

**BUFFALO VETERAN'S
COURT:
Mentoring and
Veterans Hospital
Program
Policy and Procedure
Manual**

INTRODUCTION

For the past 13 years, whether as presiding Judge of Buffalo's Drug Treatment Court or in Mental Health Treatment Court, it became apparent that veterans faced a number of challenges in addressing their combat related trauma. Approximately 1.6 million American troops have served in Afghanistan (operation enduring freedom) and/or in Iraq (operation Iraqi freedom). Noteworthy are national reports regarding the frequency of these returning veterans with diseases of Mental Illness and/or Substance Addictions. War related illnesses may contribute to escalated suicide attempts, arrest, incarceration, divorce, domestic violence, homelessness and despair. Rather than be reactionary to the anticipated increase of veterans appearing in our criminal courts, we in Buffalo decided to take a pro-active approach, whereby the court embarked on a plan to develop a specialized treatment court to meet the particularized needs of our veterans.

After a year of planning, we established in Buffalo, New York, the first Veterans' Treatment Court in the United States, which began operating on January 15, 2008. The planning process included designing how the court would operate, exploring and obtaining the support needed, and engaging in extensive collaboration with the Veteran's Health Care Network, community health care providers, veterans service organizations, community based agencies and volunteer veteran mentors. A number of community seminars were also conducted acquainting our partners on the trauma of war, associated behavioral health diseases and the resulting side effects thereof.

Veterans Treatment Court seeks to divert eligible veteran-defendants with substance dependency and/or mental illness that are charged with typically felony or misdemeanor non-violent criminal offenses, to a specialized criminal court docket. The court substitutes a treatment problem solving model for traditional court processing. Veterans are identified through evidence based screening and assessments. The veterans voluntarily participate in a judicially supervised treatment plan that a team of court staff, veteran health care professionals, veteran peer mentors, AOD health care professionals and mental health professionals develop with the veteran. At regular status hearings treatment plans and other conditions are periodically reviewed for appropriateness, incentives are offered to reward adherence to court conditions, and sanctions for non-adherence are handed down. Completion of their program is defined according to specific criteria. Many will have their charges dismissed upon successful completions and others are assured of a non-incarcerative sentence upon completion.

Many Veterans are known to have a warrior's mentality and often do not address their treatment needs for physical and psychological health care. Often those who are referred to the Veterans' Treatment Court are homeless, helpless, in despair, suffering from alcohol or drug addiction, and others have serious mental illnesses. Their lives have been spiraling out of control. Without the collaboration of the VA Health Care Network, Western New York Veterans Project, the Veterans' Treatment Court, volunteer veteran mentors and a coalition of community health care providers, many would continue to have their illnesses untreated and would suffer the consequences of the traditional criminal justice system of jail or prison. This Collaboration of unique partners affords the opportunity for these veterans to regain stability in their lives, to have their families strengthened, to have housing for the homeless, and to have employment for the

employable. The treatment court team will find them, offer them assistance, assess their needs, manage their care and help them solve their problems.

Also, assisting the court is a team of twenty volunteer veteran mentors. The pool of veteran mentors includes those who have served in Vietnam, Desert Shield, Operation Enduring Freedom and Operation Iraqi Freedom. While in court, a mentor will be assigned to meet with a veteran participant, discuss any ongoing problems or issues of interest. They work to problem solve existing issues and bring to the attention of the court any issues that the court can assist in resolving. This relationship promotes and fosters through encouragement a “can do” attitude in the veteran, that the veteran can accomplish their goals in treatment, that the veterans are not alone and that the mentors are there for them. Before and since the court operation, the volunteer veteran mentors have not wavered in their commitment, time, or dedication, despite the fact they are not monetarily compensated for their time or expertise. Faithfully they are present, ready to serve at every Veteran’s Treatment Court session - without reservation. I am appreciative and proud of their commitment and eagerness to serve.

In conclusion, it is my hope that other jurisdictions will critically examine how they can better serve the veterans that are seen in our criminal court system. As my Project Director Hank Pirowski would say, “It’s the right thing to do”.

Judge Robert Russell

[Veterans Treatment Court Ten Key Components](#)

Buffalo’s Veterans Treatment Court has adopted with slight modifications the essential tenements of the ten key components as described in the U.S. Department of Justice Publication entitled “*Defining Drug Courts: The Key Components*”, (Jan.1997). Brief descriptions of these modifications are listed in the ten key components that follow this introduction. Although there are differences between drug courts, mental health courts, and Buffalo’s Veterans Treatment Court the *Key Components* provides the foundation in format and content for the *Essential Elements* of each of these courts.

