

VETERANS TREATMENT COURT MENTOR PROGRAM HANDBOOK



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Introduction from Hon. Judy Harris Kluger

Veterans Treatment Courts in New York State are designed to address the needs of servicemen and women struggling with the psychological and emotional aftershocks of their deployment. These men and women, whose involvement with the criminal justice system is often caused by underlying, service related, substance abuse and mental health issues, present a unique challenge to the courts. The New York State Unified Court System has responded to this challenge with the creation of Veterans Treatment Courts. The goal of these courts is to address these underlying issues and link veterans to the services and support they need. The Veterans Treatment Courts strike a balance between upholding the rule of law and providing treatment services to these men and women to whom society owes a debt of gratitude.

The first Veterans Treatment Court in New York, established in Buffalo in 2008, was an outgrowth of New York's other problem-solving court models, particularly the drug treatment courts and the mental health courts. These courts provide participants with judicial supervision, therapeutic programs and services to address their specific needs while holding them accountable for their actions.

The distinctive elements, and the key to the success of the Veterans Treatment Court model, are the role of the veteran mentors and the collaboration with the US Department of Veterans Affairs and other veteran service agencies. Veteran mentors, comprised of volunteers from the United States Armed Forces share a vast array of common life experiences with participants. These common elements allows veteran mentors to: effectively engage participants, act as a resource and guide to navigating the courts, help participants maintain focus on their treatment, assist in navigating the challenges of adjusting to a healthy and productive civilian lifestyle, and finally successfully graduating from Veterans Treatment Court. Their contribution to the Veterans Treatment Courts is immeasurable.

This handbook, the product of a collaboration with the New York State Bar Association, is designed to assist Veterans Treatment Courts in New York State in building stronger mentor programs. All Veterans Treatment Courts, whether operational or in the planning phase, will benefit from the information contained in this document. I hope you find this handbook to be a useful tool as you operate or implement a Veterans Treatment Court within your jurisdiction, and that it assists you in providing the mentor program that our veterans deserve.

Acknowledgments

We would like to recognize the important efforts of the New York State Bar Association's President, Vincent E. Doyle, III. Addressing the needs of veterans in New York, he convened the Special Committee on Veterans Legal Services. The Committee's mission is to address and meet the needs of New York's community of veterans for quality legal services. The Committee is co-chaired by Karen Hennigan from the United States Attorney's Office for the Eastern District of New York and Michael C. Lancer from the law firm of Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC.

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Finally, I wish to extend my gratitude to Nicholas Cade and Robert Fantone, students at Brooklyn Law School, who assisted in the development of this handbook.

***We often take for granted the very things that most deserve
our gratitude.***

Cynthia Ozick, American-Jewish short story writer, novelist and essayist.

Why Veterans Treatment Courts?

Many veterans return from military service and find themselves facing unique personal challenges, including mental health problems or substance abuse, that they would not have faced but for their military service. Criminal behavior, mental health problems and substance abuse often stem directly from service in combat zones and may be amplified by reentry into home life.⁺

A key finding of a RAND 2008 study identified that nearly 20% of soldiers involved in the wars in Iraq and Afghanistan have a current mental health condition. Nearly 20% of service members reported having experienced a probable Traumatic Brain Injury.

Some veterans may face additional obstacles. Female veterans may have experienced military sexual trauma and the challenges that come from leaving children at home during deployment. Gay and lesbian veterans may struggle with ongoing stigma and prejudice.

Veterans Treatment Courts

Realizing that veterans have special needs that were not being adequately served, Buffalo City Court created the first Veterans Treatment Court in 2008. Beginning with, and then adapting, the structures of drug treatment courts and mental health courts, the Buffalo Veterans Treatment Court identified some of the specific issues facing veterans:

- The needs of many veterans are related to their military service.
- Many veterans use drugs as a way of numbing or decreasing their stress levels.
- Some illegal drug use may stem from the medicinal effect those drugs had on PTSD symptoms and other conditions while in the field.

