

# *Equal Justice Foundation* **The War Against Veterans**

## **Under current criminal laws convicted veterans are commonly:**

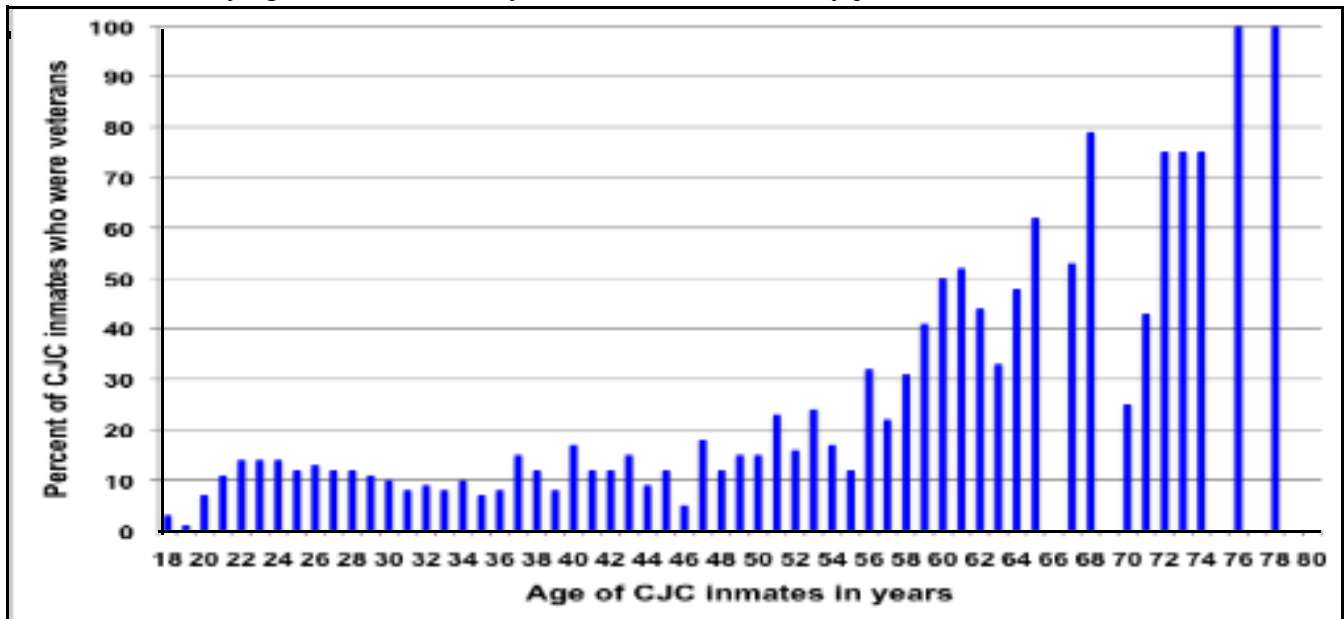
• Barred from holding many jobs	• Denied a security clearance
• Unable to rent an apartment	• Forbidden from obtaining school loans
• Unable to hold any professional licenses	• Unable to get or hold a teachers certificate
• Denied credit or a financial bond	• Unable to become police officers or firefighters
• Denied a commercial drivers license	• Unable to obtain medical insurance
• Denied work involving hazmat or explosives	• Finding their children taken from them
• Subjected to federal felony charges if they are even around a weapon or ammunition	
• Discharged from the service under less than honorable conditions, often losing all benefits, retirement, bonuses, medical care, and they may even have to repay reenlistment bonuses	

Millions of veterans have completed multiple combat tours in Iraq, Afghanistan, Vietnam, Korea, and other conflicts. Inevitably, many suffer from some level of post traumatic stress disorder (PTSD).

The offense that results in these draconian and inhuman penalties against our country's finest and bravest often amounts to no more than swearing or slapping a table. Just a loud argument may be sufficient. No more than a dog at large, a glare, or looking mean is often cause to see a veteran jailed.

