

Episode 25: Veterans' Treatment Courts: Sharing the Success in Adams County, Colorado

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Intro:

Welcome to The NCJA Podcast. This podcast series explores promising practices, provides guidance on strategic planning, and discusses how the Byrne Justice Assistance Grant program, or Byrne JAG contributes to improving justice systems across the country. We hope you enjoy it.

Allison Badger:

Hello everyone, and thank you for joining us on The NCJA Podcast. My name is Allison Badger, and I'm the Director for the Center for Justice Planning here at the National Criminal Justice Association. Today's episode will be a discussion on Veterans Treatment Courts. We will discuss things such as why treatment courts are so important, how they typically work, and what successes the Adams County Veterans Treatment Court has had over the years. Joining me today is Judge Brian Bowen, who I had the great pleasure of working with during my time with the Adams County Colorado Criminal Justice Coordinating Counsel. Judge Brian Bowen is a legend in Adams County, as he was the presiding judge for their Veterans Treatment Court for eight years. Judge, would you mind introducing yourself a little bit more?

Brian Bowen:

Well, yes. My name is Brian Bowen. I'm currently the presiding judge of the City of Commerce City, which is in Adams County, Colorado. This is a county I grew up in, lived here all my life except for law school when I attended Southwestern University in Los Angeles, and it's a nice place to visit, but I thought I'd return to Adams County. And worked for 17 years in private practice as a Guardian ad Litem for children that were abused and neglected, a part-time municipal prosecutor, special prosecutor, and municipal judge, before I became a full-time magistrate in the 17th Judicial District in Adams County. And I did that for about 11 years, and then I was a county court judge for about 11 years also in Adams County. And it was during that last tenure that I had the honor of working on implementing and presiding over the Adams County Court for Veterans.

Allison Badger:

Thank you, Judge. So NCJA works with many state agencies that distribute federal criminal justice funding, and many that support specialty courts of all kinds. And additionally, there's new funding called the Byrne State Crisis Intervention Program, or Byrne SCIP, which specifically allows for funding of specialty courts. So this topic is really important, and it's really good timing for our core listeners. So I would just love it if you could tell me a little bit more, and tell me about what are Veterans Treatment Courts, and why are they so important?

Brian Bowen:

So Veterans Treatment Courts are really an outgrowth of the specialty courts for drug courts. Those had been around much longer, where there's an identified population of persons that are before the court, and have similar issues with the drug courts, substance related issues, and finding that working with a population with a high structure of programming had pretty good outcomes. And Veterans Treatment Courts became an outgrowth of that, in part because of the work of Robert Russell, who was the presiding judge in Buffalo, New York. And in his court, he noticed that with some of the drug court

participants as they came up to the podium, they stood at parade rest, and that some of them, when they were struggling, he would have representatives from their probation office that had some background in substances, and sometimes those participants really responded, depending who was there.

And what he came to become aware of is, a saying that we use in Veteran Treatments Court, that, "Marines only talk to Marines." And he found that when some of the social workers he brought over who had been in the military, would talk to these people about what was going on and how they were addressing the court and what was expected of them, they had a very different response. And I had the good fortune of working in Adams County, the 17th judicial District, with a longtime friend, and I have a million stories, but one of my stories is the day I got sworn in as a lawyer, that night I did night court in front of a judge named Vincent Phelps. And so Vince and I knew each other for years, and he had moved up from municipal court to district court in Adams County and became the chief judge for the 17th Judicial District.

And when I became a magistrate, for a time I handled all of the mental health dockets, and I had suggested to him, "Maybe we could do..." In addition to a drug court that had just been developed, "Maybe we could do a mental health court, or I'd heard about this thing called a Veterans Treatment Court." And he kind of nodded and listened, and even though I was a new county court judge, I was always looking for innovation and ways to do things better, because we in the judiciary, we're experts at moving paper and shuffling cases along, and truly getting things done, but I've always wondered about better ways. And so at the same time that was happening, the commander of the jail was Commander Kurt Esther, and I've known Kurt all my life. His brother's my best friend, Kurt's a very good friend as the rest of his family. He used to sit behind me in Spanish class in high school.

And that was one of my knocks as a judge is everyone wondered if I truly went to high school with everyone in the county, but I had gone to school with Commander Esther, and he called me one day and said, "Hey Brian, did you know that the Veterans Administration, Veterans Justice Outreach coordinators, are coming into the jail to identify veterans?" And I did not know that. And that was a very proactive program started by the Veterans Administration. And that's part of why I had mentioned to Judge Phelps the possibility of a Veteran's Treatment Court, but we needed some data. We needed to find out, "How many people are going through the jail? Does social services have any numbers? Does community reach...?" Which is our mental health catchment for Adams County, "Do they have any data on this, and the VA as well?" And that was really pretty sparse data, but it did show us there was a population.

