

2015 LAMP/MVAC CLE Raleigh, North Carolina

The New Veteran's Experience

This isn't your Father's War

· Phase III (Combat) and IV (Stability) merge

War Zone Deployment and

Readjustment Problems

The points of intersection for veterans are

· VUCA Environment (Volatile, Uncertain,

· The enemy has no uniforms

· Constant threat environment

Complex and Ambiguous)

• Traumatic Brain Injury (TBI)

• Substance Abuse and Addiction

the criminal and civil legal systems

· The enemy has no rules

• Who is the enemy?

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PTSD

• Violence

• Suicide

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Casualties of War • Since September 11, 2001, troops have deployed 3.3 million times. • Over 2.5 million have shouldered those deployments (800,000 > 1 deployment)• 38% of those deployed have Psychological Problems (do the math) · A US Veteran commits suicide every sixtyfive minutes. NORTH CAROLINA FOUNDATION BAR ASSOCIATION SMITH ANDERSON

Combat Survival Rates Survival Rate is 87% thus more

service members are returning home than any other U.S. conflict.

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Psychological Casualties

- Bipolar Disorder
- · Co-occurring Brain and Addictive Disorder
- Major Depressive Disorder
- Post Traumatic Stress Disorder (PTSD)
- Panic Disorder and Obsessive Compulsive Disorders
- · Schizophrenia and Schizoaffective Disorder

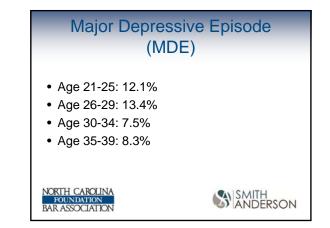
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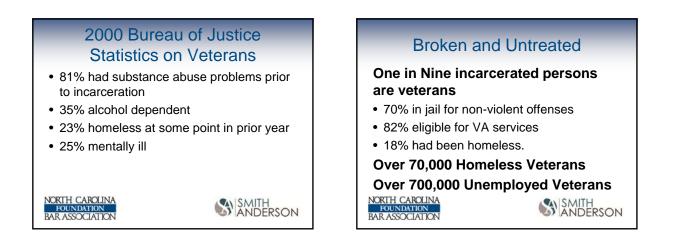
- · Borderline Personality Disorder



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Mental Health Problems	
Post Traumatic Stress Syndrome (PTSD)	Traumatic Brain Injury
 18.5% suffer from PTSD 38% of Soldiers and 31% of Marines report Psychological Problems 	 19.5% suffer probable TBI 64% of Soldiers wounded in action sustained blast injuries
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North Carolina

- Almost 800,000 NC veterans (22+ Million nationwide)
- 115,000+ Active Duty and Reserve
- 10%+ of the total population
- 1 in 7 adults in NC are Veterans
- 6th highest veteran population in the U.S.
- Isolated Enclaves / "The Southern Wombs"

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Overcoming PTSD and Dealing with Re-Integration

- VA disability and treatment systems
- Downsizing the All Volunteer Force
- Understanding Homecoming
- Coming down from the "Combat High"
- High risk behavior
- Substance Abuse: 500,000 Vets who access the VA systems annually

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The Judicial Intersection (Criminal)

- Outstanding Fines and Warrants
- Expungement of Criminal Records
- Driver's License Revocations
- Mental Health Involuntary Commitment
- Probation and/or Suspended Sentence and Bond Hearing Revocations
- Federal, State and Local prosecutions

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The Judicial Intersection (Civil)

- ImmigrationEmployment
- (USERRA) • Wills/POAs
- Family Law (divorce, custody, child and spousal support, guardianships)

Consumer ProtectionIncome Tax

- Name Changes
- Landlord / Tenant
- Assistance for pro se actions by the client

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Why Veterans Courts? We, as a society, owe it to our veterans to do

we, as a society, owe it to our veterans to ao everything we can to help them overcome the problems that result from their military service. When these men and women become involved in the criminal justice system, we must seize the opportunity to intervene in their lives, and work together to make them whole once again. (The Promise of Veteran's Court)





National Landscape Today, more than 10,000 Veterans who would otherwise be incarcerated are receiving lifesaving treatment in a Veterans Treatment Court (VTC)

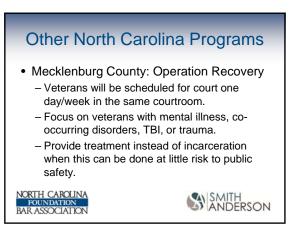
- >175 VTCs exist nationwide.
 - Pre-adjudication treatment options; and
 - Post-conviction treatment in lieu of confinement.

- Some attempt both models.

North Carolina's Veteran's Treatment Courts

- Harnett County (11th Judicial District), November, 2013
- Cumberland County (12th Judicial District), November, 2014
- Buncombe County (28th Judicial District), March, 2015

Coming soon to a County near you! (or at least Counties near a VAMC near you) NORTH CAROLINA POUNDATION



Veterans Treatment Court: The Basics

- Focus is on treatment.
- · Based on drug court model.
 - Provide holistic/collaborative approach to identifying and treating underlying issues of the veteran's criminal behavior.
- · Include mentoring sessions with other veterans.
- Provide the potential to have charges reduced or dismissed as an incentive to complete treatment.

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Best Practices Model "Win-Win" Model · Veterans are appearing before judges who are · Regular court appearances (bi-weekly familiar with their unique problems. minimum in early phases); · Judges are supported by a strong Mandatory attendance at treatment interdisciplinary team, VA representatives, sessions; volunteer veteran mentors · Treat the veterans mental health and addiction · Frequent and random testing for issues substance use. Prevent recidivism • Return veteran to society and their families NORTH CAROLINA FOUNDATION BAR ASSOCIATION NORTH CAROLINA FOUNDATION BAR ASSOCIATION SMITH ANDERSON SMITH ANDERSON



"One-Stop Shop" for Veterans

- VTCs link veterans with the programs, benefits, and services they have earned.
 - VJO present to access confidential medical records, make treatment appointments, and communicate this information to the court.
 - VA representative ensures veterans receive disability compensation, education, and training benefits.
 - VSOs and State VA representatives assist with additional state and local resources.
- Veteran Mentors provide motivational support.

VTC Best Practice Elements

- Participants have protections (voluntary; constitutional rights retained)
- Selection is open to the extent possible (array of offenses and balance of public safety);
- VTCs have jurisdictional flexibility and a focus on treatment (VA and local provider coordination; veteran mentoring).

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MVAC

- Military & Veterans Affairs Committee (Soon to be the Military and Veterans Law Section, NCBA)
- Creation, support, advocacy and furtherance of VTCs in judicial districts
- Seek VTC Enabling Legislation and Innovative Court Policies and Practices





