

HB 2798, HD3

RELATING TO A VETERANS TREATMENT COURT

Description:

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 Effective January 7, 2059, and repealed on June 30, 2021.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 HD3)



The Judiciary, State of Hawaii

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

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

Testimony to the Senate Committee on Judiciary and Labor

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Testimony to the Senate Committee on Health

Senator Josh Green, M.D., Chair
Senator Clarence K. Nishihara, Vice Chair

Wednesday, March 21, 2012, 10:00 a.m.
State Capitol, Conference Room 016

by
Rodney S. Maile
Administrative Director of the Courts

Bill No. and Title: House Bill No. 2798, H.D. 3, Relating to Veterans Treatment Court

Purpose: Establishes the Temporary Hawaii Veterans Treatment Court within the First Judicial Circuit Court. Appropriates funds. Effective January 7, 2019, and repealed on June 30, 2021.

Judiciary's Position:

The Judiciary strongly supports House Bill No. 2798, H.D. 3. There are over 100 Veteran Treatment Courts in the United States providing treatment counseling and reintegration services to veterans with significant drug or mental health issues. These veterans find themselves in the judicial system as a result of their addictions or mental injuries which are result of their service to our country. The track record of these courts speaks for itself with many achieving a zero recidivism rate among their graduates. These courts like the one proposed for Hawaii work well for veterans because whenever possible they tailor their support and treatment



House Bill No. 2798, H.D. 3, Relating to Veterans Treatment Court
Senate Committee on Public Safety, Government Operations, and Military Affairs
Senate Committee on Judiciary and Labor
Senate Committee on Health
Wednesday, March 21, 2012
Page 2

to the unique needs of those that have served our country. The Bill as drafted gives the Judiciary the flexibility it needs to serve as many veterans as possible.

The Judiciary requests that funding in the amount of \$175,000.00 per year be placed in the Bill in order to fund this initiative at the level called for in the Bill. If the Legislature decides to appropriate funding for this court, the Judiciary would request that the additional funding provided by the Legislature in this area not replace existing allocations or affect other budgetary requests already submitted by the Judiciary.

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

STATE OF HAWAII
OFFICE OF VETERANS SERVICES

TESTIMONY ON HB 2798 HD 3 (HSCR744-12),
RELATING TO VETERANS TREATMENT COURT

PRESENTED TO THE

COMMITTEES ON PUBLIC SAFETY, GOVERNMENT OPERATIONS AND
MILITARY AFFAIRS; JUDICIARY AND LABOR AND HEALTH

BY

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

March 21, 2012

Good morning Chairs Espero, Hee, and Green 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 HD3. This measure would provide for the establishment of a temporary Veterans Treatment Court in Hawaii to include treating veterans that have been determined by VA as eligible for benefits. 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.



**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

**Senator Will Espero, Chair, Committee on Public Safety, Government Operations, and
Military Affairs
Senator Clayton Hee, Chair, Committee on Judiciary and Labor
Senator Josh Green, Chair, Committee on Health
March 20, 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

Chairs Espero, Hee, and Green and members of the Senate PGM, JDL, and HTH Committees, 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.

- 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.

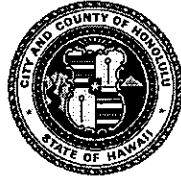
The policies in HB 2798 establish a beginning to address the need for treatment instead of incarceration faced by our veterans. We appreciate the opportunity to submit testimony.

Dr. Laurie Crehan
DoD State Liaison Office

Improving the Lives of Military Members and their Families

**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU**

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PETER B. CARLISLE
MAYOR

DOUGLAS S. CHIN
MANAGING DIRECTOR
CHRYSTN K. A. EADS
DEPUTY MANAGING DIRECTOR

March 21, 2012

The Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations, and Military Affairs

The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

The Honorable Josh Green, M.D., Chair
Senate Committee on Health

Twenty-Sixth Legislature
Regular Session of 2012
State of Hawaii

**Testimony of Mayor Peter Carlisle
H.B. 2798, H.D. 3, Relating to a Veterans Treatment Court**

Chairs Espero, Hee, and Green, and Members of the Committees:

I would like to submit the following testimony in strong support of H.B. 2798, H.D. 3.

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 country 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."¹ 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."²

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.³

* * *

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

¹ 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

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

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.⁴

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:

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.⁵

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.

