

*Pennsylvania Supreme Court Justice Seamus McCaffery's  
Remarks on Veterans Courts  
"Leave no one behind...."*

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In 2008, the United States Department of Veterans affairs reported that 18-20% of this country's returning veterans suffer from the invisible wounds of war known as Post-Traumatic Stress Disorder – "PTSD."

Dr. Ira Katz, of Patient Care Services in the Veterans Administration, reported that an equal number of veterans returning from Iraq and Afghanistan with PTSD are victims of traumatic brain injury – "TBI."

The divorce rate among veterans with PTSD is double that of veterans without PTSD.

One-quarter to one-third of our homeless population is veterans.

In recognition of the fact that there are often service-related reasons or causes that veterans become involved in the criminal justice system, reasons that differ from those of the typical or average defendant, and in an effort to address and respect these causes, many states have created special courts, known as Veterans Treatment Courts.

Today there are approximately 80 Veterans Treatment Courts in states all across this country, dedicated to handling the unique issues facing our veterans who have returned from serving our country with many different kinds of wounds.

Unfortunately, with nearly 25 million veterans in the United States, that is not enough.

In Pennsylvania, at present, we have 12 operational Veterans Courts and another 10 in some stage of planning.

With over one million veterans in the Commonwealth of Pennsylvania alone, that is not enough.

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In 2008, the Army reported the highest rate of suicide among veterans since they started keeping records.

Ladies and gentlemen, the psychological costs of war are not new:

In the Civil War, it was “soldier’s heart” or “nostalgia;”

In World War I , it was “shell shock;”

In World War II , it was “combat fatigue.”

Today – we have treatment for these conditions – treatment that works.

Unfortunately, in order not to appear weak in front of their fellow soldiers, rather than seek treatment to deal with their demons, these men and women self-medicate with drugs and alcohol and eventually end up in the criminal justice system.

In 2008, 9 out of every 100 prison inmates in this country were veterans.

They do not belong there; we owe them more than that.

Veterans Treatment Courts utilize the successful drug court model to identify these men and women, assess their needs, and with strict oversight by the courts and probation departments, and working with the prosecution and defense together, divert these men and women from the criminal justice system into treatment – treatment provided by the Veterans Administration.

These courts need support:

The teams that make up these courts need training;

The courts need staff to coordinate the work of the program;

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They need probation officers to provide the intense community supervision that is required;

There is a need for additional prosecutors and defense counsel to staff these courts;

Mentors are key components of Veterans Courts – they need to be recruited and trained;

And there are the many men and women, the veterans, who are not eligible for VA benefits but need our help.

In closing, I want to address what I know is a sensitive matter. That is the following: we take 18-year-old men and women and expose them to horrendous violence and train them to kill. Then, when they come home with PTSD and TBI and get arrested for crimes of violence, just when they need us most, we are expected to turn our backs on them and treat them like common criminals. This is unacceptably contradictory, and unacceptable.

Bottom line is this: our veterans ask no questions when we send them off to serve our nation, and they do what they are trained to do. We need to serve them better when they return with all their wounds, both visible and invisible, and that takes commitment, caring, creativity in our courts and, of course, support in the form of funding.

Thank you.

Dated: March 19, 2012