

PA12-042

SB0114

House	6244-6252	9
Senate	1720-1725, 1923-1924	8
Veterans Affairs	7-10, 14-21, 27, 33-36, 54, 56-72, 74, 75-78, 79-80, 91-92, 97, 124, 126-127, <u>128-146, 147-149</u>	<u>70</u>
		87

H – 1141

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 19
6188 – 6484**

THE CLERK:

House Bill 5409, as amended by House "A".

Total number voting	142
Necessary for adoption	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

DEPUTY SPEAKER RYAN:

The Bill as amended is passed.

Mr. Clerk, would you be so kind as to call
Calendar 459.

THE CLERK:

On Page 30, Calendar 459, substitute for Senate
Bill Number 114, AN ACT CONCERNING SERVICES FOR
VETERANS IN PRETRIAL DIVERSIONARY PROGRAMS. Favorable
report by the Committee on the Judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Veterans
Committee, Representative Hennessey.

REP. HENNESSY (127th):

Thank you, Mr. Speaker. Mr. Speaker, I move for
acceptance of the Joint Committee's favorable report
and passage of the Bill.

DEPUTY SPEAKER GODFREY:

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

487
May 4, 2012

Question is on acceptance and passage. Will you explain the Bill, please, sir?

REP. HENNESSY (127th):

Thank you, Mr. Speaker. Mr. Speaker, this Bill has to do with if a veteran commits a minor crime that there are two programs of alternative to incarceration and this will create an opportunity to veteran -- for veterans to avail themselves of. There's two programs -- there's the supervised diversionary program and the accelerated pretrial rehabilitation. And, depending on how the judge decides which one to go with, that's an option. The supervised program is a psychiatric program that veterans normally don't go through this process. What this Bill will enable them, if amenable to treatment without a diagnosis of a mental condition, a veteran can get treatment for such things as PTSD. The other program, the accelerated pretrial rehab, that's already available to anyone that creates a -- is involved with a minor crime, but what this Bill does it allows a veteran to be able to access this program a second time if he has a prior. And, the reason for that is that so many of our veterans are coming back from service with emotional stress that winds up getting them involved in the court

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

488
May 4, 2012

system. So, this will give them a second opportunity to come to some kind of a treatment program and not have them incarcerated. The third part of the Bill simply gives the veteran programs that are administered by the veteran's administration. Presently DMAS state departments are giving treatment and quite often that treatment's not effective because these vets need to be dealing with their peer groups, so their treatment now with the passage of this Bill will allow treatment that's effective in which these veterans are dealing say with drug rehab with other veterans that they can share with. And, there's a great savings to this -- 1.5 million in the first year and 2.5 in the second year and that is because many of these programs are going to be used -- will be federal programs and not our state programs. Thank you, Mr. Speaker and I hope everyone can support the Bill.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

The distinguished Ranking Member of the Veterans Committee, Representative Adinolfi.

REP. ADINOLFI (103rd):

Mr. Speaker, I think Representative Hennessey said it all. I want to thank him for making sure this

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

489
May 4, 2012

Bill came forward. It was certainly needed and the veterans really deserve that second shot at the diversionary programs. So, I urge all my colleagues to support this Bill and let's help our veterans out. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from Bristol, Representative Nicastro.

REP. NICASTRO (79th):

Good evening, Mr. Speaker. Mr. Speaker, I stand in strong support of this Bill. Mr. Speaker, there's something that people have to understand. You know, a young man 16, 17 years old can get in trouble, he ends up going to Superior Court, he gets accelerated rehabilitation and then he ends up going in the military and he ends up going overseas. And, what he sees, most of us never see. He see's people being killed every day. Young children, adults; he looks and he has to live like that for a year. Sometimes he has to live in the worst conditions that you can imagine and when he comes home, it takes him a while to get used to back with -- being back in this country. What he's seen and what he's had to do, he's had to take lives in certain circumstances and he's

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

490
May 4, 2012

seen his friends be killed. And, that stays inside him. And, when he gets home, he has a lot of anger stored up inside him. What this Bill does, like our Chairman so rightfully said, it gives him a second bite at the apple. As long as he doesn't commit a serious felony, it gives him a chance to have that second chance. He deserves it or she deserves it. They've been through a lot and we owe them that.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

The gentle woman from New Haven, Representative Dillon.

REP. DILLON (92nd):

Thank you, Mr. Speaker. Speaking in support of the Bill. Thank you to Chairman Hennessey and the other members of the Veterans Committee for the hard work that you did on this very important Bill. I'm very excited to support it and to see that much of the work of the proposals that have before the General Assembly from the Connecticut Veterans Legal Center, have grown not out of any particular stereotype, but have developed from their own case work because of their dedication. There are a group of Yale Law

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

491
May 4, 2012

students in particular, one of whom, her husband is in Afghanistan as we were working with other veterans in the community. And, this saves money in addition to providing a needed fix to the system. Thank you very much to all the people who worked so hard on this.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Representative Coutu.

REP. COUTU (47th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Just a minute, Representative.

REP. COUTU (47th):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this piece of legislation. We all know military soldiers are accountable, disciplined, but there are times when deployed overseas, nine months, 12 months, on foreign soil -- it's a different world. And, the reason some people don't comprehend how challenging it is, you're working 12 hour days; you're out there constantly under a threat of being attacked by an enemy. It's different soil, its different environment, the temperature's different, it smells different and you're constantly patrol with your eyes

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

492
May 4, 2012

trying to find the enemy. So, for all means, it's very important that we make sure when our soldiers return, one, they have an opportunity if they mess up to be rehabilitated. But, once again, our soldiers are disciplined, we enforce accountability and we make sure that they don't mess up. But, there are occasions when they return that they do mess up. This Bill will make sure that they have an opportunity to go through the system quickly, recover, rehabilitate and move on with their lives. It saves money and it's a good Bill for our soldiers and for the State of Connecticut. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Yaccarino.

REP. YACCARINO (87th):

Thank you, Mr. Speaker. I'd just like to stand and thank the Chairman of the Veterans Committee. What we don't realize is these veterans, men and women are doing two and three rotations within a two or three year period which is really unheard of since the beginning of war time. So, this is a great piece of legislation. It's great working with Representative Hennessey and the rest of the group and I urge

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

493
May 4, 2012

support. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentle woman from Bolton, Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker. I would also too, like to thank all the work that has been done on this particular Bill because it's not just the veterans -- it's the veteran's families as well. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Will you remark further on the Bill? Will you remark further on the Bill?

Gentleman from Middletown, Representative Serra.

No?

Will you remark further on the Bill?

If not, staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

494
May 4, 2012

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If so, the machine will be locked and the Clerk will take a tally.

Mr. Clerk, please announce the tally.

THE CLERK:

Senate Bill 114, in concurrence with the Senate.

Total number voting 143

Necessary for adoption 72

Those voting Yea 143

Those voting Nay 0

Those absent and not voting 8

DEPUTY SPEAKER GODFREY:

The Bill is passed in concurrence with the Senate.

Mr. Clerk, please call Calendar 98.

THE CLERK:

On Page 3, Calendar 98, substitute for House Bill Number 5317, AN ACT CONCERNING THE INTEREST RATE ON DELINQUENT PROPERTY TAXES. Favorable report by the Committee on Planning and Development.

DEPUTY SPEAKER GODFREY:

Gentleman from Hartford, Representative Ritter.

REP. RITTER (38th):

S - 641

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

**VOL. 55
PART 6
1633 - 1960**

cah/mab/gbr
SENATE

88
April 26, 2012

Thank you, Senator Duff.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, we have a -- a few additional items to mark as -- as go before returning to the -- to the calendar from other items. First on calendar page 9, Calendar 312, Senate Bill 114; calendar page 13, Calendar 343, Senate Bill 116, calendar page 14, Calendar 350, Senate Bill 198 and calendar page 27, Calendar 83, Senate Bill 263.

And it's our intent after those items, Madam President, to return to the bill that was passed temporarily earlier.

THE CHAIR:

Thank you, Senator.

Mr. Clerk.

THE CLERK:

On page 9, Calendar 312, Senate -- Substitute for Senate Bill Number 114, AN ACT CONCERNING SERVICES FOR VETERANS IN PRETRIAL DIVERSONARY PROGRAMS, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Leone, how are you this afternoon, sir?

SENATOR LEONE:

Good afternoon Lieutenant Governor. It's a pleasure to be here this morning. It was great to see the UConn team.

THE CHAIR:

It was.

cah/mab/gbr
SENATE

89
April 26, 2012

SENATOR LEONE:

It's always a treat for us here and I know you especially enjoy that as well.

THE CHAIR:

Absolutely.

SENATOR LEONE:

Madam Governor, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motion is on -- on acceptance and passage.

Will you remark, sir?

SENATOR LEONE:

Thank you, Madam Governor.

This bill, AN ACT CONCERNING SERVICES FOR VETERANS IN PRETRIAL DIVERSIONARY PROGRAMS, what this does it will provide for the development of treatment plans and conditions or programs in certain pretrial diversionary programs that are specifically for veterans.

In -- in short this bill will allow veterans and any other related people to use the accelerated rehabilitation program twice rather than just once. And the reason for that is that our vet -- as someone will enlist for our armed services, if they were unfortunate or had the need to go through the diversionary program the first time, that's usually their one shot to go through that.

But the fact that they've joined the service, gone on to fight for our country and have -- and they come back home and for whatever reason many times through combat, stress, PTSD and so forth, they may fall in a situation where they may need these services once again.

cah/mab/gbr
SENATE

90
April 26, 2012

Previously, before this bill, they were not able to do that. But with passage of this bill it will give them a chance to get the services they need and not fall into the judicial system and have a black mark held against them.

So this bill has garnered wide spread support. It sailed through Committee with everyone on board. We worked out all the issues on any questions that were raised and I urge support of this bill.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I, too, rise in support of this bill. Very few can testify as to the trauma that one goes through especially in combat serving our country. And for us to have the opportunity of providing an outlet for these individuals who have served us so -- so well and so bravely to deal -- to help them cope with some of the -- the issues that they bring back I think is a -- a very noble thing for us to do and, in fact, I think it's the least we can do for them.

So I -- I too rise to voice my support for this program and I urge its passage among my colleagues.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Welch.

Will you remark further? Will you remark further?

Senator Witkos.

cah/mab/gbr
SENATE

91
April 26, 2012

SENATOR WITKOS:

Thank you, Madam President.

If I could, just a couple of questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS:

Thank you.

Through you, Madam President, while you were explaining the bill I found my interpretation was that the person might have used accelerated rehabil -- or a diversionary program prior to going off to Theater and then, if they -- they had to use it again, that's when it would be available to them. Is there a condition in the bill, and I -- I honestly -- I -- I'm going by the debate as to when you might have used it your first time when it would be available the second time?

Through you, Madam President.

THE CHAIR:

Senator Leone.

SENATOR LEONE:

Through you, Madam Governor, no if -- if this would -- this would apply only to those veterans that had had access the first time prior to the armed services. So if they then needed it after the fact, they would be the ones eligible under the provision.

Through you.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

cah/mab/gbr
SENATE

92
April 26, 2012

Thank you.

And through you, Madam President, is there anything in there that -- that limits the type of crime that they would be -- avail themselves to that and I'm thinking some of the crimes where it's against an individual person where the program may not be available.

There are situations -- I guess my -- my question is are there situations where the program would not be available to returning veterans?

Through you, Madam President.

THE CHAIR:

Senator Leone.

SENATOR LEONE:

Through you, Madam Governor, I -- I believed it would fall under the same category as the first time so if there are any barriers to say the -- the first time anyone would have had access to the accelerated rehabilitation, the same would apply.

So we're not adding or deleting any other options. This just gives a person a second bite of the apple if you will.

Through you, Madam Governor.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

I thank the gentleman for his answers.

THE CHAIR.

Thank you.

Senator Leone.

cah/mab/gbr
SENATE

93
April 26, 2012

SENATOR LEONE:

Thank you.

I would offer this on Consent.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

On page 13, Calendar 343, Substitute for Senate Bill Number 116, AN ACT CONCERNING A STATE MILITARY ACCOUNT FOR MORALE, WELFARE AND RECREATION PROGRAMS, favorable report of the Committee on Appropriations.

THE CHAIR:

Senator Leone.

SENATOR LEONE:

Thank you, Madam Governor.

I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

It's on acceptance and passage of the bill.

Please proceed, sir?

SENATOR LEONE:

Thank you.

This is AN ACT CONCERNING A STATE MILITARY ACCOUNT FOR MORALE, WELFARE AND RECREATION PROGRAMS. This is a military department bill and it establishes a separate non-lapsing Army National Guard state morale, welfare and recreation account in the general fund to hold any money the law requires including proceeds of state

cah/mab/gbr
SENATE

291
April 26, 2012

Bill 5096; on page 9, Calendar 3 -- 312, Senate Bill Number 114; page 11, Calendar 327, Senate Bill Number 378; page 13, Calendar 344, Senate Bill Number 143. Also on page 13, Calendar 343, Senate Bill 116; page 14, Calendar 350, Senate Bill Number 198; page 26, Calendar 74, Senate Bill Number 196. On page 27, Calendar 83, Senate Bill Number 263. On page 31, Calendar 184, Senate Bill Number 94; page 31, 1 -- Calendar 166, Senate Bill Number 62. Also on page 31, Calendar 167, Senate Bill 64; page 32, Calendar 185, Senate Bill 190; page 33, Calendar 220, Senate Bill 351.

THE CHAIR:

Are those all the bills on the -- oh, Agenda 3, sir. The last one on Agenda 3. I think it --

Senator Looney.

SENATOR LOONEY:

Just wanted to -- just to reconfirm that the item from Senate Agenda Number 3 --

THE CHAIR:

Was not called.

SENATOR LOONEY:

-- is on the Consent Calendar that we had taken up under suspension, substitute House Bill Number 5445.

THE CLERK:

Yes, sir.

THE CHAIR:

Thank you.

Are there any questions?

If not, Mr. Clerk, I will call for a roll call vote. Will you call for a roll call vote and I'll open the machine for the Consent Calendar.

cah/mab/gbr
SENATE

292
April 26, 2012

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber.

Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? Have all members voted. The machine will be closed. And, Mr. Clerk, will you call the tally on the Consent Calendar, please.

THE CLERK:

On today's Consent Calendar,

Total number voting	35
Necessary for Passage	19
Those Voting Yea	35
Those Voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, would move for a suspension for immediate transmittal to the Governor of Substitute House Bill Number 5445, AN ACT CONCERNING SUPPLEMENTAL PAYMENTS UNDER THE CONNECTICUT ENERGY ASSISTANCE PROGRAM, which was just adopted as part of our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**SELECT
COMMITTEE
ON VETERANS'
AFFAIRS
1 – 229**

**2012
INDEX**

2
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

Good afternoon, Commissioner.

COMMISSIONER LINDA SPOONSTER SCHWARTZ: Sorry. I was getting a feedback though. I am here to say that the Department is in full support of the Act Concerning Pre-Trial Diversionary Programs. Not -- I'm a nurse, not necessarily a lawyer, so I rely on the fact that I know that several individuals from the Yale Veteran's Law Project spent some time crafting this. So I know that it has been amended.

SB 114
HB 5298
HB 5297

Let me just say that over -- for over 15 years, the Connecticut Department of Veteran's Home at Rocky Hill has -- has provided a residential substance abuse recovery program. And while we are the only state in the nation to provide this specialty care, we do have a professional staff. And it provides not only the residential care and support of services for up to two years, it has also been selected by some of the members of the bench, the judges, as an alternative to incarceration for veterans because we have a residential program.

We receive a per diem, a VA per diem payment for each veteran in our program, about \$40 a day. Which off-sets the cost of care and the professional staff for the program. In the past, I know that your staff and many of you have -- have helped me walk the halls, trying to convince the Legislature that this would not be anything that would not -- that would cause an enormous amount of money.

I believe that by making the best use of the available resources, and by partnerships with other agencies that this can be something that is both cost saving and the fact that the veterans will not be going to prison. Someone

3
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

called me about this particular piece of legislation and -- and I asked them do you know how many veterans are in prison in Connecticut today? 600. Do you know how many people at Rocky Hill, my -- my veterans there who are Vietnam veterans, who did serve time in prison? About 80 percent.

And it wasn't because they were particularly devious or destructive. It was -- it was difficulties with anger management, with some of the symptoms of post traumatic stress disorder, and traumatic brain injuries. Which often times we don't really recognize right away. But we have a -- we're beginning the drawdown of our troops from the station of hostilities in Iraq and Afghanistan. And we can look forward to about seven -- seven -- 7500 to 8,000 Connecticut residents coming home.

For anybody who has served in uniform, you know how it is when you walk from your professional military career into the community. But it is doubly stressful in these times. I just finished a briefing where 93 percent -- we did a survey twice now, we finished it about veterans in Connecticut. Last year we finished -- it was over 700 Connecticut veterans who had been -- had been discharged from military service since 2003.

One of the things that was pretty striking about this, was the fact that a majority of them reported that they were having problems at home because of the difficulty of making a transition from the active duty force to coming home to a small town in Connecticut. And dealing with the family issues as well as dealing with their own memories of war.

VETERANS AFFAIRS

Interesting, 93 percent of the people that we surveyed reported that they had experienced hostile fire. Now think about that. In World War II, 93 percent of the people did not experience hostile fire. Many were stationed state side. Even during Vietnam, of the eight million veterans who were activated and serving, only about three million actually were in the combat areas. 93 percent of people coming home today, have seen death, destruction and have lived on the edge for long periods of time.

That has consequences. And in addition to multiple deployments. So, I would ask the committee to find a way. We've tried several approaches. But I hope that you will find a way so that the court system will be more generous and more understanding of these. I know the jail diversion program for the V.A. -- for the Department of Mental Health and Addiction Services, the justice outreach of the V.A.

In 2010, what the committee -- what the Department of Veterans Affairs did was prepare for members of the bench. We did OJT training. They have to come twice -- once a year for training. We did presentations to the members of the bench. We identified the existing resources that were available that could be considered. Rather than sending them to jail or incarceration.

I believe that -- we were trying to accomplish two things. One, that the veterans would be given the opportunity for treatment. That would be both fair to the veteran and fair to the people of our state. The second thing was that you -- because of some of the thrill seeking behaviors, which we've already

5
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

noticed, the drinking and driving. Driving at high speeds. Some of this is transient and can really be associated with their service in the military.

So, I guess of all the things that we have before you today, I would ask that you look for a way. Because 22 other states and cities have veteran's courts. And I know that the State of Connecticut has the resources. I know it has the need. And I hope it has the where with all to actually begin to address this issue in a compassionate way.

I would also like to just briefly address the House Bill 5298 on establishing a list of prepared veteran's charitable organizations. As I said in my testimony, this is nothing new to me because we have been keeping records on these various charities who present themselves as being on -- in the business of helping veterans.

I, myself, have encountered them at the Stop & Shop. And I would just like to share a little situation that occurred at the Stop and Shop. You may know that in the Groton New London area we have a lot of military and veteran families. So I was coming out of the Stop & Shop at -- in Groton. And I -- I saw a kid dressed partially in fatigues and sneakers and holding a can that says help our veterans.

So being the Commissioner of Veteran's Affairs and also very curious, I asked him, so what do you do for veterans? And they said, well we help the veterans at Rocky Hill. I said really. Who -- who do you work with up there? We deal with directly with the Commissioner. We only deal with him. I said can I see your permit? Can I -- and this is not a well known

9
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

I appreciate your -- your testimony, your input. And before I open it up to some questions. I just wanted to thank you on your -- on behalf of all of us for your hard work. And your -- and your great support of everything that we're trying to do for our veterans. You've always been a star supporter.

And of the three bills that you -- you mentioned, all three are actually very large concepts with a lot of work to be done. And we realize that there is more to be done whether, it's in resources and funding and so forth. But nonetheless important to undertake. And -- and those are the reasons why we brought them up as concepts. Because as you articulated, especially for in regards to the charitable organizations, the need is there for us to address it.

SB 114
HB 5298
HB 5297

How we address it and how we get there, we may or may not be able to do it in one session. But we do need to start the discussions so that we can -- as we come across each and every hurdle that may prevent this from moving forward. We figure out how to overcome them. So that we can actually get to where we need to be because I believe just for that example alone, it's -- it's something that needs to be addressed whether we've never done it in the past or don't know how to do from where we are today.

It doesn't mean we shouldn't undertake them. And -- and that's what we're trying to achieve here.

So, with that -- Representative Guerrero.

REP. GUERRERA: Thank you, Mr. Chairman.

10
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

Good afternoon, Commissioner.

COMMISSIONER LINDA SPOONSTER SCHWARTZ: Good
afternoon.

REP. GUERRERA: Commissioner, I'm going to talk
about a few of the comments that you made here
this afternoon. But first of all, let me just
say that being Representative from Rocky Hill
and to the members of this committee, I want
to thank you for a tremendous job that you do
at the Veteran's Home. Although you come here
and you talk the talk and you walk the walk,
let me tell you folks.

There have been many a times that she has
spotted homeless veterans on the street. And
although sometimes she doesn't have the room
at the veterans home, she makes sure that
individual goes somewhere to have a hot meal
and a warm place to sleep. And in my book,
that's number one.

COMMISSIONER LINDA SPOONSTER SCHWARTZ: Thank you
very much.

REP. GUERRERA: The other comments I want to make,
Commissioner, I talked to the chairmans -- in
fact Senator Leone who is now the good
Senator, used to be the Representative. When
he used to work for a living, he used to a
representative. Now he moved up to the Senate
now. So, but we talked about maybe having a
so-called field trip out to the Rocky Hill
Veterans Home.

Because there are a lot of new members here.
And I -- I think it would be to our benefit to
see what is going on there and the great work
that you and your staff do there for our

11
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS
veterans.

COMMISSIONER LINDA SPOONSTER SCHWARTZ: I would welcome the opportunity. And I know the veterans would be very happy to see you all.

REP. GUERRERA: Absolutely.

Commissioner, a couple of things though going back. Let's -- first of all, the issue with the charities. I have run into many problems as you know, in Rocky Hill at the Super Stop and Shop at the Kohl's Shopping Center --

HB 5298

COMMISSIONER LINDA SPOONSTER SCHWARTZ: Right.

REP. GUERRERA: -- and so forth. And some of the issues that are -- when I pull them over is obviously this is private property. What are you doing here. Has no jurisdiction in regards to state or local. So, I went to my local town council and said that maybe we should put something in place in regards to this. Because a lot of times, I'm finding is that even though the shop owners may want to do something. But they don't own the property. You know what I mean.

It's usually some type of company out of whatever, Switzerland or you know conglomerate that owns these real estate parcels. So, that's something that we're trying to work with in regards to helping these so-called scammers out there not doing the right thing.

Second, is the -- the pre-trials. You know, more and more veterans are coming home as we know them, men and women. And a lot of them are going through post traumatic stress. And you know, it's unfortunate like you even said the amount of people that go -- that will have

SB 114

12
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

served some time in jail and so forth. That maybe should have never been there. Because we never diagnosed post traumatic stress back then when it was the Vietnam War, the Korean War or whatever it may be.

But what is it here that you see is the number one stumbling block that we can't get this through? Is it -- is it cost? Is it something that the judicial committee needs really to be pushed upon on this? Are they giving us a road block? I mean -- you know, Commissioner, you and I have known each other for a long time. And I'm a no nonsense type of guy. So what is it that we can do to try to move this forward?

COMMISSIONER LINDA SPOONSTER SCHWARTZ: Well let me just say this. There have been many misconceptions about what this bill would do. I think in the past we ask for a special veterans court. And people questioned the need for that. And also the cost of that. Then we asked for a special docket so that the veteran would not come before the full court. But be heard in chambers and that the decision would be made there.

That didn't seem to get any traction either because -- so we came to this conclusion that what we're trying to accomplish is that these misdemeanors or these issues would not remain on the veteran's record. That they would receive treatment. And if you really want to be honest to God's truth. I would like to tell you that I receive calls from professionals in this state asking me why. Why do we have to put the word veteran in there? Why do we have to put the word veteran in there?

We have all these other people. We have

13
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

mental health. We have all these people. But why do we have to put the word veteran there? And it gave me pause. And I said because putting the word veteran in there, says something about us as a people. It says something about this legislature and all of us that work to ensure the best for our veterans. It says they are important to us. This is important to us and to them and to their future.

So by putting the word veteran in there, I think when you think about they have stood for us on the frontiers of freedom around this world, now it's our time to stand up for them. So, that is the basic argument I have heard. Not that it cost too much. But putting the word veteran in there. Some people have said by putting veteran in legislation, you're tinkering with a fine points that we have derived. And I don't -- I know there are veterans on this committee. And I think that they would agree with me. And veterans in this room.

They wouldn't have these laws. They wouldn't have these freedoms. If these veterans had not stood up. So, it's a word. But it says so much more about our values that we would take the time and the effort to help these young men and women as they come back from war.

REP. GUERRERA: Thank you, Commissioner. And I couldn't agree with you more. It's unfortunate at times, you know, we tend to forget our veterans. You know, and how sometimes we take for granted what we have in this country. Or in this state. Or wherever you may live. And I've said that many a times and Memorial Day parades and so forth. And

14
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

that, you know, it's when I go to some of these parades and I don't see any children. I don't see any parents or people there.

It frustrates me. That they wouldn't have what we have if it wasn't for the men and women that sacrifice their lives so we can have this. So I couldn't agree with you more on this. I'm glad you brought this to our attention again. And I hope that this committee can maybe somehow, you know, get some of this language out to the judicial committee and, you know, have a public hearing there. And voice some of the concerns that you raised today.

COMMISSIONER LINDA SPOONSTER SCHWARTZ: I -- I apologize for becoming so passionate about this issue. But --

REP. GUERRERA: You don't have to --

COMMISSIONER LINDA SPOONSTER SCHWARTZ: -- if I --

REP. GUERRERA: -- you don't have to apologize, Commissioner.

COMMISSIONER LINDA SPOONSTER SCHWARTZ: -- I thank you for the question and the opportunity to express -- express that answer. But it does -- it does become frustrating.

SENATOR LEONE: Thank you, Representative Guerrero.

And just to comment on that. I think when the questions is asked why veterans? The fact that, you know, we're in two combat situations right now. A large number of deployments, they're going to be coming home with issues that civilians just never face or will never face. And to the extent that some of the

15
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

circumstances that might foster them needing this type of care I think is important for us to address. Because if we don't address it in this way, we're going to be addressing it as a society in a number of other ways that would prove to be more costly.

So, I know the folks on this committee is committed -- are committed to trying to find a way to get the proper language. And I do think we're going to have to work with the Judiciary Committee to overcome all the judicial hurdles.

Representative Adinolfi.

REP. ADINOLFI: Thank you, Commissioner.

Welcome, good to see you again. Two questions, you know when we talk about the -- the diversionary programs and we talk about our military be in combat, I know one thing that is never mentioned that really affects the military when you're over there in combat. Not only that you're getting shot at. But it sticks with you when you have to kill 30, 40 people maybe. Or maybe your machine got on you, you wiped a whole group out.

That stuff sticks with you too for the rest of your life. Even though you're being shot at and you're defending yourself, or in both cases, they're defending themselves. It has to affect -- hurt you inside and stick with you for the rest of your life, that you might have killed 30, 40, 50 or 100 people with a bomb. You know, and those people have families. And I know that it -- it does stick with you.

And that's something we don't hear much about.

16
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

And but I think it's something that also contributes greatly to the post traumatic stress.

The other thing I wanted to mention was on the -- the bill layer about the jobs for the veterans. I don't know. But I -- let me see if I get the number right. There was a federal law, Public Law 20. When you got out of this -- or you were in the service, and you got out, you were guaranteed the job you left when you went in. And I got out of the Air Force after four years, I went back to my company. And was hired that same day. They -- they found room for me, you know, to come back.

And fortunately they didn't have to lay anybody off to do it. But they would have in record mission of that law. There is a federal law to that affect. I think I have the number right. But 56 years ago, it's hard to remember.

