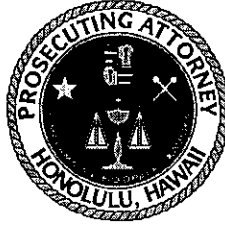


DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET, HONOLULU, HAWAII 96813
AREA CODE 808 • 768-7400

PETER B. CARLISLE
PROSECUTING ATTORNEY



DOUGLAS S. CHIN
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE JON RIKI KARAMATSU, CHAIR
HOUSE JUDICIARY COMMITTEE
Twenty-fifth State Legislature
Regular Session of 2010
State of Hawai`i

April 8, 2010

RE: H.C.R. 278/H.R. 200; REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO CONVENE A COMMITTEE TO IDENTIFY AT WHICH POINT VETERANS AND RETURNING RESERVISTS AND NATIONAL GUARD MEMBERS ENTER THE JUSTICE SYSTEM, AND HOW BEST TO ADDRESS THEIR NEEDS, INCLUDING DEVELOPING A VETERANS COURT.

Chair Karamatsu and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney submits the following testimony in support of H.C.R. 278 and H.R. 200.

The purpose of these resolutions is to request the Chief Justice of the Hawaii Supreme Court to convene a committee to identify the point at which returning military personnel enter the justice system and how to best address their needs. The development of a Veterans Court is specifically mentioned as a potential option that should be explored by the committee.

We strongly support these resolutions. We have depended on our veterans to protect and serve the nation at its most critical points in history. They have been asked to leave home and hearth behind and put their personal lives on hold to go where our nation most needed them. They are often called upon to place life and limb in jeopardy or serve in dangerous areas so that the rest of nation can enjoy safety and security. But too often, after they return to civilian life, the

rigors of their experiences cause difficulties such as mental health or substance abuse issues. It has been estimated that as many as half of the troops returning from Iraq and Afghanistan have suffered post-traumatic stress, brain injuries and drug and alcohol abuse; these problems contribute to noticeable increased rates of arrests for criminal behavior across the nation. Too often these veterans end up in prison without the care and assistance they need and deserve. The magnitude of the problem is considerable. Sixty percent of the 140,000 veterans in prison have a substance abuse problem. And Department of Justice figures have estimated that of the 1.16 million adults arrested last year, close to 10% have served in the military.

We are particularly interested in exploring the possibility of establishing a Veteran Courts. These specialty courts have been emerging in other jurisdictions. Although there is not a large amount of data, initial results from these courts have been remarkable. The first Veteran's Court in Buffalo, New York has handled over 100 veteran's cases with only two needing to be returned to traditional criminal court for failure to address substance abuse or criminal behavior. These Veteran's Courts have been successful because they specifically incorporate veterans helping veterans and Veteran Affairs programs and assistance to help returning soldiers to address their problems. Thus, although Veteran's Court is modeled after Drug Court, it is distinctly different in its components and the differences appear to make the Veterans Court particularly well suited to dealing with the issues facing returning military personnel.

For these reasons, we strongly support the passage of these resolutions and thank you for this opportunity to testify.



Testimony to the House Committee on Judiciary
Thursday, April 8, 2010; 2:05 p.m.
Conference Room 325

RE: HOUSE RESOLUTION 200
HOUSE CONCURRENT RESOLUTION 278

Chair Karamatsu, Vice Chair Ito and Members of the Committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's support to House Resolution 200 and House Concurrent Resolution 278, relating to the convening of a Judiciary led committee to evaluate the establishment of targeted Judiciary processes for veterans including the establishment of a Veterans Court.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber believes establishing a Veterans Court will provide economic relief to the State's budget and to employers of National Guard and Reserve soldiers by attracting Federal funding for veterans involved in the Judiciary and redirecting these soldiers to use Federal VA health and benefit services. Additional savings will result from preventing homelessness to saving incarceration costs estimated by the Judiciary to be in excess of \$50,000 per person per year. Furthermore, the Court would result in individual rehabilitation.

For these reasons, we ask you to pass HR200 and HCR278. Thank you for the opportunity to testify.