And part of the reason data was sparse, is it has been our experience, that when people find themselves bumping into the criminal justice system and they have been in the service, they're not always real open to acknowledging their military service. And some people, when they've been in the military, they're not very pleased with that experience and they don't want to talk about it, or say it. And so that's part of why data was hard, but what we were able to find is that there was a population. And this is a population that in many instances have access to resources that other members of the population may not have, now that can vary depending on how they separate from the military, their discharge status, what they did when they were in the military.

Nonetheless, it was an identifiable population, and we were able to go to a training through the National Association of Drug Court Professionals, and they had a subgroup called the Vet Court Con, and Vet Court Con did trainings about Veterans Treatment Courts. And I met with and spoke with Judge Russell, I attended his presentations and some of the others. And it became clear to me that in some instances

this was a population that was underserved, readily identifiable, and struggling with somewhat traditional probationary services, or other resources that the community may have had.

Allison Badger:

That is so amazing that you heard of a model at a training and actually implemented it. So often we go to these trainings and we come back with these great ideas that we never end up implementing, so it's really cool that you were able to do that. Could you tell us a little bit more about how you got into it?

Brian Bowen:

So in 2013, I got a call from my friend Kurt, Commander Esther at the jail, and he said, "Hey, I understand you're going to be doing the Veterans Treatment Court for Adams County." And about 20 minutes later, Judge Phelps walked down the hall and said, "Brian, I want you to head up the Veterans Treatment Court of our county." So we spent about 13 months going to trainings, getting information, researching best practices, building a team. And I really have to say I was incredibly fortunate in Adams County when we let word out that we were going to do this project. We immediately had support from the sheriff's office, not the least of which my friend Kurt, who is a Marine. So, "Once you're a Marine, you're always a Marine", as they say, so that's why Kurt's a marine still, and probation was on board immediately. And the district attorney's office was on board immediately, as was the Public Defender's office. The Veterans Justice outreach coordinators from the VA were with us right away.

And so we started putting together a team, and we had a coordinator who was working with the drug court and she helped as a court coordinator. And we started doing trainings at the courthouse. And when we did the trainings at the courthouse, not only did those offices and teams show up and participate, but sometimes two and three deep. They had people who wanted to come and be trained, and understand what we were doing, and why this might work or not. And I give great credit to our probation office for a variety of reasons. They had been recognized as really the gold standard of how to do probation in Colorado. And no holds barred, they were in and they were going to support us, and not just support us, but they again, had people two and three deep, who wanted to learn about this. And people who never worked directly with our court still came to our trainings to learn more about specialty courts, to learn more about Veterans Treatment Courts.

And we put together this team for about six months. They let me have an intern who worked with me, who's now the head of the specialty court programming in the state of Colorado Dez Carrillo, and she helped us work on our programming, our profile, how we were going to do things, what our requirements were going to be, what our expectations were going to be, how long the program would run, the phases that it might include. She was very good at implementing all of that, in part through the very liberal borrowing that judges do, from other judges that do. And one of those judges was, and I really want to honor and thank Judge David Shakes from the Fourth Judicial District in Colorado, El Paso County, Colorado Springs. They had a very large Veterans Treatment Court that they were operating, and he opened his doors, came down, invited us, shared everything they had, all their experiences, how they did things. It seemed like every training I went to, he was there. So it was really great.

Allison Badger:

So it sounds like you were really able to engage with a lot of stakeholders in this space who have navigated this already on the front end of your process, so that must have been really helpful. What other components of the program do you think are really important to include?

Brian Bowen:

The other thing we did, and the phrase we use with Veterans Treatment Courts, is, "The special sauce is mentors." We recruited healthy members of the community who'd served in the military, who were willing to come to court during our docket for Veterans Treatment Court, and kind of saddle up next to, that's a nice western term, but saddle up next to those participants in the program not as probation officers, not as deputy judges, or court clerks, but as volunteers who wanted good things for these people who are bumping into the criminal justice system. And those mentors truly make a huge difference, because a participant may have a conversation with a mentor that they don't want to have with the judge or the probation officer, but the mentors can say, "Well, I've run into this maybe in my life, and you might look at that," or, "Why don't we talk over here to a treatment provider?" Or, "Gosh, you told me something different than you told the judge. Do you want to go back up there and talk to the judge again?"

