

Exploratory Study of Participants in Veterans Court

by

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Thesis

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Exploratory Study of Veterans in Veterans Court

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Abstract

Having to work inside of an unforgiving military environment can and does change an individual. Some have to face the worst elements of what humanity has to offer. Some fulfill their obligations without any looming physical, legal, or mental ailments; they carry a burden with them for the rest of their lives without incident. However, some turn to deviant behavior to either cope, or simply survive. Many of our veterans have developed some issue or residual mental disorder which may have had an effect on behaviors turning criminal. What we are trying to understand is who may be at risk in developing these issues or mental disorders through service, and whether they may be more likely to commit criminal acts because of their military service or the residual effects of mental disorders possibly developed through service. The eventual goal of determining whether there is a cause and effect relationship between the veterans' issues and criminality cannot be achieved without first gathering basic data that is lacking in the relevant literature. This exploratory study intends to provide raw material in the quest for understanding larger issues of causality. In particular, this study looks at veteran status, criminal and legal issues, and whether or not these individuals have been diagnosed with a mental disorder such as Post-Traumatic Stress Disorder (PTSD), any Anxiety Disorder, Stressor Disorders, Depressive Disorders, or any other disorder that can or may be related to their service. The data is analyzed to identify factors that correlate to a veteran's involvement in Veterans court. Through this study, we hope to help improve our understanding of these rising issues, and develop additional strategies and techniques to combat them.

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Si vis pacem para bellum and Semper Fidelis ad mortem!

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Chapter I

Introduction

It is well known that there are some unfortunate side effects in professions where there can be events of strain and distress. The individuals who undergo the training and education within these professions are prepared as much as they can be to successfully complete the missions tasked and return home safely; however, there are times when things go wrong. In the military, individuals go through some of the most demanding training in the world. The body, mind, and psyche are all stressed to the point of failure, so that individuals understand where their own personal breaking point is in order to remain effective in their duties, no matter what the situation brings forth. In combat situations that point is pushed even further. What does this do to these individuals?

For many of our nation's finest warriors, conflict never ends. Most have never seen the harsh realities of war, nor have to live with having to perform actions essential for survival in times of conflict. For some, the training, reactions, practices, and methods of thought instilled through military service carry over into civilian life after discharge. This has led some to commit crimes and/or participate in criminal activity. Throughout the recent conflicts in Iraq and Afghanistan, medical research and the advances in medicine have created the opportunity to better understand the effects of head or brain trauma, also known as a Traumatic Brain Injury (TBI), and mental disorders stemming from types of service and injuries such as TBI, because of the frequency of events, and the number of returning veterans from both conflicts. Some studies have shown a relationship between mental disorders and criminal activity. This is an element of what this research pursues. This leads to the research question: *Are there any common factors*

to veterans, with and without these types of injuries that correlate to involvement in Veterans Court?

Much of what we see in veterans today is the inability for some to effectively re-integrate themselves successfully back into society. Many civilians do not understand the conflict that occurs with having to remove oneself from one lifestyle to another simply because they have never had to do it. This change creates a huge strain on the veteran and some cannot conform. The standards, methods, and means of success within the military are completely different from the standards, methods, and means used in civilian life. Robert Merton discusses conforming and non-conforming conduct. He states that an individual may have to tailor his or her conduct to the lifestyle that they can support or maintain themselves. Some simply cannot do this by conventional methods. They turn to crime to supplement other means in order to support and maintain a lifestyle, not caring about the punishment because they have *“been in worse places.”* The application of the Subculture Theory is suggested here as well, because veterans live the textbook definition of a subculture. Subculture is a way of life for a group of like-minded individuals who have a system of values, beliefs, and symbols, modified from a larger society. Individuals become part of a certain subculture by socialization, which is the process by which the rules, symbols, and values of that subculture element are learned by its members. The military is a very confusing world to those who have never been exposed to its way of life, or the residual effects of said way of life. This is what we need to better understand.

Many veteran courts address minor offenses by veterans and do not address the more serious or violent crimes. This study examined common elements within all of the data and looked for ways to address the small issues before they grow. Applying the

psychological foundation of the mind controlling the body, we can develop an approach through our understanding of the veteran mind, then within the fields of criminal justice and criminology. With this understanding, we can become proactive in the efforts to combat crime while helping those who have served us.

Chapter II

Literature Review

Many studies have been conducted recognizing and addressing the issues of returning veterans; however, not all of them look at all of the areas of concern collectively. The National Association of Drug Court Professionals (NADCP) has endorsed the institution of Veterans Courts recognizing that there is a correlation between returning veterans and substance abuse. Established drug courts have addressed the issues of addiction using alternative sanctions and pioneering methods of treatment where traditional methods have failed. This is where Veterans Courts can be used as an effective approach to treating the individual veteran.

NADCP statistics show that there were over 23 million U.S. Veterans as of 2010. Two million were from the wars in Afghanistan and Iraq. One in six of those veterans are recognized to suffer from one or more substance abuse related issue, while one in five of those veterans suffer from some type of mental health disorder or cognitive impairment. The NADCP also cites that Drug Treatment Courts greatly reduce drug use and crime, all while doing it cheaper and with lower recidivism rates than traditional courts. This idea and approach was applied to the creation of Veterans courts.

An article recognizing the establishment of specialty courts for veterans was published in the March 2011 issue of the Veterans Of Foreign Wars (VFW) magazine. The first “*Veterans Treatment Court*” was established in 2008 in Buffalo, New York to much praise; however, there were some opponents to the idea of veterans receiving special treatment. Some see that specialty courts are “*soft*” on crime, and they may give offenders an “*easy out*” when being held accountable for their actions. Many see

Veterans Courts as the opportunity to give veterans a second chance, recognizing that these individuals may deserve some courtesy because of their service. The article also reinforced what drug treatment courts have already established; i.e., lower cost and lower recidivism rates.

Justice for Vets director Matt Stiner established the third Veterans Treatment court in Tulsa, Oklahoma in 2008. When he became the director for Justice for Vets in 2011, he recognized immediately a need for technical assistance and training to ensure an effective and fully operational Veterans Court. He also recognized the need for communities and their leaders to become involved in their “*justice involved veterans*”. His article published in the spring 2013 issue of *The American Veteran: The Official Magazine of the AMVETS*, discusses all of the growing needs, in addition to the fore stated that were not known in the beginning stages of Veterans Courts.