Hawaii Chapter, MOAA
P.O. Box 1185
Kailua, Hawaii 96734-1185

Testimony of
Thomas Smyth, President
Military Officers Association of America, Hawaii Chapter
Before the
Committee on Judiciary

Thursday, April 8, 2010, 2:05 pm, Room 325

**HCR 278/HR 200 Requesting the Chief Justice Of The Hawaii Supreme Court To
Convene A Committee To Identify At Which Point Veterans And Returning
Reservists And National Guard Members Enter The Justice System, And How
Best To Address their Needs, Including Developing A Veteran's Court**

Chair Karamatsu, Vice Chair Ito and Members of the Committee:

Our chapter of 500 retired and currently serving officers supports HCR 278 and HR 200 asking the Chief Justice to identify the point Veterans and returning Reservists and National Guard Members enter the justice system and how best to address their needs, including developing a "Veteran's Court."

We have strongly supported legislation allowing the Judiciary to establish a "Vet's Court." This resolution actually goes further than the proposed bills in the determination of the overall needs of military personnel facing judicial action and thus is an excellent step in the right direction.

We were concerned with the resolutions, as drafted, that some could infer that those still on active duty would not be considered veterans in a narrow legal sense. As we noted, many of the criminal or civil actions facing active duty personnel are handled by civilian courts. **We are pleased that the report from the previous committee clearly states that active duty personnel would come under the purview of the committee to be convened by the Chief Justice.**

We were also pleased to see so many supporters of these resolutions. Many family therapists know that these veterans often face severe consequences as they reenter their family's or their community's world after serving so bravely. Often their illnesses have not been diagnosed and they and those around them are not certain just what is causing inappropriate behavior.

This is a national problem. Some states and many municipalities have created these supportive courts, so we expect that "best practices" will be shared by them, as has the happened with drug courts. Last week there was a newspaper report that Dallas County had joined at least five other Texas counties in creating a Vet's Court. Their data found that in 2008 about 4,500 offenders entering the state's prisons had served in the military, about six percent of all new prison inmates. That certainly sends the message that there are real problems with this group of men and women who have done so much for their country.

Our members look forward to assisting in any way we can as counselors, mentors or in any other veteran peer-to-peer capacity, as this process moves ahead.

Thank you for the opportunity to provide this testimony.

theStrategist

Testimony in Support of HR 200/ HCR278 Relating to Veterans Court
House Committee on Judiciary
Thursday, April 8, 2010 at 2:05 pm

Testimony Submitted By:
Noe Foster, CEO
theStrategist
7092 Hawaii Kai Drive, Suite 26
Honolulu, Hawaii 96825
NFoster@theStrategist.tv
808. 753.7223

April 6, 2010

Chair Jon Riki Karamatsu and Vice-Chair Ken Ito, and Honorable Committee Members:

Alohal My name is Noe Foster, CEO of theStrategist, a healthcare advisory firm that designs solutions to turnaround high dollar government health programs: Medicare, Medicaid, and military healthcare.

I testify in strong support of House Resolution 200 and House Concurrent Resolution 278 as smart and visionary public policy.

The pace and tempo of two wars in Afghanistan and Iraq continues to impact contemporary veterans, their families and our society in ways not yet fully understood. What we do know is that more and more veterans of Operation Enduring Freedom and Operation Iraqi Freedom, return home with war wounds like Traumatic Brain Injury (TBI) and Post Traumatic Stress Disorder (PTSD). Some are self-medicating pain medicines, binge drinking and abusing illegal drugs then getting into trouble with the law.

Although various Federal programs are in place to aid troubled soldiers, many do not seek this help. Even fewer, complete their course of treatments to full recovery.

Hawaii judges have reported a spike in domestic violence, altercations, high-speed driving, DUIs and drug offences involving veterans of Iraq and Afghanistan. In many cases, the offenses occur soon after the soldier returns home from combat.

Across the U.S. beginning in January 2008 in Buffalo, New York, a hybrid treatment court model specifically for veterans is emerging as a viable solution to meet the needs of a country at war. With a Veterans Court, a judge mandates the veteran offender to treatment. Over the course of the entire treatment, typically a year, the judge receives regular progress updates. VA health and benefits are activated from day one. Peer mentors become trusted buddies on the journey to restitution, rehabilitation and recovery.

In Hawaii, the savings of rehabilitation instead of incarceration is more than \$50,000 per person per year. If 50 veterans are intercepted through a Veterans Court and are diverted from incarceration to treatment, the State will save \$2.5 million annually. Significant costs savings will accrue because Federal dollars will pay for 75 percent of the court costs and 100 percent of the treatment costs. In addition, one in three homeless adults is a veteran. The Veterans Court is a critical intervention to identify and assist individuals who are at high risk for becoming homeless.

