

Veterans Treatment Review Court (VTRC) Pilot Program Cumulative Report: Initial Thirty-Six Months of Operation

February 4, 2011-February 7, 2014

This is a report on the initial thirty-six months of operation of San Diego's Veterans Treatment Review Calendar (VTRC) Pilot Program (See APPENDIX I: TEAM MEMBERS and RESOURCE AGENCIES), a probation monitoring program with multiple court appearances, substance testing, group and individual counseling, various types of treatment, and proactive, direct, and pervasive monitoring that has:

- A 4.1% recidivism rate among its 74 participants during active probation (three participants suffering new cases, each a misdemeanor);
- A 0% post-graduation, recidivism rate among its 27 graduates; and
- Saved San Diego County and California State taxpayers \$3.9 million in incarceration and treatment costs.

A. LEGISLATURE'S MANDATE TO THE COURTS CONCERNING SENTENCING MILITARY VETERANS. Penal Code 1170.9 mandates that courts consider treatment rather than incarceration when sentencing a defendant who has served in the military and:

- Who suffers from a diagnosed condition listed in the statute: sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems ("listed condition");
- The listed condition stems from service in the military; and
- The defendant's criminal conduct was the result of the listed condition.

§1170.9 is not a grant of amnesty; nor a hand up. Rather, §1170.9 is a "chin up bar" installed by the Legislature for a convicted veteran to pull himself/herself up:

- Through the program's strict eligibility process; then
- Through the emotionally wrenching, soul searching treatment of the military-related, mental health condition that resulted in the offense that brought him/her into the criminal justice system usually for the first time in his/her life; and
- Finally to the goal of reentering the community with the restored skills to be a law-abiding citizen for the years after graduation.

B. PROFILE OF THE POPULATION TO BE ADDRESSED. San Diego County has 387,000 military veterans residing within its boundariesⁱ.

- About 38,000 have "recent combat service," the greatest concentration of any county in the United States and almost double the number residing in Los Angeles.
- Of that 38,000, research by the Department of Veterans Affairs (VA) indicates that approximately 13,300 will suffer a diagnosable, listed condition:
 - Almost 6,700 of those will be incarcerated for criminal activity; and
 - 1500 of those will be charged with felony crimes.ⁱⁱ
- On average, 100 self-identified, military veterans are booked into San Diego County Jail each week. Based on age, it is estimated that about 25% of these veterans served during the Iraq and Afghanistan wars.ⁱⁱⁱ
- Statistically, most veterans that become involved in the criminal justice system are not being evaluated for purposes of Penal Code 1170.9.
- In the next few years, approximately 15,000 San Diego-based service members will be discharged from the military each year and about 50% of those will make San Diego County their home.^{iv}

C. PROFILE OF PARTICIPANTS SERVED IN VTRC. For the 74 veterans that have been admitted (See APPENDIX II: ADMISSION PROCESS) as participants into the VTRC Pilot Program:

- **BACKGROUND.**
 - The participant was a law abiding teenager and young adult with no history of domestic violence, substance abuse, or significant criminal conduct. The history is of employment and good citizenship.
 - The participant honorably served as a member of the United States military, receiving promotions and commendations.
 - Collectively, the 74 participants have deployed 149 times on missions outside the United States. Each participant had from 0 to 6 combat tours.
 - The participant suffers a listed condition that stems from a traumatic event experienced during service in the military. The defendant's criminal conduct is the result of that mental disorder.

- **CRIMINAL HISTORY PROFILE OF VTRC'S 74 PARTICIPANTS.** After returning to the United States from a military deployment, the participant, for the first time in his or her life, suffered his or her first criminal conviction. For most of these offenders, they do not get engaged in treatment on their first offense. Rather, they commit at least one additional offense before they are referred to VTRC.
 - **NUMBER OF CRIMINAL CASES OF VTRC'S 74 PARTICIPANTS.** Most participants suffer more than one post-deployment conviction before they have a case in which they are identified as a military veteran and admitted into the VTRC program.
 - For 30 participants, their first criminal offense is the current offense admitted into VTRC.^v
 - For 44 participants, they accumulated a combined total of 135 prior cases. Each case occurred after the military deployment and before their current case was admitted into VTRC.
 - **TYPES OF CRIMINAL CASES OF VTRC'S 74 PARTICIPANTS.**
 - For 35% (26) of the participants, the current offense involved driving under the influence of alcohol (DUI) (13 felony cases and 13 misdemeanor cases.)

Generally, the participant had one or more prior DUI convictions that occurred 12-24 months before the current offense. In the prior case, the participant received a sentence with conditions that did not recognize that this offender had recently returned from combat deployment. The participant was on probation for the prior DUI offense(s) when they committed the current DUI offense.^{vi}
 - For 30% (22) of the participants, the current offense involved domestic violence (13 felony cases and 9 misdemeanor cases.)