COMMISSIONER LINDA SPOONSTER SCHWARTZ: Well, they -- employers support of the Guard and Reserve as kind of like the Guardians of that particular --

REP. ADINOLFI: The SCR?

COMMISSIONER LINDA SPOONSTER SCHWARTZ: Yes. Yes. SCR. And they have been called. We have received calls and individuals have used their services. But let me just say this, in this particular war, people were in college and high school. And did not have jobs when they were mobilized.

REP. ADINOLFI: Okay. All right. I realize that. And I'm just --

HB 5297

22
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

you.

Any other questions?

Thank you, Commissioner.

I'm sorry.

REP. ROSE: Thank you very much. I just felt that I needed to be -- also weigh in since I'm feeling like sitting here today. Thank you very much for your testimony. As a mother of a returning Afghan vet, I have witnessed firsthand the depression that follows coming home. The anger. The need for an adrenaline rush. Probably some over gambling, drinking. All of the classic symptoms that someone really who hasn't experienced this really doesn't understand.

SB 114

I strongly support any help that we can give them. They tend to go out. They get into fights. And if this legislation can help them avoid the court systems and get them the help. Because as a mother of a 22 year old. I can't force my son into getting help. They can only get it if they -- they so choose. Perhaps of if they get to the point where they're actually getting themselves in trouble and their almost forced into getting some kind of rehabilitation that would be a good thing.

Also, on the jobs, my son's been home for over a year and a half. He's been unable to find a job. He was in high school and college. He's a ford -- ford observer in Afghanistan. He's now number six on a list of number five for the police department. So we've got our fingers crossed. But, the other problem we've had is his unemployment all of a sudden after 26 weeks in Connecticut, went from \$500 a week

HB 5297

28
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

SENATOR PRAGUE: Yes.

REP. GUERRERA: -- and a simple little bill like that would go so far to help those individuals, but because we don't hear too much about it we tend not to do anything about it. And that's -- that's very frustrating.

SENATOR PRAGUE: Yes. That's true.

SENATOR LEONE: Any other questions?

SENATOR PRAGUE: Okay.

REP. GUERRERA: Thank you.

SENATOR LEONE: Thank you, Senator.

SENATOR PRAGUE: Thank you.

SENATOR LEONE: Okay we have 15 minutes to the hour mark. Our next speaker, Commissioner Rehmer.

COMMISSIONER PATRICIA REHMER: Good afternoon. Senator Leone, Representative Hennessey and other distinguished members of the select committee on Veteran's Affairs. I'm Pat Rehmer, the Commissioner of the Department of Mental Health and Addiction Services. And I'm here this morning to speak on Senate Bill 114, An Act Concerning -- this afternoon, I apologize. Concerning Pre-Trial -- Pre-Trial Diversionary Programs.

Senate Bill 114 is intended to give veterans an option to participate in three diversionary programs that currently exist. Some of these programs were developed specifically for individuals with psychiatric disabilities. While others were intended to educate individuals about choices they make and divert

29
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

those individuals into treatment when necessary.

Currently, if a -- if a veteran meets the criteria to participate these diversion programs, they are accepted. From our conversations with the individuals who put this proposal together, they want to make sure that veterans who meet these -- the criteria for these programs will have the option of getting their treatment from the V.A. or the D.V.A.

And again, the Department is interested in providing choice for veterans and all individuals seeking services. The Department has a direct role in providing behavioral health services in the pre-trial drug education program addressed in Section 3. DMHAS wants to make sure that we maintain the integrity of the current PETA services and as the state's mental health and substance abuse services authority, again we support a veteran's choice of services for all three diversionary programs.

But we do have some requests with regards to some of the language in this bill. The DMHAS jail diversion program no longer has a role in the supervised diversionary program. And we would like to request -- request that the two references to the Department be removed from the added text in Section 1 lines 10 through 14.

In Section 3, subsection J we agree with the intent to have the V.A. and D.V.A. oversee their own programs. We suggest rewording the first sentence to make it clear that our department will oversee the drug education programs that we administer. Both the

30
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

Department of Mental Health and Addiction Services and the Court Support Services Division of the Judicial Branch have contracts with providers that understand these deadlines and can meet them.

We would like to suggest the following wording for the first section in subsection J. The Department of Mental Health and Addiction Services shall develop standards and oversee appropriate drug education programs that it administers to meet the requirements of this section. And may contract with service providers to provide such programs.

So we hope to be able to work with you and others on this proposal. And to iron out the other administrative issues. And we want to thank you for your time and attention to this issue.

SENATOR LEONE: Thank you.

Are there any questions at the moment?

Commissioner, I just -- as you mentioned this is an important issue and -- and it looks like there's a choice that we're looking to address. But I do want to try and move on this bill in a way that your department can be assistance as well as all the other ones that are going to have to be involved. So, has anyone reached out to you with trying to get your input on the crafting of the legislation to this point? Or are -- is this sort of your input at the -- at the beginning?

COMMISSIONER PATRICIA REHMER: I think that we're in the process of working on this language with individuals and so we just wanted to bring it before you. And again, our language

31
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

changes are not meant to indicate that we don't support the bill. Just that we sort of fine tune it.

SENATOR LEONE: Great. Thank you.

I know there's many issues with the fine details. I just wanted to make sure that we keep our eye on the ball. And I know there are other members here with sort of the -- helps spark the interest for this. And hopefully you can work with them as well. Because at the end of the day, we want to be collaborative and make sure that we don't put anyone in harm's way as we try to address the situation.

Great. Thank you.

Next on the list for elected official, we probably have one or two more within the hour and then we'll switch back and forth to the public. Next on the list Representative Gentile.

Good afternoon.

REP. GENTILE: Good afternoon, honorable chairs, ranking members and distinguished committee members. I've submitted written testimony to you regarding Senate Bill 198. So I will not -- I will save you the pain of having to read it word for word. But I just wanted to express some -- some concerns -- some issues that I really feel strongly about.

Ordinarily, I don't come before committees to give verbal testimony, because I feel it's important to hear from the public in this building. But this is a very -- an issue that is very, very important to me. And it is

49
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

point across in other manners that would not desecrate the service that our veterans have given to this country and to individuals to give us that right to free speech. And to find out that this happens on a weekend such as Memorial Day, I just don't think that's the proper speech and that this is the type of bill that we need to discourage those individuals from engaging in that.

I'm available for further questions. But I do support this -- this bill.

SENATOR LEONE: Thank you, Senator.

Your remarks are pretty much on the mark. And it's unfortunate that it was even occurred on a veteran's holiday. I mean that's salt in the wounds for all better. And so, we thank you for your support and we can't wait for this bill to pass.

Thank you.

SENATOR KELLY: Thank you.

SENATOR LEONE: Any questions?

Thank you.

Next on the list is Carmelo Figueroa followed by Sofia Nelson on deck.

CARMELO FIGUEROA: Good afternoon, Senators and chair members. Thank you for your time and consideration today. I'd like to speak on behalf of Senate Bill 114, 198 and House Bill 5298. I just want to make a couple of comments just very brief on Senate Bill 198 and House Bill 5298 then I'll go back to Senate Bill 114.

51
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

And I support this 100 percent. And if I haven't introduced myself as you see, I typed up a memo. I am First Sergeant Carmelo Figueroa. As you can see, my history there. I have been serving in the military for 30 years. Self explanatory includes three tours, three combat tours and I also served in the Cold War in Europe.

Outside of what I do, I serve for the Board of Directors and I'm not here representing or speaking for any organization. I'm not speaking for the Connecticut Veteran's Military Coalition or the Hispanic American Veteran's Organization, or the Task Force for OEF OIF. Although I sit on those -- I work with those organizations. I'm not speaking for them. I'm truly here on behalf of all veterans. Okay. And I support all -- any -- anything and everything that has to do for the betterment of veterans and their quality of life. That's what I support.

Okay. I want that known for the record. Okay. Having been a judicial marshal, I want to speak on Senate Bill 114 real quick on a pre-trial diversionary programs. I see that the Commissioner did some good homework. Because I was trying to get some data on how many prisoners we currently have within the Department of Corrections. And she stated earlier that we have 600 prisoners. And that's that.

That's that to me. You know, I work as a judicial marshal when I'm outside of working with these organizations. When I'm in the court system, I have physically put veterans in front of the judge. And it's -- and it's very heart wrenching and heart breaking to me when some of the public defenders come up to

52
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

me and ask me, you know, Carmelo, you know, you have experience with veterans. What do we do with these guys? Where do we send them? How can we handle, you know, how do we better serve them? You know, outside of some of the programs that are already available to them. Like the AIC programs or the alcohol education programs, or the drug education programs.

So it's important to highly consider the diversionary programs for them. Specifically, for veterans. I heard the Commissioner from the Department of Addiction Services speak earlier. So the collaboration between -- between these entities like the Department of Veterans Affairs and the Department of Mental Health and Addiction Services and the Department of Corrections. It's highly important for them to collaborate.

And I know that pretty soon they're looking to establish a relationship. Part of this is going to be a TIA program, where they're going to be looking to establish a relationship I believe with Yale School of Law. So, I'm looking forward to this bill being passed. And I'm really excited about it. So I support it 100 percent.

And I want it known I haven't -- I haven't heard it mentioned and I'm sure you probably have. And I'm sure it's in your thought process. This isn't a get out of jail free card for veterans. Okay. It's not. Okay. This is just, you know -- these folks have served deservedly so. So, you know, we need a better consideration for them, for what they have sacrificed. And -- and what they've gone through. So please by all means, you know. I thank you again. I wholeheartedly thank you for those of you who have served. To all of

53
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

these veterans here and the citizens of the State of Connecticut who came here to hear this today.

So thank you sincerely again.

SENATOR LEONE: Thank you, Mr. Figueroa.

CARMELO FIGUEROA: Do you have any questions for me?

SENATOR LEONE: Yes. Please.

CARMELO FIGUEROA: Sorry.

SENATOR LEONE: Thank you for your testimony. And thank you for your service both in the military and your continuing service in -- in the public sector. And the fact that you served on multiple organizations. And I value your input as a citizen for yourself. But where you can also help us is by talking to the public and these other organizations that you have contact with to also gather their support for this legislation.

Because obviously there are going to be some hurdles and some tweaking that we're going to need to do to collaborate with the different agencies to craft a very good piece of legislation that can pass and also be effective. So, your input is valuable as a citizen. But it can be just as valuable by getting the word out to the organizations because you have contact with people that I think could help the situation.

Any questions?

Thank you.

54
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS
CARMELO FIGUEROA: Thank you.

SENATOR LEONE: Next on the list Sofia and I believe you have some folks with you that can testify as well. Thank you.

And for the record, just please state your name, each person.

MARGARET MIDDLETON: Good afternoon, Senator Leone and members of the committee. My name is Margaret Middleton. I'm listed just after Sofia on the list. I am the Executive Director and Co-Founder of the Connecticut Veteran's Legal Center. And I'm very grateful for your time this afternoon to share my support for Senate Bill 114.

At the Connecticut Veteran's Legal Center our mission is to provide free legal services for veterans recovering from homelessness and mental illness to help them overcome legal barriers to housing, healthcare and income. And based on this work, at the Connecticut Veterans Legal Center, we think that the State of Connecticut really has no time to waste in passing SB 114.

Sixteen thousand residents in the State of Connecticut have been deployed to Iraq and Afghanistan. And as the members of this committee well know and you've spoken about eloquently today, many of those veterans are facing a really tough road in re-integrating into their civilian lives.

Just to give you some really salient statistics, the V.A.'s reporting that 37 percent of Afghanistan and Iraq veterans who are coming to their services are diagnosed with mental health issues. And one in five

55
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

veterans between the ages of 18 and 24 is currently unemployed. So, as -- as Representative Rose mentioned earlier, so many of these veterans are coping with these very difficult situations through substance abuse, drinking and other, you know, unfortunate coping mechanisms.

Largely because they're either embarrassed to admit there's a problem or they may not even really realize or acknowledge for themselves that there is one. So, for our clients who come in with these kinds of issues, we see that the two biggest barriers for them in terms of successfully reintegrating are these mental health and substance abuse problems. But also the criminal convictions that go along with them that make employment incredibly difficult.

And this is why SB 114 is so incredibly important right now. Because what it does, is it connects veterans who are charged with low level criminal offenses with already existing programs for mental health and substance abuse. I think it's important to emphasize that this bill does not create any new programs. It only expands access to existing programs. And we estimate that the usage of this bill would be in the neighborhood of hundreds of veterans a year.

Meaning that the impact on the budget of the State of Connecticut would likely not be large, but the impact on the individual lives of veterans and their families would be huge. So that's something about why the Connecticut Veteran's Legal Center thinks this bill is important for the veterans community.

I'd like to speak quickly to why it's also

56
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

good for the State of Connecticut's budget. There are four cost savings introduced by this bill. One, is that treating veterans is way cheaper than putting them in jail. It costs the State of Connecticut let's -- just \$100 a day to incarcerate a veteran. It costs the State of Connecticut around \$40 a day to treat the same veteran. So there's tremendous cost savings there.

The second cost saving is that the State of Connecticut is leaving federal money on the table. Nationally only about a fifth of veterans who are eligible for V.A. services are actually enrolled. So part of the hope with this bill is that we would help Connecticut residents take advantage of federally funded programs for which they are already eligible.

Third, pre-trial diversionary participants are less likely to re-offend. So, there -- diversionary programs actually reduce the burden on the criminal justice system. And fourth, a veteran treated for the underlying problems and who has avoided a criminal conviction on his or her record is more likely to become a gainful employee and tax payer in the State of Connecticut.

So, in conclusion, on behalf of the veterans that we're very proud to serve, I'd like to thank this committee for raising SB 114. And bringing to both the legislator and the legislation and the criminal justice communities raising for those groups the importance of these issues for our returning veterans. And bringing to light the opportunity that we have to really take care of this issue now.

57
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

We do have two proposed edits to the text which we've shared with the committee staff. And I'm happy to address those if you have any questions. Or if you have any other questions? Sofia Nelson is here with me. She's a student in the Veteran's Legal Services Clinic at Yale Law School. And she also has prepared testimony for the committee.

