

TRANSCRIPT OF PROCEEDINGS

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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON COURTS

SOLDIERS & SAILORS HALL, BANQUET HALL
4141 FIFTH AVENUE, PITTSBURGH, PENNSYLVANIA

FRIDAY, FEBRUARY 27, 2009

PUBLIC HEARING ON PROBLEM SOLVING COURTS
(VETERANS COURT)

BEFORE :

Representative Don Walko, Chairman

Representative Nick Kotic

Representative Jim Marshall

Representative William C. Kortz, II

Representative Joseph A. Petrarca

Representative Rick Taylor

Representative Robert F. Matzie

Reported by: Karen A. Nickel, RPR, CRR

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P R O C E E D I N G S

(10:10 o'clock a.m.)

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2
3 REPRESENTATIVE WALKO: Ladies and
4 Gentleman, Representatives and Ladies and Gentleman,
5 let's take our seats, please.

6 Can we have your attention, as it is ten after
7 ten. I would like to call this hearing to order.
8 Let's first stand and say the Pledge of Allegiance.

9 (Pledge of Allegiance)

10 REPRESENTATIVE WALKO: I would like to
11 welcome my colleagues, and starting from my right
12 here, would you please introduce yourself and say
13 where you are from?

14 REPRESENTATIVE COSTA: John Costa, 21st
15 District, Allegheny County.

16 REPRESENTATIVE MATZIE: Robert Matzie,
17 16th District, Beaver and Allegheny County.

18 REPRESENTATIVE KOTIC: Nick Kotic, 45th
19 Legislative District, Allegheny County.

20 REPRESENTATIVE MARSHALL: Jim Marshall,
21 14th District, Beaver County.

22 REPRESENTATIVE KORTZ: Good morning.
23 Bill Kortz, 38th District, Allegheny County.

24 REPRESENTATIVE WALKO: I am
25 Representative Don Walko, 28th District, Allegheny

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1 County, and joining us --

2 REPRESENTATIVE PETRARCA: Joe Petrarca,
3 District 55, Westmoreland County.

4 REPRESENTATIVE WALKO: Thank you all for
5 being here and all of those who will testify.

6 There are a number of dignitaries in the
7 audience, I am not sure I want to try and miss
8 anybody, but I would like to begin the hearing with
9 just a brief opening remark.

10 I am Chairman of the Subcommittee on Courts of
11 the House Judiciary Committee, and I have also been a
12 long-time member of the House Appropriations
13 Committee.

14 The goal of this hearing is to, one, raise
15 awareness of Veterans Court and Problem-solving Courts
16 in general and, two, an effort to build willingness
17 and will among my colleagues to, perhaps, bring some
18 more resources to this kind of endeavor, whether it be
19 a case manager at the Court of Common Pleas as we move
20 through this process or other resources that might be
21 available in this tough budget year.

22 It might not be new resources, it might be
23 simply looking at the Department of Corrections'
24 budget and maybe reallocating some resources from
25 there, it might be looking at the Pennsylvania

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1 Commission on Crime & Delinquency.

2 So what we are doing, though, is the first
3 hearing on Veterans Court and on the Problem-solving
4 Court issue in general. So I would like to commence,
5 first of all, to say as to someone nothing short of
6 inspirational himself, the Subcommittee met with this
7 gentleman back in November in Philadelphia, he is
8 spearheading or wants to spearhead this kind of
9 initiative, is Pennsylvania Supreme Court Justice
10 Seamus P. McCaffery.

11 JUSTICE McCAFFERY: Please excuse my
12 back, folks.

13 Representative Walko, Members of the House, I
14 don't usually do this, but before I speak from the
15 heart, if you will, I would like to read a little of
16 something into the record if you wouldn't mind.

17 In 2007, the Pentagon Mental Health Force
18 found that 49 percent of the National Guard members,
19 38 percent of Soldiers and 38 percent of Marines have
20 experienced mental health issues after serving in Iraq
21 and Afghanistan. Of the 103,788 Veterans who visited
22 the Veterans Administrative Health Facilities between
23 2001 and 2005, 25 percent received mental health
24 diagnosis with substance abuse and post-traumatic
25 stress disorder among the most common problems.

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1 The report further found the youngest and
2 largest subsets of Veterans returning from those age
3 18 to 24 were 9 times more likely to present with PTS
4 and mental health problems than those age 40 and up.

5 Reports estimate that 18 to 20 percent of U.S.
6 Servicemen and Women suffer from post-traumatic stress
7 disorder with depression as compared to 8 percent of
8 the general population. Experts report PTS occurs in
9 about 30 percent of Vietnam Veterans, as much as 10
10 percent of Gulf War, or 6 to 11 percent of the
11 Veterans of the war in Afghanistan, and 12 to 20
12 percent of the Veterans in the Iraqi war. Veterans
13 suffering from PTSD and other mental health problems
14 often abuse drugs and other alcohol to escape and
15 alleviate symptoms. According to the Pennsylvania
16 State Data Centers, 2008 Statistical Fact Book, there
17 were, approximately, 1,057,000 Veterans in the
18 Commonwealth of Pennsylvania in 2007. Allegheny
19 County has the largest population with 142,638
20 followed by Philadelphia with 123,365 and Montgomery
21 County with 70,232.

22 This is important to know in considering what
23 you are discussing today. For those of you who don't
24 know about my background, I am an immigrant. I wasn't
25 born in America. I was born in Ireland. I came here

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1 as a young child and I fell in love with this country
2 and what it had afforded me the opportunities to do.

3 I joined the United States Marine Corps in
4 1968 as a private and fell in love with the uniform
5 and men and women who live and wear it. I spent 40
6 years of my life, 40, serving in our nation, 17 years
7 in the United States Marine Corps, Marine Corps
8 Reserve, and 28 years in the Air Force Reserves.

9 Last year with my citizens in Coraopolis, so
10 many men and women I had the opportunity to serve
11 with, I found during my 40 years that so often when we
12 were in uniform it was fashionable to support us,
13 everybody supports a man and woman in uniform, but
14 what I found distressing was once that uniform came
15 off, we were forgotten.

16 We were forgotten. When I had the opportunity
17 on three separate occasions at running a statewide
18 campaign for higher office, I met Veterans all over
19 Pennsylvania from Luzerne County, Erie County,
20 Allegheny County, Washington, Westmoreland, Beaver,
21 Butler, men and women who came up to me and wanted to
22 thank me for my service, but more importantly, to
23 share stories. And so often I found that so many of
24 these people, so many of them suffered from mental
25 illness attributed directly to combat, attributed

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1 directly to what they saw serving in our nation.

2 I found it to be very distressing because so
3 often they said there was no one here to help them.
4 As a Reservist for almost 40 years, I had an
5 opportunity and an honor to serve the Pennsylvania
6 National Guard when I was assigned to the Department
7 of Homeland Security. So many of our Guardsmen and
8 Women are your neighbors, your sons, your daughters,
9 your cousins, your brothers, your sisters. One day
10 they are wearing civilian attire. They may be
11 firefighters, police officers, truck drivers, they may
12 be farmers. The next day they are in uniform,
13 oftentimes shipped overseas.

14 Today, the Pennsylvania National Guard has
15 more troops deployed into combat environments than
16 they had since World War II. Same with the Reserves.
17 And one of the things we find is when the Reservists
18 and the Guardsmen and Women return home, once they
19 take their uniforms off, they don't have the same
20 support available that the active duty military does,
21 because when they arrive back in the states, the only
22 thing they want to do is get back to their families
23 and get back to their jobs.

24 Oftentimes what we find is our Veterans,
25 because of the stress of what they went through, they

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1 find that they need to alleviate their mental pain and
2 they self-medicate through drugs and through alcohol.
3 As a result of that self-medication it is, basically,
4 self-destructive. Sometimes they lose jobs, sometimes
5 they are arrested, sometimes they get divorced,
6 sometimes we have domestic violence.

7 Oftentimes these men and women end up being
8 arrested and brought in front of our Courts. I spent
9 ten years as a Trial Judge in Philadelphia County, and
10 I saw far too many Veterans coming in front of us.
11 Why, because they did not have the support, they did
12 not have the help.

13 And years ago, it struck me that, why aren't
14 we taking care of our Veterans, what kind of a society
15 do we have that once these men and women serve, why
16 are they now forgotten?

17 Sure, we have other support groups out there,
18 but most of them are individual groups that try their
19 best. Our Veterans Administration, our VFWs, American
20 Legions, Disabled American Veterans and other
21 subgroups, they are there, but they are not
22 coordinated. They are there, but they don't have the
23 funding. They have the will, but they don't have the
24 real financial support.

25 So upon my election to Supreme Court of

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1 Pennsylvania, I approached our current Chief Justice,
2 Ronald Castille. For those who don't know, Justice
3 Castille lost his leg in Vietnam fighting as a Marine
4 Corps Captain. We have several members of our Court
5 that are Veterans. Debra Todd here in Allegheny
6 County, married to Colonel Steve Todd, also United
7 States Army Veterans.

8 We felt strongly that our Supreme Court,
9 working with all our Court systems, should now start
10 to look at Specialized Courts to deal with not only
11 mental illness but, specifically, to our Veterans and
12 Veterans' needs.

13 I have had an opportunity to meet with people
14 all over Pennsylvania who are crying out for your
15 help. They are crying out for our help. So I wanted
16 it noted on the record that the Supreme Court has
17 designated me to be the point man, if you will, to
18 oversee these Special Court programs.

