



*The Judiciary, State of Hawaii*

**Testimony to the House Committee on Judiciary**  
Representative Gilbert S.C. Keith-Agaran, Chair  
Representative Karl Rhoads, Vice Chair

Tuesday, February 14, 2012, 2:05 p.m.  
State Capitol, Conference Room 325

by  
Lori Okita  
Chief Court Administrator  
First Circuit

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**Bill No. and Title:** House Bill No. 2798, H.D. 1, Relating to a Veterans Treatment Court

**Purpose:** Establishes a temporary Hawaii veterans treatment court within the Judiciary. Appropriates funds. Effective July 1, 2012, and repealed on June 30, 2021.

**Judiciary's Position:**

The Judiciary fully supports this measure and thanks the House Committees on Public Safety & Military Affairs and Health for incorporating suggestions made by the Judiciary and other testifiers. The Judiciary requests that further clarification be added in Part II, Section 2 (b) (3) to read: "The prosecuting attorney of the applicable county approves the transfer of the case from the regular court system to the Hawaii veterans treatment court; provided that if the veteran is on probation with the court before which the veteran appears, the judge shall have the final determination on admittance after weighing any objections from the prosecutor." This language would make the veterans court admittance process the same as that of the Mental Health Court.

Thank you for the opportunity to testify in support of this bill.

Testimony for HB2798 on 2/14/2012 2:05:00 PM

**Testimony for HB2798 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 9:21 AM

**To:** JUDtestimony

**Cc:** jkaramatsu@honolulu.gov

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Testimony for JUD 2/14/2012 2:05:00 PM HB2798

Conference room: 325

Testifier position: Comments Only

Testifier will be present: Yes

Submitted by: Jon Riki Karamatsu

Organization: Department of the Prosecuting Attorney

E-mail: jkaramatsu@honolulu.gov

Submitted on: 2/13/2012

Comments:

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
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KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR  
HOUSE JUDICIARY COMMITTEE  
Twenty-sixth State Legislature  
Regular Session of 2012  
State of Hawai'i

Tuesday, February 14, 2012

RE: H.B. 2798, H.D. 1; RELATING TO VETERANS TREATMENT COURT.

Chair Keith-Agaran, Vice Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony expressing strong concerns on H.B. 2798, H.D. 1. The purpose of this bill is to appropriate funds from the general revenues of the State of Hawai'i to establish a Hawai'i Veterans Treatment Court within the Judiciary.

Drug treatment and mental health treatment are already available for veterans in Hawai'i's specialty courts such as Drug Court. Moreover, there is no caseload justification to create another specialty court. The department strongly believes that valuable state resources should be invested in existing programs that need support especially in areas where there is a high volume of cases that face possible dismissal due to congestion of the courts such as the family court of the First Judicial Circuit, which conducts jury trials for misdemeanor domestic violence and domestic violence-related cases. We have a bill that requests for two additional judges to conduct jury trials for misdemeanor domestic violence and domestic violence-related cases. In regards to that issue, the judiciary testified against the additional staffing and explained that there are no available court rooms.

Second, there is no appropriation for the funding of deputy prosecuting attorneys who will need to be assigned to the Hawai'i Veterans Treatment Court. We are currently struggling financially to place deputy prosecuting attorneys in the existing courts. Moreover, we are requesting funds from the state to help us get deputy prosecuting attorneys and staff to provide service that will comply with other state mandates such as Career Criminal Prosecution, Drug Court, Hawaii's Opportunity Probation with Enforcement (HOPE), and Victim Witness Assistance.

Although the intent for a Hawai'i Veterans Treatment Court is good, we strongly recommend deferring H.B. 2798, H.D. 1 because we need to fund judges, deputy prosecuting attorneys, and staff that are servicing our existing courts and state mandates. Thank you.



