

House Veterans Affairs and Emergency Preparedness Committee
House Judiciary Committee
Joint Public Hearing

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Justice System Improvements, Pennsylvania Commission on Crime and
Delinquency**

Thank you for the opportunity to provide written testimony on Veterans Courts and PCCD's efforts in providing assistance and funding to counties in the development and implementation of diversion options for low-risk offenders. We believe a significant amount of our recent work will be of interest to you as you consider the future of Veterans Courts in Pennsylvania.

Our testimony focuses on the needs of returning veterans, especially those returning with Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI), and it also provides information on PCCD's efforts and future plans to develop a full range of intervention and treatment services for justice-involved individuals with mental health and/or substance abuse problems.

The military veterans of Pennsylvania have served our nation with honor and valor in past wars and in the current war in Afghanistan. According to the U.S. Department of Veterans Affairs, as of September 2010, there are approximately 964,100 veterans, or 9.7% of the Commonwealth's population, of which 63,600 are female.

Due to the U.S. combat mission in Iraq ending on August 31, 2010, there has been a significant reduction in Pennsylvania troops deployed, however, there are still 768 men and women from Pennsylvania deployed in Afghanistan (Pennsylvania Department of Military and Veterans Affairs, 2011). Many of these soldiers have been deployed to the Middle East multiple times. The Pennsylvania National Guard is one of the most deployed in the nation. Between 2001 and 2011, Pennsylvania has deployed in excess of 25,000 soldiers to the Middle East.

The target population for veterans courts are persons identified as veterans who become justice-involved as a result of criminal activity. In response to the ongoing increase of incarceration across Pennsylvania, a target population of U.S. veterans has been identified to be in need of services to promote early assessment, intervention, diversion and treatment. For the purpose of this testimony, a veteran is defined as someone who has served in our military (regardless of branch), and is currently an active or inactive member of the service representing all wars. Veterans Courts and early intervention and diversion options provide structure and support for those veterans in need of mental health treatment, substance abuse treatment or other related services.

The Pennsylvania Department of Corrections (DOC) reports that as of August 31, 2011, there were 51,337 people incarcerated in Pennsylvania State Correctional Institutions. Of this population, 2,827 were veterans. Veterans represent 5.5% of DOC's total inmate population. Of the total number of veterans incarcerated, 2,789 were male and 38 were female.

As military personnel return home to Pennsylvania from their duties in the ongoing Global War on Terror (GWOT), and other duty assignments, they and their family members will experience a variety of readjustment challenges.

A 2008 RAND Corporation study reported that about one third of all servicemen returning from Iraq report symptoms of mental health or other cognitive conditions - 18.5% meet the criteria for PTSD or depression, 19.5 % report experiencing a traumatic brain injury (TBI) during their deployment and 7% meet criteria for a mental health problem and report a possible TBI. If the Rand findings are representative of all Pennsylvania's veteran population, there are potentially 178,359 veterans with PTSD or depression, 188,000 veterans with probable TBI, and 67,487 with a mental health condition and TBI.

These numbers demonstrate that there is a large population of veterans whose wartime experiences could potentially cause them to become involved with the criminal justice system.

According to the Department of Veteran Affairs, the number of female veterans is projected to rise to 1.9 million by 2020, while the population

of male veterans is estimated to decline. Pennsylvania currently ranks eighth in the nation with 63,600 women veterans.

For many years, PCCD has provided funding and support for initiatives designed to address major issues faced by local communities in criminal justice planning such as jail overcrowding, recidivism and the promotion of public safety. These programs provide diversion options for low-risk offenders and include the intermediate punishment program, the restrictive intermediate punishment programs for Level Three and Four offenders with drug and alcohol addiction, day reporting centers, the creation of a Center of Excellence for mentally ill offenders with criminal justice involvement, crisis intervention training, re-entry programming and problem-solving courts, among others.

Problem-solving courts are an effective tool in addressing specific criminal justice populations. In addition to providing diversion from jail, one type of problem-solving court model, commonly referred to as “treatment court”, centers around the concept that treatment is paramount to the ultimate recovery of the participant and reduction in the likelihood of future criminal activity. Using a team approach, members of the criminal justice system including the District Attorney’s Office, Public Defender’s Office, Adult Probation and Parole Department and community-based service providers work collaboratively to seek the best solution for each individual participant who is voluntarily engaged in the court-based program. Essential to the success of a treatment court is the participation of the judiciary as a team member. Treatment court judges typically take a non-adversarial approach in addressing the participant and assisting the participant in maintaining compliance with court-ordered expectations such as sobriety, employment and ongoing contact with team members. Participants receive rewards for compliance with expectations of the court program and graduated sanctions for non-compliance.

