

The American Legion



OFFICE OF THE
NATIONAL COMMANDER

★ WASHINGTON OFFICE ★ 1608 "K" STREET, N.W. ★ WASHINGTON, D.C. 20006 ★
(202) 263-2986 ★

January 8, 2013

Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
2426 Rayburn House Office Building
Washington, DC 20515

Dear Chairman and Ranking Member:

On behalf of the 2.4 million members of The American Legion, I would like to express support for the *Justice and Mental Health Collaboration Act* introduced by Senator Al Franken and Representative Richard Nugent. This legislation is important for veterans especially regarding the intersections between the criminal justice system and the mental health fields.

As America has seen our veterans return home from combat overseas, sadly we have also witnessed some of our veterans who self-medicate with drugs and alcohol as a way to cope with mental health issues such as Posttraumatic Stress Disorder (PTSD) and/or Traumatic Brain Injury (TBI) – the “signature wounds” of our modern wars. The 2004 Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) supported collaborative approaches to address the needs of individuals with mental health conditions in the criminal justice system.

The *Justice and Mental Health Collaboration Act* reauthorizes and improves the critical programs in MIOTCRA. As an organization in every town in America, large and small, The American Legion has seen firsthand the positive impact that veterans courts supported by MIOTCRA can have for veterans who are at risk.

The American Legion’s Resolution 119, passed at our National Convention in August 2012 in Indianapolis, Indiana recognizes how important it is to get the veterans the help they need to prevent recidivism, and help reintegrate these veterans who have sacrificed so much, back into the communities they served to defend.

The American Legion supports enacting the *Justice and Mental Health Collaboration Act*, and applauds your leadership in addressing this critical issue facing our nation’s veterans and their families.

Sincerely,

Handwritten signature of James E. 'Jim' Koutz in black ink.
JAMES E. 'JIM' KOUTZ

National Commander

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OFFICE OF THE
NATIONAL COMMANDER

January 8, 2013

Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
SD-224 Dirksen Senate Office Building
Washington, DC 20510

Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
SD-152 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman and Ranking Member:

On behalf of the 2.4 million members of The American Legion, I would like to express support for the *Justice and Mental Health Collaboration Act* introduced by Senator Al Franken and Representative Richard Nugent. This legislation is important for veterans especially regarding the intersections between the criminal justice system and the mental health fields.

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Handwritten signature of James E. 'Jim' Koutz in cursive.
JAMES E. 'JIM' KOUTZ
National Commander

02 April 2013



**SERVING
WITH
PRIDE**



A M V E T S

NATIONAL
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The Honorable Senator Al Franken
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

On behalf of AMVETS (American Veterans), a leader since 1944 in preserving the freedoms secured by America's armed forces and providing support for Veterans, Active Duty military, the National Guard/Reserves and their families, we heartily support S 162/HR 401, the Justice and Mental Health Collaboration Acts of 2013. This bipartisan legislation is vitally important to justice-involved veterans because it:

1. authorizes services for veterans who are arrested, including Veteran Treatment Courts;
2. continues support for crisis intervention training for police officers;
3. recognizes intervention programs and risk assessment tools that reduce recidivism; and
4. authorizes funding for corrections-based programs, including transitional and re-entry programs.

It is a sad fact that individuals with diagnosed or undiagnosed mental health conditions are considerably overrepresented in our criminal justice system. Unfortunately, some of these same individuals are veterans who have honorably served their country, but due to additional factors such as unemployment, homelessness, substance abuse, financial distress, etc., have run afoul of the law. These individuals are generally not hardened criminals; they are often nothing more than distressed veterans who have fallen through the cracks of the system. Does it seem fair that our most vulnerable veterans, those suffering from untreated mental health issues, should be jailed and criminalized, rather than supervised and treated?

Should a fragile veteran, possibly suffering from untreated mental health conditions, who becomes inadvertently involved in the criminal justice system, be remanded to an inadequate penal institution with little to no hope of treatment or should they be afforded a second chance in recognition of their service to our country?

Thanks to the Justice and Mental Health Collaboration Acts of 2013 our at-risk veterans will get the second chance they have earned through their service and which they so rightly deserve.

Sincerely,

National Legislative Director
AMVETS
301-683-4016/dzumatto@amvets.org

EXPANSION OF TREATMENT COURT SOUGHT FOR OUSTATE MINN. VETS

Jessica Mador; Minnesota Public Radio; August 13, 2012

Two years after Hennepin County launched a Veterans Treatment Court, more than 100 veterans have avoided jail time and gotten the help they needed. The Minneapolis court has become a model -- and now, advocates say something like it is needed outside the metro area to help veterans there.