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

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



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

March 19, 2012

Dear Chairs, Co-Chairs and members of the Public Safety, Government Operations and Military Affairs, Judiciary and Labor and Health Committees:

As Director of the Department of Veterans Affairs Pacific Islands Health Care System (VAPIHCS) and also as a US Army Veteran, I appreciate this opportunity to **strongly support HB 2798 HD3** – a bill for the establishment of a temporary **Veterans Treatment Court** in Hawaii.

VA PIHCS is prepared and willing to partner with the Judiciary. We have hired a full-time Veterans Justice Outreach Coordinator, and also intend to create a Veterans Treatment Court Mentorship Coordinator position to assist this effort. Currently, we are also collaborating with non-profit enterprises in our community to enhance VA Veterans Justice Outreach and Reentry programs, Homeless Outreach and Mental Health programs among others, to better support some of our most deserving citizens.

The VA recognizes that in many instances Veterans may become involved with the judicial system as a direct result of undiagnosed and 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 to the US, specifically to Hawaii, 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.

Incarceration can leave a long-lasting impact on individuals and the community, 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. The Judiciary has also identified 30-50 possible candidates who would be eligible immediately for a Veterans Treatment Court. Establishing a Veterans Treatment Court in Hawaii and joining more than 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.

Largely due to our increased/improved collaborative outreach initiatives, we are currently seeing a rise in our VA PIHCS healthcare enrollment by 80 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 this conference. Numerous topics were discussed to help identify barriers to the establishment of a Veterans Treatment Court 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 of a Veterans Treatment Court.

Our Veterans have served selflessly in defense of our freedoms, and done so without asking for anything in return. Establishing a Veterans Treatment Court would give many involved in the judicial system an opportunity for a second chance - a chance that could give them back 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.

Sincerely,

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

DATE: 21 March 2012

ATTN: Committee on Public Safety, Government Operations and Military Affairs
Committee on Judiciary and Labor
Committee on Health

HEARING DATE: Wednesday, 21 March 2012
HEARING PLACE: Conference Room 016- State Capitol- 415 South Beretania Street
TIME: 10:00am

HB 2798 HD3: **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 HD3) appropriates funds.

WEB: <http://www.capitol.hawaii.gov/>
Note to clerk: (Please print 4 copies including original)

Good morning, Honorable chairpersons and committee members. 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 HD3**, 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 six 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. For example, Mental Health Court does not address either Posttraumatic Stress Disorder (PTSD) or traumatic brain injury. No existing special courts include a mentorship program, a critical component of the Veterans Treatment Court, and one which the VA-PIHCS has committed to developing.

This issue is very important to our Veterans. We have with us today a number of Veterans, representing themselves and their peers, in support of both the passage and the funding of this Bill. I would ask that those Veterans present please stand or if standing raise your hand. Thank you for voicing your views, and thank you for your service.

Ladies and gentlemen, thank you for giving me the opportunity to testify on behalf of this very important piece of legislation, which I urge you to both pass and fund.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
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ARMINA A. CHING
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THE HONORABLE CLAYTON HEE, CHAIR
SENATE JUDICIARY AND LABOR COMMITTEE
Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai'i

MARCH 21, 2012

RE: H.B. 2798, H.D. 3; RELATING TO VETERANS TREATMENT COURT.

Chair Hee, Vice Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, 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. 3. 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. 3 because we need to fund judges, deputy prosecuting attorneys, and staff that are servicing our existing courts and state mandates. Thank you.



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 Public Safety, Government Operations, and Military Affairs
Committee on Judiciary and Labor
Committee on Health**

Wednesday, March 21, 2012, 10:00 am, Room 016

HB 2798 HD 3 Relating to a Veterans Treatment Court

**Chairs Espero, Hee, Green; Vice Chairs Kidani, Shimabukuro, Nishihara
and Committee Members**

Our chapter of 400 retired and currently serving officers of the Uniformed Services strongly supports HB 2798, HD 3, as amended, which creates a Veteran’s Treatment Court within the Hawaii Judicial System. We particularly support an appropriation and staffing so that this important court can handle the expected number of cases.

Now more than four years after the first such municipal court was created in Buffalo, NY, there are nearly 100 cities, counties and states following that pattern, with many more in 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. Many of those entering this type of court are already in our judicial system.

