

# Veteran's Justice Outreach Program



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# VJO Initiative

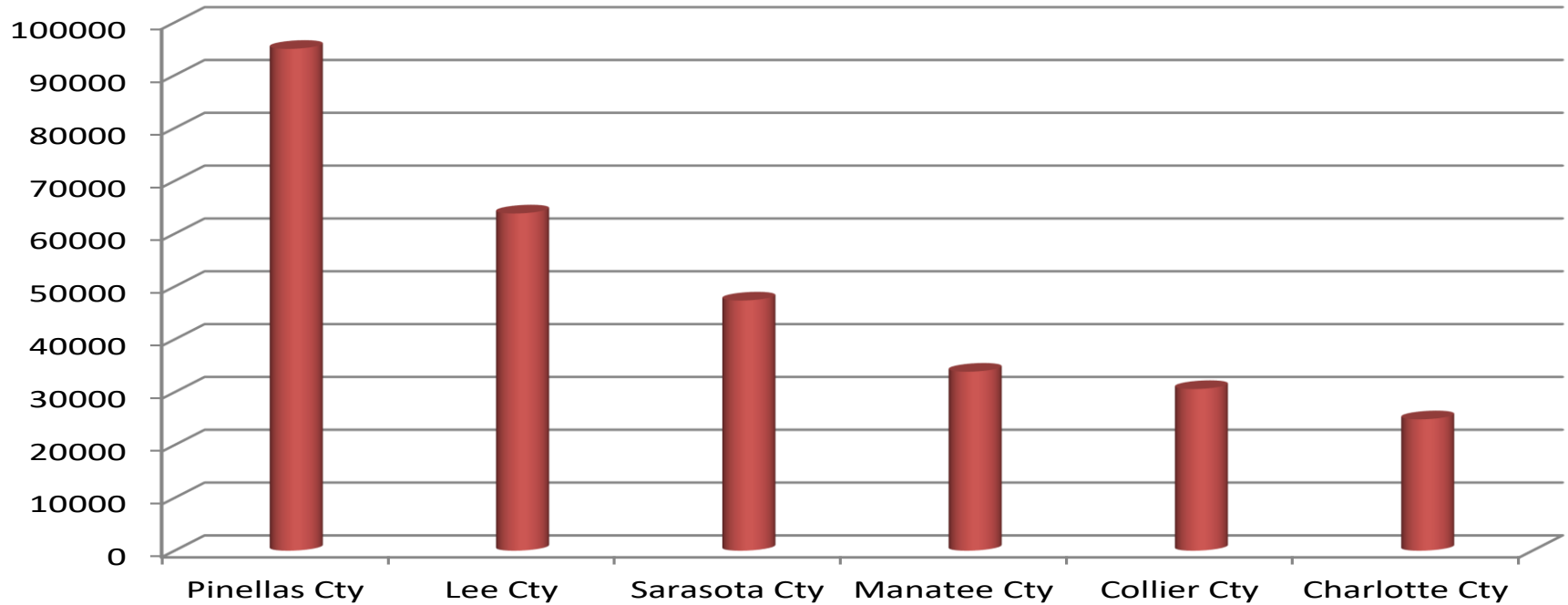
"The purpose of the VJO initiative is to avoid unnecessary criminalization of mental illness and extended incarceration among Veterans by ensuring that eligible Veterans in contact with the criminal justice system have access to VHA mental health and substance services."

Source: Department of Veteran's Affairs, April 30, 2009. Under Secretary for Health's Information Letter. Information and Recommendations for Services Provided by the VHA Facilities to Veterans in the Criminal Justice System. Washington, D.C.