Marine combat veteran Seth Kroll is one of the veterans helped by the court. Relaxing on a folding chair outside his apartment building in Willmar recently, he reflected on his long journey back to civilian life. . . . [Discussion of case particulars ommitted.]

So even though his case was accepted into veterans court, he couldn't take advantage of it. Court officials felt the long distance to and from court would make it impossible for him to participate. So Kroll's probation was transferred to the Willmar area, where he is completing his sentence. He can't help but think he might have gotten better sooner if there had been a veterans court in the Willmar area when he first started having trouble.

"If there would've been something in place where they would've said OK, we are going to go through this with you," he said. "These are the steps we want you to take. We want you to seek help at the VA and we'll monitor you and make sure you do these things because we believe it'll help you in the future so you don't make these mistakes again."

Kroll's situation is all too common for the more than 188,000 veterans who live in outstate Minnesota.

At a recent event for homeless veterans at Fort Snelling, 1st Judicial District Judge Kathryn Messerich said veterans in rural areas easily fall through the cracks. And many of them have lost their driver's licenses after getting DUIs. . . .

Messerich would like to have a formalized veterans court in her southeastern Minnesota district, which covers seven counties. But until there's money for it, she uses techniques from the Hennepin County veterans court to try and help the veterans she deals with.

She starts by asking if defendants have been in the military. That way, she can begin connecting them with services to try and address any underlying issues that may be contributing to their criminal behavior.

She's not alone. Judges from around the state make regular visits to observe veterans court and share tips.

Hennepin County Judge Charles Porter says in his court, the only one of its kind in the state, veterans get the chance at a reduced sentence or other resolution in exchange for agreeing to a strict treatment program. "We want them to see their probation officers weekly; we want them to be in whatever treatment program we pick for them and we make them go. If they've got chemical or alcohol issues we want them to do support groups of some sort, usually AA but also

others. We want them to see their treatment provider at the VA on a regular basis. We expect them to come to court sometimes weekly, sometimes monthly.”

Nearly half the veterans accepted to the court are homeless or living in unstable housing. Most suffer from serious mental illness or chemical dependency. Many are Vietnam-era veterans who have cycled through the criminal justice system for decades with untreated problems.

The problem of veterans in the criminal justice system is national. At least 9 percent of U.S. jail and prison inmates are veterans, according to data from the U.S. Department of Justice, and this number is considered an undercount. A recent study by the RAND Corp. found that more than a third of Iraq and Afghanistan veterans suffer from traumatic brain injury or PTSD. Less than half have gotten treatment.

VETS COURT FOCUSES ON THOSE STRUGGLING AFTER THEIR SERVICE

Mark Brunswick; Star Tribune; November 20, 2011

Room 1659 in the Hennepin County Government Center looks like any other courtroom. But there is subtle evidence that it's not.

On a recent Monday afternoon, for example, a defendant facing two attempted theft charges stood in front of Judge Charles Porter with his hands firmly in the center of his back, his fingers extended and interlocked so his palms faced outward. Out of habit or deference, he was, in military parlance, standing stiffly at “parade rest.”

This is Hennepin County Veterans Court, a pilot project in Minnesota that focuses on the unique demands of veterans in the court system. . . .

When it began in July 2010, court officials expected to see about 50 cases the first year. But in the first 12 months, the court heard more than twice as many cases. Now Ramsey, Washington, and Anoka counties are considering similar programs.

“It's up to us who've been there to help this new generation,” said John Baker, an attorney and retired Marine gunnery sergeant who led an initiative to start the program. “Ninety-nine percent of the folks put those yellow ribbons on their vehicles and that's it. You peel back the yellow ribbon and what are they doing?”

Since the first veterans court was launched in Buffalo, N.Y., in January 2008, about 80 vet court programs have been created. In 2009, Texas became the first state to authorize the county veterans courts. Most recently, five other states have passed similar legislation.

One year into the Hennepin pilot program, 71 vets were actively participating in the court and two had graduated. The participants ranged in age from 20 to 64 years old. Of the 71 active participants, 90 percent had chemical abuse or chemical dependency issues.

The true test of success will come two or three years down the road, after participants have completed their programs. Statistics compiled by the National Association of Drug Court

Professionals show that 70 percent of defendants in specialty courts like the vets court finish their programs, and 75 percent do not re-offend for at least two years. . . .

A key component is that the courts are not a forum for determining guilt or innocence but an entry point for counseling and resources. Offenders can be charged with a misdemeanor, a gross misdemeanor or a felony, provided the charge doesn't involve a presumption of a prison sentence.

The court convenes Monday afternoons, but the real action happens 90 minutes beforehand in a conference room. There, a team meets to go over the day's planned docket. The Star Tribune was recently given access to witness the process with the understanding defendants not be named.

