

TESTIMONY BEFORE THE
HOUSE VETERANS AND EMERGENCY PREPAREDNESS COMMITTEE
MAY 18, 2017

PRESENTED BY: THE HONORABLE TRACY PRALL, PRESIDING JUDGE
MARION COUNTY CIRCUIT COURT

Chair Evans and committee members, my name is Tracy Prall and I am the presiding judge for Marion County Circuit Court. I am here in my role as the judge who presides over the Marion County Veterans Treatment Court, to encourage your support of veterans treatment courts across this state. I am not representing the Oregon Judicial Department today.

I have been a judge since 2008 and was a full-time referee/pro tem judge for three years before that. Joining me is Rita Rehome-Myers, the treatment court coordinator for our Veterans Treatment Court, and Josef Glennanthony, he is one of our most recent graduates.

To begin, I would like to thank you for your work with veterans, and appreciate the invitation to talk about our Veterans Treatment Court.

While we may expect that most veterans are strengthened by their military service, the unfortunate truth is, the combat experience has left a growing number of veterans with PTSD, brain injuries, or other mental health issues. Worse still, these combat-related mental issues are often linked to substance abuse as the veteran tries to self-medicate or to push down traumatic memories. Statistics tell us that one in five veterans has symptoms of a mental health disorder or cognitive impairment. One in six veterans who served in Operation Enduring Freedom or Operation Iraqi Freedom suffers from a substance use disorder. Left untreated, mental illness and substance use disorders can directly lead to a veteran's involvement in the criminal justice system.

Veterans treatment courts can prevent further penetration into the justice system by providing an alternative treatment and sentencing program which addresses the underlying issues and symptoms. The program has multiple benefits: it protects public safety, reduces the person's involvement in the criminal justice system, promotes collaboration among criminal justice and other agencies, reduces long-term costs to the public, and honors our veterans by healing and restoring them.

The program saves the county and state money by deferring or removing prison sentences, reducing jail bed days, getting veterans connected to free federal VA healthcare, and offering real solutions to real problems. Without veterans treatment courts veterans may languish in jail, which could exacerbate PTSD symptoms, cost the state and county financial resources, and fails to provide wraparound intervention at one of the most critical points in the veteran's life.

As many participants have reported, "the crime was a wake-up call" and "I needed help and structure to get my life back together and become a productive member of society again." And that really is a very important point. While the veterans in Marion County are eligible for free

VA services, they often have difficulty accessing those services on their own, especially when they are in the throes of addiction or in a mental health crisis, because there are no Veteran's Justice Outreach Officers (VJO) designated specifically for Marion County and the only dual diagnosis co-occurring facilities in Oregon are in Roseburg and White City. The Marion County Veterans Treatment Court has a VJO assigned to the team and we work together to help the veteran defendant access the services they need.

The Marion County Veterans Treatment Court operates under many of the same principles that make drug courts proven, effective crime reduction programs. We utilize a collaborative, team approach to assist veteran-defendants in accessing the services they are entitled to. We have frequent contact with our veterans, to closely monitor their progress and apply encouragement or sanctions as needed. We combine the evidence-based approaches of treatment courts and apply them to veterans, and use other veterans as mentors to program participants. I have attached with my testimony the Court's policies and procedures, which will flesh out some of what I'm talking about today, as well as the Ten Key Components for veterans treatment courts.

The first step in our court process is to identify veteran-defendants. If the veteran is in-custody, then a team member will contact them in jail and set them up for VA assessment via a video kiosk available at the jail. If the veteran is out of custody, then the defense attorney will ask an additional question during their intake – "are you a veteran?" Once identified, the deputy district attorney assigned to our team will review the veteran's case file and make an initial eligibility determination – are they charged with an eligible crime? We do not allow defendants with BM11 or sexual offense charges in the Veterans Treatment Court. Veteran defendants charged with eligible crimes are then referred to our treatment court coordinator to determine eligibility for the program. With that I'll hand it off to our treatment court coordinator to discuss our eligibility criteria.