Not only was there a need for technical assistance and training for court staff, there was an additional need for that same training and assistance for the veterans themselves. The discussion of this article establishes the additional need for treatment in support of learning new skills after the treatment for any substance abuse or mental disorder.

The *Journal of American Medical Association: Mental Health Problems, Use of Mental Health Services, and Attrition from Military Service After Returning From Deployment to Iraq or Afghanistan* (Vol 295, No.9 – 2006) looked at mental health issues from returning Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) (aka: Afghanistan) veterans. The correlation between combat zone deployment, mental health care sought, and attrition from military service during the first year after returning

from deployment were all analyzed. There was an evaluation of the lessons learned from the Post Deployment Health Assessment (PDHA) screening that all returning veterans are required to participate in. United States Marine Corps and Army personnel who completed the PDHA between May 1, 2003 and April 30, 2004 participated. The total number of PDHA for each conflict and other operations are as follows:

Operation Enduring Freedom:	<i>n</i> = 16,318
Operation Iraqi Freedom	<i>n</i> = 222,620
Other Locations	<i>n</i> = 64,967

Health care utilization and occupational outcomes were measured for one year after deployment or until leaving their respective branch of service, or whichever occurred sooner.

The data in this study showed that there were 19.1 percent of returning OIF veterans seeking some form of mental health treatment, 11.3 percent of returning OEF veterans seeking some form of mental health treatment, and 8.5 percent of all other returning veterans seeking mental health treatment. Many of the mental health problems reported on the PDHA were significantly associated with actual combat experience and 35 percent of all returning OIF vets reported having some kind of mental health issue, but only 12 percent within that year were clinically diagnosed with having some kind of problem.

What this study suggests is that there is a correlation between the development of some type of mental disorder through military service and whether or not they have been exposed to direct combat. Individuals can be assigned to a combat role or duty, or be assigned to duty within a combat zone, and never experience actual “fire and return”

combat. This study did not cover whether or not there was an influence regarding some of these mental health issues causing veterans to commit criminal acts.

Building on the importance of understanding both substance use and mental health disorders, the legal communities have started to recognize the opportunities available for veteran defense. PTSD is widely recognized as a mitigating factor in many crimes. In February 2012, the National Veteran's Foundation, a non-profit organization based out of Los Angeles, underwrote the creation of a tool to aid attorneys who defend veterans. PTSD is a very large part in the support of the defense of veterans, as well as service history and personal background.

Depression is another associated element of life for our returning veterans. A study entitled the *Social Psychiatry and Psychiatric Epidemiology: Prevalence, correlates, and symptom profiles of depression among men with a history of military service (46:607-614-2011)* examined this issue. This study did not look at a combat veteran classification as one of their variables. The focus here was that military service, along with other factors including age, race, marital status, education, and health, can amplify the likelihood of developing depression.

As research suggests, depression is a factor in many suicides. It can also be the catalyst for the abuse of illicit or prescription drugs, causing chemical dependency. This study is lacking in that it did not examine those relationships. Some professionals recognize depression as a mental condition; other professionals may consider it a chemical imbalance. Either can be true; however, depression is a factor in the "why" some people commit criminal acts.

Studies have also been conducted on other emotional imbalance issues in addition to depression. In 2012, a study was published by the *Journal of Consulting and Clinical Psychology* on anger issues of veterans titled *Criminal Justice Involvement, Trauma, and Negative Affect in Iraq and Afghanistan War Era Veterans*. This was a study conducted by a team of researchers led by Forensic Psychologist Eric. B. Elbogen of the University of North Carolina-Chapel Hill School of Medicine. It studied 1,388 combat veterans, and found that there was a correlation between high irritability and criminal offenses. Approximately 23 percent of those veterans studied that were diagnosed with PTSD and high irritability, had been arrested for a criminal offense. Other factors not related to military service were taken into account in this study. The study acknowledges that factors such as growing up in a violent home, and prior history of substance abuse, could also elevate the risk that veterans will commit crimes.

Supporting the findings of previous studies, the Substance Abuse and Mental Health Services Administration (SAMHSA) issued a publication in 2012 titled *Behavioral Health Issues Among Afghanistan and Iraq U.S. War Veterans*. This periodical illustrates that studies have shown between 36.9 and 50.2 percent of OEF and OIF veterans have received a clinical diagnosis, such as PTSD or depression, by the Veterans Administration (VA). Data from the National Survey on Drug Use and Health 2004-2007, was referenced by SAMHSA showing that an estimated 9.3 percent of U.S. veterans between the ages of 21 and 39 have experienced at least one major depressive episode (MDE), and that approximately three fourths of the veterans who participated in that survey have reported to have had severe to very severe home, work, or interpersonal relationship impairments. At times, these impairments and episodes end in suicide. In

2009 alone, 94 men and four women OEF and OIF veterans took their own lives.

Between 2002 and 2005, there was an overall rate of 21.9 per 100,000, not including active duty members who took their own lives.

As with many criminal acts, substances of impairment have been a factor. The VA healthcare system reports that an estimated 11 percent of OEF and OIF veterans have been diagnosed with some type of substance use disorder or SUD. Studies through the VA have shown that many veterans use alcohol or drugs, illicit and prescription, to self medicate or cope. SAMHSA recognizes that increased combat exposure in veterans who were involved in trauma or violence is linked to more frequent or greater quantities of alcohol or drug use.

A report done by the Bureau of Justice Statistics in 2004 looked at veterans in state and federal prisons. The study showed that there has been a drop over the years in the percentage of inmates who are veterans in both state and federal prisons. In 1986, 20 percent of inmates had reported prior service, but that number dropped down to 12 percent in 1997 and down again to 10 percent in 2004. Both combat and non-combat veterans were accounted for in these percentages. There was an average of a four-year service with 62 percent of those inmates receiving honorable discharges and approximately 62 percent receiving other types of available discharges. Almost all, approximately 99 percent, were male. The decline in the percentages of veterans in prisons is attributed to the reduction of almost all realms of military personnel, both active and reserve, over the years and a rise in overall prison population. There was a drop of 700,000 personnel assigned to active duty alone.

