

*The Judiciary, State of Hawaii*

**Testimony to the House Committee on Finance**

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair

Thursday, February 23, 2012, 10:00 a.m.  
State Capitol, Conference Room 308

by

Lori Okita  
Chief Court Administrator  
First Circuit

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**Bill No. and Title:** House Bill No. 2798, H.D. 2, Relating to a Veterans Treatment Court

**Purpose:** Establishes the Temporary Hawaii Veterans Treatment Court within the First Judicial Circuit Court. Appropriates funds. Effective January 7, 2059, and repealed on June 30, 2021.

**Judiciary's Position:**

The Judiciary supports House Bill No. 2798, H.D. 2 and thanks the House Committee on Judiciary for incorporating clarifications as suggested by the Judiciary. The Judiciary respectfully requests that definition of veteran in House Draft 2, Part III, Section 5 (5) be changed to read: "veteran means a person who served on active duty in the armed forces of the United States, a reserve component thereof, or the national guard, and who was federally activated and discharged, without regard to the discharge status." This definition would give the court the flexibility it needs to serve as many veterans as possible.

The Judiciary also requests that the effective date be changed back to July 1, 2012 (the date noted in House Draft 1) instead of January 7, 2059.

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

STATE OF HAWAII  
OFFICE OF VETERANS SERVICES

TESTIMONY ON HB 2798 HD 2, RELATING TO VETERANS  
TREATMENT COURT

PRESENTED TO THE

COMMITTEE ON FINANCE

BY

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

February 23, 2012

Good morning Chair Oshiro and Committee members:

I am Ron Han, Director of the Office of Veterans Services (OVS). I appreciate this opportunity to support the concepts in HB 2798 HD2. 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.

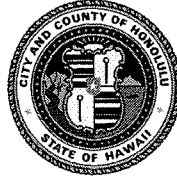
We defer to the agency with direct responsibility for implementation of the Veterans' Treatment Court program.

The OVS supports the concepts and intent expressed in this measure as long as its implementation does not 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 2012-2013.

Thank you for this opportunity to speak on behalf of Hawaii's Veterans and their families.

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CITY AND COUNTY OF HONOLULU

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DEPUTY MANAGING DIRECTOR

February 23, 2012

The Honorable Marcus Oshiro, Chair  
House Committee on Finance  
Twenty-Sixth Legislature  
Regular Session of 2012  
State of Hawaii

**RE: Testimony of Mayor Peter Carlisle on H.B. 2798, H.D. 2, Relating to a Veterans Treatment Court**

Chair Oshiro and members of the House Committee on Finance, I would like to submit the following testimony in strong support of H.B. 2798, H.D. 2.

As the only state hosting all five branches of the military, and as home to a rising number of veterans returning from Afghanistan and Iraq, I believe Hawaii should join the more than 70 other jurisdictions across the county that have established Veterans Courts since 2008.

In my 2011 State of the City Address, I underscored our community's responsibilities to veterans who often face special challenges and noted that :

Research links substance abuse and combat related mental illness to unprecedented number of veterans appearing in our courts to face charges stemming directly from these issues. The U.S. Department of Justice estimates that 1.16 million of all adults arrested last year, or nearly 10 percent, served in the military. Today, an estimated 60 percent of the 140,000 veterans in prison have a substance abuse problem . . . . Veterans courts put the bonds of military service to good use. They enlist other veterans as volunteer mentors to help overcome participants' resistance to treatment and to point them in the right direction. Volunteer veteran mentors and veterans affairs staff are often present during court proceedings to support the defendants and guide them in accessing military benefits that might help solve substance abuse, health, marriage, employment and financial problems.

In the same spirit, the Women's Legislative Caucus dedicated its 2012 legislative package to female veterans. The Women's Caucus package includes four resolutions supporting the establishment of a Veterans Court in Hawaii (HCR 20, HR 14, SCR 7, SR 7). In announcing the package, the Caucus explained: "This year's series of bills and resolutions are dedicated to women veterans who have served our country abroad, and continue to live at home, despite the many trials they face post-deployment."<sup>1</sup> And on behalf of the Caucus, Senator Rosalyn Baker said: "Today we have an unprecedented number of women serving in our armed forces. These women are amongst the most dedicated and resilient of people, bravely serving their community at home and from afar . . . . It is important that we ensure that all of our service members, regardless of gender, have access to the appropriate care and services."<sup>2</sup>