19 But we cannot do it alone. One of the
20 problems we run into with Veterans, Veterans are
21 reluctant to come forward when they have problems.
22 When they are arrested, oftentimes we don't know they
23 are Veterans until they are actually through the
24 system.

25 As a result of that, we have decided that we

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1 need to do something and do something right. We met
2 this morning with Mike Moreland from Veterans
3 Administration who I believe will be testifying here
4 in a few minutes. The Veterans Administration has
5 committed all of their resources, all of their
6 resources to help work in a Federal, State program to
7 create Veterans' program.

8 (Applause)

9 JUSTICE McCAFFERY: Allegheny County,
10 Southwestern Pennsylvania has been designated as the
11 point, under the leadership of Administrative Judge
12 Jeffrey Manning and Judge Michael McCarthy, Court of
13 Common Pleas, also a Navy Veteran. By the way, he
14 will be setting up our Veterans Court program here.

15 Why in this part of the state you might ask,
16 because Allegheny County, through its leadership, has
17 created the first, and I might add the best Mental
18 Health Court in the state.

19 Allegheny County has, in my opinion, not just
20 the largest number of Veterans, but they have the
21 largest number of Veterans' organizations that are
22 ready, willing and able to support these types of
23 programs. The Allegheny County Veterans organizations
24 are incredibly zealous about moving forward, again,
25 with your help to help the Courts identify individuals

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1 that need help.

2 Two-pronged approach, gentlemen, is what we
3 are looking to do. We are looking to create what is
4 known as an intervention model. What I mean is keep
5 our Veterans out of Court. We do not want these men
6 and women to get criminal records, especially those
7 suffering from post-traumatic stress disorder. This
8 intercept model is what we are looking to develop
9 wherein we can identify, treat and help assimilate
10 back into society a happy, healthy Veteran who can get
11 back with his or her family, get back to their jobs
12 and become contributing members of our society knowing
13 that we have a Court system that is there for them.

14 The second is to identify our Veterans that
15 are currently incarcerated and, where possible, get
16 them out of jail, get them treatment, get them back
17 with their families, get them employed, and help them
18 out.

19 As I mentioned earlier, we as a society cannot
20 sit by and let our Veterans languish in the mental
21 health that they live in day in and day out. In
22 Luzerne County, I had the pleasure of meeting a guy by
23 the name of Joe. This individual fought in the Marine
24 Corps in Korea. He approached me holding his Marine
25 Corps utility coat. Fifty years ago he fought, fifty

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1 years ago he saw his good friends die, and this man
2 stood in front of me, former Marine, crying, crying,
3 describing to me how every single night he goes to bed
4 and he relives getting overrun.

5 I want you to think what kind of mental strain
6 this man has been under for fifty years. And he said
7 to me with a straight face, I said, how are you doing,
8 Joe, and he said, Judge, as long as I have this,
9 holding his Marine Corps utility coat, as long as I
10 have this, I am okay.

11 I want you to think about that. These are
12 warriors, these are great Americans. These men and
13 women you see behind me now, they may not look like
14 the young vibrant studs that they once were, the great
15 warriors, but I can assure you without looking any
16 further there are men and women behind me right now
17 that suffer from post-traumatic stress disorder.
18 Their lives have been impacted by it. Sure, we give
19 out Purple Hearts for people who are wounded, lose a
20 limb, get shot, injured, but we don't recognize the
21 mental, the debilitation of mental illness that these
22 men and women suffer from.

23 We, as a Court system, have recognized it.
24 We, as a Court system, are willing to do whatever is
25 possible. But we can't do it alone. You are going to

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1 hear testimony today how this program and programs
2 like it will save the Commonwealth millions of
3 dollars, will save families, will save you money.

4 I, for one, cannot imagine placing a price tag
5 on National Defense or public safety because there is
6 no price tag, in my opinion, for National Defense or
7 public safety.

8 But it seems to me when it comes to helping
9 our Veterans, we always look at how much is it going
10 to cost. Well, gentlemen, I would like you all to
11 please go back to Harrisburg and take it back to your
12 colleagues. This is not a Democratic issue, this is
13 not a Republican issue. It is a Veterans' issue. And
14 we want to have Pennsylvania take the lead as the top
15 state in the nation for supporting our Veterans both
16 Active, Reserve and Guard when it comes to issues such
17 as post-traumatic stress disorder.

18 The concept started in Buffalo with Judge
19 Russell. We want to make it a show stopper here in
20 Pennsylvania. And I strongly, firmly believe that
21 Southwestern Pennsylvania, Allegheny County, in
22 particular, has the resources, the commitment, and all
23 the support they need to make it happen, but it is
24 going to take some support and some financial support.

25 So I know everybody is really tight right now

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1 for money, and I understand that, but remember when
2 you are cutting monies from Court programs dealing
3 with public safety and human lives, and in my opinion,
4 in my opinion, the last, the last people that should
5 be cut should be our Veterans because, remember, had
6 it not been for them, we would not be here today.

7 And I am not talking about the Veterans just
8 of Iraq and Afghanistan, I am talking about all of our
9 Veterans. And they are so important to each and every
10 one of us, because a country that forgets the men and
11 women that have served, in my opinion, is not really a
12 great nation, and we know that this is a great, great
13 nation.

14 As I said before, you are looking at an
15 immigrant who came to this country, three years old,
16 and I have gone from beat cop to Supreme Court, Marine
17 Corps Private to full Colonel. There is no greater
18 country, in my opinion, than America, and we cannot
19 afford, we cannot afford, gentlemen, to let these men
20 and women down.

21 And this is the vanguard behind us, this is
22 what we want these young men and women coming out of
23 Afghanistan and Iraq to be, old Soldiers, old Sailors,
24 old Airmen and Marines. But we want them to feel
25 comfortable knowing the young men and women, the

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1 progeny of what we have today, every one of these men
2 and women can remember serving alongside of World War
3 II Veterans, Korean Veterans who told us when we were
4 young troops about serving with World War I Veterans,
5 we are the legacy going back to Civil War,
6 Revolutionary War, generations of Veterans. We serve
7 shoulder to shoulder. Each one of us can tell you
8 stories of their experience.

9 I don't want to belabor anymore. I really
10 appreciate your allowing me to come here today. When
11 State Representative Don Walko -- by the way, I want
12 to commend Don, and all of you, really, because this
13 is so important, your constituents need to know that
14 you gentlemen and your colleagues are taking such a
15 leading role in this, you should all get, in my
16 opinion, some serious, serious accolades because it
17 takes guts in a time of cutting back monies that you
18 are willing to step forward and say we cannot afford
19 to cut back on Veterans' issues.

20 Again, thank you very much. And, Veterans,
21 thank you for your service. God bless you.

22 REPRESENTATIVE WALKO: Thank you. I
23 think we will go through the testifiers and then do a
24 question and answer session at the end.

25 And I am going to mention, first of all,

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1 again, I don't want to slight anybody, but I want to
2 say that representing Auditor General Jack Wagner, and
3 she is also a member of the Veterans Leadership, Lynn
4 Griffin, thank you for being here, Lynn.

5 And I also see Allen Smith with Congressman
6 Doyle, retired U.S. Air Force, thank you for being
7 here.

8 And I want to, Allegheny County Court of
9 Common Pleas Judge -- oh, another colleague has joined
10 us. Introduce yourself for the record.

11 REPRESENTATIVE TAYLOR: Rick Taylor out
12 of Montgomery County. I traveled from the southeast,
13 and I might have got the award for the longest
14 distance travel here.

15 REPRESENTATIVE WALKO: Thank you for
16 being here.

17 REPRESENTATIVE TAYLOR: I am sorry,
18 Justice, you got it.

19 REPRESENTATIVE WALKO: And thank you so
20 much for coming all this way. Next up will be
21 Allegheny County Common Pleas Judge Michael E.
22 McCarthy.

23 HONORABLE JUDGE MCCARTHY: Good morning,
24 Mr. Chairman, Members of the Committee, Justice.
25 Thank you very much for having me here. I have

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1 submitted written remarks to the Committee. Just
2 briefly to say I am speaking here as a Judge in the
3 Court of Common Pleas here in Allegheny County and
4 also as a Navy Veteran as the Justice indicated.

5 I was a Navy Seabee, I served in Vietnam, have
6 a combat action badge, I was on a team, and I will
7 tell you a quick story about that, upon returning from
8 Vietnam and being discharged in San Francisco, I
9 bought my ticket in uniform to get the military
10 discount, but we were told to take your uniform off if
11 you were flying through Chicago in 1971 because you
12 may be engaged by folks knowing that you are coming
13 back from Vietnam, you may be arrested.

14 I traveled home and came down the ramp here at
15 the Greater Pittsburgh Airport. My father and mother
16 were there to greet me. My father, who was a
17 boatswain mate, and who was disappointed that I became
18 a Seabee, but nevertheless asked where my uniform was.

19 He cried that day because I wasn't in uniform.
20 That affected me, which caused me to be part of this,
21 and I believe the passion that I have for this
22 diversion in Veterans Court comes through. We should
23 never, ever leave behind anyone.

24 One part of this that you can see here today,
25 I also graduated from the Police Academy and served as

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1 police officer. In fact, I served with Representative
2 Costa in a task force in the narcotics division, and
3 also Marshall Fitzgerald, who I noticed is here today.

4 I am a Judge in the Court of Common Pleas, but
5 I was an E-4 builder in the Seabees. I also went to
6 basic training. Not all of you have been in the
7 military. Some of the folks in this room have been in
8 the military. And this building represents the
9 military.

