Prison is No Place for Veterans
by Guy Gambill & Tracy Velazquez · November 11, 2010, 10:14:00 UTC

Over the past four decades, too many veterans have returned home only to end up in our prisons and jails. Frequently, this is a result of their combat experiences and our country’s inability to address the negative consequences of these experiences. It doesn’t have to be this way.

Returning veterans began playing a significant role in the rise of the U.S. prison system beginning with the Vietnam era; in 1986, 24 percent of all Federal prison inmates and 21 percent of those in state prisons were veterans. Anecdotal evidence indicates this pattern repeating itself now. Why is this so? In a war zone soldiers must adapt to very real threats. They are trained to be hyper-vigilant and on edge.

Many soldiers begin to self-medicate while still overseas to help relax and sleep or assuage nightmares, often leading to addictions they take home with them. Being overly aggressive is another common characteristic of combat veterans, sometimes the result of a traumatic brain injury or a mental health condition like post traumatic stress disorder (PTSD). It doesn’t take a clinical psychologist or policy expert to see how this combination of behaviors and reactions could enhance the likelihood of justice contact ranging from drug-offenses to the myriad of arrests that people who are homeless (as are hundreds of thousands of vets) are subject to.

For too long, empathy for returning soldiers has not result in concrete actions specifically around veterans caught up in the justice system. This is beginning to change.

In the past few years, we have seen the evolution of a Veterans Treatment Court model. An outgrowth of drug courts, this model allows some veterans the opportunity to have their sentence set aside if they receive treatment for underlying mental health and substance abuse addictions. While these courts are a good start, they are a “back end” solution that requires veterans to plead guilty to the offense, and many “veterans courts” exclude vets whose offense involved violence, which is almost a trademark for those suffering PTSD.

A variety of alternative responses are also being developed that would keep vets out of the justice system altogether, thereby sparing them the negative impacts of having a criminal record. A federally-funded five-year program for Jail Diversion and Trauma
Recovery is being piloted in several jurisdictions, and a number of states have passed legislation that allows an extra level of discretion for judges in deciding whether sending a veteran to treatment rather than to jail is the more appropriate justice solution. In Chicago, police are going through a specialized Crisis Intervention Training (CIT) course designed specifically for interactions with combat veterans, which teaches officers de-escalation techniques for veterans experience a mental health crisis, avoiding unnecessary arrests and reducing the chance of officer injury.

Some may ask why veterans are deserving of “special attention” by our justice system. It comes down to a matter of intent and culpability: that is, when we consider how to hold veterans accountable for illegal behaviors or actions, we must take into account that these may primarily be an outward manifestation of their combat related illnesses and injuries. We have done too little for too long in providing returning veterans the supports and services they need to be successful in civilian life; certainly, success by anyone's measure would mean maintaining one's liberty rather than being locked up in prison.

Prosecutors, judges, and policymakers from both parties and across the country are beginning to recognize that more needs to be done for justice-involved vets. This is a giant step forward. However, these efforts need to be part of a comprehensive solution, one that includes better systems of care for soldiers in the theater and continues “day one” upon their return to U.S. soil. In this way, we can better honor our Veterans and keep them and their families healthy, safe and free.

*Photo Credit: [ChrisCosta77](http://www.chriscosta77.com)*

Guy Gambill & Tracy Velazquez are, respectively, a veteran and Soros-Open Society Institute Senior Justice Fellow, and the executive director of the Justice Policy Institute.