

# Ten Years of Second Chances

## A decade ago, officials at a New York court were stunned at how veterans charged with non-violent crimes responded to an offer of help

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It's been 10 years since the first veterans treatment court started in Buffalo, N.Y., and Jack O'Connor is pleased with what he's seen over the past decade. Veterans who would be in prison — and without treatment — are healing and rebuilding their lives.

O'Connor, the former program director for Medicaid in Erie County, N.Y., started the court in 2008 with two other veterans advocates. Hank Pirowski, court coordinator for the county's mental health court at the time, and Judge Robert Russell also helped get the program going.

It all started when O'Connor and Pirowski were observing drug and mental health court sessions. A Vietnam veteran stood before Russell, looking at the floor and mumbling in response to questions.

Russell asked O'Connor and Pirowski, both Vietnam veterans, to have a chat with this veteran.

"All that man wanted was to talk to other Vietnam veterans," O'Connor said. "He was in a good program, but there were no veterans in it."

After talking with the two men, the veteran came back to the court and stood at parade rest.

"He looks the judge right in the eye and said, 'Judge, I'm going to do better,'" O'Connor recalled. "What we're saying to ourselves was, 'What the hell happened?' The guy had never talked, only mumbled."

### **'MANY' HAVE DONE MULTIPLE TOURS**

O'Connor, a member of VFW Post 2472 in Kenmore, N.Y., worked with VA to build the infrastructure necessary to establish a veterans court alongside the mental health and drug

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treatment courts. He also arranged with the local sheriff to dedicate holding cells specifically for veterans who had been arrested.

Each veterans treatment court is different, largely due to differences in local and state law. Some courts hear both felony and misdemeanor cases, while others adjudicate just one of those categories.

Some crimes are not eligible for the diversion programs. In Johnson County, Kan., for example, specific illegal acts — such as felony sex offenses, drive-by shootings and crimes involving serious bodily harm or death — would disqualify a veteran. The district attorney's office and the judge have final authority over who can participate.

Veterans also have to undergo an evaluation with the VA or the county mental health department to determine if they have a treatable issue, such as post-traumatic stress disorder (PTSD) or traumatic brain injuries, that might have contributed to their criminal behavior. If they don't have a treatable issue, they're not eligible for the program.

"Usually when they get in the court, they've hit rock bottom," O'Connor said. "They've lost their family. They've lost their friends. They're on drugs. Many of the guys in our court have two or three tours."

#### MORE THAN 350 COURTS NATIONWIDE

The program isn't easy. There are regular drug tests, mandatory counseling sessions and other requirements that participants must meet. If they don't, they're sanctioned by the court. Some spend a few nights in jail as a punishment.

Not everyone who starts the program successfully completes it. If a veteran messes up too many times, he or she is sent back to the regular court for sentencing.

Courts often provide donated rewards, such as military-themed clothing or gift cards, for participants who follow the requirements.

Buffalo's court has 192 graduates after 10 years. A court in Orange County, Calif., saw 87 graduates in its first eight years, with a recidivism rate of 10.4 percent among those graduates. A 2016 report from Orange County estimated that the program saved the government \$2.8 million in costs associated with jail and prison.

According to Justice For Vets, a program of the nonprofit National Association of Drug Court Professionals, there were 354 veterans treatment courts in more than 40 states in July 2018. These courts served 15,000 veterans annually, with 5,700 fellow veterans serving as mentors.

#### **'EVERYBODY'S FINE BUT YOU'**

The courts mean a lot to veterans like Garrett Cleek, a member of VFW Post 7397 in Lenexa, Kan. Cleek was facing domestic battery charges in the Johnson County, Kan., court just as the veterans court there was getting established.

Cleek served as the senior combat medic for C Troop, 1st Squadron, 2nd Armored Cavalry Regiment from mid-2013 to spring of 2014. His unit was based at Kandahar Airfield, Afghanistan, in support of Operation Enduring Freedom.

Although he wasn't physically wounded, incidents from Cleek's deployment haunted him. He remembers one time when a mix-up with supplies left him locked out of his medical vehicle. When the quick reaction force was called out to a truck hit by an IED, Cleek couldn't get into his vehicle to respond to the call.