10 I will tell you this. One thing you learn in
11 basics, which you will not find in the manual, and I
12 want to convey to this committee, is as follows:

13 You never leave anyone behind. No one may
14 tell you that in a manual, but everybody in this room
15 that has been in basic training knows that. Why is
16 that important? Because no matter where you are at,
17 if you are in the jungle of Vietnam or the desert of
18 Afghanistan, or the halls of Montezuma or the shores
19 of Tripoli, you know one thing, no one will leave you
20 behind. Your buddy will come for you. The Veterans
21 Court, the purpose of this Court is to make sure that
22 the members who were Veterans, who are incarcerated
23 and have these difficulties and problems with
24 returning to the transition of civilian life, medical,
25 mental health, drug and alcohol addictions, PTSD,

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1 depression, should not be left behind.

2 I come to this Committee and ask you to take
3 that mantra from basic training, do not leave our
4 Veterans behind.

5 Anyone can put the flag up on the Fourth of
6 July and wave that flag, but this is boots on the
7 ground. This is the absolute reach down and help
8 someone. I believe these Courts can do that.

9 I was in a meeting yesterday where Judge
10 Manning, Judge Zottola, Judge Donna Jo McDaniel and
11 the Chief Justice and the chief of the boat, Chief
12 Justice Castille have made a commitment from the Court
13 side to help.

14 That is all we are asking for, your
15 consideration, some of your funds, to help these
16 Veterans.

17 Mr. Mercer and the VLP and the Veterans groups
18 will help identify it. I can tell you that I traveled
19 to Buffalo to watch this Court, and one of the most
20 impressive things about that Court was that these
21 Veterans stood tall, stood in front of the Judge, and
22 once they were channeled into a program with a mentor,
23 and I guarantee you that if you look into this room,
24 these people will volunteer and line up to be mentors,
25 because they are Veterans. They will not leave

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1 someone behind. That mentality is there.

2 What impressed me in Buffalo was this. There
3 were females who were also suffering from some of
4 these. The military has deployed men and women to the
5 combat zones, and they have suffered greatly from
6 this. And because of that, they have come back into
7 our society.

8 We need to help them. We here as Veterans are
9 standing in front of you asking you for that help.
10 Please, consider that help.

11 The dollars that you spend on this program and
12 the life that you may save is priceless. I thank you
13 for your time, I thank you for your service, and
14 remember one thing, there was someone that went before
15 me, there is someone there now, and in the future
16 there will be someone who will serve to give us the
17 right to have these Courts, to have Legislatures, and
18 to have the executive branches of government.

19 Thank you, gentlemen.

20 (Applause)

21 REPRESENTATIVE WALKO: Thank you, Judge
22 McCarthy. And I would also like to note for the
23 record two other distinguished gentlemen that are
24 here, as referred to by the Judge, Tom Fitzgerald,
25 U.S. Marshall, welcome, and Pittsburgh Firefighter

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1 Union President, Joseph King.

2 So thank you very much. Now, let's call on
3 Mr. Michael Moreland, Director and Chief Executive
4 Officer of the U.S. Department of Veterans Affairs,
5 Healthcare Veterans Integrated Service Network No. 4.

6 MR. MORELAND: Mr. Chairman, all
7 Committee Members, Chief Justice, Judge, everybody in
8 the audience, thanks so much for having this hearing
9 today and allowing me to come and make a few remarks.

10 I want to reintroduce myself again. I am
11 Michael Moreland, and I serve as the Network Director
12 for VA Healthcare, Veterans Integrated Service Network
13 No. 4, or we call it VISN 4, that comprises ten VA
14 medical centers across the State of Pennsylvania, all
15 of Delaware, and the northern third of West Virginia.

16 Our programs and services are extensive in
17 scope and well-suited to assist Veterans in recovery
18 from illnesses that may have led them to encounter the
19 legal system.

20 Accompanying me today are Lovetta Ford, our
21 lead for Mental Health Services for VISN 4, and Dr.
22 David Macpherson, Chief Medical Officer for VISN 4 as
23 well.

24 We are hopeful that you will view the presence
25 of this leadership group here today as a strong sign

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1 of our commitment to this effort in partnering with
2 the Courts of the state and, specifically, of the
3 County of Allegheny.

4 VISN 4 is based in Allegheny County and serves
5 Veterans throughout Pennsylvania and, I mentioned,
6 Delaware and West Virginia. There are about one
7 million Veterans in Pennsylvania. Allegheny County
8 has the largest Veteran population of that with
9 142,000 Veterans in this county, followed by
10 Philadelphia with 123,000 Veterans, and Montgomery
11 County with 70,000 Veterans. You can see this state
12 has a lot of Veterans and, specifically, in Pittsburgh
13 and Philadelphia.

14 In 2008, VISN 4 delivered healthcare services
15 to more than 350,000 Veterans just last year. The war
16 in Iraq and Afghanistan has lead to other people
17 coming back and seeking our services. Since 2001, we
18 treated over 18,000 Veteran men and women just from
19 those conflicts.

20 While many have made successful reintegration
21 into the community, and are doing well, many others
22 are struggling with PTSD, traumatic brain injury, and
23 many are suffering from substance abuse. For example,
24 12 to 15 percent of the Veterans returning from Iraq
25 and Afghanistan are screening positive for substance

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1 abuse.

2 Mental health disorders can lead to behaviors
3 that result in encounters with the Justice System.
4 The most recent U.S. Department of Justice, Bureau of
5 Justice Statistics Survey on inmates in local jails
6 indicated that 9.3 percent of the people incarcerated
7 in jails are Veterans.

8 Three in five have substance dependency
9 problems. Almost one in three have a serious mental
10 illness, and one in five are homeless. For
11 incarcerated Veterans, 70 percent committed a
12 non-violent crime. These statistics suggest that
13 there is a significant need for services for Veterans
14 who are facing criminal charges. Fortunately, the VA
15 does have the authority and the responsibility to work
16 with the Courts with these Veterans.

17 There is a public law, 107-95, Section 2022,
18 being a good fellow employee, I can't come without
19 quoting some statute, that law and subsequent VA
20 policy does provide us the authority and the
21 commitment to work with the Court and provide help and
22 assistance.

23 As mentioned earlier, the first Veterans
24 Treatment Court was created in January 2008 by Judge
25 Robert Russell of the Buffalo City, New York Court, in

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1 concert with the Buffalo VA Hospital there. State
2 Court Judges are joining with local prosecutors,
3 public defenders, and local lawyer volunteers to
4 create Courts with Veterans-only case proceedings
5 because they have seen the common thread of
6 post-traumatic disorder, substance abuse, head
7 injuries and mental illness and other Veterans issues
8 leading through their being seen in Court. The
9 uniqueness of a Veterans Court is that it offers
10 Veterans a shared experience that can create a
11 therapeutic trust. Many newly established Veterans
12 Courts include a strong presence from the Department
13 of Veterans Affairs, as well as Veterans' mentors.

14 The Department of Veterans Affairs is
15 currently partnering with Courts in California, New
16 York, Oklahoma, Alaska and Illinois.

17 Veterans who are deemed eligible for services
18 are placed on a specialized criminal docket, and they
19 remain in close contact with the VA as well as the
20 Court system. Establishing a Veterans Treatment Court
21 here in Allegheny County would provide an
22 extraordinary opportunity for the VA and the Justice
23 System to work together to rehabilitate Veterans who
24 need treatment.

25 With the proper care and support systems,

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1 these Veterans would be able to reenter into our
2 society in a productive way.

3 The Department of Veterans Affairs can and
4 will help in that effort. The VA has the tools and
5 the knowledge to assist Veterans who may not otherwise
6 receive treatment. Eligible Veterans would also have
7 access to VHA mental health services, substance abuse,
8 PTSD, and we have a very extensive job training
9 program also which is an important piece of this
10 effort.

11 There are community organizations that the VA
12 works with very closely, the American Legion and DAV,
13 Purple Heart, Veterans Leadership Program, others as
14 well across the state and, specifically, in this
15 county, and by working as teams and partners, we have
16 done really nice things together. We look forward to
17 joining with the Court system in that effort as well.

18 This extensive, ongoing collaboration allows
19 one to see the strong commitment that both the VA and
20 the community has to serving our Veterans.

21 So in conclusion, I would just like to say, as
22 I said earlier in our meeting, the VA is committed, we
23 do have the resources to provide services to these
24 Veterans, we do have substance abuse, post-traumatic
25 stress treatment, we have job training, we even have a

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1 housing voucher program that helps pay rent for
2 Veterans who need assistance.

3 We have the services, we are here and ready,
4 and we bring those services with us to work with the
5 Court.

6 And, again, thank you so much for allowing me
7 to participate today.

8 (Applause)

9 REPRESENTATIVE WALKO: Thank you, Mr.
10 Moreland. I would also like to note for the record
11 another distinguished person who is here, the Vice
12 Chair of the Allegheny County Democratic Committee,
13 Carmella Mullen, who is no stranger to Veterans'
14 issues.

15 I would like to -- and this is moving along
16 very well -- I would like to call Mr. Pete Havern, he
17 is the Deputy County Manager, he is presenting
18 testimony from Allegheny County Chief Executive Dan
19 Onorato. Thanks for being here, Pete.

20 MR. HAVERN: Good morning, Mr. Chairman,
21 Members of the Committee, Justice McCaffrey, Judge
22 McCarthy, distinguished members of the fellow pattern.

