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Written Testimony for
House Veterans' Services and Emergency Preparedness Committee
Hearing on HCR-24
April 9, 2013

It is my honor to submit this testimony in support of HCR-24 on behalf of Oregon Department of Veterans of Foreign Wars, District 3, which is composed of five Veterans of Foreign Wars Posts located in Portland, Oregon. These VFW Posts are 907, 1325, 1442, 4053 and 4248.

Veterans of District 3 have long been interested in Veterans Courts. Background of that interest and some of the more significant actions taken by the Veterans of Foreign Wars may be of interest to this Committee. It is suggested they are in concert with and supportive of the thrust of HCR-24.

The Buffalo, New York, Veterans Court, the first of such courts, came to Oregon VFW's attention in 2008 via newspaper articles. Those articles were referred to the then Oregon Director of Veterans Affairs and to Governor Kulongoski's Task Force on Veterans' Services, with the recommendation that veterans courts be tried in Oregon. (Extract at encl 1, last para, pg 4) Perhaps in response to that recommendation, page 8 of the Task Force's Final Report, December 10, 2008, under what it characterized as "low hanging fruit" proposals, states, "Direct the Oregon Justice Department to assist in research and development of Veterans' Courts. (Oregon House of Representatives Interim Veterans Affairs committee working on this initiative.)"

Veterans of Foreign Wars Resolution No. 628, SUPPORT VETERANS TREATMENT COURTS, (encl 2) approved in 2012 by the 113th National Convention of the Veterans of Foreign Wars of the United States, focused District 3 attention again on the subject of veterans courts. As best as could be determined, in the approximately three years between the issuance of the aforementioned Task Force Report in December 2008 and receipt of Resolution 628 in 2012, only one veterans court recognized online by the VA had been established in Oregon. That court was and is in Klamath Falls Judicial District 13.

Resolution No. 628 and the absence of apparent successful efforts to establish veterans courts in Oregon, prompted the December 17, 2012 letter to Chief Justice Balmer of the Oregon Supreme Court, requesting he exercise his authority to require establishment of a veterans courts in each of the 27 Judicial Districts. (encl 3) A similar letter was sent to the Administrator of State Courts.

The Judicial Department's response to those letters, dated January 13, 2013, is attached as enclosure 4. As directly relevant to HCR-24, the response states, "Veterans' courts, ... have proven positive evidence-based outcomes for offenders and the community." The response indicates, however, that funding represents a challenge with respect to establishment of additional veterans courts. With further respect to funding, the first paragraph of the response concludes, "The Legislature will consider funding for treatment courts in the upcoming session, and we hope to broaden their availability if adequately funded by the Legislature."

Presumably the Judicial Department requested sufficient funds in the 2013-2015 budget to establish veterans courts in all 27 Districts, and hopefully when the budget works its way to Ways and Means, it will be approved. That I cannot find funds for veterans court does not mean they are not there. However, to ensure the funds do not fall through the cracks, request this Committee assure they have been included in the 2013-15 budget. I suggest no money- no courts, even if HCR-24 is approved.

Aside from the primary purpose of assisting veterans cope with serious reintegration issues as they grapple with the trauma of war, physical and mental, there are many reasons for veterans courts.

First, are the cases of troubled veterans with families. I am sure you have heard the saying: "They who wait also serve." That is true or even more so with the veteran who serves time in prison. It is the proud family who waits for their soldier serving his or her country in a war zone. Not so with the family who must wait while their former soldier serves time in prison. If otherwise eligible, society owes the former soldier cross-wise with the law the considerations and help afforded by veterans courts. To the degree possible the former soldier and the family need to be together, helping each other.

Second are the economics of the matter. The US Dept of Veterans Affairs indicates a savings of \$3.36 for every \$1 invested in veterans courts. It may even more than that here in Oregon. Reportedly, it costs \$85 per day to incarcerate an individual in an Oregon state prison. Thus each veteran for which a veterans court avoids a prison sentence avoids a prison cost of \$31,025 per annum. The funds otherwise spent on incarceration may be spent on more productive needs, such as education of K-12 youth, our future.

Recommend HCR-24 be approved by this committee.

Robert H. Thornhill
Member VFW Post 1442

Enclosures – As stated
Cc: Cdr, VFW District

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December 17, 2012

Chief Justice Thomas A. Balmer
Oregon Supreme Court
1163 State Street
Salem, Oregon 97301-2563

Dear Chief Justice Balmer:

I write to request you exercise the authority of your office to issue rules requiring each of Oregon's 27 Judicial Districts to establish a Veterans Court. This request is in line with Veterans of Foreign Wars Resolution 628 adopted at the recent 113th National Convention. (encl 1) Veterans Courts in Oregon are not without precedent as Judicial District 13, Klamath Falls, currently administers a Veterans Court, presumably with approval of a Chief Justice.

I suspect you are familiar with Veterans Courts and their effectiveness, probably more so than I, but just in case not, I provide the following as justification of this request.

