

## New vets court aims to help scarred soldiers

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A new court is being developed in Hennepin County to deal with the unique demands of veterans on the wrong side of the law.



Hector Matascastillo, who could have been a candidate for veterans court, has already paid his dues. He now works as a veterans employment representative. On his arms are Latin words he takes to mean "death to the enemy" and "the soul matters."

Photo: Richard Sennott, Star Tribune

Minnesota veterans who come home from war after surviving, seeing and doing the unthinkable could find themselves in a special court when they end up on the wrong side of domestic assaults, DWIs, barroom brawls and life on the street.

"We're going to have to grab this head-on, or we're going to have our court system clogged with returning service members," said Minnesota Court of Appeals Judge Renee Worke, who has been part of a working group developing the new court. "Veterans are a unique group of people, and the combat veteran in particular needs to be addressed."

With the state's largest veteran population, Hennepin County will serve as a pilot for the project, which is expected to begin in July. Minnesota was a recent pioneer in passing a state law encouraging treatment over incarceration in sentencing veterans whose service-related psychological injuries played a role in their criminal offense. But the court is expected to screen

veterans earlier in the process. The American Civil Liberties Union had raised some objections to a special veterans court in Nevada, but it supports the concept as long as vets don't receive special treatment that other offenders might not get.

Army Ranger Hector Matascastillo is a case in point. After seeing action in more than 57 countries, he came back to a civilian world offering little in resources or support. On one cold January night, Matascastillo was on full alert with a gun in each hand, staring down his latest enemy. He yelled at the figure in front of him, first in German and then in Arabic. But to no avail. The figure, who had the drop on him, did not respond. In a normal situation, Matascastillo thought to himself, he should be dead by now.

But this wasn't Kosovo, where Matascastillo had been part of a reconnaissance unit that witnessed soldiers shoot a baby and deliver the body back to the mother's arms; or any of the other 12 combat deployments he had completed as an elite soldier.

This was Lakeville, in the quiet suburbs of Minnesota, and he was standing in front of his own house. It wasn't an enemy combatant in front of him as he had convinced himself. It was a Lakeville police officer, who had responded to his then-wife's frantic 911 call about her husband's increasingly dangerous behavior, which had just included grabbing the family dog and throwing it in the back yard.

As Matascastillo stood there, slowly returning to reality, it was the low point in a series of flashbacks and nightmares that had been escalating as he prepared to be re-deployed to Iraq. Until that moment, Matascastillo, a Bronze Star recipient who had joined the Army out of high school and enjoyed remarkable success as a warrior, had seen his behavior as mere mental preparation for going back to the battlefield.

He had called it "getting itchy."

Matascastillo was charged with a felony for making terroristic threats and eventually pled to a reduced charge. It was only after he found himself in jail, on suicide watch, that he began to address the demons inside him.

"I had been in the military for 14 years and it took four minutes to wipe away everything I did. I wasn't truly there, in my mind I was somewhere else," he said.

### **A growing legal trend**

With a country at war on two fronts, the veterans court is a new concept that is gaining acceptance. In different incarnations, there are as many as 10 veterans courts operating across the country after the first was launched in 2008 in Buffalo, N.Y. Through the end of last year, 120 vets entered the Buffalo program, and only five have been kicked out. None of the 18 to 20 graduates of the program have been re-arrested, Judge Robert Russell, who started the Buffalo court, told a U.S. House Veterans Affairs Committee hearing last year.

Veterans courts have opened in several counties in California; Oklahoma, Illinois, Nevada and Texas. Sens. John Kerry, D-Mass., and Lisa Murkowski, R-Alaska, are pushing a bill that would fund such courts nationwide.

A recent Rand Corporation study estimates that nearly 20 percent of Iraq and Afghanistan war veterans -- 300,000 in all -- are returning with symptoms of post-traumatic stress disorder or depression; and only slightly more than half have sought treatment. Of that group, only half received minimally adequate treatment.

Veterans account for roughly 10 percent of people with criminal records and a 2000 Justice Department study found that one out of every 100 vets was incarcerated. In Minnesota, seven percent of the state's prison population are veterans, but studies suggest the numbers of veterans who have seen combat represents a much higher percentage of that group.

### **Breaking through resistance**

"What we're really trying to do here is use a criminal charge as a tool to leverage otherwise resistant troubled veterans into getting the help they need," said Brock Hunter, a Minneapolis attorney and Army veteran who has become an expert on veterans in the criminal justice system. "If we don't do that, we are going to be dealing with another generation of veterans who for decades are cycling through the criminal justice system and costing society in an infinite number of ways."

Organizers of the Hennepin County pilot project, which will begin in July, emphasize that this will not be offered to offenders as absolution, but that it will be more than strictly punitive. The court will require a sign-off from all parties involved, including county and city prosecutors, defense attorneys and the veteran.

Modeled after drug courts and mental health courts, the veterans court will require vets to take responsibility for whatever actions landed them there and to structure a proper blend of punishment and treatment. The U.S. Veterans Administration is expected to be involved from the outset, because local financial resources are expected to be limited and a veteran can lose VA benefits while serving time for committing a felony.

The numbers the first year are likely to be modest, with perhaps 30 to 40 veterans participating. Judges from other judicial districts will be encouraged to sit in and apply the concepts elsewhere.

"It's not a get-out-of-jail-free card," said Hennepin County Judge Fred Karasov, a member of the working group who just returned from a deployment to Iraq with the National Guard. "We're looking at veterans who were law-abiding citizens who went to Afghanistan, Iraq, and stuff happens. We're seeing DWIs, we see drug offenses, we see domestics; that really is somewhat related to the fact that they were deployed."

### **Salvaging a career**

For Hector Matascastillo, the plea agreement that took his Army experiences into account salvaged his military career -- and, more important, his outlook on life. He completed probation and community service and sought counseling.

At 37, he now works as a veterans employment representative and has completed his studies on a master's degree in social work. He remains a member of the Minnesota National Guard and returned to Iraq after the Lake-ville standoff as a first sergeant, responsible for 167 men, all of whom were aware of what he had been through.

While stationed at Camp Bucca, a U.S. prison camp in southern Iraq, he was alone for a smoke when he brought the cigarette up to his lips. His hand was shaking.

"I thought, 'Here we go again, what's happening?' I started to cry," he remembered. A chaplain he knew walked by. "I started explaining that these are tears of pain, but these are the first tears that I had that were mixed with so much happiness. That's when I knew I went through my crucible. That night in January was just the beginning."

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