

An Interview with Evan Seamone, author of *RESCUING SOLDIERS OF MISFORTUNE*
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Q. What inspired you to write this book?

A. I became very concerned about veterans in the criminal justice system in 2005-2006 while I was deployed to Iraq. I could see the immense pressure on Soldiers who conducted missions fraught with small arms fire and roadside bombs. For a time, the number of suicides in the unit outpaced the number of Soldiers killed in action. In many cases, the war literally came home with Soldiers when they returned from combat zones. The “crimes” that these warriors were committing often involved symptoms of their combat trauma. Some had to drink to the point of unconsciousness just to be able to sleep. I was very concerned that a 20 year-old with a one-time drug or alcohol offense might be kicked out of the military with a less-than-honorable discharge that would affect him or her for decades. It seemed like the civilian criminal justice system was becoming aware of this fact as more veterans treatment courts and criminal diversion programs were emerging throughout the nation. With this book, I wanted a one-stop resource to identify the most successful outcomes and provide objective steps for maximizing opportunities for veterans in the criminal justice system.

Q. Why are some veterans prone to committing criminal offenses, when they had no previous record?

A. "Some" is important. Research shows that most veterans do not have mental health conditions and even for those who do, most don't engage in criminal or violent behavior. In a relatively small number of cases, veterans face greater risks of criminal offending. One cause, related to symptoms from combat trauma, might involve impaired impulse control, irritability, and bouts of rage. A different cause could relate to routines veterans adopt to survive in combat that become ingrained. Aggressive driving is a common example. Finally, some offenses relate to how veterans conduct realistic training. Supposed a veteran practiced a specific defensive move thousands of times, to the point where they have an instinctive reaction when a threat is perceived. A veteran sleeping in bed with a spouse, who rolls over and brushes a hand against the veteran, without consciously thinking to eliminate an enemy, might choke or strike the spouse. War changes how they perceive threats, troubling situations.

Q. How are Vets affected by confinement? Why do you say jails and prisons potentially offer an opportunity?

A. Psychologists have found that being in a cell can trigger the same types of survival reactions that veterans adopted in a combat zone. The more deployments, the worse are the symptoms. If someone is locked into behavior patterns and they have not had time to consider how military service has influenced their lives and shaped their perspectives, confinement provides a special opportunity to approach these powerful influences in an introspective way. Prisons and jails

have increasingly collaborated with the VA to provide comprehensive services that the confined veteran might never be able to locate while out in the community.

Q. What kinds of programs would be useful to this population?

A. It would be important for veterans in the criminal justice system to understand how military culture and their own military experiences have influenced their behavior. They often don't have the opportunity to explore these factors, while facing the pressures of reintegration into the community. The experience with Veterans Treatment Courts has shown the importance of linking veterans involved with criminal justice with veteran mentors within the community. In addition, when confined veterans are able to adopt aspects of their military service that gave them pride, this has a major influence. For example, some veterans housing units in prisons and jails are set up as squads with squad leaders, similar to the military. This can harness the veterans' pride and give them a new sense of mission. Most veterans say that military service was the most significant thing they ever did. The criminal justice system has the ability to revive that sense of responsibility and dedication.

Q. Does the lack of programs insure Vets will be recidivists?

A. I would say the lack of programs that acknowledge veterans' unique needs can increase the risk of recidivism, especially for those who suffer from symptoms of combat trauma. Confinement can aggravate symptoms of mental health conditions based on the inability to control one's environment and the possibility of threats manifesting at any moment. Also, being arrested, being treated as a defendant, and being confined can be more humiliating for Vets because of the shame involved. Most hold themselves to much higher standards based on military experience. Being in the criminal justice system can make veterans less hopeful and more distrusting, especially if they have been denied benefits in the past. The further they are from resources they need, the more justice-involved veterans become outsiders.