At the national level, Veterans Courts are recognized as an important strategy to address homelessness among veterans who suffer from service-related mental health or substance abuse problems:

Veterans have high rates of Post-Traumatic Stress Disorder (PTSD), traumatic brain injury (TBI), and sexual trauma, especially for women. Returning Veterans from Iraq and Afghanistan have even higher rates possibly associated with repeated deployments. These factors significantly impact the ability to form trusting relationships. PTSD may also contribute to substance abuse problems and relapse. Other mental health problems and/or TBI may result in cognitive impairments (difficulties with concentration or remembering tasks), difficulties in social relationships, controlling temper or impulses, or other effects that may create barriers to employment and stable relationships.<sup>3</sup>

\* \* \*

People with serious mental illness who are homeless are often incarcerated when they cannot get the care and treatment they need. People with mental illness experiencing homelessness also frequently end up in the emergency room and hospitalized. These are expensive interventions that do not improve long-term prospects for people with mental illness who have no place to live. Effective targeted outreach, discharge planning, and specialized courts are proven to help keep people out of emergency rooms, hospitals, and jails and to connect people to housing, support, or for those who need it, supportive housing.<sup>4</sup>

For these reasons, the *Federal Strategic Plan to Prevent and End Homelessness* – developed through Cabinet-level collaboration among the U.S. Departments of Veterans Affairs, Justice, Health and Human Services, Housing and Urban Development, and others – specifically recommends:

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1 [www.hawaiisenatemajority.com/2012/01/womens-legislative-caucus-dedicates-2012-legislative-package-to-female-veterans](http://www.hawaiisenatemajority.com/2012/01/womens-legislative-caucus-dedicates-2012-legislative-package-to-female-veterans)

2 [www.hawaiisenatemajority.com/2012/01/womens-legislative-caucus-dedicates-2012-legislative-package-to-female-veterans](http://www.hawaiisenatemajority.com/2012/01/womens-legislative-caucus-dedicates-2012-legislative-package-to-female-veterans)

3 *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness 2010*, p. 20.

4 *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness 2010*, p. 47 (emphasis added).

Increase the number of jail diversion courts at the state and local levels that are linked to housing and support including those specifically for Veterans, those experiencing homelessness, or people with mental health issues or drug abuse problems.<sup>5</sup>

Honolulu is already fostering the strong collaboration necessary for an effective Veterans Court – for example, in December 2011, the U.S. Department of Veterans Affairs Pacific Islands Health Care System convened a large and diverse group of veterans, representatives of City and State government and the Judiciary, law enforcement and health professionals, and community organizations, to continue planning for a Veterans Court in Honolulu.

By pairing troubled veterans with volunteer veteran mentors, Veterans Courts help veterans regain the sense of discipline and camaraderie they had in uniform. Veterans Courts help steer troubled veterans onto a more positive course by linking them with counseling, treatment, and other government benefits they may have overlooked, or been unaware of, when they return home. Given the enormous costs associated with the criminal justice system and incarceration, it makes sound financial sense to invest in an initiative that has proven, in other jurisdictions, to help divert veterans away from court and prisons, and toward the services and support they need to get back on track.

I respectfully request your favorable consideration of this bill and I thank you for this opportunity to testify before you.

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<sup>5</sup> *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness 2010*, p. 48 (emphasis added).



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

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

DoD-State Liaison Office

**Chair Marcus R. Oshiro, House Finance Committee  
February 22, 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**

**Testimony**

Chair Oshiro and members of the House Committee on Finance, 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.

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



February 22, 2012

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

**HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**

**HEARING ON THURSDAY, FEBRUARY 23RD, AT 10:00AM, IN  
CONFERENCE ROOM 308**

Aloha Chair Oshiro: 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.