[Key Component #1: Veterans Treatment Court integrate alcohol, drug treatment, and mental health services with justice system case processing](#)

Buffalo’s Veterans Treatment Court promotes sobriety, recovery and stability through a coordinated response to veteran’s dependency on alcohol, drugs, and/or management of their mental illness. Realization of these goals requires a team approach. This approach includes the cooperation and collaboration of the traditional partners found in drug treatment courts and mental health treatment courts with the addition of the Veteran Administration Health Care Network, veterans and veterans family support organizations, and veteran volunteer mentors.

[Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights](#)

To facilitate the veterans' progress in treatment, the prosecutor and defense counsel shed their traditional adversarial courtroom relationship and work together as a team. Once a veteran is accepted into the treatment court program, the team's focus is on the veteran's recovery and law-abiding behavior—not on the merits of the pending case.

Key Component #3: Eligible participants are identified early and promptly placed in the Veterans Treatment Court program

Early identification of veterans entering the criminal justice system is an integral part of the process of placement in the Veterans Treatment Court program. Arrest can be a traumatic event in a person's life. It creates an immediate crisis and can compel recognition of inappropriate behavior into the open, making denial by the veteran for the need for treatment difficult.

Key Component #4: Veterans Treatment Court provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services

While primarily concerned with criminal activity, AOD use, and mental illness, the Veterans Treatment Court team also consider co-occurring problems such as primary medical problems, transmittable diseases, homelessness; basic educational deficits, unemployment and poor job preparation; spouse and family troubles—especially domestic violence—and the ongoing effects of war time trauma.

Veteran peer mentors are essential to the Veterans Treatment Court team. Ongoing veteran peer mentors interaction with the Veterans Treatment Court participants is essential. Their active, supportive relationship, maintained throughout treatment, increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing

Frequent court-ordered AOD testing is essential. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each participant's progress.

Key Component #6: A coordinated strategy governs Veterans Treatment Court responses to participants' compliance

A veteran's progress through the treatment court experience is measured by his or her compliance with the treatment regimen. Veterans Treatment Court reward cooperation as well as respond to noncompliance. Veterans Treatment Court establishes a coordinated strategy, including a continuum of graduated responses, to continuing drug use and other noncompliant behavior.

Key Component #7: Ongoing judicial interaction with each Veteran is essential

The judge is the leader of the Veterans Treatment Court team. This active, supervising relationship, maintained throughout treatment, increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to veterans that someone in authority cares about them and is closely watching what they do.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

Management and monitoring systems provide timely and accurate information about program progress. Program monitoring provides oversight and periodic measurements of the program's performance against its stated goals and objectives. Information and conclusions developed from periodic monitoring reports, process evaluation activities, and longitudinal evaluation studies may be used to modify program

Key Component #9: Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations

All Veterans Treatment Court staff should be involved in education and training. Interdisciplinary education exposes criminal justice officials to veteran treatment issues, and Veteran Administration, veteran volunteer mentors, and treatment staff to criminal justice issues. It also develops shared understandings of the values, goals, and operating procedures of both the veteran administration, treatment and the justice system components.

Education and training programs help maintain a high level of professionalism, provide a forum for solidifying relationships among criminal justice, Veteran Administration, veteran volunteer mentors, and treatment personnel, and promote a spirit of commitment and collaboration.

Key Component #10: Forging partnerships among Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness

Because of its unique position in the criminal justice system, Veterans Treatment Court is well suited to develop coalitions among private community-based organizations, public criminal justice agencies, the Veteran Administration, veterans and veterans families support organizations, and AOD and mental health treatment delivery systems. Forming such coalitions expands the continuum of services available to Veterans Treatment Court participants and informs the community about Veterans Treatment Court concepts. The Veterans Treatment Court fosters system wide involvement through its commitment to share responsibility and participation of program partners.