SENATOR LEONE: Sure thank you. Sofia if you could just give us your testimony. Make it as brief as you could so that we could maybe ask you some questions.

SOFIA NELSON: Of course.

SENATOR LEONE: Thanks.

SOFIA NELSON: Of course, yes.

So, Co-Chairs and members of the Select Committee on Veteran's Affairs, thank you for allowing me to be here today to speak on behalf of SB 114, An Act Concerning Pre-Trial Diversionary Programs. As -- as you already know and has already been articulated, communities in states across the country are quickly realizing that something must be done to address the pervasive problem of justice that involves veterans.

Whether it's through specialized courts or various pre-trial diversionary programs, it's clear that veterans deserve every opportunity to successfully reintegrate into civilian society. At -- fortunately, Connecticut is uniquely situated to address this issue because it already has many successful pre-trial diversionary programs in place. These programs have already proven that they can save the State of Connecticut money and

58
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS
reduce recidivism rates.

So, a issue in this proposed legislation is supervised diversion and accelerated rehabilitation. Currently, Court Support Services Division is supervising 8,887 people under these two programs. These programs are only open to people who have committed motor vehicle violations and crimes that are not of a serious nature. And this proposed legislation does not change that in any way.

Why these programs are so successful? They not only allow someone to address the underlying cause of their contact with the criminal justice system. But they are -- also allow people who successfully complete the program to avoid a criminal conviction. For the reasons Ms. Middleton and the Commissioner have discussed, veterans have unique needs. And their currently falling through the cracks of the criminal justice system here in Connecticut.

So, how does this bill change supervised diversion accelerated rehabilitation? Well, currently you can only access supervised diversion if you have a diagnosis -- diagnosed psychiatric disability. And one is only eligible to used accelerated rehabilitation once. This proposed legislation, we hope, would allow veterans to access supervised diversion if they are in fact amendable to mental health treatment without having to identify with a stigmatizing mental illness.

We also hope that veterans would be eligible to use accelerated rehabilitation twice. These programs are good for those who use them. They are good for the communities people live in. And they're good for the

59
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

State of Connecticut as a whole.

So, thank you so much for recognizing that this is an urgent issue that necessitates action, and therefore raising SB 114. On behalf of the Veteran's Legal Services Clinic at Yale School, I thank you. And I'm also, of course, open to answer any questions you may have.

SENATOR LEONE: Thank you.

Thank you both for bringing this to our attention so that we can raise this as a concept. As you mentioned, there are many veterans that are falling through the cracks and even with the impending draw down that's going to be coming, we know that's even going to be more of a burden. And I for one want to do all that we can to prevent any of those things from happening.

But you've heard some of the previous testimony from some of the folks that will be part of this process. And so there are some hurdles that need to be addressed. I don't think you're going to find too much resistance from our committee. But when it gets to the Judiciary Committee or other committees, the cognizance, there are some legal implications and questions that need to be vetted.

And -- and I would hope that you're going to be in contact with them. You will be testifying at those committees as well to make sure that you can provide all of the correct information to help them be as supportive as possible for this legislation. So, there -- there are some things that still need to occur. But number one is that we do need to pass this bill.

60
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

It's imperative given the fact of what we're facing. And I -- and I do like the fact that you're showing some dollar values as to what the costs are if we do something. And what the costs are if we don't do anything. And -- and given this particular climate -- fiscal impact can be either a great asset or -- or a great hurdle. So, to the extent that helping these veterans is cheaper, I think bodes well.

And so you need to make that argument as well. But, have you been in contact with other members of the Legislature, the court system, the different Commissioners that are going to be involved? Because I would hope between the legal center and the wit and expertise of the Yale Law School, you can provide some intellectual capital to make sure that we do it the right way.

MARGARET MIDDLETON: Yes, Senator. We have been in contact with members of the Judiciary Committee. We were very fortunate to have input from staff at DMHAS and from the Commissioner of Veteran's Affairs. We have talked to folks at the V.A. We've talked to CSSD. So, we have had the benefit of a lot of stakeholder input in putting this together. And we certainly tried to come up with a draft that would accommodate everybody's concerns.

And we will continue to work with all of those different groups going forward.

SENATOR LEONE: And I think I heard right, and -- and I apologize if I -- if it was already redundant. But, what -- isn't this -- are other states doing this? Not all states, but there have been other states that have actually done this in a way that is feasible.

61
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS
Correct?

MARGARET MIDDLETON: Absolutely. Connecticut has really fantastic diversionary programs. But this is one place where Connecticut is a little bit behind the curve. Other states have been a little quicker in adopting models for addressing the particular needs of veterans in the criminal justice system. And part of it is that Connecticut is so far ahead in some ways, that we -- we really wanted to come up with something that was very carefully tailored to what Connecticut's already doing.

SENATOR LEONE: So, I would hope that if other states have been successful, we can take their best practices that we can fit into Connecticut to be part of the discussion for anyone that may have a concern as to why they think we can't do it?

MARGARET MIDDLETON: Absolutely. We have with our tremendous brain power, definitely done some research into the best practices in other states. And we have documentation about that. And those -- those -- the programs of -- that are being put into place in other states were part of the consideration in the planning process in drafting this.

SENATOR LEONE: Thank you.

Any questions?

Representative Guerrera.

REP. GUERRERA: Thank you.

Good afternoon. Just a quick comment. Did you happen to see the testimony from the State of Connecticut Judicial Branch on this? The

62
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS
written testimony on this?

MARGARET MIDDLETON: I do have a copy of that.

REP. GUERRERA: You do.

MARGARET MIDDLETON: Yes.

REP. GUERRERA: Could you comment on some of the suggestions that was made on this in regards to the old -- old -- what was it? The eligibility requirements for veterans. Seeing that this would alter it. And also that I believe it was in third paragraph, CSSD personal without the necessary resources to determine whether a person is amendable to treatment? And the appropriate for admission into an applicable pre-trial diversion program.

MARGARET MIDDLETON: Thanks. I have a copy. They don't have a copy.

REP. GUERRERA: I mean it's -- because I -- from what I'm reading here, you know, Mr. Chairman, I'm just trying to see if this -- this testimony kind of goes against what we're trying to do here. And I'm just wondering what your thoughts were on this.

MARGARET MIDDLETON: I unfortunately -- I just got this right as I was walking in.

REP. GUERRERA: Okay.

MARGARET MIDDLETON: So, I'm not --

REP. GUERRERA: Not a problem.

MARGARET MIDDLETON: -- entirely prepared to speak to the specifics of it. But my understanding

63
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

is that these are actually relatively small technical disputes with the -- the language that the bill has drafted and not substances.

REP. GUERRERA: Okay.

MARGARET MIDDLETON: Disagreement.

SOFIA NELSON: I can comment quickly. So, we don't dispute that there are veterans who are currently using both accelerated rehabilitation and supervised diversion, which is what court support services points out here. What we're trying to do is ensure that a handful of veterans who are currently not eligible for these programs are made eligible. So, yes we are tweaking the eligibility requirements slightly.

As far as who should determine if people are amendable to treatment, I completely agree in court support services is doing an excellent job of that now. Our intention in drafting the bill and -- and I'm sure your committee's intention as well, in the changes they made to the bill that's currently been introduced was not to alter that in any way. So, I think that that is just excellent. Frankly, and I don't see any conflict here.

REP. GUERRERA: Good. I mean I just -- and just going back. There are some comments in here you think we could probably work in regards to making this all come together then?

MARGARET MIDDLETON: Absolutely. And actually if you look at the Commissioner Rehmer's testimony, it's very -- the proposed changes are essentially the same. And I actually think that they are in accordance with some of the proposed changes that we submitted to the

64
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS
staff.

REP. GUERRERA: Thank you.

SENATOR LEONE: Thank you, Representative.

You bring up a good point. And I think the key words here in the -- in the testimony from the -- the Judicial Branch is that they say currently veterans who have entered the criminal justice system may participate in these programs if they qualify. And -- and as you mentioned, they may have qualified before they went into the service. We're not trying to address the fact that after they've come out of the service with all of the issues that they may have and they relapse into a situation, that is the time that you're -- this legislation is trying to address them getting the pre-trial diversion. Correct?

MARGARET MIDDLETON: Absolutely. And I would -- I would also just mention that it's not just a question of -- we do agree that veterans are -- are participating in these programs. But what this bill anticipates is that veterans populations are unique and they have special and different needs. So it's not just a matter of being able to use the programs as they exist. But tailoring them so that we're really encouraging veterans to get in touch with the treatment that is appropriate.

SENATOR LEONE: Thank you. Because I think that's a key concern that obviously any time we are trying to do something different in this State of Connecticut there's always someone, you know, that's sometimes valid reasons may have a resistance to changing. But I think in the scope of what we're trying to accomplish here, I would hope that we could get the support.

65
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

And that's why I asked with your (inaudible) intellectual capital of Yale and everyone else associated, we really strive to present solutions for anyone that may have concerns. So that we can get it passed.

So, thank you for your testimony.

Any questions?

Thank you. Hold on. Sorry. My Chairman has a few questions.

REP. HENNESSY: Thank you.

Could you just mention again about money that we're not throwing down from the federal government?

MARGARET MIDDLETON: I'd be happy to, Representative Hennessy.

What I -- what I'll -- I'll just re-state, I guess what I said in the testimony which is that the State of Connecticut is leaving federal money on the table by not encouraging veterans to enroll in federally funded V.A. programming for which they're already eligible.

SOFIA NELSON: So, one in, I think the statistics show, that one in five are veterans returning from Iraq and Afghanistan is eligible for VA services but is not using them. Is that correct? So, about only 30 percent of people eligible for VA services are actually taking advantage of them. And VA -- the VA does provide many of the treatment programs that veterans may need whether it's through substance abuse or mental health issues that are uniquely tailored to what veterans are

66
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS
facing.

So, not only are veterans not using those services. But those services match what supervised diversion and accelerated rehabilitation may mandate.

REP. HENNESSY: Okay. Thank you. Thank you very much for your testimony.

SENATOR LEONE: Next on the list is Gary Waterhouse.

GARY WATERHOUSE: Good afternoon, Chairman SB 115 SB 198
Hennessy, distinguished members of the HB 5298
Committee of Veteran's Affairs. My name is Gary Waterhouse. And I'm a proud Vietnam veteran. I had the honor of serving in H Company Rangers, 75th Infantry assigned to the First Cavalry Division. And I'm pleased to offer testimony today in supporting legislation that in my opinion is good for veterans.

I also have the distinct pleasure in serving as a Veteran Service Officer at the VA in Newington. So my job is to deal with veterans issues day in and day out. I'm here today to support Senate Bill 114, An Act Concerning Pre-Trial Diversionary Programs. I was a police officer in Connecticut for 25 years. And I have come to believe that many people do things under the influence of post traumatic stress syndrome that they would not normally do.

In Connecticut, we currently have a pilot program called the Veterans Justice Outreach Program. It is a federal jail diversion program designed to write outreach services to eligible veterans. Veterans who are involved

67
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

with the criminal justice system. Justice involved veterans can be at risk for homelessness and struggling with issues of substance abuse, mental issue and or physical health problems.

The goal of the program is to write consultation necessary to facilitate access to VA services by providing the court with the treatment plan that it could use as an alternative to incarceration. The federal programs at GA23 New Haven Superior Court and GA4 in Waterbury Superior Court have been successful in the eyes of the veteran's community.

Although the Judicial Branch has consistently opposed legislation that requires the creation of special courts or dockets, because it takes away resources from available to handle all their other cases. We believe that the members of our armed forces have earned the additional resources after 10 years of war.

I'd also like to support Senate Bill 115, An Act Concerning the Military Sexual Assault Prevention and Response Program. I cannot conceive of a reasonable legal theory that would oppose providing confidentiality for disclosures made by military personnel or victims of sexual assault to military sexual advocates. And again as a police officer for over 25 years, I learned the value of confidentiality in allowing victims of this horrendous crime to speak the whole truth. And to identify perpetrators. I believe this is an easy one to pass.

I'd also like to speak in support of Senate Bill 198, An Act Concerning Desecration of War or Veteran's Memorials. I strongly support

69
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS
that I don't see?

Matthew Vallemy. Civil Air Base, I think they
already spoke. Okay. John Hollis.

JOHN HOLLIS: Good afternoon, Mr. Chairman, members
of the Select Committee on Veterans' Issues.
My name is John Hollis. I'm the Senior Vice
Commander for the Department of Connecticut,
come June I'll be State Commander. I also
serve as the National Legislative Committee
member representing Connecticut in Washington
on veterans' issues.

I'm going to touch base on a couple of bills.
But following me is the State Chairman, Robert
Hunter, whose doing a tremendous job
representing veterans of the V.F.W. and all
other veterans. And I -- I'm sure he'll be
touching on many more than I will. And I want
to thank you for serving.

SB 114

And -- those of you that didn't actually serve
in the military, thank you because you are
serving veterans. And that's what this is all
about. And I want to thank you. And Paul, I
want to send a thank you to you for your
communication with us. I'm honored to be here
with my -- my fellow veterans, members of the
American Legion, D.A.V. and all other veterans
groups that are here today.

I -- House Bill 5298, I cannot even begin to
touch it how adequate previous speakers said.
But I -- I just want to make it very clear.
It's a very strong issue with the Department
of Connecticut V.F.W. We hear a tremendous
amount of phone calls coming in of people, you
know, in South Windsor, we've heard at the
Stop & Shops all over the State of
Connecticut. Avon. I've had veterans from

70
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

Avon call me. I just can tell you we've received numerous calls from those scam artists.

And you know, we approach them. And often times we're going to see the manager of the store. And he'll chase them out. But I think we need to do something. I don't know if we can do it within a primitive of our Right of Free Speech. But I think we need to try to figure something out. How we can prevent this group from taking money that is -- goes to -- should be going to deserving veterans.