This proven method of handling the growing number of military veterans, often with significant mental conditions, provides for counseling, specific probationary aspects and importantly, peer mentoring. The result has been a decrease in repeat offenses and often a reduction in jury trials. This allows the judicial system and its related team members, such as the prosecutors and public defenders, to focus on more serious offenses and time-consuming trials.

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.



March 15, 2012

**TESTIMONY IN SUPPORT OF HOUSE BILL 2798 HD3
RELATING TO VETERANS TREATMENT COURT**

**SENATE COMMITTEES ON PUBLIC SAFETY, GOVERNMENT OPERATIONS
AND MILITARY AFFAIRS; JUDICIARY AND LABOR, AND HEALTH**

**HEARING ON WEDNESDAY, MARCH 21ST, AT 10:00AM, IN CONFERENCE
ROOM 016**

Aloha Chair Espero, Hee and Green: 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 HD3.

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 HD3 as written; mahalo for allowing us to testify, regarding this extremely important issue.

Dennis Egge

Dennis Egge; Chairman, Legislative Committee



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**Testimony to the Senate Committee on Public Safety,
Government Operations, and Military Affairs;
Committee on Judiciary and Labor;
and Committee on Health
Thursday, February 23, 2012
10:00 AM
Conference Room 308**

**RE: HOUSE BILL NO. 2798, HD3, RELATING TO VETERANS TREATMENT
COURT**

**Chairs Espero, Hee, and Green, Vice Chairs Kidani, Shimabukuro, and Nishihara,
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 HD3.

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.

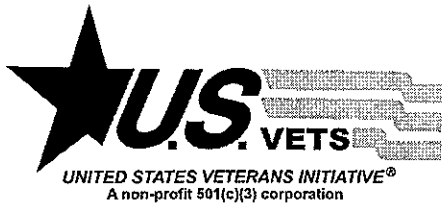
Furthermore, the veteran population is growing due to the large number of veterans returning from the wars in Iraq and Afghanistan. It is estimated that

upwards of 31% of those returning from the stressful combat environments in Iraq and Afghanistan are facing 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 Hawaii's veteran population includes hundreds of older veterans of prior wars such as the Vietnam War. These veterans will also benefit from a veteran's treatment court system as it could take 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.



“SERVING THOSE WHO SERVED”

TESTIMONY IN SUPPORT OF HB 2798 HD 3: RELATING TO A VETERANS TREATMENT COURT

TO: Senator Will Espero, Chair; Senator Michelle N. Kidani, Vice Chair, and Members Committee on Public Safety, Government Operations, and Military Affairs
TO: Senator Clayton Hee, Chair; Senator Maile S.L. Shimabukuro, Vice Chair, and Members Committee on Judiciary and Labor
TO: Senator Josh Green, M.D., Chair; Senator Clarence K. Nishihara, Vice Chair, and Members Committee on Health

FROM: Darryl J. Vincent, Hawaii State Director, VP Programs, U.S.VETS

Hearing: Wednesday, 3/21/2012; 10:00 a.m.; CR016

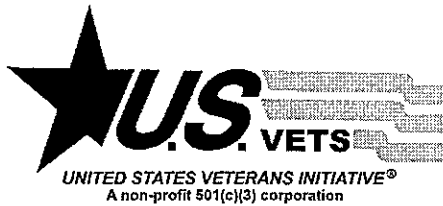
Good morning Chair Espero, Chair Hee, and Chair Green and Committee members:

Thank you for the opportunity to provide testimony in support of HB2798 HD 3, relating to Veterans Treatment Court. I am Darryl J. Vincent, Hawaii State Director and Vice President Programs for the United States Veterans Initiative (U.S.VETS), the nation's largest non-profit provider of services to military veterans, with eleven sites across the nation, two located in Hawaii. U.S.VETS' programs provide engaged services such as medical, mental health, legal assistance, housing, and drug and alcohol treatment. U.S.VETS strongly supports HB 2798 HD 3, establishing a Veterans Treatment Court within the First Judicial Circuit Court of Hawaii.