Q. Why is it a challenge for correctional institutions to identify inmates who are Vets?

A. With growing recognition that veterans occupy prisons and jails, some police, sheriffs, and corrections officers have asked inmates if they served in the military. When disclosure is voluntary, the numbers are greatly underreported. Veterans have many reasons for concealing their identity. Some don't want to be known as veterans because they are now labeled as criminals who violate the law instead of uphold it. Others believe they will lose benefits if their veteran status is known. Yet more believe other inmates will challenge them if their veteran status is known. In congressional hearings in the 1990s, experts proposed doing a computer match of Social Security Numbers to identify incarcerated veterans. Recently, the VA created a system to accomplish this goal. It is called The Veterans Re-entry Search Service (VRSS), and it is a free service for criminal justice organizations. After using it, some corrections systems realized they had over two times the number of incarcerated veterans they had estimated.

Q. How did America's "forever wars," in Iraq & Afghanistan, change thought about treating underlying mental health conditions?

A. Major change began with people witnessing the 9-11 attacks, which brought home the reality of war's devastation. As people became aware of the impact of war on their lives, it was easier to understand a piece of what veterans went through. As an example, the Chicago Police Department developed a 40-hour Crisis Intervention Training program devoted to responding to military veterans in crisis. A number of those officers, who voluntarily attended the training, had been serving in the reserve forces and deployed while they were police officers. When the training was over, they recognized familiar behavioral issues in their own lives and asked for assistance from the VA. In the wake of continuing conflicts, there is more concern for veterans who experienced trauma and a desire to link them with the specialized resources they need.

Q. Why has the active duty military largely rejected the civilian justice system's successful approach to its own offenders?

A. There's a kind of tacit agreement between the military and the public sector that the role of the military is to fight wars. In return civilian society will assume the burden of the veteran's reintegration. But too often when it comes to military discipline, their perspective is, "It's someone else's problem." They put the responsibility on unknown civilian entities to sort out VA benefits and other issues for those separated under less-than-honorable conditions. The military justice system is built around the goal of maintaining good order and discipline. For many commanders this can mean a desire to make examples out of soldiers who violate the law, and create a deterrent effect with swift and severe punishment. This dynamic blinds commanders to the consequences of their punishments with no appreciation of the impact on society for generations. Many of the new programs for veterans in the civilian criminal justice system have been created by sheriffs, wardens, and police who are Vets themselves. They know the traditional punitive system doesn't get results and have modified the criminal justice system with understanding. The military can learn much from these pioneers.

Q. How can Veterans' access to benefits and resources be improved when they are involved in the criminal justice system?

A. Veterans Treatment Courts have been a major change for good. These are court dockets dedicated to veterans, where a treatment team carefully monitors the participant's progress under an individualized treatment plan. In these state programs, a *federal* VA employee comes to court meetings in the state court to enroll veterans in treatment programs based on their benefit eligibility. The Veterans Justice Outreach professional has been a pivotal reason why these courts are succeeding. No local community can match VA programming because the VA has researched issues specific to veterans and developed evidence-based protocols for treatment after years of testing. The earlier veterans are linked to the VA, the more they benefit. It helps them out of jail and off treatment, to manage finances and creates a safety net designed for Vets.

Q. Explain the role of military culture in criminal offending and how it differs from civilian values?

A. Military culture is a very powerful force that leaves an indelible imprint on a veteran. It shapes values, including perceptions of right and wrong, strengths and weaknesses. Military culture is not bad but it is very different from civilian culture. Veterans returning to civilian society often find themselves in the middle of a major culture clash. Basic training plays a huge role in one's indoctrination into military culture. Because the military mission often involves killing, the training must make recruits comfortable shooting someone. This involves breaking down rules that may have been engrained through one's family and religion. But what's needed to accomplish military missions is very different from what's needed in civilian life. Another dimension of military culture that creates challenges is how the military provides for financial necessities. Most service people are young and the military may be their first full-time job. Soldiers get health care, housing, dental, all free, so it's easy to focus on a mission. But out of the service, many are lost without life lessons, like budgeting and financial planning. There is a big power shift and an unknown learning curve. Not all Vets are equipped to handle civilian challenges. And there are issues, such as how repeated realistic training can create instinctive responses to perceived threats that do not exist in civilian life. It is noteworthy that these issues can exist, even when the veteran has not deployed to combat.