One of the other things I wanted to mention was the Senate Bill 114. I've been to the stand on -- I don't know if anybody's been to the stand. I know behind me they have in Rocky Hill. And we have caught -- come in, you know, judge, jury and everybody, prosecutors and public defenders. And -- and I've first hand seen how so many of those cases have been resolved. It's been a source of anxiety for a veteran for so long and get resolve in it.

And if anything we can do to enhance through our courts and to treat these -- you know what, they are different. You know, only 1 percent of our nation at any given time is putting their body between a bullet and this country. So, you know, somebody says in previous testimony well maybe we'll remove the word veteran. You think you'll want to add it. Because that's, you know, that's what we did in my time.

I hate to give my age away. But, I'm before Vietnam. I was the infamous Bay of Pigs and I was also the blockade of Cuba. I was in both of those on the Essex, U.S.S. Excevious 9. I

71
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

see Frank shaking his head. It was -- it was a time in my life that when I look back now, and I -- I wonder how, you know, we survived. Especially that infamous Bay of Pigs. You know, we fought in that battle and those veterans don't really get truly recognized.

And -- and we had more action there than we did at the blockade. I mean we were -- we had Air Ops. We had battles in the sky. We were invading Cuba and all the other things that go on with that. And I -- when I'm State Commander, I hope to make that my special project. I hope to recognize those folks that served in that -- in that point in time.

Veterans jobs, as you know, with the Teamsters Union, we'd like to work with our unions to higher veterans. I certainly can be a resource for you for that. And intent to work with my trade union brothers and sisters to help them advance that. And -- and get that project moving along. I think veterans are a quality group.

And I know it's not in your agenda, if you'll allow me. PTSD, I've heard it spoken about so many times today. It's the biggest affliction that's happening to veterans coming in from the sand, coming in from the Middle East. More so than Vietnam. More so than Korea. More so than World War II. These young men and women are experiencing that. I intent to make my theme this year for my commander, gear for that.

I've -- I'm endorsing a program, USA Battle Buddies. Dogs that they can provide for these individuals. Heart wrenching story, I talked to a vet last week. And he got this dog after many, many, many weeks of training. And he

VETERANS AFFAIRS

hasn't slept in two years since he's been discharged. And he was in Afghanistan in that terrible valley. I can't think of what that valley is. He hadn't slept in over -- a full night's sleep in over two years.

And he got this battle buddy dog, a Dutch Shepherd. Slept on the end of the couch. The guy said to me he slept for eight hours. I can't tell you how much that touched my heart. So I'm really going to focus my year on PTSD. And I hope that I can count on you to take some serious looks at that terrible, terrible affliction that are hitting out young veterans that are coming home.

Thank you for the opportunity to testify before my very favorite committee. I wish you were a standing committee. I know you're select. But I'll tell you what, every -- I'm doing everything in my power in the background to -- to get you guys a standing committee because, you know, these bills we're looking at today -- let's be honest. They're going to get out of here. They're going to get out here because you care.

And they're going to get into some committees that are not seeing the passion and the commitment of these folks that testified today. And they're not seeing that firsthand. They're seeing the written testimony. It's not the same. So, I hope at some point in time we can get this as a full standing committee and -- and I welcome that opportunity.

Again, thank you for allowing me to speak.

REP. HENNESSY: Thank you, John. Thank you for your advocacy, your passion and I can ensure

73
 tmd/gbr SELECT COMMITTEE ON
 P.M.

February 28, 2012
 12:00

VETERANS AFFAIRS

you that we'll be happy to be working with you regarding PTSD. I read about the Bay of Pigs. I'm -- right -- sorry we'll get him later. We'll get him later.

JOHN HOLLIS: That was a time in history. I'm proud to announce that in the Bay of Pigs and that time. But I can tell you folks in this room, you know, it was a truly an all Mexican standoff. And then you read in history the significance of that. Everybody's thumb are on those buttons. You know, I didn't realize it at the time. I probably would have jumped off the Essex. But it was -- it was significant time in history.

But all of these veterans have had that history, that 1 percent that served this great nation. And provided that service to put their -- their chest between a bullet and this country. So, God bless you for what you do. And let's all of us continue to work together.

REP. HENNESSY: Thank you.

Any comments?

Thank you, John.

JOHN HOLLIS: Thank you.

REP. HENNESSY: Next we have, Bob Hunter.

BOB HUNTER: Thank you, Chairman Hennessy.

I by comparison and the young kid on the block -- just a what my venerable colleague to give him some frame of reference. I was less than a year old when the Bay of Pigs occurred. Actually I take it back, the blockade. The blockade. I don't want to make him appear

SB 113 SB 114
SB 198 SB 250
SB 251 HB 5296
HB 5297 HB 5298

74
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS
older than he actually is.

Thank you for the opportunity to testify before you today. I'd like to thank the members of the committee also. On behalf of the roughly 20,000 men and women of the -- in the Veteran's of Foreign Wars of the United States and our auxiliaries, I'd like to thank you again for the opportunity to testify.

Our members greatly appreciate the voice that you give them at the hearing -- at these hearings. And know that their critical to the well being as veterans and citizens of the great united State of Connecticut. I'd like to speak to you on a few bills today. Starting with Senate Bill 113. The -- the V.F.W. does indeed support this bill.

And we believe providing the opportunity for testimony through some electronic means while the service person is deployed and not able to be physically present during the court proceedings. It affords that service member a reasonable means of meeting his or her civil obligations.

Hopefully without beating a dead horse, on Senate Bill 114, the Veterans of Foreign Wars, of course supports this bill. With a consideration that our state has seen more than 16,500 residents deployed to combat since 2001 and roughly one quarter of them are expected to suffer from post traumatic stress. An opportunity to help those who have seen no other course of treatment but to self medicate, is presented in this bill.

The low level offenses that can be expected is by products of post traumatic stress are easily addressed through treatment. They're

75
tmd/gbr SELECT COMMITTEE ON
P.M.

February 28, 2012
12:00

VETERANS AFFAIRS

most easily addressed through treatment. I beg your pardon. And this proposed legislation offers a vehicle to make that a reality for our veterans who need more help than they are willing to seek for themselves.

It should be noted that the cost of a diversionary program per capita is approximately one third of the cost of incarcerating that same person. Treatment for our veterans as the need arises will help them re-enter civilian life as capable, productive citizens. This is a win for the state. It's a win for our fellow citizens. And it's certainly a win for our comrade veterans.

With regards to Senate Bill 198, the Veterans of Foreign Wars believes that ensuring the integrity of our state's memorials serves its citizens the reminder the costs of war. And pays honor and perpetuity to those who gave their last measure of devotion to their country in its service.

Senate Bill 250, An Act Excluding the Veteran's Disability Compensation for Property Assignment During an Alimony, Dissolution of Marriage Proceedings. We supported a similar bill last year. As it protects a disabled veteran by ensuring continued -- in a continued undiminished stream of compensation for losses accrued during their service to the United States. Such compensation may well be the normalizing factor in allowing the veterans to sustain a viable life following the dissolution of marriage proceedings.

Senate Bill 251, we also support this bill as it will directly address the disparity in veterans unemployment rate of 11.7 percent and the overall rate of -- versus the overall rate

VETERANS OF FOREIGN WARS OF THE UNITED STATES
DEPARTMENT OF CONNECTICUT



STATE LEGISLATIVE OFFICE

STATEMENT OF

ROBERT A. HUNTER
STATE LEGISLATIVE CHAIRMAN
VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE
SELECT COMMITTEE ON VETERANS' AFFAIRS
THE STATE OF CONNECTICUT

WITH RESPECT TO PENDING VETERAN-RELATED LEGISLATION
TUESDAY, FEBRUARY 28, 2012
HARTFORD, CT

SB 198 SB 250
SB 251 HB 5296
HB 5297 HB 5298

Senate Chairman Leone, House Chairman Hennessey, and members of the Select Committee on Veterans Affairs:

On behalf of the roughly 20,000 men and women of the Veterans of Foreign Wars of the U.S. (VFW) and our Auxiliaries I would like to thank you for the opportunity to testify before you today. Our members greatly appreciate the voice you give them at these hearings that are critical to their well-being as veterans and citizens of the great State of Connecticut.

1. S.B. No. 113 (RAISED) AN ACT CONCERNING SERVICE MEMBERS CIVIL RELIEF ACT PROCEEDINGS.

The VFW supports this bill. We believe providing the opportunity for testimony through some electronic means while deployed, and not able to be physically present during court proceedings, affords that service member a reasonable means of meeting his or her civil obligation(s)

2. S.B. No. 114 (RAISED) AN ACT CONCERNING PRETRIAL DIVISIONARY PROGRAMS.

The VFW supports this bill. With the consideration that our state has seen more than 16,500 residents deployed to combat since 2001, and roughly 25% of them can be expected to suffer from Post-Traumatic Stress (PTS); an opportunity to help these

who have seen no other course of treatment but to self-medicate is presented in the bill. The low-level offenses that can be expected as by-products of PTS are most easily addressed through treatment, and this proposed legislation offers a vehicle to make that a reality for our veterans who need more help than they are willing to seek for themselves.

It should be noted the cost of a diversionary program per capita is approximately one-third of the cost of incarceration. Treatment for our veterans as the need arises will help them re-enter civilian life as capable, productive citizens. This is a win for the state, a win for our fellow citizens, and most assuredly a win for our returning veterans.

3. S.B. No. 198 (RAISED) AN ACT CONCERNING DESECRATION OF WAR OR VETERANS' MEMORIALS.

The VFW supports this bill, and believes ensuring the integrity of our state's memorials serves its citizens the reminder of the costs of war, and pays honor in perpetuity to those who gave their last measure of devotion to their country in its service.

4. S.B. No. 250 (RAISED) AN ACT EXCLUDING VETERANS' DISABILITY COMPENSATION FROM PROPERTY ASSIGNMENT AND ALIMONY IN DISSOLUTION OF MARRIAGE PROCEEDINGS.

The VFW supports this bill, as it protects the disabled veteran by ensuring a continued, undiminished stream of compensation for losses accrued during their service to the United States. Such compensation may well be the normalizing factor in allowing the veteran to sustain a viable life following the dissolution of marriage proceedings.

5. S.B. No. 251 (RAISED) AN ACT CONCERNING VETERANS' JOBS.

The VFW supports this bill, as it will directly address the disparity in the veterans' unemployment rate of 11.7% and the overall rate of 9.1% by providing greater opportunities to both veterans and the companies that would hire them.

6. H.B. No. 5296 (RAISED) AN ACT CONCERNING COURSE ENROLLMENT FEE WAIVERS FOR CERTAIN VETERANS AND MEMBERS OF THE NATIONAL GUARD ENROLLED AT CHARTER OAK STATE COLLEGE.

The VFW is in favor of this legislation. Returning veterans, regardless of their duty stations, return to civilian life with experiences and a self-discipline not commonly enjoyed by their civilian counterparts. Creating greater opportunity for, and easing the costs of higher education to our war veterans brings back to our state an energized veteran workforce capable of putting their experience and education to work.

7. H.B. No. 5297 (RAISED) AN ACT ESTABLISHING A TASK FORCE TO STUDY THE SUBSTITUTION OF STATE LICENSING REQUIREMENTS WITH MILITARY OCCUPATIONAL SPECIALTY TRAINING FOR VETERANS.

To the select committee on Veterans affairs: My name is SFC. Carmelo Figueroa, and I am here today to speak on behalf of mainly 3 issue's. However for the record I do support any and all matters pertaining to the Continued growth and betterment of the quality of life for all veterans. I am A 30 yr Army Veteran (3 combat tours Desert Storm-Iraq and Afghanistan) I sit on the Board of the Directors for the CT. Veterans Military Coalition as well as the Board for the Hispanic American Veterans and the OEF-OIF Task force team. So as you can see I take these matters very seriously. When I am not in any of the above capacities I work my normal job as a Judicial Marshal,(at G.A.-14 Hartford), in recent years mostly in Criminal Court- Which exposed and allowed me to see 1st hand the different elements and caliber of citizens that Have been presented before our Judicial system. One being our troops both pass and present- as of late, mostly from these recent conflicts-oef/oif and any other part of the world.

I can remember a young service member(prefer not to mention the component) that I personally new and was very shocked and surprised to see him facing the judge for some serious criminal charges. This kid fought in the battle of fallugah back in 2004-he had no one to fight for him in front of that judge because there were no programs in place for him-not to mention he was taken advantage of by a private attorney. This is one example of why We need programs like the pre-trial diversionary program, so please support it.

1st SB NO. 114(Raised) An act concerning pre-trial diversionary program.

SB 198- desecration of war memorials

HB 5298- a list of preferred veterans charitable organizations

Gary E Waterhouse
Vietnam War Veteran
Tuesday, February 28, 2012
Select Committee on Veterans Affairs Public Hearing

Good afternoon Chairman Leone, Chairman Hennessey and distinguished members of the Select Committee on Veterans Affairs, my name is Gary E Waterhouse, I am a proud Vietnam Veteran, I served with "H" Company Ranger, 75th Infantry Airborne assigned to the 1st Cavalry Division, and I am pleased to offer testimony this morning supporting legislation that is good for veterans.

SUPPORT- S.B. No. 114 (RAISED) AN ACT CONCERNING PRETRIAL DIVISIONARY PROGRAMS.

VA's National Center for PTSD reports that PTSD symptoms can indirectly lead to criminal behavior (for example, self-medication or acts related to hypervigilance) or through direct linkage of a traumatic incident to a specific crime (VHA National Center for PTSD: <http://www.ptsd.va.gov/>). A 2008 RAND Corporation study found that nearly 20 percent of Service members who have returned from Iraq and Afghanistan (300,000 at the time of the study) reported symptoms of PTSD or major depression, with only slightly more than half having sought treatment.

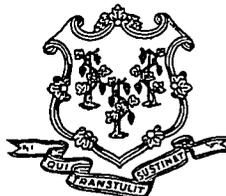
Treatment-focused court programs, including Veteran-specific dockets, are increasingly prevalent. A growing number of communities have established treatment courts, including Veterans, Drug and Mental Health Courts; these courts address the issues of defendants with specific needs or circumstances not adequately handled in the traditional court system. Veterans' Courts are the latest result of the treatment court movement; they aim to connect Veteran defendants with needed mental health, substance abuse, and other services in a Veteran-focused environment designed to provide support and encourage adherence to treatment.