HR200 and HCR278 represent a shared commitment between the legislature, judiciary, military, healthcare and mental health providers, and the community to solve a formidable social problem.

Establishing a Veterans Court now is a first step to mitigate the ill effects of war on our society for generations to come.

Thank you for your vision and leadership in supporting HR200 and HCR278.

Noe Foster
CEO, theStrategist

Hawaii Association for Marriage and Family Therapy



(808) 291-5321
(808) 622-4971

P.O. Box 2120
Honolulu, HI 96805-2120

hamft.admin@gmail.com
www.hamft.net

HAMFT networks, educates, and advocates for the enrichment of our members, the advancement of our profession, and the health of our community.

Testimony by:

Paul D. Kai Swigart, Ph.D., M.F.T.

HCR278/HR200 Regarding Veterans Court and Advisory Committee

House Committee on Judiciary

April 8, 2010; 2:05 p.m.; Room 325

Position: Support

Honorable Chair Jon Riki Karamatsu, Vice-Chair Ken Ito, and Judiciary Committee Members:

My name is Paul D. Kai Swigart, Ph.D., M.F.T., and I am President of the Hawaii Association for Marriage and Family Therapy (HAMFT), a division of the American Association for Marriage and Family Therapy (AAMFT). HAMFT represents 208 licensed Marriage and Family Therapists (MFTs); and a total of 315 members in the State of Hawaii. MFTs work in a variety of agencies and settings within our state including, but not limited to: the Department of Education in the Individuals with Disabilities Education Act; the Department of Health; active duty military and their families; U.S. Department of Transportation; rural areas; families and communities; hospital and clinic systems; substance abuse treatment centers; and mental health practices.

MFTs are uniquely qualified to work with the military and their families. The Veteran's Administration (VA) uses MFTs as mental health providers under the Veterans Benefits Act (38 U.S.C.A. Section 7402). This law authorizes the hiring of MFTs within the VA, and specifically mentions MFT qualifications in addressing veterans post traumatic stress disorder needs.

I strongly support the convening of a committee to identify at which point Veterans, returning Reservists, and National Guard members will enter the justice system; and how best to address their needs; including the development of a Veterans Court.

Since approximately 120,000 military veterans and 40,000 active duty military live in Hawaii; and since there has been an unprecedented rate of utilization and re-deployment of members of the United States armed forces, Reserves, and Hawaii National Guard in Afghanistan and Iraq since September 11, 2001; and since recent research confirms that a significant number of soldiers (as many as one in five) will return home from war with a combat related mental health condition such as post traumatic stress disorder; and since we know substance use/abuse is a

concern among military personnel and their families; and since it is estimated that one in three homeless persons has served in the United States military, I am supporting the request for the Chief Justice of the Hawaii Supreme Court to convene a committee to identify at which point Veterans, returning Reservists, and National Guard members enter the justice system, and how best to address their needs, including the development of a Veterans Court.

Thank you for the opportunity to submit testimony.

Respectfully submitted,



Paul D. Kai Swigart, Ph.D., M.F.T., C.E.A.P., S.A.P., C.A.I.,
HAMFT President

TalkDoctors



(808) 961-9999
(877) 368-6000

180 Kinoole Street, #202
Hilo, HI 96720

Info@TalkDoctors.com
www.talkdoctors.com

Testimony by:
Paul D. Kai Swigart, Ph.D., M.F.T.
HCR278/HR200 Regarding Veterans Court and Advisory Committee
House Committee on Judiciary
April 8, 2010; 2:05 p.m.; Room 325
Position: Support

**Honorable Chair Jon Riki Karamatsu, Vice-Chair Ken Ito, and Judiciary
Committee Members:**

My name is Paul D. Kai Swigart, Ph.D., M.F.T. I am writing as a licensed Marriage and Family Therapist (MFT), member of the Hawaii Association for Marriage and Family Therapy (HAMFT), and owner of TalkDoctors, LLC.

I strongly support the convening of a committee to identify at which point Veterans, returning Reservists, and National Guard members will enter the justice system; and how best to address their needs; including the development of a Veterans Court.

