

PTSD and the Legal System



Many veterans in the court system – either civil or criminal – suffer from PTSD. The stress of going through the court system may affect the symptoms they are experiencing.

This guide provides information to help manage PTSD, identifies possible triggers within the legal process, offers coping strategies, and has a resource list for treatment.



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I. Posttraumatic Stress Disorder

Posttraumatic Stress Disorder (PTSD), once called shell shock or battle fatigue, is a mental health problem that can occur following the direct experience or witnessing of life-threatening events such as military combat, natural disasters, terrorist attacks, serious accidents, or violent personal assaults. PTSD is a medically recognized anxiety disorder that occurs in normal individuals under extremely stressful conditions. Most people who experience a traumatic event will have reactions that may include shock, anger, nervousness, fear, and even guilt. These reactions are common and for most people go away over time. People who suffer from PTSD often relive the experience over and over again through a range of symptoms (e.g., nightmares and uncontrollable thoughts, difficulty sleeping, and feeling detached or estranged from other people), and these symptoms can be severe enough and can last long enough to significantly affect the person's quality of life and ability to function (Veterans Healthcare Administration, 2011; United States Department of Veteran Affairs, n.d.).

For individuals suffering from PTSD, the area of the brain that processes emotions is also more likely to be triggered by stimuli, regardless of whether the stimulus has anything to do with the original trauma. These biologically based body-changes that occur with PTSD help explain why a veteran might react to noises differently, such as fireworks or a helicopter flying overhead or certain odors, textures, climates, and situations. As a result of these PTSD-related biological changes, the ability to tell the difference between a real threat and a perceived threat can be impaired (National Alliance of Mental Illness [NAMI], 2011).

Signs and Symptoms

Signs and symptoms of PTSD occur most frequently within 3 months of the traumatic experience but can often be delayed for years. The severity and duration of PTSD can vary greatly among people but the symptoms can usually fit into three main categories including:

Reliving (Re-experiencing):

- Reliving the ordeal through thoughts and memories of the trauma.
- Flashbacks, hallucinations, and nightmares.
- Physical reactions to triggers that symbolize or resemble the event (NAMI, 2011).

Avoiding (Feeling numb, Hypoarousal):

- Avoiding people, places, thoughts, or situations that may remind him/her of the trauma.
- Feelings of detachment and isolation from friends and family, as well as a loss of interest in things the person once enjoyed.
- Difficulty thinking about the long-term future. Sometimes this is expressed in an inability to plan for the future or risk-taking because the individual may not see themselves living a full lifespan (NAMI, 2011).

Increased Arousal (Hyperarousal):

- Includes excessive emotions; problems relating to others, including feeling or showing affection; difficulty falling or staying asleep; irritability; outbursts of anger; difficulty concentrating; and being “jumpy” or easily startled.
- The person may also suffer physical symptoms, such as increased blood pressure and heart rate, rapid breathing, muscle tension, nausea, and diarrhea (WebMD, 2012).

Veterans and PTSD

Today, hundreds of thousands of service men, women, and recent military veterans have seen combat and experienced the trauma that goes along with being in combat and war. These are the types of experiences that can lead to PTSD for many veterans (Friends of the National Library of Medicine [FNLM], 2009).

- A major VA study found that about 31 percent of men and 27 percent of woman had suffered from PTSD at some point after their return from Vietnam (Epstein & Miller, 2005).
- Approximately 3-7 percent of men and 8-16 percent of woman had suffered from PTSD following their return from the Persian Gulf War (Epstein & Miller, 2005).
- Approximately 10-18 percent of Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) veterans will suffer from PTSD (National Center for PTSD, 2009).

The U.S. Department of Veterans Affairs estimates that PTSD afflicts:

- *Almost 31 percent of Vietnam veterans*
- *As many as 7 percent of male and 16% of female Gulf War (Desert Storm) veterans*
- *11 percent of veterans of the war in Afghanistan*
- *20 percent of Iraqi war veterans*

II. Veterans and the Legal System

As a result, criminal behavior stemming from service-related mental health issues has contributed to the growing prevalence of veterans entering our jails, as well as our state and federal prisons. The skills and tactics that are necessary in the military, such as hyper-vigilance and rapid response to threatening encounters that enhance survival in combat may translate to aggressiveness, impulsivity, arrest, and potential for incarceration in the civilian community (Swords to Plowshares, 2011). As of 2004, approximately 140,000 veterans were incarcerated in state and federal prisons, when the Iraq and Afghanistan wars were still in the early stages. Tens of thousands more veterans are incarcerated in county jails (Drug Policy Alliance, 2012). Understanding your actions and reactions may help prevent you from becoming involved with the criminal justice system and/or help you to cope if you are already involved.