Not that they necessarily directly reported to me, but they also, the mentors, could go into the community, meet with the veteran there, provide resources, do home checks. We had an occasion when a couple of people kind of dropped off the screen, and so the mentors truly make a difference. And so you can't just have one mentor, you have to have a variety of mentors from a variety of branches of the military. We try to have women mentors as well. We had very few women participants, but we did have them, and the experience in our findings for women who had military service were very different from the men. They responded very differently for the most part with female mentors than they did with males.

And so we flew as part of our training, the mentor, the head mentor from the Buffalo Veterans Treatment Court, out to our court to train our mentors. To let them know the importance of doing it and doing it well, and what works, and what doesn't. And reminding those mentor trainees that you are not cops, you're not probation officers, you're not treatment providers, you're guides, you're foxhole buddies, people who've kind of walked the walk. And part of why that works is, to be in our program, you had to have served in the military. You had to take an oath stating that you would lay down your life for this country if it was necessary.

And almost everyone went through basic training or bootcamp, and when they did, they had that in common. If nothing else, they had that in common with those mentors. We had a dedicated group, some of them the whole time I was there, some had to leave for work reasons, the commitment can be strong, the COVID really interrupted what we were doing, but the mentors truly made all the difference. And the way we know that is the drug courts started stealing our idea, and now they use mentors in the drug courts, specialty courts, based on the same model.

Allison Badger:

That's awesome. So I had the fortune of attending a graduation ceremony that you all had hosted, and so I wanted to have you share a little bit about the successes that you had with the Veterans Treatment Court, and the impact that that had on the veterans' community, and all of that. So if you could, that would be wonderful.

Brian Bowen:

Our program, when we developed it, it's a 18 to 24 month program. It's four phases, where we kind of orient people as to what our expectations are going to be, and what their expectations should be of us. And at the conclusion of that, we had initially what we called graduations. We evolved that term into, "Mission Complete", because it seemed to be a much more apropos title for what was happening in

those instances. To be in our program, and specialty courts generally, we're looking for a high risk, high need population. So the one-time DUI participant, he doesn't need to be in our program. The person with maybe a first time domestic violence may not need to be in our program, misdemeanor. We are looking for high risk and high need people, who are generally people who've had multiple encounters with the criminal justice system. There are some kinds of cases that we exclude, or simply had to exclude, and those are primarily sex related violations, sexual assault of a child, sexual assault generally. The other exclusion would be very serious, first degree felonies, loss of life, things along those lines.

And then it's a matter of sitting down and screening who we think would be appropriate, and to get to that population, we had to do a couple of things. We had to come up with a pretty clear criteria of what's in and what's out. I've kind of covered what's out with you. Then we had to get referrals. So for our program, referrals could be made anybody in the process, family members, the arresting officer, the public defender representing the person, the district attorney handling the case, the sheriff's officers who may be encountered them in the jail, the Veterans Justice outreach coordinators. Anybody in our team could make a referral, and anybody in the community could make a referral. And one of our criteria was we had to have buy-in from the judges so they knew about our program. So we did trainings with the judges. They knew what to expect when they were making referrals, and they also knew that we weren't going to just yank the case away from them, because judges are like that, we don't like other people playing with our toys, and I recognized that, and I recognized it early.

So we met and explained our program and our process, and we left it up to the presiding judge over that case to decide whether that case could come to us. And because we had well-trained our team, and I'm going to say because we had the goodwill of doing a lot of good hard work for a lot of years, they really bought into it. I don't recall a single incidents where a judge said, "No, I won't send it over there." And when the case came over, then we screen it to make sure it meets our criteria, and the whole team does that. And so we sit down at very large jury room tables, and with the Veterans Outreach Coordinator, on a computer live with the VA, to be able to make referrals and follow up. The district attorney's office, the public defender's office representatives, many of whom were veterans.

Our first district attorney's office was a decorated Vietnam veteran who later told me that it was the most important work he'd done in his entire career. Mike Hines, a lovely man and a hard worker, and he believed in what we were doing, and that was important. We always had a treatment provider on our team as well. So in addition to the representative of the Veterans Administration, we would have private community therapists who had engaged our team and program, they were there. And we worked on, I felt it was very important to develop, what we called a consensus model, and we talked it out. We never, in my era there, had a single instance when we could not reach a consensus about who was going to be a participant, what sanctions might be imposed if necessary, how that might happen.