U.S.VETS recognizes the difficulties veterans face, particularly incarcerated veterans experiencing Post Traumatic Stress Disorder, Traumatic Brain Injury, mental health disorders, and/or substance issues, whom U.S.VETS firmly believes would best be served through Veterans Treatment Court and therapeutic services rather than incarceration. It is also our belief that a Veterans Treatment Court is a crucial step in resolving outstanding issues and allowing military veterans the opportunity to reunify with family members and integrate back into their communities *while* participating in treatment programs. “A 2009 Department of Veterans Affairs “Fact Sheet” outlining data presented by the U.S. Department of Justice Bureau, a “Survey of Inmates in Local Jails” (2002), indicates, “9.3% of all persons incarcerated in jails are veterans.” The study also indicates that “70% (of veterans) were in jail for non-violent crimes, almost one in three has serious mental illness, one in five was homeless, 60% had a serious medical issues, 18% have experienced either childhood sexual or physical abuse, 20% were in combat, 82% are likely eligible for VA services having been discharged either under honorable (65%), or general with honorable (17%) conditions.” U.S.VETS firmly agrees with the goal, as outlined in HB 2798 HD 3, the needs of Veterans Treatment Court will “enhance the effectiveness of the criminal justice system through diversion, assessment, tracking, encouragement, and rehabilitation of Veterans and their successful reintegration into society.”

U.S.VETS respectfully urges the passage of HB 2798 HD3, to address the treatment needs of military veterans through the establishment of a Veterans Treatment Court, which may also be expected to produce a substantial savings to the taxpayers of Hawaii when veteran needs are met through Veterans Treatment Court rather than incarceration at a cost savings of \$118 per day (\$43,070 per veteran annually), according to the January 2011 Hawaii Imprisonment Policy, compiled by the University of Hawaii at Manoa and the State of Hawaii's Dept. of the Attorney General. Most data across the nation indicates the cost of therapeutic treatment at one-fifth the cost of incarceration.

To date, U.S.VETS Hawaii has served over 1,800 formerly homeless veterans in our transitional programs, housing 100 Veterans on a nightly basis. At any given time, over 30% of the Veterans we serve were also engaged in the judicial system on some level *and* went on to become homeless. Our program is a prime example of how treating veterans individually, yet as a sub population in need of assistance works. One might ask, if veterans, as any segment of the homeless population, are eligible to participate in homeless programs in Hawaii, why do we need the services of U.S.VETS? Why is there a need for a program specializing in the needs of veterans? These are the same questions one might pose concerning Veterans Treatment Court. Why not utilize the judicial system already in place? Why not continue to utilize drug court? To which I respond, a veteran is 50% more likely to become homeless than his civilian counterpart. Out of every ten veterans provided services within our program, six will require substance abuse and or mental health services, which tie directly to the veterans' service to our nation.



“SERVING THOSE WHO SERVED”

There is no denying that veterans have a higher propensity for drug addiction, mental health issues and homelessness, as we witnessed with Vietnam era veterans, for which we now know there is a proven correlation to service performed for OUR COUNTRY and mental and substance abuse issues. Veterans Treatment Court provides us the opportunity to assist those Vietnam era veterans, whom are often wrongly looked upon with disdain, as well as a new “crop” of veterans who will return home in need of services. In a very real sense, we owe it to all veterans to ensure services- Veterans Treatment Court will allow us the opportunity to not only learn from the past, but also provide an avenue for veterans to address their growing needs in the future, which at times are disproportionate to their civilian counterparts. We do not want an increasing number of OIF/OEF veterans to have the same lack of service that our Vietnam comrades suffered. I believe Hawaii has an opportunity to show how evolved we have become, through the ability to separate any feelings we have with fighting a war from the actual veteran themselves (something we did not do for our Vietnam veterans) and give them the respect they, the men and women who served in uniform, have earned and deserve.

“What works?” U.S.VETS responds: Camaraderie- Responsibility- Accountability- Service to others- We ask that you view U.S.VETS as the example of what an established system can be when it is specialized to meet the needs of a particular population group. Even with a high percentage of veterans needing treatment services, (60%), U.S.VETS has a 90% sobriety rate, 75% completion rate of substance abuse treatment, 70% of the veterans we serve obtain employment, and 70% transition to independent living. What is the number one contributing factor to these successes? Veterans are segregated to bond as a unit to achieve goals, which is the same objective veteran’s court is achieving in other parts of the United States.

