

Series: *Justice Today* podcast

Episode: The Story of Veterans Treatment Courts: Judge Robert Russell

Guest: The Honorable Robert T. Russell Jr.; Retired Judge, City Court; Buffalo, New York

Description: Today, across the U.S., there are 500 specialized courts designed to address the needs of military veterans. Judge Robert Russell explains how he founded the first one.

This transcript has been edited for clarity and brevity.

KAREN FRIEDMAN: Welcome to *Justice Today*, the official podcast of the United States Department of Justice's Office of Justice Programs (OJP), where we shine a light on cutting-edge research and practices, and offer an in-depth look at what we're doing to meet the biggest public safety challenges of our time. Join us as we explore how funding, science, and technology help us achieve strong communities.

I am your host, Karen Friedman. I am the Director of Criminal Justice Innovation, Development, and Engagement at OJP's Bureau of Justice Assistance, BJA.

September is National Recovery Month, an occasion when we acknowledge the millions of Americans who have transformed their lives by recovering from addiction or substance use disorder. Today's guest, the Honorable Robert T. Russell Jr., started a national movement that has helped countless military veterans cope with addiction and successfully navigate the criminal justice system.

Judge Russell retired last year after serving more than 30 years on the bench in City Court in Buffalo, New York. In 1995, he started that city's first drug treatment court, which we'll describe in detail shortly, and in 2008 he launched the first-ever treatment court that was designed to meet the unique needs of military veterans.

Judge Russell's idea was so successful that, less than 15 years later, America has about 500 veterans treatment courts in over 40 states. He has won far too many honors to list here, all very well deserved. And veterans treatment courts continue to expand, making a profound difference in the lives of more and more veterans every year.

Thank you for joining us today, Judge Russell. It is such a pleasure to have you. I don't get the opportunity to interview icons very often, so the fact that I get to interview one today is very exciting for me.

JUDGE RUSSELL: It is wonderful to be here. That's very kind of you, and thank you very much. Director Friedman, it's awesome not only to speak with the director of this initiative with the Bureau of Justice Assistance, but to also speak with a former treatment court judge.

KAREN FRIEDMAN: Yes.

JUDGE RUSSELL: So, Judge Friedman, that's awesome.

KAREN FRIEDMAN: We have a lot in common, especially our passion and our love of treatment court. When we saw each other at the National Association of Drug Court Professionals (NADCP), we couldn't help but trade stories and talk about how much treatment court has changed our lives and bettered our lives, and just gave us a whole new perspective on life, and on really how individuals can transform their lives. What an honor it is to be part of that process.

JUDGE RUSSELL: Very much so, very much so.

KAREN FRIEDMAN: You spent nearly all your career as a drug and treatment court judge. For those who may not know, drug and treatment courts are very different from traditional courts. Rather than stressing punishment for bad acts, the goal is to prevent future bad acts by addressing substance abuse. Judges, prosecutors, and defense attorneys work together as a team, not as adversaries, but as a team to help people recover and enter recovery.

You started when drug courts were a new idea and there were very few of them across the country. What is it that drew you to this work?

JUDGE RUSSELL: Part of my background is I previously had worked in the prosecutor's office in Erie County. I also worked in the state attorney general's office. So, when I became a judge in January of '92, and as I was sitting and presiding over cases, I would start to see after a while the same people returning to the criminal justice system. What you learned about these individuals is that many were suffering from dependency on substances.

Then there was a program on TV, *Nightline*, and *Nightline* did a segment on the first drug treatment court in the country in Miami, Florida, which was presided over by Judge Goldstein. They had a camera in the courtroom, and they showed a graduation, those who had successfully completed a drug treatment court. They had this one individual, he had tears in his eyes, he was so happy that he had successfully completed this journey. He was clean, sober, in recovery. His family was present. They were all celebrating this accomplishment.

I began to ask myself, "Why can't we have something like that in my community, in Erie County, New York, and in Buffalo?" And that was the inspiration to, in 1993, to then begin the journey of, "How can we get a drug treatment court in my community?" For two years we worked on that project.