Following the establishment of the first Veterans Court in Buffalo, New York, in January, 2008, over one hundred Veterans Courts have sprung up across the nation. Over one hundred more are said to be planned. One of the best discussions of the effectiveness of Veterans Courts is at the US Department of Veterans Affairs website at www.va.gov, enter Veterans Courts in Search space and click on Special Courts Give Veterans a Second Chance/VAantage Court. Another good discussion is at google: Justice for Veterans. The Bloomberg news item at this site is especially informative. In addition, I have attached a copy of the article, Veterans: Coming Home, which discusses the difficulty of a veteran coming home from war and that veteran's positive experience with a Veterans Court. (encl 2)

The December 2008 Final Report of Governor Kulongoski's Task Force on Veterans' Services identified what it called "Low hanging fruit" proposals. One of those was, "Direct the Oregon Justice Department to assist in the research and development of Veterans Courts (Oregon House of Representatives Interim Veterans Affairs Committee is working on this initiative)." (page 8 of report) This Task Force consisted of a representative cross-section of citizens ranging from President Peter Courtney of the Oregon Senate; Dr. Jim Tuchs Schmidt, then CEO of the Portland VA Medical Center; and a former Marine, State Representative Jeff Barker; to Kevin O'Reilly, a disabled veteran. (Page 5 of the final report) The "low hanging fruit" language implies that the Task Force believed the establishment of Veterans Courts would be accomplished easily. Perhaps it is easy to do, but the fact is it hasn't been done.

As indicated by the VA and Justice for Veterans websites, much research and analyses of the effectiveness of Veterans Courts have been conducted since the first court was established in 2008. Their effectiveness has been confirmed. However, not much harvesting of “low hanging fruit” has been accomplished here in Oregon. Only one Veterans Court has been established. The success of that one court, in the Klamath Falls Judicial District 13, is discussed by the VA at google: Klamath Falls Veterans Court.

In its discussion of the Klamath Falls Veterans Court, the VA asserts that for every \$1 invested in Veterans Courts, the public saves an average of \$3.36, by reducing the costs of incarceration and repeat offending. The VA further asserts the troubled veteran benefits by gaining wellness and regaining honor. And as indicated by the VA, the community benefits through increased public safety.

I do not know how the VA arrived at the above savings figure; however, the savings might be even greater in Oregon. I suggest that possibility on the bases that it should not cost a lot to expand the jurisdiction of an already operating Drug or other problem solving court, and that it costs \$85 per day to hold a prisoner in the Oregon state prison system. A veteran rehabilitated, so to speak, and not sent to prison is a minimum of \$85 per day saved. I believe costs of incarcerating the veteran, rather than rehabilitating, does not count the possible monetary costs of the public’s monetary support of the family while the veteran languishes in prison.

(Perhaps some of the savings could be allocated to the Judicial Department. I have read recent Chief Justice reports on the state of Oregon courts. Each report asserts the need for additional funding borders on the critical.)

The above cited websites speak to the benefits accorded veterans themselves by Veterans Courts. Rarely mentioned are the family members of veterans. However, the family may also benefit, perhaps as much or more than the veteran. I am sure you have heard it said: those who wait [for their soldier at war] also serve. The family also serves when their veteran suffering the after-effects of war serves time in prison. The family, especially children, needs their veteran at home contributing to the health, well-being and stability of the family. Rather than sentencing to prison for a non-violent crime, society owes the opportunities provided by Veterans Courts not only to the veteran who answered our country’s call to arms, but also to the veteran’s family.

Chief Justice Balmer, based on the foregoing, it is requested you issue rules requiring the immediate establishment of Veterans Courts in each of the 27 Judicial Districts of Oregon.

Respectfully yours,

Robert H. Thornhill
Member VFW Post 1442

2 Enclosures
As stated

Cc: VFW Comrades & select Legislators (less encl)



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

January 31, 2013

Mr. Robert H. Thornhill
7191 SW 161st Place
Beaverton, OR 97007

Re: Letter Regarding Veterans' Courts

Dear Mr. Thornhill:

Thank you for writing to us about veterans' courts. Your letter was referred to me so I could respond regarding the issues. Veterans' courts, along with other treatment courts, have proven positive evidence-based outcomes for offenders and the community. This is a popular concept that courts are exploring when the court and the community have the necessary resources. Unfortunately in our current economic climate, treatment courts of any kind – including veterans' courts – face funding challenges. Our circuit courts have lost many treatment courts in the budget crisis of the last several biennium. The Legislature will consider funding for treatment courts in the upcoming session, and we hope to broaden their availability if adequately funded by the Legislature.

Despite funding challenges, there has been much progress made over the past several years to improve how veterans are treated in the criminal justice system. In addition to Klamath County, Lane County Circuit Court established a veterans' court as a special division of their drug court in May 2012. Additionally, some courts, such as Marion County Circuit Court, have a dedicated time on their docket to hear criminal cases involving veterans. Marion County is currently pursuing federal grant funding that would allow them to significantly expand the number of veterans that they can serve. Implementing a successful treatment court requires the active assistance of other agencies and elected officials, such as district attorneys. As such, we are not always able to address these issues through a Chief Justice order without additional work being done at the local level.

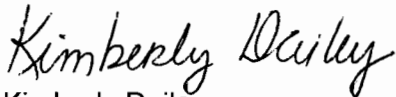
Because of the growing number of veterans entering the court system in a broad variety of cases, such as criminal, domestic relations, and juvenile dependency, the Judicial Department has worked to educate judges about veterans' issues. State court judges received training last October on veterans' issues and services, with a focus on challenges that veterans face when returning from a deployment and strategies judges can use when interacting with veterans.

Mr. Robert H. Thornhill
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Additionally, our staff has actively engaged in recent legislative efforts to improve services to veterans, including using the judicial process in those efforts.

Thank you again for taking the time to write to the judicial branch about this important issue.

Sincerely,



Kimberly Dailey
Staff Counsel, Oregon Judicial Department

KD:ma/13eKD001ma

cc: Senator Peter Courtney
Chief Justice Thomas A. Balmer
Kingsley Click, State Court Administrator
Phillip Lemman
David Factor
Nori Cross