The Connecticut VJO program is the federal Veteran's jail diversion program designed to provide outreach services to eligible Veterans who are involved with the criminal justice system. Justice involved Veterans can be at risk for homelessness and struggling with issues of substance abuse, mental illness and/or physical health problems. The goal of the program is to provide the consultation necessary to facilitate access to VA services by providing the court with a treatment plan that could be used as an alternative to incarceration. The federal programs in GA-23 New Haven Superior Court and GA-4 Waterbury Superior Court have been successful in the eyes of the veteran community.

Although the judicial branch has consistently opposed legislation that requires the creation of special courts or dockets because it takes away resources available to handle all of their other cases, we believe the members of our armed forces have earned the additional resources after ten (10) years of war.

SENATOR MARTIN M. LOONEY
MAJORITY LEADER

Eleventh District
New Haven & Hamden



State of Connecticut

SENATE

State Capitol
Hartford, Connecticut 06106-1591
132 Fort Hale Road
New Haven, Connecticut 06512
Home: 203-468-8829
Capitol: 860-240-8600
Toll-free: 1-800-842-1420
www.SenatorLooney.cga.ct.gov

Good afternoon Senator Leone, Representative Hennessy, and members of the Veterans' Affairs Committee. I am here today to testify in favor of SB 114, AN ACT CONCERNING PRETRIAL DIVISIONARY PROGRAMS and SB 251, SB 1 AN ACT CONCERNING VETERANS' JOBS

SB 114, would allow certain veterans who have committed specific non-violent offenses to participate in pretrial diversionary programs twice. Under current law, most offenders can use this program only once; in 2008 the General Assembly made a change in the law to allow those with psychiatric disorders a second chance in certain situations. Many veterans face a difficult transition back to civilian life and may need additional assistance in this transition; we owe them at least this support.

This proposed legislation recognizes that treatment is preferable to incarceration and provides additional ways that our state can seek community-based treatment for certain non-violent offenders. All of Connecticut's citizens benefit when we encourage people who have made mistakes to remain productive members of our society by providing the support and services that they require. Many of these services are most effective when administered by community based providers who possess insight into specific issues involved

with the offender. This legislation would allow treatment services for veterans to be provided by the Department of Veterans' Affairs which is the agency most familiar with the struggles faced by this population. It is good public policy to provide the kinds of services that keep non-violent offenders in positive living conditions and out of homeless shelters and prisons. This approach benefits both the offender and all of society.

SB 251 would assist veterans who are seeking jobs; this bill is similar to language in sections 5 and 6 of SB 1 of which I am a co-sponsor. It is well documented that when veterans return to civilian life, they face many extraordinary challenges, not the least of which is finding and adjusting to civilian employment. This bill would create, within the state Department of Labor, an Unemployed Armed Forces Member Subsidized Training and Employment Program. The program would provide grants to small businesses that hire qualified veterans. These grants would be used to subsidize part of the cost of on-the-job training and compensation expenses incurred by the business for the first six months that the veteran is employed by the company. This provision would assist both small businesses and veterans as well as address our desire to lower the rate of unemployment.

Thank you for raising these important proposals which will do much to assist veterans to achieve a successful transition back into civilian life.

SB 114: IMPROVING PRE-TRIAL
DIVERSION TO MEET THE UNIQUE NEEDS
OF CONNECTICUT'S VETERANS



CONNECTICUT VETERANS
LEGAL CENTER

Prepared for the
Connecticut Veterans Legal Center
by Kate Cahoy, Jon Fougner, Sofia Nelson, and Eric
Parrie,
Veterans Legal Services Clinic, Yale Law School

February 2012

INTRODUCTION

After serving with courage and diligence, many veterans across the nation return home to face economic, family, and emotional struggles.

Connecticut is home to 240,000 veterans. Thousands more will return to the state and begin the difficult transition to civilian life as foreign wars draw to a close.

Upon returning, many of these veterans are recovering from invisible wounds that too often go untreated, including post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI). Some Connecticut veterans struggle with substance abuse, homelessness, and incarceration.

When veterans struggle to adjust, they can become involved with the criminal justice system. Instead of receiving treatment, they often face criminal convictions, which delay proper treatment and greatly limit their employment opportunities.

The Connecticut Veterans Legal Center (CVLC) helps veterans serve their communities as productively as they served their country. CVLC provides legal assistance to veterans struggling to overcome homelessness, addiction, and unemployment. Serving hundreds of veterans across the state, CVLC has seen firsthand the struggles veterans endure and the success they can achieve.

Thankfully, Connecticut is well-positioned to meet the unique needs of veterans and promote healthier communities across the state. Modest reforms of current eligibility requirements and treatment options in pre-trial diversionary programs, like those proposed in SB 114, would make a significant impact on veteran health and wellbeing while allowing them to access federal veterans assistance programs and saving the state from unnecessary expenditures. CVLC supports these reforms because they will enable Connecticut's veterans to receive the treatment they need and begin the lives they deserve.

SUMMARY

CVLC encourages the Connecticut General Assembly to adopt SB 114, which expands access for veterans to existing diversionary programs.

SB 114 provides judges expanded opportunities to direct justice-involved veterans toward individualized treatment plans, focused on recovery and readjustment, as an alternative to incarceration. Further, it would allow integration of mental health and drug treatment for veterans and channel them to institutions best suited to treat them.

By guiding veterans to existing programs and providers, including the federal Department of Veterans Affairs, Connecticut can reduce costs to taxpayers and achieve long-term savings by reducing recidivism.

VETERANS AND THE CRIMINAL JUSTICE SYSTEM

As of 2010, Connecticut had 5,828 active duty servicemembers,¹ and 6,678 selected reserve members.² In 2008, the United States Department of Veterans Affairs (VA) estimated the Connecticut's veterans' population was 245,643.³ Reports from the Department of Justice in 2002 and 2004 show that nationwide, 10% of prisoners report prior service in the armed forces.⁴ 70% of those veterans are incarcerated for non-violent offenses, and 82% of incarcerated veterans are eligible for VA services.⁵ Although veterans make up only approximately 10% of the U.S. adult population, they constitute roughly one-third of the homeless population.⁶ Unfortunately, these numbers are likely to rise as troops return from Afghanistan and Iraq, and the military implements major troop reductions.

Connecticut has worked hard to support its veteran and military populations; however, many veterans still fall through the cracks and end up in the criminal justice system. Mental health and substance abuse are widely recognized as the leading indicators of incarceration and homelessness in the population at large, and the correlation is no different among veterans. In addition to these, many veterans face a difficult readjustment to civilian life after returning home, and this difficult transition can further add to an individual's risk factors. Therefore, treatment of these issues is an important step in reducing the number of veterans Connecticut incarcerates.

Nearly 30% of Iraq and Afghanistan veterans nationwide suffer from Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), or major depression.⁷ Many more suffer from PTSD-like symptoms, anxiety, and adjustment disorder. In a survey of Connecticut Operation Enduring Freedom (OEF)/Operation Iraqi Freedom (OIF) veterans, nearly half exhibited PTSD or its symptoms: 21.5% met criteria for having PTSD and 22.3% met the criteria for partial-PTSD.⁸ Tragically, as many as half of veterans suffering from mental health disorders go untreated due to the stigma associated with obtaining mental health treatment and the particularized stigma within the military.⁹ Instead, these veterans may turn to alcohol or drugs to cope with their symptoms and many continue to suffer the effects in silence. One study found that 73% of Vietnam veterans suffering from PTSD had a lifetime history of substance abuse.¹⁰

Even servicemembers who do not have mental health disorders may experience significant difficulty readjusting to civilian life. This readjustment problem can be exacerbated for members of the National Guard and Reserves, who face more drastic transitions, both into active duty and back into civilian life. Unlike active duty military personnel, these servicemembers are removed from their units and have little time to readjust to their home and families before being required to return to work in as little as eighteen days. Consequently, surveys of Connecticut veterans show higher needs for mental health referrals and higher rates of alcohol abuse among National Guard veterans.¹¹ This is an important consideration among the Connecticut veteran population

because 38% of Connecticut residents deployed to Iraq or Afghanistan have been National Guard or Reserve.¹²

Connecticut and the U.S. government have not ignored these problems and together maintain several treatment facilities dedicated to treating veterans. The United States Department of Veterans Affairs (VA) provides services through the VA Medical Centers in West Haven (including its Errera Community Care Center, which focuses on providing treatment and services to veterans struggling with mental illness, substance abuse, homelessness, or aging) and Newington and through Vet Centers, focused on therapy and readjustment, in Danbury, Hartford, Norwich, and New Haven.¹³ The Connecticut Department of Veterans' Affairs runs the Connecticut Veterans Home in Rocky Hill, which provides veterans with residential substance recovery treatment for up to two years.¹⁴ More recently, Connecticut received a federal grant from the SAMHSA Center for Mental Health Services. This grant is administered by the Connecticut Department of Mental Health and Addiction Services and has been used to launch a successful veterans' jail diversion pilot program in New London County.¹⁵ These programs collectively focus on providing veterans with a range of services from mental health and substance abuse treatment to employment training. Most importantly, they do so with professionals specifically trained to work with veterans and programs specifically tailored to veterans' needs. The over-representation of veterans in the state's criminal justice system does not result from a lack of treatment options. Rather, it stems from barriers blocking veteran access to the appropriate treatment programs.

A number of initiatives have developed in Connecticut to serve veterans involved in the justice system. VA has located Veterans Justice Officers in West Haven and Waterbury: these officers work within the courthouses and are responsible for identifying veterans charged with crimes and attempting to place them in VA treatment programs as an alternative to incarceration. The Connecticut Department of Veterans Affairs has sponsored Stand Down, an annual event at which it provides legal help to justice-involved veterans including the expedited resolution of some minor criminal cases. The SAMHSA grant funds early identification in New London by the Department of Mental Health and Addiction Services. However, none of these programs operates on a statewide level and expanding them to that scale would be quite costly.

MECHANICS OF SB 114: A PRACTICAL SOLUTION

The raised legislation expands access to two of Connecticut's existing, successful pretrial diversionary programs, Accelerated Rehabilitation (AR) and Supervised Diversion (SDP), to better accommodate the unique needs of veterans. The State of Connecticut Judicial Branch describes Accelerated Rehabilitation as a program "available to certain persons charged with crimes and motor vehicle violations that are not of a serious nature..."¹⁶ Supervised Diversion, created in 2008, "combine[s] mental health treatment with probation supervision."¹⁷

CVLC's proposed legislation allows veterans to utilize Accelerated Rehabilitation twice, and allows veterans to access Supervised Diversion without receiving a formal

psychiatric diagnosis. The legislation also encourages Court Support Services to connect veterans enrolled in these programs with existing treatment options sensitive to veterans' unique needs at the U.S. Department of Veterans Affairs, Connecticut Department of Veterans' Affairs, and the Connecticut Department of Mental Health and Addiction Services.

At present, state law allows criminal defendants to access Accelerated Rehabilitation only once, and one must receive a stigmatizing mental illness diagnosis to participate in Supervised Diversion. Under SB 114, both programs will remain open only to those whose alleged offense is not of a serious nature.

It is critical to note that the bill does not limit judicial discretion concerning the use of diversionary programs in any given case, nor does it change which offenses are covered by the existing diversionary programs or the effects of diversionary programs on non-veterans. Rather, SB 114 has a targeted impact. Once a judge has determined that a veteran is eligible, that veteran will have access to individualized treatment plans that address the multifaceted problems he or she faces. With the passage of SB 114, veterans who are eligible for diversion will be able to choose among respected treatment providers, which choice ensures more successful treatment with enduring results.

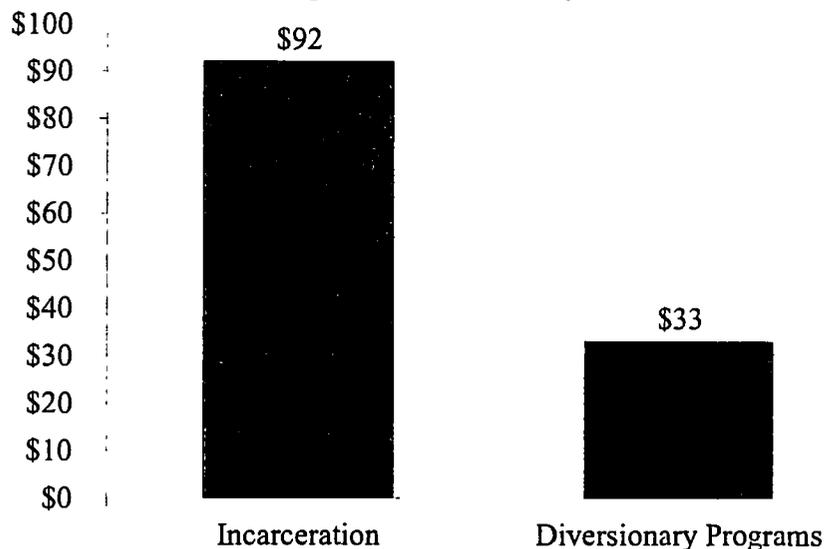
FISCAL IMPACT OF SB 114: SHORT AND LONG-TERM SAVINGS

Augmenting existing diversionary programs to better meet the needs of veterans saves the state of Connecticut money in four ways.

HOW SB 114 SAVES MONEY

1. Supervising offenders in the community is far less costly than incarcerating them.
2. Many veterans will receive diversionary treatment through federal VA programs instead of state-funded programs.
3. Those who participate in pretrial diversionary program are less likely to re-offend than those who are directly sentenced.
4. Offenders who are afforded the opportunity to address the underlying cause of their conduct and avoid a criminal conviction are more likely to maintain employment and be productive members of society.