Section 1: Program Background

1.1 Statement of need Diversion

Our experience with veterans who have participated in either the Buffalo Drug Treatment Court and/or Mental Health Treatment Court have shown that there was a need for greater supervision and support; increased collaboration with law enforcement and the Veterans Administration; speedy identification and referrals of eligible veterans; transferring of cases that traditionally were in either the Drug or Mental Health Treatment Courts to a centralized singular calendar of all eligible veterans; greater focus on veterans' faulty decision-making; and peer to peer, vet to vet mentoring, to help the veterans build and achieve healthy goals. The Buffalo Veterans Court held its first session in January of 2008. The Veterans' Treatment Court presents an opportunity to help veterans in trouble with the law. Many Veterans are known to have a warrior's mentality and often do not address their treatment needs for physical and psychological health care. Many who are referred to the Veterans' Treatment Court are homeless, helpless, in despair, suffering from alcohol or drug addiction, and others have serious mental illnesses. Their lives have been spiraling out of control. Without the collaboration of the VA Health Care Network, Western New York Veterans Project¹, the Veterans' Treatment Court, volunteer veteran mentors and a coalition of Community Health Care providers, many would continue to have their illnesses untreated and would suffer the consequences of the traditional criminal justice system of jail or prison. This Collaboration of unique partners affords the opportunity for these veterans to regain stability in their lives, families are strengthened, the homeless are in housing, the employable are employed, and our society is the beneficiaries.

1.2 Mission

The Mission of The Veterans Treatment Court is to have a coordinated community response through collaboration with the veteran's service delivery system and the Criminal Justice System. The Court provide a means to successfully habilitate veterans by diverting them from the traditional criminal justice system and providing them with the tools they need to lead a productive and law-abiding life through treatment, rehabilitative programming, reinforcement and judicial monitoring. We will find them, offer them assistance, assess their needs, manage their care and help them solve their problems. We will

¹ The purpose of the Western New York Veterans Project is to bring together and coordinate government- and community-based services needed to help and support combat veterans and their families' to transition safely to civilian life. The *Buffalo Veterans Court* is an intense and coordinated effort between the Buffalo Veterans Treatment Court, the WNY Veteran Administration Health System, and the Buffalo Police Department.

provide Veterans with substance abuse, alcoholism and mental health treatment coupled with academic/vocational skills improvement, while actively assisting with residential, outpatient and/or transitional services leading to job placement and job retention.

1.3 How it works

Buffalo's Veterans Treatment Court is handled on a specialized criminal court docket involving veterans charged with typically felony or misdemeanor non-violent criminal offense(s), by diverting eligible veteran-defendants with substance dependency and/or mental illness. The court substitutes a treatment problem solving model for traditional court processing. Veterans are identified through specialized screening and assessments, and voluntarily participate in a judicially supervised treatment plan that a team of court staff, veteran health care professionals, veteran peer mentors, AOD health care professionals and mental health professionals develop. At regular status hearings treatment plans and other conditions are periodically reviewed for appropriateness, incentives are offered to reward adherence to court conditions, and sanctions for non-adherence are handed down. Completion of program is defined according to specific criteria. Upon admission to Veterans Treatment Court, the court staff and mentors assist the veteran with an array of stabilization and other services, such as emergency financial assistance, mental health/trauma counseling, employment and skills training assistance, temporary housing, advocacy, and other referral services.

Section 2: Mentoring Program

2.1 The Buffalo Veterans Court Veteran's Mentoring Program

Our experiences in both the Buffalo Drug Treatment Court and the Buffalo Mental Health Court has shown that veterans were more likely to respond more favorably with another Veteran than with others who did not have similar experiences. It appeared that that when a veteran, who had found his or her way into these courts, was talking to another veteran who was on the Buffalo Drug and or Mental Health Court Team, she/he would be more relaxed and less tense about their situation. It appeared that these conversations between veterans were more on the level of peers rather than from a position of authority or professionalism. This change in demeanor was seen as an opportunity to make a deeper impact on the lives of the veterans that came into these courts. Based on these observations it became clear that if we were to develop a Veterans Treatment Court, peer mentors would be an essential additional to the Treatment Court team. It was anticipated that their active, supportive relationship, maintained throughout treatment would increase the likelihood that a veteran will remain in treatment and improve his or her chances for sobriety and law-abiding behavior.

2.2 Planning Stage

Initially a meeting was set up by the Court with The Director and the Advisory Board of the VA hospital in Buffalo. From this meeting two major determinations were made. The first was that the local VA hospital agreed to place a Behavioral Health Supervisor and a secure VA computer in the proposed Veterans Treatment Court. This allowed for immediate benefit eligibility checks and for clinical appointments to be made directly on site in the Veterans Court. The second outcome was that a core of mentors was formed from the veteran's advocates that were part of the Medical Center's Advisory Board. This allowed the court to access a group of veterans that were dedicated to the support and care of other veterans.