Since approximately 120,000 military veterans and 40,000 active duty military live in Hawaii; and since there has been an unprecedented rate of utilization and re-deployment of members of the United States armed forces, Reserves, and Hawaii National Guard in Afghanistan and Iraq since September 11, 2001; and since recent research confirms that a significant number of soldiers (as many as one in five) will return home from war with a combat related mental health condition such as post traumatic stress disorder; and since we know substance use/abuse is a concern among military personnel and their families; and since it is estimated that one in three homeless persons has served in the United States military, I am supporting the request for the Chief Justice of the Hawaii Supreme Court to convene a committee to identify at which point Veterans, returning Reservists, and National Guard members enter the justice system, and how best to address their needs, including the development of a Veterans Court.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'P. D. Kai Swigart', written in a cursive style.

P. D. Kai Swigart, PhD, MFT, CEAP, SAP, CAI

Employee Assistance Resources-Hawaii, LLC



EAR-Hawaii

(808) 961-9999
(877) 368-6000

180 Kīnoole Street, Suite 202
Hilo, HI 96720

Info@EAR-Hawaii.com
www.ear-hawaii.com

Testimony by:
Paul D. Kai Swigart, Ph.D., M.F.T.
HCR278/HR200 Regarding Veterans Court and Advisory Committee
House Committee on Judiciary
April 8, 2010; 2:05 p.m.; Room 325
Position: Support

Honorable Chair Jon Riki Karamatsu, Vice-Chair Ken Ito, and Judiciary Committee Members:

My name is Paul D. Kai Swigart, Ph.D., M.F.T. I am writing as a licensed Marriage and Family Therapist (MFT), member of the Hawaii Association for Marriage and Family Therapy (HAMFT), and owner of Employee Assistance Resources-Hawaii, LLC.

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and National Guard members enter the justice system, and how best to address their needs, including the development of a Veterans Court.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Kai Swigart', written in a cursive style.

P. D. Kai Swigart, PhD, MFT, CEAP, SAP, CAI

STATE OF HAWAII
OFFICE OF VETERANS SERVICES
TESTIMONY ON HR 200/HCR 278 REQUESTING THE CHIEF JUSTICE OF
THE HAWAII SUPREME COURT TO CONVENE A COMMITTEE TO IDENTIFY
AT WHICH POINT VETERANS AND RETURNING RESERVISTS AND
NATIONAL GUARD MEMBERS ENTER THE JUSTICE SYSTEM, AND HOW
BEST TO ADDRESS THEIR NEEDS, INCLUDING DEVELOPING A VETERANS
COURT

COMMITTEE ON JUDICIARY

April 8, 2010

Good morning Chair Jon Riki Karamatsu, Vice-Chair Ken Ito, and members of the House Committee on Judiciary.

I am Mark Moses, Director of the Office of Veterans Services (OVS). I appreciate this opportunity to support HR 200/HCR 278. This measure would provide information necessary to identify issues relating to veterans and other military members in relation to the judicial system. The Veterans Courts concept has been instituted in several States and has proven to be successful in dealing with veterans for various issues, monitoring their progress towards rehabilitation, and reducing the number of veterans who are incarcerated, thereby reducing our overall prison population.

We defer to the agency with direct responsibility for implementation of the Veterans' Court program.

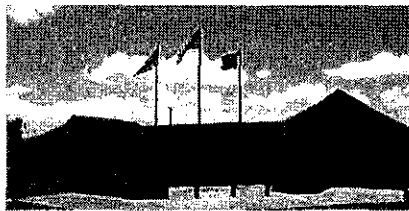
The OVS supports the concepts expressed in this measure as long as its implementation does not use state funds to establish the temporary court and does not impact or replace the priorities set forth in the Executive Supplemental Budget for Fiscal Years 2010-2011.

Thank you for this opportunity to speak on behalf of Hawaii's veteran community.

I will respond to questions from the committee.

OAHU VETERANS COUNCIL

OAHU VETERANS COUNCIL
President - Fred Ballard
1st V.P. - Cecil Meadows
2nd V.P. - Jim Santos
Secretary - John Harms
Treasurer - Eugenia Woodward
Chaplain - Frank Lamson



"a gathering place for veterans"
OAHU VETERANS CENTER

OAHU VETERANS CENTER
EXECUTIVE DIRECTOR
Sandy Ballard

April 7, 2010

MEMBER ORGANIZATIONS

5th Regimental Combat Team
45th Infantry Division Assn.
Air Force Assn. - Chapter 138
Air Force Sergeants Association
American Legion Aux. Dept. of HI
American Legion - Dept. of HI
American Legion Post 32
American Veterans Empowerment &
Support Community Operations
BPOE VAVS Hawaii Dist.
China-Burma-India Veterans Assn.
Chosin Few - Aloha Chapter
Combat Infantrymen's Assn.
Combat Veterans Motorcycle Club
Disabled American Veterans -
Chapter 3
Fleet Reserve Association Branch
And Unit 46
Hawaii Multiple Schools Unit - Jr. ROTC
Korean War Veterans Assn -
Chapter 1
Military Officers Assn. of America -
Aloha Chapter
Military Officers Assn. of America -
Hawaii State Chapter
Military Order of the Purple Heart
Military Order of World Wars
National Assn. for Atomic Veterans
National Assn. of Uniformed Services
National Sojourners - Hawaiian # 9
National Sojourners - Honolulu # 11
National Sojourners - Kamehameha #439
Pearl Harbor Survivors Association
Radiated Veterans
Samoan Providers
Society of Military Widows -
Aloha Chapter
Sons & Daughters of
Pearl Harbor Survivors
Special Forces Assn. - Chapter VIII
State Office of Veterans Services
Veterans of Foreign Wars
Dept. of Hawaii
Veterans of Foreign Wars Post 970
Vietnam Veterans of America
Chapter 858
Waves National - Unit 131
Women Veterans of America #26

**TESTIMONY IN FAVOR OF HOUSE CONCURRENT RESOLUTION 278, AND
HOUSE RESOLUTION 200 REQUESTING THE CHIEF JUSTICE OF THE
HAWAII SUPREME COURT TO CONVENE A COMMITTEE TO IDENTIFY
AT WHICH POINT VETERANS AND RETURNING RESERVISTS AND
NATIONAL GUARD MEMBERS ENTER THE JUSTICE SYSTEM, AND HOW
BEST TO ADDRESS THEIR NEEDS, INCLUDING DEVELOPING A
VETERANS COURT.**

HOUSE JUDICIARY COMMITTEE

HEARING THURSDAY, APRIL 8, 2010, 2:05 PM, ROOM 325

Aloha Representatives Jon Riki Karamatsu, Chair, Ken Ito, Vice Chair, and members of the Committee. My name is Fred Ballard, President Oahu Veterans Council. The Oahu Veterans Council is comprised of over 35 Oahu veteran organizations that in turn represent over 80,000 veterans and their families. The Council fully supports the intent and passage of HCR 278 and HR 200

The Council supports the intent of both resolutions; however, the need for the establishment of a Veterans Court needs to be met as soon as possible. The time involved in finding committee members and the decision making process takes precious time away from providing the help some of our returning service personnel need now. The Council also suggests that the language in the fifth Whereas be changed to "needs of service personnel" instead of soldiers to technically cover the other armed services. Additionally, the fourth Whereas speaks to homeless men. There are also homeless women veterans.

The Oahu Veterans Council strongly supports the intent of House Concurrent Resolution 278, and House Resolution 200.

Mahalo for allowing us the opportunity to testify in support of these very important resolutions.

Fred Ballard

Fred Ballard
President, Oahu Veterans Council



1298 Kukila St.

E-Mail: sballard@oahuveteranscenter.com



Honolulu, Hawaii 96818

Website: <http://www.oahuveteranscenter.com>



(808) 422-4000 FAX: (808) 422-4001



Testimony in Favor of HCR 278/HR 200 – Requesting the Chief Justice of the Hawaii Supreme Court Convene a Committee to Identify at which Point Veterans and Returning Reservists and National Guard Members Enter the Justice System and How Best to Address Their Needs Including Developing a Veterans Court

Thursday, April 8, 2010 @ 2:05 pm
Conference Room 325

To: House Judiciary Committee
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

Fr: Alan Shinn
Executive Director
Coalition for a Drug-Free Hawaii
(808) 545-3228 x29

This testimony is submitted in full support of HCR 278/HR 200. The resolution clearly states that many veterans are returning home with significant health, mental health and substance abuse issues that put them into contact with the criminal justice system. After they enter the court system, there currently is no mechanism to identify and deal with veterans and their families in a comprehensive and coordinated fashion.

This committee convened by the Chief Justice of the Hawaii Supreme Court would look at how best to address veterans and their families' needs including a priority recommendation by the *Healing the Trauma of War* working committee convened by Mental Health America to develop a Veterans Court. The Veterans Court would not only adjudicate legal issues, but deflect veterans into treatment and rehabilitation instead of incarceration and save tax payers money in the long run.

Let's start the ball rolling with support and passage of HCR 278/HR 200. Thank you.