23 I am going to deviate quickly and express my
24 personal gratitude for allowing me to deliver this on
25 behalf of County Executive Onorato and sit at this

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1 table with these distinguished people.

2 "As County Executive, I would first like to
3 pass along my personal prayers and gratitude to the
4 men and women currently serving our country in the
5 theater of war and here at home. Further, I would
6 like to acknowledge the Soldiers, Sailors, Airmen,
7 Marines who volunteered or were drafted into the
8 service of our country. Many of them paid the
9 ultimate price to preserve freedom and democracy
10 across the globe. We are forever indebted to them.

11 "The proposed Allegheny County Veterans Court
12 offers us the chance to recognize the service and
13 dedication of our brave Veterans.

14 "Many returning Servicemen and Women face
15 mental health and substance abuse problems directly
16 caused by their time in the military. As with many
17 human endeavors, it is difficult for those who have
18 not experienced a certain situation to grasp or
19 understand the consequences and enormity of particular
20 circumstances.

21 "In this respect, Veterans have experienced
22 situations unbelievable to the civilian population.
23 The unique stimulus of war creates responses alien to
24 any that civilians have experienced.

25 "Therefore, it makes sense to bring Veterans'

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1 cases to a place where their challenges are better
2 understood. As an alternative Justice System that
3 takes into account the trauma that Veterans have
4 witnessed, this Court will address the underlying
5 causes of criminal behavior in Veterans through
6 treatment, counseling and peer-to-peer mentoring.

7 "Special Courts that recognize certain
8 segments of the population warrant distinct
9 consideration by our Criminal Justice System.
10 Veterans Courts in Buffalo, New York, Tulsa, Oklahoma
11 and Orange County, California are successful examples
12 of recognizing a trend, evaluating the options and
13 taking steps to address the problem.

14 "In Allegheny County, we currently operate a
15 Juvenile Court and a Mental Health Court for certain
16 segments of the population that have been proven to be
17 both underserved and that would benefit from a
18 structured, separate and more direct support service.

19 "In addition to the treatment necessary to
20 address the root causes of criminal behavior in
21 Veterans, it is my hope that this Court succeeds in
22 guiding Veterans to access their right to benefits. A
23 recent review of the Allegheny County Mental Health
24 Court showed that only 14 percent of participants have
25 committed a crime after going through the program

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1 compared to the general population recidivism rate of
2 close to 67 percent.

3 "This is a direct impact on the county budget.
4 Fewer inmates requires less expenditure on our part.
5 Further care could, eventually, be provided through
6 partnership and enrollment of Veterans with the VA
7 Pittsburgh Health System, thus relieving Allegheny
8 County from expenditures for human services and
9 allowing for reallocation of our efforts toward aiding
10 other populations.

11 "Employment and training, housing assistance
12 and health and human services are all programs
13 sponsored and offered by Allegheny County. We have
14 been active in organizing job fairs and expos for
15 Veterans. Recently, we have begun rewriting our
16 purchasing manual to include Veteran-owned businesses
17 to receive preference for discretionary contracts.

18 "As excited as I am about the efforts we as a
19 county have undertaken to aid and assist our Veterans,
20 I am eager to see the creation of the Allegheny County
21 Veterans Court because it would fill a vital role and
22 complement all of our efforts.

23 "The Allegheny County Veterans Court would
24 help Veterans that have been charged with crimes that
25 may be directly related to their time in service to

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1 our country. It is imperative that we not forget
2 these individuals once they return from combat. Our
3 duty to them, as grateful citizens, is to give them
4 the opportunity to seek treatment and care, not
5 punishment and incarceration. While they deserve our
6 gratitude and thanks, they also require our swift
7 action.

8 "The General Assembly should understand that
9 not all Veterans are entitled to VA benefits. Only
10 those Veterans who have served during wartime or who
11 were injured while on active duty or who fall below
12 the VA's monetary guidelines may qualify. Whether
13 they are recent returnees from Iraq or Afghanistan or
14 Veterans from the Persian Gulf, Vietnam or Korean
15 wars, these Servicemen and Women deserve our
16 assistance during reintegration.

17 "The Allegheny County Office of Veterans
18 Services extends various benefits and services to
19 honorably discharged wartime Veterans or their widows.

20 "Mental issues do not occur overnight. When a
21 man or a woman returns from the combat zone, those
22 issues may fester for years before they surface. That
23 is when this Court, the former Service officers and
24 mentors, and the agencies that currently offer
25 assistance are needed the most to properly guide these

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1 Veterans through the maze of paperwork in the VA and,
2 hopefully, away from a life of misdemeanor crimes and
3 keep them out of the county, State Or Federal
4 Correctional Facilities.

5 "Let me finish by stating that I am in favor
6 of the Allegheny County Veterans Court. I believe it
7 will serve as an opportunity for Veterans to access
8 their military benefits and avail themselves of
9 treatment for any mental, physical or emotional trauma
10 they have suffered while in the service to our
11 country.

12 "Further, this Court will directly benefit the
13 taxpayers of Allegheny County by offering an
14 alternative to incarceration, thus relieving any
15 associated costs by our County Jail and Health
16 Department as well as providing treatment services and
17 mentoring services that would possibly be provided by
18 the Department of Human Services.

19 "Thank you, Representative Walko, for giving
20 me the opportunity to address this important issue and
21 for convening this hearing today."

22 REPRESENTATIVE WALKO: Thank you, Mr.
23 Havern, and thank Chief Executive Dan Onorato for
24 presenting that testimony.

25 Okay. We also had invited representatives

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1 from the Allegheny County Bar Association, Military
2 and Veterans Affairs Committee, but I will read a
3 statement into the record since they could not be
4 here. If you will bear with me just briefly.

5 "The Allegheny County Bar Association and its
6 Military and Veterans Affairs Committee became aware
7 of issues related to Veterans in the Criminal Court
8 system through its involvement with local Veteran
9 organizations and through anecdotal information from
10 Committee Members and clients.

11 "The Committee first discussed the idea of a
12 Problem-Solving Specialty Veterans Court last year,
13 and Judge Michael McCarthy, who was a member of our
14 Committee before he took the Bench, has been
15 instrumental in moving this idea forward.

16 "Today, the Military and Veterans Affairs
17 Committee intended to provide testimony to the
18 Judiciary Subcommittee on Courts. However, due to the
19 timing of the scheduling of this hearing and the
20 Allegheny County Bar Association's Board of Governors
21 meeting, the Military and Veterans Affairs Committee
22 is unable to submit testimony today.

23 "Therefore, with the Judiciary Subcommittee's
24 permission, we would like to submit written testimony
25 to the Committee after the Allegheny County Bar

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1 Association's Board of Governor's meeting next week."

2 And we, certainly, will accept that testimony
3 as part of the record.

4 Okay. So now we are moving to the question --
5 oh, no, I am sorry, Mr. Albert Mercer, Executive
6 Director of the Veterans Leadership Program of Western
7 Pennsylvania.

8 MR. MERCER: Good morning, my name is Al
9 Mercer, and I am the Executive Director of Veterans
10 Leadership Program of Western Pennsylvania. VLP is a
11 501(C)3 non-profit corporation that provides essential
12 housing, employment and other vital supportive
13 services to eligible Veterans, Service Members, and
14 their families to improve their self-sufficiency,
15 sustainability, and quality of life. We have proudly
16 served those who have served and sacrificed for us all
17 since 1982.

18 Thank you for the opportunity to offer
19 testimony on the very important topic of Veterans
20 Court. I am grateful that this issue is getting
21 attention, and I would like to, specifically, thank
22 Representative Walko, Judge McCarthy, Judge Zottola
23 and the VLP Board of Directors for their leadership in
24 bringing this issue forward.

25 Today, I want to convey two key points.

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1 First, I want to tell you about Veterans Leadership
2 Program of Western Pennsylvania, a little bit about
3 our history and accomplishments, more about our impact
4 and outcomes in serving our region's heroes, and,
5 specifically, how we can help our Veterans when they
6 encounter the Criminal Justice System.

7 Second, I want to provide some background,
8 information, context and perspective about the complex
9 Veterans Court Network from Veterans Leadership
10 Program's perspective, with the understanding that the
11 network involves much more than I am able to cover
12 today.

13 But I do want to take the time today to
14 highlight the challenges facing our region's Service
15 Members, Veterans, and their families while in service
16 to their country; the readjustment/reintegration
17 problems after their service that can lead to
18 encounters with the Criminal Justice System; and,
19 finally, I want to provide some specific information
20 about their experience with the Criminal Justice
21 System.

22 A little about VLP. Veterans Leadership
23 Program of Western Pennsylvania was founded 27 years
24 ago by a group of Vietnam Veterans who joined together
25 to meet a need. I am glad to see Tom Fitzgerald, one

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1 of our founders is here today. Thanks, Tom.

2 At that time, mills were closing,
3 manufacturing jobs were disappearing, and many
4 Veterans were out of work and out of hope.

5 The original concept was to provide job
6 placement and training for Vietnam Veterans who were
7 displaced in the changing economy. At that time, none
8 of VLP's founders imagined the agency would still be
9 meeting that need today. But here we are.

10 And today's Veterans, Service Members and
11 their families are facing even greater, more complex
12 and unprecedented challenges. A rapidly changing
13 economy is, certainly, present today as it was in
14 1982. We have rising unemployment, misplaced
15 stereotypes about Veterans' fitness for employment,
16 foreclosures, more frequent and longer deployment by
17 members of our National Guard and Reserve, and a
18 tremendous and all too familiar readjustment and
19 reintegration problems faced by military personnel
20 when they return from overseas present this community
21 and our country with extraordinary challenges.