DoD-State Liaison Office

**OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE  
(MILITARY COMMUNITY AND FAMILY POLICY)**

4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

**Chair Gilbert Keith-Agaran, House Committee on Judiciary  
February 13, 2012**

**Testimony of  
Laurie Crehan, Ed.D.  
Quality of Life Regional Liaison  
Office of the Assistant Secretary of Defense, Military Community & Family Policy  
DoD-State Liaison Office**

**HB 2798 Relating to Veterans Treatment Court**

**The Department of Defense State Liaison Office** operates under the direction of the Under Secretary of Defense for Personnel and Readiness, and the Deputy Assistant Secretary for Military Community and Family Policy. Our mission is to be a resource to state policymakers as they work to address quality of life issues of military families.

**Testimony**

Chair Keith-Agaran and members of the House Public Committee on Judiciary, on behalf of the Deputy Assistant Secretary of Defense, I would like to thank you for the opportunity to submit testimony today on HB 2798, a bill relating Veterans Treatment Court. My name is Laurie Crehan. I am with the Department of Defense State Liaison Office which operates under the direction of the Under Secretary of Defense for Personnel and Readiness, and the Deputy Assistant Secretary of Defense for Military Community and Family Policy.

The Veterans Treatment Court program is an innovative and effective means for veterans afflicted with mental health and/or substance addiction, to obtain treatment and services to resolve outstanding criminal offenses and stabilize their lives. VTCs show great promise to help afflicted Service members transition back to their communities and families in a healthful and productive manner. The policy in HB 2798 will certainly help our Service members and veterans address some of their underlying problems that may lead to criminal offenses.

**Background**

- Rand Corporation reported as of 2008, 31% of the 1.8 million who have served in Iraq and Afghanistan have a service-related mental health condition or traumatic brain injury (TBI).
- A 2002 U.S. Department of Justice report indicated that veterans comprise 9.3% of all persons incarcerated: 70% were in jail for non-violent offenses; 82% of veterans in jail were

eligible for Veterans Affairs (VA) services (65% honorably discharged and 17% general discharge with honorable conditions); and 18% of jailed veterans were homeless.

### **Best Practices**

DoD is not seeking to impart mandates that would stifle innovation. We believe the best practices below will promote a framework within which courts have the flexibility to develop constructive models that work best for them locally to achieve positive outcomes and we would recommend the following changes:

- Commensurate with completion of appropriate treatment and services, all qualifying charges are reduced or dismissed, including where appropriate, more serious charges. Where charges are dismissed, public access to the record is limited, where appropriate as provided by state or local law, including expunging records.
- Open to veterans and members of the Military Services: Active Duty, Guard and Reserve;

While HB 2798 addresses some of the above principles, it is missing these key best practices. Active duty and Guard and Reserve are not included. Charges are not dismissed with records being sealed. The policies in HB 2798 establish a beginning to address the need for treatment instead of incarceration faced by our veterans.

We appreciate the opportunity to submit testimony.

Dr. Laurie Crehan  
State Liaison  
DoD State Liaison Office  
858-361-1731

**Testimony to the House Committee on Judiciary**  
**Tuesday, February 14, 2012**  
**2:05 PM**  
**Conference Room 309**

**RE: HOUSE BILL NO. 2798 RELATING TO VETERANS TREATMENT COURT**

**Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee.**

My name is Charles Ota and I am the Vice President for Military Affairs at The Chamber of Commerce of Hawaii (The Chamber). I am here to state The Chamber's support of House Bill No.2798, Relating to Veterans Treatment Court.

The measure proposes to establish a veteran's treatment court within the judiciary.

The Chamber's Military Affairs Council (MAC) serves as the liaison for the state in matters relating to the U.S. military and provides oversight for the State's multi-billion dollar defense industry.