Q. Why does the general public not understand the problems facing the military?

A. This problem is called civilian-military gap or divide. Research has shown that not only do military members believe civilians don't understand them but most civilians agree that they don't understand military members. Since 9/11, due to security risks, most military bases have closed entry to the general public and much military activities are unknown. As information about the military has decreased, fewer people are serving in the Armed Forces, dropping below 1% in modern times. The public knows reservists do drills, but few appreciate military deployment cycles and career cycles. Media portrayals of Vets often focus on the impact of combat trauma, including readjustment difficulties and suicide risks. Few are the positive portrayals of Vets in the community. In some cases, veterans' groups have avoided efforts to help veterans in the criminal justice system because they believe that criminal involvement gives a bad name to the majority of veterans who do not violate the law. This avoidance exists even though only a small percentage of Vets are involved in crime and most veterans, even those with mental health conditions, are not violent.

Q. How do Vet myths, like self-sufficiency, work against them in the civilian world?

A. Military members are often trained for survival, escape, and evasion, or simply living off the land if they get stranded. There are Vets who, when civilian life is hard, think they can leave society and live in a state of nature. They won't ask for help. If they have no money and cannot catch their meals, they may steal to sustain themselves. For many veterans, their skills and

training in self-sufficiency translates into the objective of not seeking help from others. Other military values prevent help-seeking, including the belief that the needs of the team are superior to their own needs, which idealizes living without the normal necessities of life. When these veterans reenter civilian society, they need to understand major differences that make these military values self-defeating.

Q. What are the unique needs of a Veteran as a special offender?

A. Many times, veterans get caught up in the criminal justice system because their symptoms of mental health conditions are treated as crimes. The first unique need is for diagnosis; a close second is treatment. The criminal justice system has known of this reality since the 1920s. After World War I, there was a national movement to help incarcerated veterans. It was spearheaded by the American Legion chapters around the country and the newly-formed Veterans' Bureau. Volunteers went to jails and prisons to see if incarcerated Vets had mental health problems and would benefit from release and treatment. They found solutions that worked. In the 1940s in Indiana, the State Farm at Greencastle hosted a special short-term incarcerated program. In this program, judges sent Vets to be housed together and receive the equivalent of "basic training in how to be a civilian." Not only were these veterans linked with VA benefits, as in modern programs, they were also linked with veteran mentors from the community who would visit them while incarcerated and be there for support through the time of release. In 2008, Judge Robert T. Russell set up a special Veterans Treatment Court to meet the needs of criminally involved veterans. It is vital to recognize that similar programs, and important lessons, have existed in past generations when the country faced the challenges of returning veterans.

Q. How do discharge characterizations affect veterans' access to benefits?

A. Veterans can be discharged in different ways that lead to entries on their discharge paperwork. For discharges that are not honorable, it can take years, even decades, to appeal the characterization with no guarantees of one's success. Having a discharge that is under honorable conditions is part of the VA's definition of a veteran. Many veterans who deployed multiple times, have PTSD from combat and were kicked out for a one-time drug use. They are told that they do not qualify as a veteran, based on the discharge they received. Recently, the VA created limited rules to provide emergency stabilization care if the veteran can show their mental issue was related to their service. But this help does not extend to financial assistance or treatment for physical injuries.

Q. Explain the differences between military discipline and military discharge?

A. The military has its own criminal laws that don't apply to civilian life. Offenses, like disrespecting an officer, can result in years of confinement and a dishonorable discharge. The "disrespect" charge may relate to the PTSD symptom of an impulsive outburst, while faced with severe stress. In many cases, the military crimes are defined in a way where they disproportionately target symptoms of mental health disorders soldiers sustained during combat.

Although Congress has done a lot to limit a commander's discretion in the handling of sexual assault cases, in other military-type offenses commanders have broad discretion to decide how to deal with the offense. Today, there is suspicion surrounding the claim of PTSD as a defense to criminal charges. Many defense attorneys will not even raise PTSD for fear that the members of the military jury have PTSD and will reason, "I have PTSD, but I didn't do X." Prosecutors also regularly argue, "Do you want this person to leave the military with the same discharge as you earned when you did nothing wrong?"