22 These challenges can lead to encounters with
23 the Criminal Justice System. With over 300,000
24 Veterans residing in Southwestern Pennsylvania,
25 142,000 in Allegheny County, this region has one of

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1 the highest per capita concentrations of Veterans in
2 the United States.

3 Other factors exist in Pennsylvania that have
4 an influence on the Veterans Court program. According
5 to a Veterans for America Report, Pennsylvania has
6 borne a disproportionate share of the burden in
7 supporting the current conflicts in Iraq and
8 Afghanistan, and is, currently, preparing for the
9 largest deployment since the Korean war, with more
10 than 5,000 Pennsylvania National Guard members
11 scheduled to be deployed in support of Operation Iraqi
12 Freedom or Operation Enduring Freedom within the next
13 two years. The Pennsylvania National Guard has lost
14 more members in support of the global war on terrorism
15 than any other state. Some Pennsylvania Army National
16 Guard units have been deployed abroad three times
17 since 9/11/01, and with each successive deployment,
18 the readjustment process becomes more difficult.

19 I also note that because there is no major
20 active duty military installation in Western
21 Pennsylvania, there is no natural support system in
22 place as you would find in Norfolk, Virginia or Fort
23 Bragg, North Carolina.

24 Post-traumatic stress disorder and other
25 post-deployment readjustment issues appear prevalent

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1 among returning Pennsylvania National Guard members.
2 In June 2007, the Department of Defense reported that
3 almost half of the members of the National Guard and
4 Reserves who served in Iraq and Afghanistan suffer
5 from severe psychological problems.

6 While it is clear that the overwhelming
7 majority of returning Service Members are law abiding
8 citizens and have not run afoul of the law, there is
9 no question in my mind that we are seeing and will
10 continue to see an increasing number of Veterans
11 encountering the Criminal Justice System. In addition
12 to the factors I just mentioned, there is more
13 evidence of this disturbing trend.

14 Judge McCarthy estimates that three quarters
15 of the Veterans he sees served in Iraq or Afghanistan.

16 The Department of Justice estimates that 1.16
17 million of all adults arrested last year, or nearly 10
18 percent, served in the military.

19 The Buffalo Veterans Court absorbed 82
20 Veterans into its Veterans Court Program in 2008, with
21 65 percent of those Veterans having served in Iraq and
22 Afghanistan.

23 158 Veterans were arrested in just one month
24 in Tulsa, Oklahoma in October 2008, and more than 20
25 jurisdictions around the country are considering

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1 establishing a Veterans Court in response to this
2 growing need.

3 Nationally, it is estimated that Veterans form
4 about 10 percent of the nation's jail and prison
5 population. Of those Veterans, about two thirds have
6 substance abuse problems and one fifth are homeless.

7 It is important to provide some historical
8 context and perspective about Veterans in prison to
9 help us understand the magnitude of the challenges
10 ahead as we prepare to absorb a very large number of
11 Veterans returning from overseas, and, continue to
12 serve the very large population of Service Members,
13 Veterans and their families, that are already here.

14 In a May 2007 report, the Department of
15 Justice's Bureau of Justice Statistics revealed the
16 following:

17 The percentage of Veterans among State and
18 Federal prisons has steadily declined over the past
19 three decades. In 2004, 10 percent of State prisoners
20 reported prior service in the U.S. Armed Forces, down
21 from 12 percent in 1977 and 20 percent in 1986.

22 Vietnam war era Veterans were the most common
23 wartime Veterans in both State, at 36 percent, and
24 Federal, at 39 percent prisons.

25 Veterans of the Iraq-Afghanistan eras

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1 comprised 4 percent of Veterans in both State and
2 Federal prison.

3 Veterans had shorter criminal records than
4 non-Veterans in State prison, but reported longer
5 prison sentences and were expected to serve more time
6 in prison than non-Veterans. And, finally, Veterans,
7 at 30 percent, were more likely than non-Veterans, at
8 24 percent, to report a recent history of mental
9 health services.

10 While it is encouraging to read that the
11 percentage of Veterans in State and Federal prisons is
12 declining, I also note that Pennsylvania had the
13 largest prison population growth in the northeast in
14 2007. And I wonder how many Veterans could have been
15 diverted into alternative programs and avoided this
16 fate.

17 More specifically, this data suggests to me
18 that effective alternative sentencing programs could
19 prevent Veterans from the Iraq and Afghanistan
20 conflicts from suffering the same fate as Vietnam era
21 Veterans who are the most common wartime Veterans in
22 both State and Federal prisons.

23 We learned a lot of lessons the hard way in
24 caring for our Vietnam Veterans, and now have the
25 opportunity to correct those mistakes for this

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1 generation of Veterans.

2 At Veterans Leadership Program, we see the
3 effects every day from post-traumatic stress,
4 depression, isolation, substance abuse and other
5 readjustment/reintegration problems that contribute to
6 the downward spiral many Veterans can't escape. This
7 downward spiral includes repeated cycles of alcohol or
8 drug abuse, a fractured family, joblessness,
9 homelessness, and criminal activity.

10 To emphasize just one of these points, it has
11 been reported that recent homelessness was 7.5 to 11.3
12 times more common among jail inmates than in the
13 general population, and that homelessness and
14 incarceration appear to increase the risk of each
15 other.

16 The Department of Veterans Affairs 2007
17 CHALENG report estimates that nearly 154,000 Veterans
18 are homeless on any given night, and more than half a
19 million experience homelessness over the course of a
20 year.

21 Additionally, the National Coalition for
22 Homeless Veterans has compiled extensive data that is
23 useful in understanding the challenges we face. For
24 example, 26 percent of the overall homeless population
25 are Veterans. 33 percent of the male homeless

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1 population are Veterans, although they comprise only
2 13 percent of the adult males in the general
3 population.

4 Veterans are twice as likely as other people
5 to be chronically homeless. 47 percent served during
6 the Vietnam era. 70 percent suffer from substance
7 abuse problems. 45 percent suffer from mental
8 illness. And 89 percent of those Veterans received an
9 honorable discharge.

10 Homelessness among Veterans is just one of the
11 negative effects of the downward spiral we see every
12 day at Veterans Leadership Program. It is a tragedy
13 and disgrace that any Veteran suffers in this way, but
14 it is also a fact, and we must be prepared to address
15 it.

16 Veterans Court can help. With a focus on
17 temperate justice, treatment, and guided
18 rehabilitation versus punishment, Veterans Court
19 offers a real opportunity to stop the downward spiral
20 for many Veterans and their families and correct the
21 mistakes from our past. And we must remember, unlike
22 the Vietnam era where a majority of Service Members
23 were young and single, today's Veterans are more
24 likely to be older, married, and have children. So
25 when a Veteran enters the downward spiral, it is not

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1 just an individual in crisis, it is a family.

2 With a large, existing population of Veterans
3 in Western Pennsylvania, and with disproportionately
4 large deployments overseas by military personnel from
5 Pennsylvania, we must be prepared to absorb a great
6 number of returning Service Members that will have
7 readjustment and reintegration problems, including
8 encounters with the Criminal Justice System.

9 And we must never forget that the families
10 that remain behind also experience problems and
11 challenges when a loved one is deployed to a far away,
12 dangerous place, for a long period of time. Everyday,
13 ordinary life, is anything but ordinary under these
14 circumstances.

15 Veterans Court offers a therapeutic,
16 supportive, and success-oriented environment that is
17 modeled after effective alternative sentencing and
18 jail diversion programs. Veterans Leadership Program
19 of Western Pennsylvania is totally committed to
20 helping Veterans successfully readjust, reintegrate
21 and assimilate.

22 It is our mission to do so. It is our
23 singular focus. And it is not negotiable for us. We
24 view Veterans Court as a responsibility and obligation
25 to those who have served our country and sacrificed on

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1 our behalf. The Allegheny County Bureau of
2 Corrections 2006 annual report does not identify the
3 number of Veterans in custody, but it does contain
4 some important information relative to Veterans Court
5 that I would like to submit.

6 The Allegheny County Jail's average daily
7 population has steadily increased from 1,639 in 1996
8 to 2,584 in 2006.

9 Receptions in 1996 were 21,097. Receptions in
10 2006 were 25,586.

11 18,302, or 72 percent of the 25,000 receptions
12 were released from the Allegheny County Jail in 14
13 days or less. The volume of movement is one factor
14 that distinguishes a county jail from a prison
15 facility that houses sentenced prisoners. There is
16 much less movement in and out of a prison facility.

17 Another distinguishing factor is length of
18 stay. In prisons, length of stay is predictable and
19 usually longer than in jails. In jails, the length of
20 stay is usually unpredictable and shorter. Shorter
21 length of stay, 30 to 31 days in the county jail
22 results in a transient population that may be
23 volatile. This has implications for programs and
24 services and for management and operations procedures.

25 The Allegheny County Jail offers an impressive

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1 array of program services to its prisoners including
2 faith based services, reintegration, housing
3 programming, medical services and other programs and
4 services with the intention to offer tools and change
5 opportunity for offenders who may strive to live crime
6 free in improved conditions after release.

7 The Allegheny County Jail collaborative has
8 been a joint effort between the Allegheny County Jail,
9 the Allegheny County Department of Human Services, and
10 the Allegheny County Health Department since 2000.
11 This group has utilized screening tools to identify
12 the needs of inmates and to develop creative solutions
13 to address these needs.

