

Are special courts for military veterans fair?

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Veterans treatment courts have sprung up in recent years, providing an alternative to the traditional justice system for war veterans with mental health problems. These special courts offer a second chance to criminal defendants who suffer from the negative consequences of military service, including PTSD, traumatic brain injuries, and substance abuse. But these issues are not unique to veterans. Are veterans courts a form of preferential treatment, or repayment of a national debt to those who served?

What is veterans court?

[Veterans treatment courts](#) emerged from a 2008 meeting hosted by the Center for Mental Health Service and attended by representatives from law enforcement, corrections, the courts, community groups, federal agencies, and veterans' health and advocacy groups. The intent is to keep honorably discharged war veterans out of jail by providing treatment as an alternative to incarceration in cases where mental health issues like PTSD, brain trauma, and addiction are factors.

[One in five veterans](#) shows symptoms of a mental health disorder or cognitive impairment. Trauma experienced during military service can be the root cause or a trigger for these symptoms, but many veterans go undiagnosed and untreated.

Veterans treatment courts allow honorably discharged veterans who plead guilty to receive an intensive probationary sentence – including regular court visits and mental health or substance abuse treatments – in lieu of jail time. Promising early results from veterans' courts have prompted [Illinois](#) to require every judicial circuit in the state to establish a veterans' court.

Should treatment courts be standard?

Despite the apparent effectiveness of veterans treatment courts, they have their detractors. The number of veterans involved in the court system in rural communities is often too small to justify the expense of a separate court. And the ACLU in Illinois has questioned the fairness of diverting resources to serve one group of offenders over others, arguing that it's more effective to provide better access to mental health treatment throughout the court system.

They may have a point. [Recidivism rates](#) nationwide are alarming – roughly two out of three convicts are rearrested within three years. If incarceration is a revolving door that only serves to enlarge [private prison](#) profits, shouldn't more effective mental health programs be pursued wherever possible?

The rate of mental health disorders among veterans is actually no higher than that in the regular population. Approximately [one in five](#) adults in America experiences mental illness. This means that [mental illness](#) is likely a factor in criminal cases involving veterans and nonveterans at roughly similar rates. Expanding treatment courts to nonveteran offenders with similar profiles – such as low-level [felons](#) suffering from PTSD and addiction – might be a cost-effective way to reduce pressure on overcrowded prisons, decrease recidivism, and bolster underfunded mental-health programs.