

Veterans' Courts

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- Veterans Are Frequently Incarcerated.** The Bureau of Justice Statistics found in a 2000 survey—the most recent information available—that 12.5 percent of state prison inmates reported military service.¹ Similarly, 11.7 percent of county jail inmates reported military service. All told, more than 200,000 veterans are behind bars. Of veterans in state prisons, 30 percent were first-time offenders, compared to 23 percent of non-veterans. Veterans were more likely to have a history of alcohol dependence than non-veterans. Of veteran inmates, 30.6 percent reported alcohol dependence compared with 23.6 percent of non-veterans. Additionally, 70 percent of veterans in state prisons were employed prior to being arrested, compared with 54 percent of non-veterans. Veterans behind bars were more likely to be mentally ill, with 19.3 percent reporting mental illness compared with 15.8 percent of non-veterans. More than three-quarters of veterans behind bars were honorably discharged.
- Veterans' Courts: The Latest Specialty Court.** Illinois, Nevada, and Texas are among the states that have recently enacted legislation authorizing the creation of veterans' courts. The Texas legislation enacted in 2009² may be particularly useful as a model for other states, because it authorizes counties to create such courts, provides guidelines that are flexible enough to allow for local innovation, and had no fiscal note. The nation's first veterans' court was founded in 2008 in Buffalo, New York and 10 communities across the nation have set up such courts. Such courts may be a temporary but needed solution as thousands of troops return from Afghanistan and Iraq.
- What Are Veterans' Courts?** These courts are similar to drug and mental health courts. Not all veterans are, or should be, eligible and these courts don't let offenders off the hook simply because they are veterans. Rather, these courts hold them accountable through a strict schedule of court appearances and treatment appointments, and, if necessary, sanctions imposed by the judge that can include jail time. Some courts also utilize probation officers to ensure the offender is properly monitored.

Typically, only misdemeanants and, in some cases, non-violent felons are eligible for a veterans' court. The veterans' court in Orange County, California is limited to mentally ill offenders. In the veterans' court being created in El Paso, Texas (home to 20,000 soldiers), participants must have a service-related disability such as primary diagnosis of post-traumatic stress disorder (PTSD), traumatic brain injury, or severe depression.³ Eligible offenses will include marijuana possession and family altercations. The El Paso court will have the authority to require participants to attend rehabilitation, educational, vocational, medical, psychiatric, or substance-abuse programs. Like drug courts, rather than issue a sentence and move to the next case, a judge holds regular hearings to monitor the offender's progress through treatment and compliance with the terms of probation. The El Paso court is actually a docket of an existing court so there is not an expense associated with creating a new court, and the county expects to save money on jail costs.

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Just as with drug and mental health courts, successful completion of the court may result in a dismissal or reduction of the charges, a feature which helps participants obtain or retain employment. A Stateline.org article notes that in the Buffalo court, where none of the 100 participants have been re-arrested, offenders must complete “rigorous and individually tailored treatment programs.”⁴ The Buffalo judge, Robert Russell, points out that veteran’s courts are distinguished from other specialty courts in that they also include mentoring sessions with other veterans, which leverage the camaraderie that the military builds. Meetings with U.S. Department of Veterans Affairs employees may also be involved for a variety of reasons, including connecting homeless veterans with V.A. housing and transition to work programs.

- **The Role of the Victim.** It is vital that, in cases involving an individual victim, veterans’ courts ensure the victim obtains justice. The Council of State Governments Justice Center has issued *A Guide to the Role of Crime Victims in Mental Health Courts* that is equally applicable to veterans’ courts, explaining how such courts can effectuate the right to attend, the right to be heard, the right to be informed of proceedings, the right to reasonable protection, and the right to full and timely restitution.⁵ Successful completion of a specialty court program is typically dependent on all restitution having been fully paid.
- **Why Veterans’ Courts?** The rationale for veterans’ courts is based on the combat-related stress, financial instability, and other difficulties adjusting to life that confront many soldiers returning home from Iraq and Afghanistan. A 2008 RAND Corporation study found that about one-fifth of all Iraq and Afghanistan veterans—or about 300,000 of the more than 1.6 million U.S. troops in the two wars—reported symptoms of PTSD or major depression.⁶ While most of these veterans are law-abiding, these problems contribute to criminal behavior among a substantial number of veterans.
- **Support for Veterans’ Courts.** Like drug courts, veterans’ courts have won bipartisan support. Congressman Steve Buyer (R-Indiana) noted in speaking with Judge Russell at a hearing examining the success of the Buffalo court, “You win my ‘wow’ award.”⁷ In Illinois, State Rep. Michael Tryon, a Republican, was the co-sponsor of the enabling legislation and, in Nevada, Republican Governor James Gibbons signed the measure into law. Veterans’ courts are also backed by Senator John Kerry (D-Massachusetts).

¹ Christopher Mumola, “Veterans in Prison or Jail,” U.S. Department of Justice Bureau of Justice Statistics (Jan. 2000) <http://www.ojp.usdoj.gov/bjs/pub/pdf/vpj.pdf>.

² Text of Senate Bill 1940, 81st Legislative Session, effective June 2009, <http://www.legis.state.tx.us/tlodocs/81R/billtext/html/SB01940F.htm>.

³ Chris Roberts, “Law keeps veterans with post-traumatic stress disorder out of jail,” *El Paso Times* (30 Aug. 2009) <http://www.allbusiness.com/government/government-bodies-offices-regional/12793391-1.html>.

⁴ John Gramlich, “New Courts Tailored to War Veterans,” Stateline.org (30 June 2009) <http://www.statebillnews.com/?p=550>.

⁵ Hope Glassberg and Elizabeth Dodd, *A Guide to the Role of Crime Victims in Mental Health Courts*, Council of State Governments (2008) <http://consensusproject.org/downloads/guidetocvinmhc.pdf>.

⁶ Terri Tanielian and Lisa H. Jaycox, “Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery,” RAND Corporation (17 Apr. 2008) <http://www.rand.org/pubs/monographs/MG720/>.

⁷ Jerry Zremski, “Buffalo’s ‘Veterans Court’ wins praise in Congress,” *The Buffalo News* (17 Sept. 2009) <http://www.buffalonews.com/cityregion/story/798194.html>.