The DV victims were generally family members including spouses/intimate partners (15 cases), parents (3 cases) and children (4 cases). Police reports in most of these cases indicated that the victim/reporting party wanted the participant to get treatment for behavior that arose since returning from military deployment(s). None of these participants had any history of domestic violence prior to military deployments.
 - For 35% (26) of the participants, alcohol abuse is present in several of their current crimes:

<ul style="list-style-type: none"> • 7 assault cases; • 4 drug use and/or sales cases; • 3 battery cases; • 3 burglary; • 2 theft case; • 2 threat cases; 	<ul style="list-style-type: none"> • 1 vandalism case; • 1 vehicle theft case; • 1 evading an officer; • 1 illegal use of a firearm case • 1 case of cruelty to animals.
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- **GRADUATION FROM VTRC PROGRAM TO DATE.** Of the 74 participants admitted into VTRC:
 - 27 participants have graduated:
 - Range of time between admission and graduation: 12 – 30 months. Average: 17 months
 - The 27 graduates had 72 cases prior to admission: 1 – 8 cases per person.
 - First VTRC participant graduation was on May 18, 2012.
 - 37 are current participants in VTRC.
 - 3 participants withdrew voluntarily before completion of the program.
 - 7 participants were involuntarily removed before completion of the program and received traditional sentences after termination of probation.

D. VTRC PROGRAM’S IMPACT ON SAN DIEGO COUNTY: While holding each participant accountable for his or her crime, the VTRC has returned its participants to our community with the restored ability to live as law abiding, productive citizens, posing no danger to the safety of the public. The cost of bringing about this restoration is being borne primarily by the Federal Government.

- **RESTORING PARTICIPANTS TO BEING PRODUCTIVE, LAW ABIDING CITIZENS.**
 - **EDUCATION**
 - 17 participants completed one or more semesters of college level courses
 - 1 participant is in a graduate school program.
 - 2 participants are in vocational training.
 - 2 participants have earned a college degree
 - **EMPLOYMENT**
 - 12 participants have secured full time work.
 - Several other participants have been determined to be disabled by the VA and are receiving VA benefits that include compensation for service-connected disabilities.
 - Currently
 - 9 participants are employed, at least part time, in a civilian position
 - 5 participants remain on active military duty (4 Marine Corps & 1 Navy) with one Marine being promoted to Staff Sargent during his final phase as a VTRC participation.
 - **LAW ABIDING**
 - While on VTRC monitored probation, the 74 participants had a 4.1% recidivism rate; three participants suffering new cases, all misdemeanors.
 - The 27 graduates of VTRC have had a 0.0% recidivism rate.
 - 862 toxicology tests were administered to participants.
 - 804 negative results.
 - 58 positive results. Seven participants accounted for over half (32) of the positive tests.
 - The Probation Department conducted unannounced breath tests that were all negative for the presence of alcohol.
 - 13 participants were monitored by SCRAM (continuous alcohol monitoring) for a total of 1,498 days with only one day of confirmed consumption of alcohol.
 - **BENEFITTING THE COMMUNITY**

VTRC participants have volunteered over a thousand hours in service to the San Diego community through “Give Back” Projects completed during the second of the three phases of the VTRC program. Examples of their projects include:

 - Speaking to other veterans and active duty service members about their mental health conditions and treatment; rehabilitating thrift store facility for a non-profit; providing

outreach to homeless veterans through service at Operation Stand Down; teaching fellow veterans to care for horses at Pegasus Rising; cooking food for little league fundraisers; baking goods for the Winter Shelter residents; being interviewed for college studies on treatment of PTSD; Navy Relief volunteering; Semper Fi volunteering; volunteering at ACVOW; organizing running groups for recovering veterans; telling their stories of recovery to Wounded Warriors at Navy Hospital C5 ward; volunteering with psychiatric emergency response teams from the VA; and creating logos for non-profit charities.

- **AVOIDANCE OF \$3,985,388 COSTS TO SAN DIEGO COUNTY AND STATE OF CALIFORNIA.**
 - With all 74 participants out of custody, San Diego County and the State of California have avoided \$2,729,767.50 in jail and prison costs (based on \$109.30 p/day with a total of 24,975 days).
 - With all 74 participants receiving treatment and housing paid for by the Department of Veterans Affairs, San Diego County has avoided costs in excess of \$1,255,000 including approximately 10,600 residential days (\$39-\$1185 p/day) and 6,500 hours of therapy (\$61.50 p/hr. LCSW rate/\$100 p/hr. PhD rate)

