

# Removing Legal Barriers to Employment for Veterans in HVRP: Connecting to VA Legal Services

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National Coordinator, Health Care for Reentry Veterans

**NCHV TA Center Webinar**  
November 13, 2014 2:00 p.m. EDT

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# Logistics

- Asking questions during the webinar
  - All participant phone lines are muted
  - You'll be unable to ask questions by phone
  - Please type your question in the on screen chat box
  - There will be two opportunities during the webinar to ask questions
- Post webinar survey
  - Michael Holzer, TA Program Assistant (NCHV), [mholzer@nchv.org](mailto:mholzer@nchv.org)

# Asking Questions During the Training

- Submit questions in the chat box on the webinar
- E-mail questions to Michael Holzer at [mholzer@nchv.org](mailto:mholzer@nchv.org)
- Submit questions through the post-training survey



# Justice-Involved Veterans

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# Objectives

- 1) Understand the core components of Veterans Justice Programs
- 2) Understand the key outreach points along the justice system continuum
- 3) Expand awareness of the needs of justice involved Veterans

# Agenda

Mission

Strategic Goals

Services

Sequential Intercept Model

National Estimates

VA and Treatment Courts

VA Authorization Limits

Incarcerated Veterans: Offense  
Types

Homelessness Risk

Notable Developments

Veterans Reentry Search  
Service

CHALENG: consumers' needs  
Discussion

# VHA Justice Programs: Mission

To partner with the criminal justice system to identify Veterans who would benefit from treatment as an alternative to incarceration. VJP will ensure access to exceptional care, tailored to individual needs, for justice-involved Veterans by linking each Veteran to VA and community services that will prevent homelessness, improve social and clinical outcomes, facilitate recovery and end Veterans' cyclical contact with the criminal justice system.

# VHA Justice Programs: Strategic Goals

1. Improve Veteran identification
2. Build staff capacity/skill
3. Match Veterans to appropriate treatment
4. Reduce stigma
5. Develop systems for evaluation, research and knowledge



# VHA Justice Outreach Services

## Justice Outreach

- Gain access to the jail
  - Identify Veterans and Determine Eligibility
  - Conduct outreach, assessment, and case management for Veterans in local courts and jails
  - Provide/coordinate training for law enforcement personnel
  - Linkage to VA and Community Services/Resources
- Number of VJO Specialists funded: 248
  - Number of local jail facilities serviced: 1284 (39%) of 3322 US jails
  - Number of Veterans receiving VJO services (Oct. 2009 – present): 89,843

## Prison Re-Entry

- Gain access to the prison
  - Educate Veterans' groups about VA and VA services
  - Identify Veterans and Determine Eligibility
  - Reentry Planning
  - Linkage to VA and Community Services
- Number of HCRV Specialists funded: 44
  - Number of state and federal prisons serviced: 998 (81%) of 1,234 US prisons
  - Number of incarcerated Veterans receiving reentry services (Aug. 2007-present): 64,353