Allison Badger:

I love when you talk about the collaboration that you all had and how well you all work together. It's really amazing to hear, and I imagine that led to the success of the program. So could you talk a little bit more about the outcomes and successes that you all had?

Brian Bowen:

So if you come into the program and you make it through the four phases, and as the four phases occur... We're looking for people to modify their behavior. I like to tell people that we're not making Boy Scouts. I sometimes get attorneys in front of me who ask for 300 hours of community service about a case, and it takes 120 hours to be a Boy Scout, and we're not making Boy Scouts. But we are trying to

get this participant back to a point in their life when they were proud of who and what they were doing, when they had accomplished, even if it's basic training, or what their specific rating, or MOS was in the service, so that they got back to that point of, "Yeah, I can do this, and people are watching, and the people who I'm working with, they know what I've been through. They know what to expect, they've been there." And we find that that matters tremendously.

So when they are successful through all four phases, we then have a Mission Complete, and at a Mission Complete, we acknowledge their participation in the program, how long they've been in, what they've done while they've been in, how they've moved. We've had people who were living under I-70 and Quebec, which is an intersection, a bridged intersection in our community, year round, and ended up getting back on track, reaching some sobriety, employment, reuniting in some instances with their family, and starting new families. So we acknowledge all of that and we acknowledged that life's not a straight line and they've done a good job.

We try and bring in a community speaker. Sometimes it's another judicial officer who served in the military. Sometimes it's people we've known or gotten to know through this process, and they come in and talk to them about the encouragement and the model they're setting for the other participants. People all over the courthouse come to our Mission Completes. I go to the drug court graduations because it's uplifting for us, at a time when you don't always see that, and I think it's meaningful for the participants that they see that there's more support out there than they even know.

Allison Badger:

I will add that it was one of the first things I did in my role with the CJCC, and it was truly amazing to be a part of, and just to see how happy the participants were that they were able to accomplish this, and how supportive the room was, and how proud you were. It really was a wonderful experience to just be in the back and watch.

Brian Bowen:

You know it's a good day when someone is done. One of our criteria is that family does not object. So even in some minor domestic relations kind of cases, or where there's a history of that, that might not be the current case before the court. We've had family come and say, "Thank you for this." We did not have a single instance when someone met the criteria to be in our program that the family said, "No, we want them punished, or we want..." They want help for these people, and we expect a lot out of our children, and the young people who have served in the military, that was part of it. But coming back and reintegrating without problems is an unreasonable expectation. Overwhelmingly, the people who serve in the military do fine. We're just working with the population because we know they're out there, we know they may have resources, and we afford them the opportunity to participate in programming.

Now, our program was different than even the one in El Paso County. The only requirement we had in our program was that you had served in the military. We did not have a requirement that the reason you were in front of the court for criminal charges was somehow related to your time in the military. So traumatic experience, or something related to a time, a traumatic brain injury or something like that, it's not a requirement, because in our program we felt that by the time you sort that out and figure out whether something is related to their time in the military, they could be done with the program. So we welcomed all comers. And then part of what our job was to do was to sort that out, and find out what was going on, and what resources the Veterans Administration might have to help with whatever their challenge was.

And truly overwhelmingly, the number of people in our program, the number one issue for them was substances. Whether they were, and it's not a term of art, but self-medicating, whether they were taking substances to avoid their history, to avoid their time in the military, whether they had become addicted during their time in the military. We had veterans who were severely injured in their time overseas, and upon return, that addiction continued. So we worked with them to see where they were, see where we wanted them to head, and figure out what they wanted to do. Did they want training? Do they want to keep using, but not in a way that's a criminal offense? And so we did look at harm reduction as an important feature of what we were trying to accomplish. Not everybody Mission Completed out of our program, but we know we made a difference in people's lives.

We had a master sergeant from the army who had been a cook, and he really liked cocaine, and it was getting him in trouble until the jailers, and many of the people from the sheriff's officers who worked with our program, had been in the military, but they knew him by name, not a good thing necessarily. And we got to a point where he was still using a little cocaine, those UAs weren't working out, but he had an apartment for the first time in six years, he was not committing new crimes, and he wanted to go back to Texas and take care of his mother. Well, the harm reduction had happened. He'd probably gotten to a point with our program where he was going to be, and that was it. So he didn't get a Mission Complete, but he did get a completion of our program, completion of his probation authority to relocate to Texas and take care of his mother.