E. AWARDS AND ACKNOWLEDGEMENTS.

- Assembly Member Toni Atkins commissioned development of a video of VTRC proceedings and interviews with team members and graduates for use in educating state governmental leaders about Veterans Treatment Courts.
- For the innovative public-private partnership established in the VTRC Pilot Program, San Diego County received the National Association of Counties (NACO) Achievement Award for 2012.
- The VTRC judge and coordinator were invited to join the Administrative Office of the Court’s Collaborative Court Committee (Veterans Treatment Court subcommittee) to consult regarding: (1) the model utilized in San Diego, (2) coordinating inter-agency collaboration, and (3) establishing best practices for Veterans Treatment Courts in California.
- The VTRC judge received the 2013 Unsung Hero Award from the National Coalition for Homeless Veterans.
- AmeriCorps found that placing two of its Legal Fellows to work with VTRC was so successful that it has reported a desire to increase the number of Fellows placed with Veterans Treatment Courts throughout the country.

F. FUTURE OF THE VTRC PILOT PROJECT. The VTRC Team will continue its current efforts to improve the Pilot Project (See APPENDIX III: IMPROVING THE PROGRAM). To provide short and long term protection to the public:

1. Through public education presentations (See APPENDIX IV: PUBLIC OUTREACH), the VTRC team intends to expand the early identification of veterans in the criminal justice system.
2. VTRC should continue admitting those PC 1170.9 cases which both:
 - Need the most intense supervision of probation, usually involving offenses posing substantial danger to the public and potential prison commitments; and
 - Present a mental disorder that is likely to be substantially improved within VTRC’s twelve to eighteen month treatment program.
3. Currently, sentencing judges that grant 1170.9 probation usually refer the case to VTRC for probation monitoring. Only a few 1170.9 probation cases have been retained by the sentencing judge for probation

monitoring. The VTRC Team intends to encourage and support the individual sentencing judge's ability to retain certain PC 1170.9 cases for probation monitoring. The sentencing court could retain a case in which:

- It is not required for the defendant to appear in court twice each month during the first year of probation in order for the defendant to be successful in treatment;
- The offense is a less serious, first offense;
- The defendant has a family, community, and employment support network in place; and
- The veteran suffers under chronic Post-Traumatic Stress and co-morbid substance addiction, conditions which generally take longer to treat than the 12-18 month VTRC program.

NOTE: A Penal Code §1170.9 Guide for San Diego sentencing judges is planned for release in March, 2014.

ROGER W. KRAUEL

ROGER W. KRAUEL
ASSIGNED JUDGE, VTRC

APPENDIX I

TEAM MEMBERS and RESOURCE AGENCIES

THE VTRC TEAM is composed of several agencies. Each agency has added VTRC-related work to its current workload and financial budget. Each agency has designated a specific person as its representative to the VTRC to provide continuity of involvement and to develop in that representative an expertise in the subject matter of the VTRC process, to include veteran-related culture, trauma effects, and trauma treatment. Designated representatives maintain competency by continued, role-specific training and by working individually and collectively to educate their peers and the public regarding the VTRC. The agencies on the Team, in alphabetical order, are:

- California Veterans Legal Task Force (CVLTF)
A public charity established by private initiative under Internal Revenue Code §501(c)3. Provides a person experienced in the criminal justice system, the military, and trauma as its designated representative. Serves as Team Coordinator who: coordinates and sustains the community effort to support VTRC; provides interagency coordination; recruits, trains and supervises mentors; and supervises the administration and evaluation components of VTRC.
- Department of Veterans Affairs
Provides assessment, treatment, and case management services to participants; and advises the VTRC on related matters. Provides a VA Veterans Court Liaison as its designated representative.
- San Diego Office of the Primary Public Defender
Provides legal assistance to defendant/applicants and participants. Provides a lawyer as its designated representative.
- San Diego County Probation Department
Monitors participants. Provides a probation officer as its designated representative.
- San Diego District Attorney
Provides law enforcement perspective in VTRC operations. Provides a lawyer as its designated representative.
- San Diego Sheriff's Office
Provides assistance and advice in: identifying the approximately 100 defendant/veterans who are booked each week into our local jails; transferring defendant/veterans from custody to treatment programs in accordance with court order; and developing alternatives to jail. Provides a member of Sheriff's Senior Staff as a designated representative.
- San Diego Vet Center
Provides assessment, treatment, and case management services to participants; and advises the VTRC on related matters. Provides a psychologist as its designated representative.
- Superior Court, County of San Diego
Provides a judicial officer, court staff, and facilities to support the VTRC Pilot Program
- Veterans Village of San Diego
Provides assessment, treatment, housing, and case management services to participants; and advises the VTRC on related matters. Provides a licensed therapist, M.F.T., as its designated representative.

