



THE JUDICIARY, STATE OF HAWAII

Testimony to the House Committee on Judiciary

Representative Jon Riki Karamatsu, Chair

Representative Ken Ito, Vice Chair

Thursday, February 11, 2010, 2:00 p.m.

State Capitol, Conference Room 325

by

Thomas R. Keller

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1942, H.D. 1, Relating to Veterans Court

Purpose: Establishes a temporary Hawaii Veterans Court within the Judiciary to help address prison overcrowding.

Judiciary's Position:

The Judiciary appreciates the intent of House Bill No. 1942, H.D. 1, but has serious concerns regarding the implementation of a Veterans Court at this time. Presently, vital information regarding the number of veterans entering the judicial system, where they enter the system, and what type of program would best meet their needs is not available.

The Judiciary currently has several specialty courts which are available to the veteran population that other jurisdictions may not have. These courts include an adult drug court, a mental health court, and a family drug court. These courts currently have a very low number of veterans, and those that do enter are connected by staff with veteran's services. These courts were all started with federal grants and spent a minimum of one year in planning to ensure that the need was well identified and the design of the court truly addressed the need. This careful planning is in part responsible for the success of these courts. The federal grant process is competitive and there is no guarantee of federal money for any program that applies. Each grant requires a discussion of local demographics, definition of the population, as well as where the



House Bill No. 1942, H.D. 1, Relating to Veterans Court
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intervention points will be and how success will be measured, evaluated, and tracked. The submittal of a sustainability plan at the end of the grant is also required.

The Judiciary would like to further examine this issue in collaboration with interested parties and begin to plan how to best serve the population once it is defined and numbers and points of entry are determined. The Judiciary also notes that several of the initiatives, such as mobile outreach to register veterans for services and a mentoring program, could proceed independently of a designated Veterans Court. We would welcome this support for our veterans in our existing courts.

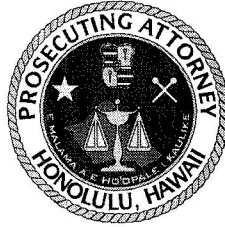
In conclusion, the Judiciary is supportive of exploring the needs of our veterans entering the criminal justice system and working to design interventions that meet any identified needs. However, we feel the establishment of a Veterans Court is premature at this time.

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

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE JON RIKI KARAMATSU, CHAIR
HOUSE JUDICIARY COMMITTEE
Twenty-fifth State Legislature
Regular Session of 2010
State of Hawai'i

February 11, 2010

RE: H.B. 1942; RELATING TO VETERAN'S COURT.

Chair Karamatsu and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney submits the following testimony in support of the intent of H.B. 1942 but with concerns about the way the Veteran's Court is set up in the bill.

The purpose of this bill is to create a Veteran's Court for veterans who have committed a misdemeanor offense and suffer from problems related to their service. Any veteran who has served on active duty in the United States armed services or the reserves or the National Guard who was federally activated and released honorably and who has not: 1) been previously convicted of a felony; 2) been convicted in the past five years of a crime involving serious bodily injury or substantial bodily injury as defined in Hawaii Revised Statutes (HRS) chapter 707; or 3) has not been charged with an offense under HRS section 709-906 (Abuse of a Family or Household Member) may file a motion to transfer the case to the Hawaii Veteran's Court. The court may approve the transfer of the case to the Veteran's Court upon the approval of the prosecuting attorney of the applicable county. The Veteran's Court will have the authority to require participating veterans to attend counseling, rehabilitation and treatment programs and to monitor the veteran to ensure the execution of a treatment plan and compliance with the requirements of the plan. The bill also requires the Veteran's Court to work with the U.S. Department of Veteran's Affairs to assist in providing needed medical, health, mental health,

substance abuse, housing, employment services and counseling. If the veteran is a member of the reserve component of the armed forces of the U.S. or of the Hawaii National Guard, the Veteran's Court shall work with members of the veteran's unit in rehabilitating the veteran. Finally, the bill creates several positions in the Judiciary for the establishment of the Veteran's Court but does not provide an appropriation. The bill is effective on July 1, 2010 and has a blank date for repeal.