Knowing Your Triggers

For those suffering from PTSD, triggers are part of the re-experiencing phenomena. Potential triggers can be all around you, and although the signs and symptoms may seem to come out of the blue, PTSD symptoms rarely just spontaneously occur. Symptoms usually

Internal Triggers

- Anger
- Anxiety
- Sadness
- Memories
- Feeling lonely
- Feeling abandoned
- Frustration
- Feeling out of control
- Feeling vulnerable
- Racing heartbeat
- Pain
- Muscle tension

External Triggers

- An argument
- Seeing a news article that reminds you of your traumatic event
- Watching a movie or television show that reminds you of the traumatic event
- Seeing a car accident
- Certain smells
- The end of a relationship
- An anniversary
- Holidays
- A specific place
- Seeing someone who reminds you of a person connected to the traumatic event

have specific triggers and can be cued in the internal environment (thoughts or memories, emotions, and bodily sensations) or external environment (situations, people, or places that you might encounter throughout your day, or things that happen outside your body) (United States War Veteran's PTSD Foundation, Inc., n.d.).

In order to lessen the impact of PTSD symptoms, it is important to be able to identify what **your** triggers are. What specific types of thoughts, feelings, and situations trigger your symptoms?

If you are involved in the legal system

Someone who is suffering from PTSD may already have significant daily challenges with functioning. When combined with involvement in the court and criminal justice system, an individual can sometimes become unable to deal with the frustration and uncertainties of the legal process. Preparing yourself ahead of time for those triggers and challenges that you may experience in the legal system will help manage the stress reactions that come from the process. Consider some of the following:

Interacting with your attorney:

- How will you feel interacting with your attorney about your charges and possible court interactions?
- How will you feel if he/she brings up topics related to your service in the military?
- What type of memories and feelings will this provoke?

This may bring up the same feelings of injustice or unfairness that you felt or experienced in previous traumatic situations and may be a situational trigger for you. You may feel a significant amount of stress associated with this interaction and you may feel vulnerable, out of control, and dependent on your attorney.

Interacting with other attorneys or a judge:

- How will you feel when someone is accusing you of things or provoking you with aggressive questioning?

- Will this make you feel angry and defensive? How else might you feel?
- How will you control your reactions?

During the legal process, you may also come into contact with other attorneys whose interactions may cause some discomfort and trigger your PTSD symptoms. They may accuse you of things or ask questions that will trigger a highly defensive reaction. They may try to provoke you or ask you questions that you may feel are not relevant or fair. They may question your integrity or even your role as a veteran. Consider what your reactions may be to these things.

Courtroom environment: Consider what your surroundings will be like in the courtroom.

- What if the courtroom is too hot or too cold?
- What if the light is very bright or glaring?
- What if it's very crowded with people or there are too many people in close proximity to you?
- What if there are unexpected loud noises (e.g., a child crying or a door slamming)
- Will the temperature or any of these other elements trigger you in some way or remind you of something related to a traumatic experience you had in combat?

III. Preparing for Involvement in the Legal System

So what can you do to prepare for your attorney, opposing attorneys, juries, judges, and the environment?

- It is never too late to ask for assistance from a mental health professional. Ask your attorney, your local VA, a local social services agency, or a hotline for help finding referrals.
- Ask for extra preparation time with your attorney to practice various courtroom experiences.
- Role play on your own and anticipate what others might say to you.
- Speak with others who may have been through the process.

- Educate yourself on the legal system and your rights.
- Learn more about your warning signs.

Identifying Early Warning Signs

Following treatment for post-traumatic stress disorder (PTSD), most people experience a long-lasting, if not permanent, reduction in their symptoms. However, some people may start to experience symptoms that could be warning signs that PTSD symptoms or other problems (for example, depression) are coming back, especially during times of significant stress. Regardless of whether or not you may have received treatment for your PTSD, it's very important to watch for warning signs that could signal a return of your PTSD symptoms.