PCCD’s involvement and support of problem-solving courts began in 1999, with the funding of the first drug treatment court in Philadelphia. Since that time, PCCD, through its Office of Criminal Justice System Improvements, has provided financial and technical support to over two dozen problem solving courts, including Drug, DUI and Mental Health courts statewide.

In 2005, PCCD sponsored the first Treatment Court Symposium in Pennsylvania. PCCD also provided assistance to drug court practitioners with a number of training and educational opportunities, which eventually led to the formation of the Pennsylvania Association of Drug Court Professionals. In 2006, PCCD awarded a grant to the Administrative Office of Pennsylvania Courts (AOPC) to provide interdisciplinary training to the existing and emerging drug treatment courts in Pennsylvania.

In that same year, PCCD formalized the process of local level planning by creating minimum standards for Criminal Justice Advisory Boards (CJABs). CJABs are groups of top-level county officials which address criminal justice issues from a systemic and policy level perspective. CJABs study best practices in the administration and delivery of criminal justice and recommend ways in which public agencies can improve the effectiveness and efficiency of the criminal justice system within a county. Today, there are 66 counties that are either in the planning stages or have established a CJAB. In an attempt to address the growing population of individuals with mental health and/or substance abuse problems that are involved in the justice system, many CJABs have created Behavioral Health subcommittees. Each year, PCCD allocates a portion of available federal funds to support initiatives identified by the CJAB through a strategic planning process, such as problem-solving courts and other initiatives that may include the veteran population.

In 2009, PCCD partnered with the Office of Mental Health and Substance Abuse (OMHSAS) of the Pennsylvania Department of Public Welfare to address a growing population of offenders with mental illness and co-occurring disorders by funding ten mental health courts. In the same year, and through the efforts of this partnership, the Mental Health and Justice Advisory Committee (MHJAC) was created. MHJAC is a standing advisory committee of PCCD that includes criminal justice stakeholders from the state and county, behavioral health specialists and consumers. MHJAC works collaboratively to identify gaps and resources in both the criminal justice and behavioral health systems and support initiatives that address the needs of non-violent justice-involved individuals with mental health and/or substance abuse problems.

Additionally, in 2009, PCCD partnered with DPW/OMHSAS to create a Center of Excellence (CoE) to address the needs of this population. The CoE is a collaborative work between Drexel University and the University of Pittsburgh. The purpose of the CoE is to work with Pennsylvania communities to identify points of interception at which an intervention can be made to prevent individuals with mental illness from entering or penetrating deeper into the criminal justice system. The CoE works collaboratively with the Commonwealth and local systems in planning and implementing programs, providing information to promote their use of evidence-based practices and serves as a resource for technical assistance and training. The CoE is a clearing house for collected data and information on criminal justice and mental health responses throughout the Commonwealth of Pennsylvania.

An important function of the CoE is to work with counties through Cross-Systems Mapping Workshops to identify opportunities for diversion and referrals along the five intercepts of the criminal justice system - arrest, pre-trial detention, courts and jails, re-entry and community corrections. This process assists the community in identifying how offenders with mental illness come into contact with and flow through the criminal justice system. It brings together key stakeholders to tap into local expertise and a local map is created using the Sequential Intercept Model (*Munetz and Griffin, 2005*). Through the Cross-Systems Mapping Workshops, opportunities and resources are identified for diverting and linking people to treatment, along with any gaps in services that may exist. These findings are included in a report prepared by the CoE.

Of particular concern for many criminal justice stakeholders who are involved with their county CJAB is the influx of combat veterans returning to the community who are struggling with PTSD and/or TBI. In response, PCCD - through MHJAC and the Center of Excellence - is working to address the unique needs of our veteran population. One solution that has been gaining momentum across the country is the creation of a Veterans Court as an additional treatment court model.

A successful Veterans Court may involve similar key components as traditional treatment courts, but with the addition of two important pieces: a mentoring program and involvement by the Veteran's

Administration (VA). Through the mentoring program, veterans accompany the participant to court and offer support from the perspective of another veteran. A representative of the VA, also an essential component of the team, can assess and determine the participants' needs, and identify and coordinate benefits on behalf of the veteran. Additionally, some Veterans Courts are presided over by a veteran judge – someone who has served in the military and has a deeper understanding of the unique issues faced by veterans.

Although many existing Veterans Courts are relatively new with limited outcome data and information, researchers believe these courts will demonstrate similar success to other types of problem-solving courts which have proven track records. Both Drug and DUI courts have been shown to be extremely successful in targeting offenders who are amenable to the individualized treatment/supervision approach of problem-solving courts. These courts have generally shown very high successful completion rates for these participants and much lower recidivism rates compared to more traditional approaches to supervising and treating offenders in the criminal justice system.

A few Veterans Courts have been in existence long enough to begin evaluating their impact on both the individual participant as well as impact on the criminal justice system. Early data from the Anchorage Veterans Court shows that of all of the individuals who participated in the program, only one had been rearrested.