Q. Explain the fallout from "bad paper" discharges?

A. When someone leaves the military, approximately 70 different public benefits depend upon the characterization of the veteran's military discharge. Some employers, when they see something other than an honorable discharge, choose not to hire a Vet due to concerns over misconduct. Many employers do not know that the military justice system is nothing like the civilian criminal justice system. There is no such thing in the military as a system of probation. Once the veteran is sentenced, he or she will never see the judge again. In addition, there is no pretrial services division or probation report. The discharges remain with the Veteran for years, even though the veteran may have been young and inexperienced at the time of discharge. There is no indication of the context of the separation, only the codes on the discharge papers. Military discharges serve as modern day scarlet letters.

Q. Who are the "forgotten warriors?"

A. The term forgotten warriors relates to veterans who have lived under the burdens of bad paper discharges for years and suffered as a result. The term "lost legion" signifies that the number is significant, representing hundreds of thousands, since Vietnam who could easily constitute the strength of entire military divisions. In 2011, 10% of all discharges in the Marine Corps were Other Than Honorable. That is pretty significant, with rates that are higher than the Vietnam era. The growing ranks of these forgotten and written-off warriors come home to face greater risks than other combat veterans, including already high rates of substance dependence, homelessness, and suicide. When a veteran is unable to obtain healthcare due to his or her discharge, this can spill over to the family members who are exposed to secondary traumatic stress. The tacit agreement that military fights wars and civilian society picks up the pieces is thrown into jeopardy, because "bad paper" discharges prevent the specialized care upon which civilian organizations rely to assist veterans in the criminal justice system.

Q. How could a "bad paper" discharge be remedied so benefits remain intact?

A. The ideal solution would be to suspend the discharge before the service member leaves the military and provide an opportunity to preserve the service member's benefits. The military would have flexibility to determine how to implement this solution and I do not believe it should be mandatory in all cases just because someone has a mental health diagnosis. Even if the veteran has been discharged with "bad paper," civilian corrections can assist that veteran in

applying for a discharge upgrade, such as obtaining records, collecting statements, and filing petitions. This could make a tremendous difference for the veteran upon discharge from confinement. Criminal justice professionals can use confinement to link Vets to benefits they are eligible for, including state veterans' benefits. In sum, confinement can be the first opportunity the veteran has to assess military experience and address longstanding challenges.

Q. How high is the suicide risk? What does this mean for Corrections?

A. Veterans generally face higher risks of suicide than the civilian population. It is also true that incarcerated people face higher risks of suicide than civilians who are not incarcerated. Being within these two populations of former military and incarcerated, veterans in prisons and jails face a heightened risk of suicide. The lesson for corrections is to create programs that help veterans address their challenges and make productive use of incarcerated time. For those jails and prisons that have created specialized housing units, most have found that veterans better abide by rules because of their experience and correctional officers often want to be assigned to those dorms because they are safer.

Q. What about Veteran crime waves, Whacko Vets, and other stereotypes? Do they describe the connection between military service and crime?

A. These stereotypes overstate the risk of criminal involvement by veterans. They portray veterans as “ticking time bombs” waiting to explode. In fact, as a group, they are less likely to commit criminal offenses than members of the community, even when they have mental health conditions. However, some veterans—a much smaller number—face a higher risk of experiencing symptoms that are related to criminal offending. The more someone is deployed, the higher the likelihood they will have a mental health condition, and this could result in violent or compulsive behavior. But there is no formula or way to judge a given veteran simply based on his or her experience. It is important to recognize that people have different personal thresholds for how they respond to traumatic events. We need to look at veterans as individuals.

Q. What are some of the effects of violating a moral code?

A. Over time, mental health providers have realized a different type of mental injury that can occur when a service member feels forced to violate his or her own moral code. This injury is not treated the same as PTSD but it can have similar symptoms, including depression and guilt. Some veterans will not seek to defend themselves against criminal charges as a way of punishing themselves. Defense attorneys often have to defend the Vet against himself, in addition to the charges from the government. Too often veterans experiencing deep survivor guilt will use suicide by cop as a way of ending their suffering. Veterans who force police to shoot them, such as by taping an unloaded handgun to their hand, can feel it is more honorable to be killed by others than to kill themselves. Moral injuries are deep soul wounds that do not require exposure to a life threat.

