

JLC Position Paper
Military and Veteran Court Programs

1. **OBJECTIVE:** To help veterans and military personnel who come in contact with the legal and criminal justice systems by:
 - Enacting enabling legislation so that local judges may establish special court programs;
 - Implementing education programs to help judges, attorneys, first responders, and others understand the unique challenges faced by veterans and military service members, and the treatment options available to them; and
 - Proactively addressing a potential future wave of military and veteran-related court cases by studying further ways of helping veterans and military personnel who come in contact with the legal and criminal justice systems.

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, can face situations that place them under extreme mental stress.
 - This physical and mental stress can lead to mental illness, 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 weeks, months, or even years after a military 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 they are not limited to these – they have affected veterans and military members from all periods of service.
 - Unique resources and treatment options are available through federal, state, local, and private agencies, providing an effective alternative to incarceration.

3. **DISCUSSION:**
 - Mental illness and injury arising from military service can create conditions that bring veterans and military members in contact with the criminal justice system. Allowing judges to implement special programs that provide alternatives to incarceration would help military members and veterans receive the unique care they need to recover from their unique injuries, and would give them a second chance to resume their honorable place in our society. The veteran or service member, his/her family, and society will benefit.
 - Enabling local judges to establish local procedures will allow veterans and military members to leverage the myriad of federal, state, and local resources available to them, especially the unique resources of the U.S. Department of Veterans Affairs (the VA), and will potentially provide an effective alternative to incarceration, which hurts the individual, hurts the family, and society.
 - Experience in states that have established special programs has proven quite successful and demonstrated that veterans and military members respond very favorably in court

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systems where they feel respected and understood for their unique circumstances and needs.

- The Virginia Wounded Warrior Program (VWWP) was created by unanimous vote of the 2008 General Assembly to assist Virginia veterans, Guardsmen, and Reservists suffering from combat-stress related injuries. At the time, the scope of the problem was not well defined, but it was understood that there was a problem and that a new program was needed to address the issue. The same potential population served by the VWWP would be served by special court programs for veterans and military personnel.
- This is not an issue that can, or will, be solved in the short term. However, it is not an issue that can be deferred. The state can, and must, start taking steps to address this issue now, if only to lay the foundation for a potential future wave of military and veteran-related court cases.
- It seems logical that significant cost savings to the state and to local governments would be realized by keeping veterans and military members out of prison or jail, and instead sentencing them to alternate treatment options.

4. **RECOMMENDATION:** The JLC recommends that

- a. The General Assembly enact legislation that would authorize (but not require) localities to establish special court programs for veterans and military personnel;
- b. An educational program be established to educate judges, attorneys, first responders, and others on the unique challenges faced by combat veterans and the treatment options available to them; and
- c. A study be conducted to identify further ways of helping combat veterans who come in contact with the legal and criminal justice systems.