When looking at the mental health aspect of the inmates, almost half of the state inmates have reported ever having a mental health problem regardless of their veteran or non-veteran status. However, veterans had a slightly higher percentage of issues at 30 percent, as compared to the 24 percent of non-veterans. Veterans were more likely to have received mental health treatment prior to prison. This is likely due to the access of treatment within the Veterans Administration (VA) system. Some explanation as to why not all veteran inmates have had proper or any mental health treatment prior to prison could be due to discharge status. Anyone failing to receive a discharge with a status of “*Honorable*” is not eligible for VA benefits or care. In contrast to this, this report saw that veteran inmates were also much better educated than non-veteran inmates. Nearly all (91 percent) of state veteran inmates had either graduated high school or received a GED. An estimated 40 percent of non-veterans had neither. The number of veterans who attended college while in state prison was approximately one in three as compared to one in ten for non-veterans.

There was also another look into veterans in prisons in an article written by Brittany Berry, published in the spring of 2013 issue of *The American Veteran: The Official Magazine of the AMVETS*. She looked at the contributions that incarcerated inmates make back to the communities they have offended against. The article examines the human factor of veteran inmates and affirms that sometimes good people do bad things. The AMVETS has even established posts within several prisons for veteran inmates. The first established in Marion, Ohio, is still active with approximately 64 members, and in 2006, with support from the VA, began the Health Care Reentry

Program. This is a program addresses the needs for incarcerated veterans as they reintegrate back into society.

The Bureau of Justice Statistics also found that although state veteran inmates have a shorter criminal history than non-veterans, veteran sentences were on average longer than non-veterans. The largest difference was with violent offenders averaging 28 months, with property or non-violent offenders averaging 24-month sentences. The federal prison system reported less sentencing variation based on veteran status.

All of this previous research leads to several questions:

1. Is there a cause that may lead a veteran to commit a crime? Can that cause be a residual of military service?
2. Does behavior requiring legal intervention while in the service carry over into the civilian world?
3. Is the mental health of veterans a concern when examining the causes of deviant acts?
4. Is substance use or misuse a factor for veterans who have committed a crime?
5. Does combat experience play a role in any of the aforementioned?

Research has been conducted examining all of the mentioned concerns. Data from court records and a survey addressing these questions are explained in the following section of this research.

Chapter III

Methods

Using available local data from Mahoning County in the State of Ohio, the City of Youngstown, Ohio, and data collected from Veteran Court surveys, developed and prepared for this research, an investigation commenced looking at several factors in determining the relationships between veterans in regards to the development of mental disorders that may lead to criminal activity. Each survey was completed using veteran's information from the Veterans Court, and from direct veteran participation, asking a variety of questions covering their basic information, military and veteran information, medical information, and legal involvement (Appendix 1). There are a total of 26 questions. The survey was voluntary and anonymous. An attached consent form was included to ensure that the administration of the survey was appropriate, and that the veteran was free from any duress (Appendix 2). The participants were veterans who had been entered into the Youngstown Municipal Court Veterans Treatment Court (hereinafter "Veterans Court"), and to ensure anonymity, there was a third party involved to administer the survey or gather the data. This third party was a Veterans Court appointed mentor, court administrator and licensed social worker and counselor. The information collected was analyzed to identify any indicators of criminal activity.

First, there was a development of a base of veterans who currently have similar situations. All are participants in Veterans Court. Second, military and veteran information, medical information including mental health diagnosis and substance use or abuse issues, prior and current legal involvement including military legal involvement under the Uniform Code of Military Justice (UCMJ), and basic personal information

were collected from these participants. No identifiable information was collected. Names, height, weight, and any other identifiers were not collected, however, racial information was an independent variable examined. Third, the data was totaled for raw number data and percentages were totaled. Once all of the individual question responses were totaled, results were compared and analyzed using specific dependent and independent variables.

The data gathered for the Youngstown and surrounding areas was used as an aid to understand the local veteran offender element better. Dependent variables were whether or not the veteran had any legal involvement, to include any legal involvement under the UCMJ, prior to Veterans Court. Independent variable analysis examined mental health issues and diagnoses, substance use issues, a combination of both mental health and substance use issues, non-combat deployments, combat deployments, direct participation in “fire and return” combat, and any reduction in rank while in the service.

Responses to survey questions were identified using a numerical designation. There were no greater than seven responses to any question on the survey. Data analysis was conducted by using Microsoft Excel. Only raw numerical totals, percentage totals, and result comparisons were sought.

In addition to the Veteran Court survey, current service members were surveyed as well (Appendix 3). This was done in the same manner and utilizing the same methods as the veterans. The survey was voluntary, and each survey had an attached Service Member Consent Form (Appendix 4). The survey was 26 questions in length and covered military and veteran information, medical information, legal involvement, and basic information. Some questions were slightly modified to recognize current service status as

an alternative to discharge status and current time in service rather than total time in service.

The data totals and percentages for current service members were coded and compiled using Excel. There was no further analysis of this data. This was done as a support method only to gather data. The results were not factored or compared to the veteran data in any way and are available to use for further analysis and research.

In addition to the gathering of information for analysis, observational research was also conducted on the Veterans Treatment Court itself, examining its structure, process, and personnel. Direct participation during actual court sessions was conducted and there was interaction with the court participants. Researchers met with court officials and staff periodically to update each other on progress and to clarify any information in exchange. Veteran participants and researchers participated in discussions regarding the court process and individual veteran progress.

The limitations of this research include, but are not limited to, the small sample size of participants in Veterans Court. This is a limited population and size varies depending on region. Veterans Court also only handles misdemeanor crimes. Felonies are not included and remain in their original docket, unless the presiding judge makes an exception.

Veterans Courts are also new courts. They are specialty treatment courts which address specific issues affecting a particular population. At times resources may not be readily available to Veterans Courts compared to other courts due to some being unfamiliar to the Veterans Court process.