14 The collaborative has built an infrastructure,
15 specifically, to provide the supports and services to
16 fill the gaps and remove the barriers that relate
17 directly to the high rate of recidivism. But given
18 the transient nature of the county jail population,
19 high recidivism rate, and the unique challenges and
20 culture of Veterans, it seems to me that Veterans
21 Court could improve the outcomes of the Allegheny
22 County Jail collaborative and provide our region's
23 heros a chance to get their lives back in order.

24 So while we don't know exactly how many
25 Veterans are processed through the County Jail, we can

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1 assume that 2,558, or 10 percent of the 25,000
2 receptions in 2006 were Veterans. We can further
3 assume that many are repeat visitors.

4 With that many Veterans already involved with
5 the Criminal Justice System, Veterans Leadership
6 Program is committed to serving them and to
7 participate in Veterans Court where we know we can
8 make a positive difference by helping Veterans access
9 the programs, services, benefits and entitlements they
10 have earned, deserve, and that we are obligated to
11 provide.

12 Veterans Court will target non-violent
13 offenders whose violations stem from post-traumatic
14 stress and other contributing factors that result from
15 military service. It is based on alternative
16 sentencing and jail diversion programs that focus on
17 temperate justice, treatment, and guided
18 rehabilitation versus punishment.

19 Selective Defendants are offered the
20 opportunity to participate Court-supervised,
21 community-based treatment in lieu of typical criminal
22 sanctions. Veterans Court is not a
23 get-out-of-jail-free card. It is an intensely
24 supervised program of treatment and rehabilitation.

25 I would like to now provide some evidence

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1 about the need for and effectiveness of alternative
2 sentencing programs.

3 Allegheny County set up a Mental Health Court
4 in 2001 that places mentally ill people charged with
5 non-violent crimes with community social services. A
6 2007 Rand Corporation reported that County's Mental
7 Health Court showed that only 14 percent of
8 participants committed a crime after going through the
9 program. The recidivism rate for the general
10 population of inmates is 67 percent.

11 A Pittsburgh Tribune Review article also
12 reported that a 2003 National Institute of Justice
13 study that compared a Drug Court in Multnomah County,
14 Oregon to criminal adjudication showed the Drug Court
15 model saved the public more than \$2,300 per year for
16 each participant. Across the United States, people
17 with mental illness are over-represented in prisons
18 and jails. According to one Justice Department study,
19 while, approximately, 5 percent of the U.S. population
20 had a serious mental illness, approximately 16 percent
21 of people in jails and prisons had a serious mental
22 illness.

23 Nearly one quarter of all jail inmates who
24 reported having a mental health problem had served
25 three or more jail terms. In the second year after

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1 sentencing, the sustained decline in time that Mental
2 Health Court participants spent in jail in Allegheny
3 County more than offset the costs to government of
4 their continuing mental health treatment.

5 Perhaps Justice Center Charter group and
6 co-chair and Texas Presiding Judge Sharon Keller said
7 it best:

8 "The Rand study confirms that Mental Health
9 Courts make good fiscal sense. By connecting people
10 with mental illness who committed low level crimes
11 with community-based treatment, we can make better use
12 of our jails and tax dollars, increase public safety,
13 and make our communities healthier.

14 "Additional data supporting the need for
15 effective diversion alternatives for persons in the
16 Justice System is compelling. For example, for adults
17 in a King County, Seattle, Washington, Correctional
18 System, active substance abuse is reported among 60 to
19 80 percent of those admitted to jail. Up to 15
20 percent of the locally incarcerated population suffer
21 from a major mental illness, and a recent study of a
22 random stratified King County Jail sample revealed
23 that 23 percent of high impact jail inmates are
24 diagnosed with co-occurring substance use and mental
25 health disorders.

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1 One study of the effectiveness of jail
2 diversion programs suggest that jail diversion works
3 in terms of reducing the amount of time spent in jail
4 as evidenced by diverted participants spending an
5 average of two months more in the community.

6 Jail diversion does not increase public safety
7 risk. Despite more days in the community, diverted
8 participants had comparable re-arrest rates in the
9 12-month followup period.

10 In summary, the need for and effectiveness of
11 alternative sentencing and jail diversion programs is
12 well-established. To be successful, an integrated,
13 community-based approach is needed, and I would like
14 to tell you now how Veterans Leadership Program can
15 contribute to that success.

16 Veterans Leadership Program of Western
17 Pennsylvania has served our Veterans for nearly three
18 decades. There is no more important, meaningful or
19 purposeful work, period.

20 We have deep connections in the public,
21 private and non-profit sectors to help serve our
22 clients and put them on a path of self-sufficiency,
23 sustainability, and a better quality of life.

24 In 2008, 4,832 Veterans and family members
25 were served by Veterans Leadership Program with direct

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1 and referral services. A few other highlights from
2 2008 include 318 job ready clients were successfully
3 placed into positions of unsubsidized employment. The
4 direct economic impact from these jobs was over \$6
5 million.

6 183 clients were provided housing assistance
7 through six housing programs that we manage. VLP is
8 the largest provider of subsidized housing to homeless
9 Veterans in the region. The social and economic
10 impact from our \$1.2 million housing programs is
11 conservatively estimated at \$2.7 million.

12 468 clients were provided a wide range of
13 supportive services including rent, utilities,
14 transportation, clothing, food, and other basic
15 necessities.

16 3,827 clients were provided referral services
17 to dozens of social services and government agencies,
18 private sector businesses, and other social service
19 organizations.

20 In summary, with a budget of, approximately,
21 \$2 million, Veterans Leadership Program provided a
22 direct economic return on investment of over \$10
23 million, and we also provided a meaningful and
24 substantial social return on investment, measured by
25 the improved lives of our deserving clients.

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1 Veterans Leadership Program delivers its core
2 programs and services through a number of publically
3 funded grants including three job training and
4 placement grants, six housing grants, and four
5 additional grants that address the provision of case
6 management services, emergency shelter, service to
7 disabled Veterans, and Veterans in the Criminal
8 Justice System. We are experienced in successfully
9 managing and operating government programs.

10 Our employment, housing and supportive
11 services programs are designed after proven models
12 using best practices and an intensive case management
13 approach. Working with each client we serve, we
14 create an individualized service plan to set goals and
15 monitor progress. We understand that success for many
16 of our at risk clients is most often found in small
17 steps, and we have learned that each step toward a
18 more stable life is important, both for the individual
19 and for our community.

20 Veterans Court will be no different, and we
21 will be able to offer those who have served and
22 sacrificed on our behalf a chance to be safe, to
23 recover, and to live their lives with respect, dignity
24 and peace. They are no different than I am. They
25 want to have a good life, and we can help them achieve

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1 that through Veterans Court.

2 Veterans Leadership Program continues to
3 conduct extensive research on alternative sentencing
4 and jail diversion programs, and we will use the best
5 practices and proven models from this research to
6 augment our core programs and services that already
7 address many of the needs of this population.

8 We are also continuing discussions with
9 potential partners and stakeholders to ensure clarity
10 of purpose and unity of effort. We understand
11 teamwork and building consensus are critically
12 important in building a successful Court-directed,
13 community-based program.

14 Our 27-year history of serving an at risk
15 population has resulted in partnerships and
16 relationships with public, private, and non-profit
17 sector agencies and organizations that provide the
18 services we can't ensuring a comprehensive safety net
19 is formed around each client.

20 We understand the great impact that these
21 kinds of relationships can have. For example, in
22 August 2008, we led a community-wide effort to serve
23 our homeless Veterans and other citizens in need when
24 we conducted the first stand-down held in Pittsburgh
25 since 1995. At this one day event, over 20

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1 organizations from the public, private, and non-profit
2 sectors, and over 100 volunteers, came together and
3 provided everything from haircuts to food to health
4 exams to referrals to social services agencies to 227
5 individuals. Clearly, an integrated community-based
6 approach can make a difference.

7 The same powerful, multisystem stakeholder
8 approach can work in the Veterans Court framework, and
9 Veterans Leadership Program has the know-how to be a
10 big part of this team.

11 Our case managers, many who are Veterans
12 themselves, understand the unique challenges faced by
13 Veterans and respect the unique culture in the Veteran
14 community. This is a key success factor of the
15 Buffalo Veterans Court and is achieved by assigning
16 Veterans to mentor the Defendants, offering them
17 support and advice. And we have already identified a
18 number of volunteers that have agreed to serve as
19 mentors. Veterans will talk to other Veterans. That
20 bond breaks down barriers.

21 Additionally, one of our case managers has
22 conducted outreach at the Allegheny County Jail for
23 the past five years, and we, currently, work with a
24 number of clients who have encountered the Criminal
25 Justice System.

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1 It is my belief that diverting eligible
2 Veterans from the Criminal Justice System and
3 providing intensive, integrated, Court-directed,
4 community-based treatment and support offers far more
5 hope to improving the lives of individual offenders,
6 their families, and the welfare of the larger
7 community.

8 Veterans Leadership Program of Western
9 Pennsylvania will support Veterans Court with
10 uncompromising dedication, professionalism and
11 passion. We owe our Veterans nothing less.

12 Thank you again for the opportunity to present
13 this testimony.

14 (Applause)

15 REPRESENTATIVE WALKO: Thank you very
16 much for the thorough testimony and, again, to
17 reinforce the compelling case that everyone is making,
18 at this point, I would also like to mention that Judge
19 Robert Russell of the Buffalo Treatment Court was
20 unable to be here but did submit written remarks for
21 the record. I just would read his last sentence:

22 "I respectfully urge this honorable body to
23 support the implementation in the State of
24 Pennsylvania of the Veterans Treatment Court model.
25 As my staff would say, leave no Veteran behind."