We were recently advised by the US Army Vice-Chief-of-Staff that two out of three seriously injured military personnel suffer from Post Traumatic Stress Disorder and/or Traumatic Brain Injury symptoms. Establishing a Hawaii Veterans Court within the Judiciary will provide our wounded warriors with an opportunity to 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 sincerely grateful for your compassion and concern, 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



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

**Testimony of  
Thomas Smyth**

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

**Thursday, February 23, 2012, 10:00 am, Room 308**

**HB 2798 HD 2 Relating to a Veteran's Treatment Court**

**Chair Oshiro, Vice Chair Lee and Committee Members**

**Our chapter of 400 retired and currently serving officers of the Uniformed Services strongly supports HB 2798, HD 2, as amended, which creates a Veteran's Treatment Court within the Judicial System. We particularly support an appropriation and staffing so that this important court can handle the expected number of often complex cases.**

**Now more than four years after the first such municipal court was created in Buffalo, NY, there are more than 88 cities, counties and states following that pattern, with as many more 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 here. To our knowledge there have been no legal challenges to this type of specialty court and none are expected here.**

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

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



**Testimony to the House Committee on Finance  
Thursday, February 23, 2012  
10:00 AM  
Conference Room 308**

**RE: HOUSE BILL NO. 2798, HD2, RELATING TO VETERANS TREATMENT COURT**

**Chair Oshiro, Vice Chair Lee, 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 strong 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 amendments made to HB 2798 as proposed in HD1 and HD 2 of this measure.

We would like to reiterate that 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. This is a substantial portion of Hawaii's population of 1.3 million residents.

The veteran population is growing due to the large number of veterans returning from the wars in Iraq and Afghanistan. Most are returning from stressful combat environments in Iraq and Afghanistan and having to 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 in the community.

We are also mindful that older veterans of prior wars such as the Vietnam War are a part of this group of veterans that may benefit from a veteran's treatment court system. It sometimes 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.

Kenneth Hirsch, MD, PhD  
DATE: 22 February 2012

ATTN: COMMITTEE ON FINANCE  
Senator Marcus R. Oshiro, Chair  
Senator Marylin B. Lee, Vice Chair

HEARING DATE: Thursday, February 23, 2012  
HEARING PLACE: Conference Room 308- State Capitol- 415 South Beretania Street  
TIME: 10:00am

HB 2798 HD2: **RELATING TO A VETERANS TREATMENT COURT.** Establishes the Temporary Hawaii Veterans Treatment Court within the First Judicial Circuit Court. Appropriates funds. Effective January 7, 2059, and repealed on June 30, 2021. (HB2798 HD2) appropriates funds.

WEB: <http://www.capitol.hawaii.gov/>

Note to clerk: (Please print 4 copies including original)

Good morning, Chairs Marcus R. Oshiro and Marilyn B. Lee and members of the committee on finance. I am Dr. Kenneth Hirsch, Director of the Traumatic Stress Disorders Program of the Department of Veterans Affairs, Pacific Islands Health Care System (VAPIHCS). I am also a Veteran. I appreciate this opportunity to **strongly support HB 2798**, a bill for the establishment of a temporary **Veterans' Treatment Court** in Hawaii.

Ladies and Gentleman, currently, there are 1.7 million Veterans of these wars in the United States (Dept of VA). A 12 March 2007 Journal of Internal Medicine article estimates that as many as 25-30% of returning Veterans suffer from mental illness, with the lowest estimates in other studies being in the range of 18-20%, including primarily posttraumatic stress disorder (PTSD), depression, other anxiety disorders and substance use disorders. Compounding this is the incidence of postconcussion syndrome, more commonly referred to as traumatic brain injury (TBI). The substance use disorders most commonly develop as a result of the Veteran's efforts at self-medication. Sadly, the symptoms of certain of these combat injuries sometimes lead directly to behaviors that involve Veterans in the judicial system, this being especially true of PTSD and postconcussion syndrome, and the secondary substance use disorders. Each of these causes impairment in judgment in two different and equally important realms:

1. Interpretation of situations: there is increased and unrealistic perception of risk, danger and threat. This presents as hypervigilance and paranoia, distrust of others and is characterized further by a lack of recognition of the person's inaccurate interpretation.
2. Selection of behavioral responses, with a tendency towards immediate lashing out, either verbal or physical, with clear deficits in the ability to consider consequences of behavior before acting, and further difficulties in understanding the inappropriateness of one's actions.

Both of these involve problems in what is referred to as "executive functioning": this includes functions like sequential planning, thinking before acting, exercising self-control over impulses, attention & concentration and insight into one's own thinking and behavior.