During the time that you're dealing with your legal case and arrest, watch for the following symptoms which could be signs that you are experiencing difficulties coping with heightened levels of stress:

- Change in your sleeping patterns (either too much sleep or too little sleep).
- Nightmares.
- Increased distress or bodily responses (e.g., increased heart rate) upon being reminded of the stressful event.
- Being more on guard or watchful. You might even take steps to protect yourself and your family that you wouldn't normally do.
- Being easily startled.
- Constantly feeling as though you or your family is in some type of danger, or feeling as though there is some kind of threat of harm around you (but not being able to actually identify what the threat is).
- Increased anger and irritability.
- Loss of pleasure in activities that you used to find enjoyable.
- Frequent sadness.
- Low energy and fatigue.
- Increased agitation (e.g., difficulty sitting still).
- Panic attacks.
- Frequent and uncontrollable worry.

- Intrusive thoughts about the stressful event, or thoughts about the stressful event that are easily triggered by something in your environment.
- Drinking more than usual or misusing prescription medications.
- Losing track of time or feeling disconnected. This can be a sign of dissociation, which can occur when people are under very high levels of stress that feels inescapable or unable to be coped with.
- Feeling disengaged from loved ones. Difficulty experiencing positive emotions, such as happiness, love or joy. This can be a sign that emotional numbing symptoms of PTSD are becoming a problem. It can also be a sign that you are falling into a depression.
- Increased negative and judgmental thoughts about yourself.
- A feeling of helplessness or hopelessness (Tull, 2012b).

This list is not a complete list and warning signs vary from person to person. Personalize the list and consider which of these signs, or any additional ones, are out of the ordinary for you personally. Experiencing these symptoms just a few times may not be cause for alarm. Everyone experiences some emotional difficulties every now and then, especially under stressful circumstances. However, if you notice that these symptoms are becoming more frequent and/or begin to impact your life, it is important to take immediate action (Tull, 2012b).

IV. Coping Strategies

Safety Plans: Final Word

A safety plan is a way of planning ahead to cope with problems if they arise. For example, what will you do if you start to experience a flashback while inside the courtroom? How would you cope with intrusive thoughts while you're trying to discuss your case with your attorney? Below are some ideas to consider including in your personalized safety plan for dealing with your PTSD symptoms, if they should occur. A safety plan is about being prepared and taking control of your reactions. Even if you feel that you may not be triggered, or that you can control your responses, it is best to have a backup plan in case you do encounter a trigger. Taking the time to come up with a safety plan will be essential if you are faced with a crisis situation (United States War Veteran's PTSD Foundation, Inc., n.d.).

Enlist the Help of Others

If you know that you'll be interacting with your attorney, visiting the courthouse, or doing activities related to your legal case, have someone you trust contact you several times throughout the day or during your visit to see how you're doing and to give you support. Having this type of connection will not only provide you with support if you need it, but it will also serve as a reminder to be conscious of your bodily responses to the stress that you're experiencing (United States War Veteran's PTSD Foundation, Inc., n.d.). If you have a therapist and you are able to contact him or her outside of sessions, you may want his or her name on your list as well.

Identify Ways of Coping

It can be very difficult to think of ways of coping with emotional distress when you are already experiencing it. Therefore, it is best to think ahead of how you might cope with emotional distress should it arise. Remember these are only suggestions that have worked for some people; it is best that you think about what would work best for you.

Coping Cards

It may be helpful to make "coping cards," which are note cards you can carry with you that help take you through a particular coping strategy. To make your own coping cards, use index cards and write down, step-by-step, what you would need to do to cope with distress using a particular coping strategy, such as deep breathing or grounding (described below). Take these cards with you wherever you go. Then, when you are experiencing distress, temporarily step away from the situation if you can, and take out the card and go through each step. Having a coping card with you means you won't have to come up with a way of coping "in the heat of the moment." You also will not have to worry about remembering all the steps involved in certain coping strategies (Tull, 2009).

