

**PTSD & Veterans' Issues
The Next Battle**

2015 Superior Court Judges'
Summer Conference
Asheville, North Carolina




Casualties of War

- Since September 11, 2001, troops have deployed 3.3 million times.
- Over 2.5 million have shouldered those deployments (800,000 > 1 deployment)
- 38% of those deployed have Psychological Problems (do the math)
- A US Veteran commits suicide every sixty-five minutes.




The New Veteran's Experience

This isn't your Father's War

- The enemy has no uniforms
- The enemy has no rules
- Who is the enemy?
- Constant threat environment
- Phase III (Combat) and IV (Stability) merge
- VUCA Environment (Volatile, Uncertain, Complex and Ambiguous)




Combat Survival Rates

Survival Rate is 87% thus more service members are returning home than any other U.S. conflict.



War Zone Deployment and Readjustment Problems

- PTSD
- Traumatic Brain Injury (TBI)
- Substance Abuse and Addiction
- Violence
- Suicide

The points of intersection for veterans are the criminal and civil legal systems



Psychological Casualties

- Bipolar Disorder
- Borderline Personality Disorder
- Co-occurring Brain and Addictive Disorder
- Major Depressive Disorder
- Post Traumatic Stress Disorder (PTSD)
- Panic Disorder and Obsessive Compulsive Disorders
- Schizophrenia and Schizoaffective Disorder



Mental Health Problems

Post Traumatic Stress Syndrome (PTSD)

- 18.5% suffer from PTSD
- 38% of Soldiers and 31% of Marines report Psychological Problems

Traumatic Brain Injury

- 19.5% suffer probable TBI
- 64% of Soldiers wounded in action sustained blast injuries



Major Depressive Episode (MDE)

- Age 21-25: 12.1%
- Age 26-29: 13.4%
- Age 30-34: 7.5%
- Age 35-39: 8.3%



2000 Bureau of Justice Statistics on Veterans

- 81% had substance abuse problems prior to incarceration
- 35% alcohol dependent
- 23% homeless at some point in prior year
- 25% mentally ill



Broken and Untreated

One in Nine incarcerated persons are veterans

- 70% in jail for non-violent offenses
- 82% eligible for VA services
- 18% had been homeless.

Over 70,000 Homeless Veterans

Over 700,000 Unemployed Veterans



North Carolina

- Almost 800,000 NC veterans (22+ Million nationwide)
- 115,000+ Active Duty and Reserve
- 10%+ of the total population
- 1 in 7 adults in NC are Veterans
- 6th highest veteran population in the U.S.
- Isolated Enclaves / "The Southern Wombs"



Overcoming PTSD and Dealing with Re-Integration

- VA disability and treatment systems
- Downsizing the All Volunteer Force
- Understanding Homecoming
- Coming down from the "Combat High"
- High risk behavior
- Substance Abuse: 500,000 Vets who access the VA systems annually



The Judicial Intersection (Criminal)

- Outstanding Fines and Warrants
- Expungement of Criminal Records
- Driver's License Revocations
- Mental Health Involuntary Commitment
- Probation and/or Suspended Sentence and Bond Hearing Revocations
- Federal, State and Local prosecutions



The Judicial Intersection (Civil)

- Immigration
- Employment (USERRA)
- Wills/POAs
- Family Law (divorce, custody, child and spousal support, guardianships)
- Consumer Protection
- Income Tax
- Name Changes
- Landlord / Tenant
- Assistance for pro se actions by the client



Why Veterans Courts?

We, as a society, owe it to our veterans to do everything we can to help them overcome the problems that result from their military service. When these men and women become involved in the criminal justice system, we must seize the opportunity to intervene in their lives, and work together to make them whole once again. (The Promise of Veteran's Court)



National Landscape

- **Today, more than 10,000 Veterans who would otherwise be incarcerated are receiving life-saving treatment in a Veterans Treatment Court (VTC)**
- >175 VTCs exist nationwide.
 - Pre-adjudication treatment options; and
 - Post-conviction treatment in lieu of confinement.
 - Some attempt both models.



North Carolina's Veteran's Treatment Courts

- Harnett County (11th Judicial District), November, 2013
- Cumberland County (12th Judicial District), November, 2014
- Buncombe County (28th Judicial District), March, 2015

Coming soon to a County near you! (or at least Counties near a VAMC near you)



Other North Carolina Programs

- **Mecklenburg County: Operation Recovery**
 - Veterans will be scheduled for court one day/week in the same courtroom.
 - Focus on veterans with mental illness, co-occurring disorders, TBI, or trauma.
 - Provide treatment instead of incarceration when this can be done at little risk to public safety.



Veterans Treatment Court: The Basics

- Focus is on treatment.
- Based on drug court model.
 - Provide holistic/collaborative approach to identifying and treating underlying issues of the veteran's criminal behavior.
- Include mentoring sessions with other veterans.
- Provide the potential to have charges reduced or dismissed as an incentive to complete treatment.



Participation in VTCs

- Selection is open to veterans and members of the military services:
 - Active duty, Guard & Reserve
 - Not limited to just those with combat experience.
- Selection process should consider the type of service discharge, type of offenses that offer the hope of effective treatment and ensure safety of family and community.



Best Practices Model

- Regular court appearances (bi-weekly minimum in early phases);
- Mandatory attendance at treatment sessions;
- Frequent and random testing for substance use.



“Win-Win” Model

- Veterans are appearing before judges who are familiar with their unique problems.
- Judges are supported by a strong interdisciplinary team, VA representatives, volunteer veteran mentors
- Treat the veterans mental health and addiction issues
- Prevent recidivism
- Return veteran to society and their families



Familiar Structure

- VTC is the military unit;
- Judge becomes the Commanding Officer;
- Veteran Mentors become fire team leaders;
- Court team / VTC Coordinator becomes the company staff;
- VA Liaisons become the Company Medics
- Veteran-Defendants become the troops.



“One-Stop Shop” for Veterans

- VTCs link veterans with the programs, benefits, and services they have earned.
 - VJO present to access confidential medical records, make treatment appointments, and communicate this information to the court.
 - VA representative ensures veterans receive disability compensation, education, and training benefits.
 - VSOs and State VA representatives assist with additional state and local resources.
 - Veteran Mentors provide motivational support.



VTC Best Practice Elements

- Participants have protections
(voluntary; constitutional rights retained)
- Selection is open to the extent possible
(array of offenses and balance of public safety);
- VTCs have jurisdictional flexibility and a focus on treatment *(VA and local provider coordination; veteran mentoring).*



MVAC

- Military & Veterans Affairs Committee
(Soon to be the Military and Veterans Law Section, NCBA)
- Creation, support, advocacy and furtherance of VTCs in judicial districts
- Seek VTC Enabling Legislation and Innovative Court Policies and Practices



Questions or “You’ll be standing tall before the Man”?

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