

# Policy Brief: Veterans Courts

## SB3222

### The Bill

*Senate Bill 3222 (SB3222), as introduced, authorizes creation of veterans' courts to address particular concerns of veterans suffering from post-traumatic stress and other conditions arising from military service. The current bill is sponsored by Tennessee State Senator Randy McNally, who represents the 5th District, which includes Anderson, Loudon, Monroe, and parts of Knox Counties.*

### The Problem

- Over 11,000 veterans of Iraq and Afghan wars are homeless and lack the means in which to seek help from the VA (Brenda, 2005). With these problems facing veterans they often turn to substance abuse as a means of coping and in turn are arrested for charges such as DUI, trespassing, domestic violence and assault (Russell, 2009).
- Senator McNally passed SB0556 removing the exception allowing a defendant not otherwise eligible to be sentenced to community correction rather than incarceration if the defendant has special needs that are best treatable in the community. With this bill already in place there is no need to single out veterans as this would also pertain to them.
- The first "veterans' court" was launched in Buffalo, N.Y., in January 2008 by Judge Robert Russell. Since that time nearly 80 veterans' courts have sprung up across the country.
- Many military veterans served in peacetime and were never exposed to combat trauma which at the same time there are many civilians that suffer from PTSD that would not be afforded the same rights.
- By implementing these courts which have been modeled after other special courts such as drug courts and mental health courts we are validating the perpetuation in the media of the "wacko vet myth", that has come to hurt rather than help returning combat veterans.

### Problem Impact

- These courts violate the Constitutional Due Process Rights of Veterans. In order to participate in these court hearings and receive the diversion for which these courts are created the defendant must first plead guilty to the crime they are charged with (Castellano, 2011).
- By implementing these special courts and using the veterans' medical situation as a means of helping the veteran causes serious problems to privacy of medical records. If used in court these medical records become open records and are fair game for all to view further hindering veterans' quest for stable employment (Erspamer, 2008).
- Separate courts further stigmatize veterans by creating a different court system based on their status and group them along with other special courts such as drug courts which have a negative serotype among citizens and law enforcement. The logic behind veterans-only courts further assumes only veterans experience trauma that impacts behavior.

### Position

- In keeping with the fourteenth amendment we believe that giving special treatment or preference to any individual or group because of their demographics (race, gender, and ethnicity) automatically results in illegal and unconstitutional discrimination against the individual or group who is excluded from such special treatment.

### Solution

- Veterans Readjustment Centers are throughout the country and do an outstanding job reaching veterans before and after they get involved in the justice system; yet these institutions are often under staffed and have as many as 500 returning veterans being seen by only three counselors at many locations. It would be a better investment in our veterans and our communities if money allocated for these courts were spent on counselors which would help not just today but into the future.

#### Resources

Brenda, B. B. (2005). A study of substance abuse, trauma, and social support systems among homeless veterans.

*Journal of Human Behavior in The Social Environment*. 12(1), 59-82. doi:10.1300/j137v12n01

Castello, U. (2011). Problem-solving courts: theory and practice. *Sociology Compass*. 5(11), 957-967. doi:10.1111/j.17519020.2011.00422.x

Erspamer, G. P. (2008). The new suspect class tragically, our veterans. *Human Rights*, 35(2), 17-20.

## Readjustment treatment

One of the biggest barriers to treatment of PTSD is stigma. The fear of being labeled weak or crazy for seeking mental health treatment has been a persistent problem in the military culture. In a 2007, RAND study it was found that 18% of veterans from Iraq and Afghanistan are coming home with post-traumatic stress disorder and that half don't seek treatment out of fear that the treatment would not remain confidential and could harm the veterans' career if it was discovered he was seeking help for issues such as PTSD.