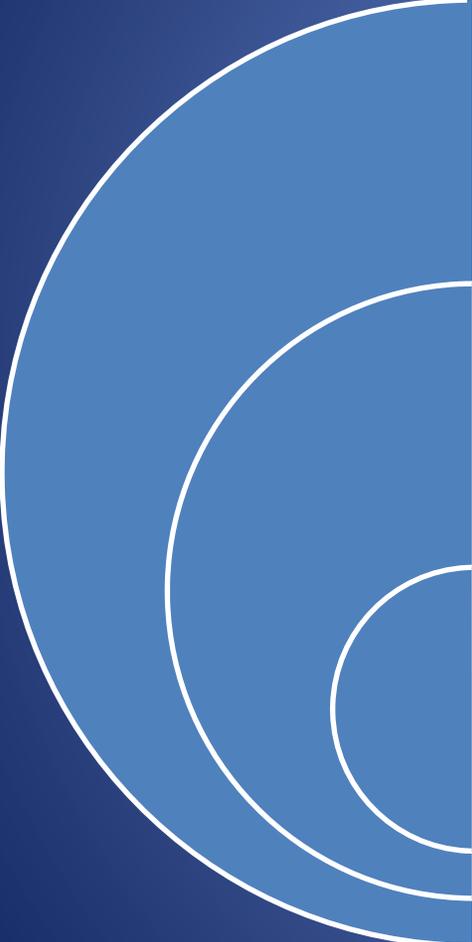


“Therapeutic Jurisprudence”

Bruce J. Winick, *Therapeutic Jurisprudence and Problem Solving Court*, Fordham Urban Law Journal v 30,3.
2002



Therapeutic Jurisprudence suggests that laws and how they are applied can produce either positive, or sometimes negative, outcomes for the psychological well-being of those affected.

Roots in Mental health Law and criticisms that it produced antitherapeutic consequences for the people that the law was designed to help

“These judges seek to actively and holistically resolve both the judicial case and the problem that produced it.”

“If you can’t help them,
then you certainly don’t
want to hurt them...”



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INCARCERATED VETERANS



- United States Bureau of Justice Statistics (BJS) data, approximately 8-9% of people incarcerated are Veterans.
- BJS estimate 1,159,500 Veterans are arrested each year
 - 70% non-violent
 - 82% of those released from jails are eligible for VA services
- BJS estimates 181,500 Veterans were incarcerated between 2011-2012.
- Incarcerated Veterans reported higher rates than civilians of mental health issues such as PTSD. Less than a third saw combat, but those who did also reported increased rates of mental health issues.



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Significant Health Risks: Inmates released from jail:

- 5 x higher rates for AIDS
- 9 x higher rates for Hepatitis C
- 4 x higher rates for Tuberculosis
- Prevalence rates for asthma were higher than for the general population

Why a Veterans Treatment Court?

- Judge/team's increased understanding of Veteran/military culture, as well as common treatment issues. Dedicated docket as opposed to "business as usual." Familiarity w/ resources.
- Camaraderie: Judge as Commanding officer; Veteran mentors are fire team leaders; court team are company staff; Veteran defendants are the troops. Orders, chain of command, discipline, and structure.
- One-stop shop: VHA, VBA, State and local service organizations. Services provided by VA.



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- Expedite “access to care” for Veterans
- Ease the burden on valuable community resources
- Allow Veterans to go through the court process with those who are similarly situated and have past experiences
- Provide volunteer Veteran Mentors
- Promote Veteran accountability
- Promote sobriety, recovery and stability through a coordinated response including treatment in conjunction with judicial monitoring

Another Israeli researcher, Reuven Gal, found that the perceived legitimacy of a war was more important to soldiers' general morale than was the combat readiness of the unit they were in. And that legitimacy, in turn, was a function of the war's physical distance from the homeland: "The Israeli soldiers who were abruptly mobilized and thrown into dreadful battles in the middle of Yom Kippur Day in 1973 had no doubts about the legitimacy of the war," Gal wrote in the *Journal of Applied Psychology* in 1986. "Many of those soldiers who were fighting in the Golan Heights against the flood of Syrian tanks needed only to look behind their shoulders to see their homes and remind themselves that they were fighting for their very survival."

According to Shalev, the closer the public is to the actual combat, the better the war will be understood and the less difficulty soldiers will have when they come home. The Israelis are benefiting from what could be called the shared public meaning of a war. Such public meaning—which would often occur in more communal, tribal societies—seems to help soldiers even in a fully modern society such as Israel. It is probably not generated by empty, reflexive phrases—such as "Thank you for your service"—that many Americans feel compelled to offer soldiers and vets. If anything, those comments only serve to underline the enormous chasm between military and civilian society in this country.

"How PTSD Became A Problem Far Beyond the Battlefield," Vanity Fair, Sebastian Junger (May 7, 2015)