# Sequential Intercept Model

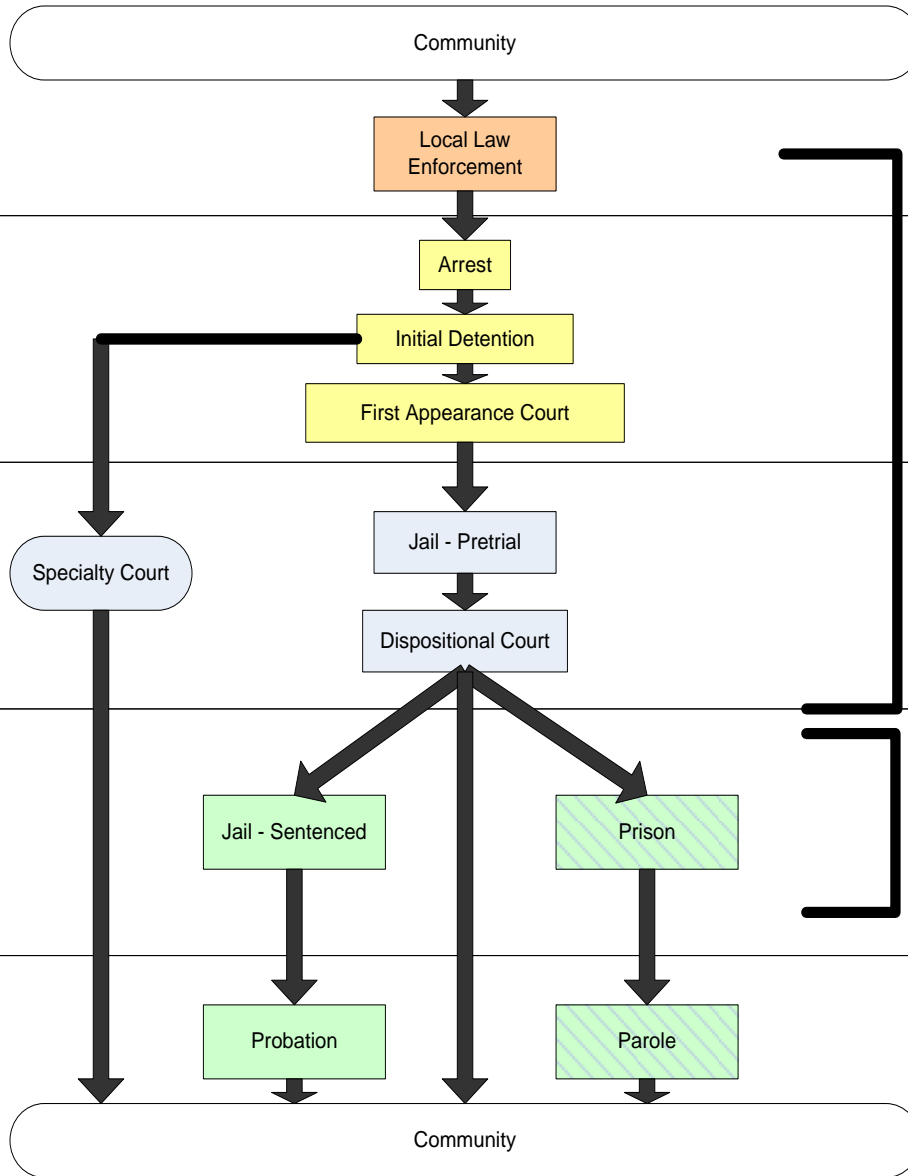
Intercept 1  
Law  
enforcement/  
Emergency  
Services

Intercept 2  
Initial detention/  
Initial court  
hearings

Intercept 3  
Jails/Courts

Intercept 4  
Reentry

Intercept 5  
Community  
corrections/  
Community  
support



**LAW ENFORCEMENT-  
COURTS-JAILS:  
VA Veterans Justice  
Outreach (VJO)**

**PRISONS:  
Health Care for Reentry  
Veterans (HCRV)**

# Justice-Involved Veterans: National Estimates from Bureau of Justice Statistics

	Number of U.S. residents, 2007	Percent reporting prior military service	Estimated number of military veterans, 2007
Criminal justice involvement			
Probation supervision <sup>a</sup>	4,293,200	9.3%	399,300
Parole or supervised release <sup>a</sup>	824,400	9.1%	75,000
Local jail custody <sup>b</sup>	780,600	9.3%	72,600
State prison custody <sup>c</sup>	1,315,300	10.4%	136,800
Federal prison custody <sup>c</sup>	197,300	9.8%	19,300
Total, correctional supervision <sup>d</sup>	7,328,200	9.6%	703,000
Adults Arrested <sup>e</sup>	12,078,000	9.6%	1,159,500



Veterans

Note: All counts are estimates, rounded to the nearest thousand.

a/ Probation and parole population counts based on BJS Annual Probation and Parole Surveys, 2007;

percentage of veterans based on SAM HSA's National Survey on Drug Use and Health, 2007.

b/ Local jail population counts based on BJS' Annual Survey of Jails, 2007; percentage of veterans based on BJS' Survey of Inmates in Local Jails, 2002.

c/ State and federal prison population counts based on BJS National Prisoners Statistics program, 2007; percentage of veterans based on BJS' Survey of Inmates in State and Federal Correctional Facilities, 2004.

d/ Because some offenders may have multiple statuses, this total is less than the combined populations.

e/ Arrest count is taken from the FBI's Uniform Crime Reporting Program, 2007; percentage of veterans based on SAM HSA's National Survey on Drug Use and Health, 2007.

