

Testimony on HB 1942
RELATING TO VETERANS COURTS
House Committee on Economic Revitalization, Business & Military Affairs
Hearing: Tuesday, January 26, 2009
Testimony Submitted by Edward H. Kubo, Jr.

Representative Angus L.K. McKelvey, Chairperson and Members of this Honorable Committee:

I testify in support of HB 1942, and the establishment of Hawaii's Veterans Court.

According to information from the Chamber of Commerce of Hawaii, our state has over 120,000 Military Veterans and approximately 40,000 active duty service members residing in Hawaii. That means more than 1 in 10 of our residents are Veterans and Military, a significant population.

Many of our Veterans from previous wars, and in particular the Vietnam War, are still suffering from Post Traumatic Stress Disorder (PTSD) and other mental health issues which has resulted in contact with the judicial system due to alcohol, drug, violence and other symptoms which can be traced back to their experiences in the war.

Recently, Army medical experts (like those at Tripler and Schofield Barracks) have been stating that they are seeing 1 in 5 of returning Soldiers from the war in Western Asia (Afghanistan and Iraq) experiencing some form of mental and behavioral health issues as a result of their deployment in the war. This has mainly resulted from the PTSD and Traumatic Brain Injuries (TBI) suffered from Improvised Explosive Devices (IED), which has become the trademark tool of the enemy during this war.

Thus, communities across the United States are now beginning to recognize that specialized treatment must be part of the disposition and treatment of criminal cases involving Veterans and Active Duty Service Members in the civilian court system. Once such program has been the Veterans Court in Buffalo, New York, which has been very successful.

Following the lead of the Veterans Court in Buffalo, officials have set up similar courts in cities in Alaska, California, Oklahoma and elsewhere, and more than 20 other courts across the country are currently considering the plan. Recognizing the need, even Congress is considering proposals to help fund such courts.

These Veterans Courts are being modeled on drug courts that allow defendants to avoid prison in exchange for strict monitoring. Most of these court are only about a year old, but the statistical results from the first court, which opened in Buffalo, N.Y., in January 2008, are noteworthy.

Of the more than 100 veterans who have passed through the Buffalo Court, only two had to be returned to the traditional criminal court system because they could not shake narcotics or criminal behavior, according to Judge Robert Russell, who is leading that program. That is a far lower rate of recidivism than in drug courts.

These Veterans Courts utilize and collaborate with the U.S. Department of Veteran Affairs (VA), who brings to the table resources and funding that the State is unable to bear, especially during these hard economic times. VA supports these programs because their mission is to help Veterans. Thus, during hearings on cases, it is common to find a team of VA counselors, Mentors who are also Veterans, other specialists, with VA programs tailored to address the Veteran's problem. They participate in the supervision and monitoring of the Veteran with federal programs at minimal or no cost to the State.

VA will provide not only treatment, rehabilitation and mental health services for the Veteran, but they will also address housing, employment, and benefits issues with these Veterans too. Thus, the comprehensive teamwork between Veterans Courts and the VA's active participation has been very successful in preventing future issues of criminality for Veterans.

These Courts are part of a growing national trend to help our Veterans who sacrificed for their country. While the law treats the Veterans no differently from other defendants, the Court tries to deal with any underlying problems that contributed to their legal troubles in the hope that they can avoid further run-ins with the law.

I strongly believe that this program can be very successful in Hawaii, which is one of only a few states with members from all branches of the military represented and stationed. This program is needed and we will be able to utilize a wealth of resources and assistance from the VA in Hawaii which may even reduce the financial burden carried by the State - since these Veterans are presently facing general criminal judges and supervision being funded strictly by the State Taxpayers at this point.

For these reasons, I support the establishment of Hawaii's Veterans Court and HB 1942.

Thank you for allowing me to provide testimony before this Honorable Committee.

Dated: January 25, 2010.

/s/ Edward H. Kubo, Jr.

Founder

Hawaii Wounded Warrior Support Program



Ann S. Yabusaki, Ph.D., MFT
Psychologist, California PSY14443
California Marriage and Family Therapist 022558
Marriage and Family Therapist, Hawaii MFT-87

Date: January 23, 2010

To: House Committee on Economic Revitalization,
Business & Military Affairs (EBM)

From: Ann S. Yabusaki, Ph.D., MFT
Hawaii Marriage and Family Therapist

RE: HB1942 RELATING TO VETERANS COURTS

Date and Time of Hearing: Tuesday, January 26, 2010, 8:30 a.m.

Submitted Via Email: EBMtestimony@Capitol.hawaii.gov

I am writing to support the establishment of a Hawaii Veterans Court within the Judiciary. As Director of the Family Therapy and Training Services at the Coalition for a Drug-Free Hawaii, we have treated youth and families with substance abuse and mental health concerns serving in the National Guard. We note that veterans have similar and different concerns from the general population.

Our experience with families in the First Circuit Juvenile Drug Court (Oahu) show that a special court created to address substance abuse and mental health, family, school, and other concerns confronting the youth, is effective in preventing future crime and incarceration. The services also help to prevent future involvement with the law from immediate and extended family members.

In my experience, a court designed to address the special needs of veterans and their families would benefit the state of Hawaii. It is my sincere hope that we can support these soldiers and their families and return the kokua they have given to us.

Respectfully,

Ann S. Yabusaki, Ph.D., MFT

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TO: Rep. Angus L.K. McKelvey, Chair, and Rep. Isaac W. Choy, Vice Chair;
House Committee on Economic Revitalization, Business & Military Affairs
(EBM)

HEARING: Tuesday, January 26, 2010 at 8:30 am, room 312

RE: HB1942 RELATING TO VETERANS COURTS

DT: January 24, 2010

Dear Rep. McKelvey and Rep. Choy, 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

theStrategist

Testimony in Support of H.B. NO. 1942: Relating to Veterans Court
House Committee on Economic Revitalization, Business, and Military Affairs
Tuesday, January 26, 2010 at 8:30 am

Testimony Submitted By:
Noe Foster, CEO
theStrategist
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January 25, 2010

Chair Angus L.K. McKelvey, Vice Chair Isaac Choy, 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.

For all of the compelling evidence I could offer to you in support 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 are 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. Based on the Drug Court model, national estimates put the annual savings at \$10,000 per convicted offender. This court model boasts recidivism rates far better than any other treatment court. 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 state and privately financed health and human service organizations. According to a report by the Veterans Health Council, the vast majority of veterans, 80 percent in all, receive health care services from non-military physicians, behavioral health providers, occupational therapists, hospitals, and others. This rate is even more pronounced for National Guard and Reserve soldiers who today make up 45 percent of all combat troops.

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 two, three, four, five or more 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.

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 outcome with a Veterans Court is economic revitalization and individual rehabilitation. 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 treatment and support services, strictly monitor their rehabilitation progress, and graduate them from the judiciary process a year later as law-abiding, contributing citizens.

I support HB 1942 as smart and visionary public policy. It will attract significant federal dollars, dramatically save millions of 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