RESOURCE AGENCIES. Establishing and operating the VTRC Pilot Project has involved the VTRC Team in bringing together numerous agencies, including:

- 2-1-1 San Diego
Partnered with CVLTF and VTRC to help refer their callers who were experiencing mental health issues and criminal cases as well as tracking the data on the number of legal oriented calls coming to their system. Their specialized veteran outreach operators continue to assist

veterans and their families in connecting with VTRC and report about 30% of the calls they receive from veterans and family members are seeking some sort of legal assistance.

- Alliant International University
- American Combat Veterans of War (ACVOW)
- AmeriCorps, Legal Fellows
 - Placed two Legal Fellows to work with the VTRC Pilot Program.
- California Western School of Law
 - Students provided accredited volunteer legal assistance to VTRC program.
- Community Volunteers
 - VTRC has been supported with an estimated 28,452 volunteer hours by mentors, law students and legal interns, AmeriCorps legal fellows, and community volunteers. These hours were distributed as follows:
 - Mentor team (40 veterans total, 23 active mentors) – average 4 hours with mentee participant p/week – 14,508 hrs.
 - Mentor team staff – average 10 hours p/week – 3,080 hrs.
 - Law students/interns (14+) – 3,584 hrs.
 - AmeriCorps Legal Fellows – 4560 hrs.
 - VTRC Coordinator – 2720 hrs.
 - Numerous organizations and employers who allowed their employees to be volunteers in service to VTRC.
- Interfaith Community Services (ICS)
 - Joined to provide supportive, community-based sober housing to participants who would have otherwise been homeless.
- Mental Health Systems, Inc.'s Courage to Call Program;
- Naval Hospital Camp Pendleton
 - Increased direct treatment and case management services for active duty VTRC participants.
- Navy Region Southwest and Marine Corps Base Camp Pendleton
 - With a number of commanders at local Navy and Marine Corps bases, paved the way for active duty participants to be retained in the military while their VTRC cases progressed. These military commanders coordinated DoD-provided healthcare for their service members' mental health conditions to enable monitoring by the VTRC.
- Navy Regional Medical Center San Diego (Balboa Hospital)
 - Increased direct treatment and case management services for active duty VTRC participants.
- Operation Homefront
 - Provided furniture to help one VTRC participant establish a household when the Family Court awarded him custody of his 6 year old daughter;
- Policy Research Associates, Inc.
 - Analyzed VTRC data and advised evaluation component;
- San Diego County Behavioral Health and Health and Human Services Agency (HHS)A
 - Provided a pay-for-performance contract in 2012-13 to CVLTF to assist with developing identification of veterans with mental health conditions; designing an evaluation system; data collection and analysis; conducting San Diego County jail information briefings for incarcerated veterans; developing veteran culture strategies for treatment programs; community education presentations; and consultations to veteran outreach coordinators who can assist homeless and justice-involved veterans in seeking treatment. This contract partly funded CVLTF for VTRC mentor recruitment, training and supervision; coordinator and Administrative/Evaluation components. This contract was coordinated by Mental Health Services, Inc. through its Courage to Call Program.

- San Diego City Attorney
- San Diego County Alternate Public Defender
- San Diego County Veterans Service Office
- San Diego Veterans Coalition
- Semper Fi Fund
 - Provided funding for two VTRC participants experiencing family emergencies.
- State of California Department of Employment Development Veterans Work Centers
- Stanford Law School
 - Provided summer intern to VTRC program.
- Thomas Jefferson School of Law, Veterans Legal Assistance Clinic
 - Students provided accredited volunteer legal assistance to VTRC program.
- U.C.S.D. Criminal Justice Research Programs
- United Veterans Council
- U.S.C. School of Social Work
- USD, Veterans Legal Clinic
 - Joined to provide consultation directly to veteran consumers engaged in college to assist them in evaluating contracts and schools so that their G.I. Bill funds are not used up in pursuit of non-transferrable credits. This past year, they expanded their services to assist veterans with discharge upgrades to enable them to be eligible for VA benefits.

APPENDIX II ADMISSION PROCESS

VTRC PILOT PROGRAM'S PRE-ADMISSION, MULTI-STEP EVALUATION

In the first thirty-six months of VTRC's operation, 405 defendants were in contact with the VTRC Team concerning a grant of Penal Code 1170.9 probation to be monitored by VTRC. 74 of those defendants were granted Penal Code 1170.9 probation and admitted into VTRC for probation monitoring.