Chapter IV

Results

Initial analysis of the Veteran Court data showed results consistent to the findings of other research. Of the 32 participants, branch of service data demonstrated that exactly half of all court participants showed service in the United States Army (to include the National Guard). Just over 31.2 percent saw service in the United States Navy, and both the United States Marine Corps and United States Air Force were equal at 9.4 percent. Participation in the United States Coast Guard was a response option; however, there were zero reported. Of the 32 participants, three were female (two-U.S. Navy, one-U.S. Army) Only one participant showed service in two branches, where the initial branch of service was the U.S. Army and then the veteran was conditionally released to the U.S. Air Force. This individual showed no history of any prior legal concerns, yet was diagnosed with a mental disorder. There was no history of substance use or misuse. There was nothing indicating anything special about the data concerning this one individual that would have had any major impact on data findings.

A majority of the participants, 62.5 percent, only saw zero to four years of service, while several, 3.1 percent, saw eligible retirement time of having over 20 years of service. All participants within Veterans Court were enlisted. None were commissioned as Officers. Discharge status had 62.5 percent as having Honorable discharges, 18.75 percent of having General discharges under honorable conditions, and approximately 9.4 percent had Other than Honorable (OTH) discharges. (Note: OTH discharges do not qualify the veteran for any type of Veterans Administration (VA) post service care or benefits.)

Basic personal information indicated that many or most of the participants were Vietnam era or immediate post-Vietnam era veterans. Exactly half indicated that they were 50 years of age or older. This supports many of the previous veteran studies showing that Vietnam era veterans were more prone to have developed mental, substance use, and legal issues. This may suggest a lack of immediate post-service care for that era of veteran. Examining the veteran age further, 25 percent were between the ages of 34-40, while slightly less than 19 percent showed an age range of 41-50. This may indicate Gulf War era service. Only 6.25 percent were between the ages of 26-33 and none were any less than 25 years of age.

The age ranges of veterans indicate times of service. A majority of individuals serve in their late teens and early twenties. Looking at the fact that these individuals are all participants in Veterans Court and that the majority of the participants are Vietnam era, and Gulf War era age, evidence suggests that post-service care may have been lacking for those eras of service as compared to now. Further examination of the OEF and OIF veterans, will help confirm this evidence; however, only time will tell.

A large percentage of veterans, 65.62 percent, showed having some type of diagnosed mental disorder per the Diagnostic and Statistical Manual of Mental Disorders-5th Edition (DSM-5), and just over half of the participants admitted issues with substance use or misuse.

Foreign deployment data showed that 28 of 32 (87.5 percent) participants deployed in some capacity. Of those deployed, 16 served in a combat or war zone and 11 saw direct “fire and return” combat. Of those 11, six participants were diagnosed as having some type of mental disorder per the (DSM-5), seven have had substance use or

misuse issues, and only three participants were diagnosed as having both mental health and substance use or misuse issues.

Examining legal involvement prior to the events that led the veteran to Veterans Court, over 78 percent had some type of prior non-military legal issue. Approximately 38 percent confirmed legal involvement both while serving in the military under the UCMJ and post-service. Of those who have had legal issues regardless of them being in or out of the military, 25 of 32 participants, 15 were diagnosed as having some type of mental disorder, 12 had substance use or misuse issues, and seven had both mental health and substance use/misuse issues. Nine of the 32 Veteran Court participants were subject to sanctions under the UCMJ and all nine were reduced in rank while serving. Sanctions under the UCMJ include but are not limited to Article 15, Non-Judicial Punishment (NJP), Captain's Mast, and any level of Court Marshal.

Observational research was conducted during actual Veterans Court proceedings. The organization of the court is unique, comfortable, and inviting; however, the atmosphere is official. The veterans first have to be accepted into the Veterans Court by the judge. This decision is based on the nature and severity of their offense, military service history, jurisdictional factors, and legal boundaries. Veterans are called to court approximately every two to four weeks for a court appearance. These appearances are non-negotiable unless approved by the presiding judge only in cases of extreme emergency.

There are support elements established within the Veterans Court to help guide the veteran during the process. Veteran Court mentors, court liaisons, Veterans Administration (VA) representatives, Veteran Service Commission representatives,

mental health treatment staff, and substance abuse treatment staff are all involved in aiding the veteran. The role of each varies, depending on individual veteran needs.

In addition to VA care, mental health and substance abuse support for the veterans are provided by Meridian Community Care and Turning Point Counseling Services. Both are outside agencies that support the mission of the court. They are not affiliated with the military or any veteran's organization, which some of the veterans see as a barrier in some of their treatment approaches. The veterans may at times see an outside entity as ineffective, due to the lack of their experience in the military realm.

In between court appearances, the court participants are required to maintain contact with their court appointed mentor. The Veteran Court mentors are veterans themselves who have served in the military in various capacities throughout several eras. All veterans are assigned a mentor with whom they may have common interests or histories. This can help establish rapport and allows for the development of a relationship. Mentors are subjective in their approach with each veteran. This increases the likelihood of success for the veteran participant.

Specialized treatment is an element of the court. Representatives from several counseling, substance abuse, and mental health facilities are present at each court session. They inform the court of any sessions that the veteran may have missed and of the progress, or lack thereof, for the veteran. They are very involved in the decision making process of the court regarding treatment options and advancement within Veterans Court.

Overall, the Veterans Court process is similar to many other specialty courts in that it has a specialized approach to an exclusive demographic. The minimum time an individual must participate is one year. There is a tiered succession of advancement

though the court with different requirements applicable to each veteran. Each phase must be completed in order for the veteran to graduate. Failure to maintain good standing with the court will result in expulsion from the Veterans Court resulting in a return back to their original court docket. Completion of Veterans Court results in the reduction of or dismissal of all charges that were agreed upon by the prosecution.

Chapter V

Conclusion

The results of the veteran survey suggest several areas of concern. Data suggest that a service member who has had some legal action taken against them while in the service, or having been involved in any legal action outside of the military realm, show a very high probability of continuing deviant behavior requiring court involvement. Data also indicated that there was a large portion of veterans who have been diagnosed with some type of mental disorder. The results of the survey also show that substance use and misuse are of concern as well. What the data does not indicate is the exact mental disorder diagnosis of the veteran or what specific substance abuse issue is at hand.