# Geographic Areas Served by VISN8 Medical Centers



# Veteran Pop. By County



Pinellas = 94,997

Manatee= 33,883

Lee = 63,839

Collier = 30,603

Sarasota = 47,357

Charlotte = 24,867

# Justice System Involvement Among Veterans

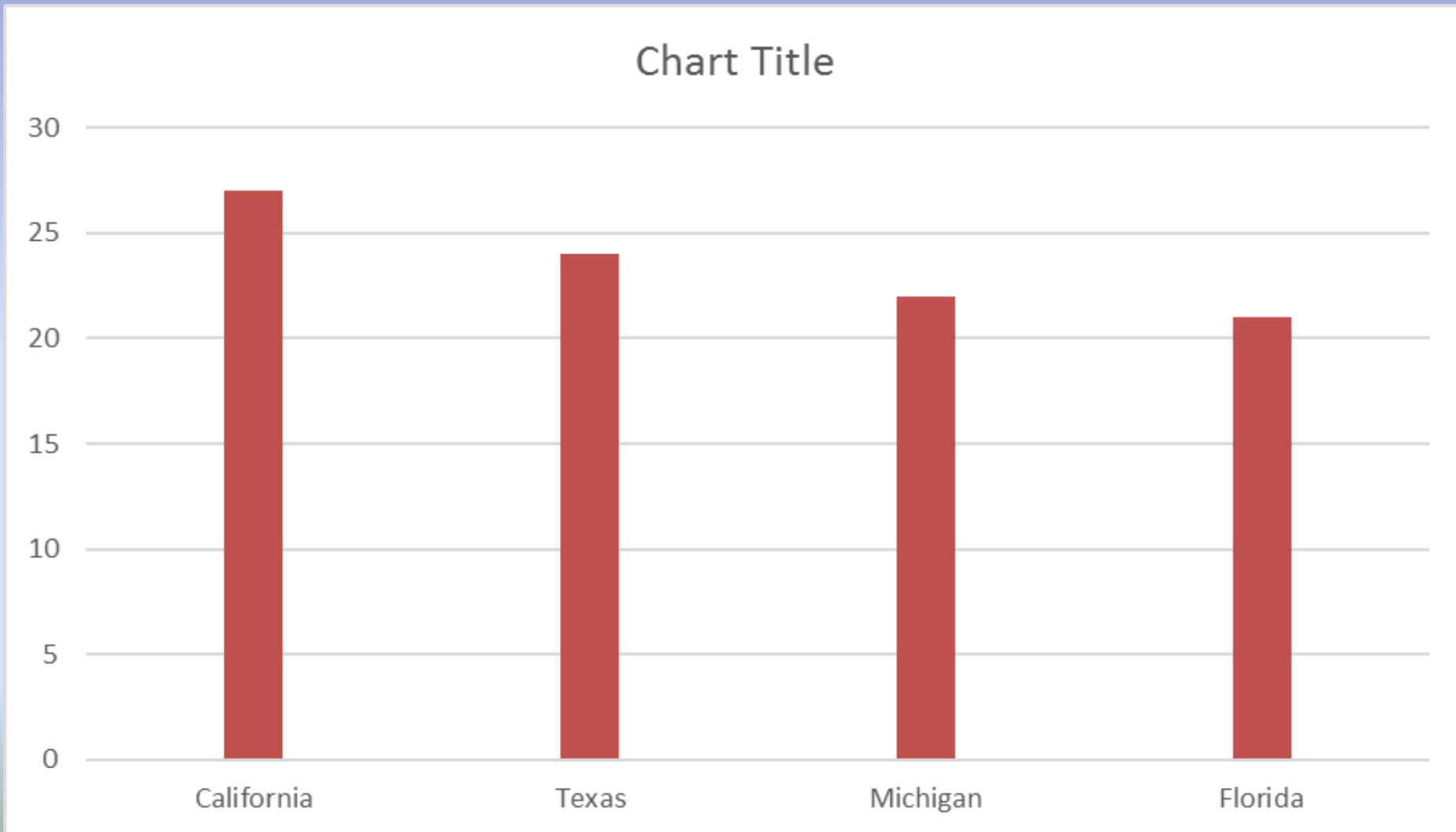
- According to Bureau of Justice Statistics data, on any given day approximately **9.0 percent**, of the inmates in the country's prisons and jails are veterans.

