

# Coming Together to Fight for a Troubled Veteran



Fabrizio Costantini for The New York Times

Brad Eifert was in Iraq during two of the war's most violent years. When he returned home, he knew that something was wrong.

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Published: July 17, 2011

OKEMOS, Mich. — When the standoff began on a humid August night, it seemed destined to become one more case of a returned soldier pulled down by a war he could not leave behind.



Mr. Eifert with his stepdaughter.



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Officer John Free was the first to respond to Mr. Eifert's house in the standoff.

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Judge David L. Jordon of Ingham County District Court took an interest in the case.

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A medal given for completing a veteran probation program.

Staff Sgt. Brad Eifert circled through the woods behind his house here, holding a .45-caliber pistol. The police were out there somewhere and, one way or the other, he was ready to die.

He raised the gun to his head and then lowered it. Then he fired nine rounds.

“They’re going to take me down, they’re going to finish me off, so,” he remembers thinking, “finish me off.”

Leaving his weapon, he ran into the driveway, shouting, “Shoot me! Shoot me! Shoot me!” The police officers subdued him with a [Taser](#) and arrested him. A few hours later, he sat in a cell at

the Ingham County Jail, charged with five counts of assault with intent to murder the officers, each carrying a potential life sentence.

In daring the police to kill him, Mr. Eifert, who had served in Iraq and was working as an Army recruiter, joined an increasing number of deployed veterans who, after returning home, plunge into a downward spiral, propelled by [post-traumatic stress disorder](#) or other emotional problems.

Their descent is chronicled in [suicide attempts](#) or destructive actions that bring them into conflict with the law — drunken driving, bar fights, domestic violence and, in extreme instances, armed confrontations with the police of the kind that are known as “suicide by cop.”

Such stories often end in death or prison, the veteran in either case lost to the abyss.

But something different happened in Mr. Eifert’s case. Headed for disaster, he was spared through a novel court program and an unusual coming together of a group of individuals — including a compassionate judge, a flexible prosecutor, a tenacious lawyer and an amenable police officer — who made exceptions and negotiated compromises to help him.

If he takes advantage of the chance to recover his life, he is likely to avoid incarceration and receive the care he needs to move forward.

How this came about — it evolved over more than seven months, during which Mr. Eifert remained in jail — says much about what is required to pull a psychically wounded soldier back to safety and raises questions about the limitations of the systems in place to deal with troubled veterans, whose trespasses can in many cases be traced to a lack of adequate help earlier on.

Some officials believe that war trauma should not qualify veterans for special treatment in the criminal justice system, especially in cases where public safety is endangered. “P.T.S.D. is not a get out of jail free card,” said a prosecutor in a Missouri case involving a veteran who had a faceoff with the police.

Yet a growing number of legal and law enforcement experts argue that when a veteran’s criminal actions appear to stem from the stresses of war, a better solution than traditional prosecution and punishment is called for. The society that trained them and sent them into harm’s way, they say, bears some responsibility for their rehabilitation. And they point to other exceptions in the legal system like diversion programs for drug offenders and the mentally ill.

“I don’t interpret it as excusing behavior, but as addressing what the behavior is,” said Judge Robert T. Russell Jr. of Buffalo City Court, who founded the first special court for veterans there in 2008. It can provide an alternative to punishment, mandating treatment and close supervision and holding them to strict requirements.

“The benefit is, you increase public safety, you don’t have a person reoffending and, hopefully, that person can become functioning and not suffer the invisible wounds of war,” Judge Russell said.

Mr. Eifert, 36, was fortunate that, just months before, his county had become one of 80 jurisdictions around the country that have adopted the veterans court model. But the resolution of his case took more than that.

The judge had to take an interest in his case and accept him in the court, which did not normally hear serious cases involving the use of a firearm.

The prosecutor had to ultimately decide that Mr. Eifert's emotional difficulties warranted leniency.

The police officer, who, although he had feared for his life during the standoff — “This is probably not going to end well,” he remembers thinking — had to agree to drop the charges of assault with intent to murder.

A judge advocate general officer at Fort Knox, Ky., where the Army's recruiting command is based, had to argue to reverse the discharge under other than honorable conditions set in motion by the Army after his arrest, which would have deprived him of most of his military benefits, including the services of the [Department of Veterans Affairs](#). A lawyer, Frank Reynolds, had to work to put all the pieces together.

“The justice system is a system of black and white, and most cases of warriors are gray,” said Jeff Murphy, a retired lieutenant and crisis team intervention coordinator for the Chicago Police Department who conducts training on dealing with veterans. Mr. Eifert's case, he said, offered a template of how to resolve such situations. “You need champions that understand the dynamics of the stresses that military veterans are experiencing,” he said, adding, “And if everybody doesn't agree, it falls apart.”

## **A War That Lingered**

Even as he returned home from Iraq to Fort Carson, Colo., in 2006, his uniform covered with medals, Mr. Eifert knew something was wrong. The finely honed aggression that had carried him through deployments as an infantry gunner and a truck commander during two of the war's most violent years was still very much alive inside him.