We strongly support the concept of a Veteran's Court. We have depended on our veterans to protect and serve the nation at its most critical points in history. They have been asked to leave home and hearth behind and put their personal lives on hold to go where our nation most needed them. They are often called upon to place life and limb in jeopardy or serve in dangerous areas so that the rest of nation can enjoy safety and security. But too often, after they return to civilian life, the rigors of their experiences cause difficulties such as mental health or substance abuse issues. It has been estimated that as many as half of the troops returning from Iraq and Afghanistan have suffered post-traumatic stress, brain injuries and drug and alcohol abuse; these problems contribute to noticeable increased rates of arrests for criminal behavior across the nation. Too often these veterans end up in prison without the care and assistance they need and deserve. The magnitude of the problem is considerable. Sixty percent of the 140,000 veterans in prison have a substance abuse problem. And Department of Justice figures have estimated that of the 1.16 million adults arrested last year, close to 10% have served in the military.

To address these problems, Veteran Courts have been emerging in other jurisdictions. Although there is not a large amount of data, initial results from these courts have been remarkable. The first Veteran's Court in Buffalo, New York has handled over 100 veteran's cases with only two needing to be returned to traditional criminal court for failure to address substance abuse or criminal behavior. These Veteran's Courts have been successful because they specifically incorporate veterans helping veterans and Veteran Affairs programs and assistance to help returning soldiers to address their problems. Thus, although Veteran's Court is modeled after Drug Court, it is distinctly different in its components.

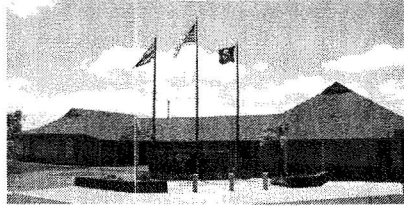
We do note that the Veteran's Court proposed in this bill is not comparable to the models being used in other jurisdictions like Buffalo. We would respectfully suggest that the Veteran's Court be implemented similarly to other successful models used in other jurisdictions.

Thank you for this opportunity to testify.

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February 9, 2010

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TESTIMONY IN FAVOR OF HOUSE BILL 1942, HD1 RELATING TO VETERANS COURT

HOUSE COMMITTEE ON JUDICIARY

HEARING THURSDAY, FEBRUARY 11, 2010, 2:00 PM, ROOM 325

Aloha Representatives Jon Riki Karamatsu, Chair, Ken Ito, Vice Chair, and members of the Committee. My name is Fred Ballard, President Oahu Veterans Council. The Oahu Veterans Council is comprised of over 35 Oahu veteran organizations that in turn represent over 80,000 veterans and their families. The Council voted unanimously at recent meeting to communicate our complete support of House Bill 1942.

The concept of Veteran Courts has been embraced by states and counties across America with success. It is only right that Hawaii with its large military population establish Veteran Courts to assist military personnel to deal with their problems through treatment and counseling, and at the same time be held accountable for their acts.

The Oahu Veterans Council strongly supports the passage of House Bill 1942 HD 1.

Mahalo for allowing us the opportunity to testify in support of this very important bill.

Fred Ballard

Fred Ballard
President
Oahu Veterans Council



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theStrategist

Testimony in **Support of H.B. NO. 1942: Relating to Veterans Court**

House Committee on Judiciary
Thursday, February 11, 2010 at 2 pm

Testimony Submitted By:

Noe Foster, CEO

theStrategist

7092 Hawaii Kai Drive, Suite 26

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808. 753.7223

February 9, 2010

Chair Jon Riki Karamatsu, Vice Chair Ken Ito, and Honorable Committee Members:

Aloha! My name is Noe Foster, CEO of theStrategist, a healthcare advisory firm genius at high dollar, high-risk government healthcare projects. My firm concentrates exclusively on the 3Ms: Medicare, Medicaid, and military healthcare.

I testify in strong support of HB No. 1942 and the establishment of a Veterans Court.

The Veterans Court is a hybrid, treatment court building on the Drug Court and Mental Health Court model. It adds two critical components, active Veteran Affairs engagement and peer-to-peer mentors.