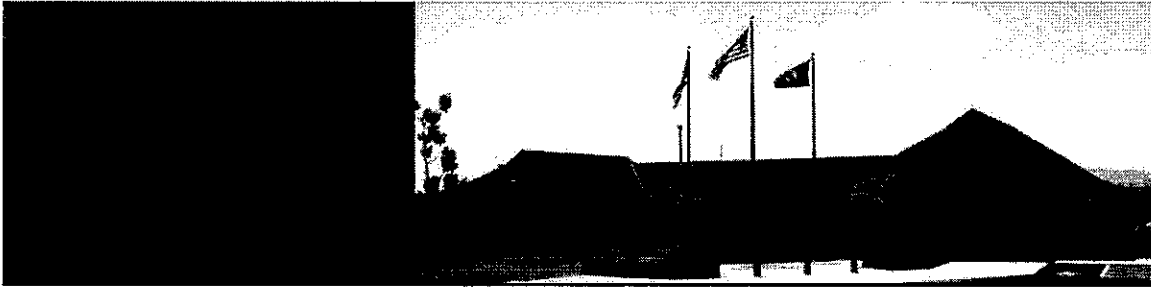
We concur with the comments stated in Section 1 of the proposed bill, which clearly defines the need for a veteran's treatment court in Hawaii. A 2011 study prepared by the RAND Corporation into the impact of military spending in Hawaii revealed that Hawaii is home to more than 101,500 veterans, which is a substantial portion of Hawaii's population of 1.3 million. The veteran population is growing due to the high number of veterans returning from the wars in Iraq and Afghanistan.

The thousands of veterans returning from stressful combat environments in Iraq and Afghanistan face difficult periods of adjustment upon returning to civilian life. Some have suffered severe combat wounds and debilitating combat experiences such as traumatic brain injury (TBI) and post traumatic stress disorder (PTSD). Establishing such a system would provide relief in assisting disoriented veterans who otherwise can be rehabilitated into society and become productive citizens of the community.

We also note that older veterans of prior wars such as the Vietnam War are a part of this group of veterans. Sometimes it takes years before symptoms of PTSD surface and cause behavioral disorders.

In light of the above, the MAC recommends that House Bill 2798 be approved.

Thank you very much for the opportunity to testify.



February 12, 2012

**TESTIMONY IN SUPPORT OF HOUSE BILL 2798 HD1  
RELATING TO VETERANS TREATMENT COURT**

**HOUSE COMMITTEE ON JUDICIARY**

**HEARING ON TUESDAY, FEBRUARY 14th, AT 2:05PM, IN CONFERENCE  
ROOM 325**

Aloha Chair Keith-Agaran: The Oahu Veterans Council's delegates are honored to represent the interests of our veterans and their families. Our Legislative Committee voted unanimously to support House Bill 2798.

The US Army Vice-Chief-of-Staff recently announced that two out of three seriously injured military personnel suffer from Post Traumatic Stress Disorder and/or Traumatic Brain Injury symptoms. We sincerely appreciate your efforts to establish a Hawaii Veterans Court within the Judiciary. We feel this policy will provide our wounded warriors with an opportunity to fairly address these issues that potentially contributed to conduct and behavior that brings them to the court's attention, effective July 1, 2012.

The Oahu Veterans Council is extremely grateful and urges your committee to consider passing House Bill 2798 as written; mahalo for allowing us to testify, regarding this extremely important issue.

*Dennis Egge*

Dennis Egge; Chairman, Legislative Committee



1298 Kukila Street, Honolulu, Hawaii 96818

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# theStrategist

February 13, 2012

Testimony Submitted to:  
Committee on Judiciary

Re: In Support of HB 2798 Relating to a Veterans Treatment Court  
Hearing: Thursday, February 14, 2012, 2 pm in House Conference Room 325

Dear Committee on Judiciary,

Aloha! I am Noe Foster, CEO of theStrategist, an advisory firm that concentrates on innovations that benefit military populations as they return home from combat.

theStrategist has championed a Veterans Treatment Court model for Hawaii for some time now and offers this testimony in strong support of HB 2798 and asks that the Judiciary receive financial appropriation for this purpose.

