



Veterans Defense Project

# Minnesota Mission

To expand and improve the way Minnesota's justice system deals with troubled veterans, by increasing understanding of the nature of combat trauma, its ties to criminal behavior, and how criminal charges can serve as intervention opportunities to leverage veteran offenders into needed treatment and help them become assets, rather than an ongoing liabilities, to the communities they once risked their lives to protect.

# The Coming Storm

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History tells us this will continue for the foreseeable future, creating an increasing public health and public safety threat.

# Lessons from Vietnam

Of the **3 million Americans** who served in **Vietnam**, **1 to 1.5 million** suffered **psychological injuries**.



Robert Ellison - Black Star

# Lessons from Vietnam

**Half of those psychologically-injured veterans later had contact with the criminal justice system.**



# Lessons from Vietnam

**Blamed** for an unpopular war – **demonized** and **discarded** within the justice system.



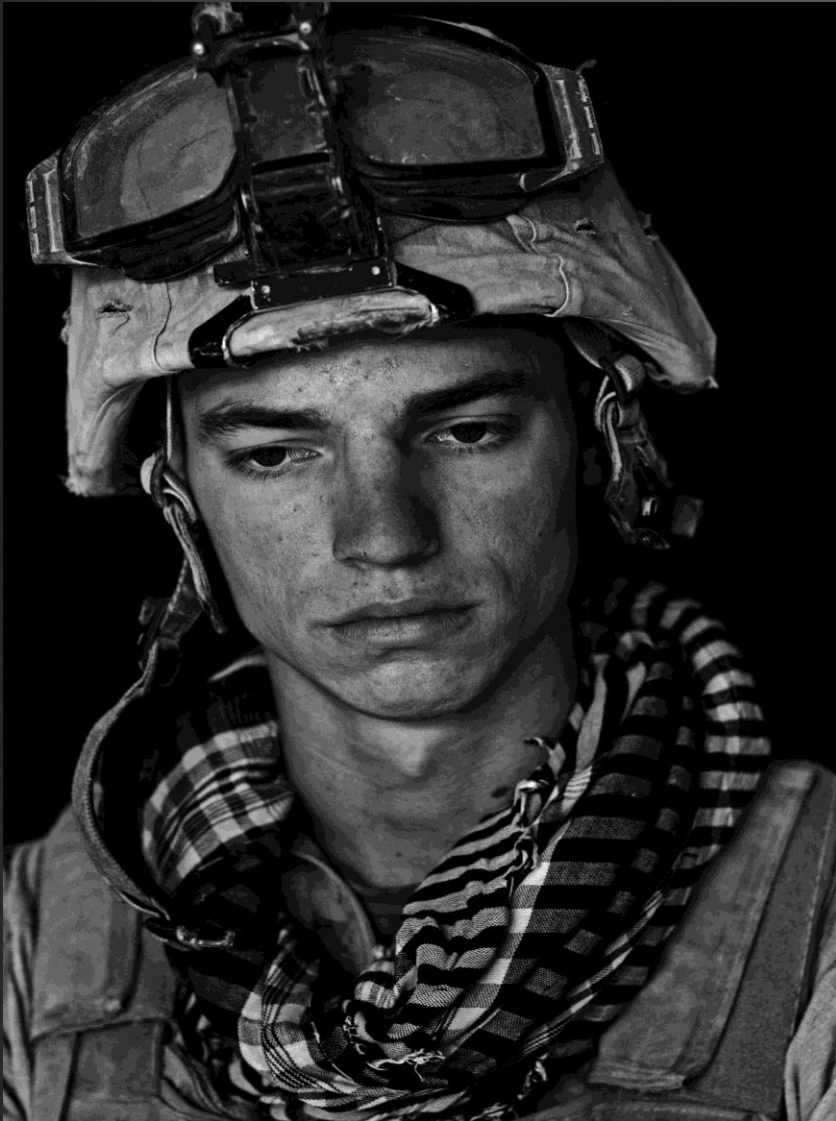
# Lessons from Vietnam

**Hundreds of thousands  
still incarcerated,  
homeless or addicted,  
more than 40 years after  
their war.**





# Current Numbers



**2.6 million** Americans have served in Iraq or Afghanistan.

IOM (Institute of Medicine). 2012. *Treatment for posttraumatic stress disorder in military and veteran populations: Initial assessment*. Washington, DC: The National Academies Press.