### **Guilty unless and until they can prove their innocence**

Thousands of veterans suffering from these hidden injuries are arrested each year in El Paso County, CO. As onset of symptoms is often delayed, as shown, **the county jail looks like an Old Soldiers Home.**



### **Post traumatic stress disorder (PTSD) is NOT a crime**

PTSD and TBI symptoms commonly don't express themselves for months or years after the trauma, or after multiple combat tours. Problems are easy to recognize: sleeplessness, irrational anger, suicidal ideation, flashbacks, hypervigilance, nightmares, difficulty concentrating or focusing, dissociation from events or reality, panic attacks, exaggerated startle response, and impotence. Sometimes only one or two of these symptoms may present and are mild and disappear within days or weeks. In others, the symptoms increase with time if untreated and develop into the injury now-known as PTSD, which is often aggravated if the veteran also suffers from TBI. And often the symptoms reappear after years.

Sufferers commonly self medicate with alcohol or drugs, finding the only way they can sleep is after imbibing heavily.

**These are not criminal acts under any sane definition!**

# The War Against Veterans

## **Traumatic brain injuries (TBI)**

After more than a decade of continual war thousands of veterans have received concussions, head wounds, or have been blown up multiple times but survived. Add to these the veterans of previous conflicts. Such trauma causes traumatic brain injuries (TBI) that may or may not be visible.

Veterans with TBI almost inevitably suffer from PTSD as well and may become suicidal.

TBI disabilities include problems with cognition (thinking, memory, and reasoning), sensory processing (sight, hearing, touch, taste, and smell), communication (expression and understanding), and behavior or mental health problems, e.g., depression, anxiety, personality changes, aggression, acting out, and socially inappropriate behavior. Moderate to severe TBI often impacts speech and language skills, and wounds may involve the jaw, tongue, vocal cords, or speech centers of the brain itself. Motor skills may also be affected and they may stagger when they walk. Convulsions and seizures may make them appear drunk in public or private.

**But these are not criminal behaviors!**

## **PTSD and TBI are NOT domestic violence (DV)**

Unfortunately, in an intimate relationship PTSD and TBI have many of the characteristics of abusive and violent behavior as defined by overbroad domestic violence laws that are all-too-often added on to any conduct. When a wife/girlfriend becomes concerned or frightened by the erratic behavior, seizures, or other symptoms of PTSD or TBI, and dials 911 for help, **police typically arrest the veteran.**

With current mandatory arrest laws for domestic violence frontline officers are often left with little option but to make an arrest. The disabled veteran's slurred speech, socially inappropriate behavior, and aggression will all be used against them in jail and in court, where essential medications may be denied.

An arrest may be necessary for public safety. Veterans commonly refuse to admit they have a problem until they've spent a night in jail and find themselves handcuffed in an orange jumpsuit before a judge.

Should the befuddled and sleepless veteran sign a plea bargain it may prove to eventually be a death sentence, or they can be given a restraining order forbidding them to go home, and cast into the street. If they plead not guilty, veterans are commonly told they will be held in jail until trial six months away.

## ***What manner of fiends treat our wounded and disabled veterans in this fashion?***

Since circa 1600, to convict a defendant of a crime English law has required the prosecution prove the defendant acted purposefully, knowingly, recklessly, willfully, and intentionally (*mens rea*); and prove the defendant voluntarily committed a criminal act (*actus reus*); and both must be proven beyond a reasonable doubt before a jury of one's peers.

The model penal code specifically describes what are involuntary acts and thus not criminal: (1) A reflex or convulsion; (2) a bodily movement during unconsciousness or sleep; (3) conduct during hypnosis or resulting from hypnotic suggestion; (4) bodily movement that is not a product of the effort or the determination of the actor, either conscious or habitual.

**These involuntary acts are common behaviors for someone with PTSD or TBI.**

Therefore there is little question that those suffering from PTSD and TBI often fail to meet the criteria for criminal intent and conduct. But little or no attempt has been made by the legal system to help them!

In 2008 the Equal Justice Foundation helped pioneer a veteran court in Colorado Springs but only a few veterans have been helped to date and only in felony cases where they must first take a plea bargain.

**Once convicted a veteran is almost certain to be arrested time and again.**

**Help is needed to insure veterans are treated rather than convicted** and the intercept is on a first offense rather than after multiple arrests.

**The lives and families of thousands of veterans are at stake!**

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**For additional details see Chapter 4 —Veteran Courts at [ejfi.org/Courts/Courts.htm](http://ejfi.org/Courts/Courts.htm)  
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