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1 That is from Judge Robert Russell. And I also
2 would like to thank these two gentlemen for being here
3 with the Allegheny County Department of Veterans
4 Affairs, Ron Conley and Mike Murphy, thank you for
5 your hospitality.

6 Now, we will go to the question and answer
7 session, and we are moving very well through this
8 thing, but I am going to have to ask whoever the
9 question is directed to to come up to the podium so
10 that the Pennsylvania Cable News Network will be able
11 to record your response.

12 Now, Representative Kortz, if you give a
13 moment to the person you are asking to come up to the
14 podium. Go ahead.

15 REPRESENTATIVE KORTZ: First, let me
16 thank you, Mr. Chairman, for holding this, and I want
17 to thank Justice McCaffery, Judge McCarthy, and all
18 the testifiers here today, and I especially want to
19 thank the Veterans here today for your service.

20 I was going to ask this of Justice McCaffery
21 and McCarthy, I believe you can answer this, the
22 Veterans Court in Buffalo, it has been in existence
23 for one year. Now, do they handle all the cases from
24 the very minor to the most serious?

25 HONORABLE JUDGE McCARTHY: My observation

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1 from the Buffalo Court is that they take their
2 preliminary cases as well as their cases that are in
3 what would be our Common Pleas Court cases, so that is
4 a collection of all the cases that come through there.

5 The unique thing about Buffalo is that, you
6 will note that Judge Russell, from Buffalo, it is also
7 called the City Court, so their jurisdiction includes
8 all of the rest.

9 And one of the components that we believe the
10 Court needs to focus on, and I think as former police
11 officers, this Court needs also to reach out to the
12 Academies in training to let the police officers also
13 understand what they are dealing with when they arrest
14 these officers.

15 So in Buffalo, that is one of the elements
16 that they were looking at and starting, but I believe
17 that is an important component. So here in Allegheny
18 County, the initial focus would be on cases assigned
19 to the criminal division, but we would also reach into
20 the District Courts and District Justices to advise
21 them of these cases and, perhaps, first track them
22 right into Common Pleas Court.

23 REPRESENTATIVE KORTZ: As a followup,
24 please, I recognize it is in its infancy, we are only
25 talking about one year, but can you share some

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1 preliminary results? Are we seeing good results? I
2 know the recidivism rate probably has to play out down
3 the road, but what kind of results can you share with
4 us?

5 HONORABLE JUDGE McCARTHY: The Buffalo
6 Court has, essentially, as they say, graduated their
7 new class, and I believe there are 80 some final cases
8 adjudicated from there. One of the important aspects
9 of the matters are the cases, the charges may be
10 reduced, and once the Defendant is released, the
11 Veteran, they tell me that there is no statistics
12 directly from their Court as to recidivism, but it
13 appears that the Veterans are squared away, that they
14 are productive members of the society.

15 So I can't give you actual numbers. I believe
16 Justice Russell has made some mention to that in his
17 report, but not an actual hard number because it is so
18 new. We are on the point of the sphere, and here in
19 Allegheny County, because of our population, we were
20 in a meeting yesterday, and we believe that there may
21 be at least 600 Veterans in the cue right now that may
22 be beneficial, who may be benefiting from this.

23 REPRESENTATIVE KORTZ: Is there some
24 additional legislation that the General Assembly must
25 pass to help this and to further your goal to achieve

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1 this Veterans Court here?

2 HONORABLE JUDGE McCARTHY: At this point,
3 it is our preliminary discussions with the VA as to
4 the types of crimes and charges that may be handled by
5 this Court, and in conjunction with the Administrative
6 Judge Manning and Judge Zottola, we would model it
7 after the Mental Health Court, and those would be the
8 crimes that would be enumerated as to the Veterans
9 eligible.

10 The distinction here would be that the Veteran
11 would be identified and then put into a separate cadre
12 who would be handled by the Judge on a different day
13 through the same process.

14 REPRESENTATIVE KORTZ: Thank you, Your
15 Honor, thank you for your testimony, and thank you,
16 Mr. Chairman.

17 REPRESENTATIVE WALKO: Representative
18 Costa?

19 REPRESENTATIVE COSTA: Thank you, Your
20 Honor. Basically, two-fold. One would be the
21 criteria for a Veteran to get into the program, and
22 No. 2, the question would be, basically, is there any
23 plans to train or put training through our MoPac
24 section for the State Police, in service training for
25 our officers, because I think the best thing we can do

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1 is identify them going into the system. If we don't
2 identify them, once they are in the system, it is
3 going to be hard to pick them out.

4 HONORABLE JUDGE McCARTHY: Again, I
5 believe you heard testimony here today, sometimes the
6 Veterans don't willingly identify themselves, and you
7 don't find out who the Veteran is until that Veteran
8 is into processing.

9 The initial arrest or, let's say, an officer
10 rolls up and takes a vagrancy report, et cetera, and
11 is trying to determine if that is a Veteran. We
12 believe that a component of this Court will be, and I
13 have agreed, and I believe Judge Zottola and Judge
14 Manning will support a training component in the
15 Police Academy. Once we make that, and once that is
16 reviewed by, in this instance, the jurisdictions, the
17 County Police and the State Police training manuals,
18 that that would go into part of the training to
19 identify or have the officer sensitized to that in the
20 sense that they would ask that question and make that
21 inquiry. And because of that, we believe that is all
22 one of the elements of this Court. This Court isn't
23 just a Judge sitting in judgment of the issue before
24 it. We believe that that is all part of the
25 prevention and the reachout. The community can do

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1 that. The police community can do that. And I think
2 they will.

3 REPRESENTATIVE COSTA: Okay. Your Honor,
4 and the criteria for a Veteran to get into the
5 program, please?

6 HONORABLE JUDGE McCARTHY: I am sorry,
7 with regards to the criteria, the VA has a criteria,
8 and that criteria is honorable or, perhaps, a less
9 than honorable, or a general discharge. This Court,
10 because our beginning and starting hasn't developed
11 that criteria, but a less than honorable discharge, we
12 would make the decision as to a Veteran.

13 Now, the support component from the VA may be
14 different. They may look at it from their definition,
15 which might be discharged honorable or less than
16 honorable, but we are targeting it as a Veteran, and
17 as such, the Court would take it not as, perhaps, the
18 VA may look at it, but just as a Veteran.

19 REPRESENTATIVE COSTA: Okay. Thank you
20 very much, Your Honor.

21 REPRESENTATIVE WALKO: Representative
22 Kotic?

23 REPRESENTATIVE KOTIC: Thank you, Mr.
24 Chairman. I don't have a specific question for the
25 Judge, but I would just like to comment, in general,

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1 that this has been a very informative experience for
2 me this morning, and the fact is that, the compelling
3 argument is so clear, we have to take this back to the
4 General Assembly, take it back to the Judiciary
5 Committee, take it back to our colleagues because
6 we -- the need for action is paramount, and I know, as
7 a Member of the Legislature, I will do all I can to
8 support the efforts of the Honorable Representative
9 Walko in these efforts, and we will take this back to
10 our colleagues and do our utmost to try to achieve
11 that.

12 (Applause)

13 REPRESENTATIVE WALKO: Any other
14 questions or --

15 REPRESENTATIVE MATZIE: I think this is a
16 comment, it may be a question, maybe a response to a
17 question, I applaud the Bench and the Bar as well
18 because you mentioned that the Bar is involved, and
19 since I represent both Allegheny and Beaver County, I
20 also applaud you not reinventing the wheel, looking at
21 Buffalo, and since I represent two counties, and we
22 have others who represent more than just Allegheny
23 County, if Allegheny County could be successful, then
24 we could implement this elsewhere. And I think that
25 is something that we need to keep in mind as

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1 policymakers because we, as many have said today, we
2 cannot leave anyone behind.

3 I think the question probably goes to Mr.
4 Moreland, you talked about some statistics that were
5 troubling to me relative to the percent of Veterans
6 that are incarcerated.

7 When you talk about that percentage, are we
8 talking, is it just all levels of incarceration from,
9 you know, County, State, Federal, or does it seem as
10 though the percentage is higher at one or the other?

11 MR. MORELAND: I don't know the
12 statistics about the different levels of the Federal
13 or State or local. The statistic I had given was
14 actually looking, specifically, at local jails,
15 because that is what we are really talking about, and
16 that does end up being, about 9 to 10 percent of the
17 people in local jails end up being Veterans, and that
18 is who we would like to target to provide assistance
19 to.

20 REPRESENTATIVE MATZIE: Thank you. And
21 one final comment, I think, Chairman Walko, I am
22 encouraged by the cooperation that we see here today,
23 not only from the VA, but the other organizations that
24 are involved with the Veterans. I think far too often
25 we see too many Chiefs and not enough Indians, and it

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1 seems as though that is not the case, and I am
2 grateful for that. And I think all Veterans should be
3 grateful for that as well.

4 I am also encouraged that Justice McCaffery is
5 here, he, of course, has a long track record of being
6 innovative from the Bench from his days in
7 Philadelphia, so we know he means business, and we are
8 grateful for you being here today, thank you.