# Current Numbers



Up to **500,000** are suffering from **Post-Traumatic Stress Disorder (PTSD)**.

IOM (Institute of Medicine). 2012.  
*Treatment for posttraumatic stress disorder in military and veteran populations: Initial assessment.*  
Washington, DC: The National Academies Press.

# Current Numbers



**Less than half** have **reported** their invisible injury or **sought help** for it.

IOM (Institute of Medicine). 2012.  
*Treatment for posttraumatic stress disorder in military and veteran populations: Initial assessment.*  
Washington, DC: The National Academies Press.

Over 300,000 American Women have  
Served in Iraq or Afghanistan







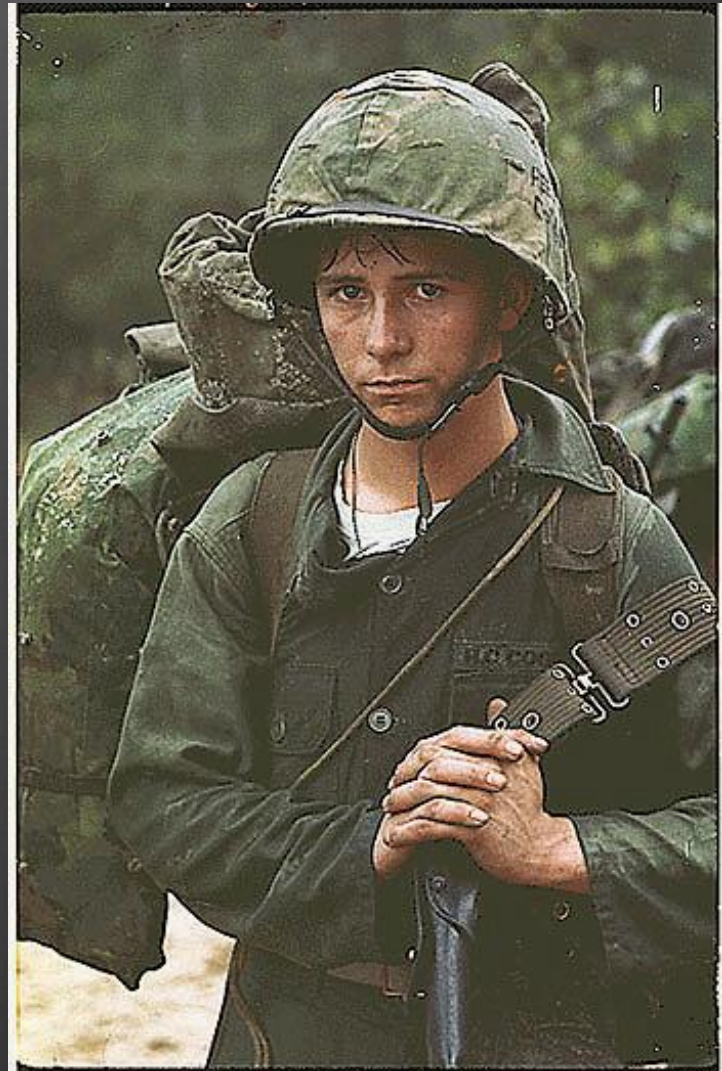
20% Diagnosed with PTSD





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David Furst - Agence France-Presse



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Michael Kamber

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- Today, No Draft = Small Military Force Recycled Over and Over
- Many have now served 2 or 3 combat tours.
- Some have served 4, 5, 6, 7, even 8 tours.



