

SB 254

RELATING TO VETERANS COURT.

Establishes a temporary Hawaii veterans court within the judiciary.



The Judiciary, State of Hawaii

**Testimony to the Senate Committee on Public Safety, Government Operations, and
Military Affairs**

Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

Thursday, February 3, 2011, 2:45 p.m.
State Capitol, Conference Room 224

by
Rodney A. Maile
Administrative Director of the Courts

Bill No. and Title: Senate Bill No. 254, Relating to Veteran's Court.

Purpose: Establishes a temporary Hawaii Veteran's Court within the Judiciary.

Judiciary's Position:

The Judiciary strongly supports the intent of this bill and recognizes the significant advantages to providing our veterans with the resources they need through a Veterans Court. A Veterans Court will serve the dual purpose of assisting our state's veterans and further enhancing our criminal justice system. Through this testimony, we wish to explain: (1) what we have done to start implementing a Veterans Court in Hawaii; (2) why we believe a Veterans Court will offer great advantages to our veterans and our community; (3) why Hawaii is a unique venue for a Veterans Court to flourish; (4) what additional planning and collaboration is essential before Veterans Court can be successfully implemented; and (5) our assessment of the time necessary to make the requisite planning, develop the necessary procedures, and attain collaboration and commitment from the essential stakeholders.

This past May, the Judiciary convened the Veterans Court Review Committee to review the many issues involved in implementing a Veterans Court, as contemplated by the Legislature. This Committee is comprised of Judiciary representatives, and has met and worked with representatives of our many stakeholders, including both the United States and the State Office of Veterans Affairs, the William S. Richardson School of Law, the Hawaii Veteran Organizations and the presiding judge from an existing Veterans Court in the Mainland.



Senate Bill No. 254, Relating to Veteran's Court
Senate Committee on Public Safety, Government Operations, and Military Affairs
February 3, 2011
Page 2

We have every confidence that Veterans Court will be a very successful venture, if the requisite support and collaboration is attained. While Veterans Courts have been successfully established on the Mainland in counties in Alaska, California, Illinois, Nevada, New York, and Texas, Hawaii is a particularly appropriate forum for it, given our unique military population. Hawaii is the only state in the country with the presence of all five branches of military (Army, Navy, Marines, Air Force and Coast Guard) and a high veteran population. Moreover, there are more than 120,000 veterans living in Hawaii; veterans constitute approximately 10 percent of Hawaii's population; and 40,000 active duty military presently live in our state.

For these reasons and many others, the Hawaii Judiciary embraces establishing a Veterans Court. We see the need and anticipate the assistance it can provide, based upon our successes with other specialty courts. Judge Edward Kubo, Chair of the Judiciary Veterans Court Review Committee, has spent time with Judge Robert Russell, who spearheaded the first Veterans Treatment Court in Buffalo, New York. Judge Kubo is eager for Hawaii to establish a Court that can replicate, and even surpass, the compelling success of that first Veterans Court, and others that have since been established.

While there is great enthusiasm and momentum in establishing a successful Veterans court within the Judiciary, we have concerns about establishing a Veterans Court that would be fully operational by July 1, 2011 (as set by this bill.) We believe that it is imperative that the Veterans Court be successful from its inception, as we cannot run the risk that it become yet another disappointment to the veterans who may depend upon it. To that end, we point out three matters that must be in place before this legislation may be successfully implemented: (1) continued collaboration with our stakeholders; (2) commitment from the Office of Veterans Affairs, and (3) time within which we can develop the necessary protocols, plans and procedures (including ensuring the existence of treatment providers and therapeutic programs.) Each of these requirements is discussed below.

First, the success of a Veterans Court depends upon cooperation and collaboration amongst our stakeholders. A recent article in the *Houston Chronicle* by the author of legislation establishing a Veterans Court in Texas notes that the success of this Court is "the result of an amazing collaborative effort between the District Attorney's Office, the defense bar, the judiciary, Veterans Affairs and other veterans service organizations. . ." The Veterans Court Review Committee, convened by the Judiciary, has been the forum for this collaboration to begin. For this program to succeed, however, continued collaboration needs to occur and additional time is needed to attain that commitment and further enlist the support of key stakeholders.



Senate Bill No. 254, Relating to Veteran's Court
Senate Committee on Public Safety, Government Operations, and Military Affairs
February 3, 2011
Page 3

Among key stakeholders, it is crucial that the Veterans Court be supported by the United States Office of Veterans Affairs. For instance, one of the essential features of the Veterans Court in Arizona, which spent a full year in the planning stage, was the presence in court of a Veterans Affairs Health Care facilitator who operates on a secure computer which allows for immediate access to medical records; scheduling of appointments; results of toxicology tests and a variety of other medically related issues. We need to enlist that sort of resource and, perhaps, financial commitment, as issues relating to records and HIPAA are sure to arise.