# Incarcerated Veteran Offense Type

(sources: Bureau of Justice Statistics, 2000 [Jails], 2004 [Prisons])

Type of Offense	State Prison	Federal Prison	Jail
Violent Offenses	57%	19%	27%
Property Offenses	16%	11%	25%
Drug Offenses	15%	46%	17%
Public-order Offenses	12%	23%	31%
Other/unspecified	0%	1%	1%

# Important Context with BJS data

- Among adult males, the incarceration rate of Veterans (630 prisoners per 100,000) was *less than half* that of nonveterans (1,390 prisoners per 100,000)
- The calculated male violent offender rate for Veterans was 338 prisoners per 100,000 and for non-veterans was 595 per 100,000
- The non-veteran violent offender rate per 100,000 population is one and three quarters times higher than the Veteran rate
- This data DOES NOT support a view of Veterans as more violent population than non-veterans; in fact, the data supports the opposite view.

# VA Partnership with Veterans Treatment Courts

## Veterans Treatment Courts:

- Hybrid Drug and Mental Health Treatment Courts, serving Veteran defendants
- Volunteer Veteran Mentors
- 238 courts operating (up from 50 courts in January 2011)

## VA Contributions:

- VJO Specialist on treatment team; in courtroom when in session
- Linkage to health care services at VA medical centers
- Benefits assistance: VBA participation (both in and out of court)
- Partner with National Association of Drug Court Professionals to spread the model and established best practices
- Clark, McGuire, Blue-Howells in Drug Court Review (2010) - Early Development of Veterans Treatment Courts: Local and Legislative Initiatives

# Limits on VA Authorization

- Can provide:
  - Outreach, assessment, referral and linkage to services
  - Treatment for justice-involved Veterans who are not incarcerated
- Title 38 CFR 17.38 (c)(5) does not allow VHA to provide:
  - Hospital and outpatient care for a Veteran who is
    - Either a patient or inmate in an institution of another government agency
    - If that agency has a duty to give that care or services

# Homelessness Risk

Incarceration as an adult male is the single highest risk factor of ever being homeless (NSHAPC/Burt, 1996)

“Lengthy periods of incarceration in remote locations often attenuate the social and family ties that are crucial for successful reentry into the community.” (p. 9-5).

“...(E)ven short term incarcerations may disrupt lives and interfere with the ability to maintain employment and housing.” (p. 9-6).

(Metraux, Roman, and Cho on prison reentry/jail stays, National Symposium on Homelessness Research, 2007)



# Developments: Access to Legal Services

- VHA Directive 2011-034: VA medical centers making office space available for legal service providers to work with Veterans
- Legal services for homeless and at-risk Veterans through VHA Supportive Services for Veteran Families (SSVF) program
- Promoting legal service providers' participation in SSVF as subcontractors (example: DoJ Access to Justice Initiative webinar)

# Developments: Video Outreach

- 1) “A Second Chance for Veterans” – for VA leadership/staff and community partners (includes an introduction by Secretary Shinseki)
- 2) “Suits: Support for Incarcerated Veterans” – direct outreach to incarcerated Veterans (includes a companion training video for correctional staff)
- Each is available online (<http://www.va.gov/HOMELESS/VJO.asp>)
- National dissemination:
  - Veterans Justice Outreach and Health Care for Reentry Veterans Specialists use copies of “Second Chance” in presentations to VA and community audiences
  - Justice Programs staff are working with the Association of State Correctional Administrators and other partners to get “Suits” aired in correctional facilities nationwide

# Developments: Police Training Initiative

- VA Police Training Initiative
  - Partnership between Veterans Justice Programs, VA Law Enforcement Training Center, VA mental health providers
  - Topics: verbal crisis de-escalation skills, mental health and other clinical issues, VA resources for justice-involved Veterans
  - Goal: train all VA Police officers by end of FY 2015

# Veterans Reentry Search Service (VRSS)

**Goal:** Build a system to identify all Veterans currently incarcerated/in courts

**Data source:**

- VA/DoD Identity Repository (VADIR)
- Universal data source on Veterans (25 million + entries)

**Status:**

- 49 active users, including most (27) state prison systems
- VRSS identifying approximately 8% of inmates with history of military service; improvement over self-report response rates of 2-5%