The Buffalo Veterans Treatment Court program indicates that 93 percent of the treatment appointments are kept by those veterans participating in the program. Additionally, the program's recidivism rate over the last three years has been 4%. The Buffalo program also cites that it costs tax payers about \$32,000 per year to hold a prisoner at the county jail and on average it costs about \$7,000 for individuals to complete the program. Buffalo officials see a significant benefit to the program participants and their families and to the tax payers as a result of using less money to obtain better outcomes.

Recent information taken from a report of the Florida Senate indicates that it is difficult to evaluate the efficacy of Veterans courts because they have been operating for a relatively short time. However, since they have much in common with older, more established drug treatment

courts, some comparisons can likely be made. Information taken from the report points to three observations and findings: national research has shown that drug treatment courts can reduce the future criminal activities of offenders; effective drug treatment court programs can help reduce prison admissions and state costs; and over a three-year follow up period, offenders who successfully completed post-adjudicatory drug treatment courts in Florida were 80 percent less likely to go to prison than a matched comparison group.

The Allegheny County Veterans Court, in Pittsburgh, Pennsylvania, conducted its first court date on November 10, 2009. Since its inception, a total of 56 veterans have entered the court program and nine individuals have already graduated. Most of the veterans who have been admitted to the program are still participating in the court.

Other Pennsylvania jurisdictions have formed either formal Veterans Courts, such as Philadelphia and Chester County, or have created veteran's mentoring or jail diversion programs specifically aimed at addressing the specific needs of veterans. Currently, Pennsylvania has eight operating Veterans Courts with another four planned to start by the end of the calendar year.

As PCCD continues to work with counties and local units of government in developing and implementing needed programs for the offender population, we will closely examine diversion options for targeted populations, including veterans. Regardless of the specific program approach or initiative, our main focus will be on planning, collaboration, adherence to established minimum standards and capturing outcome data to measure impacts on program participants and the criminal justice system.

A major focus area for the immediate future is our work related to Justice Reinvestment. Justice Reinvestment is a data-driven approach to reduce corrections spending and redirect savings to other criminal justice strategies that decrease crime and improve offender outcomes. PCCD recently formed a new work unit to focus on offender reentry and community revitalization. This new unit will look to develop and link effective offender reentry services with existing community service organizations which provide mentoring, education, job skills, treatment and other related services at the local level. It is anticipated that this

effort will directly benefit veterans who are incarcerated and transitioning back to their home communities.

PCCD will continue to work closely with CJABs in developing strategic plans for every county in the Commonwealth. Extensive training and assistance has already been provided to the CJAB's in this area and a number of counties are in the process of formulating their strategic plans. These plans are being developed with the active participation of all the justice and justice-related stakeholders in the county. It is anticipated that many counties will identify the need to develop and implement more cost effective services for the offender population, especially for low-risk offenders. Based on information obtained from PCCD's field staff, a number of counties that have not yet created formal veterans programming are exploring the feasibility of utilizing the problem-solving court model for veterans.

In addition to PCCD's effort in assisting counties with strategic planning, we will continue to work jointly with OMHSAS in providing assistance to counties as they look to address issues related to the intersection of substance abuse, mental health problems and the criminal justice system.

PCCD will continue to encourage counties to utilize the Sequential Intercept Model in an effort to assist them in understanding the interactions between the criminal justice system and the mental health system.

Decisions made locally about the possible development and implementation of a Veterans Court should be made based on a comprehensive assessment of need and the integration of the problem-solving court within the broader Sequential Intercept Model.

PCCD is recognized as the primary agency within the Commonwealth for those seeking grant funds for the creation or expansion of local criminal justice initiatives. Although many of our funding streams have been eliminated or reduced, as a result of the current economic turndown, we remain committed to providing funding support for evidence-based programs and innovative approaches which address current problems and issues in the justice system.

We will continue to provide funding support for justice-related initiatives which are indentified as priority areas by the County CJABs. It is anticipated that many counties will continue to seek funding support for initiatives which have a high likelihood of reducing incarceration rates and increasing early intervention and alternative sentencing options for low-risk offenders.

We are also committed to aggressively pursuing federal funding opportunities which are available through the U.S. Department of Justice and other federal agencies, for the development and implementation of diversion initiatives which have the promise of reducing system costs and improving offender outcomes. As opportunities for federal funding becomes available for program initiatives targeting the veteran population, we will explore these jointly with our state agency partners.

Again, thank you for the opportunity to share some of our ideas with you. PCCD is pleased to serve as a resource to the House Veterans Affairs and Emergency Preparedness Committee and the House Judiciary Committee. We look forward to working with our fellow state agencies and the CJABs in developing a full range of services for offenders in need, including Pennsylvania's Veterans.