KAREN FRIEDMAN: The drug court graduations, there's nothing like it. I would encourage anyone to go watch one because it is the most moving ceremony you're ever—I challenge you not to cry at a drug treatment court graduation. I challenge you! To see people who have struggled so long reach the other side and reunite with family members, and become a father again to their children, and a husband again to a wife or son to a mother, there's really nothing more moving than that.

You had been a drug court judge for about a decade, when, I understand, you had an experience with one particular defendant who gave you the idea of starting a treatment court focused solely on veterans.

JUDGE RUSSELL: I had presided over drug treatment court since 1995. Then, in 2002, we created a mental health treatment court, which works with men and women coming through our justice system who suffer from severe mental health disease or disorders.

On this particular occasion, in late 2006, there was an individual—well, in treatment court, we have an event that we call a status review. We have a staff meeting where the prosecutor, defense counsel, probation, treatment representative, the judge, we all sit and discuss what cases are going to be on the calendar that day.

The treatment representative, who is from our community mental health treatment provider, said, “You're going to see an individual today who's been with us about five months. He's a Vietnam veteran. He physically shows up to his counseling appointment, but he's not really engaged with his therapist. His therapist doesn't believe that they're making much headway. He's also in a group counseling session. He physically comes and sits there, but he doesn't really participate or engage in the group.” And they said, “We would like for you to address it with him when you see him today.” “Fine.”

Now we turn our attention to the court setting. I'm in court. The case is called. This individual, he's about 6'3", 6'4", a big fella, and he stands in front of me. His head is downcast. He's not looking at me. His posture is slumped.

And I said to this individual, “I'm happy you're going to your counseling appointments. That is fantastic. I understand you're keeping your appointments at group counseling also. But they don't believe that they're making much headway, that you're really engaged in your counseling. What's going on?”

And this person just gave me a grunt, a guttural-type sound. He's just going, “Uhh, uhh.” And, in the courtroom, was my project director at that time, Hank Pirowsk—who's since passed—but Hank was a Vietnam veteran who served in the Marines. And also present was a guy by the name of Jack O'Connor, who worked with our county government, who was sitting and observing that day. Jack's also a Vietnam veteran, served in the Army, 82nd Airborne. I asked both of them to approach the bench and said, “Would you go out in the hallway and talk to this gentleman, and find out what's going on?”

They exit the courtroom. In the hallway. About 20 minutes later, they returned to the courtroom. The court clerk recalled the case. Now, this individual is standing in front of me, no longer in the slumped posture, but standing fully erect. He's at parade rest, with his arm behind his back. His head is raised, he's looking directly at me, and now we have eye contact. I said, “Is there anything you would like to say?” He said, “Judge, I'm gonna try harder.” And that totally blew me away.

KAREN FRIEDMAN: Right.

JUDGE RUSSELL: I asked both Hank and Jack if they would remain after court and said, “Let's talk about what in the world did y'all do to this guy in the hallway to get this reaction?” They indicated that, we shared with him that we also were Vietnam veterans. They also disclosed what branch of service they served in, and where they were located in country in Vietnam. And they told the person that they cared about him, and that the court, the judge cared about him, and they just want him to do better. And we

would like to work with him to see how we can help him to do better. And would he work with us? And that made a difference, got that reaction, in just that short time.

So, from that standpoint, it became, maybe we should be doing something more for the men and women who served in the military to give them the best opportunity to regain stability in their life.

KAREN FRIEDMAN: I already have tears in my eyes. It doesn't take very much for me. I'm already welling up.

After you saw that remarkable interaction in your court, you brought together a number of government agencies, and you launched the first veterans treatment court in a little over a year. For a brand-new idea, especially in any kind of government setting, that is an idea that's moving really, really fast.

You've said that one of the key drivers of this success was early and enthusiastic support from the Veterans Administration, the VA. Could you tell us what they contributed and why that partnership was important?

JUDGE RUSSELL: Yes, very much so. I am extremely grateful for the United States Department of Veteran Affairs and their support for veterans treatment court, not only locally—in Buffalo, Erie County—but also nationally.

When I had that meeting in my chambers with Jack and Hank, the Vietnam veterans, and we discussed what more we could do, I thought that maybe if we set aside a day for veterans who are seen in our justice system to address their underlying health issues—whether it's substance abuse, whether it's mental health, whether it's traumatic brain injury—then maybe that's something we should do. Well, Jack O'Connor sat on our VA hospital's advisory board. He said, "I'm gonna see if I can get you an invitation to our next monthly meeting." Sure enough, he did.