Deep Breathing

1. Find a comfortable position either lying on your back or sitting. If you are sitting down, make sure that you keep your back straight and release the tension in your shoulders. Let them drop.
2. Close your eyes. If this is challenging for you, consider softening your eyes and closing your eyelids half-way.
3. Place one hand on your stomach and the other on your chest and try to breathe deeply.
4. Your belly should rise and fall with every inbreath and outbreath. If your belly stays still but your chest rises and falls with every breath, practice breathing by only allowing your belly to rise and fall when you breathe in and out.
5. Continue to take deep breaths, concentrating on only moving your belly.
6. Continue as long as you would like, or until you feel your anxiety passing.

Tip: If you are having trouble taking deep breaths, try breathing in through your nose and exhaling through your mouth. Also, slowly count to five in your head as you breathe in and out.

Grounding

Just as it sounds, grounding is meant to “ground” you in the present moment, which reduces the likelihood that you will slip into a flashback or state of dissociation. In this way, grounding is somewhat similar to mindfulness exercises. To ground, you want to use the five senses (sound, touch, smell, taste, and sight). To connect with the here and now, you want to do something that will bring all your attention to the present moment. A couple of grounding techniques are described below (Tull, 2012a). All of these can be modified to accommodate your unique situation.

- **Sound: Turn on loud music (You can carry headphones/earbuds around with you)**
Loud, jarring music will be hard to ignore. And as a result, your attention will be directed to that noise, which will bring you into the present moment.

- **Touch: Grip a piece of ice or a texturized (spikey) handball**

If you notice that you are slipping into a flashback or a dissociative state, hold onto a piece of ice or some form of texturized handball. It will be difficult to direct your attention away from the extreme coldness of the ice or the pressure of the ball on your hand, forcing you to stay in touch with the present moment.

- **Smell: Sniff some strong peppermint or lavender oil (which is naturally calming)**

When you smell something strong, it is very hard to focus on anything else. In this way, smelling peppermint can bring you into the present moment, slowing down or stopping altogether a flashback or an episode of dissociation. You can carry a small bottle of the oil with you or you could put a few drops on a tissue and carry it with you in a Ziploc bag when you need it.

- **Taste: Bite into a lemon (very sour candy works well and can be carried in your pocket)**

The sourness of a lemon and the strong sensation it produces in your mouth when you bite into it can force you to stay in the present moment.

- **Sight: Take an inventory of everything around you**

Connect with the present moment by listing everything around you. Identify all the colors you see. Count all the pieces of furniture around you. List off all the noises you hear. Taking an inventory of your immediate environment can directly connect you with the present moment (Tull, 2012a).

Informational Resources

The information in this brochure is meant to ASSIST in managing PTSD symptoms and should only be used as a guide. If you are currently suffering from mental illness, including PTSD, please seek assistance from a mental health professional or any of the resources listed below.

America Supports You

<http://www.americasupportsyou.mil>

A one-stop shop for citizens and service members to connect with hundreds of organizations eager to help. Sponsored by the Department of Defense.

Military One Source - 1-800-342-9647

<http://www.militaryonesource.com>

You may call this number and request to speak to a counselor. Contracted mental health counselors will confidentially speak with you about your concerns and offer targeted information that can help you deal with difficult situations. This is an excellent source for immediate 24/7 person-to-person information. You can also ask about contact information to your local American Legion, Veterans of Foreign War or Disabled American Veterans resources who can be advocates for you.

NAMI's Veterans Resource Center

<http://www.nami.org/veterans>

Includes tools such as help with filing a claim for PTSD, family resources and multicultural resources.

National Center for PTSD

<http://www.ncptsd.va.gov>

This VA link has specific information about PTSD including assessments, information sheets for families and where to get assistance. This site does not offer immediate assistance.

SAMHSA - Substance Abuse and Mental Health Services Administration-1-877-726-4727

<http://www.samhsa.gov>

Here you can find community mental health care in your area that is often offered at a reduced rate.

Suicide Prevention Action Network - 1-800-273-8255 (Option #1 for Veterans)

<http://www.spanusa.org> and <http://www.suicidepreventionlifeline.org>

SPAN offers timely and helpful information for suicide prevention, offering a hotline, a checklist and resources for prevention and intervention.

Veterans Families United Foundation - 405-535-1925

<http://www.VeteransFamiliesUnited.org>

VFU is a not-for-profit organization that offers a comprehensive website and resource bank for identifying and helping veterans and families who may need assistance in understanding and coping with war-related illness.

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