- **During the Initial Screening of these 405 defendants**, the VTRC Coordinator and VA Court Liaison provide 1170.9 information to in-custody defendants and AORs considering an application for 1170.9 probation; and provide an Application Packet and clarification of eligibility requirements upon request. When the application is found to be complete, the case proceeds to *Prima Facie* Review.
 - 204 did not proceed to *Prima Facie* Review:
 - For 170 defendants, the assigned or retained defense counsel did not follow up after initial screening; 164 of those were veterans who were informed of VTRC/1170.9 during a jail outreach and their attorneys did not follow up.
 - For 12 defendants, the actual charge(s) was determined to be inappropriate for VTRC monitoring, either too severe or too minimal; or otherwise ineligible.
 - For 4 defendants, defense counsel and prosecutor were unable to reach a plea agreement that included VTRC. Defendant pleaded guilty as part of a plea agreement that did not include treatment.
 - For 6 defendants, no appropriate underlying service-connected condition needing treatment was identified, or the needed mental health treatment was beyond the scope of VTRC .
 - For 2 defendants, defense counsel and prosecutor were unable to reach a plea agreement that included VTRC. The defendant pleaded guilty and was ordered to treatment in accordance with Penal Code 1170.9 and monitored by the sentencing judge.
 - For 8 defendants, the veteran declined to participate.
 - For 2 defendants, the reason for not proceeding to the *Prima Facie* review is unknown.
 - 201 defendants proceeded to *Prima Facie* Review.
- **During the Prima Facie Review of these 201 defendants**, the VTRC Coordinator reviews the completeness and sufficiency of the application packet to determine whether the defendant has made a *prima facie* showing of eligibility for Penal Code 1170.9 probation. The VA Healthcare System's VA Court Liaison conducts an initial assessment of the individual to determine the presence of a treatable, service-related, mental health condition.

Of the 201 applicants,

- 51 applications did not proceed to the initial assessment:
 - 12 defendants withdrew their application before the initial assessment.
 - 11 defendants were deemed to have a mental health condition requiring treatment beyond the scope of VTRC.

- 8 defendants did not demonstrate a nexus among their alleged military trauma, the alleged listed condition and the crime; or did not demonstrate they were suffering a military-related, listed condition and needed treatment.
- 7 defendants were recommended for Penal Code §1170.9 probation but were not eligible for admission into VTRC.
- 4 defendants, defense counsel and prosecutor were unable to reach a plea agreement that included VTRC. Defendant pleaded guilty as part of a plea agreement that did not include treatment.
- 2 defendants, defense counsel and prosecutor were unable to reach a plea agreement that included VTRC. The defendant pleaded guilty and was ordered to treatment in accordance with Penal Code 1170.9 and monitored by the sentencing judge.
- 1 defendant's actual charge(s) was determined to be inappropriate for VTRC monitoring.
- 1 defendant was sentenced traditionally without being evaluated for VTRC.
- 1 defendant's assigned or retained defense counsel did not follow up after initial screening.
- For 4 defendants, the reason for not proceeding to the initial assessment is unknown.

- 16 are pending an initial assessment:
 - 7 are awaiting submission of a complete application prior to being approved for assessment
 - 9 have been approved for assessment and are awaiting assessment and submission of a treatment plan.

- 12 applications did not proceed from the initial assessment to Team Staffing:
 - 6 defendants withdrew their application before the Team Staffing.
 - 2 defendants did not demonstrate a nexus among their alleged military trauma, the alleged, listed condition and the crime; or did not demonstrate they were suffering a military-related, listed condition and needed treatment.
 - 1 defendant was deemed to have a mental health condition requiring treatment beyond the scope of VTRC.
 - 1 defendant's assigned or retained defense counsel did not follow up after initial assessment.
 - 1 defendant was sentenced without being staffed for a VTRC recommendation.
 - 1 defendant was recommended for a Penal Code §1170.9 but was not eligible for admission into VTRC monitoring.

- 122 defendants demonstrated a *prima facie* eligibility for Penal Code 1170.9 probation; and proceeded to Team Staffing

- **During Team Staffing of these 122 defendants**, the VTRC Team conducted an evaluation of the facts and circumstances of the case, the initial assessment, and the coordinator's report to decide whether to recommend the case for admission into the VTRC Pilot Program.

Of the 122 defendants whose cases proceeded to Team Staffing:

- 34 defendants were recommended by the Team not to be monitored by VTRC:
 - For 5 defendants, because of the veteran's circumstances, the VTRC team recommended that the veteran be monitored under PC§1170.9 by the sentencing judge, not the VTRC.
 - For 5 defendants, the actual charge(s) was determined to be inappropriate for VTRC monitoring, either too severe or too minimal; or otherwise ineligible.
 - For 3 defendants, the treatment needed was for a mental condition that was beyond the scope of VTRC treatment (i.e. severe psychosis, chronic conditions, or long term criminal history where research has indicated that significant treatment progress is not likely to be accomplished with VTRC's available resources or within program time frames.)
 - 3 defendants did not demonstrate a nexus among their alleged military trauma, the alleged, listed condition and the crime; or did not demonstrate they were suffering a military-related, listed condition and needed treatment.
 - For 1 defendant, the veteran was inadmissible as he would not be able to begin a treatment program within 30 days of VTRC admission.
 - For 2 defendants, defense counsel and prosecutor were unable to reach a plea agreement that included VTRC. 1 of those defendants pled guilty and was ordered to treatment in accordance with Penal Code 1170.9 and monitored by the sentencing court
 - 15 defendants withdrew their VTRC applications.
- 88 defendants appeared to meet the Penal Code 1170.9 eligibility criteria and the VTRC requirements and were recommended by the Team to the Sentencing Judge for a grant of Penal Code 1170.9 probation to be monitored by VTRC.
- **During the Judicial Determination of Eligibility by the Sentencing Judge, 88 defendants appeared before the sentencing judge with a Team recommendation that Penal Code 1170.9 probation be granted and the case referred for admission into the VTRC Pilot Program for probation monitoring.**
 - For 14 of these defendants:
 - 6 defendants withdrew their applications before sentencing.
 - For 3 defendants, the sentencing judge determined not to refer to VTRC.
 - 1 defendant was unable to begin a treatment program within 30 days of VTRC admission.
 - For 1 defendant, defense counsel and prosecutor were unable to reach a plea agreement that included VTRC
 - For 3 defendants, they are currently pending sentencing with a possible grant of 1170.9 probation and a referral to VTRC for monitoring.
 - For 74 defendants, the sentencing judge granted 1170.9 probation and referred the case to the VTRC.
- **During the Judicial Determination of Admissibility by the VTRC Judge, the VTRC judge admitted each of the 74 defendants into the VTRC as "participants."**

APPENDIX III IMPROVING THE PROGRAM

INNOVATIONS AND PROGRESS IN IMPROVING THE VTRC PILOT PROGRAM

The VTRC Team members have made significant contributions to the improvement of the VTRC program during the reported period, including:

RESTORATIVE RELIEF EXPANDED. Based on Team Member CVLTF's educational effort which included proposed statutory language and hearing testimony, California added Subdivision (h) to §1170.9 which greatly expanded the restorative relief available to defendants who successfully complete §1170.9 probation treatment. Since January, 2013, 9 VTRC graduates have applied for and been granted restorative relief pursuant to Subdivision (h).

ONE-OF-A-KIND PROGRAM FOR TREATING 1170.9 TYPE DOMESTIC VIOLENCE: Developed by Team members San Diego Vet Center's representative Karen Schoenfeld-Smith, PhD and VVSD representative Marilyn Cornell, M.F.T., in consultation with David Wexler, PhD. have developed the Family Recovery Program (FRP) offered at the San Diego Vet Center. FRP fills a void in the treatment of persons convicted of domestic violence that is the result of a mental disorder stemming from service in the military. San Diego County's Domestic Violence Recovery Program (DVRP) is directed toward domestic violence that is the result of behavior learned from family, friends, and associates. Under PC 1203.097(a)(6), FRP has been determined to be a lawful, though more demanding, alternative to DVRP in 1170.9 cases.

FRP meets in weekly two hour sessions for 52 weeks, and is a combat-directed, counseling program that combines treatment for domestic violence and Post Traumatic Stress. 18 participants have attended FRP for a total of 2,204 hours of treatment.

- 6 participants have completed the FRP program.
- 12 participants have not completed FRP.
 - 7 participants are concurrently active in the VTRC and FRP.
 - 2 participants graduated from the VTRC program and continued to attend FRP - it is unknown if they have completed the FRP program due to limits of releases of information.
 - 1 participant reached maximum benefit of the VTRC program, was withdrawn from the VTRC, and continued to attend FRP - it is unknown if they have completed the FRP program due to limits of releases of information.
 - 1 participant was ordered to another domestic violence treatment program after re-offending.
 - 1 participant was removed from the VTRC Program and is no longer involved in treatment.

As a result of VTRC participants' involvement in FRP, other veterans who are involved in the justice system are seeking treatment at the San Diego Vet Center. This has enhanced the ability to reach a group of veterans that otherwise has been avoidant of effective treatment, or unaware of the treatment available; and has increased the knowledge that support is available to justice involved veterans.

ELECTRONIC APPEARANCES IN COURT: Team member, the Superior Court, County of San Diego, has established point-to-point, internet connections to enable certain participants to appear at their mandatory, biweekly court appearances using Skype to connect the defendant with defense counsel and the court. Electronic appearances:

- Allow VTRC to use distant treatment facilities for particular participants, or when local treatment facilities are unavailable, while avoiding travel time and transportation costs and disruption of the treatment; and
- Allow alternative access to court for particular participants.