**Next Steps:**

- Add new users, particularly from jails and courts
- National implementation

# Veterans Dorms

- Units in prisons or jails designed to house Veterans together to deliver services effectively, prepare for reentry, and reconnect with pride from military service
  - Services delivered by multiple partners, including direct prison services, state and county Veterans Affairs, non-profit behavioral health providers, state and local employment services, Vet Centers, outreach provided by VHA
- At most recent inventory (year end 2013), Veterans dorms were active in:
  - Federal prison: West Virginia
  - State prison: Colorado, Florida, Indiana, New York, Ohio, Pennsylvania, Virginia
    - In development Maryland, Ohio, Texas
  - Local jail: Arizona, California, Georgia

# Unmet CHALENG needs, Veteran rated, 2013

**Legal issues remain rated among the highest UNMET needs among Veterans who are homeless or formerly homeless (rank is among top 10 unmet needs)**

## Male Veterans

- 3 Legal Assistance to Prevent Eviction and Foreclosure
- 4 Legal Assistance for Child Support Issues
- 5 Legal Assistance to Help Restore a Driver's License
- 6 Legal Assistance for Outstanding Warrants and Fines
- 10 Military discharge upgrade

## Female Veterans

- 3 Legal Assistance for Child Support Issues
- 4 Legal Assistance to Prevent Eviction and Foreclosure
- 7 Legal Assistance to Help Restore a Driver's License
- 8 Legal Assistance for Outstanding Warrants and Fines

# The Minnesota Assistance Council for Veterans' Vetlaw Program

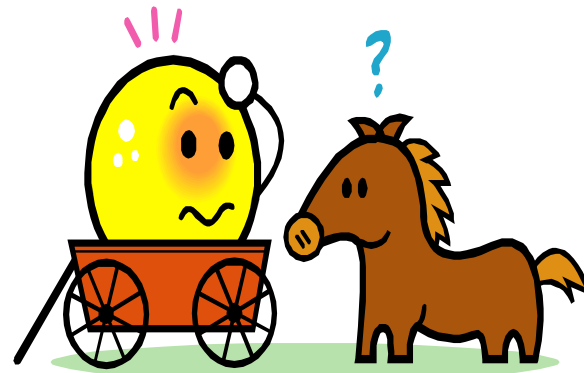


Sara Sommarstrom  
Vetlaw Director

# Addressing Veterans Legal Issues

Infinite range of options for structuring legal component

- Which model works best for your community?
- What resources and relationships does your organization have to address legal needs?
- Where do you start?
  - Identifying the need(s)
  - Structuring the program to fit client needs
  - Identifying volunteer resources
  - Scope: How often? How varied?





# Civil Legal Issues

- Spectrum of possible legal components
  - On-staff attorney providing full rep
  - On-staff attorney coordinating pro bono effort and/or legal services relationships
  - Contract relationship with legal services for full rep and/or pro bono assistance
  - Collaboration with legal services (unfunded)
  - Any combination of the above options
- Identifying veterans
  - Community-based legal clinics
  - Program participants
  - Community partners and VA homeless programs

# How the MACV Vetlaw<sup>2</sup> Program Started

- Responding to community need for veterans legal services.
- First clinic limited in scope; learned early on that a broader scopewas necessary to respond to individual needs.
- Learn from our mistakes: go to where the veterans are, and that is not in courthouses.



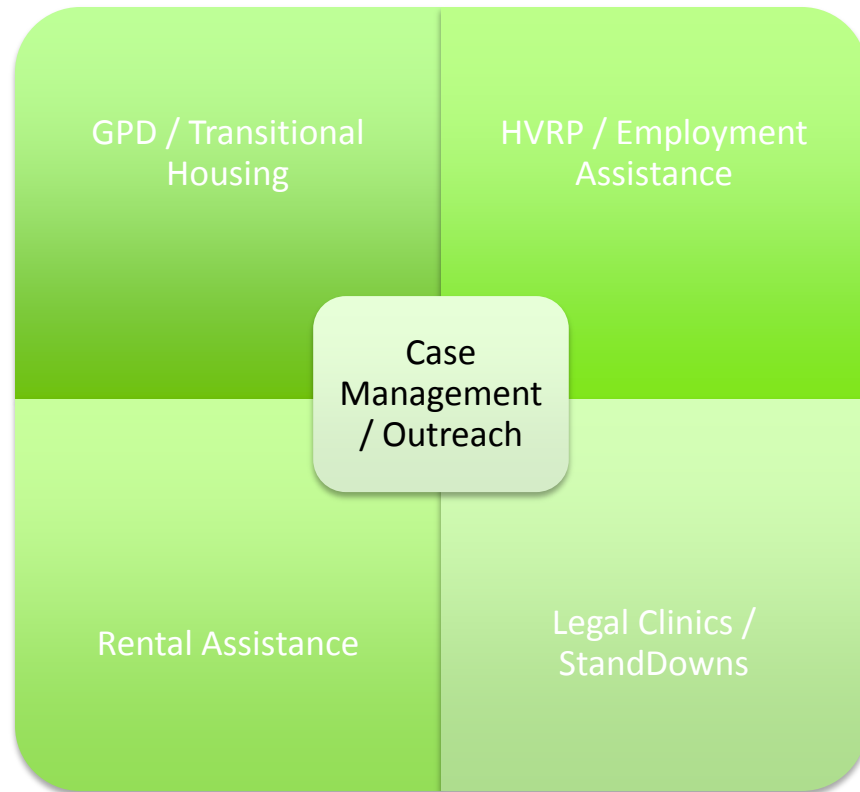
- Started without formal volunteer recruitment strategy or funding resource.
- “If you build it, they will come”, applies to clients, volunteers and funding!



