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COMMONWEALTH OF VIRGINIA JOINT LEADERSHIP COUNCIL OF VETERANS SERVICE ORGANIZATIONS

*Air Force Association
American Ex-Prisoners
of War
American Legion
AMVETS
Association of the United
States Army
Disabled American
Veterans
Fleet Reserve
Association
Korean War Veterans
Association
Legion of Valor of the
U.S., Inc.
Marine Corps League
Military Order of the
Purple Heart
Military Officers
Association of America
Military Order of the
World Wars
National Association for
Uniformed Services
Navy Seabee Veterans of
America
Non-Commissioned
Officers Association
Paralyzed Veterans of
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Reserve Officers
Association
Roanoke Valley Veterans
Council
Veterans of Foreign Wars
Vietnam Veterans of
America
Virginia National Guard
Association
Women Marines
Association*

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2011 POSITION PAPER

Special Judicial Procedures for Veterans and Military Service Members

1. **OBJECTIVE:** To help veterans and military service members who have been charged with a crime by allowing localities to establish special judicial procedures. These procedures would emphasize use of available treatment options as an alternative to incarceration and would benefit veterans, military service members, and the community.
2. **BACKGROUND:**
 - Military service entails high costs to service members and their families. In addition to the risk of death or physical injury, service members, especially those in combat, face situations that place them under extreme mental stress.
 - Physical injury or combat can lead to post-traumatic stress, traumatic brain injury, alcohol or substance abuse, homelessness, unemployment, and strained relationships in the home and in the community. Some of these conditions may not manifest themselves for months or even years after a service member has returned from a combat zone or after a veteran has left military service.
 - Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) – severe manifestations of mental illness and head or brain injury, respectively – have been called the “signature injuries” of the wars in Iraq and Afghanistan, but also affect veterans and military members from all periods of service.
 - Mental illness and injury arising can create conditions that bring veterans and military service members in contact with the judicial system.
3. **DISCUSSION:**
 - Unique resources and treatment options are available through federal, state, local, and private agencies, providing effective alternatives to incarceration.
 - Allowing communities to treat some veterans and military service members, rather than incarcerate them, would help them receive the unique care they need to recover from their unique injuries. It would also give them a second chance to resume their honorable place in our society and not be a burden to the community. The veteran or military service member, his/her family, and society will benefit.
 - Experience in other states has proven that veterans and military service members respond very favorably to judicial procedures where they feel respected and understood for their unique circumstances and needs.
 - Based on recommendations from General Assembly members, the Virginia Wounded Warrior Program has implemented an education program for judges, lawyers, and law enforcement officials. While this is a good start, special judicial procedures are still needed to ensure veterans and military service members receive the help they need to resume an honored place in our society.
4. **RECOMMENDATION:** The JLC recommends that the Governor and General Assembly enact legislation that would authorize (but not require) localities to establish special judicial procedures for veterans and military service members.