While examining the deployment results, although almost all of the veterans were deployed in some capacity, half of the Veterans Court participants were deployed to a combat or war zone. Of those individuals who saw service in a combat or war zone approximately two thirds of those veterans participated in direct combat. The data showed that all of those individuals exposed to direct combat had some type of mental or substance use disorder. The results are somewhat troublesome as they do indicate that there is a strong correlation between developing some mental or substance use issue and participating in direct fire and return combat.

A majority of the individuals who were surveyed in this research were of a particular age range. Much of the data received was from Vietnam era and Gulf War era veterans, as this constituted the majority of the Veterans Court participants. This evidence suggests that these generations of veterans may have not received the immediate post-service care that much of today's veterans receive. This is confirmed by the lack of

common OEF and OIF aged veterans. However, further longitudinal research of this area may be beneficial.

The Veterans Court process has been needed for some time. Veterans have developed into a complex subculture of individuals in need of an alternative approach in legal matters. The court keeps the best interests of the veteran in mind throughout this process while maintaining its legal obligation and securing the safety of society. However, the process is not without flaws. The treatment process can be a setback for some veterans. Through observational research, some veterans absent of any substance use charge, may still be required to be seen by a substance use counselor. Individuals who are lacking mental health concerns, may still be required to be examined by a mental health clinician. In some ways, there is a set procedural standard that may not be entirely appropriate for the treatment of the individual veteran. Nevertheless, Veterans Courts are still in their infancy and issues and modifications in all areas are to be expected.

Chapter VI

Contributions

Many studies, articles, and journals have been reviewed prior to the execution of this research. Much of my interest in this area of research obviously has to do with my personal tie, through my service, much of which has already been researched. There was a plan to take a route different from what others have taken. This researcher wanted to find what the common factors of criminal activity in veterans are. The research looked more into prior legal involvement, mental diagnoses, and substance concerns which can all influence deviant behavior requiring court intervention. These factors may be a residual of military service. Much of what others have covered were the results post-conviction. Post-conviction results are fine; however, there was a need to find a way to recognize some of the common factors that some veterans may have prior to the commission of a crime. Proactive measures are much more productive for society rather than reactive measures in this respect, possibly preventing an act of deviance. Previous research has covered all types of crime and the statistics are reasonably accurate and unbiased, yet few studies look at the similarities between veteran's past service, mental status, and life variables. This was the focus of this research. There was a need to find common elements in veteran offenders, and this research provides basic information about veterans in the court system, which can assist in finding that trigger.

Chapter VII

Recommendations for Future research

This research was designed to take a non-specific approach to an area of growing concern. The legal issues plaguing many of our veterans come as residuals to problems that are not understood or even recognized by much of society or our criminal justice community. There is a need to further understand and specify concerns and causes. Longitudinal research of our OEF, OIF, and other current conflict veterans may aid in the understanding of the effect of modern post-service care and support. There is also a need for further research, specific to clinical diagnoses regarding mental health and substance use issues. By understanding the specifics of these issues in better detail, treatment in these areas can be more effective; therefore, possibly reducing the number of veterans in need of legal intervention within our court system.

There will be the need to research a larger sample size of the Veteran population. In addition, geographical and jurisdictional limitations will need to be addressed. Many Veterans Courts handle only misdemeanor cases; however, there are strides in some of the already established courts to address Veteran issues on matters involving lesser felony offenses.

The researchers also see the need to address why many younger veterans do not take advantage of the Veterans Court process. There could be some generational and maturity differences to consider, yet there has not been any data to support such a conclusion.

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Appendices

Appendix 1 - Veteran Survey

Veteran Survey

* This is a voluntary survey. In no way are you required to participate. This is also an anonymous survey, ***DO NOT INCLUDE YOUR NAME***. No information that is given on this questionnaire will be used in an attempt to identify any individual. All answers are strictly confidential. The answers given will in no way affect or have any bearing on V.A. benefits, social benefits, or influence any outcome or judgment in legal matters or pending cases*

Strict measures will be followed in maintaining the confidentiality of this information, however there may be a minimal risk of a breach. All information will be destroyed at the conclusion of this research.

This questionnaire was developed by a veteran for veterans and should take no more than ten (10) minutes to complete.

Thank you for your participation and service to our nation!

Military and Veteran Information

- | | |
|--|--|
| 1. What was your branch of service?
(Circle all that apply) | Army/National Guard
Navy
Air Force
Marines
Coast Guard |
| 2. What was your total time in service? | 0-4yrs
4-8yrs
8-12yrs
12-16yrs
16-20yrs
20 or more |

- | | | |
|---|--|-------|
| 3. Were you: | Officer | |
| | Enlisted | |
| | Both | |
| | | |
| 4. Highest rank achieved: | E 1-3 | O 1-3 |
| | 4-5 | 4-6 |
| | 6-9 | 7-10 |
| | | |
| 5. Have you ever been
deployed? | Yes | |
| | No | |
| | | |
| 6. Have you ever served in a
combat or war zone? | Yes | |
| | No | |
| | | |
| 7. Were you ever a direct
participant in an actual
“ <i>Fire and Return</i> ” combat
engagement? | Yes | |
| | No | |
| | | |
| 8. Were you ever injured or
wounded while in the service? | Yes | |
| | No | |
| | | |
| 9. What type of discharge
did you receive? | Honorable | |
| | General under Honorable Conditions | |
| | General under Less than Honorable Conditions | |
| | Other than Honorable (OTH) | |
| | Bad Conduct Discharge (BCD) | |
| | Dishonorable | |
| | Medical | |

Medical Information

10. Have you ever been diagnosed, by a doctor, as having a mental disorder?
(PTSD, Acute Anxiety Disorder, Acute Stress Disorder, Depression, etc.)

Yes
No
Prefer not to answer

11. Have you received, or been instructed to seek any mental health treatment, while in the service or after being discharged?