Veterans Treatment Courts (known as Veterans Court or Veterans Track in some jurisdictions) address these challenges in a forum that is conducive to veterans' rehabilitation. Where available, Veterans Treatment Courts work with civilian healthcare providers, local veterans agencies, New York State Division of Veteran Affairs and the United States Department of Veteran Affairs. They utilize veteran mentors and mental health specialists to complement probation services; and incorporate a therapeutic approach to afford veterans opportunities to transition into civilian life and regain stability.

⁺ William H. McMichael, *The Battle on the Home Front*, ABA JOURNAL, Nov. 2011.

Key Components of Veterans Treatment Courts

Veterans Treatment Courts operate similarly to drug treatment and mental health courts. Drug treatment courts operate within the guidelines of the Ten Key Components of Drug Court, developed by a commission of drug court practitioners in 1995. Veterans Treatment Courts feature the following 10 key operational standards which are adapted from the Ten Key Components.

Veterans Treatment Courts:

1. integrate alcohol, drug treatment and mental health services with justice system case processing
2. use a non-adversarial approach where prosecution and defense counsel promote public safety while protecting veteran participants' due process rights
3. identify eligible participants early and promptly place them in the Veterans Treatment Court program
4. provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services
5. monitor abstinence through frequent alcohol and other drug testing
6. respond to veteran participants' compliance through a coordinated strategy
7. maintain essential, ongoing judicial interaction with each veteran
8. measure achievement of program goals and gauge program effectiveness through monitoring and ongoing evaluation
9. continue interdisciplinary education and promote effective Veterans Treatment Court planning, implementation and operations
10. forge partnerships among Veterans Treatment Court, Veterans Administration, public agencies and community-based organizations, generate local support and enhance Veterans Treatment Courts effectiveness

Mentor Component

An essential component of the Veterans Treatment Court program is the mentor program where veteran mentors act as peer support to veteran participants. Veterans are better served by having a support system that includes veterans who understand combat experience and the different aspects of military service. Mentors participate in a supportive relationship with participants to increase the likelihood that they will remain in treatment, attain and manage sobriety, maintain law-abiding behavior and successfully readjust to civilian life.

The mentor program consists of mentor coordinators and veteran mentors. Their roles, responsibilities, requirements and qualifications are discussed in the following sections.

Mentor Coordinators

Role of Mentor Coordinators

Mentor coordinators ensure the efficient and successful operation of the mentor program in a Veterans Treatment Court. Mentor coordinators are volunteers that are responsible for assigning veteran mentors to participants, supporting veteran mentors in all aspects of their work and managing mentor training programs and mentor assignments.

Mentor coordinators must be familiar with their local Veterans Treatment Court and veteran services. Mentor coordinators are not required to be veterans, though prior military service is preferable.

Mentor coordinators should:

1. Find appropriate mentors for the Veterans Treatment Court program.
 - This may require conducting presentations in the community regarding the Veterans Treatment Court.
 - Mentors cannot be active employees of the Unified Court System, active law enforcement or a member of any other organization that may present a conflict with the mentor program. *Consult with the judge if there are questions about the eligibility of a veteran mentor.*
2. Match mentors with participants based on shared qualities and backgrounds to the greatest extent possible. Factors to consider may include:
 - branch of service
 - type of service (i.e., combat and location of service)
 - gender
 - general age group
3. Schedule the appropriate number of mentors needed for each court session.
 - Mentors should be present whenever Veterans Treatment Court is in session to provide immediate support for participants appearing in court.
4. Act as a resource for the mentors by:
 - accommodating conflicts in a veteran mentor's personal schedule
 - collecting and reviewing mentor logs, completed by mentors, to monitor the nature of a participant's progress in the Veterans Treatment Court
 - placing mentors in touch with local Accredited Service Officers who can help appropriate veterans secure benefits from the U.S. Department of Veterans Affairs - these trained officers can be found in local government offices and in local service organizations, such as The American Legion,

The Military Order of the Purple Heart and Vietnam Veterans of America

5. Work with the Veterans Treatment Court staff to resolve issues and motivate participants through challenges.
 - In some instances, mentors may bring concerns regarding a participant to the attention of their mentor coordinator. The mentor coordinator is then responsible for contacting the Veterans Treatment Court in a timely manner to ensure that the participant receives appropriate support.
 - If the mentor coordinator determines that mentors are not adequately fulfilling their responsibilities, the coordinator must contact the Veterans Treatment Court staff in a reasonable and timely manner and remove the mentors from the program.
6. Maintain federal confidentiality standards.
7. Attend clinical and legal training programs supported or provided by the Veterans Treatment Court.
8. Maintain access to the mentor logbook or case management notes.