Source: CMHS National GAINS Center (2008). *Responding to the needs of justice-involved combat veterans with service-related trauma and mental health condition: A consensus report of the CMHS National GAINS Center Forum on Combat Veterans, Trauma, and the Justice System*. Delmar, NY: Author. Retrieved at: [http://www.gainscenter.samhsa.gov/pdfs/veterans/CVTJS\\_Report.pdf](http://www.gainscenter.samhsa.gov/pdfs/veterans/CVTJS_Report.pdf).

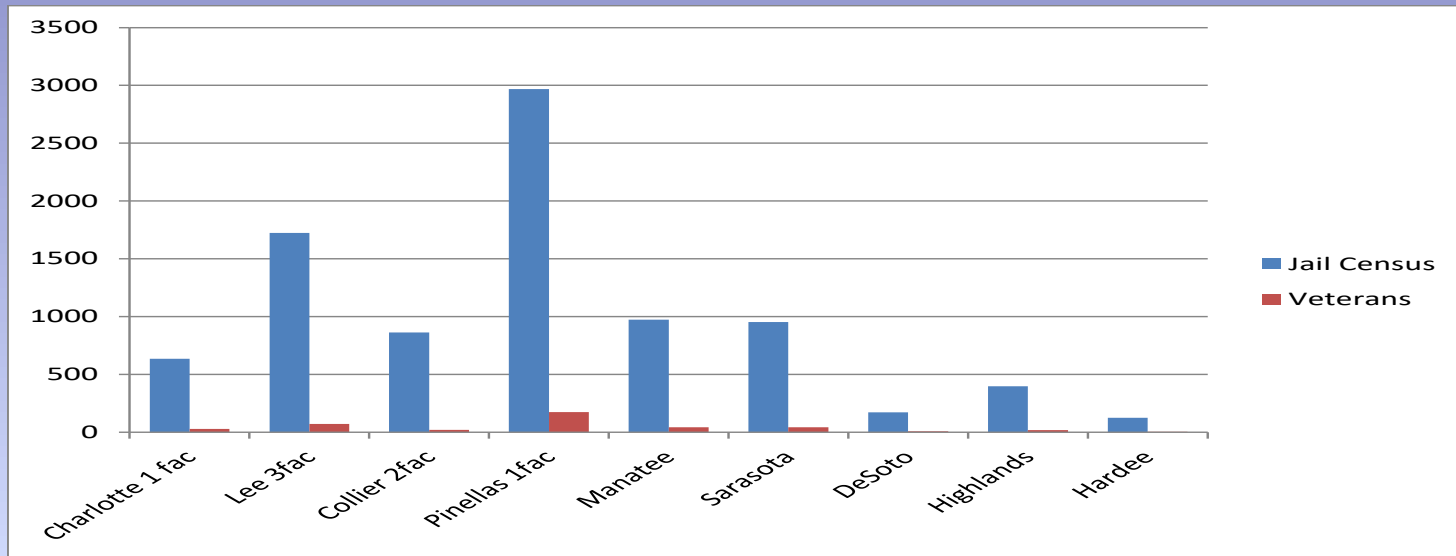
- A large majority (82%) of incarcerated veterans are eligible for VA services;

Source: Department of Veteran's Affairs, April 30, 2009. Under Secretary for Health's Information Letter. Information and Recommendations for Services Provided by the VHA Facilities to Veterans in the Criminal Justice System. Washington, D.C.