DIVERSION vs. INCARCERATION COSTS
per offender per day



Connecticut spends an average of \$92.35 per day to incarcerate someone.¹⁸ Conversely, it costs Connecticut \$32.66 a day to supervise an offender in the community.¹⁹ As of January 1, 2012, 8,887 people, or 18.2% of all probationers, were being supervised under Accelerated Rehabilitation or Supervised Diversion in Connecticut.²⁰ By treating these individuals instead of incarcerating them, the state of Connecticut saves an estimated \$59.69 per day per individual. Furthermore, the recidivism rates for those who participate in pretrial diversionary programs are lower than for those who are directly sentenced.²¹ A lower recidivism rate is good for individual ex-offenders, good for the community, and saves Connecticut even more money.

Statistics are not available concerning the percentage of people admitted into Accelerated Rehabilitation and Supervised Diversion who are veterans. However, national statistics can provide a guide to expected rates of incarceration, probation, and program participation for veterans.

Nationally, ten percent of state prisoners reported prior service in the U.S. armed forces²² and about 10.4% of probationers are veterans.²³ Connecticut has an incarceration rate of 376 per 100,000.²⁴ If veterans in Connecticut are incarcerated at the national rate, 1,344 veterans are incarcerated for some period of time each year in the state. There are currently 48,718 people in Connecticut on some form of probation supervision.²⁵ If national statistics for veterans on probation hold for Connecticut, approximately 5,067 veterans are currently on some form of probation in Connecticut. It can therefore be estimated that about 6,411 veterans are either currently on some form of probation or in prison in Connecticut. Not all of these veterans would be eligible for expanded Accelerated Rehabilitation or Supervised Diversion under the proposed legislation. In some cases, the nature of the veteran's criminal charges would make him or her

ineligible. In other cases, veterans will have already exhausted their use of these programs.

To make a maximum estimate of the number of new veterans that might enroll after passage of SB 114, one must assume that no veterans are currently able to take advantage of Accelerated Rehabilitation or Supervised Diversion. In this conservative scenario, any veteran who participates in these programs would be a new participant. With a baseline estimate of 5,067 veterans on probation and a statewide AR and SDP participation rate of 18.2%,²⁶ a maximum estimated 924 new veterans could enroll in AR and SDP annually. This represents a 10% increase in enrollment in those programs.²⁷

If all 924 of those veterans were incarcerated, it would cost the state of Connecticut \$85,331 per day. Meanwhile, if those same 924 veterans were diverted, the state would spend a maximum of \$29,035 a day. We calculate that the cost of supervising veterans in pretrial diversionary programs is likely to be lower than the cost of supervising non-veterans because many veterans would be able to receive the majority of their treatment at the federally funded VA. However, even if all veterans enrolled in these programs were to utilize state funded treatment programs the state still saves \$53,340 per day.²⁸

ANNUAL COST TO CONNECTICUT

Veteran in Jail

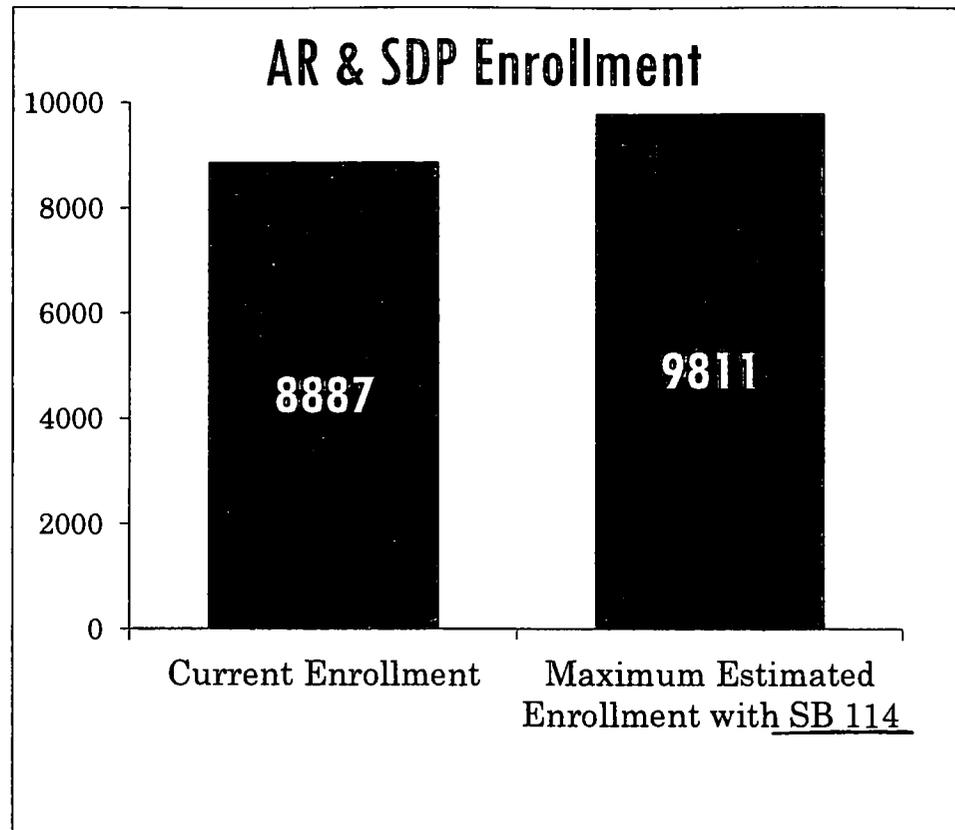
Veteran in Treatment



Ultimately, the proposed changes to Accelerated Rehabilitation and Supervised Diversion in SB 114 are likely to benefit an estimated 1000 Connecticut veterans each year in a very significant way. This legislation will result in a small increase in enrollment in these programs and better leveraging of federal resources. No new staff should be required to implement the proposed expansion of Accelerated Rehabilitation and Supervised Diversion.

CONCLUSION

While there are many challenges that face Connecticut's veterans, the state is in a good position to honor its veterans and ensure that they are given every opportunity to reintegrate successfully into civilian society. SB 114 provides a cost-saving and practical tool to the criminal justice system to better address the unique needs of justice-involved veterans.



¹ Dept. of Defense, *Demographics 2010: Profile of the Military Community*, 27, available at http://www.militaryhomefront.dod.mil/12038/Project%20Documents/MilitaryHOMEFRONT/Reports/2010_Demographics_Report.pdf (last visited Jan. 26, 2012).

² *Id.* at 90.

³ Commissioner of Veterans' Affairs Linda Schwartz, Testimony before Judiciary Committee, at 5, February 25, 2010.

⁴ Margaret E. Noonan and Christopher Mumola, Veterans in State and Federal Prison, Bureau of Justice Statistics Special Report, 2004 <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=808>

⁵ American Bar Association, Resolution 105A Report, Adopted February 8-9, 2010, at 2 [hereinafter "ABA Report"].

⁶ ABA Report, at 2.

⁷ *Id.* at 2.

⁸ Thomas Kirk, Connecticut Department of Mental Health and Addiction Services, "Findings on the Aftereffects of Service in Operations Enduring Freedom and Iraqi Freedom, Oct. 2008, at 14 [hereinafter "DMHAS Report on OEF/OIF"].

⁹ ABA Report, at 3 (citing RAND).

¹⁰ DMHAS Report on OEF/OIF, at 15.

¹¹ *Id.* at 23.

¹² *Id.* at 11.

¹³ Errera Community Care Center, <http://www.erreracc.com>, last visited February 17, 2012.

¹⁴ Commissioner Linda Schwartz, Testimony before Judiciary Committee, at 3.

¹⁵ *Id.* at 2.

¹⁶ Superior Court Criminal Division, A Guide to Special Sessions & Diversionary Programs in Connecticut, 2006, www.jud.ct.gov

¹⁷ www.ct.gov/opm/lib/opm/.../supervised_diversion_for_cjpac_pp.pp

¹⁸ <http://www.ct.gov/doc/cwp/view.asp?a=1505&q=265600>

¹⁹ <http://www.ct.gov/doc/cwp/view.asp?a=1492&q=265472>

²⁰ <http://www.jud.ct.gov/statistics/probation/default.htm>

²¹ Legislative Program Review & Investigations Committee, Pretrial Diversion and Alternative Sanctions, December 2004, www.cga.ct.gov/2004/.../Alternative_Sanctions_Final_Report.pdf.

²² Margaret E. Noonan and Christopher Mumola, Veterans in State and Federal Prison, Bureau of Justice Statistics Special Report, 2004 <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=808>.

²³ In 2004, 4,151,125 people were on probation nationally according to the Bureau of Justice Statistics and 399,300 of those were veterans. <http://www.nadcp.org/node/442>.

²⁴ <http://www.statehealthfacts.org/profileind.jsp?ind=760&cat=1&rgn=8&cmprgn=19#notes-ind-760>

²⁵ <http://www.jud.ct.gov/statistics/probation/default.htm>

²⁶ *Ibid.*

²⁷ Considering that about 10.4% of probationers and 10% of prisoners are veterans, 10% is a logical estimate for the increase in utilization of Accelerated Rehabilitation and Supervised Diversion.

²⁸ This savings is calculated assuming that the state would otherwise incarcerate those who are enrolled in a diversionary program.

STATE OF CONNECTICUT
JUDICIAL BRANCHEXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

Testimony of Stephen N. Ment
Select Committee on
Veteran's Affairs Public Hearing
February 28, 2012

Senate Bill 114, An Act Concerning Pretrial Diversionary Programs

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in regards to Senate Bill 114, An Act Concerning Pretrial Diversionary Programs. This bill alters eligibility requirements for veterans seeking to take advantage of Accelerated Rehabilitation more than once and makes changes specific to veterans for two other programs already in use - Supervised Diversion Program and the Pretrial Drug Education Program.

Currently, veterans who have entered the criminal justice system may participate in these programs if they qualify. While the Judicial Branch takes no position on section two of the bill, which allows veterans to apply for the Accelerated Rehabilitation program more than once, we would respectfully suggest that language mandating the Branch's Court Support Services Division (CSSD) to consult with the Department of Mental Health and Addiction Services (DMHAS), the United States Department of Veterans Affairs (USDVA), or the Department of Veterans' Affairs (DVA) in determining an applicant's eligibility for the Psychiatric Accelerated Rehabilitation program is unnecessary.

CSSD personnel have the necessary resources to determine whether a person is amenable to treatment and appropriate for admission into the applicable pretrial diversion program. This additional hurdle of coordinating program eligibility with

other state agencies is inefficient and time-consuming, leading to a potential delay in the start of treatment. It is also unnecessary, as CSSD staff regularly consult with DHMAS staff and can certainly consult with DVA employees as well.

In regards to the Pretrial Drug Education Program, the bill would allow a veteran to be referred to the USDVA or the DVA for placement in a comparable drug education program. We would respectfully note that, should this become law, the USDVA and the DVA would have to ensure timely access to treatment and education services for these defendants, and ensure that their providers complete and submit program participation and completion reports to the Court in accordance with established protocols.

Thank you for the opportunity to submit written testimony.



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
30 TRINITY STREET - 4th Floor
HARTFORD, CONNECTICUT 06106

DEBORAH DEL PRETE SULLIVAN
LEGAL COUNSEL/EXECUTIVE ASSISTANT PUBLIC DEFENDER
(860) 509-6405 Telephone
(860) 509-6495 Fax
deborah.d.sullivan@jud.ct.gov

Testimony of
Deborah Del Prete Sullivan, Legal Counsel
Office of Chief Public Defender

Raised Bill No. 114
An Act Concerning Pretrial Divisionary Programs

Select Committee on Veterans' Affairs
February 28, 2012

The Office of Chief Public Defender supports *Raised Bill No. 114, An Act Concerning Pretrial Divisionary Programs*. Section 1 of the bill would provide for a collaboration between the Court Support Services Division and the Department of Mental Health and Addiction Services (DMHAS), the U.S. Department of Veterans Affairs or the Department of Veterans' Affairs in an effort to ascertain whether the veteran is amendable to treatment and whether appropriate treatment is available in cases in which a veteran has applied for Pretrial Supervised Diversionary Program for Persons with Psychiatric Disabilities. (C.G.S. §54-56l)

Section 2 of the bill would provide a veteran the opportunity to be considered for the Accelerated Pretrial Rehabilitation program (C.G.S. §54-56e) so long as the veteran had not had the program invoked on his/her behalf more than once previously.

Section 3 would provide that a veteran be referred to DMHAS, the U.S. Department of Veterans Affairs or the Department of Veterans' Affairs, for an evaluation once the court has granted the veterans' application for the Pretrial Drug Education program (C.G.S. §54-56i).

Adoption of the proposed bill would provide additional treatment opportunities to veterans accused of crime which are not serious in nature and in those instances where treatment for substance abuse or psychiatric disabilities is more appropriate than hindering a veteran with a criminal conviction.

Christopher P. McCluskey, Director Forensic Services and Veterans Affairs
Community Renewal Team, Inc.
Testimony before Select Committee on Veterans' Affairs, Connecticut General Assembly
February 28, 2012
Page 1

Good afternoon, Co-Chairs, Vice Chairs, Ranking Members, and Members of the Select Committee on Veterans' Affairs. Thank you for holding this hearing on the important subject of veterans' access to pre-trial diversionary programs. Connecticut is a leader in tackling root causes of offending behavior, so it is a pleasure and an honor to work with forward-thinking organizations and lawmakers such as you.

My name is Christopher McCluskey and I am pleased to have the opportunity to testify in favor of SB 114. I serve as the Director of Forensic Services and Veterans Affairs at the Community Renewal Team, Inc., the largest non-profit provider of human services in Connecticut. The agency's mission is *preparing our community to meet life's challenges*, and my team works directly with United States Veterans to alleviate many of the challenges they face. SB 114 is one critical step in reducing the number of veterans who are jailed for low-level offenses due to their unique mental health needs. SB 114 acknowledges the special needs of veterans and allows for tailored treatment without the shame or stigma of jail time.

We provide veterans, including those veterans with a history of incarceration, and the civilian offender population with residential and non-residential re-entry services when they are transitioning to permanent housing. Among the 209 veterans that my team sees each year, SB 114 could make a tremendous difference. About 50% of our veterans would be eligible for diversionary programs, eliminating the need for jail time, and saving the state of Connecticut a little over \$2,000,000.

