Military Related Traumatic Brain Injury and Criminal Litigation: 
A Case for Veteran's Court

Dawn G. Stanton, M.A. & Kristine M. Jacquin, Ph D.

Abstract
Veterans returning from deployment are seeing increasing diagnosis of Traumatic Brain Injury (TBI), although many cases of mild TBI are not diagnosed. Those suffering from mTBI may suffer numerous blast related head traumas leading to multiple mTBIs. When reviewing criminal cases of veterans with TBI and post concussive symptoms, it is important to review the service record and health record and address the case appropriately. Many states and locations have developed special Veterans Courts specifically designed to address these members of our society to effectively treat and rehabilitate these soldiers.

Introduction
- Traumatic Brain Injury (TBI) is defined as brain trauma due to a force causing rapid movement of the head inside the skull, or impact to the head followed by specific emotional, personality, physical and neurological signs (APA, 2013).
- Between 2000-2014, 300,000 military personnel suffered from a TBI.
- TBI can range from mild to severe. Mild TBI constitutes 83% of military related TBI.
- After repeated head trauma, some neurocognitive symptoms may not resolve (APA, 2013).

TBI Symptomology
- TBI is normally followed by post-concussive syndrome (PCS).
- PCS is highlighted by sleep disturbances, headache, dizziness, aggression, anxiety, disinhibition, balance and possible seizures (APA, 2013; Morissette et al., 2011).
- There is an increased suicide rate (2.7-4 times more likely) for those with TBI than from the general population (Brenner et al., 2009).
- Those with TBI show an increase in depressive symptoms.
- There is a high correlation between TBI and PTSD.

Veteran Criminal Profile
- Violent crimes can be linked to TBI and PCS symptomology (aggression, anxiety, disinhibition, apathy, suspiciousness).
- Veterans with TBI and PTSD are more likely to be arrested.
- Veteran Courts have developed in some states to assist with veterans who have committed crimes in an attempt to provide reeducation and address the specific factors that triggered such actions.

Underreporting of Veteran TBI
- Many veterans with symptoms of TBI are not officially diagnosed.
- Undiagnosed TBI stems from:
  - Lack of immediate treatment due to combat situations.
  - TBI not being the primary (life threatening) injury.
  - Fear of being discharged or duty change.

Veteran Criminal Profile (cont.)
- The traumatic effects of head injury or repetitive blasts can alter a person’s personality and life (Brenner, Homaifar, Adler, Wolfman, & Kemp, 2009; Elbogen et al., 2012; Simcox, Mattingly & Marrero, 2015).
- Anxiety increases, irritability increases and control centers for emotional regulation are affected by TBI (APA, 2013; Brenner et al., 2009; Simcox et al., 2015).
- Changes can affect how a person sees the world and how he or she views what is right versus wrong.
- Veterans’ altered perception of reality and adjustment to civilian life must be considered when veterans are suspected of a crime.

Litigation Factors
- Important to review veteran medical and diagnostic service history for diagnosed or possible TBI during criminal cases.
- Veteran courts can provide veterans with military like treatment familiar to veterans and improve outcomes.
- Refer to veterans courts where available.
- Increase number and availability of veterans courts where alternative treatments can occur.

Conclusions

References