# Vet Courts by State



# JAIL CENSUS AND VETERANS INCARCERATED BY COUNTY



County	Jail Censu	Veterans
Charlotte 1 f	635	28
Lee 3fac	1723	71
Collier 2fac	863	20
Pinellas 1fac	2969	175
Manatee	974	44
Sarasota	953	43
DeSoto	173	8
Highlands	397	18
Hardee	125	5

## **% of veterans in GP: (unknown is estimated at 4.5%)**

**Charlotte:** Unk

**Lee:** 4.1

**Collier:** 2.3

**Pinellas:** 5.9

**Manatee:** Unk

**Sarasota:** Unk

**DeSoto:** Unk

**Highlands:** Unk

**Hardee:** Unk

# Incarcerated Veteran Population Increasing

“Close to 3 million Americans have now served in Iraq or Afghanistan. A recent RAND Corporation study found that over 300,000 of those troops are suffering from Post-Traumatic Stress Disorder (“PTSD”), and another 320,000 from Traumatic Brain Injury (“TBI”). Only about **half** of these troops, it found, had reported or sought help for their condition. ***Increasing numbers of these psychologically-injured veterans are now surfacing in the criminal justice system.***”

- Source: Brockton D. Hunter, JD. *Echoes of War: The Combat Veteran in Criminal Court. Encouraging Treatment Over Incarceration of Our Most Troubled Returning Heroes. The Minnesota Model. January 20, 2009.*  
[www.brockhunterlaw.com](http://www.brockhunterlaw.com).



# Who are we seeing?

	HCRV	VJO
Age	50	46
Male	98%	93%
OIF/OEF/OND	6.5%	28%
Physical health – fair/poor	36%	45%
Dental-fair/poor	50%	52%
Professional treatment for substance use	49%	60%
Hospitalized for a psychiatric problem	21%	39%
Age at first arrest	27	30
Number times arrested	8	8
Over 1 year in jail, lifetime	88%	30%

# Incarcerated Veteran Offense Type

(sources: Bureau of Justice Statistics, 2000 [Jails],  
2004 [Prisons])

Type of Offense	State Prison	Federal Prison	Jail
Violent Offenses	57%	19%	27%
Property Offenses	16%	11%	25%
Drug Offenses	15%	46%	17%
Other/unspecified	0%	1%	1%

# VJO Scope: Three Focus Areas

## Courts

- Interact with local courts, attorneys and prosecutors to identify veterans needs. Provide training on veterans issues. Develop and implement **Veterans Courts**.

# Courts in BPVAMC Service Area

- 6<sup>th</sup> Judicial Circuit (Pinellas County)  
One of the largest Veterans Treatment Courts in area.
- 12<sup>th</sup> Judicial Circuit (Manatee, Sarasota Co.) “Veterans Track” began 8/6/15. 572 veterans arrested in 2014.
- 20<sup>th</sup> Judicial Circuit (Collier, Lee, Charlotte Co.) “Veterans Track”

# Law Enforcement

## Law Enforcement Training

- Identify adaptations individuals make to a combat environment that may impact behavior in a civilian setting
- Differentiate between normative post-deployment readjustment and PTSD with TBI considerations
- **Employ strategies for interacting with returning soldiers that may increase the likelihood of positive outcomes**

## Jail Outreach Services

- Determine VA eligibility, enroll veteran if eligible.  
determine the veteran's immediate treatment needs upon release.
- Begin Release Treatment Planning
- Provide limited case management.

# Vietnam and Today

- In the Vietnam Era, most veterans did an average of 1 combat tour.
- A recent study by the Army's Mental Health Advisory Team found that with the current war, "long deployments, multiple deployments, and little time between deployments contributed to increased mental health conditions like PTSD and TBI among OEF/OIF veterans."