War changes things. Working and living in a war zone negatively impacts a warfighter's physical and mental health.

theStrategist has interviewed hundreds of U.S. Veterans who have deployed from Hawaii to combat in Afghanistan and Iraq. A significant number of these soldiers return home with a signature wound of war, namely a traumatic brain injury (TBI) and/or Post Traumatic Stress Disorder (PTSD). Both of these service-related injuries severely impair rational judgment and reasoning. Substance abuse often accompanies these medical conditions.

The costs of care for Veterans with service-connected injuries and illnesses continue to escalate. A moderate traumatic brain injury costs \$383,221 per year per Veteran. A Veterans Treatment Court would re-direct soldiers to receive healing from their wounds of war and more efficiently utilize VA resources available to help soldiers transition back from war rather than strain non-military medical resources.

In addition, a Veterans Treatment Court would reduce incarceration costs, estimated at \$50,000 per year per person.

I urge you to approve HB2798 to establish the first Veterans Treatment Court in Hawaii and to designate financial appropriation in the Judiciary budget specifically to fund the positions requested.

Warmest regards,

Noe Foster  
Chief Executive Officer  
theStrategist



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

**Testimony of  
Thomas Smyth**

**Military Officers Association of America, Hawaii Chapter  
Before the Committee on Judiciary**

**Tuesday, February 14, 2012, 2:05 pm, Room 325**

**HB 2798 HD 1 Relating to a Veteran's Treatment Court**

**Chair Keith-Agaran, Vice Chair Rhoads and Committee Members**

**Our chapter of 400 retired and currently serving officers of the Uniformed Services strongly supports creation of a Veteran's Treatment Court within the Judicial System as defined in HB2798 HD 1, as amended. We particularly support an appropriation and staffing so that this important court can handle the expected number of often complex cases.**

**Now four years after the first such municipal court was created in Buffalo, NY, nearly a hundred cities, counties and several states have followed that pattern with an equal number in the planning stages. The reported results show great success in high graduation rates and far lower recidivism. These courts work, and with Hawaii's statewide judicial system, it will be even more equitable.**

**We hope that the Chief Justice and his administration staff can use the resources provided in this bill, for a Veteran's Treatment Court in the Circuit Court system, staffed with committed judges. Our organization will recruit peer mentors if that is appropriate and I am sure other organizations will as well.**

**We note the bill now more accurately reflects the type of discharge a veteran receives, making them eligible for this court.**

**Thank you for the opportunity to provide testimony.**

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 2798, HD1, RELATING TO  
VETERANS TREATMENT COURT

PRESENTATION TO THE

COMMITTEE ON JUDDICIARY

BY

MR. RONALD P. HAN, DIRECTOR  
OFFICE OF VETERANS SERVICES

February 14, 2012

Chair Keith-Agaran and Committee members:

I am Carswell Ross, Program Coordinator testifying for the Director of the Office of Veterans Services (OVS). I appreciate this opportunity to provide testimony in support of the concepts in House Bill 2798, HD1.

This measure would provide for the establishment of a temporary Veterans Treatment Court in Hawaii. As noted, there are over 80 Veterans Treatment Courts and growing nation-wide. States which have instituted these programs have very low recidivism rates, have garnered successes in dealing with veterans for various issues, have established viable monitoring links towards rehabilitation, and reduced the number of incarcerated veterans, thereby reducing our overall prison population.

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

The OVS supports the concepts and intent expressed in this measure as long as its implementation does not impact or replace the priorities set forth in the Executive Supplemental Budget for Fiscal Years 2012-2013.

Thank you for this opportunity to provide testimony on behalf of Hawaii's Veterans and their families in support of HB 2798, HD1.



