

My name is John A. Zottola. I am a Judge in the Criminal Division of the Court of Common Pleas of Allegheny County, Pennsylvania, and I have been the supervising judge of our county's Mental Health Treatment Court since March of 2006. Recently I was assigned to supervise our newly created Veterans' Court. Our Veterans' Court was created based on a recognition of the tremendous sacrifices made by our veterans for the safety, freedom, and liberties of their fellow citizens and the special circumstances that may exist when a veteran finds himself or herself in the midst of the Criminal Justice System. The special circumstances, combined with the successes that have been achieved in treatment courts, such as Mental Health, Drug, and DUI Courts, call for the establishment of an avenue to deal with veterans' issues in the Criminal Justice System while being mindful of the need to protect public safety.

A joint task force, co-chaired by PA Supreme Court Justice Seamus McCaffrey and VISN 4 Director Michael Moreland, was created to address the needs of PA veterans within the Criminal Justice System. Its inaugural meeting was held February 3, 2010, in Harrisburg, PA. At the task force meeting, the need to divert and treat--with regard for public safety--those veterans at various stages in the Criminal Justice System was agreed upon. The diversion at different levels mimics the highly successful sequential intercept model used in Mental Health Treatment and Diversion--a copy of which is available in the materials of the February 3rd meeting.

Simply put, the Sequential Intercept Model has five (5) intersects in the Criminal Justice System where a person can be diverted, housed, treated and provided for in lieu of incarceration or custody. Allegheny County's Department of Human Services describes that model as follows; Intercept One: Pre-arrest diversion, Intercept Two: Post-arrest/Jail diversion, Intercept Three: Court/Jail Diversion - Mental Health Court, Intercept Four: Re-entry from jail, Intercept Five: Probation/Parole.

Since our county has diversionary plans at all points along the Intercept Model, it was determined that our Veterans track or Court would concentrate the efforts at diversion at the Court of Common Pleas, which is similar to our Drug, Mental Health and DUI Courts.

My experience has been exclusively with Mental Health and Mental Health Court. Our Mental Health Court has been in existence since 2001. In 2001, 16 clients appeared in Mental Health Court. Currently, there are over 320 clients in the court. The

premise in 2001, which clearly applies to veterans in the Criminal Justice System today, is that diversion and treatment, rather than the revolving door of incarceration, release, re-arrest, and re-incarceration, is the right thing to do. A 2007 Rand Corporation study of Allegheny County's Mental Health Court, which shows a taxpayer savings over two years as a result of diversion in lieu of incarceration, demonstrates that the concept also makes fiscal sense. Similar if not additional savings can be obtained with Veterans Court based on the participation of the Veterans' Administration, a potentially powerful ally of the veterans in the diversionary program. Also, there is no reason to believe that the low recidivism rate for Mental Health Court can not be duplicated with veterans. Our current internal recidivism rate for Mental Health Court is approximately 15%, proving that treatment courts work.

The treatment court approach to criminal justice is radically different from the traditional understanding of the criminal justice system. Treatment courts approach the resolution of cases as a team, as opposed to using the traditional adversarial model, in which the judge is always the arbiter. While the traditional approach places the judge at the top of the pyramid, treatment courts are horizontal in nature, with the judge acting as the ultimate arbiter only when a consensus cannot be reached by the team. Some have called the treatment team approach as the "transformed" court process.