I attend the monthly meeting. It's chaired by the director of our VA hospital, Director Finnegan at that time, and the other members on the advisory board are all veterans who are active in the VA healthcare community. I indicated we were thinking about just setting aside a treatment court for veterans, and asked whether they thought it was a good idea or a bad idea. I didn't know how it would be received. And around the room, all these vets raised their hands and said, "We want to volunteer if you're serious about doing that."

Sure enough, that collective group, we would meet monthly. Then I asked the director of our VA hospital, would they allow an employee from the VA to physically come to the court and be in the courtroom with us as we engage veterans? To make sure these veterans are linked to VA healthcare, to address their benefit issues, and things of that sort. So, the VA, from the beginning, did send a federal employee to a local state court.

KAREN FRIEDMAN: That's awesome.

JUDGE RUSSELL: And I want to tell you, that is major...

KAREN FRIEDMAN: Major.

JUDGE RUSSELL: ...to send us one of your federal employees to come weekly to a local state court. And bless their hearts, that is something that they agreed to do. Then, as time went on, they created a full-time position, which we now know as a veterans justice outreach worker, which is available in every VA hospital in the continental U.S. and its territories, to be able to service and assist veterans seen in the justice system.

So, a salute to General (John) Shinseki, who was the VA secretary that made it a full-time position. And I also am grateful for Secretary (James) Peake, who was his predecessor, who first created a part-time position. And then General Shinseki made it a full-time position.

KAREN FRIEDMAN: That's awesome. That's great.

JUDGE RUSSELL: So, a salute to the VA.

KAREN FRIEDMAN: You've also said that another key element behind the success of veterans treatment courts was recognizing the culture and camaraderie of military service. You brought in veterans as counselors and peer mentors from the very beginning.

JUDGE RUSSELL: We looked at that one individual who was in mental health treatment court and the response he got from meeting with two veterans, and how that kind of stimulated something in him, "I want to try harder." Some of our men and women who serve lose that camaraderie that they had during the course of their military service. So, we have an environment where the whole courtroom, all the participants, are veterans who served in the military. Then, we have a cadre of men and women from the community who are veterans that serve as volunteer veteran mentors.

General Butch Tate, who's now with the National Association of Drug Court Professionals as an in-house legal counsel, came to visit our veterans treatment court. After sitting and observing, he said, "You know, in every fine recipe or in a fine dish, there is something contained in that dish that makes it so wonderful and worthwhile." He said the secret sauce for a veterans treatment court is the volunteer veteran mentors. And I agree.

That is the secret sauce. It is bringing together veterans, tapping into that military culture, and indicating to our men and women who have served that it is okay to ask for help. We can move past that warrior mentality to say that as a collective group and a collective body, we will get through this together.

KAREN FRIEDMAN: Yup.

JUDGE RUSSELL: You have the men and women who served, they've got your six, have your back. They're going to do what they can. They're going to be your battle buddy to help you get through this journey of sobriety and recovery in your life.

KAREN FRIEDMAN: I think that's the secret sauce, as well, for regular drug treatment courts. I could say the most eloquent, supportive things in the world, but at the end of the day, they know that I haven't

experienced what they have experienced. So, to have people in the courtroom who can say, "I've been there. This is what got me through it." Or, "I hear you. What you're saying makes sense. Let me help you through it." That is really, really key.

JUDGE RUSSELL: Yes, yes. And it's so rewarding to observe and be part of this journey and this process, to see men and women who've served in the military regain so much in their lives, a new direction. Because some come home and will be like, "What's my mission now?" To gain a new mission in their life, to gain stability in their life and to be in recovery, it's awesome.

KAREN FRIEDMAN: As I mentioned earlier, veterans treatment courts have now become an integral part of our court system across the country. Have you been surprised how quickly and widely they've spread?

JUDGE RUSSELL: When we started this journey, we were looking to see how we could serve the men and women in our community who served in the military that were going through the challenges of substance abuse, challenges with regards to mental health, or other health-related issues. I had no inkling that somehow it would be embraced by many jurisdictions nationally, which I am thankful and grateful for.

