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### Justices System Help for Criminal Veterans

The 2009 murder case trying veteran Jesse Bratcher presents an interesting challenge in dealing with PTSD in the criminal justice system. Bratcher, a disabled veteran suffering from PTSD after serving in Iraq, fatally shot a man who he believed to have raped his fiancée. Facing a minimum sentence of 25 years in prison for murder, a Grant County Oregon jury found him guilty, but insane due to his PTSD diagnosis. Instead of 25 years, “Judge William D. Cramer, Jr. sentenced Bratcher to life under the supervision of the Oregon Psychiatric Security Review Board” (Westberg).

This paper addresses the larger picture of the justice system and the sentencing of veterans with diagnosed PTSD returning from service. This relates to the use of the insanity defence in providing lenient sentences as well as ensuring mental health treatment for criminal veterans, as well as providing adequate jailing and structuring to accommodate veterans coping with civilian life. First, I will review the details and sentencing of Bratcher’s case. Second, I will discuss why I agree with the verdict, but disagree with the sentencing. In this section I will explain how veteran sentencing can be improved through veteran tailored jailing, and veteran support PTSD recovery treatment to more effectively and fully treat criminal veterans. Thirdly, I will be further discussing my recommendations of veteran jailing and sentencing to address future cases of veterans with PTSD in the criminal justice system.

On the stand, Bratcher testified that during the instance of his victims murder he was having a war flashback which led him to engage in aggressive combat and fire upon the unarmed victim. During the time of the murder, Bratcher had been receiving treatment and compensation for his PTSD affliction. After serving overseas in 2005, Bratcher returned from the service with the traumatic memories of war. In one testimony, he recounted how he had watched his friend get crushed to death by an Iraqi truck after their Humvee was attacked. A few weeks following this incident, he was again involved in a roadside explosion that claimed the lives of his fellow soldiers at the same intersection. During his time in the service he experienced frequent mood swings and became hostile and withdrawn. His sergeant testified that “He went from ‘Mr. Nice Guy to Mr. I Don’t Care Whatever Is Going to Happen,’” (Sullivan). However, despite this history of PTSD, the day of the murder Bratcher consciously went and bought a gun, deliberately planning to confront his victim at the man’s home before killing him.

Bratcher’s criminal case is one of the first in the US to have successfully employed an insanity defense based around his Iraq war service related PTSD; and while it is apparent that Bratcher has a mental affliction, the guilty but insane verdict he received offers a dangerous standpoint in the precedent of criminal veterans with PTSD. This instance of murder was deliberately premeditated, and despite the personality shift caused by his afflictions, I believe that Bratcher is aware of right and wrong and should still serve time in prison for his crime, even if it is a reduced sentence.

I agree with the verdict of guilty in this case, however I do not agree with the sentencing that the defendant received. Judge Cramer sentenced Bratcher to life under the supervision of the Oregon Psychiatric Security Review Board. He served from 2008-2014 in Oregon State Hospital, and was released when the facility determined he no longer had a mental illness. While I agree

that ensuring the treatment of a veterans mental health is pertinent in their rehabilitation and sentencing, I believe that Bratcher should have served time in a prison facility to atone for his crimes following this mental health treatment. I recommend that in cases like this, once he or she has been deemed cured or mentally healthy, the defendant should have been transferred to a facility such as the Haynesville Correctional Center, which I will cover in the following paragraph. This specialized facility ensures that he continues to receive the support he needs to overcome his mental health issues, while also providing him with an adequate prison sentence. My recommendation for this case is that the judge instead sentence him to a minimum of 10 years imprisonment total to be punished for his crime and to fully give the murdered man justice. This creates a situation where he is treated for his psychiatric disorder in a mental facility until deemed cured, and then released and transferred to serve the rest of the sentence in a prison environment. That way Bratcher is both fully treated for his mental health afflictions and receives adequate punishment for his crime under the law.

Recent research has shown that individuals coming out of military environments struggle to re-enter the civilian world, and this issue has grown to new proportions for those who've served in post-9/11 missions. A Pew Research study showed that of veterans, "27% say re-entry was difficult for them—a proportion that swells to 44% among veterans who served in the ten years since the Sept. 11, 2001, terrorist attacks" (Morin). This adjustment from the military, to the real world, to prison, is difficult for a veteran and limits their ability to surround themselves with other empathetic military figures. This lack of transitional support in a seemingly foreign environment is extremely detrimental to the long term recovery of veterans.