To be eligible for the Marion County Veterans Treatment Court the defendant must:

1. Be a "Veteran" as that term is defined by the court;
2. Be an adult with qualifying charges filed in Marion County Circuit Court (no BM11 or sex crimes);
3. Reside in Marion County or in a residence approved by the Marion County Parole and Probation Department;
4. Have a substance use and/or mental health diagnosis that can be addressed through the court (the diagnosis does not need to be service related);
5. Have the mental capacity and ability to appreciate the consequences of the legal proceedings and fully understand the expectations and conditions of the court contract;
6. Address any other outstanding warrants or criminal charges; and
7. Have a willingness to participate – they write essays and attend at least one session of the court before signing the participation agreement.

If eligible, the veteran-defendant must voluntarily agree to enter and abide by the conditions set forth in the program, one condition being they must enter a plea of guilty. They will know as they enter the program what benefit they will receive up front and what benefit they will receive

upon successful completion. Some veterans are avoiding a prison sentence, some are having their felony charge reduced to a misdemeanor, and others will have their charges completely dismissed upon successful completion of the program.

For some the choice to enter the court is not easy. They could take a simple probation sentence and have very few requirements. The court is quite arduous. Ultimately I tell them, it is not about this charge that they are facing, it is about the rest of their life, and whether they are ready and willing to make a change. If they are ready, then we will assist them in reaching their individual goals, using best-practice and evidence-based approaches.

From 2013 to December 2016, the Marion County Veterans Treatment Court has served a total of 68 veterans. We have graduated 30, terminated 15, and are currently serving 27 participants. Of the 30 graduates, only one has had additional criminal involvement since graduation. Seventeen of the graduates have been verified to be either working, performing community service (due to disability), or in school. Of the 15 terminations, nine have had additional criminal involvements in the criminal justice system and two remained connected to our program and are still sober. Of the 27 currently involved we have one who was charged and convicted of a crime after he began our program.

I am proud to let you know that we just graduated our first female veteran from the program, and expect another to graduate later this year.

One of our graduates is here with us now, Josef Glennanthy, and we appreciate you taking the time to listen to his story. (Josef's story.)

Before we finish our presentation, I wanted to spend a little time talking about barriers and issues we experience. I don't necessarily have solutions to recommend to you, but hope it is useful information.

- **Identifying Eligible Veterans.** Our primary resource is a check-box on the jail intake form identifying someone as a veteran. When we are notified of a veteran in jail, we send staff to interview that person and start the intake process. But some veterans will not self identify. If a person is not held in jail, we rely on their attorneys notifying us.
- **Encouraging participation by veterans.** As Rita mentioned, participating in treatment court is not a decision to be made lightly. The criminal justice sanction is less, but the program is very difficult work that requires a personal willingness to change. The prosecution needs to make a plea offer that is fair and just, but also provides sufficient incentive to participate. The veteran's attorney needs to advocate for their client, which might mean advising them to choose the criminal justice path rather than the treatment path if they think that provides a better outcome for their client.
- **Funding.** I know you hear many problems related to money, so ours might sound familiar. There is no single funding source or funding method for these courts – we cobble together the best we can to develop and run these courts. The first element is that the Veterans Court is funded by multiple agencies providing staff (including my time, a deputy district attorney, a probation officer, defense attorney, the state Department of Veterans Affairs, and a federal Veterans Justice Outreach staffer). As all budgets get tighter – whether it is county General Fund or state community corrections dollars -- we

risk losing the participation of any one of these critical partners. Second, our coordinator position, substance abuse testing, training, and other costs are currently paid through a competitive grant from the state Criminal Justice Commission. That grant is projected to be reduced by 50 percent in the coming biennium.

From the court's perspective, we provide judge and staff time, but treatment courts take more judge time than the traditional judicial process. For example, in a traditional case I might see the defendant once or twice while the case is pending, and perhaps again if the person violates their conditions of probation. I might not remember their name if I don't have their file in front of me and they probably don't know mine. In a treatment court, I see people multiple times in a month for many, many months. I am personally involved in monitoring their progress -- encouraging and rewarding them, and sometimes having those difficult conversations when they are not doing their work.

Budget pressures always challenge our ability to operate these types of courts, but especially in times when all the partners are facing financial pressures. We know these courts are effective and have a tremendous return on investment -- not just in dollars saved, but in lives changed. We will continue to do all we can to maintain these courts as part of our services to the public.

Thank you for your time and for your support of veterans in our community. I would be glad to answer any questions you might have.