

In Veterans Courts, prosecutors become social workers for the accused

BY SPENCER MICHELS *February 24, 2015 at 4:05 PM EST*



Army veteran Axel Rodriguez suffers from PTSD and addiction. He went before a judge recently at a Veterans Court in San Francisco. Photo still by Jason Lelchuk/NewsHour

Since the main job of district attorneys is to indict and prosecute criminals, you might find it odd that many of those prosecutors are whole-hearted supporters of a system that acts to treat — not to punish — the problems of one class of offenders: veterans. I recently spent a few weeks looking into special courts for veterans, courts that have been set up in 220 communities around the nation both as a kind of payback for the sacrifices of vets, and as a center where those vets arrested for various offences can get help. The surprising thing I found was that DAs have gone along with public defenders, veterans organizations, judges,

probation officers and a variety of social workers in supporting this unique brand of justice.

In San Francisco, the DA is former police chief George Gascon, a Cuban-born American who served in the U.S Army. He says: “These are people that have put their life on the line, many die ... And I think when our veterans come back, and they are harmed in the process, then we as a society, as a nation, we owe them that support, and that includes the criminal justice system.”

It would be easy to dismiss Gascon as another San Francisco liberal. But he is far from alone in his support of the special courts, which are part of a tradition of “collaborative courts” for drug offenders and the mentally ill. I tried to find people who were opposed to the kind of justice the veterans courts mete out, who would argue that if a vet commits a crime, he or she should be treated as other criminals, and have to pay the penalty. But it’s hard to find those objectors. Chris Deutsch of the national veterans organization Justice for Vets says that when the courts first began seven years ago there was some questioning of their goals; the ACLU wasn’t happy with an “alternative justice system” for vets, and the Arizona legislature said the courts’ jurisdiction was too broad.

But court officials — including the DAs — say the courts have proved successful, even though there are no national statistics on how well they work. In San Francisco about a quarter of the people who pass through the system “graduate,” as they call it, and are sent back into the community. A slightly larger number are sent back, or choose to go back, to the regular justice system. The rest are still in the process of going through the courts.

After appearing in veterans court they are studied by a bevy of workers; they are evaluated by social workers and psychiatrists, they are examined by medical professionals and counseled by Veterans Affairs workers. Many show symptoms of post-traumatic stress disorder; many abuse drugs and alcohol; large numbers are homeless. Using federal and local money, the gang of helpers tries to attack these problems in each individual, who in turn must check in with the court on a weekly basis. From what I could see in court, and in the VA center where much of the “help” occurs, most of the vets themselves are enthusiastic to get a new chance to clean up.

No one is exactly sure how many vets get into trouble, but plenty do, often for substance

abuse, and frequently for other crimes including violence. The next stage in this ongoing trend is to deal with violent offenders. Until now most of the vets in the special court have been non-violent, but prosecutors like Gascon are realizing that violence is often an offshoot of PTSD, and needs to be treated, not simply punished:

“If punishing fixes the problem then we should punish, but if punishment is not going to fix the problem, then we need to start looking for other alternatives ... and part of that is attending to their particular problems that are driving them to where they are. “

With nearly 22 million veterans in the country, and more coming back from the wars in Iraq and Afghanistan, the number of troubled or disturbed individuals continues to increase. Veterans courts seem to be one way to tackle their problems, and somewhat surprisingly, those courts are less controversial than one might expect.

Watch a full report on special veterans courts on tonight's NewsHour.