



## Veterans Incarcerated White Paper

Vietnam Veterans of America (VVA) has long sought to do work to improve the condition of Vietnam veterans and their families, including veterans who are incarcerated. VVA's underlying philosophy for doing outreach and providing services to veterans incarcerated is that many reach this status due to circumstances which may be directly attributable to or exacerbated by their military service. It may seem like a semantic distinction, but VVA refers to this population as "Veterans Incarcerated," not as "incarcerated veterans" precisely because these men and women were veterans first. The large majority of these men and women served our country honorably, and were subsequently imprisoned for separate actions after their discharge from the military.

VVA believes that past trauma is a complicating factor in the lives of many veterans incarcerated. A number of these veterans' crimes and incarceration may be attributable (at least in part) to this condition. A simplistic definition of Post Traumatic Stress Disorder (PTSD) is "a normal human reaction to very abnormal circumstances," meaning that the rational reaction to extreme trauma may be to become irrational. PTSD often manifests itself in emotional numbing in the form of substance abuse or avoidance of personal relationships and in impulse control problems that may cause an individual to be convicted of a crime. Absent professional counseling or medical therapy, many veterans -- whether they become criminals or not -- are only able to deal with their PTSD-related nightmares, painful memories and other symptoms by self-medicating through drug or alcohol abuse. This is not unique to the Vietnam generation of veterans, but has been true throughout history. Victims and survivors of traumatic events, such as natural disasters, sexual assault and urban gang violence may also suffer the effects of PTSD.

Obviously, we are not saying that all veterans are afflicted with PTSD, that all veterans with PTSD are substance abusers, nor that all veterans with PTSD will become criminals. Rather, the point we wish to make here is that for some people, the logical and "rational" reaction to a seemingly irrational world is to act out in a manner that broader society would characterize as "irrational." Certainly this altered perception and judgement can cause otherwise rational people - even honored veterans or war heroes -- to do the irrational... to commit crimes against other people, against their communities or even against the government they fought to protect.

### PROGRAM ACTIVITIES

One of the significant incentives for veterans to become involved in any veterans organization is the one-to-one and group bonding shared by men and women with a common experience of military service. These types of relationships often have a therapeutic component for veterans

suffering from PTSD, and there is a reciprocal benefit of helping others. This is true also of veterans incarcerated and of VVA members doing outreach into the prisons.

One way VVA members work on this issue is by helping veterans incarcerated obtain their earned VA benefits. Service Representatives help them file a claim for VA medical treatment or for financial benefits. It has been particularly difficult to obtain a VA medical exam to support a claim for disability compensation and for on-going medical treatment. For example, even if a veteran is allowed to visit a VA medical facility, the guard is often not allowed to bring his/her weapon inside the facility -- and the guard is not able to surrender his/her weapon when transporting a prisoner. More recently due to VVA's advocacy, VA facilities are sending doctors inside the prison facility to conduct these exams and provide treatment.

In some states like New York and Florida, the Department of Corrections has worked with VVA to develop a formal program for helping veterans incarcerated. They conduct special classes on developing job skills, resumes and job applications, GED programs, PTSD counseling, substance abuse treatments, etc. These are all designed to give the veterans skills they need to enable them to earn a living wage when they are released and to treat the root cause(s) of their incarceration -- including dealing with the aftermath of war. By helping these veterans deal with PTSD, we help their families also. The veterans will be better spouses and parents when they learn to deal with PTSD, and will be better able to cope with life on the outside when they learn marketable job skills. Such self-help programs save valuable human and dollar resources by maximizing the chances of rehabilitation and the avoidance of recidivism.

VVA chapters in some prisons have proven to be very viable and effective. Some of these chapters have organized large service projects raising money for local charities and community organizations. Many have begun or carried forward the training activities mentioned above. Often veterans join together to assist one another with self-improvement or therapy goals. These demonstrate another function for VSO activism among veterans, which is developing leadership skills and civic responsibility. These veterans incarcerated are simply advancing these skills in a different setting -- in the prison communities. Some prison administrators, though, prohibit VVA chapters from forming or meeting because such membership is mistakenly viewed as unacceptable group or gang activity. To the contrary, anecdotal information indicates that VVA chapters in prisons and programs doing outreach to veterans incarcerated have a rehabilitative effect -- reducing recidivism following release and even curbing prison violence to a degree.

VVA's programs for veterans incarcerated do not end when the prisoner is released. VVA has carried out projects to assist veterans in transitioning back to a normal life -- things as basic as obtaining suitable clothing to wear while job searching and assisting with bus transportation to interviews and job sites; helping them to apply for and obtain VA benefits if they were unsuccessful while incarcerated; making arrangements for voc-rehab training or compensated work therapy programs; and providing them with counsel and support in day-to-day existence to avoid recidivism and to avoid homelessness. VVA helps some veterans avoid prison; and helps others become good productive citizens after they are incarcerated. VVA's founding principle is, "Never again will one generation of veterans abandon another," and this basic premise carries through to assisting with the special needs of veterans incarcerated and their transition out of prison. A veteran, by virtue of his/her service to the country, deserves such help and support.