He knows that even if he'd been able to respond to the call, all eight soldiers in the vehicle still would have died, but he still found himself yelling out radio traffic in his sleep, troubled by not being able to try to help.

There also was the numbness that comes with constantly being under attack.

"Typical day-to-day s--- like rocket attacks," Cleek said. "You always hear the alarm. Eventually, it gets to a point where if it's your time, it's your time. You don't even run to a bunker. You're just like, 'Rocket attack? Take me."

"Ninety-nine percent of the time, deployment is sheer boredom, and then one percent of the time, it's life-altering, pants-s----ing, f---ing terror."

He lost two friends during his deployment. When Cleek returned, two other friends who'd been there with him shot themselves. Cleek was on the same path.

"The memories you have from over there are full color and loud as f---, and everything else is black and white and muffled," he said. "Putting it behind you is like putting it behind you in a backpack. It's still attached to you.

"If nobody's talking about it, and nobody's open enough or brave enough, bold enough to admit it and reach out to their friends, then it seems like everybody's fine but you. You're the only guy who must be so weak that this permeates your shell and gets to you. You must be the only one really bothered by this. You don't want to look weak. You don't want to bother your friends, and so you don't say anything."

Cleek said he was on constant alert, checking locks, sitting with his back to the wall and feeling like he had to carry a firearm everywhere.

After he got back, his relationship with his girlfriend became unhealthy. Cleek said she hit

him regularly for two years, but he never reported it to anyone. One day, during an argument, he hit her. She did report it, and he was charged with domestic battery, a felony.

“I could have made another choice,” Cleek said. “I chose to do the wrong thing.”

When Cleek got evaluated for veterans court eligibility, his PTSD classified him as 70 percent disabled, which surprised him. It was a higher disability percentage than friends of his who had lost limbs.

### **MENTORS PLAY A ‘KEY’ ROLE**

As part of the veterans court program in Kansas, Cleek was paired with a mentor. Dave Stroman, a Vietnam veteran who retired as a sergeant major after 23 years in the Army, happened to be a member of the same VFW Post as Cleek. Stroman had heard about the court’s establishment and went to observe a court session before signing up.

The mentors are a key part of the program. It’s a big commitment to show up for the regular court dates and also be available outside those times as a sounding board for the veterans in the program.

Many courts are short of volunteers, and mentors can have multiple veterans to guide at once. O’Connor emphasized the need for sensitivity in this position.

“One bad mentor can bring a program down,” he said. “We don’t want someone who’s there for the wrong reasons. A guy came in who was a drill sergeant, and he says to me, ‘Jack, we’re going to kick some ass together.’ You don’t do that with the mentally ill.”

### **‘YOU SAVED YOUR OWN LIFE’**

Courts also do background checks on mentors and provide training.

Cleek said that Stroman saved his life by being there for him. Stroman thinks Cleek gives him too much credit.

“I told him, ‘No, you saved your own life,’” Stroman said. “I didn’t do that much. I just got him to do it himself.”

It’s important for mentors to stay professional while being there for the veterans. That can mean late-night phone calls or just meeting up to chat casually, rather than trying to replace a therapist.

“You encourage and empower them to do the right thing,” Stroman said. “I don’t tell them what to do. I don’t want him to depend on me. I’m a temporary friend. He can lean on me, but I don’t want to be his crutch. You hope that they don’t have to spend as long getting through (their battle-related issues) as you did.”

Stroman said his worst fear is that a veteran he mentors will commit suicide. So far, he's mentored four veterans. One withdrew from the program, another moved to another city and Cleek graduated. The fourth is still going through the court.

A year after graduating, Cleek's life is looking brighter. He's been working as a mechanic and plans to attend community college. Cleek attributes his success to Stroman and the court program's built-in support system.

"Dave's mentorship has been paramount," he said. "He holds himself to high moral standards, doesn't partake in self-destructive behaviors and maintains consistent communication. The Johnson County, Kansas Veterans Treatment Court family and the treatment they mandated at the Kansas City, Mo., VA system truly helped me identify my issues and begin to work on them."

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