DEPARTMENT OF VETERANS AFFAIRS  
PACIFIC ISLANDS HEALTH CARE SYSTEM  
Spark M. Matsunaga Medical Center  
459 Patterson Road  
Honolulu HI 96819-1522

February 13, 2012

**RE: Testimony of Dr. James Hastings, Director of VA Pacific Islands Health Care System (VA PIHCS), on H.B. 2798, H.D. 1, Relating to a Veterans Treatment Court**

Chair Keith-Agaran and members of the House Committee on Judiciary, I would like to submit the following testimony in strong support of H.B. 2798, H.D. 1.

As Director of the Department of Veterans Affairs Pacific Islands Health Care System and also as a U.S. Army Veteran, I appreciate the opportunity to support **HB 2798** – a bill for the establishment of a temporary **Veterans Treatment Court** in Hawaii.

The VA recognizes that in many instances Veterans' involvement with the judicial system can be a direct result of undiagnosed and/or diagnosed injuries they obtained while in service to their country. With the increasing numbers of active duty service members, Guard and Reserve personnel returning from Iraq and Afghanistan, the challenges of readjustment are indeed a community concern; especially when a Veteran is involved in the criminal justice system.

Engagement of VA medical centers with the criminal justice system continues to expand and develop. The 2009 VA under Secretary for Health's Information Letter noted, in response to a June 2008 review, more than one third of VA medical centers (58 of 153) indicated they are currently engaged with local justice system partners to coordinate services for Veterans, or intend to request resources to support such engagement.

The 2002 U.S. Department of Justice Bureau of Justice Statistics stated that 90,000 of the 9 million unique inmates annually released from U.S. jails are Veterans. 82% are eligible for VA services, having been discharged either under honorable or general with honorable conditions.

Incarceration can leave a long-lasting impact, even after the sentence is completed. It hinders and reduces a Veteran's opportunity to obtain employment and housing and fulfill basic needs. It also increases the chances/rates of recidivism, homelessness and even suicide.

According to the Hawaii Department of Corrections (Nov. 2011), 408 inmates have self-identified themselves as Veterans. However, these numbers do not include federal inmates residing in the state of Hawaii. Establishing a Veterans Treatment Court in Hawaii and joining nearly 100 similar courts across the country, which are already experiencing successful outcomes, would benefit our Veterans and the community.

There are an estimated 127,600 Veterans throughout Hawaii and the Pacific Islands and 46,000 are Veterans enrolled in VA PIHCS. There continues to be a significant increase in the amount of Veterans considered OEF or OIF - those who have deployed in support of the operations in Afghanistan and/or Iraq. Due to our increased and improved outreach, we are noting an increase in our VA PIHCS Health Care enrollment by 80 Veterans per week, on average.

VAPIHCS is committed to serving our Veterans and to supporting the rehabilitation of this population of Veterans. Rehabilitation, rather than incarceration in many cases, will have an enduring positive impact on our community.

On December 9, 2011, VAPIHCS hosted a Veterans Treatment Court (VTC) Planning Conference at the Hale Koa Hotel. Approximately 140 participants drawn from the judiciary, the legislature, the Department of Veterans Affairs, local law enforcement, Veteran advocates, attorneys, educators and community agencies attended the conference. Numerous topics were discussed to help identify barriers to establishing a VTC and ways for community collaborations to overcome such barriers. VAPIHCS also distributed a survey to all attendees at the conference.

100% of those surveyed agreed on the following:

- A VTC would provide significant cost savings to the State of Hawaii.
- A VTC would offer social benefit to the State of Hawaii.
- A VTC would help alleviate strain on state and community resources.
- A VTC would provide significant benefit to Veteran participants in the Court.

Ladies and Gentlemen, I ask humbly that you consider passing HB 2798 - a bill for the establishment of a temporary Veterans Treatment Court in Hawaii. It is my belief along with the individuals surveyed who attended on behalf of their organizations, that the state of Hawaii would achieve a social and financial benefit from the establishment of a VTC.

