

Healing with VTC: To Bind the Nations Wounds

Lessons Learned from Veteran Courts

Beyond the Bench 23: User Experience

December 2, 2015

Penal Code 1170.9

In the case of **any person** convicted of a criminal offense who could otherwise be sentenced to county jail or state prison and who **alleges** that he or she **committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from service in the United States military, the court shall**, prior to sentencing, make a determination as to whether the defendant was, or currently is, a **member of the United States military** and whether the defendant may be **suffering from** sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her service. The court may (request, through existing resources), an assessment to aid in that determination. **(Emphasis Added)**

Personal Responsibility



Personal Responsibility

“More U.S. Soldiers Have Killed Themselves Than Have Died In The Afghan War. Why Can’t The Army (We) Win the War On Suicide?”
Time, July 23, 2012

America’s Medicated Army...combat’s heavy toll on mental health - and why the military’s efforts to treat it may be making the problem worse”
Time, June 16, 2008

Treatment: Role and Influence in VTC

- 1) Core Responsibility
 - Assessment
 - Diagnosis
 - Treatment Plan
 - Review, Report and Rx
- 2) Promote veteran understand CJS - Help CJS understand veteran
- 3) Explain why treatment is important
- 4) Explain VTC participant is voluntary participant
- 5) Explain the CJS provides an alternative response should participants voluntary status change

Building Understanding of Veteran Trauma

- 1) Core Responsibility
 - Assessment - psycho-social history
 - Diagnosis - PTSD, TBI, MST, Depression, Anxiety, etc.
 - Treatment Plan - Res Rehab, Out-Pt, ADTP, CBT, etc.
 - Review, Report and Rx - Compliance, Engaged, Tox. Test, etc.
- 2) Help Veteran Understand CJS - How did I end up here?
Help CJS understand Veteran - How did veteran end up here?
- 3) Why Treatment Is Important - for the participant and for the CJS
- 4) That VTC Participant is voluntary participant...options, even if limited
- 5) That CJS provides an education and response should participants voluntary status change...traditional sanctions; fines and custody

Family Recovery Program Dealing with Domestic Violence

- The Family Recovery Program follows the general program of STOP * Domestic Violence,
- The key difference is that an awareness of PTSD related to combat trauma is interwoven in each session.
- Restoring the individual to already demonstrated functioning is a motivating factor for the program, providers and participants

* Weder, David: The Stop Program, 3rd Ed. 2013

MILITARY SEXUAL TRAUMA [MST]

Definition of MST comes from 38 USC § 1720D, but in general it is sexual assault or repeated threatening, sexual harassment that occurred during a veteran's military service

MST is an experience, not a diagnosis

Both men & women experience MST

Among some Veterans, MST is associated with:

- Suicide
- Both mental & physical health problems, even decades later
- Drinking & drug use
- Aggressive outbursts
- Confusing, sometimes reckless, behaviors
- Decrease in normal coping strategies
- Male victims questioning their sexual identity

An MST history can affect response to court-ordered programs

MST victims suffer with power & control issues

MST is frequently underreported; victims are often reluctant to disclose

Trust

<p>The Veteran Experience:</p> <ul style="list-style-type: none"> • Trauma • Close to Death • Isolation - Avoidance • How Did I Get Here • Adjustment to Time and Place 	<p>Provide Appropriate Tx:</p> <ul style="list-style-type: none"> • Honesty and Integrity • Don't Promise and Fail to Deliver • Reasonable Expectations • Network Support • Life Goals
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Restorative Relief (H Motion)

Restorative Relief Factors for Consideration:

When determining whether granting restorative relief pursuant to this subdivision is in the interests of justice, the court may consider, among other factors, all of the following:

- The defendant's (participant's) completion and degree of participation in education, treatment, and rehabilitation as ordered by the court.
- The defendant's progress in formal education.
- The defendant's development of career potential.
- The defendant's leadership and personal responsibility efforts.
- The defendant's contribution of service in support of the community.

Court Findings for Granting Restorative Relief:

- (A) He or she was granted probation and was at the time that probation was granted a person described in subdivision (a).
- (B) He or she is in substantial compliance with the conditions of that probation.
- (C) He or she has successfully participated in court-ordered treatment and services to address the sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from military service.
- (D) He or she does not represent a danger to the health and safety of others.
- (E) He or she has demonstrated significant benefit from court-ordered education, treatment, or rehabilitation to clearly show that granting restorative relief pursuant to this subdivision would be in the interests of justice.
- (F) The defendant's contribution of service in support of the community.

Success

- Great Bodily Injury, Treatment and Healing
- Domestic Violence to Family Man
- Cruelty to Animal to Artisan
- PTS to Advancement
- Combatant to Teacher

Lessons Learned: Do not be afraid of serious felony cases.

Success

- Healing from Great Bodily Injury
- Family Man from Domestic Violence
- Artisan from Cruelty to Animal
- Advancement from PTS
- Teacher from Combatant

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Success

Healing from Great Bodily Injury

Family Man from Domestic Violence

Artisan from Cruelty to Animal

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Success Defined

Healing from Great Bodily Injury - Treatment after attack of delivery man leads to sale of motorcycle and reconciliation with victim

Family Man from Domestic Violence - Family states he is the calmest person they know upon completion of VTC, following 5 deployments in 17 years service with Navy

Artisan from Cruelty to Animal - "I learned to talk civilian" saying "it took me a long time to understand why I did it" concluding "it takes more energy to do things wrong ...than do it right the first time"

Advancement from PTS - Active duty Marine promoted as he progressed in treatment, learned to address PTS and drinking, now reporting to CO

Teacher from Combatant - Play the tape, highlight negative consequences (striking officer), learned he is uniquely positioned to connect and understand students

Lessons Learned: Do not be afraid of serious felony cases.

Learn From Our Veterans

"The man who returns from combat and says, "I'm an animal" knows a certain truth about himself. The person who taunts him or cannot bear to hear his story is simply hiding from the same truth."

"Each has in some way reached out to become himself a healer of others. Redemption of their own lives has been intimately connected with being a bearer of healing and hope to other vets and to the country they love."

William Mahedy, "Out of the Night, The Spiritual Journey of Vietnam Vets"

Steve Binder

Deputy Public Defender, Office of Primary Public Defender

steve.binder@sdcounty.ca.gov

Phone: (619) 338 4708