U.S.VETS is not part of the judicial system, yet the need to identify and start working with these veterans is imperative and the allocated resources in HB 2798 HD 3, will allow this to become a reality. Creating a veterans treatment court will allow providers such as U.S.VETS to collaborate with the judicial system in a seamless manner so we may treat the individual in a courtroom designed to meet his or her specific needs. The judicial system is not expected to carry this task out alone and U.S.VETS vows its support to augment needed services to make this endeavor a success.

We are in a financially strapped economy and tough decisions must be made daily in our households, and you have the arduous task of making decisions that not only affect your household but also those of your constituents as well; this is a position I do not envy but I commend you for undertaking. I always felt as a leader it is best to handle the things that can be handled with little to no contention as quickly as possible so I can spend more time processing and deliberating about issues that are more controversial. I would like to make your decision concerning Veterans Treatment Court a little easier for you, to allow you time to focus on more controversial matters, by offering the perspective that this decision has no down side. Veterans Treatment Court has great social impact and is economically prudent. The state of Hawaii is in a unique position to give much needed services to our nation’s heroes through this fiscally sound proposal, which already has the support of the majority. By changing how we serve veterans, we have an opportunity to change our town, community, city, and state. Most importantly, we facilitate change in the lives of veterans living on the outskirts of society to that of being integrated, law abiding, taxpaying citizens who give more to their country than they have received in return, and as veterans in Hawaii, by giving back to their ohana.

U.S.VETS believes in Veterans Treatment Court, a court system specializing in the unique needs and treatment of an underserved but well-deserving segment of our population. If given the opportunity to identify as a veteran, veterans will accept responsibility thru a court designed to facilitate their process of recovery from the many issues addressed above.

Veterans have shown that not only do they thrive in a structured setting in which they rely on each other for support, but that they also sustain being well- rounded citizens who then give back to that same system and freedom of choice, that they fought to preserve... when given the opportunity, not only do veterans rise to the call of duty, veterans also respond by giving back to our country with the same resilience and in the similar manner that they used to defend our nation with their most precious asset... their lives.

Sincere thanks for this opportunity for U.S.VETS to provide testimony in support of HB 2798 HD 3, Relating to a Veterans Treatment Court.

theStrategist

March 19, 2012

Testimony Submitted to:
Senate Committee on Public Safety, Government Operations, and Military Affairs
Senate Committee on Judiciary and Labor
Senate Committee on Health

Re: In Support of HB 2798 HD3 (HSCR 744-12) Relating to a Veterans Treatment Court

Hearing: Wednesday, March 21, 2012 10 am in Conference Room 016

Dear Committee Chairs, Vice Chairs and Committee Members,

Aloha! I am Noe Foster, CEO of theStrategist, an advisory firm that designs innovations that save lives and money. We concentrate on leading transformations 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 a financial appropriation of \$230,000 to fund it to operation beginning July 2012. The funding request of \$230,000 includes positions in the Judiciary, totaling \$175,000 with the balance reserved for other departments outside of the Judiciary. Nearly 24 percent of the appropriation request, or \$55,000, will be devoted to other impacted job positions including personnel from the Office of the Prosecuting Attorney.

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. Beyond all of the human reasons, funding Hawaii's first Veterans Treatment Court is a matter of dollars and sense.

Three significant financial benefits for the State of Hawaii will result from the annual \$230,000 appropriation for the Veterans Treatment Court.

First, the short-term and long-term medical costs of combat wounds are estimated to eclipse the defense costs of combat over the last decade. War changes things. Working and living in a war zone negatively impacts a warfighter's physical and mental health. As an example the estimated medical costs for treating a TBI is \$32,759 a year, while the estimated costs of a moderate TBI is \$383,221 a year. There are 117,000 U.S. Veterans living in Hawaii. Currently, only 22 percent of Hawaii's Veterans get their medical care through the Veteran Affairs Pacific Island Health Care System. The vast majority receive their medical care from private care physicians and health systems. The Veterans Treatment Court will require that the Veteran enroll in the VA health care system and receive

specialized care at VA facilities. This would relieve non-military health care systems from the costs of delivering care for military service related injuries and illnesses for participants in the Veterans Treatment Court.

Second, the Veterans Treatment Court will divert individuals from incarceration to treatment and rehabilitation. Annually, Hawaii spends about \$50,000 per person a year in incarceration costs. Diverting just five Veterans from prison to treatment and rehabilitation will more than yield a return on the \$230,000 appropriation. The Hawaii Judiciary Advisory Committee has identified 35-50 eligible Veterans. The savings from incarceration costs for just 35 Veterans would result in \$1.75 million annual savings.