INCENTIVES FOR PARTICIPANTS. Team member, **the Office of the San Diego District Attorney** has developed an effective protocol for requesting the VTRC judge to make sentence modifications upon phase progressions to encourage applications for VTRC admission and to provide incentives for participants to comply with the program. The Office of the San Diego District Attorney also published a practical guide to Veterans Courts in a statewide legal journal for prosecutors.

STRENGTHENING SUPERVISION OF PARTICIPANTS. Team member, **the San Diego County Probation Department** has consolidated all VTRC participants into the caseload of a single probation officer, and unifying in that single probation officer the various component functions of the Probation Department. This initiative has greatly improved coordination among the Probation Department, the court, and VTRC team in supervising the participants. The Deputy Probation Officer assigned to the VTRC has provided guidance to over 25 other Probation Officers about the VTRC Program, broadening the screening of probationers for potential VTRC participants.

IMPROVED TRANSPORTATION OF PARTICIPANTS. Team member, **the Office of the Primary Public Defender** has developed transportation services to move participants in a timely manner from jail to treatment facilities. This allows an earlier start for treatment and reduces the jail population.

INCREASED PROGRAM ACCESS TO IN-CUSTODY VETERANS. Team member, **the San Diego Sheriff's Office**, through its Jail Inmate Services staff and jail counselors, has been successful at identifying veterans who are incarcerated who may be eligible for VTRC or PC§1170.9 and continues to facilitate quick access to inmates by VA Veterans Justice Outreach Specialists. This:

- Has facilitated the evaluation and intake of veterans into the treatment programs funded by the VA; and
- Enabled the Sheriff to respond promptly to sentencing judges and counsel in moving defendant's from custody to the VTRC program.

In addition, the Sheriff provided to the VTRC Team his CPAC unit to train and work with VTRC. This resulted in VTRC's being able to use CPAC as a means by which a participant may satisfy mandatory custody obligations in a manner that does not jeopardize the treatment program.

- **MONTHLY JAIL BRIEFINGS.** Team members **VA's Veterans Court Liaison, VVSD, CVLTF, and the San Diego Sheriff's Office** have collaborated to provide monthly jail briefings and as-needed visitations to veteran inmates to connect them to VA services, VTRC, or PC1170.9 options, treatment after release, and housing and other community based services.
- **SPECIAL HOUSING UNIT.** The **San Diego Sheriff's Office, VA's Veterans Court Liaison, CVLTF, District Attorney's Office, and Primary Public Defender** provided leadership, initiative, and ongoing support to the Advisory Council for a project that established the Veterans Moving Forward special housing unit for incarcerated veterans at the Vista Detention Facility. This facilitates medical assessments, VA enrollment, peer mentoring, and motivational interviewing to assist in-custody veterans in obtaining transition services.

- **DEVELOPMENT OF ALTERNATIVE TO JAIL CELL CUSTODY.** Team members CVLTF and the San Diego Sheriff's Office have developed a protocol for electronic monitoring by the Sheriff's CPAC unit as an alternative custody option for VTRC participants. SCRAM continues to provide useful resources and adjusted fees for indigent VTRC participants.

INCREASED PUBLIC AWARENESS. Team member Veterans Village of San Diego has presented more than 30 briefings explaining VTRC operations to visiting dignitaries, elected officials, military leaders, and company CEOs.

EXPANDED TRAINING FOR VTRC MENTORS. All Team Members expanded the Mentor Training Program by including VTRC's supporting agencies in the training of new VTRC

Mentors. In 2013, "Mentor 101" quarterly training was initiated to provide new mentors with:

- Introductions to each member of the VTRC Team;
- Information about the role of each Team member; and
- Instruction on how to guide their assigned, veteran participants.

CVLTF supervises the Mentor Staff component (Administrator, Recruiter and Trainer) which provides basic orientation, background checks, and monthly training on various relevant topics and resources for participants, treatment modalities, and mentoring techniques.

IMPROVEMENT OF CASE MANAGEMENT. Team member VA's Veterans Court Liaison has improved case management by increasing the coordination with counterparts at Navy Regional Medical Center San Diego (Balboa Hospital), Navy Region Southwest Fleet and Family Services, and Camp Pendleton Hospital which has led to increased direct treatment and coordination for active duty VTRC participants.

EXPANDED TRAINING FOR THE VTRC TEAM. Team member CVLTF coordinates an ongoing Team training program conducted on a monthly basis. VA's Veterans Court Liaison, San Diego Vet Center, VVSD, and various community organizations have made presentations to update the subject matter competency of VTRC team members.