Source: CMHS National GAINS Center (2008). *Responding to the needs of justice-involved combat veterans with service-related trauma and mental health condition: A consensus report of the CMHS National GAINS Center Forum on Combat Veterans, Trauma, and the Justice System*. Delmar, NY: Author. Retrieved at: [http://www.gainscenter.samhsa.gov/pdfs/veterans/CVTJS\\_Report.pdf](http://www.gainscenter.samhsa.gov/pdfs/veterans/CVTJS_Report.pdf)

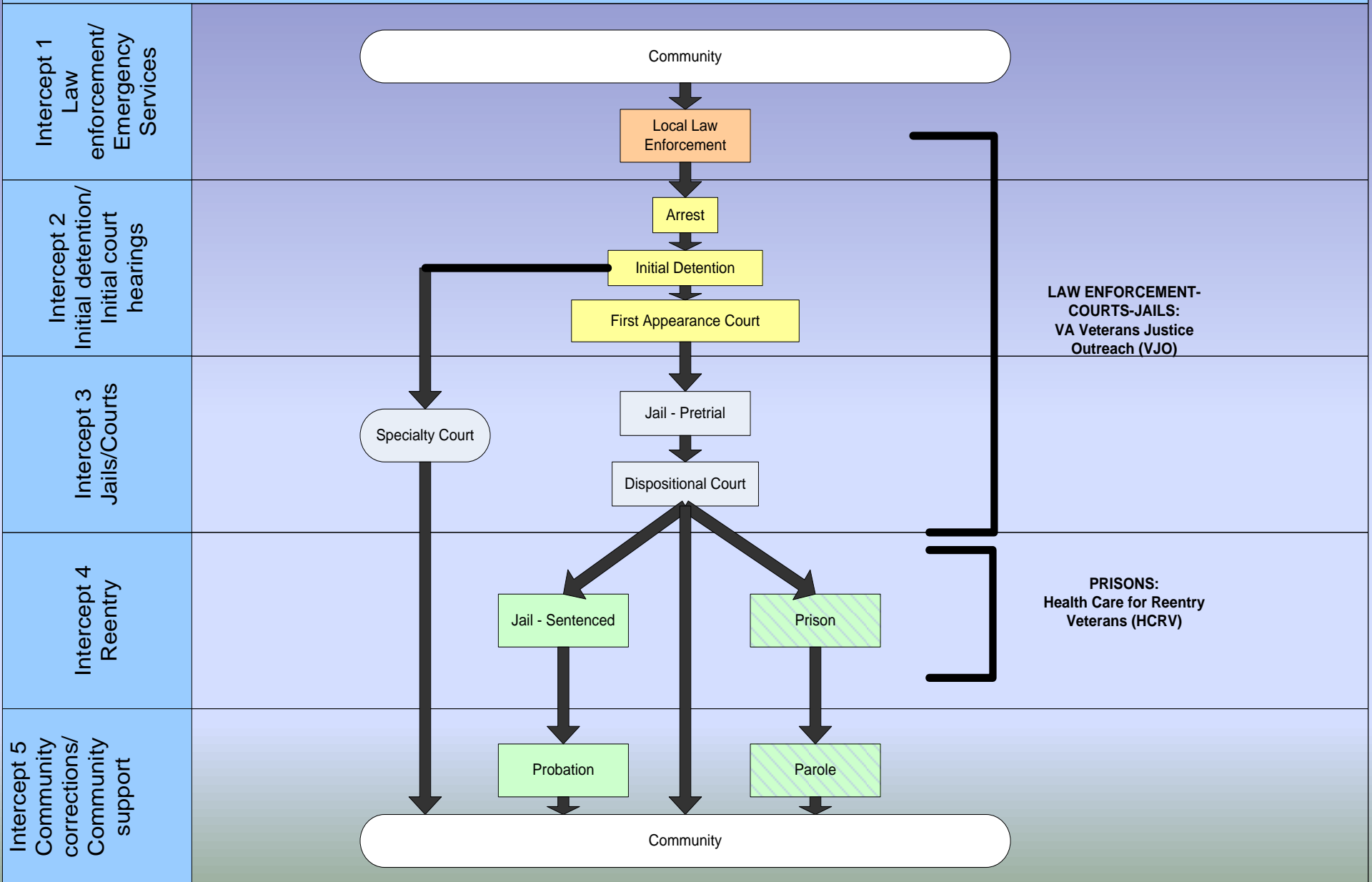
# High Risk Behavior, Alcohol & Rage = Jail

“Behaviors that promote survival within the combat zone may cause difficulties during the transition back to civilian life. ***Hypervigilance, aggressive driving, carrying weapons at all times, and command and control interactions***, all of which may be beneficial in theater, can result in negative and potentially criminal behavior back home.”