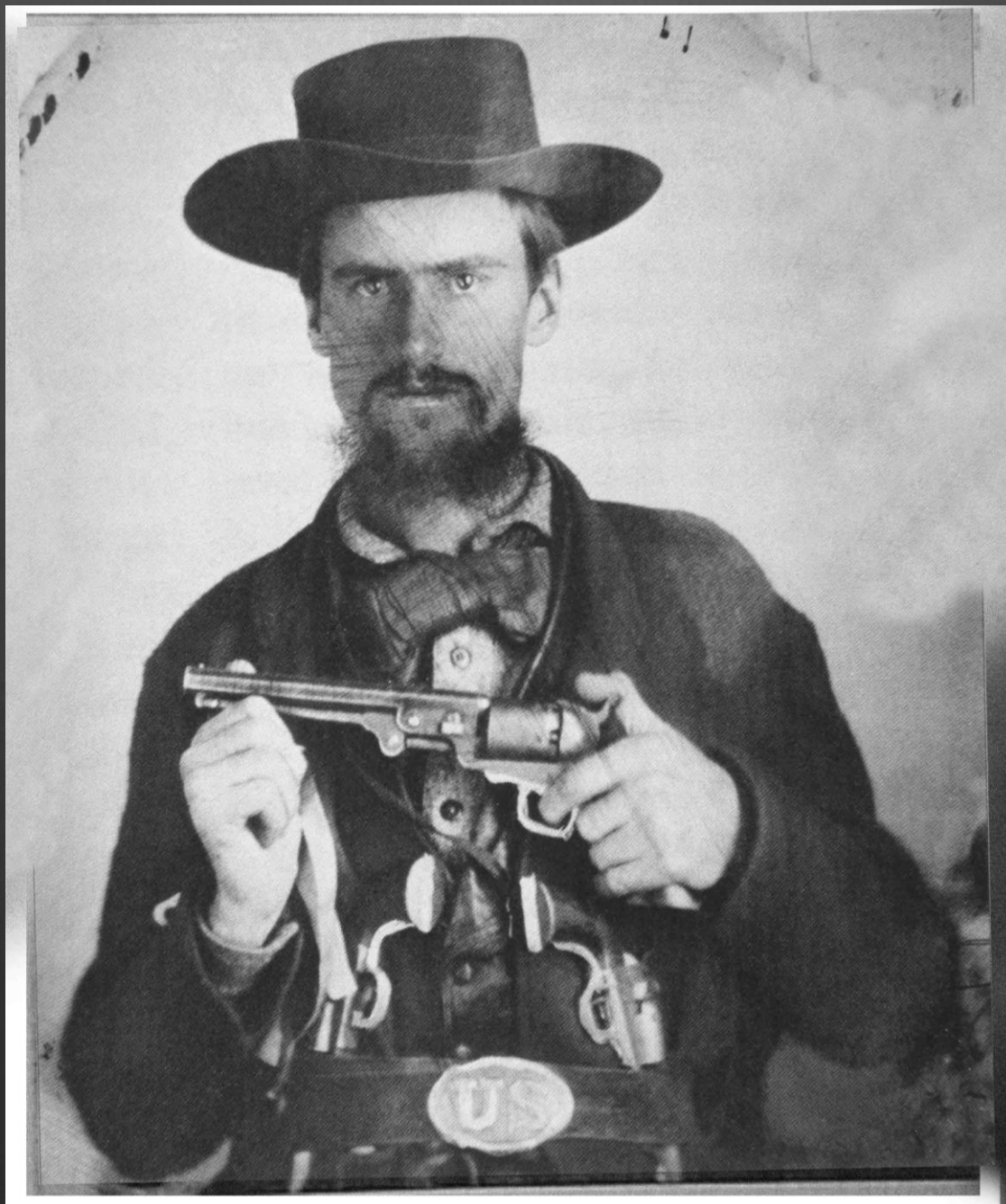




# How Combat Trauma Leads to Criminal Behavior

- Many **self-medicate** with **alcohol** or **drugs** and fall into **self-destructive, reckless** or **violent** behavior.
- Others suffer **flashbacks** in which they believe they are back in combat and act out.
- Military training and conditioning in the use of violence.