Allison Badger:

That's wonderful. We all know dealing with the criminal justice system is not one size fits all, and we need to be able to help people in the ways that they need to be helped. And so I'm so thrilled that we were able to talk to you about this, and I wanted to ask one last question, if you were a state agency, and you were going to be looking to fund a brand new Veterans Treatment Court, what's the first thing you should do, or who's the first person you should talk to, or what are the main components that you would want that person to know?

Brian Bowen:

Well, most importantly, and this is going to be a long answer, most importantly, I think you have to have somebody who has passion. There are a lot of judicial officers out there that they're not interested in specialty programming, it takes extra work. My poor legal assistants who worked with me, I did a full criminal docket and this docket on top of it, and that was a lot of ask, but I think they saw the commitment, and they saw the commitment of the team, and so then they bought in. So buy-in is essential. And a lot of the trainings at the National Association for Drug Court professionals, Vet Court Con talk about, judicial officers are the keystone, and they have to have the passion, and they have to have the vision, and they have to build a team that has the same.

I have been to trainings where there were programmers that were saying, "We can't get the DA to come to the table." I don't truly know how you can do this process if the DA doesn't agree. Our DA agreed from the first moment they heard about it. You need to have a strong mentor core, and you need to start training them properly early. The Veterans Administration's Veterans Justice Outreach Coordinator are nationwide, so you should reach out to that person to make sure that they are on board and able to. As I indicate, regularly meet with your court online to the VA, a pretty powerful tool. Families and other community programming. So every county in America is supposed to have a Veteran Service Officer. And in our county of 450,000 people, we do have one, I think now we have two, but that's a pretty crazy ratio. But you want them talking to you, because they can tell you what the community needs, what the

pulse of the community is. The VFW, American Legion, AMVETS, all of those veteran service organizations, and there's a lot of them, Wounded Warriors. Boy, I could just go on and on, but you really want them to get in and support you.

We had a group that used to come and just bring donuts into the hallway outside the courtroom, because you never know where somebody is. It's a great opportunity to talk, and that's what the mentors are supposed to do. The hallway side conversation that doesn't get said in the courtroom formally, and that group just made people feel welcome. We had people from the County Housing Agency, from the County Employment Agency, representatives of education, who would come to our courtroom in the hallway, and be available to meet with people when they wanted to meet with them. Now, COVID changed a lot of that, and it became an issue, but the idea is still there, the availability and immediate availability, because when someone turns to you and says, "Yeah, I'm tired of this. I think I'm ready to go into treatment." I want them to do it that week, I don't want them to have to wait six weeks.

So you have to build a team, and private community therapists are important because, as I've indicated before, some people's experience in the military may not have been ideal. They may not identify as being a veteran. And even a lot of people who served in the military don't consider themselves veterans because they weren't in combat. But that's not our criteria in our program, we simply want people who are in need, high risk, high need people, who are bumping into the criminal justice system, who are ready to change. Sometimes there's some growing pains about that, but if you don't have a team on board, come back to me again asking for funds, but go away and do this hard work because you're not ready, and if you find that you do have resistance, and times have changed from the early 2000s, and the Iraq and Afghanistan actions. People have short memories.

And our population is 6% of... Everything's 6%, apparently. 6% of the population serve in the military. That 6% of those participants have military sexual trauma. There's not the same commitment to service in the military that there was before, and so some of that is waned, but that doesn't mean to that person whose life you may change, that it isn't an important program. Our program operated with nothing harsher and nothing softer for the participant. So they didn't get a huge break in what happened, but we were able to immerse them in a culture of resources, of recognition of the military way, and terminology, and experience, as well as having community resources for those people that didn't like that and want to be recognized otherwise.

Because here's what I know, we can do a lot of things, but specialty courts are data-driven, data outcome measured, and they work. We should do every case like we do in specialty courts. We're not always able to do that. So when you have an identifiable population, whether it's people who are unhoused in community courts, or people in Veterans Treatment Courts, or people in mental health courts, or wellness courts, or substance courts, DUI courts, in the implosion of service, at the point where the person is, works.

Allison Badger:

I can't imagine anyone not ready to jump and start supporting Veterans Court after listening to this because it's been so powerful just to hear you talk about this. It's so obvious that you're so passionate about this, although I've known that. And as I said on the beginning of the podcast, you are a legend, and we couldn't be more grateful for you joining us on the podcast. And we will be tapping into your expertise for the next several years as we navigate the Byrne SCIP program, and I just wanted to thank you so much for your time, and it's been wonderful.

Brian Bowen:

Well, thank you to have asked me. I am honored.