Yes
No
Prefer not to answer

12. Have you had, or do you now have any issues with substance misuse or abuse?

Yes
No
Prefer not to answer

13. Have you ever received, or been advised to receive, treatment for substance misuse or abuse?

Yes
No
Prefer not to answer

14. Have you ever been a victim of physical, emotional, or psychological abuse?

Yes
No
Prefer not to answer

Legal Involvement

15. Have you ever been charged with or convicted of a crime, *(felony or misdemeanor)* prior to the charge or charges that brought you to Veterans Court?

Yes
No
Prefer not to answer

16. Were you subject to any legal action under civil/criminal law or under the Uniform Code of Military Justice (UCMJ), while in the service? (Court Marshal, NJP, Article 15, or Captain's Mast)

Yes
No
Prefer not to answer

17. Have you ever been reduced in rank while serving in the Armed Forces?

Yes
No
Prefer not to answer

Basic Information

18. Age

17-25
26-33
34-40
41-50
50+

19. Race or Ethnicity

White/Caucasian
Black/African American
Hispanic/Latino
Asian Descent
Other
Prefer not to answer

20. Marital Status

Single
Married
Divorced
Widowed

Appendix 2 - Veteran Consent Form

Dear Veteran:

YSU graduate student Derick A. Young in the Department of Criminal Justice and Forensic Sciences is conducting research to examine factors of crime within veterans. In this study, you will be asked to respond to questions that ask for your basic information, military and veteran information, medical information, and legal involvement. Your participation should take about ten (10) minutes.

All information will be handled in a strictly confidential manner, so that no one will be able to identify you when the results are recorded/reported. So that no one accidentally sees your answers, you may choose to seal your questionnaire in the envelope before returning it. The envelope will only be opened by the researchers.

There are no direct benefits to your participation other than to help improve services for future military personnel or veterans.

Your participation in this study is totally voluntary and you may choose not to complete the questionnaire without negative consequences. Please know that once you return your questionnaire we cannot remove your answers from our study because we will not know which questionnaire is yours. If you do not want to complete the questionnaire, throw it away or address your concerns to your Veteran Court Mentor or Court Administrator.

Please feel free to contact Patty Wagner or Derick A. Young at (330) 941-3000 if you have any questions about the study. Or, for other questions, please contact Dr. Edward Orona, Director of Grants and Sponsored Programs at YSU (330-941-2377).

I understand the study described above and I understand that by answering and returning the questionnaire I am consenting to participate in this research.

Please keep this consent document so you have contact information should you have any questions about your participation in the future.

Appendix 3- Service Member Survey

Service member Survey

* This is a voluntary survey. In no way are you required to participate. This is also an anonymous survey, ***DO NOT INCLUDE YOUR NAME***. No information that is given on this questionnaire will be used in an attempt to identify any individual. All answers are strictly confidential. The answers given will in no way affect or have any bearing on V.A. benefits, social benefits, or will it influence any legal repercussions from the military upon you or your command.*

Strict measures will be followed in maintaining the confidentiality of this information, however there may be a minimal risk of a breach. All information will be destroyed at the conclusion of this research.

This questionnaire was developed by a veteran for veterans and should take no more than ten (10) minutes to complete.

Thank you for your participation and service to our nation!

Military and Veteran Information

- | | |
|---|--|
| 1. What was your branch of service?
<i>(Circle all that apply)</i> | Army/National Guard
Navy
Air Force
Marines
Coast Guard |
| 2. What is your current time in service? | 0-4yrs
4-8yrs
8-12yrs
12-16yrs
16-20yrs
20 or more |
| 3. Were you: | Officer
Enlisted
Both |

- | | | |
|--|------------------------------|-------|
| 4. Highest rank achieved: | E 1-3 | O 1-3 |
| | 4-5 | 4-6 |
| | 6-9 | 7-10 |
| 5. Have you ever been deployed? | Yes | |
| | No | |
| 6. Have you ever served in a combat or war zone? | Yes | |
| | No | |
| 7. Were you ever a direct participant in an actual “ <i>Fire and Return</i> ” combat engagement? | Yes | |
| | No | |
| 8. Were you ever injured or wounded while in the service? | Yes | |
| | No | |
| 9. What is your current service status? | Active Duty | |
| | Reserve | |
| | Active Reserve (AR) | |
| | Inactive Ready Reserve (IRR) | |

Medical Information

- | | |
|---|----------------------|
| 10. Have you ever been diagnosed, by a doctor, as having a mental disorder?
<i>(PTSD, Acute Anxiety Disorder, Acute Stress Disorder, Depression, etc.)</i> | Yes |
| | No |
| | Prefer not to answer |

- | | |
|--|-----------------------------------|
| 11. Have you received, or been instructed to seek any mental health treatment, while in the service? | Yes
No
Prefer not to answer |
| 12. Have you had, or do you now have any issues with substance misuse or abuse? | Yes
No
Prefer not to answer |
| 13. Have you ever received, or been advised to receive, treatment for substance misuse or abuse? | Yes
No
Prefer not to answer |
| 14. Have you ever been a victim of physical, emotional, or psychological abuse? | Yes
No
Prefer not to answer |

Legal Involvement

- | | |
|---|-----------------------------------|
| 15. Have you ever been charged with or convicted of a crime, (<i>felony or misdemeanor</i>) outside of the military? | Yes
No
Prefer not to answer |
| 16. Were you subject to any legal action under civil/criminal law or under the Uniform Code of Military Justice (UCMJ), while in the service? (Court Marshal, NJP, Article 15, or Captain's Mast) | Yes
No
Prefer not to answer |

17. Have you ever been reduced in rank while serving in the Armed Forces?	Yes
	No
	Prefer not to answer

Basic Information

18. Age	17-25
	26-33
	34-40
	41-50
	50+
19. Race or Ethnicity	White/Caucasian
	Black/African American
	Hispanic/Latino
	Asian Descent
	Other
	Prefer not to answer
20. Marital Status	Single
	Married
	Divorced
	Widowed
21. Do you have any children?	Yes
	No
22. What is your parents marital status?	Married
	Divorced
	Never Married
	Prefer not to answer

23. What is your education level? High School Diploma or GED
Trade School
Some College
College Graduate
Post-Graduate Education
24. Are you working? Yes
(Full or Part time outside of your military duties) No
25. Approximate Income Level Less than \$15,000yr
(This includes V.A. benefits or military pay) \$15,000-\$25,000yr
\$25,000-\$35,000
\$35,000-\$45,000
\$45,000 or greater
26. What is your housing situation? Own home
Rent home or Apt
Staying with a friend or relative
Section 8
Group home
Homeless
Homeless shelter

Appendix 4 – Service Member Consent Form

Dear service member:

YSU graduate student Derick A. Young in the Department of Criminal Justice and Forensic Sciences is conducting research to examine factors of crime within veterans. In this study, you will be asked to respond to questions that ask for your basic information, military and veteran information, medical information, and legal involvement. Your participation should take about ten (10) minutes.