This initial group of volunteers is the originating members of the Buffalo Veterans Treatment Court Mentoring program. They represented a variety of Veteran Service Organizations including Vietnam Veterans of America, Veterans of Foreign Wars, Paralyzed Veterans of America, Order of the Purple Heart, and AMVETS. Many of this group were also professionals from a number of governmental departments and military installations including New York State Department of Veterans Affairs, Erie County Departments of Veterans Affairs, Mental Health, and Social Services, the VA Police Force, the Buffalo Police Force, the 107th Air Refueling Wing, and the Niagara Falls Air Force Base. These mentors are veterans from several eras of combat as well as times of peace.

2.3 Mission Statement of the Veteran's Mentoring Program

The Mission of the Veteran's Mentoring Program is to make certain to the best of our abilities that no one is left behind. We will find them, offer them assistance, assess their needs, and help them solve their problems. We will support the veteran through their readjustment to civilian life, assist the veteran navigate through the court, treatment, and VA systems, and act as a mentor, advocate and ally.

2.4 Mentor Coordinator

Essential to the coordination, maintenance and success of the mentoring program is the mentoring Coordinator. The role of the Mentor Coordinator is to recruit, train, supervise, and coordinate mentors within the Veteran's Court Diversion Program. The Mentor Coordinator is responsible for recruiting potential mentors, screening candidates, and selecting individuals to become Veteran Mentors. The Mentor Coordinator will be responsible for training selected candidates in skills to facilitate a mentoring session and skills specific to the Veteran's Court Diversion Program. The Mentor Coordinator will also be responsible for individual and group supervision as well as scheduling mentors to be present during the

Veteran's Court proceedings. The Coordinator also must coordinate all activities with the Judge and the Court coordinator

Duties and Responsibilities:

1. Recruit and train volunteer Veteran's Court mentors.
2. Assist in the retention of volunteer mentors.
3. Organize and conduct training for volunteer mentors.
4. Assist in supervision of mentors.
5. Assist in the development of specialized training projects for the program.
6. Perform all other duties as assigned by Project Director and the Judge

2.5 Volunteer Mentor Role Description

The role of the Volunteer Veteran Mentor is to act as a coach, a guide, a role model, an advocate, and a support for the individuals s/he is working with. The mentor is intended to encourage, guide, and support the mentee as s/he progresses through the court process. This will include listening to the concerns of the veteran and making general suggestions, assisting the veteran determine what their needs are, and acting as a support for the veteran at a time when they may feel alone in a way that only another veteran can understand.

Duties and Responsibilities:

- Attend court sessions when scheduled
- Participate in and lead mentoring sessions with veterans when assigned by the Judge.
- Be supportive and understanding of the difficulties veterans face.
- Assist the veterans as much as possible to resolve their concerns around the court procedures as well as interactions with the Veteran's Administration system.
- Be supportive and helpful to the other mentors within the program.

Requirements:

- Be a veteran of one of the branches of the United States Military, including the Army, Marine Corp, Navy, Air Force, Coast Guard, or their corresponding Reserve or Guard branches
- Adhere to all of the Buffalo Veteran's Court Diversion Project policies and procedures
- Commit to program participation for a minimum of six months
- Complete the required training procedures
- Participate in additional trainings throughout time of service

Desirable Qualities:

- Willing listener

- Encouraging and supportive
- Tolerant and respectful of individual differences

For more information or an application, please contact the Buffalo Veteran's Court, Mentor Coordinator at 845-2789.

Section 3: Mentoring Program Policies

3.1 Recruitment Policy

The Mentor Coordinator assumes the majority of the responsibility for recruiting new mentors. Other members of the Buffalo Veteran's Court Diversion Project as well as current mentors will support the Mentor Coordinator in these activities when necessary, including attending and hosting informational sessions.

3.2 Inquiry Policy

All inquiries around participation in the mentoring program, outside of an informational session or sharing the application and information sheet, are directed to the Mentor Coordinator. It will be the responsibility of the Mentor Coordinator to contact back any prospective mentors within two weeks of their inquiry.

3.3 Eligibility Policy

Each mentor must meet the eligibility criteria in order to participate in the program. Extenuating circumstances may be reviewed at the discretion of the Mentor Coordinator.

Mentor Eligibility Requirements

- Be a veteran of one of the branches of the United States Military, including the Army, Marine Corp, Navy, Air Force, Coast Guard, or their corresponding Reserve or Guard branches
- To adhere to all of the Buffalo Veteran's Court Diversion Project policies and procedures
- To commit to program participation for a minimum of six months
- To attend court sessions as scheduled
- To complete the screening process
- To complete the required training procedures
- To participate in additional trainings throughout his/her time of service

3.4 Screening Policy

Each potential mentor must complete the screening procedure. The Mentor Coordinator will be responsible for walking each applicant through the screening procedure.