Responsibilities of Mentor Coordinators

The following responsibilities should be carried out by mentor coordinators:

- recruit, screen and train new veteran mentors
- collect and review mentor application forms
- ensure that mentors attend ongoing training programs
- pair mentors with participants
- inform mentors of their schedules
- manage the rotational schedule of mentors in Veterans Treatment Court
- provide mentors with a list of veteran resources
- collect and review mentor logs (where appropriate)
- be prepared to contact the appropriate authorities if participants require crisis intervention, increased court supervision or immediate emergency care
- remove mentors who fail to adequately meet their responsibilities from the mentor program
- perform any additional duties as directed by the judge of the Veterans Treatment Court or the court staff
- identify appropriate veterans services in the community
- update the local veterans resource guide
- maintain confidentiality
- attend appropriate training programs

Requirements and Qualifications for Mentor Coordinators

Mentor Coordinators should:

- be familiar with the Veterans Treatment Court
- have strong leadership and organizational skills
- respect individual differences
- be able to devote time to the Veterans Treatment Court
- have prior military service (preferred, but not required).

Veteran Mentors

Role of Veteran Mentors

Veteran mentors are veteran volunteers responsible for serving as a supporter, guide and confidant for veteran participants. Mentors should provide support as participants' progress through the Veterans Treatment Court and should feel comfortable working collaboratively to assist participants, and, where appropriate, their families, in successfully completing the directives of the court.

Veteran mentors should:

1. Meet with participants to assist in resolving their issues.
 - Each meeting should build on the participants' previous conversations
 - Meetings should be conducted in person (where possible)
 - Refer participants to appropriate services
 - Facilitate an understanding of courtroom procedures
2. Work collaboratively with the other mentors and the mentor coordinator.
3. Motivate participants utilizing a strengths-based approach by:
 - providing encouragement to participants by highlighting their strengths, including, talents, skills and knowledge
 - focusing on what has been successful
 - believing that participants have the potential to learn, grow and change
4. Maintain federal confidentiality standards.
5. Attend clinical and legal training programs supported or provided by the Veterans Treatment Court.
 - Mentors should attend an initial training session where topics may include Veterans Treatment Court's policies and procedures, mentoring dos and don'ts, psychopharmacology, mental illness, Post Traumatic Stress Disorder and Traumatic Brain Injury.
6. Communicate with their mentor coordinator to resolve any issues regarding time commitments, resistant participants or unmanageable challenges.
 - If a mentor fears for the safety of a participant or is concerned about a participant's behavior, the mentor should report any concerns to their mentor coordinator immediately.
7. Update the mentor logbook or case management notes after speaking with a participant.

8. Commit to a period of time, usually 5 to 6 months, to mentor in the Veterans Treatment Court.
9. Provide a valid military service record (DD214 or DD215) and, if necessary, submit to background verification.

Responsibilities of Veteran Mentors

The following responsibilities should be carried out by veteran mentors:

- attend relevant training programs
- communicate with the mentor coordinator regarding any issues
- update the mentor logs or case management notes
- maintain confidentiality
- maintain appropriate boundaries with participants
- be respectful and always speak with a positive tone

While meeting with participants, mentors must NOT:

- make clinical recommendations
- give legal advice
- provide psychotherapy
- utilize a stern approach
- inappropriately extend the boundaries of their relationship

Requirements and Qualifications for Veteran Mentors

Mentors should:

- complete a mentor application form (sample is attached)
- provide a valid DD214 or DD215 (honorable discharge is preferred)
- submit to a background check, if requested
- be respectful of individual differences and maintain appropriate boundaries with participants
- not be an active employee of the Unified Court System, an active member of law enforcement or a member of any other organization that may present a conflict of interest with the mentor program
- commit to a time period of 5 to 6 months

Sample Veterans Treatment Court Mentor Application

Date: _____

Last Name: _____ First Name: _____

Address: _____

E-mail: _____

Phone 1: _____ Home Work Cell

Phone 2: _____ Home Work Cell

Branch of Military Service: _____ Length of Service: _____

Type of Discharge: _____

Employer: _____ Position: _____

Please circle the days you are available to mentor: M T W TH F

Time Available: _____

Do you speak a language other than English? Yes No

If yes, list languages: _____

Have you previously served as a mentor? Yes No

If yes, in what capacity and where? _____

Are you willing to submit to a background investigation? Yes No

Are you willing to submit to a drug and alcohol test? Yes No

How did you learn about the Mentor Program? _____

What does being a mentor mean to you? _____

What skills and experiences do you bring to the mentoring program that will be helpful to the veterans in the program and the other mentors?

What are you hoping to take away from volunteering with the Veterans Treatment Court mentoring program?

Mentors will be expected to participate in court observation, attend ongoing training and be supervised by a mentor coordinator.

Frequently Asked Questions

The Office of Policy and Planning serves as the technical assistance arm of the Unified Court System for problem-solving courts. The following are frequently asked questions regarding veteran mentor programs.

Q: How many mentors will I need to start a mentor program?

A: The number of mentors needed in a Veterans Treatment Court will vary based on the court's caseload. To start a mentor program, it is helpful to have a diverse group of mentors available. At a minimum and if possible, include a combat veteran, a female veteran and an Accredited Service Officer to navigate the U.S. Department of Veterans Affairs and assist in processing veterans' claims.

Q: Where can mentor coordinators solicit veterans to volunteer in the Veterans Treatment Court?

A: Mentor coordinators should utilize local veteran groups such as local Vet Centers which are community-based veteran centers and are operated by the U.S. Department of Veterans Affairs. They provide counseling services to veterans and their families, focusing on post-war readjustment to civilian life. Mentor coordinators may also contact the Disabled American Veterans Chapters which are non-profit organizations providing assistance to disabled veterans. Also, VA Medical Centers have veterans experienced with Post Traumatic Stress Disorder.

Q: How often are mentors required to meet with participants?

A: Once a week is recommended, but mentors must understand that every participant is different. The goal is to form a supportive relationship with their participant.

Q: Can mentors be effective without much knowledge of the law or courtroom proceedings?

A: Mentors do not need to have legal or criminal justice experience. In fact, mentors must not provide legal advice.

Q: Should mentors use a "tough love" approach?

A: Although a mentor may believe it will better help a participant, this approach is counter-productive to a participant's recovery. A strengths-based approach that encourages and motivates participants is preferable.

Q: Can attorneys serve as veteran mentors?

A: Attorneys who appear in Veterans Treatment Court should not become mentors. Attorneys, who do not represent litigants in Veterans Treatment Court, can be mentors, but they must not provide legal advice to participants.

Q: Why can't Unified Court System employees be mentors?

A: Unified Court System employees must avoid the appearance of impropriety. Court employees face a conflict of interest in serving as impartial mentors.

Q: Can the Veterans Treatment Court mandate participants to meet with veteran mentors?

A: Initially, many participants will show little or no interest in the mentor program. Once participants feel comfortable and trustworthy of the Veterans Treatment Court, they usually commence meeting with mentors. The mentor program should be encouraged and not mandated.

Q: Can the mentor coordinator keep his or her case management notes with court files?

A: Files from the mentor program should be maintained separately from court files.

Q: Does the Unified Court System provide training programs for courts interested in planning a Veterans Treatment Court or enhance an existing mentoring program?

A: The Office of Policy and Planning works with the district offices and local courts to provide training programs on various veteran and non veteran related topics, statewide.