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## TOP STORY

THURSDAY, JUNE 18, 2009

### New courts tailored to war veterans

By John Gramlich, Stataline.org Staff Writer

Twenty years after local officials in Miami opened the nation's first drug court — a specialized “treatment court” aimed at rehabilitating low-level drug offenders instead of locking them up — state lawmakers in Illinois and Nevada are applying the same idea to a different population: war veterans who have had run-ins with the law.

The two states this year became the first to authorize the statewide creation of special “veterans’ courts,” which, like existing drug or **mental-health courts**, use a softer criminal justice approach to rehabilitate — not incarcerate — a select category of offenders charged with nonviolent crimes. Connecticut, New Mexico, New York, Oklahoma and Texas considered similar legislative proposals this year, and individual veterans’ **courts** already exist in Buffalo and Rochester, N.Y., Anchorage, Alaska, Orange County, Calif., and Tulsa, Okla.

U.S. Sens. John F. Kerry (D-Mass.) and Lisa Murkowski (R-Alaska) have pushed similar legislation at the federal level, but their bill stalled in Congress last year.

While drug and **mental-health courts** are geared toward those with substance-abuse problems or **mental illnesses**, veterans’ **courts** are designed for current and former military service members who have broken the law — potentially, the **courts**’ proponents say, because they face combat-related stress, financial instability or other difficulties adjusting to life after wartime deployments to Iraq, Afghanistan or elsewhere.

A [study](#) by the nonprofit RAND Corporation last year found that about one-fifth of all Iraq and Afghanistan veterans — or about 300,000 of the more than 1.6 million U.S. troops to see action in the two wars — reported symptoms of post-traumatic stress disorder (PTSD) or “major depression.” Many of those veterans did not seek treatment for their problems, the study found.

State lawmakers in Illinois and Nevada say troubled veterans who have relatively minor scrapes with the law deserve help, not punishment. They point to the high prevalence of PTSD and other conditions among veterans as possible reasons for their offenses. Backers of the **courts** also say that treating more low-level offenders will help improve public safety by decreasing the chances they will commit other crimes in the future and will free up valuable jail and prison space for more serious offenders.

Some critics, however, say veterans’ **courts** create a separate system of justice for current and former troops without any evidence that such a system is necessary. Singling out veterans in the criminal justice system, these critics say, is discriminatory because it suggests that veterans are more likely than other citizens to commit crimes.

The veterans’ **courts** envisioned in Illinois and Nevada are modeled on the nation’s first veterans’ court, started last year in Buffalo, where offenders must complete rigorous and individually tailored treatment programs. Those who are successful can have the criminal charges against them dropped or reduced.

The programs differ from those in drug or **mental-health courts** because they include mentoring sessions with other veterans and meetings with federal Veterans Administration employees who can steer them toward financial and other benefits they may not know about, according to Judge Robert T. Russell Jr., who created Buffalo’s court early last year.

Illinois state Rep. Michael Tryon (R), who co-sponsored his state’s bill to authorize veterans’ **courts** statewide, said he heard about Russell’s court and pushed the legislation on the advice of veterans’ service organizations in his district. Tryon said veterans charged with crimes would benefit from “liaisons” with similar wartime experiences and practical advice to give.

“It’s a shame that somebody who’s made that kind of commitment to the country...sometimes (isn’t) in a position to get all the help that’s available,” Tryon said, noting that he expects Gov. Pat Quinn (D) to sign the bill, which saw “zero opposition” in the General Assembly.

But in Nevada — where Gov. Jim Gibbons (R) signed the state’s measure into law in May — the American **Civil Liberties Union** opposed the bill, saying it wrongly emphasized some criminal offenders’ “status” in society.

Unlike drug **courts**, which are for those who have committed drug crimes, or **mental-health courts**, which are for those with diagnosed conditions, veterans’ **courts** are based on who offenders are, said Allen Lichtenstein, general counsel for the ACLU of Nevada. Veterans’

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courts are tantamount to creating special courts for “crimes committed by police officers, teachers or politicians,” he said.

“In America, we have one justice system for all, and to deviate from that, even for a benign purpose, really does go against our fundamental principles,” Lichtenstein said.

Those who support veterans’ courts hope they will prove as successful as the drug court model. After getting their start in Miami in 1989, drug courts now exist in all 50 states and number more than 2,300, according to the National Association of Drug Court Professionals, which advocates for more drug courts. According to the organization, which last month organized a [press conference](#) to highlight the anniversary of Miami’s drug court, 70 percent of all those who are referred to drug courts successfully complete treatment programs and 75 percent “never see another pair of handcuffs.”

Florida legislators this year boosted funding for the state’s drug courts, hoping to keep 3,000 people out of prison and save the state \$4 million.

While drug courts are widely seen as a success — both Republican and Democratic presidents have praised them — the veterans’ courts that are already in existence have not been around long enough for researchers to determine their effectiveness. But anecdotal evidence of their success has spread quickly in the judicial community and in state legislatures.

In particular, said Joe Davis, a spokesman for Veterans of Foreign Wars in Washington, D.C., the courts have attracted the attention of judges who are themselves veterans and see a chance to capitalize on the “peer pressure” atmosphere of the military by helping fellow veterans complete their treatment programs.

Russell, who is not a veteran but said he developed the Buffalo court after noticing an uptick in veterans appearing in the city’s criminal justice system, said in an interview with *Stateline.org* that the court is working with about 100 offenders, none of whom have been re-arrested during their time in rehabilitation. Those who have completed their programs — which can take more than a year — either are employed or have gone back to college, he said.

Russell said a key component of the success of his court is the veterans’ interaction with other veterans. When he initially observed veterans in court, Russell said, “they appeared to take greater pride in speaking to another veteran. They would stand more erect in court.” He noted that a common excuse cited by many troubled veterans — “no one understands me” — no longer applied.

“You now have a courtroom where everyone (understands),” Russell said.

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By John Vilalta on Jun 18, 2009 7:38:28 PM

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