The target outcomes with a Veterans Court are rehabilitation, fiscal revitalization, and public safety. Veterans Court is uniquely positioned to identify veterans who have combat-related mental health and substance abuse conditions, connect these veterans to a broad array of Federally-funded treatment and support services, leverage the authority of the Judiciary to strictly monitor their rehabilitation progress, and graduate them from the Judiciary process a year later as law-abiding, contributing citizens.

For all of the compelling evidence I could offer to you in support of a Veterans Court, I would like to focus my testimony on the financial implications of doing so. Establishing a Veterans Court will mean economic revitalization to Hawaii's gaping budget shortfalls.

Allow me to explain:

First, Veterans Courts are funded with Federal dollars. There is multiple Federal funding resources. One example is new congressional legislation called the SERV Act. Once enacted, the SERV Act is positioned to match 75 cents of every dollar spent on Veterans Courts. That means that Hawaii's Drug Court and Mental Health Court costs for cases involving veterans would be immediately reduced by 75 percent.

The first Veterans Court launched in Buffalo, New York on January 2008, began with \$0. How? Judge Robert Russell served as both the Drug Court and Mental Health Treatment Court judge. He surveyed his court to find veterans that were already on his court docket. Then he scheduled these veterans to appear in court on Tuesday afternoons. The Federal government, through the U.S. Department of Veteran Affairs, put a VA staff member equipped with a laptop at the hearing to connect veterans with a wide range of support services. On-demand in the courtroom, the VA representative would register the veteran for healthcare insurance, mental health and substance abuse counseling and treatment appointments, job placement, housing assistance, school tuition scholarships, along with other federally-paid benefits and services. Peer mentors paired with these veterans kept them on track.

Second, this hybrid treatment court will save the state incarceration costs. In Hawaii, each incarcerated individual costs taxpayers \$50,735 a year compared with rehabilitation costs at \$4,000 per year per offender. That will mean millions of taxpayer dollars saved each year.

Third, the Veterans Court will prevent the costs of homelessness. Today, one in three homeless adults is a veteran. With our state budget frayed to its limits, we need to prevent homelessness through intervention. The Veterans Court is the intervention.

Fourth, this court will limit the financial exposure to the State and privately financed health and human service organizations by directing veterans into Federally funded medical, mental health, vocation, and education programs instead of taxing already scarce State services.

Traumatic brain injury (TBI) is considered the signature war-related injury after 9/11. A TBI frequently occurs when a soldier is exposed to a detonated Improvised Explosive Device (IED). One in five soldiers returns home from Iraq or Afghanistan with a TBI. The probability spikes with repeated and prolonged IED exposure. Hawaii troops have deployed multiple times to IED infested zones. In severe cases, the annual medical costs typically range from \$300,000 to \$450,000 a year per person.

Often, the TBI is not diagnosed until much later. Because screening, counseling, and treatment are mandated and monitored by the Veterans Court, the soldier will be linked to Veteran Affairs medical services sooner saving money and favorably improving the prospects of recovery.

I support HB 1942 as smart and visionary public policy. It will attract significant Federal dollars, dramatically save millions of State dollars now spent on incarceration, repeat offenses, prevent homelessness, and transfer medical costs to underutilized Federal health systems that are best equipped to help.

Noe Foster
CEO, theStrategist

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DT: 2/10/10
TO: Judiciary Committee Chair, Jon Riki Karamatsu, Vice Chair Ken Ito,
and members of the Committee
RE: STRONG SUPPORT FOR HB 1942, Veterans Court
HEARING: Thursday, Feb. 11, 2010 at 2pm.

Dear Rep. Karamatsu and Rep. Ito, and members of the Committee:

I am Marya Grambs, writing on behalf of the "Healing the Trauma of War" Executive Board, a project of Mental Health America of Hawaii, of which I am Executive Director. I am writing in **STRONG SUPPORT OF HB1942**, Relating to Veterans Courts.

The mission of Mental Health America of Hawaii (formerly Mental Health Association), operating in Hawaii for 68 years, is to prevent mental illnesses and substance abuse, promote mental wellness, reduce stigma, and improve the care, treatment, and empowerment of those with mental health problems -- children, adults, elders, and their families.