Judge Roger K. Warren, President of the National Center for State Courts, has crisply and effectively captured the comparison between the "traditional" and "transformed" court processes:

A Comparison of Transformed and Traditional Court Procedures

Traditional Process

Dispute resolution

 Legal outcome
 Adversarial process
 Claim- or case-oriented
 Rights-based
 Emphasis placed on adjudication

 Interpretation and application of law

Transformed Process

Problem-solving dispute avoidance
 Therapeutic outcome
 Collaborative process
 People-oriented
 Interest- or needs-based
 Emphasis placed on post-adjudication and alternative dispute resolution
 Interpretation and application of social science

Traditional Process (cont'd)

Judge as arbiter

Backward looking

Precedent-based

Few participants and stakeholders

Individualistic

Legalistic

Formal

Efficient

Transformed Process

Judge as coach, social worker, cheerleader, case manager or risk manager, member of treatment or therapy team, listener translator, lead actor in courtroom drama

Forward looking

Planning-based

Wide range of participants and stake-holders

Interdependent

Common-sensical

Informal

Effective

A typical treatment team consists of Judge, Assistant District Attorney, Public Defender, Forensic Support Specialist, Specialized Probation Officers. Two other component members of the Veterans Court Treatment team that would be tremendously important and beneficial would be the Veterans Administration and a Veteran Mentor. Funding resources are needed to support the treatment team in each of the categories and funding resources for coordination among the treatment court's is essential.

Veterans need and deserve diverse treatment in the Criminal Justice System as a result of the traumas sustained in military conflicts. A substantial percentage of veterans returning from Iraq and Afghanistan, as well as previous wars and conflicts, return home suffering from Post-Traumatic Stress Disorder (PTSD), as well as other mental illnesses. For those returning with PTSD or other mental disorders, both societal expectations and family challenges often demand quick reintegration into a society for which the vet may be ill equipped. As a result of these pressures, veterans grapple with stresses that often result in criminal episodes.

We now recognize that many veterans believe that participation in mental health, drug or other treatment courts may stigmatize them as of a result of certain aspects of military culture. Because of this, the diversion of veterans in the criminal justice system to a separate veterans court will encourage participation and treatment of some veterans who would otherwise avoid it.

The goal of a Veterans Court should be “to reduce the percentage of veterans with co-occurring mental health and substance abuse disorders by considering the experience of war before sentencing and by helping former soldiers find treatment.” The critical initial threshold must be to convince arrested veterans that there is no shame in accepting help.

A critical component of veterans court would be the role filled by other veterans in the courtroom. These “mentors” would serve as informal advisors to the court participants, helping with a variety of issues, ranging from VA paperwork and benefit questions to encouragement and support of veterans who are uneasy about entering treatment. The mentor program would put the powerful bonds of military service to good use by enlisting local veteran volunteers to help overcome participants’ resistance to treatment and point them in the right direction.

Judge Russell of the Buffalo Veterans Court attests to the success of mentors, saying, “We have close to twenty veterans who are volunteering as mentors to help (the defendants) readjust to civilian life. It’s amazing to see how one veteran talking to another veteran can help in encouraging treatment.” The mentors would appear in court and also meet with veterans who are showing hesitance about entering the program.

As in our other problem solving courts, the participants of veterans court would also be assigned a professional caseworker from Justice Related Services. The veteran mentor--a volunteer at this time--would supplement rather than replace the caseworker. Most, if not all of the mentors will have served in conflicts from Vietnam to Iraq and Afghanistan and will be well equipped to understand the feelings and emotions of those who have also served in similar environments.

This mentor role is so critical that it may be necessary and advisable to identify a fund that would compensate the mentors for their work with the program. This concept has gained support in other treatment courts. Such a program provides value and self-worth to the mentor and compensates them for providing an important service to the court as an extra set of eyes that watch the veteran in the community. They will also provide a gentle or forceful coaxing of the veteran to be medically compliant, meeting and treatment compliant, drug and alcohol free, and crime free. A mentor will be a

supportive individual who has “been there and done that” and can offer support and praise when accomplishments are achieved.

Allegheny County's Veterans Court will accept both misdemeanor and felony cases through a process where a veteran's case will be referred into the court, their eligibility for VA benefits and treatment will be evaluated and their ultimate acceptance in the court will be made by a panel which would include the District Attorney representative, counsel for the veteran, and the treatment agency.

In the end, our goal is to provide an effective and efficient criminal justice tool to, whenever possible, divert a veteran in the Criminal Justice System.