I would strongly recommend, however, that the definition of Veteran for the purposes of the Veterans Treatment Court be changed from the current requirement of having been "...federally activated and released honorably" to "...federally activated and upon release from active duty is determined to be eligible for services from the Department of Veteran Affairs".

VA is prepared to be a participant partner with the judiciary in this endeavor. We currently collaborate with non-profit enterprises in our community in Veterans Justice Outreach and Reentry programs, Homeless Outreach and Mental Health programs among others, to support some of our most deserving citizens. We plan to build on these partnerships through the VTC endeavor as well.

Our Veterans served selflessly in defense of our freedoms, without asking for anything in return. Establishing a Veterans Treatment Court would give many an opportunity for a second chance, which could potentially give them back something in return: their future.

In conclusion, I would like to thank you for the opportunity to show my support and commitment to the establishment of a Veterans Treatment Court and to the Veterans' Justice Outreach Initiative.

James E. Hastings, MD.,FACP  
Director, VA Pacific Islands Health Care System  
808-433-0100

Testimony for HB2798 on 2/14/2012 2:05:00 PM

## Testimony for HB2798 on 2/14/2012 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 12:19 PM

**To:** JUDtestimony

**Cc:** hspoehr@papaolalokahi.org

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Testimony for JUD 2/14/2012 2:05:00 PM HB2798

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Hardy Spoehr

Organization: Papa Ola Lokahi

E-mail: hspoehr@papaolalokahi.org

Submitted on: 2/13/2012

### Comments:

Aloha Chair, Vice Chair, and Members of the House Committee on Judiciary. Papa Ola Lokahi (POL), the Native Hawaiian Health Board, strongly supports this measure.

For over two years, POL has administered a Veterans Program under the direction of Mr. Clay Park. Time and time again, the program has found that the legal issues that Hawai'i's veterans find themselves in are often attributable to their military service and unique to these experiences. The experiences in other states of developing a veterans treatment courts have proven extremely successful in dealing with these unique issues.

Hawai'i's veterans today represent the traditions of our people proudly serving in the United States Armed Forces from the time of Prince George Kaumuali'i serving as a US Marine in the War of 1812, to our famed US Army 442nd Regimental Combat Team through today and all our young men and women who have served in Iraq and Afghanistan.

Since the first Iraq war and Hawai'i's young men and women participating in that conflict, there has been a growing number of legal cases involving veterans in Hawai'i. Recognizing the extreme conditions experienced by these individuals and the need to honorably provide for them and their families, POL strongly supports this measure.

Thank you for the opportunity to provide testimony on this matter.

Testimony for HB2798 on 2/14/2012 2:05:00 PM

**Testimony for HB2798 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 7:38 PM

**To:** JUDtestimony

**Cc:** chiefmaxx@hotmail.com

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Testimony for JUD 2/14/2012 2:05:00 PM HB2798

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Maxine Cavanaugh

Organization: Military women of america, Hawaii chapter 2

E-mail: chiefmaxx@hotmail.com

Submitted on: 2/13/2012

Comments:

We endorse Mayor Carlisle's testimony for Veterans' court.

**Testimony to the House Committee on Judiciary**  
**Tuesday, February 14, 2012**  
**2:05 PM**  
**Conference Room 309**

**RE: HOUSE BILL NO. 2798 RELATING TO VETERANS TREATMENT COURT**

**Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee.**

My name is Charles Ota and I am the Vice President for Military Affairs at The Chamber of Commerce of Hawaii (The Chamber). I am here to state The Chamber's support of House Bill No.2798, Relating to Veterans Treatment Court.

The measure proposes to establish a veteran's treatment court within the judiciary.

The Chamber's Military Affairs Council (MAC) serves as the liaison for the state in matters relating to the U.S. military and provides oversight for the State's multi-billion dollar defense industry.