Because my department at CRT oversees both criminal sanctions and veterans' programs, and because we are housed within the same division that provides substance abuse and mental health treatment, we have a unique vantage point for observing the synergistic effect between

Christopher P. McCluskey, Director Forensic Services and Veterans Affairs
Community Renewal Team, Inc.
Testimony before Select Committee on Veterans' Affairs, Connecticut General Assembly
February 28, 2012
Page 2

veterans' services and pre-trial diversion. CRT operates the CSSD-funded Enfield Alternative in the Community (AIC) Center, one of many in the State. The AIC program provides intake and assessment, intensive case management, toxicology screening, evidence-based group interventions, community service, and job development. Each AIC program in the State employs a court liaison who accepts pre-trial referrals from the Connecticut Judicial Branch and subsequently reports compliance regarding the conditions of program participation. While the model has evolved over the years, there is a documented record of success addressing Connecticut's overcrowded jails dating back to the 1980s.

CRT is also contracted by the federal Veterans Administration (VA) to operate a 12-unit transitional living program for veterans who are involved with the criminal justice system. This program has been in operation since May 2010 and has realized a 91% successful discharge rate, placing 72% of program participants into permanent residence. Veterans' Crossing provides intensive case management, coordination and linkages to VA services (medical, mental health and substance abuse services), employment supports, and financial literacy classes. Additionally, CRT is the sole contractor for the state of Connecticut VA-funded Supportive Services for Veteran Families (SSVF). SSVF is a program designed to enhance housing stability and prevent homelessness among veteran families who currently reside in or are transitioning into permanent housing. With this objective in mind, CRT provides comprehensive support services including outreach, case management services, and assistance to veteran families in obtaining VA and other public benefits.

In my years working with veterans across this spectrum of programs, I have become familiar with the unique challenges veterans face and the relative efficacy of different solutions

Christopher P. McCluskey, Director Forensic Services and Veterans Affairs
Community Renewal Team, Inc.
Testimony before Select Committee on Veterans' Affairs, Connecticut General Assembly
February 28, 2012
Page 3

to these challenges. I was delighted to read SB 114 because it confronts these challenges head-on. This bill is not just about keeping people out of prison and saving taxpayer dollars; it's also about making a monumental impact on the human condition of these vulnerable individuals. As you know, one in four of our warriors return from Iraq and Afghanistan affected by post-traumatic stress disorder (PTSD). PTSD makes adjusting to civilian life and work hard enough, but when it contributes to convictions for low-level offenses (e.g. small drug possession charges), limiting housing, employment, and education opportunities; PTSD makes its victims pay twice. Untreated mental illness, such as PTSD, is pervasive in our service-members and veterans. If a veteran lacks peer role models who acknowledge and address their mental health issues, it is unlikely that the veteran will disclose his issues to himself or others. In my experience, 90 - 95% of the Connecticut veteran population we serve suffers from undiagnosed mental illness, diagnosed mental illness, substance abuse, or co-morbidity of two or all three of these. SB 114 increases the likelihood that we can heal the root cause of these problems.

I applaud the committee for formulating SB 114 and providing veterans with an option. As the saying goes, "you can lead a horse to water, but you can't make him drink." Our communities' job is to make the veteran thirsty. When a veteran identifies the issues he or she is facing—even if they don't include psychiatric labels—and raises his or her hand to enroll in a particular program, the sense of agency over that choice increases the likelihood of follow-through and completing a program.

In sum, there is no single silver bullet for helping veterans reintegrate into civilian society as healthy and productive contributors. SB 114, however, represents a manageable and meaningful step we can take right now to address the signature wound of the present war.

Christopher P. McCluskey, Director Forensic Services and Veterans Affairs
Community Renewal Team, Inc.
Testimony before Select Committee on Veterans' Affairs, Connecticut General Assembly
February 28, 2012
Page 4

Indeed, we look forward to continuing to work with your Committee and our partners at the Department of Correction, CSSD, VA, and DMHAS over the coming years on the lifecycle of veterans' issues. On behalf of the veterans we serve, we are grateful for the development of SB 114 and are hopeful that SB 114 will pass unanimously.

I would be happy to answer any questions you might have. Please feel free to reach me at McCluskeyC@crtct.org or Community Renewal Team, Inc., 555 Windsor Street, Hartford, CT 06120.



DoD-State Liaison Office

OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE
(MILITARY COMMUNITY AND FAMILY POLICY)
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

February 27, 2012

Senator Carlo Leone
Representative John F. Hennessy
Select Committee on Veterans' Affairs
Room 509A, Capitol
Hartford, CT 06106

HB 5297 SB 251
HB 5171

Dear Mr. Chairman,

My name is Colonel (Ret) Harold Cooney. I am the Northeast Region Liaison for the Department of Defense State Liaison Office in the Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy. Our mission is to be a resource to state policymakers addressing the issues that affect the quality of life of our military and their families.

I am writing in support of four bills being heard before your Committee on February 28, 2012. I had the pleasure of appearing before your Committee two years ago regarding issues affecting our Service members and their families. Since that time we have added two new issues to our Top Ten list of issues – Veteran Treatment Courts and Service member transition.

Rand Corporation reported as of 2008, 31% of the 1.8 million who have served in Iraq and Afghanistan have a service-related mental health condition or traumatic brain injury (TBI). A 2002 U.S. Department of Justice report indicated that veterans comprise 9.3% of all persons incarcerated: 70% were in jail for non-violent offenses; 82% of veterans in jail were eligible for Veterans Affairs (VA) services (65% honorably discharged and 17% general discharge with honorable conditions); and 18% of jailed veterans were homeless.

The Veteran Treatment Court (VTC) program, or as SB114 purposes, a pretrial diversionary program, is an innovative and effective means for veterans afflicted with mental health and/or substance addiction, to obtain treatment and services to resolve outstanding criminal offenses and stabilize their lives. VTCs show great promise to help afflicted Service members transition back to their communities and families in a healthful and productive manner.

As of October, 2011, over 850,000 veterans were unemployed and the jobless rate for post-9/11 veterans was 12.1 percent. And as we end the war in Iraq and wind down the war in Afghanistan, over one million Service members are projected to leave the military between 2011 and 2016. Accordingly, there is more work to do to ensure these men and women can find jobs at home when they return. We advocate a three pronged approach to this issue:

Improving the Lives of Military Members and their Families

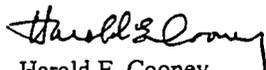
- The Military Services provide Service members opportunities to obtain certifications while on active duty to prepare themselves when they transition to civilian occupations and help them assess how their training and experience matches to the requirements for those credentials.
- Through statute and regulation, states can establish requirements for licensure boards and state academic institutions to accept military education, training and experience to fulfill requirements that are substantially the same. The American Council on Education (ACE) has established college credit recommendations for the learning experiences, which are published in the *ACE Guide to the Evaluation of Educational Experiences in the Armed Services*. Institutions can consider ACE comparability and applicability of the credit in relation to the student's selected program of study.
- States can also allow separating Service members to transfer a current license in good standing from another state through endorsement or temporary licensing; or to practice in the state of origin for a temporary period with a license extended while on active duty though meeting certain conditions.

HB5297 and SB251 offer innovative approaches to ensuring applicable military education, training and experience is recognized to assist our Service members in qualifying for licenses or credentials.

Lastly, HB5171 addresses the need to recognize the Record of Emergency Data (Department of Defense Form 93) in cases where a Service member dies in an active duty status. All too often confusion over the appropriate statutory requirements has resulted in multiple civil actions between family members over the ultimate disposition of the Service member's remains. The proposed action is designed to clearly define the Person Designated to Direct Disposition of remains to limit civil litigation and provide clarity during the stressful time of bereavement.

Thank you for your service to our nation and to the citizens of Connecticut and for your continued support of our military and their families. Should you have questions, please do not hesitate to contact me at 571-309-7598, or by email: harold.cooney@osd.mil

Sincerely,



Harold E. Cooney
State Liaison - Northeast Region (CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT)
Defense State Liaison Office
Office of the Deputy Assistant Secretary of Defense (Military Community and Family Policy)



STATE OF CONNECTICUT
DEPARTMENT OF VETERANS' AFFAIRS
 OFFICE OF THE COMMISSIONER
 287 West Street
 Rocky Hill, Connecticut 06067

HB 5298 HB 5297

TESTIMONY
Connecticut General Assembly
Select Committee on Veterans' Affairs
 by
COMMISSIONER LINDA S. SCHWARTZ, RN. MSN, DRPH, FAAN
Connecticut Department of Veterans' Affairs
February 28, 2012

RB 114 AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS

Senator Leone, Representative Hennessy, Members and distinguished members of the Select Committee on Veterans' Affairs, I am pleased to offer this written testimony on Raised Bill 114 "AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS" which would authorize the development of treatment plans, conditions or programs in certain pretrial diversionary programs that are specifically for veterans. The Connecticut Department of Veterans Affairs has worked with members and staff of this Committee and members of the General Assembly to affect the changes in our Judiciary System proposed in this legislation to authorize eligible veterans of military service with treatment and care as alternatives to incarceration.

We first became aware of this problem in November of 2007 when we learned that over 40 veterans of Iraq and Afghanistan had legal problems which had come to the attention of Connecticut's Legal and Court systems. The number seemed to steadily increase over the holidays and into early 2008 and in each successive year. Returning military members have had problems with substance abuse, driving under the influence, excessive speeding and other thrill seeking behaviors, domestic violence, suicidal behavior and aggressive confrontations which often include weapons. As the wars in Iraq and Afghanistan have progressed, there is a growing body of evidence that substantiates the association of these behaviors with conditions experienced and endured by our service personnel serving in combat areas.

America's defense posture has come to rely heavily on the men and women of our Guard and Reserve Forces, true "citizen soldiers" who must make the adjustments of living on the edge of danger and the destruction of war for months on end to coming home and "readjusting" to life in Connecticut. We know that this is both challenging and stressful without the security and structure of life on Department of Defense installations and the vast array of

services and programs enjoyed by previous generations of military members. In today's emphasis on deploying the men and women of our Guard and Reserve, policymakers did not take into account that there would be new needs and expectations that do not quite "fit" into the military model that exists today. We have yet to know the full consequences and long term effects of multiple deployments in relationship to family stability, successful return to the community and future recruitment potential. In essence the war has come to every town and city in America but it is often invisible until a crisis or tragedy surfaces to remind us that the cost of war does not end on the battlefield. Just as our military has changed, we must accept the realities that vast system changes in support of the military and their families are in order.

I am acutely aware of the fact that the veterans returning home now are very different than the veterans of my own Vietnam generation, or my fathers World War II generation. While they are not encumbered with validating the legitimacy of Post Traumatic Stress, they have brought the issue of Traumatic Brain Injury to the forefront and the rapid transition from combat and the military to community and family as a challenge that sometimes overwhelms even the most solid citizen. We hear of veterans who drive at excessive speeds much like they did to stay alive in Iraq. Skills and training that kept them alive in combat areas including the "Adrenalin Rush" which kept them sharp is now recreated through thrill seeking behaviors which are also violations of the law. Symptoms of Traumatic Brain Injuries and the residual deficits can range from profound easily recognized problems to subtle difficulties with perceptions, judgments, memory and concentration. We now know that early interventions, therapeutic treatment and rehabilitation give returning veterans a better chance and a better quality of life as well as the chance to reach their highest level of function and productivity.

In 2012, the concept of "Veteran Courts", special dockets for veterans and alternatives to incarceration are no longer a novel or new ideas. Not only has the Federal VA launched their own "Veterans Justice Outreach" program, Secretary Shinseki has authorized new full time staff for this program to augment already existing positions in each of the VA Medical Centers. This program is a commitment that VA intends to establish points of contact with law enforcement, community services, judges, prosecutors and public defenders with a strategy to intervene on a veteran's behalf in much the same way as the grant DMHAS is presently piloting. At the same time, Secretary Shinseki realizes that an alternative to incarceration is an issue which requires support at the State and local Court system level. VA is also funding programs throughout the Nation to provide training to law enforcement officers about the needs of veterans and resources available for treatment and support provided to veterans by Federal agencies.

For over 15 years, the Connecticut Veterans Home at Rocky Hill has provided a residential substance abuse recovery support program. We are the only State in the Nation to provide this specialty care to veterans at a State Home. Our program provides residential care and support services for up to 2 years and has been selected by some judges as an alternative to incarceration for veterans. We receive a VA per diem payment for each veteran in our Residential Program which offsets the cost of care and professional staff for this program. We work with the Court to assure that veterans referred from the judicial system meet any special requirements such as completion of Driver Training, Community Service or specific mental health referrals. Our staff has had experience with both the parole and probation systems. We believe that this program is a valuable asset and resource which is key in any plans for alternatives to incarceration for veterans in Connecticut.

We have learned a great deal from the mistakes of the past. Vietnam veterans who did not receive the benefit of a program like this have faced decades of struggles and legal problems. Our own Department of Corrections has reported between 600 to 700 inmates are veterans. We now know that early interventions and therapeutic treatment and rehabilitation give returning veterans a better chance and a better quality of life and the chance to reach their highest level of function and productivity. By enacting this legislation, Connecticut will join 22 other states in providing a pragmatic and cost effective program that will offer the men and women who have served this country the opportunity they deserve without compromising the safety of the citizens we serve.

HB 5298 AN Act Establishing a List of Preferred Veterans' Charitable Organizations., the details described in this legislation pose practical problems with regard to available resources and the expertise of present staff to implement the bill seeks to direct the Department of Veterans' Affairs to post informational items for veterans on our webpage and work with Consumer Protection and the Attorney General to publish a list of preferred veterans' charitable organizations. The list shall include nonprofit corporations incorporated pursuant to chapter 602 or any predecessor statutes thereto and charitable organizations, as defined in section 21a-190a. In compiling the list, said commissioners shall consider the following, including, but not limited to: (1) Charity accountability standards; (2) the ratio of charitable activity expenditures to fundraising and administrative expenditures; and (3) violations of chapter 419d and regulations established pursuant to said chapter. The list shall be published on the informational web page established in this section.

While the Department is very aware of the many attempts by individuals and organizations to present themselves as being legitimate charities that help