as of 9/13, 168,000
- ▶ 70 American Indian/Alaska Native deaths from the Middle East conflicts or just over 1% of all
- ▶ Currently, over 20,000 American Indian/Alaska Natives in the armed forces

American Indian/Alaska Native Veterans

- ▶ Over 20% of all American Indian/Alaska Natives over the age of 18 are veterans
- ▶ The single largest ethnic culture to enlist in WWI were American Indian/Alaska Natives...
 - ▶ ...despite not being able to become citizens for 6-7 more years

What is a Veterans Healing to Wellness Court?

- ▶ A hybrid drug healing to wellness court and mental health healing to wellness court
 - ▶ Some courts will have separate coordinators to handle each aspect

Why Veterans Healing to Wellness Courts?

- ▶ Our veterans (AI/AN and others) are returning from the current conflicts with higher levels of PTSD, traumatic brain injury (TBI) and other mental health (MH) issues (depression, suicidal ideation).
- ▶ TBI- “signature injury” of these current conflicts. Lots of exposure to explosions. Minor TBI is a concussion and most heal. Some do not. Changes personality, thought process. Veteran and family must adapt to new situation

Why Veterans Healing to Wellness Courts?

- ▶ Veterans in the criminal justice have extremely high rates of PTSD and substance abuse issues
- ▶ Seems clear (though not yet proven to be causal) that they are coming home with these MH issues and start (or continue) to self-medicate

Why Veterans Healing to Wellness Courts?

- ▶ The currently existing veterans treatment courts (VTC) report extremely high graduation rates and very low recidivism
- ▶ Despite still owning a bad reputation, the US Dept. of Veterans Affairs (VA) is very supportive of VTCs and provides services and manpower to them
- ▶ The most important reason? We owe them and this model seems to work

History of Veterans Treatment Courts

- ▶ The first VTC in the US was in Buffalo, NY, and began operation in 2008* with Judge Robert Russell presiding
- ▶ Its creation was somewhat by accident- Judge Russell, Hank Pirowski, Jack O'Connor

History of Veterans Treatment Courts

- ▶ Stories of its success (Judge Russell boasts zero recidivism) spread quickly and now there are 150 or more throughout the US, and more popping up literally everyday

Veterans Healing to Wellness Courts

- ▶ If they are popping up all over the US, why are there no such courts in Indian Country?
- ▶ Or are there...?

Veterans Healing to Wellness Courts

- ▶ Veterans Healing to Wellness Court will differ from drug healing to wellness court
 - ▶ As mentioned, MH component
 - ▶ Role of the Veterans Administration
 - ▶ Role of the veteran mentors
 - ▶ Veteran judicial outreach officers (VJO)
 - ▶ Military culture

Veterans Healing to Wellness Courts The US Office of Veterans Affairs

- ▶ The VA is broken down into 3 sections:
 - ▶ Veterans Health Administration (VHA)
 - ▶ Veterans Benefits Administration (VBA)
 - ▶ National Cemetery Administration (NCA)

Veterans Healing to Wellness Courts The US Office of Veterans Affairs

- ▶ The VHA provides medical, MH and substance abuse services to eligible veterans
- ▶ The VBA provides financial benefits to eligible veterans

Veterans Healing to Wellness Courts The US Office of Veterans Affairs The VJO

- ▶ Every state has at least one (VJO) assigned to it. VJOs are affiliated with the VHA
- ▶ The VJO program was originally created to address the issue of homeless veterans. They now also have the responsibility of working with justice system-involved veterans, including those in VTCs

Veterans Healing to Wellness Courts
The US Office of Veterans Affairs
The VJO

- ▶ Where possible, VJOs appear in court during VTC sessions
- ▶ The VJOs have direct access to the VHA and can determine what, if any, VHA benefits a VTC participant is entitled to. Can perform screenings, make appointments.

Veterans Healing to Wellness Courts
The US Office of Veterans Affairs
The VJO

- ▶ The VJO is often a part of the VTC team and will be able to “report out” to the judge and team about the participant’s progress in VHA-provided services
- ▶ When the VJOs appear in court, they will have a secure laptop that gives them immediate access to a participant’s information which significantly streamlines access to services

**Veterans Healing to Wellness Courts
The US Office of Veterans Affairs
The VJO**

- ▶ Where geography does not allow VJOs to be present in court, their services are still provided telephonically and electronically and participants are granted the same access and streamlined services

**Veterans Healing to Wellness Courts
The US Office of Veterans Affairs
The VJO**

- ▶ VJOs (and therefore the VHA) have a presence in 100% of the existing VTCs
- ▶ The VBA, however, is in only about 25%

Veterans Healing to Wellness Courts The US Office of Veterans Affairs

- ▶ The VA is working on increasing VBA presence in VTCs. But even though the VBA may not be present in as many VTCs, participants are still encouraged to inquire of their eligibility and are often assisted by...
- ▶ ...volunteer veteran mentors

Veterans Healing to Wellness Courts Volunteer Veteran Mentors

- ▶ When Judge Russell asked Jack O'Connor and Hank Pirowski to speak with the participant, he inadvertently started the volunteer veteran mentor component of VTCs
- ▶ The most important aspect of veterans court (my opinion).

Veterans Healing to Wellness Courts Volunteer Veteran Mentors

- ▶ Mentors are veterans who volunteer their time to assist the participants
- ▶ They appear in court, provide support to participants

Veterans Healing to Wellness Courts Volunteer Veteran Mentors

- ▶ Help participants
 - ▶ access services they need- VA, treatment, public assistance
 - ▶ navigate systems- VA, treatment, court
 - ▶ adjust to life back home
- ▶ Mentors are not legal advisors or MH counselors

Veterans Healing to Wellness Courts Volunteer Veteran Mentors

- ▶ More friend than anything else
- ▶ Mentors are not court employees and do not report to court or drug court team, but do work in conjunction with them
- ▶ No official confidential relationship, but it works on trust

Veterans Healing to Wellness Courts Volunteer Veteran Mentors

- ▶ Some mentor programs create 501(c)(3) nonprofit corporations to be able to accept donations and provide some financial support to participants- transportation, rent, medication, emergency funds
- ▶ Don't have to create own 501(c)(3)- can partner with an existing one

Veterans Healing to Wellness Courts Volunteer Veteran Mentors

- ▶ Questions about veteran mentors? Mentor programs? Mentor coordinators?
- ▶ Jack O'Connor: oconnorj@erie.gov

Veterans Healing to Wellness Courts Military Culture

- ▶ Why have a separate court just for veterans?
- ▶ Why do VTCs work so well?
- ▶ Most likely, same answer: the military culture

Veterans Healing to Wellness Courts Military Culture

- ▶ Lots of specialty or problem-solving courts now divide up populations - juveniles, MH, families, DWI/DUI
- ▶ Juveniles- age-based
- ▶ MH- related to health

Veterans Healing to Wellness Courts Military Culture

- ▶ DWI/DUI- related to type of offense committed (as are some felony and misdemeanors courts, though more general)
- ▶ Veterans? What's the difference?
Employment?
- ▶ Is it fair to say that veterans are a "special" population because we made them that way?

Veterans Healing to Wellness Courts Military Culture

- ▶ The military culture is the difference. Veterans are trained to behave and respond in a certain way that is, for most of them, different from the way they were raised and matured
- ▶ Each branch of the military stresses the warrior mentality. Ignore pain. Overcome weakness. Self-reliance. Fight
- ▶ Are these values consistent with asking for help?

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Veterans Healing to Wellness Courts Military Culture

- ▶ Military life is highly structured. Home life is not, at least not when compared to the military. VTCs are
- ▶ Readjusting to family, partners, being a parent can cause turmoil, particularly for one who was on multiple tours as the majority of middle east veterans experienced. Culture shock

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Veterans Healing to Wellness Courts Military Culture

- ▶ While deployed, conflict resolved with violence, fighting, weapons, death. When home, conflict to be resolved by talking, compromising, giving in, remaining in control
- ▶ A veteran with undiagnosed and/or untreated PTSD may know something is “wrong”, but may find acknowledging that, or asking for help with it, as a sign of weakness

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Veterans Healing to Wellness Courts Military Culture

- ▶ Many veterans will not identify themselves as veterans. Many who do not see “actual” combat believe they cannot be veterans. Others may think it is conflict-specific. (“If Operation Iraqi Freedom is not a war, then I’m not a veteran”)

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Veterans Healing to Wellness Courts Military Culture

- ▶ Some justice-involved veterans will not acknowledge their military service out of embarrassment, shame, or fear of harsher treatment
- ▶ Acknowledging these difference, providing mentors who understand, from firsthand knowledge, what the participant is going through, makes a VTC a more comfortable environment for the participant to accept help and ask for help

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Veterans Healing to Wellness Courts Other Services

- ▶ Aside from VA, states and counties will have veterans affairs offices
- ▶ Vet Centers- treatment agencies funded by VA but not run by VA. Combat veterans as therapists

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Veterans Healing to Wellness Courts Other Services

- ▶ Tele-therapy- providing counseling using technology. Telephonically. Video-conferencing. Mobile units
- ▶ Many communities will have Veterans Service Organizations that will help to the extent possible
 - ▶ VFW, American Legion, AmVets, VVA (Viet Nam Veterans of America) etc

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Veterans Healing to Wellness Courts Training Available?

- ▶ National Drug Court Online Learning System, Veterans Court Course
 - ▶ Free
 - ▶ Accessible anywhere there's an internet connection
 - ▶ Video presentations, virtual site visits and publications
 - ▶ User friendly with access to technical and content support
 - ▶ More content to be added
 - ▶ www.drugcourtonline.org

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Veterans Healing to Wellness Courts Training Available?

- ▶ Justice For Vets- the veterans court arm of NADCP
- ▶ Have a mentor court system- VTCs throughout the US that serve as mentor courts (i.e. Buffalo, Tulsa)- teams visit those courts, observe and get trained
- ▶ Must apply for a slot through Veterans Treatment Court Planning Initiative and, unless scholarships are granted, teams pay their own travel costs
- ▶ 6 months process including a 5 day training
- ▶ www.justiceforvets.org

Veterans Healing to Wellness Courts Where to Start?

- ▶ Need money to start? Not necessarily. However, veterans initiatives are still being funded
- ▶ Permission- Tribal Council? Courts?
- ▶ Contact VA and assigned VJO. They will know what services are available

Veterans Healing to Wellness Courts Where to Start?

- ▶ Gather stakeholders-need tx providers both SA and MH
- ▶ Find a mentor coordinator
- ▶ The right judge
- ▶ Build a team- coordinator needs to be well-versed in SA and MH
- ▶ Figure out how to identify EARLY

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Veterans Healing to Wellness Courts Where to Start?

- ▶ Engage *all* area veterans service organizations
- ▶ Research- not a lot of VTC info out there, but plenty of veteran-related material. Important to understand prevalence of PTSD, impact of TBI
- ▶ Unlike other programs, help voluntarily comes to VTCs

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Veterans Healing to Wellness Courts Other sources of Information

▶ American University Drug Court Clearinghouse
<http://www1.spa.american.edu/justice/project.php?ID=1>

▶ National Drug Court Resource Center
www.ndcrc.org

"We literally have thousands, tens of thousand of Veterans returning from the foreign wars...many of them turn to drugs and alcohol to hide the combat pain... They fought for our country. They served our country. I think it's the court system's *obligation* to try to help them repair their lives."

Hon. John Schwartz, Rochester Veterans Court

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