We concur with the comments stated in Section 1 of the proposed bill, which clearly defines the need for a veteran's treatment court in Hawaii. A 2011 study prepared by the RAND Corporation into the impact of military spending in Hawaii revealed that Hawaii is home to more than 101,500 veterans, which is a substantial portion of Hawaii's population of 1.3 million. The veteran population is growing due to the high number of veterans returning from the wars in Iraq and Afghanistan.

The thousands of veterans returning from stressful combat environments in Iraq and Afghanistan face difficult periods of adjustment upon returning to civilian life. Some have suffered severe combat wounds and debilitating combat experiences such as traumatic brain injury (TBI) and post traumatic stress disorder (PTSD). Establishing such a system would provide relief in assisting disoriented veterans who otherwise can be rehabilitated into society and become productive citizens of the community.



We also note that older veterans of prior wars such as the Vietnam War are a part of this group of veterans. Sometimes it takes years before symptoms of PTSD surface and cause behavioral disorders.

In light of the above, the MAC recommends that House Bill 2798 be approved.

Thank you very much for the opportunity to testify.

Testimony of

Alexander T. Eteuati

(Disabled Combat Veteran Operation Iraqi Freedom 3)

February 13, 2012

I, Alexander T. Eteuati, am a Disabled Combat Veteran and a former Hawaii State Deputy Sheriff. I served approx. 12 years in the U.S. Army on active duty, in the Reserves and National Guard. I deployed twice; first in support of Stability Operations on the Demilitarized Zone in Korea and second to Combat Operations in the Iraqi republic in the "Sunni Triangle" I also served in the 101<sup>st</sup> Airborne, 2<sup>nd</sup> Infantry Division, 35<sup>th</sup> Combat Engineer Battalion, and the 29<sup>th</sup> Brigade Combat Team.

I fully support the creation and utilization of a Veterans' Court here in the State of Hawaii. The reason that this is important is that veterans, especially those who have seen combat, are forever changed. When treated as an average member of society who has broken a law, the special circumstances that form the mindset of a combat veteran are not taken into consideration. With the help and support offered from the initial onset of issues, a veteran/service member has a better chance of recovering and continuing on not only as a member of society, but also as a benefit to the society at large handled in a court that understands them. The sense of duty, discipline, respect, and work ethic learned in the military is highly sought after and can be repurposed in a veteran's rehabilitation.

The primary reason that we should be allowed to be represented with a Veterans' Court is that we are being punished in more cases than not for reactions which were instilled through vigorous military training and embedded by combat. All of this is done with a society that closes its eyes to what it has created.

A Veterans' Court will give a way to address the needs of the veterans. Giving society a means by which it can clarify who is truly responsible for the events that lead up to a situation. Was this individual functioning in a manner that was simply anti-social or was he reacting in such a way that is consistent with the training and experiences that allowed him to return home following a

tour in an area where hesitation and inaction are known killers? It is in these types of places where violence of action, anger, rage are a normal means of survival. So when an individual comes home he will either have the help available and be given a fighting chance to be normal, self medicate to attempt to control the urges drugs, alcohol, prescription drugs, or react in a socially unacceptable manner and run afoul of the law.

When a soldier has outlived his "shelf life" and is processed off the rolls of the military, he/she is no longer a benefit to the military but rather a drain upon the system, regardless of the type of service provided up to that moment. So it is that one is processed out as quickly and with as little fuss as possible. In the military, it is the military system which is to be kept functioning and pressing forward. Anyone that becomes a draw away from readiness is treated as a hindrance to be gotten rid of as quickly and quietly as possible. The down side to this, however, is that the fiscal, political, and bureaucratic processes that looks at the ramifications in the short time versus the long term effect of assisting the veterans are not seeing the effects of dumping service men and women on society as a whole.

Once out of the military you must integrate into a society that you do not have anything in common with. As clearly stated by the Iraq Afghanistan Veterans of America.