Based upon VVA's philosophy and principles, and upon our organization's extensive experience in working with veterans incarcerated, we are very reluctant to see Congress precipitously restrict benefits and veteran status to veterans incarcerated. These men and women would not be eligible for VA benefits but for their honorable service in the U.S. military. And many would not be in prison but for the aftermath of their military experience. For some, it is a newfound pride in their military service, their involvement in the veterans community and their access to VA benefits which makes rehabilitation possible and minimizes recidivism back to a life of crime.

## VETERANS INCARCERATED COMMITTEE

To support VVA's philosophy and principles on a wide range of issues, the VVA Constitution establishes a number of key standing committees. The Veterans Incarcerated Committee function and purpose is described therein as follows:

"The Veterans Incarcerated Committee shall develop programs of awareness with regard to the special needs of veterans who are presently or formerly incarcerated. The Committee shall act as liaison with the State Councils and Chapter Veterans Incarcerated Committees, and with members of VVA who are incarcerated."

The VVA Strategic Plan, approved by the VVA Board of Directors in 1996, further defines the Committee's functions, and this is detailed in the Committee's mission statement and work plan.

### Mission Statement:

Provide benefits and services not currently being provided to veterans incarcerated by researching Department of Corrections Regulations for each state which might enable us to implement new programs for veterans and by building cooperation at the Department of Veterans Affairs.

Awareness Subcommittee -- Increase the sensitivity of our membership to the issues which affect veterans incarcerated; publicize, through the print media and public appearances, the various successful programs for veterans incarcerated which can be established by each state in their institutions.

Rules and Regulations Subcommittee -- Work with various State Department of Corrections, in each state which has a State Council, to develop a program tailored to that state's needs and provide information about services that are available to veterans who are incarcerated.

Projects and Programs Subcommittee -- Refine, expand and replicate successful programs which benefit veterans incarcerated. Develop new programs to meet the needs of veterans incarcerated which have not yet been addressed. Work with the Department of Veterans Affairs to define target programs such as the Compensated Work Therapy Program.

### Work Plan:

Revise and update VVA's guide "From Felon to Freedom a Pre-Release Guide", as needed.

Continue our membership in the American Corrections Association (ACA) and use the organization's resources to improve our services to veterans incarcerated. To develop a contact with each state's Department of Corrections (DOC).

Continue rapport and credibility with the VA to develop the protocol for providing VA benefits and services not currently being provided to veterans incarcerated.

Prepare testimony, as appropriate, to be presented before the Veterans' Affairs Committees and the Judiciary Committees in Congress.

Prepare regular articles about, and of interest to, veterans incarcerated for publication in The VVA Veteran and, where possible, in VVA State Council newspapers.

In order to expand or develop specialized programs, the Committee should establish formal contacts and meetings with the following organizations or agencies Citizens United for the Rehabilitation of Errants (CURE), U.S. Department of Justice (DOJ) and the U.S. Department of Veterans Affairs (VA).

### Restricted Activities:

Since its founding, VVA has consistently received a large volume of correspondence from veterans incarcerated asking for information on VA benefits. The VVA "From Felon to Freedom a Pre-Release Guide offers a number of resources to help the veteran transition back to society.

VVA is very pleased to make this publication available to members and to the public at large, as supplies permit.

There has also been a large volume of correspondence requesting VVA support in the following areas: amnesty for all incarcerated veterans; statements to be used in parole hearings; post-release employment statements; requests for "legal-evac" teams; and new trial support and class action litigation over conditions of confinement. The list goes on for requests of various kinds of legal support.

VVA, as a national organization, cannot provide support in these areas because it has neither the resources nor the special expertise in these areas of criminal law. Virtually no organization has the capacity to hire a staff of legal experts with state-specific knowledge of criminal law, who can be sent to institutions nationwide to engage in post-conviction, new trial or parole petitions. This can only be done effectively by local legal counsel. VVA has maintained this position since its founding.

VVA does not prohibit its state councils and local chapters, however, from engaging in such activities. To date, though, the VVA Veterans Incarcerated Committee knows of no formalized programs at the local level to meet these requests for legal assistance.

## CONCLUSION

VVA welcomes comments and suggestions from experts in justice and correctional services, as well as Congress, on ways to improve the organization's role in working with veterans incarcerated programs and various agencies, as well as the individual veterans who are incarcerated.

In 1990, Representative George Brown testified before the House Judiciary Committee that, "Most veterans who are in prison are effectively prevented from receiving or even knowing about their rightfully due veterans services." He also explained that we, as a nation, have a special obligation to incarcerated veterans because of their war-time experiences and the fact that PTSD may have been a factor leading up to the crimes that these veterans committed.

Congressman Lane Evans, in a 1994 statement before the full House of Representatives explained, "Veterans are veterans no matter what else has transpired in their lives. These men and women served our nation. Providing them with their rightful benefits can only remind them of their prior commitment to society, promote their sense of self, and further their rehabilitation."

It is for these reasons that VVA is committed to a program of outreach to and rehabilitation of veterans incarcerated. It is not only the right thing to do; it is also the smart thing to do.