He was irritated by bad drivers: “You're so used to being king of the road, to having people get out of the way,” he said.

He was irritated by the seeming obliviousness of the people around him. “None of these people are thinking about people over there [sweating](#) and bleeding and struggling right now,” he would think in a store or on the street.

Mr. Eifert wanted to go back into combat, but the Army had other plans, sending him to Michigan as a recruiter. At a [mental health](#) screening, he told an Army psychiatrist that he was drinking too much, having [panic attacks](#), waking up from [nightmares](#) — his house exploding, his hand being blown off.

“It’s normal,” he said she told him. “You’ll get over it.”

But as he moved through his life — divorcing his first wife, taking up his new job at the Great Lakes Recruiting Battalion, marrying a woman with three children he had met through eHarmony — the volatile emotions stayed with him. He won honors as a recruiter, but he continued drinking, sometimes as much as a fifth of Jack Daniel’s a day.

He was haunted by memories: friends being killed; the day he shot up a house filled with women and children, killing many of them; another when he watched a truck full of military contractors burn and did nothing to save them.

He no longer believed in the war or in his recruiting job. “Everybody I put in I know is going to get deployed,” he kept thinking, “and I have to look their parents in the face and be like, ‘It’s not that bad, look at me, I’m great after two deployments. Your son will be fine.’ ”

An operation for a shoulder injury did not heal properly and added to Mr. Eifert’s [depression](#). In February 2010, he put a gun to his head in his garage, and after seeking help the next day went to the Veterans Affairs hospital in Ann Arbor. But he was released after a four-hour evaluation with [prescriptions](#) for psychiatric medication and counseling. A few months later, he made a second suicide attempt.

“I just felt totally hopeless in every situation in my life,” he recalled, “like I had no control over anything, I couldn’t do anything. I was just living, you know, like floating.”

The day of the standoff, Aug. 9, 2010, started badly. Mr. Eifert did not sleep well. He got a Facebook message from his brother, a soldier stationed in Afghanistan, saying that the base there had been hit by truck bombs. He had a minor argument with his father-in-law, a man he respected greatly.

In the afternoon, he went to his grandparents’ house in nearby Mason and sat on the patio, [smoking cigarettes](#) and drinking. When his grandmother asked him what was wrong, he told her that he felt like a failure and that he hated his life.

“And we cried, she cried, and she held me,” he said.

He called his commanding officers and told them he needed help. “I’m tired of drinking, I’m tired of feeling hopeless, I’m tired of feeling depressed, I’m tired of feeling angry,” he said he told them. “I’m tired of my life.”

A first sergeant and a captain from the recruiting command met him at his grandparents’ house, and said they would drive him to a hospital in two cars, the sergeant driving his. An Army document filed in the case said that, during a stop at a 7-Eleven along the way, Mr. Eifert became “belligerent,” demanding his car keys. When they refused, Mr. Eifert shoved the sergeant, ripped the first sergeant stripes off his chest, grabbed the keys and drove off, the document said.

Mr. Eifert said the officers had agreed to let him stop at his house to say goodbye to his wife and then reneged. To him, it seemed “another handshake and a smile, just a false promise.”

At 4:45 p.m. that day, his wife, Michelle, got a text from him, saying “You don’t need me.” When he came home, he was drunk and unreachable.

“He just kept repeating: ‘They lied to me. They lied to me. They’re coming after me,’ ” she said.

Mr. Eifert said that much of what happened that night is hazy. But he remembers telling his wife to leave and to take the children with her.

He grabbed three guns and went into the woods. He made calls on his cellphone — to a commanding officer he trusted, to a friend.

Four police officers called to the scene were positioned across the street, their rifles trained in his direction. He was only dimly aware of them, he said, but he was seized with the same adrenaline he had felt in Iraq. “It was a fight or flight situation,” he said.

He raised the .45-caliber pistol to his head, “but I didn’t know how hard I was going to have to squeeze the trigger,” he said. “I started thinking, ‘What if I don’t squeeze it hard enough?’ ”

So he aimed the gun at tree trunks, he said, and fired. The police later said that he was shooting at them.

“I was just so angry, I wanted to die,” Mr. Eifert recalled, “and they took me to the hospital and I woke up in jail.”

### **An Alternative Approach**

Sitting at his kitchen table in East Lansing the next morning, Judge David L. Jordon of Ingham County District Court read an article about the standoff in Okemos and was immediately interested in the case.

“I thought, boy, that sounds like an attempted suicide by cop and it sounds like a veteran who just gave up and wanted to be done with things,” he said.

Local blogs covering the standoff were tapping mixed reactions.

“I hope they lock him up for the rest of his life,” one commenter wrote, shortly after Mr. Eifert’s arraignment.

“Thank you for your service Sergeant Eifert,” another wrote. “I hope you get the help you need, and can return to Okemos a healthy man.”