This procedure will include:

- Completing a written application form
- Completing a personal interview

The decision to accept or reject an applicant will be made by the Mentor Coordinator, the judge and the Project Director after the screening procedure has been completed.

3.5 Training Policy

All mentors must complete the required initial training procedures.

This procedure will include:

- Observe several court session
- Shadow three mentoring sessions with three different mentors
- Lead three mentoring sessions while being observed
- Discuss lead mentoring sessions and observation forms
- Complete individual supervision with the Mentor Coordinator

It is the responsibility of the Mentor Coordinator to plan, develop, and deliver all training sessions with support from other program staff, current mentors, the judge and the Court Coordinator

3.6 Matching Policy

The Mentor Coordinator will match mentors and participating veterans at each court appearance. As mentors are not always present at each court session the Mentor Coordinator will have to match the available mentors with the mentees in need. Whenever possible the Mentor Coordinator will make matches based on the following criteria:

- Previous sessions where the mentor and mentee were matched
- Matching branch of service
- Specific skill of a mentor matched to the need of a mentee
- Similar age/gender/ethnicity

The Mentor Coordinator will also take into consideration the requests of the mentors and mentees, alike, in making matches.

3.7 Teambuilding

At least once a year all mentors will be recognized for their role in the Buffalo Veterans Treatment Court. The Mentor Coordinator is responsible for planning and implementing recognition activities.

Possible recognition activities include:

- An annual recognition event, where mentors are recognized for their length of service to the mentoring program
- Utilizing outstanding mentors in the recruitment and training of new mentors

3.8 Record-Keeping Policy

Each contact between mentor and mentee is documented in the Veteran Mentoring Log which will be updated at each court appearance by the mentor.

3.9 Confidentiality Policy

Mentors training will include a mandatory confidentiality workshop. Instructions on Federal and State confidentiality policy will be reviewed including but not limited to: what information should be kept confidential, who has access to confidential materials, what confidential information can be used for, how it will be kept confidential, and the limits of confidentiality.

In addition guidelines will be reviewed specific to what information should be included and should not be included in the veteran log as well as how information about the mentors will be protected.

3.10 Unacceptable Behavior Policy

It is the policy of the Buffalo Veteran's Court Diversion Project that unacceptable behaviors will not be tolerated while a mentor is participating in the program. Behaviors that do not match with the mission, vision, goals, or values of the Veteran's Court Diversion Project will be considered unacceptable and are prohibited during court proceedings and mentoring sessions.

Any unacceptable behavior, as determined by the Mentor Coordinator, the Judge, or the project Director, will result in a warning and/or disciplinary action including suspension or termination from the program.

VETERANS HOSPITAL WORKER RESPONSIBILITIES

The VA Behavioral health worker assigned to the Court uses a standard Windows xl laptop which is encrypted and uses VISN 2 images. It is connected to the VA network with a Verizon Aircard through Rescue.

The Worker does the following:

- Obtaining and checking on presence of VA Releases of Information (ROI) between court and VA Hospital
- Facilitating VA linkages for services.
- Verifying and making appointments for SATS and Mental Health Clinics
- Checking on VA toxicology testing results
- Coordinating VA Treatment Status Report provision to Court.
- Provided the Judge with accurate VA treatment status updates
- Checking on and assisting with VA eligibility for services
- Case Management, Crisis Management and support for the veteran at the Court visit.

THE VA BEHAVIORAL HEALTH WORKER HAS A SECURE LAPTOP COMPUTER IN THE COURT AND HAS DIRECT COMMUNICATION WITH THE JUDGE, THE PROJECT COORDINATOR AND THE MENTORS.

FEDERAL OFFICE OF VETERANS AFFAIRS

THE FEDERAL OFFICE OF VETERANS AFFAIRS HANDLES PENSION, DISABILITY BENEFITS AND DOES CORRECTIONS ON ERRORS ON DD214S.A WORKER FROM THIS OFFICE HAS JUST BEEN ASSIGNED TO THE COURT AND SITS NEXT TO THE VA HOSPITAL REPRESENTATIVE.

THERE HAVE BEEN MANY INSTANCES OF DEFENDENTS WHO HAVE PROBLEMS GETTING THEIR DISABILITY OF PENSION BENEFITS.EVEN MORE PROGLEMS EXIST WITH INCORRECT DISCHARGE PAPERS WHICH WILL CAUSE PROBLEMS WITH APPLYING FOR THESE BENEFITS.