LIFE

# 2009 Ft. Carson EPICON Study

- “EPICON” = Epidemiological Consultation
- Post-deployment violence most tied to a combination of pressures of **Multiple Deployments** and **Exposure to Combat**
- “Survey data from this investigation suggest a possible association between increasing levels of combat exposure and risk of negative behavioral outcomes.”



# Minnesota Legislation

Sec. 9. Minnesota Statutes 2006, section 609.115, is amended by adding a subdivision to read:

Subd. 10. **Military veterans.**

(a) When a defendant appears in court and is convicted of a crime, the court shall inquire whether the defendant is currently serving in or is a veteran of the armed forces of the United States.

(b) If the defendant is currently serving in the military or is a veteran and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may:

(1) order that the officer preparing the report under subdivision 1 consult with the United States Department of Veterans Affairs, Minnesota Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, state, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence.

**EFFECTIVE DATE.** This section is effective August 1, 2008.

## *Porter v. McCullom*

Our Nation has a **long tradition of according leniency to veterans** in recognition of their service, **especially for those who fought on the front lines** as Porter did. Moreover, the **relevance** of Porter's **extensive combat experience** is not only that he served honorably under **extreme hardship** and **gruesome conditions**, but also that the jury might find **mitigating the intense stress and mental and emotional toll that combat took** on Porter.

130 S.Ct. 447 (2009)

# Veterans Courts

Criminal Contact = Intervention Opportunity

# Wide Diversity of Minnesota VTC Models

Disparate Outcomes for Veterans Across Minnesota



# Declining Stakeholder Buy-In

Declining Numbers of Veterans in Some Minnesota VTCs

# The Solution

Collaboration and Consensus Building Among Stakeholders

# Veterans Court Working Group

- Veterans Defense Project Team: Brock Hunter, Ryan Else, and Donn Lindstrom.
- Judge Renee Worke, Minnesota Court of Appeals;
- Judge Judith Tilsen, Ramsey County Veterans Court;
- Judge Jenny Walker-Jasper, Anoka County Veterans Court;
- Judge Carolina Llamas, Hennepin County Veterans Court;
- John Choi, Ramsey County Attorney, President of the MN County Attorneys' Association;
- Pete Orput, Washington County Attorney;
- Mike Freeman, Hennepin County Attorney, President National District Attorneys Association;
- David Brown, Assistant Hennepin County Attorney;
- Bill Ward, State Chief Public Defender;
- David Holewinski, LICSW, CBIS, Department of Veterans Affairs Veterans Justice Outreach Specialist;
- Ben Johnson, Legislative Director, Minnesota Department of Veterans Affairs.



# The Disposition Issue

# Pre-Conviction Adjudication

- Recognizes the service and sacrifice of the veterans on behalf of their communities
- Helps reestablish often broken trust between the veterans and their government and communities
- Incentivizes commitment to complete traumatic treatment
- Offers hope of redemption and the ability to once again become an asset, not an ongoing liability
- Better protects public safety in the short and long term

# Veteran Restorative Justice Act

- Presumptive Stay of Adjudication Under Certain Conditions
  - Nexus between offense and military service-related condition
    - Unless stipulated by parties, provides for a hearing in which court must find that nexus.
  - Limited to Level 7 offenses and below
    - Unless stipulated to by parties
  - Plea entered as a safeguard
    - Ensures acceptance of responsibility as a first step toward rehabilitation
    - Ensure swift sanctions should the veteran fail to comply

# Veteran Restorative Justice Act

- Transfer of Supervision
  - This act standardizes and formally authorizes the best practices of most Veterans Treatment Courts
  - Enables transfer of supervision from the county where the offense occurred to the county where the veteran resides, if they are different, without concerns for continuity.



# Veteran Restorative Justice Act

- End of Supervision Hearing
  - Dismissal of charges is not guaranteed
  - Public hearing required at the end of supervision
    - Opportunity for the prosecutor and victim to challenge dismissal
  - To justify dismissal, the court must find:
    - Veteran successfully completed conditions of probation and treatment;
    - Veteran is no longer a danger to the public;
    - Court must consider the level of harm the veteran's offense caused.