This phenomenon was even shown in Bratchers case where after returning home from service he frequently camped alone in the woods, setting up a kind of military perimeter around

him to replicate the feeling of being overseas at war. I believe this shift from military to civilian life is a difficult one where they are thrust into an environment they have become unfamiliar and uncomfortable with. This is where rehabilitation centers such as the Haynesville Correctional Center can come in to aid recovering veterans. This Correctional Center facility is summarized as having buildings “whose exterior suggests an airplane hangar. Everyone ... is a military veteran” (Wolfe). This facility came about in 2012 where the state of Virginia began a pilot program to house vets separately from other inmates. This is in an attempt to create a military setting among veteran inmates, surrounding them with fellow veterans for support, as well as replicating military dorm-style life. This idea is thought to provide veterans with the supportive environment they need, as well as reduce re-offender rates. My recommendation is that more of these facilities be employed in the treatment of veterans with PTSD, and convicted veterans be housed in these facilities.

Veterans courts have also come into the light of criminal sentencing recently. Modeled after drug and mental health courts, veterans courts provide treatment and supervision often in the place of jail time. I recommend that all veteran inmates be mandated veterans court for a designated period of time after their release. Secondly, I propose that veterans court be implemented as a lower-level form of sentencing. I believe that this system will excel in providing support for released veterans, as well as create a community to dissuade future bad behavior for small offender veterans. Aspects of the program include meeting with a probation officer, attending veterans court several times a month, attending substance abuse programs such as Alcoholics Anonymous, as well as being assigned mentor veteran figures to help guide recovering veterans in the right direction. This system can be viewed as a specialized method of probation, one that will lead veterans down the right path in the long run and provide a long-term

support system for them to cope with disorders such as PTSD. However, besides being used as simply a probational tool in the place of jail time, I believe that all mentally ill veterans including Bratcher should be placed in the hands of veterans court, rather than traditional probation, upon their release to ensure they are guided on the right path away from reoffending. Instead of sentencing Bratcher to life under the supervision of the Oregon Psychiatric Security Review Board, I believe that it would be more effective for him to receive specialized help and create a support network of other veterans utilizing the veterans court system.

I recommend these solutions in the sentencing of veterans because I believe that the people who are most equipped to help veterans suffering from PTSD or other mental afflictions after returning from combat are other veterans themselves. In both of these treatment plans, veteran offenders are surrounded by people who can relate to them and people who they can trust to understand their struggles. Putting veterans in a reminiscent environment to the one they experienced in their time in the military, we are reminding them that veterans have core values and a responsibility to their country. We also create an environment where they are surrounded by others who appreciate and understand military life, inmates who they can relate to and talk to. It has been a long-established practice to provide mentorship from older veterans to those just exiting the force and veterans court is an extension of this into the criminal justice system. veterans court provides a support system that many veterans might have lost when they exited their service. In veterans court programs, if a veteran “needs help, he's encouraged to call his mentors ... or another one of the veterans in the program” (Wolfe). I believe that by instituting these changes on how veterans are processed in our Criminal Justice System, we can create a comprehensive program to assist in the long term treatment of veterans while providing adequate sentencing for veterans with PTSD in the criminal justice system.

There could be a push back on programs such as the ones I've mentioned due to budgetary reasons. However, I believe that the cost of the aforementioned support systems in veteran rehabilitation will save the criminal justice system money from incarcerating veterans in the long run, especially in reoffender veterans who never receive proper treatment and whose mental affliction perpetuates a cycle of addiction. It is important that underlying mental conditions be addressed during an inmate's prison stay in a specified and supportive environment, while simultaneously providing punishment deserving of the crimes those veterans have committed. PTSD being a very selective affliction deserves its own specialized treatment, and veterans who have served our country bravely deserve to be helped while serving their time in our criminal justice system. To conclude, while PTSD is a serious affliction that deserves mental health treatment, even veterans convicted under the guise of insanity need to serve time in repentance to their crimes within the community. In order to fully handle this mental health crisis and better address the unique situations of veterans with PTSD within the criminal justice system, I believe the establishment of veterans correctional facilities and implementation of veterans courts more widely is strongly needed.

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