9 REPRESENTATIVE WALKO: Thank you,
10 Representative Matzie.

11 REPRESENTATIVE PETRARCA: Thank you, Mr.
12 Chairman. Mr. Moreland, I have a question for you.
13 As you are making your way to the microphone, I would
14 like to say I sat on the Judiciary Committee and
15 Committee of Courts and Appropriations Committee for a
16 number of years with Representative Walko. Don has
17 been a driving force on Court related and judicial
18 issues.

19 And, again, why we are here today, because we
20 wouldn't be here today without his leadership and him
21 being the driving force on this. I would like to
22 thank him, quite frankly, for what he is trying to do
23 for Veterans I think is impressive.

24 Mr. Moreland, you went through a number of
25 services that you provided to Veterans. When we are

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1 talking about the establishment of this Court, are we
2 talking about any new services or opportunities, or
3 are we focusing on making sure that those Veterans
4 get, are recognized and get the attention they
5 deserve?

6 MR. MORELAND: We already have the
7 services in place. But what I often find is that
8 there is a group of Veterans who may not know about us
9 which is an amazing thing to me. There are a group of
10 Veterans who are hesitant to come to us for some
11 reasons that the Chief Justice talked about. And
12 there are still people out there who don't come to us.

13 And so what I have been really focusing on is
14 reaching out and finding Veterans. We have a lot of
15 Veterans who do come to us, but there are a lot still
16 that I would like to reach and have them come.

17 If we could work with the Court system and the
18 jail system and identify those extra Veterans and have
19 them come to us. You know, not only do we provide
20 services directly ourselves, but, you know, when
21 Veterans Leadership Program or American Legion or
22 Jewish War Veterans all have strong programs in this
23 county, we connect very tightly with them as well, so
24 we can help them gain access to our services and work
25 with the other groups as well to provide services.

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1 REPRESENTATIVE PETRARCA: Thank you. And
2 I know that we have different Courts, Mental Health
3 Courts and some other Courts that were mentioned that
4 all do what they do, I think it will be a savings with
5 the establishment of this Court and taking some
6 pressure off the other dockets, but can anyone put a
7 price tag on what this would cost?

8 I agree with Justice McCaffery, this is
9 something that we should do and not focus on the
10 price, but does anyone have an idea of implementation
11 cost of this Court?

12 HONORABLE JUDGE McCARTHY: In looking at
13 the cost of this, it appears that we would at least
14 need to dedicate a judicial day to the scheduling of
15 the Veterans Hearings Court, and there are subsequent
16 hearings that would have to be scheduled. So that
17 cost would have to be considered in the Court's budget
18 as the Court allocates funds for that.

19 As I indicated before, that every dollar spent
20 is a dollar returned, and as the Representative
21 indicated, is saved by utilizing, and as the Director
22 indicated, putting some of these Veterans into
23 programs that are Federal programs which, as this
24 policy body looks at this program, also looks at
25 saving some of that cost by putting some of these

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1 Veterans into these programs that may be able to help.

2 So we haven't done an exact, but I suspect
3 there will be a minute clerk, et cetera, that would
4 have to be involved. There has to be an Assistant
5 District Attorney cost and a Public Defender cost.
6 Those are the costs we would be looking at.

7 And, again, that is what the Committee that
8 was formed yesterday is charged with admission of, and
9 in the event that we do get that, I would think Judge
10 Manning would be glad to submit that to the Committee
11 on a dollar-for-dollar basis.

12 REPRESENTATIVE PETRARCA: Thank you,
13 Judge. Thank you, Chairman Walko.

14 REPRESENTATIVE WALKO: Thank you.
15 Justice McCaffery wanted to add something to that
16 response.

17 JUSTICE McCAFFERY: If I may, remember,
18 under the Buffalo program, approximately 60 percent of
19 the costs come through the VA. 40 percent through the
20 Court system. But you have to remember this is just
21 the initial startup. As the Court now, one, starts to
22 move forward, it could go from one day, two days,
23 three days. We don't know yet. Because it is in its
24 infancy. And one day of a Judge on the Bench, you
25 need to understand, that is not what it is all about.

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1 There are other additional days, prep-up days,
2 social workers, we need to have people that are there
3 prior to the judge. Whenever the judge takes the
4 Bench, a lot has already been accomplished. So it is
5 not just a judicial day. We are going to need
6 members, both volunteers and paid Court staff members
7 that will be able to work through the VA. I am hoping
8 to see -- and, remember, this is pretty innovative,
9 you are looking at a Federal/State joint endeavor
10 here, you know, you are talking about, this is the
11 first time I can remember, and I have been around
12 since 1970, I have never seen anything work like this
13 where we can have Court personnel actually entering
14 either data or getting access to VA data so they can
15 work hand in glove to identify people.

16 Somebody walking in the door saying I am a
17 Veteran doesn't mean you are a Veteran, people don't
18 walk around with a DD-214 form in their pocket. It
19 needs to be confirmed. And as mentioned by Judge
20 McCarthy, the VA requirements for honorable discharge,
21 things like that, that is their standards.

22 If we, for example, and I can tell you from
23 personal experience where we have Veterans that while
24 on active duty or while activated, okay, they become
25 drug abusive, alcohol abusive, and they are now let go

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1 for less than honorable conditions, maybe even
2 dishonorable conditions. We don't want to just cast
3 them aside either because these men and women, too,
4 serve their country, and maybe instead of their mental
5 illness manifesting itself once they got off active
6 duty, maybe it manifested while on active duty.

7 So even if their requirement may be honorable,
8 we want to look at all the Veterans and the totality
9 of the Veterans experience.

10 As the judge says, right now maybe one or two
11 days a week, but still the staff members would be on
12 more so. We are hoping, again, to mirror what Buffalo
13 has, a 60/40 breakdown. But the exact numbers right
14 now, we are still at a loss, but -- it is going to
15 cost some money, but it is, in turn, going to save
16 money.

17 But, more importantly from the constituents'
18 standpoint, it is the right thing to do for our
19 Veterans.

20 REPRESENTATIVE WALKO: Thank you.
21 Representative Marshall?

22 REPRESENTATIVE MARSHALL: Thank you, Mr.
23 Chairman. I would just like to thank Chairman Walko
24 for inviting me to this public hearing. I am not a
25 Member of the Judiciary Committee, but I am a member

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1 of the Veterans Affairs Emergency Affairs Committee.
2 I appreciate this opportunity to gain knowledge on how
3 to be a better servant for our Veteran constituency,
4 and I thank you all for being here to testify and to
5 hear this testimony. Thank you.

6 REPRESENTATIVE WALKO: Thank you,
7 Representative Marshall. Any further questions?

8 REPRESENTATIVE KORTZ: I don't have a
9 question, per se, Mr. Chairman, but I do have a
10 comment. I wanted to share some sobering numbers with
11 everyone. Being on the Appropriations Committee
12 yesterday, we met with the Correction's Secretary,
13 Jeffrey Beard, and Chairman McVey from the Parole
14 Board, and I thought I would share some numbers. We
15 have 49,000 people in our state prisons. The cost per
16 inmate will be \$39,400. That includes health care.
17 You can see from those numbers it adds up pretty
18 quick, 49,000 prisoners, \$39,000 a piece.

19 Once they leave, the cost for the parolee is
20 \$3,319 a year. And that came from Chairman McVey.
21 Obviously, the goal is rehabilitation. And we talked
22 about that at length yesterday. The educational
23 programs they provide in prison and what they are
24 trying to do to help the people, the people that have
25 substance abuse, getting them help, because it is very

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1 expensive. We are talking billions of dollars.

2 And, obviously, this Veterans Court is a way
3 to target a group that we can get help. These people
4 don't want to do this. Let's face it. They have
5 issues. And the more we can do to help them to get
6 the help that they need, we can start to drive down
7 some of these numbers because the goal, again, is, it
8 is not really about the cost, it is about helping
9 people.

10 And I want to applaud and thank Justice
11 McCaffery, Judge McCarthy, and everybody involved in
12 trying to do this and, Mr. Chairman, you also, because
13 this is the right thing to do.

14 REPRESENTATIVE WALKO: Thank you,
15 Representative Kortz. And looking at this, if you
16 keep ten Veterans, ultimately, out of the state system
17 a year, per year, you are talking \$39,000.

18 You have a question?

19 MR. McCABE: Good morning. I just have a
20 quick comment, Representative Walko. My name is John
21 McCabe, and I am -- I wear a couple of different hats.
22 I am a Major of the United States Army Reserve, I am
23 an attorney here in Allegheny County, part of the
24 Allegheny County Bar Association, and the Veterans
25 Military & Veterans Affairs Committee, but also I am

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1 the Executive Vice President of Soldiers & Sailors
2 Memorial Hall.

3 One of the comments made earlier that I wanted
4 to elaborate on just briefly is the group of, or the
5 Veterans Court we have here in Allegheny County is
6 remarkable and we, as the memorial hall, work closely
7 with many of the organizations, mainly very frequently
8 just providing a room for them to have functions like
9 today, and on behalf of Soldiers & Sailors, any way
10 that we can support any future events involving this
11 endeavor, we are welcome to discuss that.

12 REPRESENTATIVE WALKO: Thank you, Mr.
13 McCabe. I appreciate that. Thanks for, again, the
14 wonderful hospitality.

15 Any further questions or comments from the
16 Reps?

17 Thank you for attending and to everybody who
18 testified, it has been very enriching. Karen
19 Blackburn, for all of your work, and thank you so
20 much. The meeting is adjourned.

21 (At 11:35 a.m., the hearing was
22 adjourned.)

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me on the hearing of the within cause, and that this is a correct transcript of the same.

Registered Professional Reporter