



I24 Veterans' Courts: Trend for the Future?

Ziv E. Cohen, MD*, 175 W 90 St, 18J, New York, NY 10024

After attending this presentation, attendees will be able to describe the purpose and functioning of the Veterans' Court. Attendees will understand the history of attempts to address mental health issues in veterans who are entangled with the criminal justice system and will be brought up to date on current data on effectiveness of the Veterans' Court.

This presentation will impact the forensic science community by updating attendees on an important current trend in tending to the needs of veterans in the criminal justice system, a population which has vastly expanded since the Iraq and Afghanistan conflicts.

Since the inclusion of Post-Traumatic Stress Disorder (PTSD) in the DSMIII in 1980, the legal system has recognized the potential value of PTSD in shielding veterans from the criminal justice system. However, even before then, the courts had considered defendants' war experiences to assist in weighing criminal responsibility and appropriate punishment.¹ The first wave of veterans to employ the PTSD defense were Vietnam Veterans who received an often-negative response to their claims of legal insanity due to combat related PTSD.² With the end of the Iraq war in 2011 and the anticipated return home of most troops from the Afghanistan conflict by the end of 2014, the American mental health system is expected to be flooded with over 1.5 million veterans, with up to 35% suffering from PTSD.³ There has been some evidence that violent crime rates are elevated among veterans returning from the Iraq war, and that violent crime is elevated among combat veterans in general.⁴⁻⁵ As opposed to Vietnam Veterans, public attitudes toward Iraq/Afghanistan Veterans remain positive.⁶ Thus, there is considerable interest in the utility of PTSD to help shield these veterans from the consequences of criminal behavior or to form the basis of treatment. PTSD may also be employed in arguments to reduce criminal responsibility.⁷ Recently, a movement of Veterans' Courts which began in Buffalo in 2008, has expanded around the country.^{8,9} In some districts, veterans convicted of felonies are eligible for services and counseling.¹⁰ Veterans' Courts have sprung up to rectify the perceived injustice of punishing veterans for behaviors related to the symptoms of PTSD.¹¹ However, to date, there is little published data on the effectiveness of Veterans' Courts. Proponents argue that "treatment not punishment" both provides justice for veterans and helps reduce recidivism. However, others are troubled by the creation of a privileged class of criminal defendants. The paper presents the recent history of attempts to address the issue of veterans in the criminal justice system, the inception of Veterans' Courts, and the data available regarding effectiveness. The paper discusses the inconclusive nature of the evidence at present and suggests direction for future studies.

References:

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