All information will be handled in a strictly confidential manner, so that no one will be able to identify you when the results are recorded/reported.

There are no direct benefits to your participation other than to help improve services for future military personnel or veterans.

Your participation in this study is totally voluntary and you may choose not to complete the questionnaire without negative consequences. Please know that once you return your questionnaire we cannot remove your answers from our study because we will not know which questionnaire is yours. If you wish to withdraw at any time during the study, you may discard the survey or return it partially answered.

In order to maintain the confidentiality of the responses on the questionnaire, you may return them to the unit medical personnel or the unit clergy.

Please feel free to contact Patty Wagner or Derick A. Young at (330) 941-3000 if you have any questions about the study. Or, for other questions, please contact Dr. Edward Orona, Director of Grants and Sponsored Programs at YSU (330-941-2377).

I understand the study described above and I understand that by answering and returning the questionnaire I am consenting to participate in this research.

Please keep this consent document so you have contact information should you have any questions about your participation in the future.

Appendix 5 – Institutional Review Board Approval Letter



One University Plaza, Youngstown, Ohio 44555
Office of Grants and Sponsored Programs
330.941.2377
Fax 330.941.2705

July 19, 2013

Atty. Patricia Wagner, Principal Investigator
Mr. Derick Young, Co-investigator
Department of Criminal Justice
UNIVERSITY

RE: IRB Protocol Number: 007-2014
Title: Exploratory Study of Participants in Veterans Court

Dear Atty. Wagner and Mr. Young:

The Institutional Review Board of Youngstown State University has reviewed the
aforementioned Protocol via expedited review, and it has been fully approved.

Any changes in your research activity should be promptly reported to the Institutional Review
Board and may not be initiated without IRB approval except where necessary to eliminate hazard
to human subjects. Any unanticipated problems involving risks to subjects should also be
promptly reported to the IRB. Best wishes in the conduct of your study.

Sincerely,

Cathy Bieber Parrott
Chair, YSU Institutional Review Board

c: Atty. Patricia Wagner, Chair
Department of Criminal Justice



www.yzu.edu 

Tables

Table 1 - Veteran Court Survey Totals and Percentages

Military and Veteran Information

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
1. What was your branch of service?	Army/National Guard	16	50.00
	Navy	10	31.25
	Air Force	3	9.37
	Marines	3	9.37
	Coast Guard	0	0.00
2. What was your total time in service?	0-4yrs	20	62.50
	4-8yrs	7	21.87
	8-12yrs	2	6.25
	12-16yrs	1	3.12
	16-20yrs	1	3.12
	20 or more	1	3.12
3. Were you:	Officer	0	0.00
	Enlisted	32	100.00
	Both	0	0.00
4. Highest rank achieved:	E 1-3	15	46.87
	E 4-5	14	43.75
	E 6-9	3	9.37
	O 1-3	0	0.00
	O 4-6	0	0.00
	O 7-10	0	0.00

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
5. Have you ever been deployed?	Yes	28	87.50
	No	4	12.50
6. Have you ever served in a combat or war zone?	Yes	16	50.00
	No	16	50.00
7. Were you ever a direct participant in an actual “ <i>Fire and Return</i> ” combat engagement?	Yes	11	34.37
	No	21	65.62
8. Were you ever injured or wounded while in the service?	Yes	5	15.62
	No	27	84.37
9. What type of discharge did you receive?			
- Honorable		20	62.50
- General under Honorable Conditions		6	18.75
-General under Less than Honorable Conditions		0	0.00
-Other than Honorable (OTH)		3	9.37
-Bad Conduct Discharge (BCD)		0	0.00
- Dishonorable		0	0.00
- Medical		3	9.37

Medical Information

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
10. Have you ever been diagnosed, by a doctor, as having a mental disorder? <i>(PTSD, Acute Anxiety Disorder, Acute Stress Disorder, Depression, etc.)</i>	Yes	21	65.62
	No	11	34.75
	Prefer not to answer	0	0.00
11. Have you received, or been instructed to seek any mental health treatment, while in the service or after being discharged?	Yes	21	65.62
	No	11	34.37
	Prefer not to answer	0	0.00
12. Have you had, or do you now have any issues with substance misuse or abuse?	Yes	18	56.25
	No	13	40.62
	Prefer not to answer	1	3.12
13. Have you ever received, or been advised to receive, treatment for substance misuse or abuse?	Yes	18	56.25
	No	13	40.62
	Prefer not to answer	1	3.12
14. Have you ever been a victim of physical, emotional, or psychological abuse?	Yes	13	40.62
	No	16	50.00
	Prefer not to answer	3	9.37

Legal Involvement

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
15. Have you ever been charged with or convicted of a crime, (<i>felony or misdemeanor</i>) prior to the charge or charges that brought you to Veterans Court?	Yes	25	78.12
	No	7	21.87
	Prefer not to answer	0	0.00
16. Were you subject to any legal action under civil/criminal law or under the Uniform Code of Military Justice (UCMJ), while in the service? (Court Marshal, NJP, Article 15, or Captain's Mast)	Yes	12	37.50
	No	20	62.50
	Prefer not to answer	0	0.00
17. Have you ever been reduced in rank while serving in the Armed Forces?	Yes	12	37.50
	No	20	32.50
	Prefer not to answer	0	0.00

