



Veterans Justice Commission

Model Policy Framework:
Honoring Service,
Advancing Public Safety

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.



Lessons from Vietnam

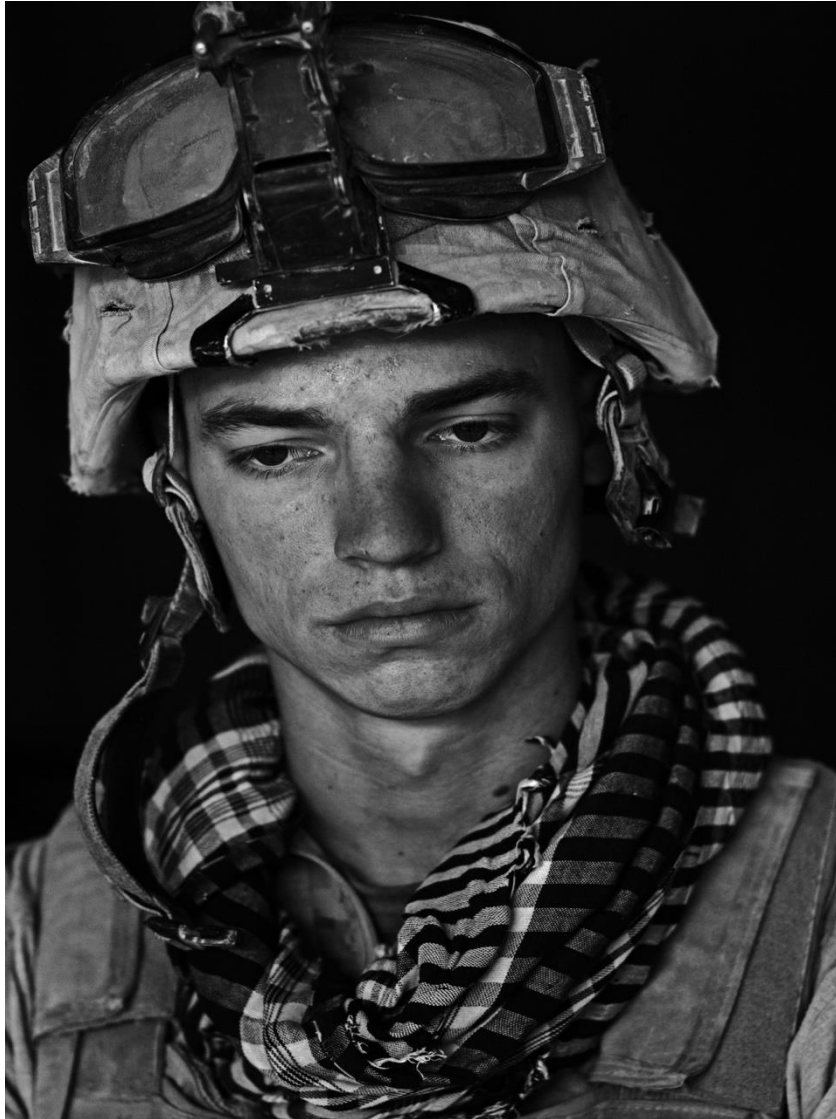
While 58,000 Americans died in Vietnam, some estimate that up to 150,000 Vietnam veterans committed suicide after the war.





Art Green

Modern Veterans



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.

Modern Veterans



Louie Palu

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.

Modern Veterans



Louie Palu

Another 500,000 are suffering from Traumatic Brain Injury (TBI).

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

Modern Veterans



Louie Palu

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.

Modern Veterans



Louie Palu

The VA currently estimates that 20 veterans commit suicide per day

Another 33 attempt suicide per day.

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





Gervasio Sanchez – Associated Press



John D McHugh - Getty Images



20% Diagnosed with PTSD



PTSD Rates Will Likely Top Vietnam

- In Vietnam, draftees served one 12-month combat tour.



PTSD Rates Will Likely Top Vietnam

- In Vietnam, draftees served one 12-month combat tour.
- Today, No Draft = Small Military Force Recycled Over and Over



David Furst - Agence France-Presse

PTSD Rates Will Likely Top Vietnam

- In Vietnam, draftees served one 12-month combat tour.
- Today, No Draft = Small Military Force Recycled Over and Over
- Many have now served 2 or 3 combat tours.



Michael Kamber

PTSD Rates Will Likely Top Vietnam

- In Vietnam, draftees served one 12-month combat tour.
- 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.











PTSD rates climb with each additional tour



CARLSON ©2006
MILWAUKEE JOURNAL SENTINEL
UNIVERSAL PRESS SIND.



5/17

Stuart Carlson - Milwaukee Journal Sentinel



Caren Firouz - Reuters



Balaza Gardi, Daylight Magazine



Joe Raedle - Getty Images



David Furst – Agence France Presse



David Furst – Agence France Presse



Photo by Tim Hetherington for Vanity Fair / Panos Pictures

2009 Ft. Carson EPICON Study

- “EPICON” = Epidemiological Consultation
- Not just “bad seeds”
 - No correlation between post-war violence and pre-service bad behavior
- Post-deployment violence related to a combination of pressures of multiple deployments and exposure to combat

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.
- Studies are showing a potential tie between TBI and impulsive violence.