Source: (CMHS National GAINS Center (2008). *Responding to the needs of justice-involved combat veterans with service-related trauma and mental health condition: A consensus report of the CMHS National GAINS Center Forum on Combat Veterans, Trauma, and the Justice System*. Delmar, NY: Author. Retrieved at: [http://www.gainscenter.samhsa.gov/pdfs/veterans/CVTJS\\_Report.pdf](http://www.gainscenter.samhsa.gov/pdfs/veterans/CVTJS_Report.pdf)).



# Sequential Intercept Model



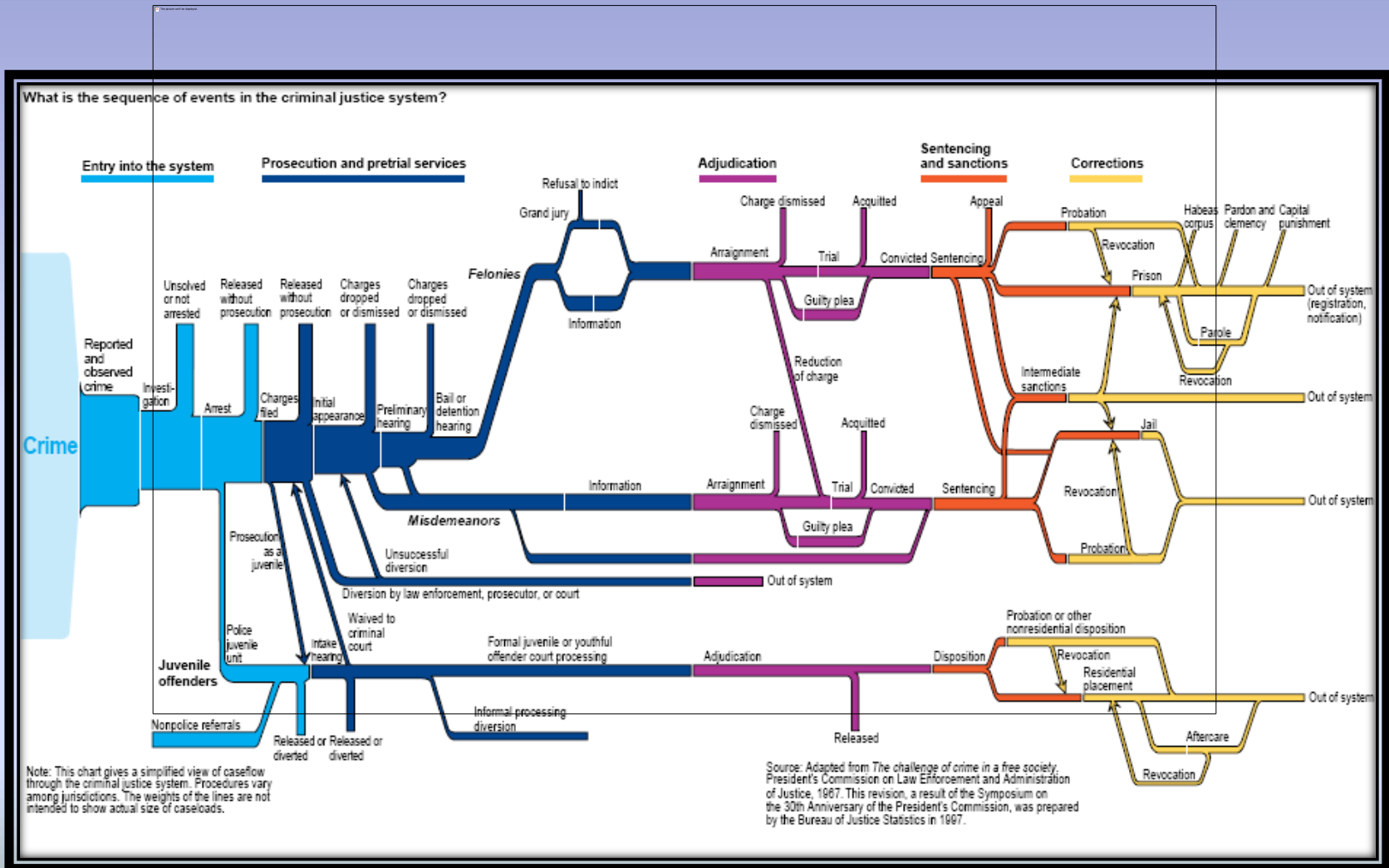
# Law Enforcement

- Law Enforcement Training
- Local Curriculum
  - Objectives
- Identify adaptations individuals make to a combat environment that may impact behavior in a civilian setting
- Differentiate between normative post-deployment readjustment and PTSD with TBI considerations
- Employ strategies for interacting with returning soldiers that may increase the likelihood of positive outcomes

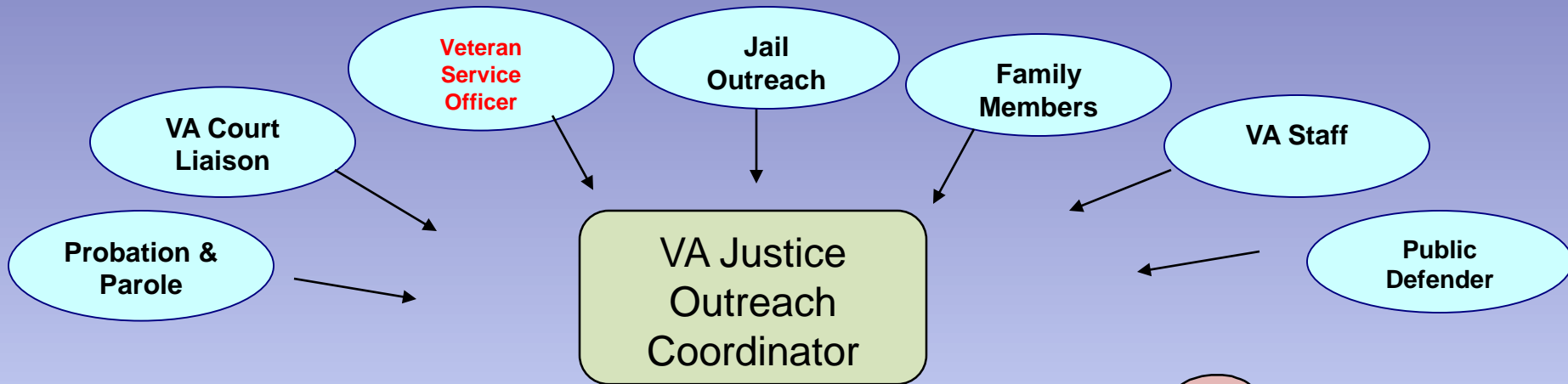
# Jail Outreach Services

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# Criminal Justice System



# VA JUSTICE OUTREACH PROCESS



T  
R  
I  
A  
G  
E

**Mental Health & Social Work**  
PCT    MH GEN  
SATP    MICHAM  
Day Tx    OEF/OIF

**Primary Healthcare:**  
CLINIC  
VESTING  
TBI

**Community Stabilization Support Services:** ID, Food, Clothing, Housing, Employment, Transportation (GPD)

**VBA & Service Organizations:**  
SC Comp  
Pension  
Upgrades

# THE VALUE AND LIMITATION OF VJO

## Can...

- Reach out to law enforcement, jails, and courts;
- Provide comprehensive healthcare services;
- With Veteran consent, communicate essentials (attendance, progress, tx testing, d/c plan);
- Serve all veteran eras;
- Function as court team member;
- Assess veteran's healthcare needs, identify appropriate VA and non-VA services;
- Refer and link veteran to services;
- Provide EBT for court-monitored veterans.

