

Courts urged to consider vets' trauma

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A loose coalition of activist veterans, private foundations, government health care workers and justice system officials is forming to create or lobby for initiatives aimed at taking war-related trauma into account during the sentencing of veterans who commit nonviolent crimes.

There are no national statistics on the prevalence of crimes committed by troubled war veterans. And no one is arguing for going easy on those who commit violent crimes.

But the punishment for crimes committed by war vets in which no others are physically harmed — such as drug possession and driving while intoxicated — should be leavened with the knowledge of what the vets have gone through and the treatment they still could lack, argues Army veteran and former social worker Guy Gambill, a Minnesota-based consultant on veterans issues.

Such mitigating factors are taken into account in a growing school of legal thought known as therapeutic jurisprudence, in which judges get more discretion in sentencing and options to place offenders in treatment rather than behind bars.

The Afghanistan and Iraq wars have produced hundreds of thousands of combat troops who suffer from post-traumatic stress disorder or major depression. According to a joint Veterans Affairs Department-University of San Francisco study published in July, 418,000 of the roughly 1.9 million service members who have fought in or supported the wars suffer from PTSD.

As of August 2008, the latest data available, about a quarter-million veterans were imprisoned on any given day — about 9.4 percent of the total daily imprisoned population, according to the National GAINS Center Forum on Combat Veterans, Trauma and the Justice System.

While not all those vets have PTSD, studies show a greater risk of anti-social or criminal behavior in vets diagnosed with the disorder, especially when it is exacerbated, as experts say it often is, by alcohol and drugs.

Gambill's interest was piqued a few years ago by a California law mandating that veterans with a mental health condition arising from combat who commit nonviolent crimes can be diverted out of the justice system and into treatment. He decided to try to push for the same thing in Minnesota, which passed a law last year giving judges more discretion.

So-called "veterans courts," which hear only cases involving veterans and allow discretionary sentencing, have been established in Buffalo and Rochester, N.Y.; Orange, Santa Clara and San Bernardino counties, Calif.; Tulsa, Okla.; Anchorage, Alaska; and Madison County, Ill.

The collective efforts of the veterans coalition and others also have led to federal funding of pilot discretionary sentencing programs in Colorado, Connecticut, Illinois, Georgia, Massachusetts and Vermont. The programs have been running for a year and are funded for another four, Gambill said.

Concern over veterans and crime has risen despite studies showing that the number of incarcerated vets stayed roughly flat from 2004 through 2008, despite the ongoing wars and repeated deployments, which have produced levels of stress resulting in high rates of suicide and domestic violence, among other issues.

"You don't get this uptick that a lot of people are expecting to happen," said Chris Mumola, an analyst with the Bureau of Justice Statistics.

In fact, he said, "we've seen a decline over the past year in inmates who say they have a military background."

Still, with 223,000 veterans in jail or prison on any given day — and an unknown number among the 4 million Americans on probation — advocates say it's more than likely the problem will grow.