APPENDIX IV PUBLIC OUTREACH

VTRC'S PUBLIC EDUCATION STRATEGY AND EFFORTS

A goal of VTRC is to have veterans of military service identified as such as they enter the criminal justice system, and to screen them for eligibility for PC§1170.9 alternatives. As a strategy for achieving this goal, the VTRC Coordinator and Team members have increased their presentation of community awareness training. During the past two years of VTRC operation, informational presentations have been made to the following groups, organizations, and community partners:

State Veterans Organization Leaders; California Department of Veterans Affairs officials; BHETA Veterans Series Professional Training; national jail inmate services professionals at Joyfields Professional Training Re-Entry Conference; Alliant University class; Office of the Primary Public Defender (also attended by private appointed counsel (OAC) and Alternate Public Defenders and broadcast to five branch sites); Navy Region Southwest Fleet and Family Services Senior staff; Staff at Naval Medical Center San Diego (Balboa Hospital); San Diego County Mental Health Board and staff/audience; radio presentation with Rick Rogers, Military Front and Center KBEQ Radio; CAIRS (Communication and Information Referral Services) Conference (Los Angeles); CA County Veterans Service Officers' Statewide Conferences; Swords to Plowshares Statewide Domestic Violence Roundtable; ACIR (Assn Criminal Information Researchers) statewide conference; DoD Wounded Warriors Employment Conference; Testimony before California Assembly Public Safety Committee; Private Defense Attorneys of CA; CRASH Treatment Facility; Heartland House Treatment Facility; VA Alcohol Drug Treatment Program staff; Veterans Community Services (housing provider); VVSD Intake Staff; VA Members Services staff; San Diego Sheriff's Office staff; Amigos Sobrios Treatment Facility; Tradition One Treatment Facility; Correctional Alternatives, Inc. staff; DoD OASIS (PTSD residential) treatment program; CA Statewide VA Veterans Justice Outreach conference; VA Mental Health Staff; VA Indianapolis Domiciliary Staff; Indianapolis Prison Vet Unit staff; VA Homeless Program staff; Navy Warfighter Performance and SEAL Command staff; VA Social Work staff; Argosy University class; SDSU class; San Marcos Vet Center; VA Medical/Surgery Social Workers; VA Mental Health Social Workers; VA Healthcare for Homeless Veterans Social Workers; VA San Diego Director and Social Work Department Leadership; VVSD Leadership; 2-1-1 San Diego Courage to Call veterans call operators; Governor's Interagency Council on Veterans (Health Subcommittee); VA Aspire Center Staff; Office of Pala Tribal Government; Veterans Moving Forward module at Vista Detention Facility, SDSO leadership and sworn staff of VME; and jail presentations to SD County jail inmates re: PC§1170.9 sentencing and traumatic conditions treatment options (Vista, South Bay, George Bailey, Central, Las Colinas, and East Mesa Re-Entry Facility). Additionally, numerous media interviews were staffed and several inquiries from local, state, and federal legislative representatives were answered.

ENDNOTES

ⁱ There are approximately 137,000 active duty service members and 250,000 Reserve, retired, or discharged veterans residing in San Diego County. In March 2012, the Wall Street Journal reported the population of veterans with service after 9/11/2001 who are residing in San Diego County at 38,000.

ⁱⁱ Typical offenses from this research comport with the typical offenses observed in the VTRC Pilot Program (e.g. Domestic Violence, DUIs, assaults, weapons possession and adrenaline-seeking driving behaviors) Source: National Center for PTSD, Fact Sheet: Findings from the National Vietnam Veterans' Readjustment Study, 1988.

ⁱⁱⁱ With the help of the Sheriff's Department, as part of the in-processing of arrested suspects into San Diego County's jails, every person is now asked, "Have you ever served in the military?" Based on a review of the booking records from 2010 through February 2013, an average 100 persons per week are booked into County Jail and self-identify as a veteran by answering "yes" to that question. Since CVLTF jail outreach efforts continue to identify veterans who did not report their service upon booking, the number of veterans booked into San Diego County jails is likely exceeding 100 per week.

^{iv} Military Transition Support Program Presentation by San Diego Grantmakers and Navy Region Southwest February 18, 2014, San Diego, California.

^v - For participants admitted between Feb. 2011 and Feb. 2012, 38% of participants had no criminal history prior to their current case.

- - For participants admitted between Feb. 2012 and Feb. 2013, 45% of participants had no criminal history prior to their current case.

- - For participants admitted between Feb. 2013 and Feb. 2014, 39% of participants had no criminal history prior to their current case.

^{vi} DUI was the most common charge for active duty VTRC participants. Most of these participants were administratively separated from the military due to their pleas in the prior DUI cases and the current DUI conviction. It was noted, during the assessment, that all DUI charged VTRC participants lacked the insight to connect their drinking behavior to their military related, traumatic experiences. Instead they saw their drinking as an aid to dealing with anxiety or sleep problems even though many of them (and their military supervisors) had been given military training on recognizing symptoms of Post-Traumatic Stress.