Third, the Veterans Treatment Court will save tens of thousands of dollars spent each year on supportive services for homeless individuals totaling \$40,000 per person per year. One in three homeless adults is a Veteran. More than half of these individuals have a criminal history. Often their criminal history poses a barrier to obtaining quality employment. Prolonged job loss frequently leads to homelessness. In Hawaii, 800-1,000 homeless individuals are Veterans and their families. The savings from preventing Veteran homelessness for just six Veterans would return the State's investment to fund the Veterans Treatment Court.

Hawaii Veterans Treatment Court will save millions of dollars of State money each year by re-directing soldiers to receive healing from their wounds of war through the VA health care system, preventing incarceration and homelessness.

I urge you to approve HB2798 HD3 (HSCR 744-12) to establish the first Veterans Treatment Court in Hawaii and to appropriate \$230,000 for this purpose.

Warmest regards,

Noe Foster
Chief Executive Officer
theStrategist

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 16, 2012 10:29 AM
To: PGM Testimony
Cc: ddonovan@hawaii.edu
Subject: Testimony for HB2798 on 3/21/2012 10:00:00 AM

Testimony for PGM/JDL/HTH 3/21/2012 10:00:00 AM HB2798

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Dolores Donovan
Organization: Individual
E-mail: ddonovan@hawaii.edu
Submitted on: 3/16/2012

Comments:

As a mother of five sons who have served in the military, I support all the testimony of those who have submitted their very good reasons for supporting this bill. To me, there can be no reason for NOT supporting this bill. Whether or not you support this war or any other war, these are our sons, daughters, mothers, and fathers who are/have been doing their DUTY. They all deserve our help. This help can best be supplied by those who have "been there" and "done that."

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 16, 2012 11:26 AM
To: PGM Testimony
Cc: savhcc@gmail.com
Subject: Testimony for HB2798 on 3/21/2012 10:00:00 AM

Testimony for PGM/JDL/HTH 3/21/2012 10:00:00 AM HB2798

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Jerry Saviano
Organization: Individual
E-mail: savhcc@gmail.com
Submitted on: 3/16/2012

Comments:

A veterans treatment court is a great idea, an idea that many states already have or are attempting to put in place. Since Hawaii is home to many veterans, a treatment court seems the smart thing to do. Plus, The American Bar Association and The American Legion, two groups often at odds politically, both support such courts.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 18, 2012 8:57 PM
To: PGM Testimony
Cc: alexander.t.eteuati@gmail.com
Subject: Testimony for HB2798 on 3/21/2012 10:00:00 AM
Attachments: Testimony of Alexander Eteuat II.doc

Testimony for PGM/JDL/HTH 3/21/2012 10:00:00 AM HB2798

Conference room: 016
Testifier position: Support
Testifier will be present: Yes
Submitted by: alexander t. eteuati
Organization: Individual
E-mail: alexander.t.eteuati@gmail.com
Submitted on: 3/18/2012

Comments:
In support of HB2798

Testimony of

Alexander T. Eteuati

(Disabled Combat Veteran Operation Iraqi Freedom 3)

March 18, 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 101st Airborne, 2nd Infantry Division, 35th Combat Engineer Battalion, and the 29th Brigade Combat Team. Prior to my disability retirement I was a member of the Hawaii State Department of Public Safety Sheriff Division.

I fully support the creation and utilization of a Veterans' Court here in the State of Hawaii. I request that the State Government provide funding to allow the creation and operation of the Veterans Court. 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. Voluntary, drafted, or impressed the means by which we started our service to the country matters less than the fact that we are the ones who pay the highest cost for the sins of a nation.

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 downside 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

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 20, 2012 10:01 AM
To: PGM Testimony
Cc: patricia.matthews1@va.gov
Subject: Testimony for HB2798 on 3/21/2012 10:00:00 AM

Testimony for PGM/JDL/HTH 3/21/2012 10:00:00 AM HB2798

Conference room: 016
Testifier position: Support
Testifier will be present: Yes
Submitted by: Patricia Teran-Matthews
Organization: Individual
E-mail: patricia.matthews1@va.gov
Submitted on: 3/20/2012

Comments: