



The Judiciary, State of Hawaii

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

Thursday, February 2, 2012, 11:15 a.m.

State Capitol, Conference Room 309

by

Lori Okita

Chief Court Administrator

First Circuit

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

Purpose: Establishes a temporary Hawaii veterans treatment court within the Judiciary. Appropriates funds. Repealed on 6/30/21.

Judiciary's Position:

The Judiciary is in support of House Bill No. 2798 establishing a temporary veterans court in the First Circuit.

The Judiciary thanks the legislature for allowing us time over the past year to work on this issue and research national trends in veterans courts. Based on that work, we have the following suggestions to offer for your consideration:

- Section 2 (b) 1 -- amend to read: "The veteran is arrested for or charged with a felony or misdemeanor offense." This language would allow for case-by-case consideration of charges similar to the Mental Health Court. This language allows the flexibility to look at certain charges in light of the mental state of the veteran and make a more appropriate determination of eligibility.



House Bill No. 2798, Relating to a Veterans Treatment Court
House Committees on Public Safety & Military Affairs / Health
February 2, 2012
Page 2

- Section 2(b) 2 -- amend to read: "service" rather than "combat related." This would allow for the admittance of veterans whose illness is service related while screening out those that had conditions prior to their military service.
- Section 2(b) 3 -- amend to note that the final determination on admittance to the veterans court for a veteran already on probation with the court would rest with the judge.
- Section 2 -- add a new section (c) outlining victim's rights in these cases including the right to attend, provide testimony when and if appropriate and receive restitution as applicable by order of the court.
- Section 5 (5) -- remove the requirement for "Honorable Discharge" to allow flexibility in admittance. The Veterans Administration serves veterans with other than honorable discharges. Of the over 80 courts in existence, only one limits admittance by discharge and the National Association of Drug Court Programs recommends against specifying discharge status in legislation.

The Judiciary looks forward to working with the Legislature to establish a veterans' court to serve our veterans who have given so much to their country. Thank you for the opportunity to testify in support of this bill.

Briefing on Veterans Treatment Court

Veterans Treatment Courts work in reducing recidivism and providing success for veteran clients due in part to the 10 Key Components that are the foundation of these courts. Research has proven that adherence to the 10 Key Components significantly improves the success of veterans that are engaged with the court. Many veterans' courts on the mainland have a zero recidivism rate. What follows is a list of these components and the elements that have been developed in the design and implementation of the Veterans Treatment Court for the First Circuit.

Key Component 1: Veterans Treatment Court integrates alcohol, drug treatment, and mental health services with justice system case processing

-Collaborations and partnerships with government and community agencies such as the Veterans Administration, US Vets, Department of Health, and residential treatment centers have been established to enable us to have a coordinated response to the participant's treatment needs.

Key Component 2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights

-Creation of a Veterans Treatment Court team consisting of both the prosecutor and public defender has allowed us to implement a treatment based model while ensuring appropriate oversight, accountability and the safety of the general public. This relationship allows us to focus on the participant's recovery and law-abiding behaviors concurrently. The acceptance of the team to the NDCI Veterans Treatment Court Planning Initiative will help to strengthen this component.

Key Component 3: Eligible participants are identified early and promptly placed in the Veterans Treatment Court program

-The Court has affected a change in our statewide probation intake system making veterans status a mandatory field. This process will enable us to quickly identify those clients placed on probation that may be eligible for the program.

-Adult Probation has assisted the court by identifying on their current caseload probationers that are veterans. Each person has been screened for eligibility based on their charges and will then be connected with the Veterans Justice Outreach Specialist to assess their eligibility for services and begin linking them with the VA for their necessary services.

Key Component 4: Veterans Treatment Courts provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services

-The VA has developed a contract with a residential treatment program, Po'ailani which serves dual-diagnosis participants, to ensure a bed space is held just for veterans.

-A program designed for the special needs of veterans with Sand Island Treatment Center is currently in discussion. This will enable those clients that need residential substance abuse treatment, which the VA does not offer to receive this level of treatment. The program will be designed to work collaboratively with the VA, and the Court to meet the unique needs of veterans.

-The VA will provide services to eligible veterans including job training and placement, housing assistance, educational assistance, medical treatment, and family supports.

-For veterans that do not qualify for VA services the team will coordinate services in the community through the Adult Mental Health Division and Medicaid insurance if they are qualified.

- Grant money will be sought to assist in defraying the cost of treatment.

Key Component 5: Abstinence is monitored by frequent alcohol and other drug testing

-Participants will be monitored through frequent random court ordered alcohol and drug testing to ensure that the participant is making appropriate progress in the program and abiding by their terms and conditions.

-Grant money will be sought to assist in defraying the cost of testing new designer drugs.

Key Component 6: A coordinated strategy governs Veterans Treatment Court responses to participants' compliance

- The VA has agreed in conjunction with the VTC to develop a mentor program. This program will match clients with successful veterans of the same service branch, war and rank to provide ongoing support to the client during recovery. The VA has already established and filled the Mentor Coordinator position.

- The VA has agreed to be present at VTC hearings to establish client service eligibility and status.

-The program has developed a plan for incentives which include, but are not limited to, gift certificates, toiletries, praise from the team, in-court recognition, phase advancement, curfew adjustments, etc.

-The program has also developed a plan for sanctions for non-compliance that may include but are not limited to: jail time; admonishment from the judge; writing think pieces; increased court appearances; demotion of phase; and moving to a more appropriate residence or level of treatment.

-A coordinated effort with the team will determine appropriate sanctions and incentives for the participant's in the program.

- The Court will be working to raise grant money and donations to support the incentive part of the program.

Key Component 7: Ongoing judicial interaction with each Veteran is essential

-Participants are required to attend regularly scheduled court status hearings. Their required appearances are in direct correlation with their phase status in the program. These appearances will range from once a week to once a month as they make progress through the program.

-If a participant fails to appear, the team will determine appropriate sanctions and a Bench Warrant will be issued.

Key Component 8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

-Currently we are in the selection process for an evaluator who will monitor the programs efficiency and effectiveness. By having an evaluator as part of the team we are able to provide objective oversight to assist in the monitoring of our stated goals and objectives. The results of the monitoring will guide our policies and procedures and allow us to make the necessary modifications to the program.

- The court will work to develop a set of data sets to monitor which will be used to measure the success of the court.

- The court will look for grant money to fund this position.

Key Component 9: Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations

-Our team has been accepted by the National Drug Court Institute (NDCI) for their Veterans Treatment Court Planning Initiative scheduled for July 23-27, 2012 in Orange County, CA. Our team consists of the coordinator, judge, treatment provider, the prosecuting attorney, the public defender, a Honolulu Police Department representative, a probation officer, the VJO Specialist, the mentor coordinator, and our evaluator. All parties have committed to the training and signed commitment letters stating such which has been submitted to the NDCI. The VA has committed to paying their own way to this training.

-The VA has committed to assisting in the training necessary for all stakeholders to have a better understanding of the unique issues when working with veterans as well as facilitating the understanding of the goals and objectives of the Veterans Administration.

Key Component 10: Forging partnerships among Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness

-Letters of commitment to partner with the Veterans Treatment Court to agencies who serve veterans populations allows the program the unique benefit of having collaborative efforts to serve the veteran population. These have been developed and will be implemented to various veterans' service organizations.

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 2798
A BILL RELATING TO VETERANS TREATMENT COURT

PRESENTATION TO THE
HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
HOUSE COMMITTEE ON HEALTH

BY

MAJOR GENERAL DARRYLL D. M. WONG
ADJUTANT GENERAL

February 2, 2012

Chair Aquino, Chair Yamane and Committee members:

I am Major General Darryll D. M. Wong, the Adjutant General of the Department of Defense, State of Hawaii.

I am submitting testimony in strong support of House Bill 2798 which allows the establishment of a Veterans Treatment Court within the Hawaii Judiciary to address the disposition and treatment of criminal cases that involve Veterans and Active Duty Service Members.

As America continues its "War on Terrorism", the National Guard and Reserves have answered the call and honorably supported Operations Iraqi Freedom and Enduring Freedom. Since September 11, 2001, units from the Hawaii National Guard and Hawaii Reserves have deployed twice to Iraq and Afghanistan. Soldiers, Airmen, Sailors, and Marines from the Reserve Components and National Guard in Hawaii continue to be placed on active duty and deployed overseas into combat.

There are over 120,000 veterans living in Hawaii. This number continues to grow as our military members from the Hawaii National Guard and Reserves return home from their tour of duty in Iraq and Afghanistan. Many of these returning soldiers are experiencing some form of mental and behavioral health issues as a direct result of their involvement in the war. Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury are the primary mental and behavioral health issues suffered by these soldiers.

The establishment of the Veterans Treatment Court to handle the dispositions of criminal cases involving veterans with the commitment and cooperation of agencies and organizations that provide substance abuse treatment, mental health counseling, treatment of PTSD, and monitoring would be a tremendous asset to our soldiers and a great economic advantage to the State of Hawaii.

Again, to assist our military men, women, and their families, we are in strong support of HB 2798 that will allow Hawaii's Judiciary to establish the Veterans Treatment Court and partnerships with agencies and organizations that provide treatment, counseling, and monitoring as directed by the court.

Thank you for the opportunity to provide written testimony that supports this bill.

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 2798, RELATING TO VETERANS
TREATMENT COURT

PRESENTATION TO THE

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

AND

COMMITTEE ON HEALTH

BY

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

February 2, 2012

Chairs Aquino & Yamane and Committee members:

I am Ron Han, Director of the Office of Veterans Services (OVS). I appreciate this opportunity to provide testimony in support of the concepts in House Bill 2798.

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.

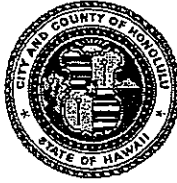
We defer to the agency with direct responsibility for implementation of the Veterans' Treatment Court program.

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.

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PETER B. CARLISLE
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February 2, 2012

The Honorable Henry J.C. Aquino, Chair
House Committee on Public Safety and Military Affairs
The Honorable Ryan I. Yamane, Chair
House Committee on Health
Twenty-Sixth Legislature
Regular Session of 2012
State of Hawaii

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

Chair Aquino and members of the House Committee on Public Safety and Military Affairs, Chair Yamane and members of the House Committee on Health, I would like to submit the following testimony in strong support of H.B. 2798 but would ask the committees consider two amendments to the bill.

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 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,

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.

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

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 do have two amendments I would like to suggest. They are as follows:

(1) At page 3, lines 7-9:

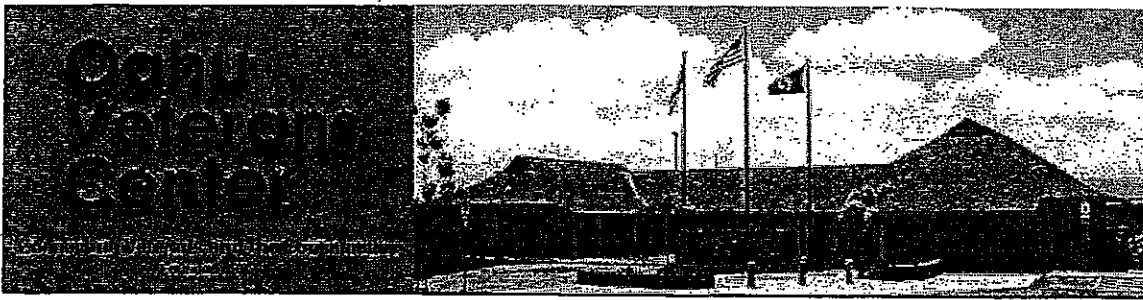
The veteran is arrested for or charged with a class C felony or misdemeanor offense [~~that does not involve the use or threatened use of force or violence~~], except an offense under section 706-906

(2) At page 3, lines 10-13:

The court before which the veteran appears finds that the veteran suffers from a combat-related brain injury, mental illness, [~~or~~] mental disorder, including post-traumatic stress disorder, or substance abuse problem

I respectfully ask that this bill be passed with these two recommended amendments.

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



January 31, 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 2ND, AT 11:15AM, IN CONFERENCE
ROOM 309**

Aloha Chair Aquino: 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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To: The Honorable Henry J.C. Aquino, Chair
The Honorable Ty Cullen, Vice Chair
House Public Safety & Military Affairs Committee

The Honorable Ryan I. Yamane, Chair
The Honorable Dee Morikawa, Vice Chair
House Health Committee

From: Laura Robertson Smith, President/CEO
Goodwill Industries of Hawaii, Inc.

Date: February 1, 2012

Re: Testimony in Support of HB 2798 – Relating to a Veterans Treatment Court

Goodwill Industries of Hawaii, Inc. (Goodwill) is among the largest human service non-profit organizations in Hawaii. Our mission is to help people find and succeed in employment. With a Statewide footprint, and offices on Oahu, Maui, Hilo, Kona and Kauai, last year Goodwill served over 15,000 people and placed 1,800 into jobs in our community.

Goodwill submits this testimony in support of HB 2798 which would establish a Veterans Treatment Court as a vehicle to allow veterans to proceed through an alternative system in lieu of proceeding through the traditional criminal justice system.

Goodwill works with veterans in a number of our employment and training programs, including our AbilityOne program which seeks to assist people with significant disabilities, including veterans in gaining employment in projects on various federal installations. For example, Goodwill holds a contract with the Army Garrison of Hawaii to provide property management services for the Single Solider Barracks housing program. To staff the positions we have available in this contract, we use people with significant disabilities, including disabled veterans.

We have found that a common barrier in getting the veterans back to work is that in their transition to civilian life, if they have been convicted of a crime through the traditional court system, their criminal history can make them ineligible for required security clearances that provide access to federal installations. A simple mistake in the civilian world can follow them for many years and prevent them from working in an environment that is familiar to them. The alternative system of a Veterans Court would assist Goodwill and other agencies to better assist the veteran to make the transition into employment without a criminal history to follow them.

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



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 and Military Affairs
Thursday, February 2, 2012, 11:15 am, Room 309
HB 2798 Relating to a Veteran's Treatment Court
Chair Aquino, Vice Chair Cullen and Committee Members**

Our chapter of 400 retired and currently serving officers of the Uniformed Services strongly supports creation of a temporary Veteran's Treatment Court within the Judicial System. We do have some concerns with portions of the bill as we discuss later.

Now three years after the first such municipal court was created in Buffalo, NY, more than a two dozen cities or counties and several states have followed that pattern. 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 find the resources for a Veteran's Court in the Circuit Court system, staffed with committed judges. Our organization will recruit peer mentors if that is appropriate and I am sure that other veteran's organizations will as well.

We note that, as introduced, this bill relates only to veterans who have been released "honorably." This would seem to deny this court's coverage to those with a General, a Clemency or an Other Than Honorable Discharge, as well as those with a Bad Conduct or Dishonorable Discharge. That may be too restrictive as those with the sort of stress injuries that often lead to commission of relatively minor military offenses may result in

a discharge less than an Honorable Discharge and are sometimes most in need of this court's services.

We are concerned with the eligibility provisions of HB2798 that apply it only to those who have left military service; it does not include those still serving. Many, still on active duty, suffer from the same stress injuries this court is intended to serve and may have committed civilian offenses at levels covered by this court. They should be included and referrals made to a Military Treatment Facility for appropriate treatment or counseling.

Thank you for the opportunity to provide testimony.



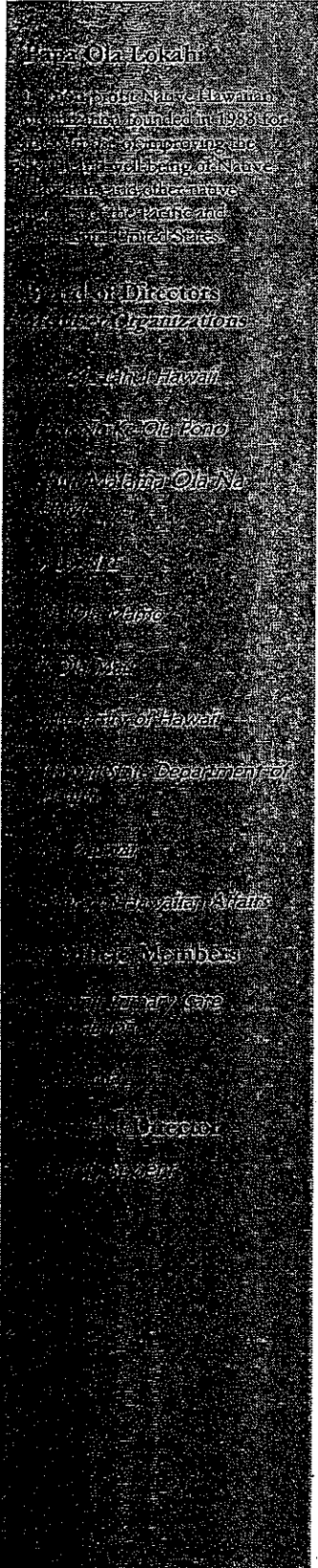
Papa Ola Lokahi
Nana I Ka Pono Na Ma

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TESTIMONY: HB 2798, Relating to a Veterans Treatment Court