The son of a World War II pilot, Judge Jordon is passionate about veterans’ issues, an ardent fan of “Achilles in Vietnam,” Jonathan Shay’s book on combat trauma. After hearing about the

veteran's court in Buffalo, he started a similar one in East Lansing. The court, which meets twice a month, not only gets veterans into treatment, it also provides them a mentor who is also a military veteran. The veterans have a chance to avoid jail by meeting a set of rigorous criteria.

Mr. Eifert's case, Judge Jordon said, was "at the core of anyone's concept of a treatment court."

But the court was not normally open to defendants charged with crimes involving guns or other violence, and the move there could not take place unless the prosecutor, Stuart Dunnings III, was willing to reduce the charges. Initially, the prosecutor "was not going to play at all," said Mr. Reynolds, the defense lawyer.

Mr. Murphy, the retired Chicago police lieutenant, noted that in high-profile cases like Mr. Eifert's, prosecutors are often placed in an awkward position.

"If you have a highlighted situation of a veteran out of control out there in the community," he said, "it becomes more difficult to adjudicate using an alternative method to conventional prosecution."

And in some cases, no alternative is available. In Platte County, Mo., which has no special court, the veteran with post-traumatic stress disorder who had a faceoff with the police is scheduled to stand trial on Sept. 12 on charges including felonious assault on a police officer, though no shots were fired. He had called 911 for help.

As the prosecutors in Michigan learned more about Mr. Eifert's history, however, the move to the veteran's court began to seem more feasible.

"We charge based on what we know at that time," Mr. Dunnings said, "but hopefully we're open to further evidence and information that comes along, and as we become aware of things, we adjust our positions accordingly."

One fact that swayed the prosecutors was that Mr. Eifert was a trained marksman. Had he really wanted to kill the police officers, he could have, they believed. Another was that he had asked for help on several occasions before the standoff.

When the defense argued that Mr. Eifert had severe post-traumatic stress disorder, "it was more believable than it might have been had two or three of those facts been different," said Catherine Emerson, an assistant prosecutor.

### **Soldier With a Gun**

Still, they could not drop the charges if the victims of the crime, the Meridian Township police officers, would not agree.

A call to deal with "a man with a gun" is one of the most dangerous that police officers face. Entering an unpredictable situation, they are trained to act to protect their own safety and the public's.

When the suspect is a soldier, the situation grows more complicated. In Gresham, Ore., a veteran was killed by the police when he stepped out onto his front porch carrying a rifle; his family had called 911 saying he was suicidal. In Glendale, Ariz., a soldier newly returned from Afghanistan shot a man in a bar and then fired at a police officer, who killed him.

Officer John Free was the first to respond to Mr. Eifert's house that night. As he crouched with his AR-15 rifle behind the pine trees across the street waiting for a clear shot, he said, he thought of his 7-month-old daughter and wondered if he would see her first birthday. He saw muzzle flashes in the darkness and heard bullets whiz through the trees.

"Your mind plays tricks on you when you're out there for 2 1/2 hours in the dark," he said. "You would hear something in the woods and it would turn out to be a deer, and then O.K., it's just a deer, but is the deer moving because he's moving towards us?"

Officer Free took off his reflective badge and smeared mud on the illuminated dial of his radio. At one point, an officer crawled across a hornet's nest, and when a sharp pain went through his leg, he thought he had been shot.

Still, when Ms. Emerson called Officer Free to ask about the charges, he said he bore Mr. Eifert no hard feelings.

"I said, 'I don't think any of us would not want him to get treatment,' " he said.

"There's a difference between somebody who's a criminal and someone who's just in a perfect storm of things going wrong."

### **A Chance for a Future**

On Aug. 2, Mr. Eifert, having pleaded guilty to a single charge of carrying a weapon with unlawful intent, a felony, will officially enter the veterans court program. He separated from the Army on June 9. Twelve to 18 months from now, if he adheres to the strict regimen of treatment through the Veterans Affairs hospital in Battle Creek and supervision set by the court, the charge could be dismissed or reduced to a misdemeanor.

He is at home now, with his wife and stepchildren, slowly learning to cope more constructively with his problems. He has abstained from drinking since his arrest — he wears a monitor on his ankle that records any alcohol he consumes. He is working part time at a family farm.

He has ups and downs, but on most days, he sees some possibility of a future.

Someday, he said, he would like to sit down with the police officers who arrested him "and just kind of say 'Wow, that was a big crazy mess and I'm glad you didn't kill me and I'm sorry that I put you guys through that.' "

But that will not happen tomorrow or the next day.

“We’re a long way from this being over,” said Sgt. Maj. David Dunckel, the mentor assigned to Mr. Eifert by the veteran’s court, who keeps a close eye on him. “There is some resolution to his legal problems, but the demons that haunt him are still pretty deeply embedded.”

Still, Sergeant Major Dunckel said, “I’ll put my money on Brad getting through this O.K.”

**A version of this article appeared in print on July 18, 2011, on page A1 of the New York edition with the headline: Coming Together to Fight for a Troubled Veteran.**