

Testimony before the House Veterans and Emergency Services Committee

In support of HB 2303-1

March 31, 2019

Chair Evans, members of the Committee:

My name is MSgt. Laurie Kimmell. I am a retired, Non-commissioned Officer and I have also retired from a major metropolitan, Law Enforcement agency. I am here on the behalf of incarcerated veterans. I represent an incarcerated veteran that suffers from Military Sexual Trauma (MTS). She tended to human remains and also suffers from Post-Traumatic Stress Disorder (PTSD).

a. Section 1 defines how to create funding for a statewide Veterans Treatment Court (VTC) *There are only approximately 5 veteran's courts in Oregon (Klamath, Marion, Multnomah, Columbia, and Washington) (Harney Co. is starting a VTC through the Justice Court).*

The VA notes that in 2009, 1.16 million of all adults arrested or nearly 10% served in the military. As many as one third of the adult homeless population has served in the military and, at any given time as many as 130,000 are homeless. A 2011 Bureau of Justice statistic report found that the veteran prison population has about 45% suffering from mental illness, with 81% with a substance abuse problem prior to incarceration. This is the reason that Oregon needs to fund a statewide VTC. The incarcerated veteran that I represent fell into the above category. TSgt Doe self-medicated herself with alcohol and prescription drugs. She fell into self-destructive behavior and committed an A Misdemeanor. Approximately, eighteen months later she committed an A Felony, punishable under Measure 11. TSgt Doe was thrown into the county jail pending trial.

a. Many rural counties do not have a Psych team, mental health resources, or any Registered Psychiatric Nurses (RPN). TSgt Doe was having PTSD episodes while in custody without any care. I was her daily psychiatric caretaker over the monitored telephones. (I have a degree in a Behavioral Science and my mental health experiences in law enforcement were helpful).

b. She was in severe emotional distress and was having nightmares, nightly of dead servicemen. These symptoms get worse with incarceration. They become chronic. (I contacted her Veterans Administrative (VA) RPN. He told me that he would not visit her at the jail and to have her Public Defender petition the court). Her Public Defender did not petition the court. Then the VA Justice Outreach cut off her medications. Later, I found out that the county jail did have a therapist (MSW) that came into the jail. (I contacted the provider but, they did not see Felonies and were limited to women on minor charges that could use the therapy as diversion).

c. All of the conditions that TSgt Doe had were treatable, if she had been referred to a Veterans Treatment court when she first committed the A Misdemeanor. Each veteran's court may have their own individual criteria. Some won't take Misdemeanors, or bad paper discharges (many time bad paper discharges are PTSD, MST, or TBI misidentified). (Lane County Veterans Service Officer (VSO) Nathan Walker said that many of his clients have had bad paper discharges were later diagnosed with PTSD or TBI).

<https://www.youtube.com/watch?v=tTr0Ot5Zd6g>

d. My Father was a decorated War Veteran (Distinguished Flying Cross, Pacific Theater). He came home from the war with PTSD. There was not any help available for PTSD. (Shell-Shocked was the term used for PTSD). He internalized his combat experience. The PTSD came out during his sleep or inopportune times. Many of his fellow WWII veterans became alcoholics or unable to work consequently; they became inhabitants of skid row.

2. These are the reasons that we need to create funding for a statewide Veterans Treatment Court (VTC).

a. It will save money for the taxpayer. Judge Robert Russel, Buffalo City Court, 2008 had zero recidivism after two years. <https://www.reuters.com/article/us-court-veterans/nations-first-veterans-court-counts-its-successes-idUSTRE7082U020110109>

b. Los Angeles Veterans Court was launched in 2010. They shifted veterans away from incarceration and provided treatment. The program saved taxpayers about \$3 million according to the District Attorney's Office. (Diverting 21 veterans to VTC saved \$530 thousand in jail costs (based on \$109.30 cost per day). The VA paid for treatment for 21 participants, saving the county equivalent of \$409,000 for 3500 residential days (\$39 p/day and 1100 hour of therapy (\$61.50 per hour, Licensed Clinical Social Worker rate).

c. San Diego VTC data from Feb. 2011- Feb. 2012. One new case – 4.7% recidivism (*cite* 48 cases prior 2 years).

d. Richland County, Ohio (Mansfield Municipal Court, Mr. J.B. Bon (419) 755-9456). One US Marine Corp Veteran was told that he did not have any benefits after coming home from war. A mentor through the veteran's treatment court viewed the marines DD214. The marine had several awards of the Silver Star. They immediately brought the young war veteran into their Veterans Treatment Court. <https://wmfd.com/news/single.asp?Story=78010>

e. Lane County VTC Average between 25-30 Participants.

f. Columbia County, VTC – 100% completion rate. *(The court opened the criteria to A Misdemeanors and are having a greater participation rate).*

Veterans have an identity crisis upon return to the civilian world. Shannon Meehan, a retired Army Captain, suffers from PTSD and TBI. His ability to express his feelings can lead to aggressive, erratic behavior. When a veteran leaves the Uniformed Service they have an identity crisis. One minute the veteran is serving in the theater with a purpose and someone important.

Then upon re-entering civilian life their identity is taken away. Their psyche has drastically changed inside during their tour of duty. Their families and civilian friends do not have the capability to understand. *(My Mother told my Father that he had a year to straighten out post-war. She was not privy to a letter sent by the military Chaplain. The Chaplain had stated in the letter that my Father had his missions upped from 45. His crew was held in place for the duration of the war in the Pacific).* Oregon needs to fund a statewide Veterans Treatment Court. *Have eligible (veterans) participants identified early and properly placed (before they commit more serious crimes) divert from the standard criminal docket. Integrate alcohol, drug treatment, mental health service integrated for Veterans Treatment Court available statewide (run administratively on the drug court model). Include Class A Misdemeanors like Assault IV. Referrals to make use of local rehabilitation resources (VA, community based, and state, and local).*

I appreciate the Committee's consideration of HB 2203. *It is in the interests of justice to restore a defendant who acquired a criminal record stemming from their service in the United States military to the community.* I come from a pioneer family (Applegate Trail). It is not the Oregon pioneer spirit not to take care of our veterans.

Thank you,

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LAURIE KIMMELL, MSgt, USAF (Ret.)