Third, based on our experience with specialty courts that have flourished at the Hawaii Judiciary, we know that specialty courts require great preparation in such important aspects as lining up treatment modalities to determining the precise protocols and procedures that will apply. For instance, because many of the defendants undergoing Veterans Court will undoubtedly be suffering from Post Traumatic Stress Disorder (PTSD) and/or Traumatic Brain Injuries (TBI), considered the "signature wounds" of the wars in Iraq and Afghanistan, we must ensure that we enlist adequately trained psychiatrists and psychologists within the community who are specialized experts and can address and treat individuals with such conditions. We also need to fully identify and develop therapeutic and other programs available to Veterans Court users. Internally, we will need to develop protocols for case initiation and processing through the court system.

For these reasons, and based upon our paramount interest of ensuring that Veterans Court, once established, is fully effective, we propose that the implementation date of this legislation be changed from July 2011. We see this date as premature if this Veterans Court is to succeed in the manner that we anticipate.

Based upon our experience implementing other specialty courts and based upon Veterans Courts established in the Mainland, we ask that the implementation date be changed to July 2012. This will allow the Commission to continue to do its good work, will allow us time to obtain the full support and commitment of the Office of the Veterans Association and will allow us to continue working with our stakeholders to ensure that the requisite plans, protocols and procedures are established for the implementation of a successful Veterans Court.

Thank you for allowing us this opportunity to testify on SB No. 254.

STATE OF HAWAII
OFFICE OF VETERANS' SERVICES
TESTIMONY ON S.B. No. 254, RELATING TO VETERANS COURT
COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS

February 3, 2011

Good afternoon Chair Will Espero, Vice Chair Michelle Kidani, and members of the Senate Committee on Public safety, Government Operations, and Military Affairs.

The interim Director of the Office of Veterans' Services, Mr. Mark Moses, appreciates this opportunity to support S.B. No. 254, as long as it does not replace or adversely impact priorities established in the Executive Biennium Budget Request. This measure provides for the establishment of a temporary Hawaii veterans court within the Judiciary. As noted, this concept has been instituted in several States and has proved 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. Thank you for the opportunity to speak on behalf of Hawaii's veteran community.

I will respond to questions from the committee.



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Papa Ola Lokahi
A non-profit Native Hawaiian organization founded in 1988 for the purpose of improving the health and well-being of Native Hawaiians and other native peoples of the Pacific and continental United States.

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TESTIMONY: SB 254, RELATING TO VETERANS COURT

**SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS**
Sen. Will Espero, Chair
Sen. Michelle Kidani, Vice Chair

Thursday, February 3, 2011
2:45 pm
Conference Room 224
State Capitol

Hardy Spoehr, Executive Director

Aloha Chairman Espero, Vice Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs. Papa Ola Lokahi strongly supports for this measure.

For the past two years, Papa Ola Lokahi has maintained and continues to maintain a Veterans assistance program. Time and time again it has come to our attention of the special needs of veterans who, tragically, have acted out their frustrations primarily due to PTSD and TBI issues. A Veterans Court to deal with these folks and their special needs is critically needed in our society.

Thank you for the opportunity to provide strong supportive testimony for this important measure.



Vietnam Veterans Post 10583 of the Veterans of Foreign Wars

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February 3, 2011

Testimony of
Rene' A. Berthiaume
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Senate Committee on Public Safety and Military Affairs

Senator Wil Espero, Chair

Thank you for the opportunity to testify in support of SB254 with suggested amendments.

We are very much support of the establishment of a veterans court in Hawaii. As mentioned in the bill text the first Vet Court was established in 2008 in Buffalo, NY., with as many as 40-50 currently in operation throughout the country. These courts have been very successful in turning around the lives of many of our veterans before they enter the criminal justice system. We should not have to reinvent the wheel here as there are many existing community programs in place that provide rehab, education, vocational, medical, mental health, substance abuse, job training and placement, counseling, etc. These programs can help the eligible veteran return to being a productive member of our community, as well as providing relief to our over-crowded prison system and would be an overall benefit to our community.

I would suggest that Section 3 (a).4 of SB254 be amended to allow for the inclusion of certain non-violent, non-sexual types of felonies. Many veterans that are referred to the courts have committed offenses that do constitute felonies, but they are of a non-violent nature that does not pose a threat to public safety, and we feel that the veterans and the community can still benefit if the veteran can be referred to the Vet Court.

In addition, Section 4 (a) calls for the staffing of 6 new full-time worker positions within the Judiciary. We are aware that these new positions could be a very hard sell during these tight budget times. Being a Human Services professional myself for the past 40+years, I am not quite

convinced that it would require that much staffing to start up a vet court. The 40 or so Vet Courts established across the nation so far have done it by utilizing existing resources. The VA has committed the efforts of the Veterans Justice Officer (VJO) to assist and support this effort.

Also a Federal Bill, S902 submitted Senator Inouye and Senator John Kerry would provide 25 million dollars to assist participating judiciaries in the establishment of Vet Courts.

Thank you again for allowing me to testify and I would be happy to answer any questions you may have.

Respectfully Submitted,

Rene' A. Berthiaume