**Effect of Military Service and Posttraumatic Stress Disorder on Prosecutors’ Pre-trial Offers and Blameworthiness Ratings**

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### Introduction

•Recent epidemiological studies on soldiers returning from Iraq have shown an increase in diagnoses of posttraumatic stress disorder (PTSD) (Hoog, Castro, Messer, McGurk, Cotting, & Koffman, 2004).

•Prosecutors will be handling increasing numbers of criminal cases concerning veterans from the war in Iraq who suffer from PTSD. How these prosecutors handle such cases may reflect potential biases regarding veterans or offenders with PTSD.

•Sparr and Atkinson (1986) have suggested that a diagnosis of posttraumatic stress disorder may assist a defendant in assessing the impact of defendants’ military experience and mental health (i.e. PTSD) on prosecutors’ offers at the pre-trial stage and ratings of the defendants’ blameworthiness.

### Present Study

•Considering prosecutors’ preference for settling cases before a trial through plea-bargaining (McAllister & Bregman, 1986), the present study will investigate the relationship between defendants’ military experience and mental health (i.e. PTSD) on prosecutors’ offers at the pre-trial stage and ratings of the defendants’ blameworthiness.

### Participants

- State-employed prosecutors from Alabama, Mississippi, California, and Kansas (N=31)
- Demographics:
  - 61% male, 39% female
  - 84% White, 16% African American
- Mean age: 39 years (SD = 10.3)
- Mean years of experience: 8.5 years (SD=9.22)
- 74% Caucasian, 26% African American
- 84% White, 16% African American
- Mean age: 39 years (SD = 10.3)
- Mean years of experience: 8.5 years (SD=9.22)

### Design

Design: 2 x 2 repeated measures

**Condition:**
- Veteran with PTSD
- Veteran without PTSD
- Non-veteran with PTSD
- Non-veteran without PTSD

### Results

#### Pre-Trial Offer: Category of Disposition

Prosecutors were more likely to recommend a diversion program, which eventually dismisses the charges, to offenders with PTSD, especially if offenders were veterans, X(2, 31)=14.39, p<.001.

#### Mental Health Treatment

Prosecutors were more likely to recommend some type of mental health treatment to offenders with PTSD, especially if offenders were veterans, X(1, 31)=17.07, p<.001.

### Discussion and Implications

The effects of military service and a diagnosis of PTSD on prosecutors’ pre-trial offers included:

- More diversion programs
- More mental health treatment recommendations
- Slightly shorter sentence lengths

Concepts of blameworthiness were impacted. Regarding veteran defendants with PTSD, prosecutors:

- Viewed them as less criminally responsible
- Felt greater empathy for them
- Identified with them more than with other defendants
- Independent variables of veteran status and PTSD had an even greater impact when combined, consistent with expectations.

Positive regard or sympathy for veterans suffering from PTSD may not only reflect the personal leanings of the prosecuting attorney but also the general trend of public opinion, as much as the actions of state prosecutors are intended to represent the wishes of their constituents. As the numbers of retired veterans from the Global War on Terror increase, public opinion toward this population may shift and this trend may be evidenced in the courts of law.