We have launched our "Healing the Trauma of War" project because of the serious problems facing the 23 million veterans in this country, especially the 1.7 million veterans of the wars in Iraq and Afghanistan:

- Homicides by active-duty military personnel and new veterans for the six years before and after the invasion of Afghanistan in 2001 increased by 89 percent during the current wartime period, about three-quarters of which involved Iraq and Afghanistan war veterans. About one-third of the victims were family members. (New York Times, 1/13/08)
- More than one-third of Iraq and Afghanistan war veterans enrolled in the V.A. health system received a diagnosis of a mental health problem, most often post-traumatic stress disorder or depression, and the number of veterans with mental health problems rose steadily the longer they were out of the service. (New York Times, 7/17/09)
- As many as one third of the adult homeless population has served in the military and at any given time there are as many as 130,000 homeless veterans. This population mirrors the general homeless population in that: 45% suffer mental illness and 75% suffer from substance abuse problems (U.S. Department of Veterans Affairs)

- The suicide rate among soldiers in 2008 was the highest rate since the Army began tracking suicides three decades ago (CNN, 2/5/09), and this year the numbers are looking even worse.

Veterans are not more likely to be arrested than the general population. But there are significant numbers of veterans involved with the criminal justice system, many of whom struggle with mental health and/or substance abuse illnesses. For example, 60% of returning soldiers said family relationships changed after deployment, i.e., breakdowns in communication (29%), frequent arguments and conflicts (24%), and lack of sexual intimacy (21%). Nearly half experienced an increase in conflicts and arguments (verbal and/or physical) at home after returning. (10/24/08, Congressional Issue Briefing by Witness Justice, Veterans Initiative Center and Research Institute, in collaboration with bipartisan U.S. House Caucuses). This often leads to domestic violence and consequence court filing for temporary restraining orders. Hawaii's Family Court has addressed hundreds of these filings.

A 2000 Bureau of Justice Statistics Report found that:

- 81% of all justice involved veterans had a substance abuse problem prior to incarceration
- 35% were identified as suffering from alcohol dependency
- 23% were homeless at some point in the prior year
- 25% were identified as mentally ill

The Veterans Court model, which has been established in seven states, includes: active Veteran Affairs engagement, peer-to-peer mentors, connections to a broad array of services, from mental health counseling, help with employment, housing, applying for Medicaid for family members, etc.

Federal legislation-H.R. 2138-, "Services, Education, and Rehabilitation for Veterans Act," known as the "SERV Act," is in place to be approved in the next month. In recognition of the success of these courts in rehabilitating veterans and providing alternatives to incarceration, the Act will provide \$25 million for Veteran Courts and will pay 75% of the court costs. It is anticipated that the remainder could be obtained from other Department of Defense- or Justice-related funds.

Thank you for your consideration of this testimony, and I hope you give this measure your full support.

Sincerely yours,

Marya Grambs
Executive Director



**Testimony to the House Committee on Judiciary
Thursday, February 11, 2010; 2:00 p.m.
Conference Room 325**

RE: HOUSE BILL NO. 1942 RELATING TO VETERAN COURTS

Chair Karamatsu, Vice Chair Ito and Members of the Committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's support to House Bill No. 1942, relating to Veteran Courts.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber believes establishing a Veterans Court will address the significant number of veterans involved with the criminal justice system. Also, a Court will provide economic revitalization and help save the state some costs because of the federal funding resources that are available, state incarceration cost savings, homelessness cost savings, and limited financial exposure to state and privately financed health and human services organizations. Furthermore, the Court would result in individual rehabilitation.

For these reasons, we ask you to pass HB 1942. Thank you for the opportunity to testify.

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 1942 HD 1
A BILL RELATING TO VETERANS COURT

PRESENTATION TO THE
COMMITTEE ON JUDICIARY

BY

MAJOR GENERAL ROBERT G. F. LEE
ADJUTANT GENERAL

February 11, 2010

Chair Karamatsu, Vice-Chair Ito and Committee members:

I am Major General Robert G. F. Lee, the Adjutant General of the Department of Defense, State of Hawaii.

I am submitting testimony in strong support of House Bill 1942 HD 1 which allows the establishment of a Veterans 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 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 1942 HD 1, that will allow Hawaii's Judiciary to secure federal funding to establish the Veterans Court and assist 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.