Basic Information

18. Age	17-25	0	0.00
	26-33	2	6.25
	34-40	8	25.00
	41-50	6	18.75
	50+	16	50.00

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
19. Race or Ethnicity	White/Caucasian	14	43.75
	Black/African American	18	56.25
	Hispanic/Latino	0	0.00
	Asian Descent	0	0.00
	Other	0	0.00
	Prefer not to answer	0	0.00
20. Marital Status	Single	14	43.75
	Married	5	15.62
	Divorced	10	31.25
	Widowed	3	9.37
21. Do you have any children?	Yes	19	59.37
	No	13	40.62
22. What is your parents marital status?	Married	10	31.25
	Divorced	16	50.00
	Never Married	5	15.62
	Prefer not to answer	1	3.12
23. What is your education level?	High School Diploma or GED	14	43.75
	Trade School	0	0.00
	Some College	13	40.62
	College Graduate	4	12.50
	Post-Graduate Education	1	3.12
24. Are you working? (Full or Part time)	Yes	8	25.00
	No	24	75.00

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
25. Approximate Income Level <i>(This includes V.A. benefits or military retirement)</i>	Less than \$15,000yr	2	6.25
	\$15,000-\$25,000yr	7	21.87
	\$25,000-\$35,000	16	50.00
	\$35,000-\$45,000	7	21.87
	\$45,000 or greater	0	0.00
26. What is your housing situation?	Own home	20	62.50
	Staying with a friend or relative	3	9.37
	Section 8	8	25.00
	Group home	0	0.00
	Homeless	0	0.00
	Homeless shelter	1	3.12

Table 2 – Service Member Survey Totals and Percentages

Military and Veteran Information

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
1. What was your branch of service?	Army/National Guard	2	5.71
	Navy	1	2.86
	Air Force	7	20.00
	Marines	25	71.43
	Coast Guard	0	0.00
2. What is your current time in service?	0-4yrs	21	60.00
	4-8yrs	9	25.71
	8-12yrs	3	8.57
	12-16yrs	1	2.86
	16-20yrs	0	0.00
	20 or more	1	2.86
3. Were you:	Officer	0	0.00
	Enlisted	35	100.00
	Both	0	0.00
4. Highest rank achieved:	E 1-3	20	57.14
	E 4-5	10	28.57
	E 6-9	5	14.29
	O 1-3	0	0.00
	O 4-6	0	0.00
	O 7-10	0	0.00
5. Have you ever been deployed?	Yes	18	51.43
	No	17	48.57

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
6. Have you ever served in a combat or war zone?	Yes	18	51.43
	No	17	48.57
7. Were you ever a direct participant in an actual “ <i>Fire and Return</i> ” combat engagement?	Yes	9	25.71
	No	26	74.29
8. Were you ever injured or wounded while in the service?	Yes	7	20.00
	No	28	80.00
9. What is your current service status?	Active Duty	3	8.57
	Reserve	27	77.14
	Active Reserve (AR)	5	14.29
	Inactive Ready Reserve (IRR)	0	0.00

Medical Information

10. Have you ever been diagnosed, by a doctor, as having a mental disorder? <i>(PTSD, Acute Anxiety Disorder, Acute Stress Disorder, Depression, etc.)</i>	Yes	5	14.29
	No	29	82.86
	Prefer not to answer	1	2.86
11. Have you received, or been instructed to seek any mental health treatment, while in the service?	Yes	6	17.14
	No	28	80.00
	Prefer not to answer	1	2.86

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
12. Have you had, or do you now have any issues with substance misuse or abuse?	Yes	2	5.71
	No	33	94.29
	Prefer not to answer	0	0.00
13. Have you ever received, or been advised to receive, treatment for substance misuse or abuse?	Yes	2	5.71
	No	32	91.43
	Prefer not to answer	1	2.86
14. Have you ever been a victim of physical, emotional, or psychological abuse?	Yes	3	8.57
	No	32	91.43
	Prefer not to answer	0	0.00
<u>Legal Involvement</u>			
15. Have you ever been charged with or convicted of a crime, (<i>felony or misdemeanor</i>) outside of the military?	Yes	5	14.29
	No	29	82.86
	Prefer not to answer	1	2.86
16. Were you subject to any legal action under civil/criminal law or under the Uniform Code of Military Justice (UCMJ), while in the service? (Court Marshal, NJP, Article 15, or Captain's Mast)	Yes	2	5.71
	No	33	94.29
	Prefer not to answer	0	0.00
17. Have you ever been reduced in rank while serving in the Armed Forces?	Yes	0	0.00
	No	35	100.00
	Prefer not to answer	0	0.00

Basic Information

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
18. Age	17-25	26	47.29
	26-33	4	11.43
	34-40	2	5.71
	41-50	2	5.71
	50+	1	2.86
19. Race or Ethnicity	White/Caucasian	30	85.71
	Black/African American	4	11.43
	Hispanic/Latino	0	0.00
	Asian Descent	0	0.00
	Other	1	2.86
	Prefer not to answer	0	0.00
20. Marital Status	Single	27	77.14
	Married	7	20.00
	Divorced	1	2.86
	Widowed	0	0.00
21. Do you have any children?	Yes	8	22.86
	No	27	77.14
22. What is your parents marital status?	Married	17	48.57
	Divorced	15	42.86
	Never Married	3	8.57
	Prefer not to answer	0	0.00

<u>Question</u>	<u>Response</u>	<u>#</u>	<u>%</u>
23. What is your education level?	High School Diploma or GED	12	34.29
	Trade School	5	14.29
	Some College	14	40.00
	College Graduate	3	8.57
	Post-Graduate Education	1	2.86
24. Are you working? <i>(Full or Part time outside of your military duties)</i>	Yes	28	80.00
	No	7	20.00
25. Approximate Income Level <i>(This includes V.A. benefits or military pay)</i>	Less than \$15,000yr	11	31.43
	\$15,000-\$25,000yr	10	28.57
	\$25,000-\$35,000	3	8.57
	\$35,000-\$45,000	6	17.14
	\$45,000 or greater	5	14.29
26. What is your housing situation?	Own home	5	14.29
	Rent home or Apt	14	40.00
	Staying with a friend or relative	15	42.86
	Section 8	1	2.86
	Group home	0	0.00
	Homeless	0	0.00
	Homeless shelter	0	0.00