It's a holistic group that includes the expected representatives from the county attorney, public defender and probation. But there are also people from Veterans Affairs, Minnesota's Department of Employment and Economic Development and Hennepin County's Veterans Services office. . . .

On one recent Monday, one man on the day's docket has been charged three times with drunken driving. A representative from the VA pulls up his record on the laptop and notes to the group that the man, who served in the Army from 1979 to 1981, has checked in for in-patient treatment for chemical dependency at the St. Cloud VA and will continue to go to St. Cloud for out-patient counseling. There is some indication he is bipolar and suffered a skull fracture while in the service. He has made all his appointments. Porter notes his improvements.

Another defendant appears not to be doing well. A 49-year-old Air Force veteran charged with domestic abuse, he has missed four of six appointments for counseling and has resisted psychological testing. Porter suspects the man may not be suitable for more of the court's attention and scribbles a notation.

Part of the process involves a mentoring program through the Metropolitan Center for Independent Living, that pairs offenders with volunteers.

Mentor Bill Preiss, who served in the Army in Vietnam, feels satisfaction in ensuring that some of today's vets are treated better than those of his era.

Peter Heller is one veteran Preiss mentors. Heller served two tours of duty in Iraq and a 15-month tour in Afghanistan with the Army, and their connections help him make the transition from warrior to civilian.

Near the end of his tour in Afghanistan, in which he was awarded a Bronze Star for valor, Heller said he felt like he was unraveling. He was commander of a truck in which another soldier was killed and his driver injured.

"It was almost to the point where I guess you would call it strung out," he said. "I had a big concern about going home and being normal." In 2008, Heller left the military almost as fast as he got in and began working as a sales manager for a jewelry company.

“You’ve been in an intensive situation and that has become normal to you, then coming back to something that is less intensive, there’s a gap there,” he said. He felt isolated. There had been a drunken driving charge in North Carolina, then a second in Minnesota last year, and a third in March of this year when the option of the vets court was offered.

“A lot of those things I wouldn’t even know about had I gone through the regular court system,” he said. “I would have served my penance and been done with it and gone on and not have this opportunity to do some pretty heavy self-exploration.”

Preiss had his own dealings with alcohol after returning from 13 months in Vietnam and successfully went through treatment 35 years ago.

“I can look at Peter at this point in comparison to when I first met with him and part company and say, ‘You’re going to be OK. You’re doing good,’” he said.

In court, one man who served three separate times in the Army, including a tour in Iraq, was making one of his last appearances after being charged with domestic assault and disorderly conduct. He’d gone to counseling and sought help for memory loss that has resulted in a 100 percent disability from the VA. He told everyone that he has gone to a clinic testing for traumatic brain injury and has been given some mechanical aids to help his memory.

“You’ve done a great job making some changes that need to be made,” Porter told him. As the veteran left, folks in the courtroom broke into applause.

Wounded Warrior Project

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Senator Al Franken
309 Hart Senate Office Building
Washington, DC 20510

February 25, 2013

Dear Senator Franken:


With about 50% of veterans who served in Iraq and Afghanistan not getting needed mental health care and still more not receiving effective treatment, Wounded Warrior Project (WWP) is deeply concerned about warriors' mental health conditions going untreated. While many combat veterans are incredibly resilient, untreated behavioral health problems lead some into difficulty with the law. Noting that veterans treatment courts have provided far better alternatives than incarceration, and have turned lives around, WWP applauds your proposal to establish additional courts under the Justice and Mental Health Collaboration Act, S. 162.

Veterans' treatment courts have served as a model to rehabilitate veterans dealing with the mental health consequences of combat-deployment by diverting them from the criminal justice system and into a collaborative, holistic program. Building on collaborative partnerships that provide comprehensive wrap-around services, these programs have had life-changing results.

While veterans' treatment courts have developed around the country, some counties and communities where the need exists lack the resources to mount such programs. Many communities with concentrations of veterans who have served in Iraq and Afghanistan are remote from VA medical centers that are otherwise critical veterans-court partners, providing veterans who enroll with mental health and substance-use treatment. Importantly, VA medical center participation ensures that local government is not bearing the cost of treatment. WWP continues to see tragic instances of young veterans with war-related mental health conditions involved in behaviors that lead to arrests in communities that lack the resources to foster diversion into treatment and rehabilitation rather than indictment and potential incarceration.

Providing grants to establish veterans' treatment courts, as proposed in your Justice and Mental Health Collaboration Act, would be of vital importance to help some of our wounded warriors find a path from the criminal justice system to treatment and rehabilitation. We look forward to working with you to advance the establishment of these innovative court programs.

Sincerely,


John Molino
Acting EVP for Government Affairs

DUTY ★ HONOR ★ COURAGE ★ COMMITMENT ★ INTEGRITY ★ COUNTRY ★ SERVICE