# Minnesota Assistance Council for Veterans (MACV)



Statewide 501c3 nonprofit  
established in 1990



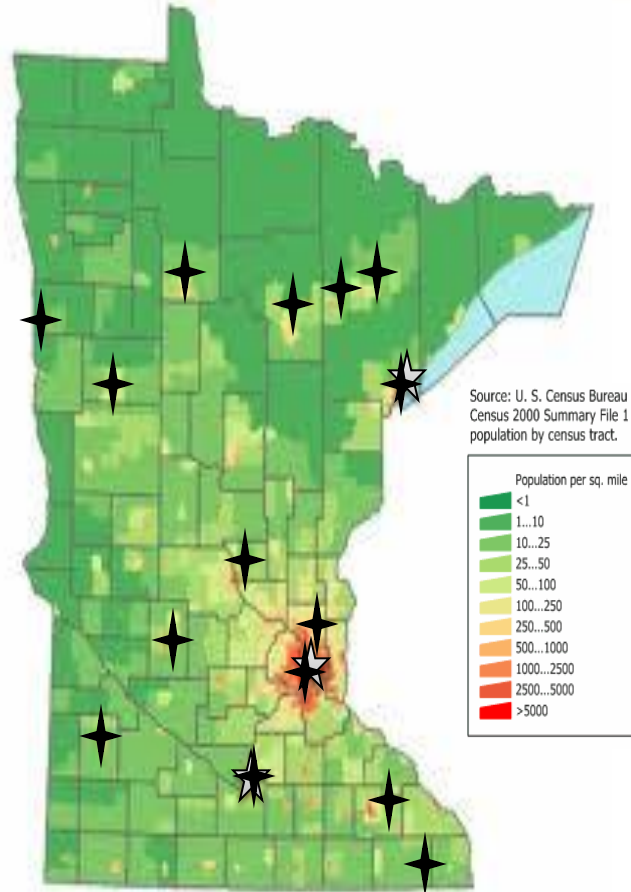
# MACV Vetlaw Program

- Triage brief advice and referral
- Full representation services
- Representation Partnerships with Legal Services Offices
- Pro Bono partnerships with law firms and in-house counsel
- Legal Clinics
- StandDown events
- Interstate referrals



# MACV Veterans Legal Clinics

- Vetlaw Program
  - Serves all 87 counties
  - 3 regional offices: Twin Cities, Duluth, Mankato
  - 3 staff, 2 attorneys
  - 2014 will host 34 clinics and StandDown events serving ~1,500
- Pro Bono/Pro Se Clinic
  - Varied legal issues
  - Walk-ins accepted
  - Law students and non-attorneys used to leverage attorney time



# Common Issues seen at Legal Clinics

- Family Law
- Consumer Debt
- Criminal Charges
- Criminal Expungement
- Employment
- Tax
- Housing
- Benefits
- Medical Malpractice
- Wills, Trusts & Estates



# What are your Challenges?



- Identifying Legal Partners
  - Legal Services Offices
  - Pro Bono Programs
  - Bar Associations
  - Individual Attorneys
- Identifying Legal Issues Amongst Veterans
- Getting successful legal outcomes for your clients
- Identifying and accessing legal resources in other states

# Discussion

Comments or Questions?