It is the purpose of a Veteran's Treatment Court to divert Veterans who have run afoul of the law as a result of such injuries and consequent difficulties into treatment rather than incarceration. Such a proposition is predicated upon:

1. The belief that if the violations came about as a result of injuries sustained in the service of our country, the Veteran deserves treatment for the injury and special consideration in terms of legal consequences.
2. The experience of other such special courts has shown that such diversion results in a far lower rate of recidivism than that demonstrated by other offenders, and by Veteran offenders who do not enter such diversion programs.
3. The cost savings generated by such special courts are far in excess of the costs of the courts and other supportive infrastructure.
4. The majority of the cost of treatment is transferred from the State and local community to the federal government (Department of Veterans Affairs), by virtue of agreements with the Department of Veterans Affairs, Pacific Islands Health Care System, which has already committed to provide the treatment necessary for all eligible Veterans – a service which it cannot provide to incarcerated Veterans.

I would like to offer a few other supporting points for consideration:

1. At the beginning of the calendar year, there were 408 incarcerated Veterans in Hawaii jails, excluding any in federal facilities. Based upon a screening of probation records, it is estimated that there are currently between 30 and 50 potential Veteran participants in such a diversion program.
2. While a Veterans' Treatment Court would require funding, with incarceration costs of roughly \$50,000 per year, successful diversion of only relatively few Veterans would not only pay for the Court, but provide savings for the State.
3. In Buffalo, statistics from the longest operating Veterans' Treatment Court indicate that:
  - a. 90% of enrollees complete the diversion program successfully.
  - b. The recidivism rate for those completing the program is zero percent (0%).
4. A Veterans' Treatment Court is different from the existing Mental Health and Drug Courts. Indeed, Judge Russell, in Buffalo, who started the first Veterans' Treatment Court, was the presiding judge for the Mental Health and Drug Courts in Buffalo, and found that the special characteristics of both the Veterans and the combination of service-related injuries were far more effectively dealt with by a distinct special court than by attempting to utilize the existing Mental Health and Drug Courts. The Veterans' Treatment Court does not represent a duplication of services or processes; the problems addressed by the Veterans' Treatment Court are qualitatively different from those addressed by Mental Health and Drug Courts, and the interventions are similarly different.

Ladies and gentlemen, thank you for giving me the opportunity to testify on behalf of this very important piece of legislation.

## **Testimony to the House Committee on Finance**

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice Chair

Thursday, February 23, 2012, 10:00AM

State Capitol, Conference Room 308

By

Grant Fujii

MSW student, University of Hawaii at Manoa

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

**Purpose:** Establishes a temporary Hawaii veterans court within the Judiciary

My name is Grant Fujii, I am currently a student in the Masters of Social Work program at the University of Hawaii at Manoa. I am writing this testimony in support of establishing a temporary Veterans Court in the State of Hawaii. I believe that a Veterans Court would be beneficial even though there are already existing specialty courts (i.e. Drug Court) that address specific health issues. This is because these courts are not necessarily configured to address the special set of problems faced by veterans. One prevalent issue is that of PTSD (post-traumatic stress disorder) which according to a 2008 RAND Corporation study, affected about one-fifth (about 300,000) U.S. troops deployed to Afghanistan or Iraq. If left untreated, PTSD may lead to drug or alcohol abuse which in turn may lead to domestic violence or other violations of the law. In such a situation, a Drug Court may be able to address issues of substance abuse, but may not be able to properly address the underlying issue of PTSD.

By specifically addressing issues faced by veterans and directing them to relevant treatment programs, veterans charged with felonies or misdemeanors can take an important step toward reintegrating themselves back into society. This would also have the benefit of keeping these minor offenders out of prison thereby making a contribution to reducing prison overcrowding and also reducing spending on incarceration. In terms of the veterans themselves,

I believe that having a Veterans Court to not only discipline, but to also assist in treatment would benefit our servicemen and women far more than just putting them behind bars.

Thank you for the opportunity to testify on this matter.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Wednesday, February 22, 2012 1:33 AM  
**To:** FINTestimony  
**Cc:** tad781@hawaii.rr.com  
**Subject:** Testimony for HB2798 on 2/23/2012 10:00:00 AM

Testimony for FIN 2/23/2012 10:00:00 AM HB2798

Conference room: 308  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jared Aiwohi  
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Submitted on: 2/22/2012

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