Psychologically injured combat veterans can be extremely challenging clients –

- Often distrustful of strangers
- Reluctant to talk about their military service
- In denial about their psychological injuries
- Unwilling to seek help
- Without proper intervention – can pose an outside danger to public safety

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 Treatment Courts and Sentencing Statutes

Criminal Contact = Intervention Opportunity



Veterans Justice Commission

Model Policy Framework:
Honoring Service,
Advancing Public Safety

Veterans Justice Commission

<p>Chuck Hagel (Chair) 24th Secretary of Defense, U.S. Department of Defense</p>		<p>Greg Hamilton Chief Customer Officer CIVICTEC; Sheriff of Travis County, Austin, Texas (ret.)</p>		<p>Leon Panetta 23rd Secretary of Defense, U.S. Department of Defense</p>	
<p>Chief Justice Michael P. Boggs Supreme Court of Georgia</p>		<p>Major General Mark Inch Corrections Consultant, Mark 2.54, LLC; United States Army (ret.)</p>		<p>Master Chief Petty Officer Vincent W. Patton III Senior VP for Leadership Development, NewDay USA; Master Chief Petty Officer of the Coast Guard (ret.)</p>	
<p>Carla Bugg Criminal Justice Services Coordinator, Recovery Organization of Support Specialists</p>		<p>Sergeant Major Alford McMichael 14th Sergeant Major Marine Corps (ret.)</p>		<p>Major General Angela Salinas CEO, Girl Scouts of Southwest Texas; United States Marine Corps (ret.)</p>	
<p>Dr. Andrea Finlay, PhD Research Health Scientist Center for Innovation to Implementation VA Palo Alto Health Care System</p>		<p>General Maryanne Miller United States Air Force (ret.)</p>		<p>Ronald Self, PhD Founder, Veterans Healing Veterans from the Inside Out</p>	
<p>Pelicia Hall Senior-Vice President for ViaPath Technologies</p>		<p>Justice Eileen C. Moore Associate Justice, California Court of Appeals</p>		<p>Dr. Jo Sornborger, PhD Executive Director, UCLA Health Operation Mend</p>	

Veterans Justice Commission 2022-Present



- Three Sectors of Work
 - [Transition from Military Service](#) Report
 - [Arrest through Sentencing](#) Report
 - Corrections and Re-Entry Report – Sept 2024
- Dissemination of Findings & Recommendations in 2025

Arrest through Sentencing – Recommendations

1. Define and identify veterans in CJ system
2. Incentivize and improve veterans' diversion from incarceration
 - Model Policy Framework Committee
3. Create the National Center for Veterans Justice

Model Policy Framework Committee

Jim Seward, Chair

Director, Veterans Justice Commission
Colonel, US Army



Carla Bugg
Criminal Justice Services Coordinator,
Recovery Organization of Support Specialists



John Choi
Ramsey County Attorney,
Minnesota



Ryan Else
Co-founder, Veterans Defense Project;
Criminal Defense Attorney;
Army National Guard



John Flynn
Former Erie County District Attorney;
Board Chair, Nat'l District Attorneys Assoc.;
US Navy



Pelicia Hall
SVP, ViaPath Technologies



Greg Hamilton
Chief Customer Officer
CIVICTEC; Sheriff of Travis County,
Austin, Texas (ret.)



Brock Hunter
Co-founder, Veterans Defense
Project; Criminal Defense Attorney;
U.S. Army



Justice Eileen C. Moore
Associate Justice,
California Court of Appeals;
Army Nurse Corps, U.S. Army



Evan Seamone (in memorium)
U.S. Army (ret.); Fellow, National
Institute of Military Justice; Chief of
Military Justice, Fort Benning



Rationale for the Framework



Recommendation: Federal & state governments should adopt statutory frameworks that incentivize and improve veterans' diversion, deferred adjudication, participation in treatment courts, sentencing mitigation, & record clearance.

Why is this needed to complement existing Veterans Courts?

1. Many veterans cannot access a Veterans Treatment Court (VTC).
 - 6.8M veterans live in a county without a VTC
 - DOJ: VTCs designed to serve only 10-15% of justice-involved veterans
 - 25% of VTCs require "honorable" discharge; 43% bar violent offenses
2. VTCs vary widely in their practices; some lack significant legal incentives.
3. VTCs are resource-intensive and difficult to scale.

VJC Model Policy Framework



Establish state public policy to:

Recognize the burdens veterans carry from military service, and provide pathways to treatment & healing via justice system intervention.

1. Broad Eligibility Criteria & Judicial Discretion
 - Maximizes participation / judges determine eligibility & terms of supervision
2. Standardized Veteran Sentencing Option (VSO)
 - For probation-eligible charges: pre-conviction adjudication/probation with treatment instead of conviction/incarceration
3. Evidence-based Case Plan Approach
 - Implements evidence-based standards used by accountability courts

Nebraska is First to Adopt

- Jan 2024: Several states filed bills related to the VJC Policy Framework
- Apr 2024: Nebraska requested technical assistance from VJC, and the legislature unanimously adopted LB 253 based on the VJC Policy Framework



Momentum

- Engaged with dozens of champions across country
- ALEC (American Legislative Exchange Council) unanimously adopted the Framework as the "Veterans Justice Act"
- Briefed Attorneys General and Legislators at national conferences (NAAG, NCSL)
- Endorsed by All Rise (formerly NADCP)
- National media attention
 - The New York Times, Governing, Route Fifty, Military Times, Washington Examiner, The Washington Post, Associated Press story appeared in more than 300 outlets, including The Washington Post, CBS News, and ABC News.



Next Steps

Interested in implementing the Framework in your state?

- We can provide education to organizations/lawmakers
- Email us at LKirchhoff@counciloncj.org / JSeward@counciloncj.org