## Can't...

- Do everything;
- Provide legal advice
- Write lengthy court reports, complete Diversion paperwork;
- Serve only OEF/OIF veterans;
- Decide criminal justice criteria for veteran court participation or decide who gains admission to specialty treatment court;
- Perform forensic psychiatric or psychological evaluation for the court;
- Do Diversion Programming, accept custody;
- Guarantee program acceptance;
- Advocate for legislation;
- Serve VHA ineligible Veterans.

# Limitations & Gaps in Service Delivery

- Title 38 CFR 17.38 (c)(5) does not allow VHA to provide:
  - Hospital and outpatient care for a Veteran who is
    - Either a patient or inmate in an institution of another government agency
    - If that agency has a duty to give that care or services

# Homelessness Risk

Incarceration as an adult male is the single highest risk factor of ever being homeless (NSHAPC/Burt, 1996)

“Lengthy periods of incarceration in remote locations often attenuate the social and family ties that are crucial for successful reentry into the community.” (p. 9-5).

“...(E)ven short term incarcerations may disrupt lives and interfere with the ability to maintain employment and housing.” (p. 9-6).

(Metraux, Roman, and Cho on prison reentry/jail stays, National Symposium on Homelessness Research, 2007)



# Incarcerated Veteran Benefits



- VA can pay certain benefits to veterans who are incarcerated in a Federal, state or local penal institution.
- **VA Disability Compensation**
  - -Monthly payment will be reduced to 10% beginning with the 61<sup>st</sup> day of imprisonment for a felony. (ex.)
  -
- **VA Disability Pension**
  - -Monthly payment will be discontinued effective the 61 day of imprisonment following conviction of a felony or misdemeanor.
- Apportionment
  - -VA can take all or part of the compensation the veteran is not receiving and apportion it to the veterans dependents on the basis of individual need for compensation.
- Resumption of benefits-notify VA

# Notable Developments

- Access to Legal Services
  - VHA Directive 2011-034: VA medical centers making office space available for legal service providers to work with Veterans
  - Legal services for homeless and at-risk Veterans through VHA Supportive Services for Veteran Families (SSVF) program
  - Promoting legal service providers' participation in SSVF as subcontractors (example: DoJ Access to Justice Initiative webinar)
- Multimedia Outreach: Videos
  - 1) “A Second Chance for Veterans” – for VA leadership/staff and community partners (SECVA introduction – thank you)
  - 2) “Suits: Support for Incarcerated Veterans” – direct outreach to incarcerated Veterans (includes a companion training video for correctional staff)
  - National dissemination:
    - Justice Programs staff are working with the Association of State Correctional Administrators and other partners to get “Suits” aired in correctional facilities nationwide

# Policy issues

- Incarcerated Veterans Released to Temporary Housing
  - VHA Directive 2011-028
  - 38 CFR § 17.38(c)(5): veterans released to a temporary housing program (such as a community residential re-entry center or halfway house) are now eligible for VHA services
- Access to services 10N memo
  - Distributed to all VISN and medical center directors
  - Re-entry and justice-involved veterans must be treated in the same patient-centered manner as other veterans
- Sex offender guidance from OGC
  - Distributed to regional counsels, VA police forces, VISN and medical center directors
  - VA medical centers should treat veterans eligible for VA health care who are also registered sex offenders the same as they would treat any other patients.

# Conclusion

“If society is judged by how it treats the least fortunate, how do we want to be remembered for the treatment of our Veterans?”



## **Discussion/Questions?**

\_ Patrick Diggs, LCSW, BCD

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