Q. What kind of “betrayals” affect Veterans’ mental health?

There are different generations of Veterans, each with their own unique issues—including cold war, Vietnam, Iraq, and Afghanistan veterans. The recent Stop-Loss program extended soldiers beyond their obligatory service. In some cases, Vets were in planes on their way back to families, when they were told go back to a combat zone for several months or indefinitely. During the early days of Operation Iraqi Freedom and Operation Enduring Freedom, desertions were frequent. Many service members felt deeply betrayed by the military. Those who experienced Military Sexual Trauma also experienced deep betrayals, especially when they were retaliated against for making complaints or pursued for violating military law when they experienced common symptoms of sexual trauma. A common symptom is avoiding the perpetrator in your unit.

Q. What is drone stress?

A. In recent years, much of the battle has changed to targeted killings by remotely piloted aircraft or “drones.” A drone can complete an airstrike in Afghanistan while the pilot is physically located in an air conditioned trailer in Nevada. These technological advances have saved human lives by removing the need for more boots on the ground in the war zone. However, drone operations have consequences. One difference is the remote pilot and crew’s exposure to the target before, during and after the strike. The images are broadcast in such high definition that it is possible to see the color of a person’s beard. Studies from the Air Force show because these warriors watch these images of death and destruction for many hours, including images of friendly forces killed by mistake or the destruction of unintended civilian casualties, these exposures create huge mental health issues. The images stay with the drone operators and crews, causing many to request transfers, seek mental health counseling and develop dangerous habits that lead to criminal conduct. Drone operators are continually affected by combat fatigue without the physical release of on the spot combat.

Q. What policies would greatly benefit Vets’ reentry into mainstream society?

The military does a poor job of preparing active duty service members for transition into civilian society, especially (and ironically) after investing so much time and deliberation into transforming these individuals from civilians into warriors. If transition planning and training is done effectively, we can avoid problems. We must focus on those kicked out without benefits before they are released home with additional impairments imposed by their discharge characterizations. Civilians need to be involved, because of the threat posed to public health and public safety. It is useful to think of the Sequential Intercept Model here. This is a model that sees criminal justice involvement along a spectrum of five points, where the system can intervene to create opportunities for treatment instead of punishment. We should consider active duty as the most important intercept, though civilian society also has the power to prevent a landslide of negative consequences for generations.

Q. How can past Veterans' programs benefit today's returning warriors?

A. This is not the first time that our nation has dealt with the consequences of veterans in the criminal justice system. In fact, this has been a problem every time our nation has been involved in war. There are very useful, and sadly forgotten lessons from the past. Dr. Sigafos's concept of the "second tour" shows how veterans might slip into the same survival mode they used during their first tours in combat zones, because of the striking similarity between incarceration and combat duty. It is important to focus on incarcerated veterans, since they are unable to benefit from the same sorts of programs that veterans receive in Veterans Treatment Court. A veteran may not be eligible for a Veterans Treatment Court based on a technicality, such as discharge characterization or the nature of an offense, even when that veteran has acute treatment needs. Over time, prisons and jails have implemented a range of programs that offer important assistance to incarcerated veterans. These lessons should be broadly disseminated and more jails and prisons should implement them.

Q. How does your book help Vet groups and criminal justice organizations, correctional officers and mental health advocates as well as the general public?

A. This book offers a complete range of solutions regarding the treatment of Veterans who are caught in the criminal justice system. It also explains how there are different pathways to criminal offending by veterans that are best addressed with a particular type of solution. Justice-involved veterans may be entitled to benefits they have never received. These benefits can often give them the resources and tools to transform their lives. Veterans also need to understand how their culture, training, and experience have shaped their values and the manner in which many of their assumptions are no longer valid in the civilian environment. It is not the case that all trauma is the same. There is something distinctly different when comparing combat trauma with the trauma of a car accident or gang violence. It is important for the public to realize that veterans are not being singled-out for "special treatment." Rather, they have experienced a complete culture change in programming and they need ways to address the influence of their shared culture as well as to tap into the resources and benefits that exist based on their military service.

For Further Information:

Cindy Marcy, Marketing manager Charles C. Thomas
advertising@ccthomas.com