HOUSE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

HOUSE COMMITTEE ON HEALTH

Rep. Ryan Yamane, Chair

Rep. Dee Morikawa, Vice Chair

Thursday, February 2, 2012

11:15 am

Conference Room 309

State Capitol

Hardy Spoehr, Executive Director

Aloha Chairs Aquino and Yamane and Vice Chairs Cullen and Morikawa and Members of the House Committee on Public Safety and Military Affairs and the House Committee on Health. 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.

February 1, 2012

Good morning Chairs Henry Aquino and Ryan Yamane and members of the Public Safety and Military Affairs and Health Committees:

I am Dr. James Hastings, Director of the Department of Veterans Affairs Pacific Islands Health Care System (VAPIHCS) – I am also a US Army Veteran. I appreciate this 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 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.

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 more than 80 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 outreach initiatives, we are currently seeing 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 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 who attended on behalf of their organizations and were surveyed, that the state of Hawaii would achieve a social and financial benefit from the establishment of a Veterans Treatment Court.

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 to support 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 this Veterans Treatment Court 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 that 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.

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

theStrategist

January 31, 2012

Testimony Submitted to:
Committee on Public Safety & Military Affairs and
Committee on Health

Re: In Support of HB 2798 Relating to a Veterans Treatment Court
Hearing: Thursday, February 2, 2012 11:15am in House Conference Room 309

Dear Committee on Public Safety & Military Affairs and Committee on Health,

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.

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.

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

Based on our extensive research and analysis we recommend that the model of the Hawaii Veterans Treatment Court include the following:

1. Focus on U.S. Veterans who have served in the military after 9/11 and in combat in Operation Enduring Freedom, Operation Iraqi Freedom and/or Operation New Dawn.
2. Require that Veterans Court participants enroll in the Veteran Affairs (VA) health and benefit programs and receives services from the VA. Ensure that the Veterans Justice Officer is in the court and facilitates enrollment into VA programs, schedules appointments at the VA, obtains drug screening reports, etc. The estimated medical costs for treating a mild TBI is \$32,759 a year, while the estimated costs of a moderate TBI is \$383,221 a year. Directing the Veteran to seek and receive services within the VA Pacific Island Health Care System rather than non-military, community providers is important to connect Veterans with specialized care and to relieve community healthcare providers from the high-cost of medical care resulting from military service.
3. Distinguish and track Veterans by branch of service and by sex. National Guard and Reserve troops are twice as likely as active duty soldiers to return home with a TBI or PTSD. Female Veterans are at higher risk for homelessness than their male counterparts. Mandated interventions that are informed by these differences will

yield the highest success rates.

4. Identify Veterans at the initial point of involvement in the Criminal Justice System. At the time of arrest, the police officer needs to ask, "Have you served in the military? When did you serve?" Again at the cell block the question needs to be asked. The family court judge hearing a Temporary Restraining Order (TRO) case, a divorce or a custody case must ask the same. TBI and PTSD are service-connected injuries that limit intellectual functioning and impair reasoning. Conduct decisions like high-speed driving, binge alcohol drinking, hypervigilance, exaggerated startle responses and angry outbursts are all associated with this deficit in judgment and reasoning caused by these wartime injuries. Once a Veteran is identified, the Veteran Justice Officer can be deployed to connect with the individual.

A Veterans Treatment Court would enhance public safety, re-direct soldiers to receive healing from their wounds of war and more efficiently utilize resources available to help soldiers transition back from war.

I urge you to approve HB2798 to establish the first Veterans Treatment Court in Hawaii.

Warmest regards,

Noe Foster
Chief Executive Officer
theStrategist