



VETERANS COURTS IN TEXAS

BY JUDY L. MARCHMAN

In 2009, during the 81st Legislature, Senate Bill 1940 was passed, authorizing the creation of specialty courts for veterans in Texas. The bill took effect on Sept. 1, 2009, as Chapter 617 of the Texas Health and Safety Code. Veterans courts are among several specialty or problem-solving courts, such as DWI or mental health courts, that are now being implemented across the country to provide a team-based approach to ensuring a person receives appropriate treatment for the underlying risk factors that can contribute to criminal behavior.

Chapter 617 sets out the parameters and duties for establishing a veterans court as well as eligibility of veterans to participate in such a program. A veteran who has been arrested for or charged with any misdemeanor or felony offense may be eligible if the attorney for the state consents to the defendant's participation and the court finds that the defendant is a veteran or current member of the U.S. armed forces and suffers from a traumatic brain injury (TBI), post-traumatic stress disorder (PTSD), or other mental illness or disorder that is a result of military service in a combat zone or other hazardous area and affected the criminal conduct at issue. Upon a defendant's successful completion of a veterans court program, the court will dismiss the criminal action.

Harris County was the first in Texas to implement a veterans court program and was featured in the PBS program, "Need to Know," in July 2010. By statute, counties must notify the Governor's Office Criminal Justice Division (CJD) upon implementation of a veterans court program. To date, according to the CJD, there are 11 active veterans court programs in Texas (*p. 618*).

For counties considering implementing a veterans court, a primary issue is funding. The statute allows for a veterans court program to establish fees based on the participant's ability to pay (not to exceed \$1,000) and to be used only for the purposes of the program. However, to cover costs associated with hiring and training new personnel or providing counseling and substance abuse treatment, the counties that have established veterans courts have turned to grants from various sources.

The CJD currently provides funding to five veterans courts: Bexar, Dallas, Harris, Tarrant, and Travis counties. In addition, the Texas Veterans Commission (TVC) has provided funding through its TVC Fund for Veterans Assistance, and the Texas Indigent Defense Commission's (TIDC) Discretionary Grant Program can provide financial assistance for the defense component of a veterans court program. The TIDC also offers training opportunities for counties that are interested in submitting discretionary grant applications.

Next to funding, establishing partnerships with the U.S. Department of Veterans Affairs (VA), TVC, veterans service providers, and mental health service providers is an essential component in a veterans court program. The TVC, in particular, can serve as a resource to the veterans court judge and program manager regarding VA benefits and claims issues.

A VETERANS COURT CASE STUDY

The Travis County Veterans Court is a prime example of the collaborative effort necessary to successfully establish a veterans court. It was developed as a primary component of the county's Veterans Intervention Project (VIP), which was formed in September 2007 by Travis County Constables Maria Canchola and Bruce Elfant to connect the county's criminal justice system and the VA. Canchola, in particular, has been a driving force of the VIP committee for a very personal reason: Her husband is a Vietnam veteran who suffered from PTSD for nearly 30 years before seeking treatment.

"Doing work on behalf of our veterans is much needed," said Canchola. "We all need to be part of the solution."

From the outset, Canchola and Elfant worked to get the major stakeholders in veterans and criminal justice issues involved, including representatives from the VA, TVC, Travis County District Attorney and County Attorney offices, Travis County Sheriff's Office, and local mental health services, among others.

"We tell those interested in creating a similar project to bring all the stakeholders to the table and obtain their buy-in from the beginning," said Canchola. "You'll have a whole lot better chance of succeeding."

One of the committee's first orders of business was to conduct a three-month survey of Travis County inmates, which found that 3 percent were veterans and of those, 32 percent were arrested at least twice during the three-month period. In addition, 34 percent of veterans were there as a result of substance use issues and only one in three had received services of any kind from the VA.

After S.B. 1940 went into effect, the VIP committee focused on getting a veterans court up and running. Funding came primarily from a grant through the CJD, as well as from a TVC grant. Travis County also has picked up some costs.

Jackson Glass, who has more than 30 years of experience working in the criminal justice system, came on board in the fall of 2010 as the veterans court manager.

"I jumped at the opportunity," said Glass, who added that he had a lot to learn about military culture and in communicating with veterans. "It's been a real learning experience."

The Travis County Veterans Court held its first docket on Nov. 10, 2010, in the courtroom of Judge Mike Denton, himself an Army veteran. "I believe the relationship the veterans develop with the judge through this program is a huge factor in their success and in reducing recidivism," said Glass. "Judge Denton does a really good job of engaging with them on a personal level and making them feel like we're trying to help them accomplish their mission."

Since that first docket, 10 veterans have graduated from the veterans court with no re-arrests. Forty veterans currently participate in the program, all but one veterans of Iraq and

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INCARCERATION, RECIDIVISM, AND REHABILITATION

Afghanistan. The lone exception is the program's first Vietnam veteran, who suffered from PTSD for 40 years and is finally receiving treatment.

Many veterans who suffer from PTSD or a TBI turn to alcohol or drugs as a coping mechanism. They then can end up in the criminal justice system as a result of the substance abuse. The veterans court program takes a two-pronged approach to treat the substance abuse and its underlying psychological cause.

Veterans are referred to the program in a couple of ways. Some are directly referred by their attorney, but, more often, they come to the program from the Travis County jail. When a person is booked — the cases so far have been primarily DWIs — they fill out a standard questionnaire, which now includes a question asking if a person has ever served in the armed forces. Glass receives a list of those who answer that question affirmatively and reaches out to them. He works with the court's VA liaison to verify if they were deployed in a combat zone and determines if they have been assessed by the VA for PTSD or TBI.

"The VA has responded well to helping our veterans get the proper assessments," said Glass.

If a veteran fits the program criteria, he or she can apply for the veterans court program. Once accepted, the veteran will be given a time frame by the County Attorney's Office in which to complete the program — usually between 12 and 18 months. The veteran meets with a caseworker to set up a treatment plan.

"Our program is fairly strenuous. We require them to do more than they would under regular probation," Glass said.

The program is a three-level system. At the first level, participants must attend every veterans court session (every two weeks) to be reviewed by the judge. Depending on their progress, they move successively through the levels with the goal of graduating from the program and getting their particular criminal act dismissed.

Glass recalled one veteran in particular who had been in fire-fights in Afghanistan for 257 days out of one year and after returning home had ended up having some encounters with the law because of bar fights, smoking marijuana, and drinking. The man asked Glass, "So, do you think I'm a bad person?"

"He'd gotten honest and told me about his experiences," said Glass. "It's really gratifying to try to help these guys. Most of us are so disconnected from these wars that we don't really have any idea what they're going through."

CURRENT TEXAS VETERANS COURTS

BEXAR COUNTY VETERANS TREATMENT COURT

Judge Wayne Christian, County Court at Law #6

DALLAS COUNTY VETERANS COURT

Judge Michael Snipes, Criminal District Court #7

DENTON COUNTY VETERANS COURT

Multiple Courts

EL PASO VETERANS COURT PROGRAM FOR FELONY CASES

Judge Angie Juarez Barill, 346th District Court

EL PASO VETERANS TREATMENT COURT

Judge Ricardo Herrera, County Court at Law #1

GUADALUPE COUNTY VETERANS TREATMENT COURT

Judge Linda Z. Jones, County Court at Law

HARRIS COUNTY VETERANS COURT

Judge Marc Carter, 228th District Court

HIDALGO COUNTY VETERANS COURT

Judge Israel Ramon, Jr., 430th District Court

NUECES COUNTY VETERANS COURT PROGRAM

Judge Tom Greenwell, 319th District Court

TARRANT COUNTY VETERANS COURT

Judge Brent A. Carr, County Criminal Court #9

TRAVIS COUNTY VETERANS COURT

Judge Mike Denton, County Court at Law #4

VETERANS COURT FUNDING

GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION

<http://governor.state.tx.us/cjd/>

TEXAS INDIGENT DEFENSE COMMISSION

http://www.txcourts.gov/tidc/TFID_Grant_Program.asp

TEXAS VETERANS COMMISSION FUND FOR VETERANS ASSISTANCE

<http://www.tvc.state.tx.us/Fund-for-Veterans-Assistance.aspx>

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