They could see the benefit of us, as a society, doing what we can to assist our men and women who served in the military who might be suffering and going through some challenges, and providing that support to help them with stability in their lives.

KAREN FRIEDMAN: You have spent much of your career working with people who've struggled with substance abuse issues. What have you learned about the way society deals with addiction and the problems that stem from it? What do you think we need to be doing? What could we be doing better?

JUDGE RUSSELL: It's been a learning process. When I think about the early days of how we, as a society, dealt with addiction, it was before science helped us to get a greater understanding. It was, "Why don't you just stop?" And then we learn through science that, no, it is a disease. It is a brain disease. We're in a continual process of getting a greater understanding of the nature of addiction, the nature of dependency.

Also, as a society, treating addiction like other chronic diseases, just like heart disease, just like diabetes, things of that sort. We have to provide the necessary treatment and medication in order to help people in their journey to stability and being able to effectively manage their disease or disorder.

I also think part of the challenge, as a society, is getting past the stigma of addiction. I think that it's still present, the stigma for those who might be dependent on substances. Let's embrace dependency as we do other diseases and provide the form of treatment and necessary care and aftercare to help people in their journey.

KAREN FRIEDMAN: I remember going to my initial judges' training where they actually show you that commercial, "This is your brain on drugs." But they only show you the frying egg. They don't show you

an MRI or a CAT scan of someone's brain who has been on drugs for a significant period of time. You can actually physically see the change in the form of the brain.

We have to understand that many of the decisions that are being made by an individual, this is not the person that their family knew. It's a person who has a brain that has physically and chemically changed. We have to be sympathetic to that situation and try to understand how difficult it is to make good decisions under those circumstances.

JUDGE RUSSELL: Very much so.

KAREN FRIEDMAN: I think an important piece to talk about, also, is the public safety aspect of treatment courts. You know, some people don't believe in drug courts. They think it's like, "Oh, you're a bleeding heart. You're coddling these people. You're a judge. You're not supposed to be soft."

It's important for people to understand that this really is a public safety service. Most people convicted of crimes do not go to jail for exceptionally long periods of time. If we don't address the underlying issue—this substance abuse underlying problem—then when that person comes out, they're going to be the same public safety risk.

JUDGE RUSSELL: Oh, yes. And there's not only the public safety issue, but the tremendous cost savings, taxpayers' savings, that treatment court brings to bear.

In treatment court, a person will be in a court-supervised treatment program for a minimum of a year. Typically, it's going to be two years or more. In the beginning, they're going to be seen probably weekly, and then eventually every other week, and so forth.

You're going to have probation involved. They're going to have frequent drug tests. At least twice a week, they're going to be tested for substances. It's going to be random. It's going to be observed testing. There are consequences for noncompliance. It's all based on the best evidence of how to assist someone in this journey of recovery.

And when I talk about recovery, I'm just not talking about momentary sobriety. I'm talking about someone who could have been homeless, preying on the community and society, who is now in safe, stable housing. Someone who was unemployed is now going to be employed.

When we first started our drug treatment court in late '95, our county government did a cost-benefit study of our program. And what they found was, we were saving the county over \$10 million in the span of several years. How did they arrive at that? Because people who were on public assistance became employed and were no longer on public assistance. Taxpayers weren't paying for them.

KAREN FRIEDMAN: Yup.

JUDGE RUSSELL: They also found that those who had child support payments that were in arrears, guess what? They were paying and catching up on the arrears.

KAREN FRIEDMAN: Yeah, exactly.

JUDGE RUSSELL: These people are clean, sober, in recovery, working, employed. Guess what? They're not committing future crimes. They're productive citizens in our community. What more could we want as a society? People being restored, productive, contributing to society. Society saving financially. And we have a reduction in crime.

KAREN FRIEDMAN: Yeah, love it. Love it.

Well, Judge Russell, it has been a true honor and pleasure talking with you today. Thank you again for all the work you have done on behalf of America's veterans, and on behalf of all of us treatment court judges who have learned so much from you. And thank you so much for joining us on *Justice Today*.

JUDGE RUSSELL: Thank you for blessing me with the opportunity to join you today. Thank you.

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