**"99% of Americans have seen combat on TV.1% of Americans have seen combat in Iraq or Afghanistan."**

**"99% of Americans try to avoid getting caught in traffic.1% of Americans try to avoid getting caught in an ambush."**

**"99% of Americans try to avoid getting fired at work.1% of Americans try to avoid getting fired at."**

**"99% of Americans fear the IRS.1% of Americans fear the IED."**

**"99% of Americans try to keep their eye on the road when they drive.1% of Americans try to keep their eye on everything but the road when they drive."**

There is another statistic that is even more alarming than the lack of common ground between the veteran and civilian communities. It is the fact that due to the historical military biases by the civilian population, spurred by the

events surrounding the Civil-military relations during the Korean and Vietnam conflicts, veterans are one of the only groups in America that is stigmatized for doing the right thing. Upon successful completion of military service you are awarded an Honorable Discharge.

Some would feel that an Honorable Discharge would be a sign that you have skills that would make you a benefit to any organization. However the reality is that out of any other minority group, Veterans have the highest unemployment rate in the U.S. This is a social issue that only adds to the reasons why veterans should be allowed a Veterans' Court.

Please support this bill and allow for the foundation of the Veterans' Court. The veterans who you are serving are the very individuals who went to war not for an ideology, politics, but for you and me, each and every person in this country.

Thank You,

*Alexander T. Eteuati*

Alexander T. Eteuati

## **Testimony to the House Committee on Public Safety & Military Affairs**

Representative Henry J.C. Aquino, Chair

Representative Ty Cullen, Vice Chair

## **House Committee on Health**

Representative Ryan I. Yamane, Chair

Representative Dee Morikawa, Vice Chair

## **Testimony on House Bill 2798**

A Bill Relating To Veterans Treatment Court

By

MSW Student, Kimberly S. Cannon, from the University of Hawai'i at Manoa

Tuesday, February 14, 2012, 2:05 p.m.

State Capitol, Conference Room 325

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Chair Aquino, Chair Yamane and Committee Members,

I am Kimberly Cannon, a MSW (Master of Social Work) student from the University of Hawai'i at Manoa. I appreciate this opportunity to provide testimony in support of House Bill 2798 in regard to establishing a Veterans Treatment Court in the state of Hawai'i.

A veterans Treatment Court will honour those who are serving and who have served their country by providing them with resources to assist with their transition back to civilian life.

PTSD (Post-Traumatic Stress Disorder), and Traumatic Brain Injury have been called the "signature wounds" for the wars in Iraq and Afghanistan, however substance abuse must also be counted among these signature wounds of the current conflicts. Returning veterans have increasingly become casualties of the U.S. war on drugs, a war that emphasizes punitive incarceration over treatment and rehabilitation.

In 2004 the Drug Policy Alliance group (<http://www.drugpolicy.org/resource/healing-broken-system-veterans-battling-addiction-and-incarceration>) estimated:

- 140,000 veterans were incarcerated in state and federal prisons.
- 46% of veterans in federal prison were incarcerated for drug law violations
- More than 25% were intoxicated at time of their arrest.

A Veterans Treatment Court can divert nonviolent offenders away from incarceration and into treatment. There are collateral consequences and sanctions that fall most harshly on people with drug convictions and causes barriers to success. Homelessness is part of that fallout.

The National Coalition for Homeless Veterans (<http://www.nchv.org/background.cfm>) estimates;

- About 1.5 million veterans are considered at risk of homelessness due to poverty and lack of support networks.
- 100,000 veterans experience homelessness annually who must seek local government assistance.

Ideally, a Veterans Treatment court could divert psychologically wounded veterans to therapy instead of jail or prison and would drop charges upon completion of therapy for probation-eligible offenses. The defendant would not have to plead guilty and would emerge with no criminal record.

The Veterans Treatment Courts may be the safety net or last resort for many. The Veterans Treatment Court will help save lives, families, and communities from a shockwave of serious issues.

Mahalo, for the opportunity to show my support in the establishment of a Veterans Treatment Court in the state of Hawai'i.

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